

Agenda

Council Meeting

Date: Wednesday, 24 July 2024

Time 7.00 pm

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

Quorum = 16

Pages

Information about this meeting

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- (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.
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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 Annual Council meeting held on (Minute Nos. 1 -4) 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.

5. Mayor's Announcements

6. Tribute to Councillor Mike Henderson

7. Questions submitted by the Public

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

8. Questions submitted by Members

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

9. Leader's Statement

10. Motion to introduce Overview and Scrutiny

11.	Waste Contract	7 - 18
12.	Local Plan Local Development Scheme	19 - 46
13.	Planning - Scheme of Delegations	47 - 56
14.	Allocation of Committee Seats	57 - 64
15.	Exclusion of the press and public	

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, as amended, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

1. Information relating to any individual.

16.	Waiver of six-month Councillor attendance rule	65 - 68
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Issued on Tuesday, 16 July 2024

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

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

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Motion to Introduce Overview and Scrutiny Committee to Swale Council.

The Council notes that though under the current committee structure there is no requirement to have an Overview and scrutiny committee¹ a number of Councils with Committee structures do have such systems and use them very effectively.

That introducing a scrutiny committee would:

- Open up a call in process for all Councillors who might be concerned about decisions and their impacts on residents.
- Offer an additional avenue to assess in detail policies that merit it.
- Offer a chance to focus on outcomes and policy monitoring which can often be de-prioritised by service committees.²
- Allow for more open and in-depth questioning of Officers and lead members with greater room for supplementary questions and deeper dives.
- Increase transparency about decision making at Swale.
- Increase the breadth of councillor involvement in key decisions.
- Streamline Committees allowing for more efficient agendas and meetings.

This Council therefore calls for the Introduction of an Overview and Scrutiny committee to be set up at the earliest possible opportunity which will be politically balanced but must be chaired by a Cllr who is not a member of the informal administration.

Proposed – Cllr Charles Gibson

Seconded – Cllr Hannah Perkin

1. [Local Government Act 2000 \(legislation.gov.uk\)](https://legislation.gov.uk) [A plain English guide to the Localism Bill - Update \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
2. <https://www.cfgs.org.uk/long-read-scrutiny-in-committee-system-authorities/>
3. [Overview and scrutiny: statutory guidance for councils and combined authorities - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

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Council Meeting	
Meeting Date	24 July 2024
Report Title	Swale Waste Contract and Service
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 debate and note the contents of the report.

1 Purpose of Report and Executive Summary

- 1.1 This report summarises the mobilisation phase of the new Waste and Street Cleansing service for Swale.
- 1.2 It follows a request under rule 3.1.4 to hold an Extraordinary Council meeting; 'To receive an update and progress report, to be presented by the Chair of the Environment Committee, on the waste collection service and the problems that have arisen since its introduction. This to include measures to address the issues. See appendix I for full submission.

2 Background

- 2.1 The previous Waste and Street Cleansing contract expired on 23 March 2024. The Mid Kent Waste partners (Swale, Ashford and Maidstone Borough Councils) undertook a joint tender process to find a contractor for an 8 year contract.
- 2.2 In June 2021 Cabinet agreed the following recommendations and Strategic objectives;
 1. To remain within the Mid Kent Waste Partnership (MKWP).
 2. To retain an Alternate Weekly Collection (AWC) for co-mingled kerbside recycling and residual waste. To collect food waste weekly and to provide separate chargeable garden waste and bulk waste collection services.
 3. To agree to keep the collection services contracted out as the preferred service delivery model and develop a waste collection specification to meet coalition priorities on climate emergency and recycling rates.
 4. To keep street cleansing contracted out but to adapt the future contract specification to improve flexibility of resource and improve service.

Objective
Delivering a reliable waste collection service that meets all aspects of the recycling objectives in partnership with KCC
Reducing the carbon footprint of service
Sufficient flexibility and control that should allow for responses to legislative changes
Reliable street cleaning regimes with improved traffic management arrangements/ schedules
Minimising future service costs (or maximising income generation opportunities from disposal arrangements with KCC or legislation changes e.g., Deposit Recycling Schemes/ plastic tax income).

2.3 In December 2022 following an extensive tender process, the Environment Committee agreed to award the contract to SUEZ Recycling and Recovery UK Ltd for 8 years.

2.4 The request for an Extraordinary Council meeting asked specific questions, the answers to which can be found below. Some of the items requested could not be answered fully in an open report or meeting, due to their commercial sensitivity. Follow conversation with the requestor, it was agreed that the meeting should stay in open session and therefore these questions have been omitted.

Question	Answer
Explanation of why only one company submitted a tender for the contract. Were procurement rules adhered to?	<p>Four companies initially expressed an interest in the Mid Kent Waste tender.</p> <p>Two companies submitted initial bids at the first stage and then proceeded to the competitive dialogue stage. One of the reasons given for others not submitting an initial bid were a lack of resource in their bid teams due to other larger contracts being open at the same time.</p> <p>Two companies took part in all stages of competitive dialogue and helped to form the final tender specification for the services.</p> <p>Both companies presented a very challenging set of industry impacts during the dialogue sessions. Bidders cited global factors such as Brexit, the Pandemic, the war in Ukraine and the resultant economic climate causing concerns in terms of staffing availability (particularly driver shortages) and the increasing costs of meeting staff wage demands. Fuel and other utility cost increases also adversely impact the waste and street cleansing industry. There was also a need to</p>

	<p>retain flexibility in the delivery of the service with the yet to be fully released Government changes to waste legislation.</p> <p>The result was a cautious approach from bidders and a reluctance to carry as much risk as contractors previously had. This fragile nature of the market at the current time meant that one bidder did not submit a final submission, leaving one final bid for the services. This bid was evaluated and verified using strict criteria set out from the start and the bid was fully compliant.</p> <p>The procurement was operated under SBC's Commissioning and Procurement Strategy guidelines and national procurement regulations. It met the requirements of our Constitution and Financial Regulations.</p>
<p>What governance and oversight has the Environment Committee had of the new contract over the past 18 months?</p>	<p>Since the award of contract report on 19 December 2022 the Environment committee has not had a specific report about the contract mobilisation. The report on 19 December set out the next steps at 3.11 of the report and referenced future Member engagement.</p> <p><i>'Following these two committees, officers will complete the contract letting process. A "mobilisation" phase will begin with regular specific working groups planned for the partners and the successful contractor e.g. building of IT systems, resident communications on the changes, HR arrangements, depot provision, purchasing the fleet. The intention is to hold further 'All Member briefings' throughout the mobilisation phase.'</i></p> <p>Despite that there have been eight cross party Member Waste Working groups between the tender award and service start. This group oversaw updates on the mobilisation of the new contract, government legislation updates and decisions on the resident communications.</p> <p>Two 'All Member' briefings were held on 25 September 2023 and 26 February 2024 in the run up to the new contract, which updated all Members including those on the Environment committee.</p>
<p>Route planning</p> <ul style="list-style-type: none"> • How they were created • Were any tests 	<p>Route planning is the responsibility of the contractor. The routes in Swale had not changed dramatically in over 10 years. During that time, new developments and changes to highways had made the rounds imbalanced and service rarely completed in the working week.</p>

<p>conducted prior to the service commencing?</p>	<p>Suez used an industry recognised computer package called WebAspx to start the process of designing new rounds. This included assessing the data from previous rounds first. The routes were then designed in a 'zonal pattern' to allow for more vehicles to be in close proximity to each other on each day. This aids the process of missed collections to be recovered in the most efficient pattern, with the distance from the depot reducing throughout the week to provide the best opportunity to complete and catch up where required. The rounds themselves were based on an evidenced industry pass rate of 1000-1200 properties given the borough make up.</p> <p>Formal physical testing of routes is hard prior to service commencement. The majority of the staffing transfer from the old contract to the new, so they are completing service right up until the day before switchover. However, route designers did drive a range of roads as part of their assessments and conversations were held with drivers at the Suez training days. Further learning is that a lot of the special circumstances are held in the heads of crews and it is crucial we get these documented.</p> <p>Since implementation, changes to the original rounds have formed a critical part of our recovery actions and continue to make progress. We have recognised issues with communal collection rounds, narrow rounds and slight imbalance on certain days. Learning from this means that Rounds will need constant review throughout the contract period, to avoid similar issues in the future and better data records of changes.</p>
<p>Data management</p> <ul style="list-style-type: none"> • How was data collected, checked and passed to Suez? 	<p>As with any tender of this size, a huge amount of work goes into preparing the information for bidders to look at. This included taking information from the existing contractor, checking it against information held in our own Council records and then releasing it to the bidders. Throughout the tender process we had the support of external consultants who checked and collated data from all three Boroughs. The 'data' packs were presented to bidders at the start and updated throughout as bidders made queries. This culminated in final uploads in the month before mobilisation.</p>

	<p>The previous contract was not particularly strong in requiring the exchange of information between the contractor and SBC, so there were likely gaps when presenting the data. It was known that some new gathering of data would need to be collected throughout the start of the new contract. One of the key changes in the tender specification for this contract was to require full access to the contractor's system and a 'data warehouse' has been set up to allow SBC to better scrutinise the key information and avoid this data challenge in future tenders.</p> <p>We have been working with Suez to improve the data held throughout these early mobilisation months.</p>
<p>Measures to compensate garden waste subscribers?</p>	<p>The administration has been discussing the correct measures to take in regard to this. Completion rates for the garden waste service have been stronger than refuse and recycling and so we feel the impact of these customers has been reduced. However, where people have made us aware of issues, we have extended their subscriptions. We have been waiting to get to the business as normal position before deciding on any compensation measures.</p>
<p>Budget implications arising as a result of the issues including council policy on residents' non payment of council tax?</p>	<p>Council tax legislation does not create a service contract between local authorities and residents. Instead, the law provides that council tax is a way of funding local authorities – and therefore there is no requirement to provide any service in return for payment. So a reduction in services, such as refuse collection, does not entitle you to a reduction in your council tax bill.</p> <p>Council Tax is collected on behalf of Kent County Council, Kent Police, Kent Fire and Swale Borough Council. It is a tax that is payable for all services such as schools, the police, the fire service, adult social care, children services, parks, playgrounds and waste collections. The charge is payable for all services, whether they are used or not, for example not all residents have children at school.</p> <p>The charge for waste collection is a small proportion of the total Council Tax charge and payments should be paid as per the residents' Council Tax bill.</p> <p>The Council would pursue non-payment of Council in the normal manner and therefore there should be no implication on the council's budget position.</p>

<p>Back office processes including communications, Swale Borough Council website tools and responses and if these were tested prior to the service commencing</p>	<p>As part of the mobilisation project, communications and reporting were a key consideration.</p> <p>A Mid Kent Waste Partnership communications group (three Boroughs plus Suez) met monthly to discuss the planning and implementation of activity for the new contract, and communications was a standing item on both the member waste working group and internal officer group agendas.</p> <p>The working group agreed a communications plan, with the objectives of making sure households:</p> <ul style="list-style-type: none"> • were aware of any changes to their service • knew how to correctly recycle • understood the benefits of the contract <p>Planned actions included:</p> <ul style="list-style-type: none"> • new campaign pages on the website with key information, education messages, and signposting to key areas • updates to residents at area committees • letters to households informing them of collection days and sharing information about the new service • updating the bin day look up tool to integrate with Suez's system • using an updated forms package (as used by Maidstone) to replace all waste related forms (public facing and internal) with processes reviewed and revised by the service to reflect the new contract. • email bulletin to remind people of collection days and share service information and updates <p>Delays receiving data meant the planned scenario testing of the bin day tool and forms could only use dummy data on Suez' test system, rather than quality assured real-world data.</p> <p>The look up tool went live in the week before the service came online. Traffic was high, and in the first days the volume of calls to the internal address database caused intermittent crashes. IT colleagues were able to resolve this, and the tool has remained online since. Issues with the data became apparent with errors being reported,</p>
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	<p>and a separate form was included with the tool to collect and fix these.</p> <p>Social media accounts received hundreds of comments and messages reporting issues. These were monitored by the communications team, collated, and passed onto the service for action.</p> <p>Testing and monitoring of the website tools continues. The missed collections reporting form has been rebuilt to ensure reports reflect the performance monitoring measures in the contract, and the bin look up tool display is being refreshed to be clearer, based on feedback from users.</p> <p>From 25 March to 2 July, use of the key tools was:</p> <ul style="list-style-type: none"> • Bin day look up tool – 455,744 views • Online missed bin form – 28,248 submitted • Internal (call centre) missed bin form – 8,220 submitted <p>Whilst demand on the website tools has fallen from initial highs, traffic is still high. The call centre remains busy, with the website going some way to helping reduce demand by accepting reports from people who can use the online form.</p>
Resourcing comparisons	<p>It is not possible to release exact details of resourcing comparing the old and new contract as this data is commercially sensitive. Furthermore, this is not directly comparable as the new service requested different requirements and had new challenges to overcome e.g. separate food waste tipping site, new government legislation to consider etc.</p> <p>This data where held, will be available to the Scrutiny Panel if agreed at Environment committee on 16 July.</p>

2.5 The request also made some recommendations;

- Council to debate the report,
- Agree any additional measures to address the issues,
- Instruct the environment committee to convene an extra ordinary meeting to scrutinise the issues further and invite representatives from Suez to attend,
- Council to agree compensatory measures for garden waste subscribers.

2.6 The Environment Committee discussed a proposal and scope for a full scrutiny review process at its meeting on 16 July 2024, but the outcome was not known at the time of writing this report.

3 Proposals

3.1 To debate and note the contents of the report.

4 Alternative Options Considered and Rejected

4.1 To not undertake this report – this was not an option due to the Council’s constitution.

4.2 To not undertake further scrutiny via the Environment committee. This is not recommended as all major projects should finish with an evaluation period. It helps record lessons learnt for the future and what went well.

5 Consultation Undertaken or Proposed

5.1 Ahead of the tender process significant consultation was undertaken with residents, councillors and staff. Residents were asked to respond to a waste survey in 2021, and we received an excellent return with themes that fed into the specification for all three Partners (highlighted in more detail in the June 2021 Cabinet report).

5.2 No direct consultation has been held for this report, but the contractor has fed into question responses.

6 Implications

Issue	Implications
Corporate Plan	Environment – to provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.
Financial, Resource and Property	There are no financial implications in holding a Scrutiny Review, however considerable officer resources will be required to support and feed into the review.
Legal, Statutory and Procurement	The Procurement process was completed in line with our regs and national legislation. Contract clauses and the Performance mechanism allow for the management of failure of service delivery.
Crime and Disorder	Frustration of lack of service is understandable however we have seen incidents of verbal and physical abuse to staff at SBC and our contractor, which is completely unacceptable.

Environment and Climate/Ecological Emergency	One of the key benefits of the contract was the environmental gains we will make on the service's carbon footprint. It is too early to assess the impact of route changes and new vehicles, but this will be captured in end of year reports.
Health and Wellbeing	n/a
Safeguarding of Children, Young People and Vulnerable Adults	n/a
Risk Management and Health and Safety	Major contract failure or disruption risk is one of our corporate risks. This has been updated throughout the disruption period and reported to Audit committee. SBC enacted its business continuity plans to ensure the relevant resources were directed to the depts that needed it.
Equality and Diversity	The disruption will have impacted some of our more vulnerable residents – assisted and clinical collections. The administration made it clear that these needed to be prioritised throughout the disruption.
Privacy and Data Protection	n/a

7 Appendices

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix I: Full Swale Waste Contract and Service request

8 Background Papers

[Cabinet June 2021](#)

[Environment Committee Dec 2022](#)

[P+R January 2023](#)

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Appendix I - Swale Waste Contract and service

Purpose

To receive an update and progress report, to be presented by the Chair of the Environment Committee, on the waste collection service and the problems that have arisen since its introduction. This to include measures to address the issues.

Specific areas for reporting:

- Data management
 - How was data collected, checked and passed to Suez
- Route planning
 - How they were created
 - Were any tests conducted prior to the service commencing
- Back office processes including communications, Swale Borough Council website tools and responses and if these were tested prior to the service commencing
- Resourcing and industrial relations
 - Comparison of resources from the old contract with Biffa and the new contract with Suez including numbers of staff and numbers of and type of vehicle.
- Explanation of why only one company submitted a tender for the contract. Were procurement rules adhered to?
- What governance and oversight has the Environment Committee had of the new contract over the past 18 months?
- Measures to compensate garden waste subscribers?
- Budget implications arising as a result of the issues including council policy on residents' non payment of council tax?

Recommendations:

- Council to debate the report
- Agree any additional measures to address the issues
- Instruct the environment committee to convene an extra ordinary meeting to scrutinise the issues further and invite representatives from Suez to attend
- Council to agree compensatory measures for garden waste subscribers.

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Council Meeting	
Meeting Date	24 July 2024
Report Title	Local Plan Review - Consultation Timetable Options
EMT Lead	Emma Wiggins Director of Regeneration and Neighbourhoods
SMT Lead	Joanne Johnson Head of Place
Lead Officer	Stuart Watson Project Manager Planning Policy
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. Members of the Council are asked to agree the Local Plan Review consultation approach option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of 2024 and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. 2. Members of the Council are asked to agree the updated Local Development Scheme at Appendix I and that it be published on the Council’s website.

1 Introduction

- 1.1 The purpose of this report is to set out the consultation timetable options that can be considered as part of the Council’s Local Plan Review.
- 1.2 On 15th November 2023 Full Council agreed the recommendation of the Policy and Resources Committee – *to defer a decision as to a timescale for the future stages of the Local Plan Review until such time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets.*
- 1.3 Since the Full Council decision, the National Planning Policy Framework (NPPF) landscape has become clearer with both a revised NPPF and accompanying written ministerial statement (WMS) published on 19th December 2023. The WMS sets out that a directive has been issued to seven of the worst performing Plan-making Local Authorities requiring them to publish an updated Local Plan timetable within 12 weeks, or that the Secretary of State (SoS) will consider further intervention. The WMS goes on to state that the SoS may also act with other authorities who do not publish updated timetables within the same time frame.
- 1.4 This means that Local Authorities with an out-of-date Local Plan (more than five years old) must within 12 weeks of 19th December 2023 publish and supply the SoS an up-to-date Local Development Scheme setting out the timetable for their Local Plan. The Council’s latest Local Plan “Bearing Fruits 2017” became out of

date (see sections 2.2 and 2.3 of this report) in July 2022. As a result the Council must update its timetable for Plan making or risk the possibility of intervention by the SoS.

- 1.5 The Planning and Transportation Policy Working Group (PTPWG) at its meeting on 25th January 2024 noted that the Full Council decision of 15th November 2023 set a mandate to update the Council's timetable for the Local Plan Review now that the National Planning Policy Framework landscape had become clearer.
- 1.6 The PTPWG at its meeting on 14th March agreed to recommend to Policy and Resources Committee the Local Plan Review consultation approach option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of this year and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. PTPWG also agreed to recommend to Policy and Resources Committee that the updated Local Development Scheme at Appendix I be agreed and recommended for publication on the Council's website.
- 1.7 The Policy and Resources committee at its meeting on the 15th July discussed the recommendation of PTPWG and agreed to recommend to Full Council that option 2 should be agreed and that the Council agree to publish the updated Local Development Scheme at Appendix I on the Council's website.
- 1.8 Members of the Council are asked to agree the Local Plan Review timetable for consultation option 2, and the updated Local Development Scheme at Appendix I that reflects this option.

2 Background

Out of date Local Plans

- 2.1 Both recent changes to the NPPF and the Written Ministerial Statement make clear that the priority for Local Authorities is to have an up-to-date Local Plan. The WMS emphasises that the purpose of planning is to plan for homes and to keep Local Plans up to date. To that effect, the Secretary of State (SoS) expects that all Local Authorities with an out-of-date Local Plan must within 12 weeks of 19th December 2023 publish and supply to the SoS an up-to-date Local Development Scheme setting out the timetable for their Local Plan.
- 2.2 In terms of a Local Plan being considered as out of date the NPPF paragraph 33 sets out that Policies in local plans should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary taking into account changing circumstances affecting the area, or any relevant changes in national policy.
- 2.3 The Council's latest Local Plan "Bearing Fruits 2017" became out of date in July 2022. However, this does not mean that automatically all the policies contained within the Local Plan are out of date. For planning decision-making the Policies

within the Local Plan are instead assessed on a case by case basis that includes their current conformity with the NPPF individually and taken as a whole.

- 2.4 Of most significance for Plan making and decision-making, the Local Plan "Bearing Fruits" Policy ST2 Development Targets for Jobs and Homes 2014-2031 is out of date. This is due to the Council's housing need being much higher than the existing Local Plan target when calculated using the Government's Standard Method introduced in 2019, which is the starting point for determining housing need. This results in a number of other Policies in the Local Plan, including settlement strategy and economic growth, needing to be reassessed against a higher housing target.
- 2.5 To incentivise Local Authorities to get an up to date Local Plan the Government in its changes to the NPPF in December 2023 has allowed for a transition period of two years to submit a Plan for examination before a wholesale change to the Plan making system. Part of the incentive has included the reduction in a 5 year housing land supply requirement to 4 years, where a Local Authority has produced a Regulation 18, 19 and submitted a Plan for examination that contains Policies and site allocations to meet a housing need.
- 2.6 Whilst the Council's most recent Local Plan Review consultation was undertaken in late Autumn 2021, the consultation only sought views on matters concerning different options for distributing future development and possible alternative or additional approaches in certain policy areas. This consultation did not contain site allocations to meet an identified housing need and as a result does not allow the Council to apply the use of a 4 year housing land supply position.

Consultation process and timetabling

- 2.7 Planning legislation requires that two levels of consultation known as Regulation 18 and 19 (Reg 18, Reg 19) are to be undertaken in the drafting of a Local Plan before it can be submitted for examination by the Planning Inspectorate.
- 2.8 A Reg 18 is set out in law and is a consultation that must as a minimum consider the main issues of development need within a local authority area and the (strategic) options considered to address those needs. There is no specified number of consultations or time period of consultation at Reg 18, so consultation at this stage can go beyond issues and options and can range from a detailed draft Plan with Policies and site allocations to a more focused consultation on specific groups of Policies or revisions to those previously consulted upon.
- 2.9 A Reg 19 is set out in law and is a consultation on a draft of a Local Plan that is considered sound enough to be submitted for examination after the consultation closes. This means that all Policies and site allocations within the Plan must be robustly evidenced and tested against Habitats Regulations and sustainability criteria. Only Reg 19 consultation responses are considered by an examining Planning Inspector.
- 2.10 A Reg 19 consultation must be for a minimum of six weeks and questions asked and responses received must be focused on whether the Plan complies with legal

requirements and whether the Plan meets the 'tests of soundness'. Examples of tests of soundness questions are:

- whether the Plan has been positively prepared? The Plan should be based on a strategy that looks to meet identified development need and sufficient infrastructure should be provided;
- whether the Plan is justified? The Plan should be the most appropriate strategy, when considered against the reasonable alternatives;
- whether the Plan is effective? The Plan should be deliverable during the Plan period; and,
- whether the Plan is consistent with national planning policy?

2.11 In preparation for both stages of consultation, evidence will need to be developed to inform the process. The later the stage of consultation the completer and more robust the evidence will need to be to meet the legal requirements. Appendix II sets out all evidence that has been completed for the Local Plan Review, those not started and those in the process of drafting.

3. Consultation timetable options for consideration

3.1 Within the context of the changes made to the NPPF in December 2023, the identified options for consultation starting points are 1. Reg 18 issues and options, 2. Reg 18 draft plan and 3. Regulation 19. Option 1 has been split into a and b options to reflect different consultation routes open to this starting point. Figure 1 below sets out the indicative timetables for the consultation options:

Option 1. Regulation 18 issues and options – This is the simplest form of consultation starting point setting out the development needs for the Borough and options to address them and would meet the minimum Regulation 18 requirements. However, this approach would be the most time and resource intensive from beginning to end as the first consultation would not contain site allocations or development management policies and would not in the first instance provide the opportunity to engage on strategic approaches to plan making with stakeholders. This approach also would not benefit from the 4 year housing land supply transitional arrangement which would only take effect at either a draft Plan Regulation 18 consultation or Regulation 19 consultation.

Option 2. Regulation 18 draft Local Plan – This starting point is more detailed, including the issues and options matters and would be dependent on a number of draft evidence documents produced to demonstrate mitigation for the levels of development proposed. This approach would provide an early opportunity to engage with stakeholders and the public on the strategic approach of the Plan including draft site allocations and DM policies. This approach can also allow for significant alterations to the Plan and re consultation before producing a Regulation 19 and would benefit from the 4 years housing land supply transitional arrangement. This approach would still require a Regulation 19 consultation.

Option 3. Regulation 19 pre submission Local Plan – This consultation starting point sets out a version of the Local Plan considered sound enough to successfully pass examination by the Planning Inspectorate and would be the most expedient route for progressing a Local Plan. However, the Council must be confident enough that the minimum requirements for Regulation 18 have already been met. Further, the Local Plan’s strategy and evidence needs to be robust enough to not raise significant issues at consultation and to pass examination. Failure at this stage to identify issues with the Local Plan can lead to abortive costs or the need to reconsult on the Local Plan before submission. This approach would benefit from the 4 year housing land supply arrangement.

3.2 The following diagram provides an indicative set of timetables based on the consultation options open to the Council. The timetable assumptions below are based on the current Planning Policy team being fully staffed.

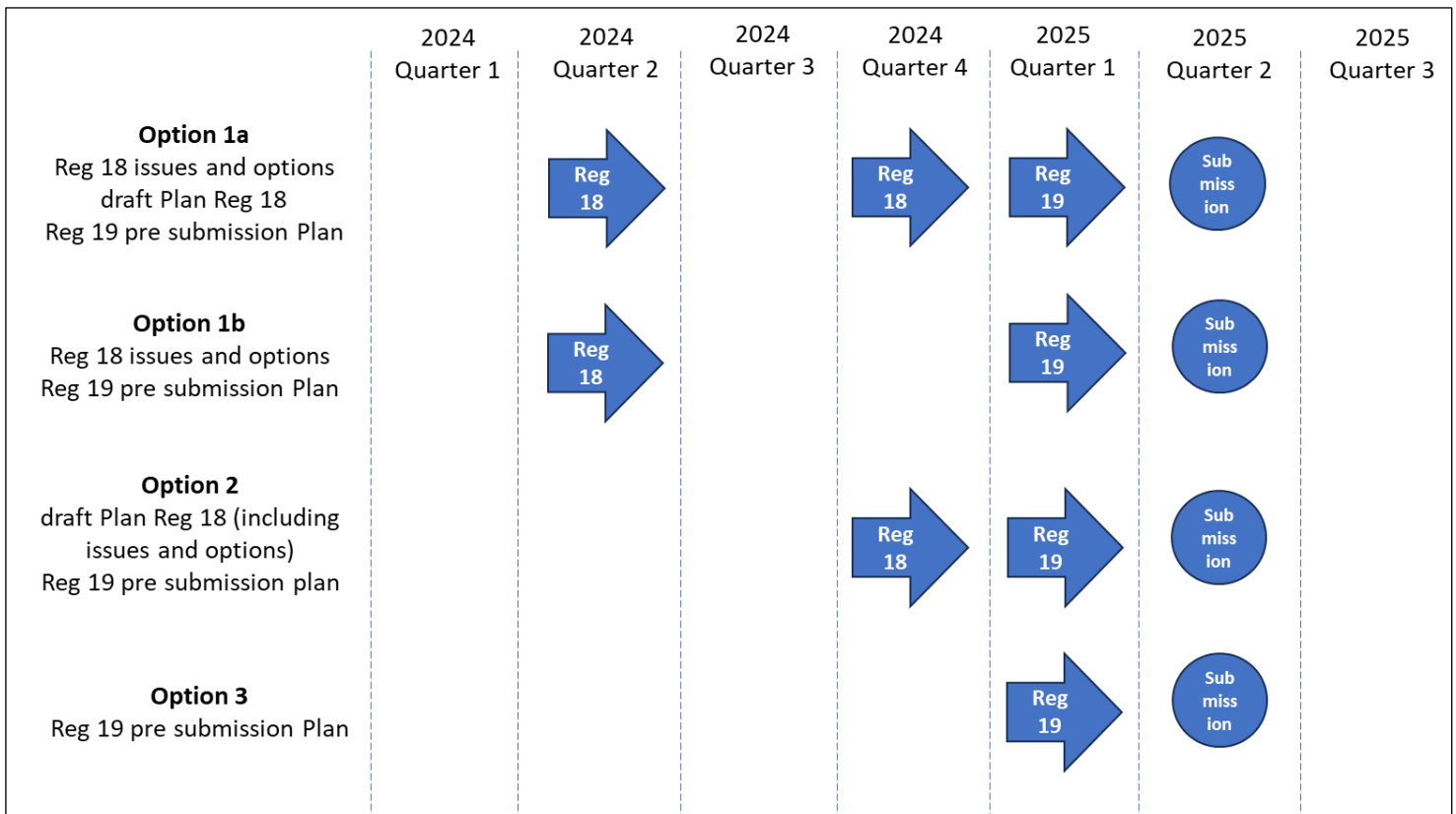


Figure 1. Timetable options for LPR consultation

4. Proposals

4.1 When balancing the priorities of the two-year timeframe to submit a Plan for examination under the NPPF transitional arrangements, costs of Plan production and robustness of Plan drafting, officers consider option 2 to be the best approach to support member aspirations for the Local Plan Review.

4.2 Members of the Council are asked to agree the Local Plan Review timetable for consultation option 2 that includes a Regulation 18 draft Plan consultation in quarter 4 of this year and a Regulation 19 pre-submission Plan consultation in quarter 1 of 2025. Members are further asked agree the updated Local Development Scheme at Appendix I be agreed and published on the Council's website.

5. Alternative Options Considered and Rejected

5.1 There are four consultation options presented in this report. The proposed option 2 is a pragmatic approach in that a draft Plan consultation including evidence to support it will be produced this year allowing for earlier consultation with statutory stakeholders and members of the public. This option will ensure a robust Local Plan drafting process and enable the Council to take advantage of the 4 year housing land supply transitional arrangement.

5.2 Option 1a has not been recommended due to it being the most consultation- and resource-intensive approach and it would not benefit from the 4 year housing land supply transitional arrangement until the second Regulation 18 consultation.

5.3 Option 1b whilst having 1 less consultation than Option 1a has not been recommended. Whilst this approach has an early Regulation 18 consultation, the consultation would be for issues and options only and would not benefit from the 4 year housing land supply transitional arrangement. Further, as no strategic approach or sites are presented in this type of consultation any responses from statutory stakeholders will be of limited value. Proceeding from that consultation to a Regulation 19 consultation will not provide a formal opportunity from both statutory stakeholders and members of the public to comment and provide input on drafting of the Plan. This approach may then result in substantive matters that could impact on the Plan's soundness for examination not being identified until after the Regulation 19 consultation. This could result in abortive or additional costs from evidence needing to be revised and a further Regulation 19 consultation being a possibility.

5.4 The final consultation approach option 3 whilst having the least number of consultation and overall resource requirements would have no opportunity for any engagement with statutory stakeholders and members of the public until Regulation 19 consultation. This option would have the highest possibility of substantive matters being identified after a Regulation 19 consultation that could impact on the Plans soundness as discussed under Option 1b above.

6. Consultation Undertaken or Proposed

6.1 The timescales for Local Plan production and the timetable for consultation are a matter for the Council's Local Development Scheme (LDS). The LDS which is contained in Appendix I has been updated to reflect option 2 of this report and the Council are to agree and published the LDS on the Council's website.

6.2 The options were discussed in detail by PTPWG in March 2024 and option 2 was their preferred option for recommendation to Policy and Resources Committee. The consultation options and recommendation of PTPWG were then discussed by the Policy and Resources Committee and option 2 was the preferred option for recommendation to Full Council.

7. Implications

Issue	Implications
Corporate Plan	The LPR is responsible for delivering the spatial elements of the Corporate Plan.
Financial, Resource and Property	The LPR is typically prepared in line with existing resources. Some of the options would require the engagement of interim staff to bridge the gap to the permanent planning structure currently being implemented. The time pressures created by the transitional arrangements may lead to periodic requirements for temporary staff support to manage peaks in workload. These may exceed the revenue / reserve budget available, and if so this would need to be addressed through the budget setting process for 25-26 onwards.
Legal, Statutory and Procurement	Preparation of a Local Plan is carried out under a national legislative and regulatory framework.
Crime and Disorder	None identified at this stage.
Environment and Climate/Ecological Emergency	<p>The Local Plan will be supported by its own Sustainability Appraisal and Habitats Regulation Assessment at each key stage in decision making.</p> <p>The sustainability appraisal process appraises the social, environmental and economic effects of a plan from the outset. In doing so it helps ensure that Plan making decisions are made that contribute to achieving sustainable development.</p> <p>Habitats regulations assessments test if a Plan and the site allocations and policies within it could significantly harm the designated features of a site or sites protected by the Conservation of Habitats and Species Regulations 2017.</p> <p>Drafting of the Plan and its Policies will also take in to account the Council's Climate and Ecological Emergency Action Plan.</p>
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.

Risk Management and Health and Safety	<p>There is a considerable risk that SBC may not be able to recruit or retain the required full complement of permanent staff to deliver the Local Plan within the window of the transitional arrangements.</p> <p>The new permanent Planning Service structure indicates the appointment of 2.5FTE staff within Planning Policy in addition to those currently employed, representing two vacancies and a 0.5FTE additional post.</p> <p>There is an identified national shortage of skilled planners, and many Local Authorities will be seeking similar skills at a similar period of time.</p>
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

8. Appendices

- 8.1 Appendix I Local Development Scheme 2024
- 8.2 Appendix II Local Plan Review Evidence Base list

9. Background Papers

- 9.1 None

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Appendix I. Local Development Scheme June 2024 Draft

1. Introduction

- 1.1 Swale Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 This LDS came into effect upon agreement by the Full Council at its meeting on XXXX July 2024. As set out in the Planning and Compulsory Purchase Act 2004 (Section 15) the LDS must specify:
 - The local development documents which are to be development plan documents;
 - The subject matter and geographical areas to which each development plan document is to relate;
 - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities;
 - Any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29;
 - The timetable for the preparation and revision of the development plan documents.
- 1.3 The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents which will form the Council's Local Development Plan. This LDS sets out a work programme for the Council's Local Plan Review over the period to December 2025. Progress against this LDS will be reviewed annually and reported by the Councils Local Plans team.

2. Background

- 2.1 The Council produced its first LDS in 2005, followed by subsequent revisions in 2008, 2010, 2015, and 2016. These related to the former Local Plan (Adopted Feb 2008); and the current adopted Local Plan 'Bearing Fruits' (Adopted July 2017).
- 2.2 Work on the Local Plan Review (LPR) began once Bearing Fruits was adopted and the first LDS was published in 2018. A revised LDS was published in March 2020, then in October 2021 and again in July 2022 to reflect changes in approach that the Council deemed appropriate at that time. This latest version has been produced as a result of much awaited changes to the National Planning Policy Framework (NPPF December 2023) that included *inter alia* a change in housing targets from mandatory to advisory, a 4 year housing land supply requirement for Local Authorities with a draft Plan Regulation 18, 19 or submission document and the removal of a 5 year housing land supply requirement for authorities with up to date Local Plans. Now that the changes in requirements on Plan making have been made clear the Council is able to update the LDS accordingly.

- 2.3 The Council remains committed to having an up-to-date local plan and recognises the need to progress with the LPR and to have a robust and proportionate evidence base. This new LDS (April 2024) reflects the statutory stages of the plan process and the Statutory Regulations and will supersede the LDS (July 2022) programme for Local Plan Review.

3. The current adopted development plan for Swale

- 3.1 The current statutory adopted elements of the development plan for Swale Borough are:

- Bearing Fruits 2031: The Swale Borough Local Plan (adopted July 2017)
- Faversham Creek Neighbourhood Plan (made June 2017)
- Boughton-under-Blean and Dunkirk Neighbourhood Plan (made April 2023)
- Kent Minerals and Waste Local Plan 2013 – 2030, as amended by early partial review (adopted September 2020)

4. Current Supplementary Planning Documents (SPD)

- 4.1 The Local Plan is supported by a number of existing and proposed Supplementary Planning Documents and Supplementary Planning Guidance and Technical Advice Notes which set out the details for implementing local plan policies. All of these documents were subject to public consultation. These can be viewed at [Publications - Planning and Planning Policy \(swale.gov.uk\)](https://www.swale.gov.uk/publications-planning-and-planning-policy)

- 4.2 Currently adopted SPDs for the Borough are:

- Developer Contributions SPD (adopted, November 2009)
- Queenborough and Rushenden Masterplan SPD (November 2010)
- Sittingbourne Town Centre and Milton Creek Masterplan SPD (September 2010)
- Swale Landscape Character and Biodiversity Appraisal SPD (2011)
- Stones Farm Development Brief SPD (May 2011)
- Parking Standards SPD (May 2020)
- Sittingbourne Town Centre Supplementary Planning Document (2022)

- 4.3 Supplementary Planning Guidance (SPG) documents are:

- The Conversion of Buildings into Flats and Houses in Multiple Occupation
- Listed Buildings – A Guide for Owners and Occupiers
- The Conservation of Traditional Farm Buildings
- The Design of Shop Fronts, Signs and Advertisements
- Designing an Extension – A Guide for Householders
- Planting on New Developments – A Guide for Developers
- The Erection of Stables and Keeping of Horses
- Conservation Areas
- Lynsted Parish Design Statement

- Abbott Laboratories Ltd. – Development Brief
- 4.4 Technical Guidance Notes (TGN) documents are:
- Air Quality
 - Noise and Vibration Planning Technical Guidance
- 4.5 The Full Council agreed an interim Planning Policy statement the “Interim Planning Policy for Park Home residences” ahead of the Policy consideration in the Local Plan Review on 17 June 2020, the.
- 4.6 Additionally, part of the Kent Downs Area of Outstanding Natural Beauty falls within Swale and has a management plan that is adopted by all local authorities within their area. This is used as a material consideration for planning applications and can be viewed at [Planning and the Management Plan - Kent Downs](#)

5. Other Relevant Documents

5.1 Statement of Community Involvement (SCI)

The Swale Statement of Community Involvement (February 2018) sets out the Council’s approach to public and key stakeholder participation in all planning matters, including the preparation of the local plan, supplementary planning documents and arrangements for consultations on planning applications.

5.2 Sustainability Appraisal

The Council will meet the requirements of sustainability appraisal through the local plan preparation process, which will involve carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the local plan and prepare reports on the findings. These will be carried out at the key stages of plan preparation and will inform progress on the Plan. The sustainability appraisals carried out at the key stages of plan preparation will also accompany consultation drafts of the Plan for public comment.

5.3 Swale Borough Council Corporate Plan (2023 – 2027)

The corporate plan sets out the Council’s priorities and the local plan is responsible for delivering those of a spatial nature. The priorities most specific to the Councils Local Plan review include:

- Priority Community: To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.;
- Priority Economy: Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.
- Priority Environment: To provide a cleaner, healthier, more sustainable and enjoyable environment, and to prepare our borough for the challenges ahead.

- Priority Health and Housing: To aspire to be a borough where everyone has access to a decent home and improved health and wellbeing.

5.4 Authority Monitoring Report

The Council will publish monitoring information on its website on an annual basis relating to the previous monitoring year (running from 1 April to 31 March). This will provide updates on the status of the LDS timetable; progress on the Local Plan Review; reports on public consultations; duty to co-operate statements; neighbourhood planning and borough wide performance statistics on planning topics such as housing, employment, environment and transport.

5.5 Policies Map

The Council is required to produce a Policies Map which shows the location of development proposals in all current, adopted development plan documents on an ordnance survey base map. For Swale, this is the Proposals Map which accompanies the Bearing Fruits Local Plan (2017). The area annotated as Policy NP1 denotes the area covered by the adopted Faversham Creek Neighbourhood Plan.

6. Emerging Development Plans for Swale

Swale Borough Local Plan Review 2022 – 2040

- 6.1 The Local Plan Review (LPR) will set the framework for the development needs for the whole of the Swale Borough area from 2022 – 2040. This will include addressing revisions to the National Planning Policy Framework and associated Practice Guidance (2023); addressing the future development needs of the Borough including housing, the local economy, environmental considerations and community infrastructure needs and transport.
- 6.2 The LPR will include strategic policies to address these matters and put forward a development strategy for the Borough. It will also include site specific allocations to meet identified need and retain, update or include new detailed topic development management policies to guide determination of planning applications. Where applicable, the policies for any larger scale developments, such as significant extensions to existing villages and towns, will be set within a vision that looks further ahead (at least 30 years). This will take into account the likely timescale for their delivery.
- 6.3 Work began on the LPR as a result of Council Minute 44 (July 2017), with early scoping and evidence gathering, within the context of major review of national planning policy and government policy to significantly boost housing delivery. The key stages of the process and the Document Project Plan and the timetable for Local Plan Review including key stages of consultation are set out at 7.4 below.

6.4 The Council continues to undertake the Duty to Cooperate with neighbouring planning authorities and on the London Plan, to identify and discuss potential cross boundary issues (which will result in Statements of Common Ground). No intention for joint plan making with other Local Authorities was agreed by the Council at its Full Council meeting on 15th November 2023 link: [Agenda for Council on Wednesday, 15 November 2023, 7.00 pm \(swale.gov.uk\)](#)

6.5 **Community Infrastructure Levy (CIL)**

CIL is a mechanism introduced under the Planning Act 2008 with the intention of providing a consistent approach to determining financial contributions from new development towards local infrastructure provision. CIL significantly reduces down the Section 106 agreement process at the planning application stages as Levies will have been determined through a CIL specific examination in public. The Section 106 agreements then are left to focus upon limited matters like Affordable Housing. At this stage in the Local Plan Review due to the Whole Plan viability assessment having not been completed it is unknown whether it will be viable to apply CIL to new development proposed within the Plan. The Council will review the appropriateness of applying CIL and, if required, CIL will be included in a future review of this LDS.

6.6 **Neighbourhood Plans**

At March 2024, the following areas have designated Neighbourhood Plan areas:

- Minster (designated in 2014)
- Hernhill (designated in 2017 and under preparation)
- Faversham (designated in 2020 and at Examination stage commenced January 2024)

6.7 Neighbourhood plans, once adopted, form part of the development plan but are not programmed by the local planning authority and are therefore, not included within this LDS timetable. They must be in general conformity with the strategic policies of the adopted local plan and have regard to any emerging local plans. More details for Swale neighbourhood plans can be found at [Local Plans - Neighbourhood planning \(swale.gov.uk\)](#)

6.8 **Supplementary Planning Documents**

Presently, the Council is not intending to prepare any Supplementary Planning Documents.

7. **Conclusion**

- 7.1 The Local Plan Review (LPR) will be produced by the Council’s Planning Services, and led by the Planning Policy Team. The importance of the work is recognised and supported with input and expertise from other teams across the Council including the use of outside specialist consultants (where appropriate) and engagement with stakeholders, organisations and the public to help inform and develop the plan.
- 7.2 The Council has an established management and reporting structure to support delivery of the local plan review. This is primarily the Policy and Resources Committee (and Planning and Transportation Policy Working Group that report to it), that subsequently make recommendations to Council for decision. In addition, briefings for senior managers and Members on key pieces of research or new national policy are used.
- 7.3 The LPR Document Project Plan and the timetable for the Review including key stages of consultation are set out below.

Document Project Plan to date	
Subject/Content	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> A vision for the Borough up to 2052 A review of development needs for housing, employment and other uses Identification of a development strategy that will meet identified development needs Allocation of land to deliver development needs and maintain supply The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution that will lead to improved health outcomes. How great design and good placemaking can be achieved How best to respond to the challenges of the climate and ecological emergency
Status	Local Plan
Coverage	Borough-wide
Conformity with national policy	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance and the Town and Country Planning (Local Planning) (England) Regulations 2012.
Conformity with local policy	Regard to the Council’s Plans and Strategies, including the Corporate Plan, Economic Development Improvement Plan and Housing Strategy. Also have regard to the Climate Change and Ecological Emergency Strategy and Action Plan. The LPR will need to take into account the policies within neighbourhood plans and have regard to other local strategies such as those produced by KMED and KCC

Policies map	To be amended to reflect the policy content of the Local Plan Review
Local plan review commenced (Council Minute 44)	July 2017
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Swale Borough Local Plan
Evidence gathering	Commenced July 2017
Previous consultations being superseded <ul style="list-style-type: none"> • Regulation 18 consultation (Looking Ahead) • Regulation 19 consultation on the LPR • Publication of further Issues & Options (with Preferred Option) consultation document (Reg 18) 	<p>27 April – 8 June 2018</p> <p>February – 30 April 2021</p> <p>October – November 2021</p>
Project Plan going forward	
Regulation 18 draft Local Plan consultation	October to December 2024
Publication of submission draft local plan review for public Consultation (Reg 19)	January to March 2025
Submission of Plan for Examination (with results of the public consultation) Reg 22	April to June 2025
Examination hearing sessions (Reg 24)	October to December 2025
Main modifications consultation	January to March 2026
Adoption, full Council (Regulation 26)	April to June 2026

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Appendix II Local Plan Review Evidence Base list – July 2024 update

Ref No.	Document Title	Purpose of Piece of Evidence	Current Status	Dependencies	Why is this piece of Evidence Needed?	Member routing?	Key Project Dates	Need for Updating/Refreshing?
Housing								
1	Exceptional Circumstances for a Lower Housing figure Paper	The December 2023 NPPF revisions stated that “there may be exceptional circumstances, including relating to the particular demographic characteristics of an area which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals.” (Para 61 (NPPF, December 2023))	Commissioned	None	NPPF requirement if a lower housing target is desirable	Informal PTPWG	Scoping report received Second draft end of July	
2	GTAA (Gypsy and Traveller and Travelling Show People Accommodation Needs Assessment)	Update of future Gypsy and Traveller accommodation needs and also needs of Travelling Show People	Published	Call for sites must come first	Statutory /NPPF requirement	Informal PTPWG	Feb-24	
3 Page 37	Gypsy and Traveller and Travelling Show People Accommodation Needs Assessment	Specialist technical report to identify future accommodations needs for Gypsies, Travellers and Travelling Show People Informs allocations and policy to deliver this specialist accommodation, ensure statutory obligations are met and to deliver sustainable development	Published	None	Statutory /NPPF requirement	No Further Action	Nov-18	
	Link: Appendix I – Gypsy and Traveller Accommodation Assessment.pdf (swale.gov.uk)							
4	Housing Market Area Assessment	Update of 2020 study to determine future housing needs for the borough in terms of type, size and tenure	Published	Whole plan viability assessment must come first	Statutory /NPPF requirement	Informal PTPWG	TBC	Needs updating prior to publication of a Reg 19
5	Swale Housing Market Assessment (SHMA) Link: Housing Market Assessment for Swale.pdf	Analysis of housing needs in the borough and what future needs should be addressed in policies and proposals in the LPR	Published	None	Statutory /NPPF requirement	No Further Action	Jun-20	
6	Swale Borough Council: Choices for Housing Growth Link: Swale Borough Council Choices for housing growth	Report on high level strategic options for housing growth for Swale Local Plan Review. General evidence report to identify potential development options based on capacity	Published	None	Statutory /NPPF requirement	No Further Action	Feb-18	
Air Quality								
7	Air Quality Modelling	To identify potential impacts on Air Quality through potential development proposed in the Local Plan	Commissioning	Local Plan preferred allocations/	Statutory/NPPF requirement	Informal PTPWG	TBC	

				HELAA/ELR must come first				
8	Air Quality Monitoring Report Link: Final Air Quality Modelling Report for Swale LP December 2020.pdf	Assess impacts of potential local plan site allocations on air quality in the borough	Published	None	Desirable	No Further Action	Dec-20	
Environment								
9	Agricultural Land Review	The best agricultural land for food production is now a material consideration in Planning matters under the December 2023 NPPF so we need to update our evidence on best and most versatile land in Swale.	Detailed evidence	None	Statutory /NPPF requirement	Informal PTPWG	First draft August	
10	Swale Tree Strategy	It aims to safeguard existing trees, woodlands and hedgerows employing the necessary mechanisms to conserve this outstanding resource and to capitalise on the benefits of green infrastructure by increasing tree planting and canopy cover and attracting investment to ensure delivery.	Detailed evidence	Green and Blue Infrastructure Strategy will influence it	Desirable (requested by members in Feb 2023)	Formal PTPWG and P&R	TBC	
11	Borough Wide Design Code	To allow local areas to have their own framework for creating well-designed and inclusive places in keeping with local context, character and preference.	Not started yet	The Viability Study must come first as it will inform details on viable homes standards.	Statutory /NPPF requirement	Formal PTPWG and P&R	To Follow Local Plan Review	
		Local Nature Recovery Strategies have been created under the 2021 Environment Act and are a system of spatial strategies for nature and environmental improvement that will underpin England's Nature Recovery Network. They will deliver the government's commitment to ending the decline of nature and supporting its recovery. The Partnership is lead and managed by KCC with SBC actively involved.	Partnership (Making Space for Nature in Kent and Medway) launched October 2023	None	Statutory /NPPF requirement	Informal PTPWG and Environment Committee	TBC	
12	Kent Local Nature Recovery Strategy							
13	Water Cycle Study	Assessment of sustainable water quality and resources across the borough	Commissioned	Stage 1 – none	Desirable and to meet the October 2022 Council Motion	Informal PTPWG	Summer 2024	
				Stage 2 – none			Autumn	
				Stage 3 – HELAA must come first			Spring 2025	

14	Swale Biodiversity Baseline Report Link: Biodiversity Baseline Study.pdf (swale.gov.uk)	Baseline assessment of the biodiversity in Swale in relation to meeting our duties under the Environment Act	Published	None	Desirable	No Further Action	Oct-20	
15	Swale Green and Blue Infrastructure Strategy Link: Swale GBI Strategy	identify and guide opportunities for a greener, healthier, more biodiverse and prosperous Swale.	Published	None	Statutory /NPPF requirement	No Further Action	Sep-20	
16	Costal Erosion Zones for CCMA's		Not started yet					
Climate Change								
17	Climate change study / Pathways to Net Zero	A study setting out how Swale will get to Net Zero by 2030/2050 and what planning policies are required to achieve that. It could also potentially set out the approach to integrating transport, active travel, public transport with the local plan.	Commissioned	The Viability Study must come first as it will inform details on viable homes standards.	Desirable and it will help Swale meet its Climate and Ecological Emergency declaration and action plan objectives	Informal PTPWG and Environment Committee	First draft mid September	
Page 39	Sustainable Design and Construction Standards	Recommendations to inform policy to deliver sustainability standards in buildings and deliver zero carbon by 2030	Published	None	Desirable	No Further Action	Jan-21	Needs updating/refreshing before we draft another Reg 19
	Link: Square Gain Policy Recommendations table FINAL January 2021.pdf (swale.gov.uk)				To assist with the delivery of the Council's Ecological and Climate Emergency Action Plan			
Economy and Employment								
19	Tourism and Culture Study	Potential study to see what Swale has, its potential and growth areas.	The current headline intention is that the existing Visitor Economy Framework is updated within a refreshed Economic Development Strategy	It will be part of the Economic Development Strategy refresh	Desirable	Informal PTPWG/ P&R/ Regeneration and Property Committee	TBC	
20	Employment Land Review 2023	Update of 2018 study to determine the future economic land needs of the borough	Published		Statutory/NPPF requirement	No further action	Dec-23	

21	Employment Land Review 2018	Specialist technical report identifying future needs for employment land in the borough Informs allocations for employment land and policies to deliver sustainable development and support job creation	Published	None	Statutory /NPPF requirement	No Further Action	Aug-18	
	Link: Swale ELR v3 28Aug18 format.pdf							
22	Swale Retail & Leisure Needs Assessment - 2023 Retail Capacity Update	Update of retail needs assessment published in 2018/19	Published	None	Statutory /NPPF requirement	No Further Action	Dec-22	
	Link: Swale Retail Leisure Needs Assessment 2023 WEB.pdf							
23	Retail and Leisure Needs Assessment	Specialist technical report to identify future retail and commercial leisure needs Informs allocations and policy to support our town centres and to deliver retail and leisure floorspace needs and to deliver sustainable development.	Published	None	Statutory /NPPF requirement	No Further Action	Dec-18	
	Link: Microsoft Word – Retail Leisure Needs Assessment – Rev 3 – 01.03.19 (swale.gov.uk)							
	Retail Leisure Needs Assessment – Appendix 2- Final Issue 22.2.19 A.pdf (swale.gov.uk)							

Flood Risk

Page 49	24	Strategic Flood Risk Assessment and Sequential Test	Update of previous study to take account of latest data, policy and guidance	Commissioned	Completion of EA modelling must come first and LP allocations are required for the sequential test	Statutory /NPPF requirement	Informal PTPWG	Commencing May 2024 First draft January 2025	
		Sequential Test (flooding)	Analysis of sites that are at risk of flooding. Ranking of sites in terms of flood risk	Published	None	Statutory /NPPF requirement	No Further Action	May-20	
		Link: Sequential Test 2020.pdf (swale.gov.uk)							
	26	Strategic Flood Risk Assessment	Assessment of flood risk from all sources across the borough	Published	None	Statutory /NPPF requirement	No Further Action	Mar-20	
		Link: Planning and Regeneration – Strategic Flood Risk Assessment Completed (swale.gov.uk)							
	27	Strategic Flood Risk Assessment Level 1 (SFRA)	Specialist technical assessment of flood risk from all sources at a strategic level Informs whether or not more detailed flood risk assessment work is needed at a site specific level (sequential test)	Published	None	Statutory /NPPF requirement	No Further Action	Nov-19	
		Link: JBA Consulting Report Template 2015 (swale.gov.uk)							

Heritage

28	Swale Heritage Strategy	Heritage Strategy to inform policies in the LPR	Published	None	Statutory /NPPF requirement	No Further Action	Jan-20	
	Link: Heritage and landscape – Swale’s Heritage Strategy							

Infrastructure

29	Infrastructure Delivery Plan	To set out what infrastructure is needed, when and how it will be funded to support development proposed in the Local Plan	Not started yet	Local Plan Review preferred allocations and topic based policies must come first	Statutory/NPPF requirement	Formal PTPWG and P&R	Scoping Autumn 2024 Draft Spring 2025	
30	Transport Modelling	To identify potential impacts on road network through potential development proposed in the Local Plan	Commissioned	Local Plan preferred allocations/ HELAA/ELR must come first	Statutory /NPPF requirement	Potentially as a for info to JTB. Informal PTPWG	Regulation 18 modelling Late September 2024	
31	Swale LCWIP (Local Walking and Cycling Plan)	A strategic approach to identifying cycling and walking improvements at a local level which can then be reflected in the LP in the Infrastructure Delivery Plan and in site allocation policies	Started	None	Desirable/ good practice/helps meet sustainable development	Environment Committee, JTB	Jun-24	
32 Page 41	Kent Minerals and Waste Local Plan	The Minerals and Waste Local Plans, plan for sustainable waste management capacity and mineral supply to ensure that Kent has the waste infrastructure and raw materials that it needs, whilst protecting the environment.	Ongoing	Site allocations are shared with KCC to ensure no conflicts	Statutory /NPPF requirement	Informal PTPWG	Publication of draft updated Kent Mineral Sites Plan for representations on soundness Jan/Feb 2024	
	(Swale are consultees and actively engage in the process)						EiP for Mineral Plan May 2024	
33	Swale Borough Local Plan Review: Transport Modelling Evidence	Assessment of development impacts on traffic and transport across the borough	Ongoing		Statutory /NPPF requirement	Some evidence has already been published .Future runs would go through Informal PTPWG and potentially a presentation to JTB	Jun-20	
	Link: Appendix I Swale Local Plan Model Rerun Summary Report draft .pdf							
34	Swale Highway Model: Local Plan future testing scenario report	Specialist technical report to assess the capacity within Swale of the road network and the potential impacts of new development. Informs strategic development options and allocations to deliver sustainable development	Published	None	Statutory /NPPF requirement	No Further Action	May-19	
	Link: Appdx 1 Local Plan Scenario Testing 20may19.pdf (swale.gov.uk)							
	Appdx II Swale LMVR v9.14 4jul18.pdf							
Land								

35	Holistic Land Use Study	To look at all of the land requirements of housing, employment, agriculture, renewables, BNG, LNRS, etc.	Not started yet	Could potentially partner with Exceptional Circumstances paper	Desirable	Informal PTPWG	TBC	
36	Built up Area Boundary review	To account for under construction and built out Local Plan allocations, windfall development, change of use of agricultural buildings since adoption of the Local Plan in 2017.	Started	Latest monitored extant development site activity	Desirable	Informal PTPWG	Draft August 2024	
37	Housing and Employment Land Availability Assessment (HELAA)	Identify available land for development within the borough to meet future development needs	Ongoing	Whole Plan Viability Assessment must come first as it will provide area based viability assumptions for development	Statutory/ NPPF requirement	Informal PTPWG	1st Draft June 2024	
38	Swale Borough Settlement Hierarchy Link: Settlement Hierarchy Study 2020.pdf (swale.gov.uk)	Analysis of the centres across the borough to identify their place in the settlement hierarchy	Published	None	Statutory/ NPPF requirement	No Further Action	Aug-20	
Page 42	New Garden Communities Assessment of Stage 2 submissions Link: Appendix I – PBA REPORT 2nd stage assessment Sept 2019.pdf (swale.gov.uk)	Specialist technical assessment of the risks, opportunities and uncertainties associated with the four submitted garden communities in Swale Informs strategic development options and allocations to deliver sustainable development	Published	None	Desirable	No Further Action	Oct-19	
	New Garden Communities Assessment of Submissions Link: Meeting Title: (swale.gov.uk)	Specialist technical report to assess the submissions received in response to a 'call for sites' for potential NGCs. Informs strategic development options and allocations to deliver sustainable development.	Published	None	Desirable	No Further Action	Feb-19	
41	Strategic Development Options prospectus Link: Local Plans - Strategic Development Options (formerly known as New Garden Communities) (swale.gov.uk)	Call for submission of strategic sites for consideration as a way to deliver the future development needs of the borough	Published	None	Statutory /NPPF requirement	No Further Action	Spring 2018	
Landscape								
42	Landscape Character Assessment – update the 2011 version	Identify and describe variation in character of the landscape and explain the unique	Not started yet	None (Not critical)	Desirable	Informal PTPWG	TBC	

		combination of elements and features that make landscapes distinctive by mapping and describing character types and areas.		for the Local Plan but DM use it regularly for PAs)				
43	Swale Important Local Countryside Gap Study Link: McAfee Web Gateway - Notification (swale.gov.uk)	Review of land around Faversham and Teynham to identify 'gap' designations to safeguard the open and undeveloped character and to guard against coalescence	Published	None	Desirable	No Further Action	Jan-21	
44	Important Countryside gap review	Review remaining gaps in the borough excluding those covered in the January 2021 study	Commissioned	None	Desirable	Informal PTPWG	First draft August 2024	
45	Swale Landscape Sensitivity Link: Swale Landscape Sensitivity Assessment	Analysis of land parcels most vulnerable to development pressure for their sensitivity to change in landscape terms Informs suitability of potential development sites in terms of the impact development would have on the landscape	Published	None	Statutory/ NPPF requirement	No Further Action	Nov-19	Area specific update required once site allocations have been decided
46	Swale Landscape Sensitivity Area specific update	Area specific update to determine impacts of proposed development as set out in site allocations and accompanying policy criteria	Commissioning	Local Plan preferred allocations/ HELAA/ELR must come first	Statutory/ NPPF requirement	Informal PTPWG	Dec-24	
Page 43	Landscape Designation Review Link: Swale Local Landscape Designations	Technical assessment of landscape across the borough to identify landscape of highest local value	Published	None	Statutory/ NPPF requirement	No Further Action	Nov-18	
	Viability							
48	Whole Plan Viability Assessment	Update of the 2020 Viability evidence to determine the value in land across the borough and determine the viability of policy options and choices for the LPR	Complete draft	Draft LP policies	Statutory/ NPPF requirement	Informal PTPWG	Workshop January 2024	This will need to be updated as later versions of the LP are drafted
				Site allocation selection			Draft report May 2024	
				Infrastructure Delivery Plan			Partial update February 2025	
49	Local Plan viability study Link: 180504 Report Template V24 (swale.gov.uk)	To determine the value in land in the borough and the viability of development and to set out the costs of policy choices in relation to viability for new developments and the delivery of new infrastructure such as affordable housing, BNG etc.	Published	None	Statutory /NPPF requirement	No Further Action	Dec-20	
Open Space, Sport and Recreation								
50	Local Green Spaces	Assessment of proposed and designated LGS	Published	None	Statutory /NPPF requirement	No Further Action	Feb-21	

	Link: Local Green Spaces.pdf (swale.gov.uk)							
51	Built Sports Facilities Study	Update of the requirements of Built Sports Facilities in the future across the borough	Published	None	Statutory /NPPF requirement	Informal PTPWG presentation And Community and/or Environment Committee	Mar-24	
52	Open Space strategy	To update the Open Space requirements for the Borough	Commissioning	None	Statutory/NPPF requirement	Informal PTPWG	TBC	
53	Open Space and Built Facilities Strategic Needs Report	Specialist technical report to identify future needs for open space and built facilities at a strategic level	Published	None	Statutory /NPPF requirement	No Further Action	February 2019 (reported November 2019)	
	Link: ADD CLIENT ORGANISATION (swale.gov.uk)	Informs open space and built facilities standards to support future development (policy requirement)						
54	Strategic Future Needs Assessment	Assessment of future needs for open space and Built Leisure Facilities	Published	None	Statutory /NPPF requirement	No Further Action	Feb-19	
	Link: ADD CLIENT ORGANISATION (swale.gov.uk)							
Miscellaneous/Procedural								
Page 44	Authority Monitoring Report	Assesses the progress of our planning services over the previous financial year (1 April to 31 March), including progress on preparing the Local Plan against the benchmarks in the Local Development Scheme.	Not started yet	LPR monitoring indicators	Statutory/ NPPF requirement	Informal PTPWG	To be published as part of Examination submission	
	56	Sustainability Appraisal and HRA	Provide an update of the sustainability criteria against which the LPR should be measured	Commissioned	Scoping report - None Preferred options – HELAA/ELR must come first Submission plan – Reg 18 and Reg 19 must come first	Statutory /NPPF requirement	Informal PTPWG and P&R (Full Council when it is accompanying the formal stages of the LP)	Sep-24
57	Scoping Report for the Swale Borough Local Plan Sustainability Appraisal	Suggested scope for the SA that considers and communicates likely effects of a draft plan and alternatives	Published	None	Statutory /NPPF requirement	No Further Action	Jul-18	
	Link: Chris McNulty Report Sustainability Appraisal for the Swale Borough Local Plan 2018-05-31	Provides the checks and balances to the whole process to ensure sustainable development is delivered						

Evidence progress status Key –

	Pieces of Evidence at this Stage
Not started yet	7
Commissioning	3
Commissioned/External	9
In Preparation/Internal	4
Final Draft	1
Published	31
Ongoing	2

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Full Council	
Meeting Date	24 th July 2024
Report Title	Scheme of Delegation and Committee Procedure Rules – proposed changes relating to Planning Committee
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Joanne Johnson, Head of Place
Lead Officer	Ceri Williams, Development Manager
Classification	Open
Recommendations	1. To agree the proposed changes to the Scheme of Delegation and Committee Procedure Rules as set out in Appendix I.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out the rationale for proposed changes to the Scheme of Delegation and Committee Procedure Rules in relation to Planning Committee (parts 2.8 and 3.1 of the Constitution).

2 Background

- 2.1 In early 2023, officers in the Planning Service developed a Planning Improvement Strategy, intended to improve the productivity of the service, and the wellbeing (and consequently the recruitment and retention) of staff.
- 2.2 One area of consideration was the nature of applications decided by Planning Committee, rather than by officer delegation. The overarching rationale for amendments was twofold;
- to ensure that appropriate planning applications are referred to Planning Committee for reasons of public interest, and
 - to promote transparency and accountability.
- 2.3 Proposed changes were discussed by the Planning and Transportation Policy Working Group (PTPWG) in September 2023 and November 2023.
- 2.4 PTPWG’s recommendations were considered by the Constitution Working Group (CWG) in January 2024. CWG’s recommendations were then considered by Policy and Resources Committee on 15th July 2024. The final recommendations are set out in Appendix I.
- 2.5 Appendix I shows the current wording of the Council’s adopted Constitution for the specific areas where amendments are proposed (left column) set against the recommended changes (right column). Proposed additions are shown in red text, and proposed deletions are struck through.

2.6 A summary of the rationale for the proposed changes is set out below:

Ref	Summary of Change	Rationale
1	Delegated powers should not apply to Council owned land.	At present there is no requirement for applications on Council owned land to be reported to Committee, but this is considered important for transparency.
2	Members asked to provide a reason for calling an application in to Committee	<p>Provision of a reason will help focus Committee consideration, and align with best practice.</p> <p>Providing reasons gives an opportunity for officers to discuss and address the concerns of members with them, and with applicants/ agents, and where this is not possible it allows for a more focused report to be provided that fully considers the identified member concerns.</p> <p>To be clear, the reason provided does not need to be planning-related.</p>
3	Definition of statutory consultation period provided, and recognition given that extension of time requests to respond to consultations will not be unreasonably denied.	To tighten loose wording, and to promote engagement in the planning system.
4	Parish / Town Councils to state in their representations that they want an application to be considered by Committee in order to trigger call-in.	A large number of applications are taken to Committee following a Parish or Town Council representation. A specific request that the application be decided at Planning Committee rather than under delegation will ensure that member and officer time is use effectively, and should help focus Committee time on those applications of greatest public interest.
5	When informing a Parish / Town Council that their representation is not considered to reflect relevant planning policy considerations, the ward member will no longer be 'urgently notified' but included in the appropriate email.	To promote Parish / Town – borough relations, whilst ensuring the ward member is aware at the earliest opportunity.
6	Parish / Town Councils to be reminded they are able to send a speaker to Committee if they request an application is called-in.	To promote engagement in the planning system.

7	Redefinition of the reason why the Head of Planning may refer applications to Committee which have not met other triggers.	This change puts greater focus on the public interest test. The role of the Planning Committee is to ensure that decisions are made in the best interest of the borough and the rewording is intended to reinforce that.
8	Removal of the requirement to specifically consult with ward members re: hedgerow notifications.	Members are sent a weekly list of applications and are consulted on applications in their ward – this specific requirement is anomalous, as there is no benefit in singling out hedgerow notifications.
9	Change the requirement to consult the Chair or Vice-Chair of Planning Committee before serving enforcement notices to a requirement to consult all borough Councillors.	To allow wider views to be received on the appropriateness of action.
10	Reference added that Planning Committee is a meeting in public, and not a public meeting and that observers cannot participate.	This is being recommended for all Committees - to ensure public expectations are clear from the outset of a meeting.
11	Removal of the limitation on members of the public speaking again at Committee following a site visit.	To further public engagement in the planning system by allowing an additional opportunity for views to be aired, and / or to show view evolution.

3 Proposals

- 3.1 To agree the proposed changes to the Scheme of Delegation and Committee Procedure Rules as set out in Appendix I.

4 Alternative Options

- 4.1 Members may choose not to agree some or all of the proposed amendments, and / or to agree additional changes.

5 Consultation Undertaken or Proposed

- 5.1 Two reports detailing proposed amendments were discussed by PTPWG in September and November 2023. A further report was considered by the Constitution Working Group in January 2024, with CWG's recommendations considered by Policy and Resources Committee on 15th July 2024.

6 Implications

Issue	Implications
Corporate Plan	The proposals align with the corporate priority "Running the Council": to work within our resources to proactively engage with communities and outside bodies and to deliver in a transparent and efficient way.
Financial, Resource and Property	The proposals are likely to have a positive impact on resources as they will focus member and officer time on the most appropriate planning decisions.
Legal, Statutory and Procurement	The proposals would require an amendment to the Constitution, which requires approval from Full Council.
Crime and Disorder	No implications identified
Environment and Climate/Ecological Emergency	No implications identified
Health and Wellbeing	No implications identified
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified
Risk Management and Health and Safety	No implications identified
Equality and Diversity	No implications identified
Privacy and Data Protection	No implications identified

7 Appendices

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules Alongside Proposed Amendments.

8 Background Papers

[Planning and Transportation Policy Working Group agenda pack – 19th September 2023](#) (pp9 – 19).

[Planning and Transportation Policy Working Group minutes – 19th September 2023](#) Minute ref: 298

[Planning and Transportation Policy Working Group agenda pack – 23rd November 2023](#) (pp151 -160)

[Planning and Transportation Policy Working Group minutes – 23rd November 2023](#) Minute ref: 433

[Policy and Resources Committee agenda pack – 15th July 2024](#) (pp135-143)

Appendix I: Relevant Extracts from the Current Scheme of Delegation and Committee Procedure Rules (Left Column) Alongside Proposed Amendments (Right Column).

Proposed additions are shown in **red text**, and proposed deletions are ~~struck through~~.

2.8.15 DELEGATIONS TO THE HEAD OF PLANNING SERVICES

2.8.15.1. To determine applications, negotiate and enter into Section 106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member of the Council or Members of staff and for Council development (whether involving Council owned land or not);

(b) Applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council;

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member or officer of the Council, for Council development (whether involving Council owned land or not) **or on Council-owned land.**

(b) Applications where the decision of the Head of Planning would conflict with **(a) reason(s) set out in** any written representation received ~~within the specified representation period~~ **from during the statutory consultation period (as specified within the Town and Country Planning (Development Management Procedure) (England) Order (2015) or any superseding legislation, or within an extension of time period agreed by officers, such consent not to be unreasonably withheld or delayed,** from:

- (i) Any Member of the Borough Council;
- (ii) A statutory consultee;
- (iii) A Parish or Town Council **where it is clearly stated that the Parish or Town Council would like the application to be decided by the Planning Committee in the event that the officer's recommendation conflicts with the Parish or Town Council view.**

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;

(d) Applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this. The member(s) for the ward within the parish falls will also be urgently notified

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee;

(d) Applications which the Head of Planning considers **to be in the public interest, such as those which would meet the standard triggers for Environmental Impact Assessment submission** or raise difficult questions of policy interpretation ~~or any unusual or difficult issues which warrant Member determination.~~

Where the Head of Planning determines that a representation from (iii) above is not based on relevant planning considerations, they will write to the Town or Parish council to advise them of this, **including the relevant ward member(s) in copy.** ~~The member(s) for the ward within the parish falls will also be urgently notified~~

Where the Head of Planning determines that a representation from (iii) above is based on relevant considerations and the Town or Parish Council has stated that they want the application to be reported to the Planning Committee, the Head of Planning will write to the Town or Parish Council to remind them of their right to send a speaker to the relevant Planning Committee meeting.

2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).	2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s)
2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with the Planning Committee Chair or Vice-Chair and local ward Member(s).	2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990; the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with all borough Councillors the Planning Committee Chair or Vice-Chair and local ward Member(s).

Committee Procedure Rules	
3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.	3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.
<p>3.1.24. Disturbance by the Public</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p> <p>If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.</p>	<p>3.1.24. Attendance Disturbance by the Public</p> <p>The Chair of a meeting will welcome any members of the public who are present in the public gallery, and remind them that the proceedings are a meeting in public, not a public meeting, and that they are able to observe but not to contribute to the debate.</p> <p>If a member of the public interrupts the proceedings, the Chair will warn the person concerned. If they continue to interrupt the Chair will order their removal from the meeting room.</p>

	If there is a general disturbance in any part of the meeting room open to the public, the Chair may ask for that part to be cleared.
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Council Meeting	
Meeting Date	24 July 2024
Report Title	Recalculation of Political Balance and Allocation of Committee seats as a result of a vacancy and a change to membership of political groups
EMT Lead	Lisa Fillery – Director of Resources
Head of Service	
Lead Officer	Jo Millard – Democratic and Electoral Services Manager
Classification	Open
Recommendations	<ol style="list-style-type: none"> 1. That Council is asked to agree the political balance calculation as set out in Appendix II. 2. That Council is asked to allocate seats to those Committees and to agree the appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix III.

1 Purpose of Report and Executive Summary

- 1.1 This report sets out changes to the Political Balance and Committee Seat Allocations and memberships as a result of a recent vacancy and change to the membership of a political group.

2 Background

- 2.1 Section 15 of the Local Government and Housing Act 1989 requires Local Authorities to review the allocation of seats on Committees at the annual meeting, or as soon as possible after it. Once the Council has agreed the allocation of Committee places between the political groups the Council must then appoint the nominees of the political groups to the Committees. This was last agreed at Annual Council in May 2024 (Appendix I).
- 2.2 Where changes to the membership of political groups take place between elections, the Local Government (Committees and Political Groups) Regulations 1990 require the Council to recalculate the political balance and the allocation of committee seats ‘as soon as practicable’ after notice of changes to groups is delivered to the proper officer.
- 2.3 Due to the recent death of Councillor Henderson and a recent change to the membership of a political group, the political balance has been recalculated as set out in Appendix II.
- 2.4 The following principles apply to the allocation of seats:

- (a) That not all seats on the body to which appointments are being made are allocated to the same political group;
 - (b) That the majority of seats on each Committee is allocated to a particular group if the number of persons belong to that group is a majority of the authority's membership;
 - (c) Subject to (a) and (b), that, when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) Subject to (a) and (c), that the number of seats on each Committee is as far as possible in proportion to the group's membership of the authority.
- 2.5 There are 134 seats to be allocated under the Committee System. The seat entitlement of each group, on each Committee is thus based on the group's percentage representation on the Council as detailed in Appendix II. Whilst an initial version of this can be calculated mathematically, this usually results in a discrepancy between the strict entitlement of each group and the overall number of Committee seats to be allocated, requiring 'manual' adjustment to ensure that the number seats allocated to each group is fair. This process is known as 'gifting'.
- 2.6 To ensure overall political balance:
- The Liberal Democrat Group lose 2 seats from their current total rounded entitlement, therefore one seat from the Community and Leisure Committee and one from the Housing and Health Committee. In order to achieve their increased rounded entitlement, the Labour group gain these two seats.
- The SIA group lose 1 seat from their current total rounded entitlement, from the Economy and Property Committee. In order to achieve their increased rounded entitlement, the Conservative group gains this seat.
- 2.7 Whilst sub-committees are also governed by the political balance rules, the overall requirement for total places to be balanced only applies to ordinary committees so sub-committee places do not need to be included in the overall calculation, but the membership of sub-committee places should be proportionate as far as is reasonably practical.
- 2.8 The Joint Transportation Board and the Planning and Transportation Policy Working Group are not committees covered by Section 101 of the Local Government Act 1972 and Section 15 of the Local Government Housing Act does not apply. The membership of the Planning and Transportation Policy Working Group was determined by the Policy and Resources Committee at its recent meeting.
- 2.8 Group Leaders have been requested to provide nominations to the places on Committees to which their respective groups are entitled; this has been set out in Appendix III.

3 Proposals

- 3.1 That Council is asked to agree the political balance calculation as set out in Appendix II.
- 3.2 That Council is asked to allocate seats to those Committees and to agree to the appointment of Members to those Committees, in accordance with the wishes of Group Leaders, as set out in Appendix III.

4 Alternative Options

- 4.1 In view of changes to the membership of political groups, there is no lawful alternative to the recalculation of political balance and associated committee seat allocations.

5 Consultation Undertaken or Proposed

- 5.1 All Group Leaders have been asked to advise Democratic Services of their nominations to seats on Committees for their respective Groups. This will be circulated at the Council meeting.

6 Implications

Issue	Implications
Corporate Plan	The recommendations in this report contribute to the council priority to renew local democracy and make the council fit for the future.
Financial, Resource and Property	The Council's Committee Structure includes Committee(s) with Financial, Resource and Property within their remits.
Legal, Statutory and Procurement	The Head of Legal has been consulted on this report. The relevant legal provisions are set out in the body of the report.
Crime and Disorder	The Council's Committee Structure includes Committee(s) with Crime and Disorder within their remits.
Environment and Climate/Ecological Emergency	The Council's Committee Structure includes Committee(s) with Environment and Climate/Ecological Emergency within their remits.
Health and Wellbeing	The Council's Committee Structure includes Committee(s) with Health and Wellbeing within their remits.

Safeguarding of Children, Young People and Vulnerable Adults	The Council's Committee Structure includes Committee(s) with Safeguarding of Children, Young People and Vulnerable Adults within their remits.
Risk Management and Health and Safety	The Council's Committee Structure includes Committee(s) with Risk Management and Health and Safety within their remits.
Equality and Diversity	The Council's Committee Structure includes Committee(s) with Equality and Diversity within their remits.
Privacy and Data Protection	The Council's Committee Structure includes Committee(s) with Privacy and Data Protection within their remits.

7 Appendices

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

- Appendix I: Political Balance Calculation agreed at Annual Council May 2024.
- Appendix II: Political Balance Calculation as a result of vacancy and changes to Group Memberships.
- Appendix III: Membership of Committees (to follow).

8 Background Papers

Link to Annual Council May 2024: [Agenda for Annual Council on Wednesday, 15 May 2024, 7.00 pm \(swale.gov.uk\)](#)

Political Balance
Calculations May 24

Group	Labour	SIA					Conservative					Lib Dem					Green					Ungrouped Member (Independent)					Rounded Total			Shortfall	Total								
		Strict Entitlement	Rounded Allocation	Current Allocation	Adjust +1 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust +1 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust -2 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation						Rounded Total	current total	Actual allocation					
Number of Members	16						12					10					5					3					1												47
Overall proportionality	0.3404						0.2553					0.2128					0.1064					0.0638					0.0000												0.97872
Total entitlement	45.6170						34.2128					28.5106					14.2553					8.5532					0.0000												134
Total rounded entitlement	46						34					29					14					9					0												86
	Size	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust +1 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust +1 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust -2 required from possibilities highlighted below	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Rounded Total	current total	Actual allocation					
Service Committees																																							
Policy and Resources	15	5.1064	5	5		5	3.8298	4	4		4	3.1915	3	4		4	1.5957	2	1		1	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Community & Leisure	15	5.1064	5	5		5	3.8298	4	4		4	3.1915	3	3		3	1.5957	2	2		2	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Environment & Climate																																							
Change	15	5.1064	5	6		6	3.8298	4	3		3	3.1915	3	3		3	1.5957	2	2		2	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Housing and Health	15	5.1064	5	5		5	3.8298	4	4		4	3.1915	3	3		3	1.5957	2	2		2	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Economy and Property	15	5.1064	5	5		5	3.8298	4	4	1	5	3.1915	3	4	-1	3	1.5957	2	1		1	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Regulatory Committees																																							
Licensing	15	5.1064	5	5	1	6	3.8298	4	4		4	3.1915	3	4	-1	3	1.5957	2	1		1	0.9574	1	1		1	0.0000	0	0		0	15	15	15	0				
Planning	17	5.7872	6	6		6	4.3404	4	4		4	3.6170	4	4		4	1.8085	2	2		2	1.0851	1	1		1	0.0000	0	0		0	17	17	17	0				
Other Committees																																							
Urgent Decisions	7	2.3630	2	2		2	1.7872	2	2		2	1.4894	1	2		2	0.7447	1	1		1	0.4468	0	0		0	0.0000	0	0		0	6	7	7	0				
Audit	9	3.0638	3	3		3	2.2979	2	2		2	1.9149	2	2		2	0.9574	1	1		1	0.5745	1	1		1	0.0000	0	0		0	9	9	9	0				
Standards	11	3.7447	4	4		4	2.8085	3	3		3	2.3404	2	2		2	1.1702	1	1		1	0.7021	1	1		1	0.0000	0	0		0	11	11	11	0				
Total Seats	134	45.6170	45	46	1	47	34.2128	35	34	1	35	28.5106	27	31	-2	29	14.2553	17	14	0	14	8.5532	9	9	0	9	0.0000	0	0	0	0	133	134	134					

To achieve overall balance:

Groups will need to negotiate with each other on losing seats as follows:

That the Conservative Group lose 2 seats based on the rounded allocation which will be 2 seats less than the current allocation - thereby, 2 seats on either Policy & Resources, Economy and Property, or Licensing, as shown on the attached political balance.

That the Labour Group gain 1 seat to fulfil their allocation, thereby one seat on either Policy & Resources, Economy and Property, or Licensing based on the committee with a shortfall seat as the largest majority party.

That SIA gain one shortfall seat as the second largest majority party on either Policy & Resources, Economy and Property, or Licensing.

Please note that in order to achieve the correct number of committee seats whichever seats the Conservative Group give up must be gifted to the Labour Group and SIA, who must negotiate with each other to agree the gifting of shortfall seats.

Please note
†Individual members may not sit on both the Investigation and Disciplinary Sub-Committee and Statutory Officers Disciplinary Appeals Sub-Committee.

Committees can establish Sub-Committees during the course of the year, with the number of members determined by the parent Committee. As long as the membership of the Sub-Committees is broadly balanced, the total entitlement of seats will be unaffected. This will also apply to the Swale Rainbow Homes Shareholder Representation Sub-Committee, the membership of which is to be determined by the Housing and Health Committee.

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Political Balance
Calculations July 24

Group	Labour					SIA				Conservative				Lib Dem				Green				Ungrouped Member (Independent)				Vacant (Waiting for By-Election result)	Rounded Total	Shortfall	Total	Ungrouped Member (Independent)	Vacant (Waiting for By-Election result)	TOTAL Members			
	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation										
Number of Members	16					11				10				4				3				0													
Overall proportionality	0.3636					0.2500				0.2273				0.0909				0.0682				0													
Total entitlement	48.7273					33.5000				30.4545				12.1818				9.1364				0.0000													
Total rounded entitlement	49					34				30				12				9				0	0	0	0	0	0	0	0	0	0	0	0		
Size	Strict Entitlement	Rounded Allocation	Current Allocation	Adjust	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation	Strict Entitlement	Rounded Allocation	Current Allocation	New Allocation		Rounded Total	current total	Actual allocation						
Service Committees																																			
Policy and Resources	15	5.4545	5	5	5	3.7500	4	4	4	3.4091	3	4	4	1.3636	1	1	1	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Community & Leisure	15	5.4545	5	5	-1	3.7500	4	4	4	3.4091	3	3	3	1.3636	1	2	-1	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Environment & Climate Change	15	5.4545	5	6	6	3.7500	4	3	3	3.4091	3	3	3	1.3636	1	2	2	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Housing and Health	15	5.4545	5	5	-1	3.7500	4	4	4	3.4091	3	3	3	1.3636	1	2	-1	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Economy and Property	15	5.4545	5	5	5	3.7500	4	5	-1	3.4091	3	3	1	1.3636	1	1	1	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Regulatory Committees																																			
Licensing	15	5.4545	5	6	6	3.7500	4	4	4	3.4091	3	3	3	1.3636	1	1	1	1.0227	1	1	1	0.0000	0	0	0	0	14	15	15	0					
Planning	17	6.1818	6	6	6	4.2500	4	4	4	3.8636	4	4	4	1.5455	2	2	2	1.1591	1	1	1	0.0000	0	0	0	0	17	17	17	0					
Other Committees																																			
Urgent Decisions	7	2.5455	3	2	2	1.7500	2	2	2	1.5909	2	2	2	0.6364	1	1	1	0.4773	0	0	0	0.0000	0	0	0	0	8	7	7	0					
Audit	9	3.2727	3	3	3	2.2500	2	2	2	2.0455	2	2	2	0.8182	1	1	1	0.6136	1	1	1	0.0000	0	0	0	0	9	9	9	0					
Standards	11	4.0000	4	4	4	2.7500	3	3	3	2.5000	3	2	2	1.0000	1	1	1	0.7500	1	1	1	0.0000	0	0	0	0	12	11	11	0					
Total Seats	134	48.7273	46	47	2	49	33.5000	35	35	34	30.4545	29	29	1	30	12.1818	11	14	-2	12	9.1364	9	9	0	9	0.0000	0	0	0	0	0	0	0	0	0

To achieve overall

Groups will need to negotiate with each other on losing seats as follows: 2.13%

- SIA lose a seat on Economy and Property to fulfill their total rounded entitlement
- Conservative gain a seat on Economy and Property to fulfill their total rounded entitlement
- Lib Dem lose 2 seats. One of Community and Leisure and one on Housing and Health to fulfill their total rounded entitlement
- Labour gain 2 seats. One on Community and Leisure and the other on Housing and Health to fulfill their total rounded entitlement.

Please note:
†Individual Members may not sit on both the Investigation and Disciplinary Sub-Committee and Statutory Officers Disciplinary Appeals Sub-Committee.

Committees can establish Sub-Committees during the course of the year, with the number of members determined by the parent Committee. As long as the membership of the Sub-Committees is broadly balanced, the total entitlement of seats will be unaffected. This will also apply to the Swale Rainbow Homes Shareholder Representation Sub-Committee the membership of which is to be determined by the Housing and Health Committee.

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.

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