

# Agenda

## Policy and Resources Committee Meeting

Date: Wednesday, 16 October 2024

Time 7.00 pm

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

Membership:

Councillors Mike Baldock (Vice-Chair), Monique Bonney, Lloyd Bowen, Derek Carnell, Charles Gibson, Tim Gibson (Chair), Angela Harrison, James Hunt, Mark Last, Rich Lehmann, Peter Marchington, Richard Palmer, Julien Speed, Ashley Wise and Dolley Wooster.

Quorum = 5

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Pages

### Recording and Privacy Notice

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

2. Apologies for Absence

3. Minutes

To approve the [Minutes](#) of the Meeting held on 11 September 2024 (Minute Nos. 221 – 233) 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.	Risk Management half yearly report	5 - 22
6.	Council Tax Reduction Scheme 2025/26	23 - 28
	Appendices I and II to-follow.	
7.	Debt write off over £10k	29 - 34
8.	Communications Strategy	35 - 48
9.	Swale Planning Enforcement Strategy	49 - 90
10.	Solar Panels - Swale House	91 - 116
11.	Forward Decisions Plan	117 - 120
12.	Recommendations from the Swale Joint Transportation Board meeting held on 7 October 2024 - to-follow	

- |     |   |              |
|-----|---|--------------|
| 13. | Recommendations from the Planning and Transportation Policy Working Group held on 17 September 2024 | 121 -<br>122 |
| 14. | Beach Hut Phase 1 Tender Award  | 123 -<br>126 |
| 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, 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 3.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

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|-----|---|--------------|
| 16. | Beach Hut Phase I Tender Award - Appendix I - Exempt Appendix | 127 -<br>128 |
|-----|---|--------------|

**Issued on Tuesday, 8 October 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 [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk). . To find out more about the work of this meeting, please visit [www.swale.gov.uk](http://www.swale.gov.uk)

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

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<b>Policy &amp; Resources Committee Meeting</b>	
<b>Meeting Date</b>	16 <sup>th</sup> October 2024
<b>Report Title</b>	Risk Management Update
<b>EMT Lead</b>	Lisa Fillery – Director of Resources
<b>Head of Service</b>	Katherine Woodward – Head of Audit
<b>Lead Officer</b>	Katherine Woodward – Head of Audit
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To consider the Council's corporate risks and overall risk profile, gaining assurance that key risks are being appropriately managed.

## **1 Purpose of Report and Executive Summary**

- 1.1 Reporting of risk information is key to ensuring risks are being appropriately identified and managed and, ultimately, to ensuring the Council achieves its priorities. This report sets out the Council's corporate risks which have been reviewed and updated to reflect progress on implementing planned controls and other changes surrounding the risk.
- 1.2 The purpose of the report is to provide Members of Policy & Resources Committee with an overview of risks which could prevent achievement of the Council's strategic priorities, and how these risks are being managed.
- 1.3 One corporate risks has reduced as a result of a change in circumstances and the successful implementation of planned actions. This will be removed from the corporate risk register and monitored through the operational risk register.
- 1.4 There are some areas for review over the next few months around the risks associated with implications of decision made at the upper tier authority (Kent County Council) and changes to National Policy and future funding implications of a new government.
- 1.5 Appendix I outlines further details on the corporate risks and how they have changed and the overall risk profile.

## **2 Background**

- 2.1 The Council's risk management arrangements have been in place since 2015, with Mid Kent Audit facilitating the operation of the overall process. The Risk Management Framework was comprehensively reviewed and updated, with the final version approved by Audit Committee in July 2022. Over the years risk management processes have become well established with officers engaged in the process and aware of their risks and how to manage them.

- 2.2 Risk information is routinely reported to Senior Management Team (SMT) and Members. SMT receive quarterly updates on all corporate and key operational risks. Before the new committee structure Informal Cabinet received 6-monthly reports on the Council's key risks, and this is now the responsibility of Policy & Resources Committee. Audit Committee receive an annual report on the effectiveness of the Council's risk management arrangements. This goes to their April meetings.
- 2.3 Historically corporate and operational risks have been captured on spreadsheets and a central version maintained by Mid Kent Audit. To further embed risk management arrangements risk management software (JCAD) has been purchased and configured to reflect the Council's Risk Management Framework. JCAD will ensure risk owners have direct access to their risks, including reviewing and updating these risks routinely. It will also improve the reporting of risk information across the Council.
- 2.4 Operational risks across all Council services (including shared services) were reviewed and updated alongside the JCAD roll out to ensure they are current and reflect the revised Risk Management Framework.

### **3 Proposals**

- 3.1 Members of Policy & Resources Committee are responsible for oversight and challenge of how the Council's key risks are managed. In particular the management of those risks above the Council's risk appetite. As such Members are asked to consider the Council's risks and whether they are being appropriately managed.

### **4 Alternative Options**

- 4.1 Identifying and monitoring the Council's risks is a key component of effective governance. The Council could decide not to identify, monitor and report on high-level risks, but this would be contrary to the agreed Risk Management Framework and principles of good governance.

### **5 Consultation Undertaken or Proposed**

- 5.1 All risk owners and Heads of Service have been involved in the identification and assessment of the Council's risks. The risks reported here have been reviewed and updated by the relevant risk owner.

## 6 Implications

Issue	Implications
Corporate Plan	Effective risk management is part of the Council's governance framework. The purpose of the risk management process is to ensure that key risks are identified and appropriately managed as the Council pursues its Corporate objectives.
Financial, Resource and Property	Investment in developing risk management arrangements is being met from existing resources within the Mid Kent Audit partnership. No implications identified at this stage.
Legal, Statutory and Procurement	None identified at this stage
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage
Risk Management and Health and Safety	This report is about risk management. No H&S implications identified at this stage.
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage

## 7 Appendices

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

- Appendix I: Risk Management Update

## 8 Background Papers

- Risk Management Framework 2022:

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# Risk Management Update

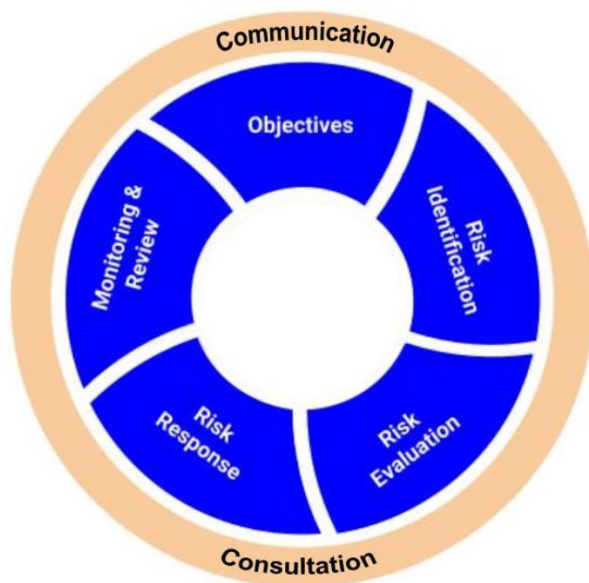
September 2024



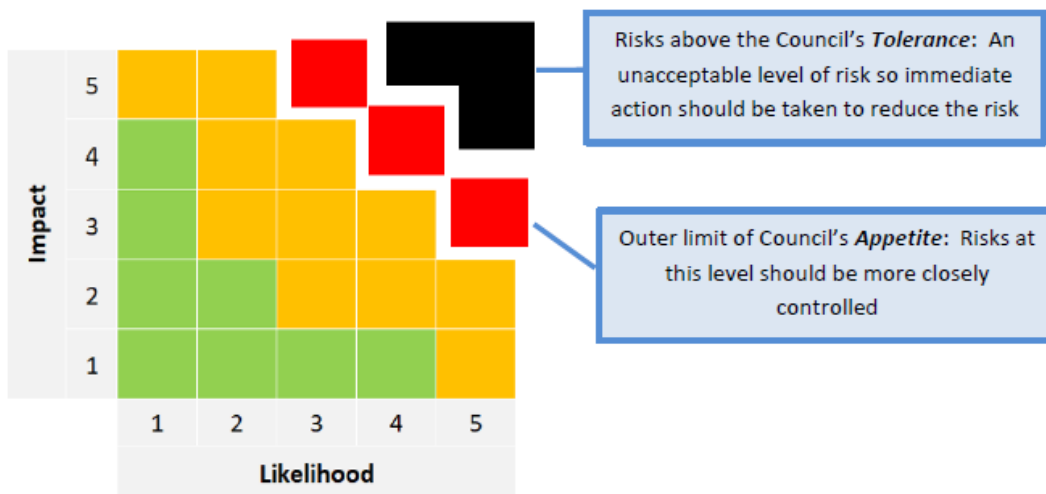
# Risk Management Process

A risk is a **potential future event that, if it materialises, effects the achievement of objectives**. Risk management is the process of identifying, measuring and responding to risks. These processes help to ensure that the Council achieves its corporate and service objectives by controlling risks in balance with resources. Good risk management also increases our ability to cope with developing and uncertain events and helps to instil a culture of continuous improvement and optimisation.

The Risk Management Framework sets out the Council’s approach to managing corporate and operational (service) risks. The risk management process is broken down into the following key components, which start with being clear about what the Council, or service are trying to achieve.



The Risk Management Framework also includes the Council’s risk appetite statement, which articulates how much risk the Council is comfortable with and able to bear. The Council recognises that to achieve its objectives it must take risks, but that some risks are unacceptable (above our tolerance) and so action should be taken immediately to manage these risks. Risk appetite and tolerance are illustrated in the following matrix:



# Introduction

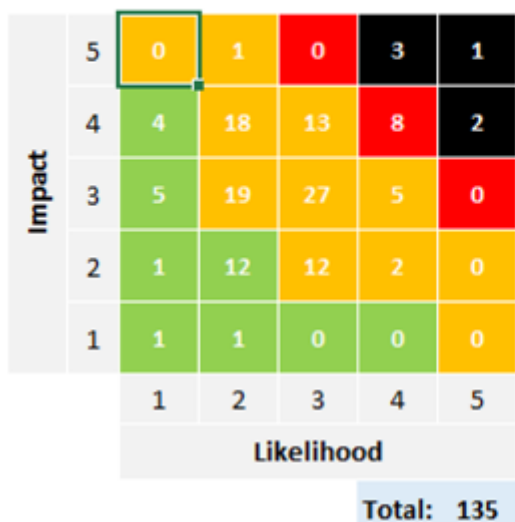
Having arrangements in place to identify and manage our risks, increases our chances of achieving corporate and operational objectives and reduces the chance of failure. Good risk management also increases our ability to cope with developing and uncertain events. A key part of the risk management process is to report and discuss risk information.

The first risk update report was taken to Policy & Resources Committee on 28<sup>th</sup> September 2022. Feedback from Members has been incorporated into this report. This report provides Members with the detail of all corporate risks, an outline of high (red/black) operational risks and the overall risk profile of the Council.

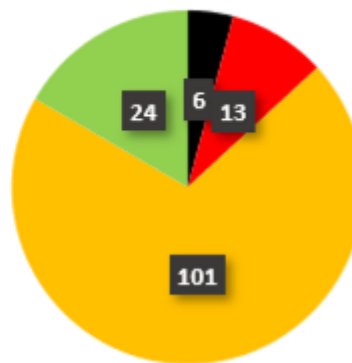
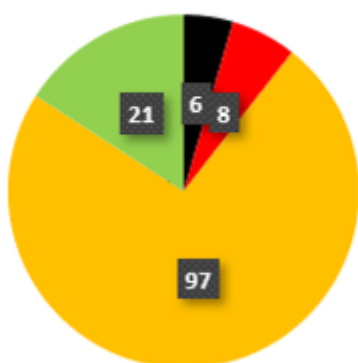
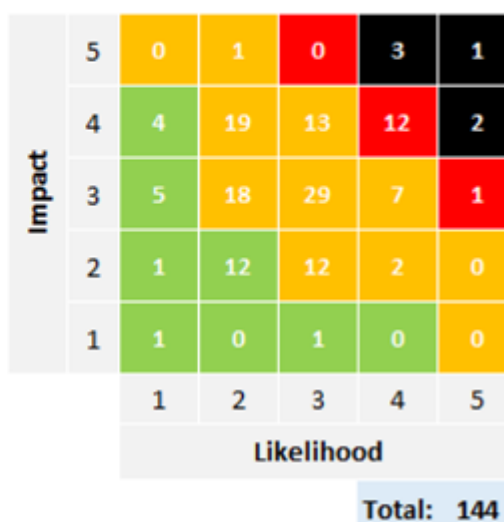
# Risk Profile

The following diagrams detail the Council’s overall risk profile and includes both Swale and shared service risks. This demonstrates the risk to the Council at this moment in time (the **current rating**) and compares how the profile has changed since May 2024. As can be seen there is a small increase in the overall number of risks from 135 to 144. The main reason for the increase is due to the incorporation of risks identified from the shared service of Revenues and Benefits and new risks identified from the recent Department for Work and Pensions audit on that service.

**Current Risk Profile (May 2024)**

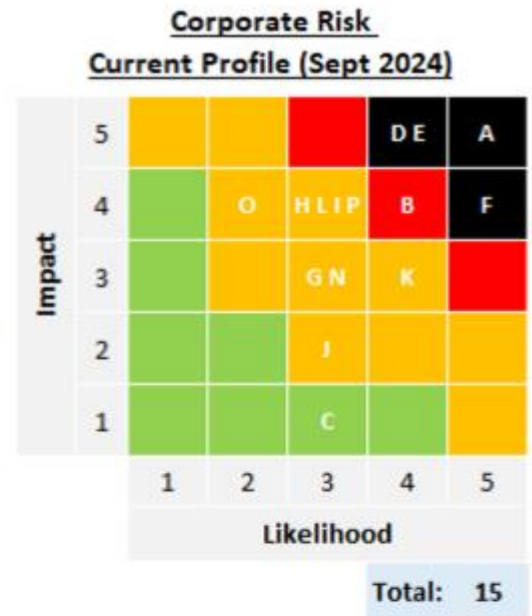
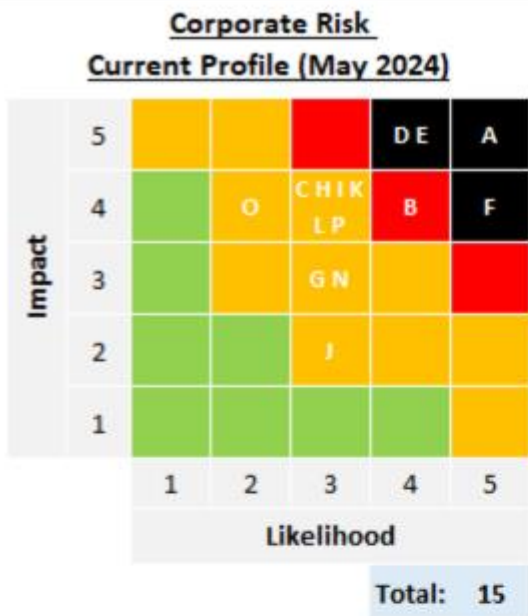


**Current Risk Profile (Sept 2024)**

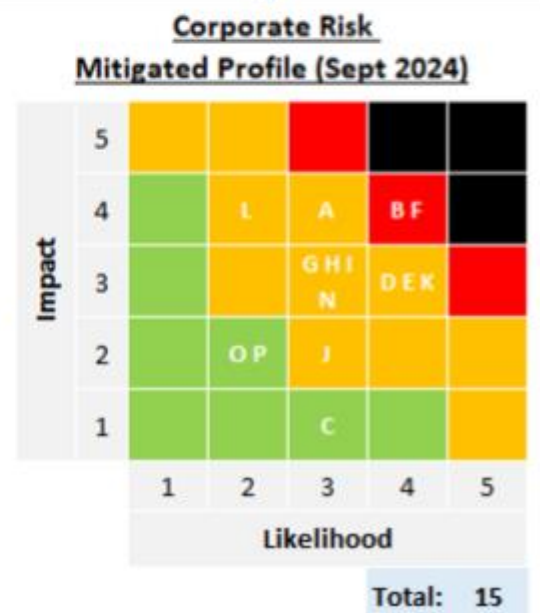


# Corporate Risks

Risk owners have reviewed and updated their risks and associated controls and actions. The following diagrams set out the corporate risk profile, which is to say the score of each corporate risk plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**), the current risk profile as at the last report to Policy & Resources Committee is also shown. Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



Ref	Risk Title	Mov'nt
A	Balancing Medium Term Budget	↔
B	Demands & Community Pressure	↔
C	Elections Fialure or Challenge	▼
D	Increased Homelessness	↔
E	Funding Capital Spend	↔
F	Major Contractor Failure or Decline	↔
G	Design of Major Contracts	↔
H	Borough Wide Infrastructure	↔
I	Affordable Housing	↔
J	Recruitment & Retention of staff	↔
K	Housing Supply	↔
L	Cyber Security Incident	↔
N	Climate & Ecological Emergency	↔
O	Focus on Established Priorities	↔
P	Leisure Centre Contract	↔



Risks C has decreased due to the successful implementation of planned actions and the successful delivery of the Police and Crime Commissioner Elections in May and the General Election in July. This will be removed as a Corporate risk and will be reported as an operation risk in the future.

## Corporate Risks Table

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
A	<p>Hyper inflation and current economic market conditions and uncertainty over government funding</p> <p><b>Unable to balance the Budget over the medium term</b></p> <p>Unable to match the delivery of coalition priorities and core Council services to funding levels</p>	Director of Resources	<p>Budget setting &amp; monitoring process and Medium Term Financial Plan</p> <p>Information sharing at Chief Finance Officers and Chief Accountants Groups</p> <p>Use of specialist local government financial consultants</p> <p>Reserves strategy</p> <p>Income generation initiatives</p> <p>Ongoing regular reporting to SMT and the Leader, including a Finance Sub Group to consider the budget and fees &amp; charges</p> <p>Awareness of proposed changes to local government finance</p>	25 (5x5)	<p>The budget for 24/25 was approved by Full Council in February 2024 including the decision use the business rates growth funding to support the base budget. This reduced the budget gap to £733k taking into account the decision by KCC on waste enabling payments.</p> <p>Uncertain government grants from 2025/26 increase the gap over the term of the MTFP and so savings will still need to be made to ensure a balanced budget over the term of the MTFP.</p> <p>The first finance sub meeting for the 25/26 budget round was held at the end of March with regular meetings held over the summer. Discussions are ongoing on how to address the budget gap.</p>	12 (4x3)
B	<p>Worsening inflation and the cost-of-living crisis increase pressures on individuals and business</p> <p><b>Increase in demands on Council services, loss of income and community pressure</b></p> <p>Increased costs and reputational damage</p>	Head of Housing & Community Services	<p>Internal Cost of living working group</p> <p>Administration of Household Support Fund</p> <p>Volunteer sector group in place to identify key risks and collaborative working</p> <p>Controls outlined in the Homelessness risk</p> <p>Explore Redirection of grant funds to support increase on demand to VCS</p> <p>Use of Policy &amp; Practice data platform to provide targeted support</p> <p>Winter plan agreed with VCS on how to support residents in Swale</p>	16 (4x4)	Create a new Community Development Strategy <b>(01/04/2025)</b>	16 (4x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
C	<p>Elections Act 2022 introduction of Voter ID for May 2023 elections</p> <p><b>Election failing or being challenged</b></p> <p>Reduced electoral integrity, reputational damage, and potential impact on political leadership and decision-making capability for 2023/24</p>	Chief Executive	<p>Utilising senior staff for positions of responsibility within the election</p> <p>Working with Electoral Services Manager at Maidstone who is regional rep for DLUHC</p> <p>Kent Chief Executives and Kent Electoral Officers working together on joint action plan</p> <p>Corporate working group</p> <p>Staffing of all polling stations has been reviewed and additional training provided</p> <p>Weekly monitoring of applications for voter ID forms</p>	3 (1x3)	<p><i>No further mitigations identified – Council will monitor effectiveness of existing controls over time</i></p> <p><i>This risk will be removed from the Corporate risk register and monitored through operational activities as this is now business as usual.</i></p>	3 (1x3)
Page 14	<p>Cost of living crisis</p> <p><b>Increases in homelessness</b></p> <p>Additional workload and increased cost burden for the Council</p>	Head of Housing & Community Services	<p>Review of temporary accommodation provision and maximising use of public sector assets</p> <p>Supporting / influencing developers to unlock additional social housing</p> <p>Landlord incentive scheme</p> <p>Housing Allocations Policy</p> <p>Homeless Prevention Team in place</p> <p>Forecasting of homelessness spend and adjustments to budgets made as part of medium-term financial planning</p> <p>Increasing supply of affordable housing to increase rental supply</p> <p>Temporary Accommodation Improvement Plan in place and being actioned</p> <p>Revised Housing Strategy</p> <p>Additional temporary Housing Benefit Officer employed.</p>	20 (5x4)	<p>Implement TA Purchase project - agreed by Housing &amp; Health Committee - budget approved and then 2 year project will be established/ <b>(28/02/2025)</b></p> <p>Council declared a housing emergency and agreed to carry out a range of actions to lobby government and look at additional interventions (30/12/2024)</p>	12 (3x4)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
E	<p>Including pressures from delivery of Swale House Refurbishment, lending to Rainbow Homes, acquisition of waste fleet, increasing interest rates impacting on cost of borrowing</p> <p><b>Funding Capital Spend</b> <b>Delivery of coalition priorities requires capital spend which cannot be accommodated within the revenue budget.</b></p> <p>Non-delivery or reduction in scope of coalition priorities. Based on current market conditions the projects are not affordable and will severely impact ability to deliver a balanced budget.</p>	Director of Resources	<p>Revenue implications of capital explicitly funded through revenue budget</p> <p>Liaison with commercial tenants</p> <p>All capital projects to have business case agreed by relevant Committee</p> <p>Capital schemes may generate new revenue income streams</p> <p>North Kent Pooled Business rate fund to meet capital costs</p> <p>Annual review of capital programme and ongoing process to review business plans for current programme as required</p>	20 (5x4)	<p>s106 and grant funding of new capital projects only in the future - External income to be reviewed for the 25/26 budget process <b>(Ongoing)</b></p> <p>Work more closely with commercial tenants <b>(Ongoing)</b></p> <p>Generation of capital receipts through selling assets <b>(In progress)</b></p> <p>Consultant working on the Rainbow Homes business case and reviewing costs <b>(In progress)</b></p>	12 (3x4)
F	<p>Contractor financial difficulties in general or impacts from economic/market factors (fuel crisis, driver shortages, labour challenges, strike action)</p> <p><b>Major Contractor Failure or Decline: Existing suppliers not delivering as per the contract</b></p> <p>This results in the Council not getting the anticipated level of service or at its worst a complete failure in the service / company insolvent</p>	Head of Environment & Leisure	<p>Contracts in place and regularly monitored</p> <p>Annual reconciliation of invoices paid to contractors</p> <p>Awareness of industry developments and best practice</p> <p>Routine financial checks</p> <p>Discussions with contractors around the impact of COVID-19 / other external issues</p> <p>Council stepping in to support contractor staff if necessary</p>	20 (5x4)	<ul style="list-style-type: none"> <li>• Enacted Business Continuity Plans and additional staffing support through the required changes <b>(In Progress)</b></li> <li>• Recovery and Delivery Plan created to get the service back to business as usual <b>(In progress)</b></li> <li>• Regular dialogue with contractors and use of performance mechanisms will be considered once mobilisation period passed. <b>(In Progress)</b></li> <li>• Regular and detailed dialogue with key members <b>(In Progress)</b></li> <li>• Supporting contractors to undertake new initiatives to resolve problems <b>(In progress)</b></li> <li>• Regular Engagement with other Borough partners to ensure transfer of learning, peer support and collective intervention . <b>(In Progress)</b></li> </ul>	16 (4x4)



Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
G	<p>Changes in political direction (central and local) or service specification required/needed by residents</p> <p><b>Design of Major Contracts: Significant changes in how major contracts are delivered when the contract expires</b></p> <p>Significant financial consequences for the Council.</p> <p>Reputational risk of no longer delivering the required service.</p>	Head of Environment & Leisure	<p>Robust tender process that includes the early identification of contracts approaching the end of their term</p> <p>Ongoing engagement with Members to provide a clear perspective on direction</p> <p>Awareness of central government legislative changes</p> <p>Review potential methods of operation, including researching approaches adopted by other local authorities</p> <p>Early market testing to support financial predictions</p> <p>Design of waste specification completed with careful consideration of financial implications</p> <p>GM contract completed and in final transition</p> <p>Availability of expert legal advice</p>	9 (3x3)	<p>Continued Member engagement - especially since change of governance structures, discussion at environment committee and Member briefing ahead of final contract award committee <b>(ongoing)</b></p> <p>Continue to follow Government consultations on new legislation - some basic updates received but no confirmation on when full details will be released <b>(TBC)</b></p> <p>Continue to research alternatives to commissioned services and ways to reduce financial implications <b>(as required)</b></p>	9 (3x3)
H	<p><b>Borough wide Infrastructure: Infrastructure programmes don't align to the local plan review</b></p> <p>Fail to make a robust case for public funding and / or to support development proposals that create sustainable communities</p>	Head of Planning Services	<p>Regular communication with developers, KCC, Integrated Care Board and infrastructure agencies (i.e. highways) government</p> <p>Independent specialist advice / support to work on viability / realistic development modelling</p> <p>Pursue funding opportunities/lobby agencies and Government/support delivery agencies to progress schemes</p> <p>Head of Regeneration &amp; Economic Development actively seeking public funding</p> <p>UK Shared Prosperity and Rural England Prosperity funds investment plans to unlock central government allocation</p> <p>Levelling-Up Fund business case</p> <p>Continue to strengthen relationships and communications with developers</p>	12 (4x3)	<p>Exploring development strategy options and associated infrastructure requirements as part of the Local Plan Review</p> <p>Junction 5 proposals underway <b>(due to be completed by 2024)</b></p> <p>Pursue private sector funding streams <b>(as required)</b></p> <p>Pursuing commitment for major improvement to M2J7 with KCC and Canterbury CC <b>(2024)</b></p> <p>Discussions with Integrated Care Board to establish an investment plan for the area</p>	9 (3x3)



Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
1	<p>Limitations in funding and market interest</p> <p><b>Affordable Housing: Failure to develop a good quality, viable project for the delivery of affordable housing</b></p>	Head of Housing & Community Services	<p>Access to expert consultancy and legal advice</p> <p>Strong relationships with ~RPs that develop in Swale</p> <p>Capital funding agreed by council</p> <p>SBC Landholdings identified to support the project</p> <p>Review of best practice</p> <p>Initial scoping and viability work undertaken on landholdings</p> <p>Available sources of funding reviewed</p> <p>Testing the market for possible partners</p> <p>Local Housing Company set up and director appointed to lead on development of sites</p> <p>Monitor market for land acquisitions</p> <p>Acquire suitable land to enable development of Affordable Housing</p>	12 (4x3)	<p>Deliver 3 development sites agreed by Cabinet <b>(31/03/2025)</b></p> <p>Homes England grant application being developed <b>(In progress)</b></p> <p>Become an investment partner with Homes England <b>(In progress)</b></p> <p>Rainbow Homes to become a registered provider <b>(In progress)</b></p>	9 (3x3)
Page 17	<p>As a result of the current recruitment market the Council</p> <p><b>Struggles to recruit and retain the right staff</b></p> <p>Increased costs and a loss of productivity</p>	Head of Mid Kent HR & Director of Resources	<p>Workforce strategy monitoring and reporting</p> <p>Training and development programme (including hybrid working skills and SmartPath to support managers)</p> <p>Occupational health, employee support and HSE Stress survey</p> <p>Recruitment process includes ability to adjust pay &amp; market supplement for hard to recruit jobs</p> <p>Rewards package reviewed regularly</p> <p>Commissioning specialist external support as required</p> <p>Online onboarding of new staff</p> <p>Use of Clear Review to encourage continuous conversations and clear objectives</p> <p>Hybrid Policy and service review of hybrid working arrangements</p> <p>Ongoing consultation of 34 hour week to support recruitment and retention</p>	6 (2x3)	<p>Explore further creation of career grades and the ability to bring in graduates <b>(In progress)</b></p> <p>Strengthen the succession planning progress <b>(In progress)</b></p> <p>Explore and increase in HR resources to support alternative recruitment methods <b>(In progress)</b></p> <p>Review and develop a new Workforce Strategy in consultation with key stakeholders. <b>(In progress)</b></p>	6 (2x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
K	<p><b>Housing Supply:</b>  <b>Council continues not to deliver the 5 year housing supply</b>  Increased ad hoc greenfield planning applications and potential appeals costs</p>	Head of Planning Services	Provision of a sound evidence base to support the Council's proposals for housing delivery Promote sites with early delivery programmes Ensure Members are kept up to date with key regulation and legislation changes Members agreed to continue to develop the evidence base for the Local Plan	12 (3x4)	Introduce a 'Statement of common ground' process for major development sites. Robustly review figures at appropriate update opportunities. Continue to develop the evidence base for the Local Plan.	12 (3x4)
Page 18	Security breach or system weakness <b>Cyber Security Incident</b> Cyber-attack that results in system unavailability and financial or legal liability	Head of Mid Kent IT	Effective backup arrangements External testing ICT policies & staff training, including disaster recovery plan Cyber Security testing & training, plus awareness quarterly campaigns Nessus scanning software reporting daily on system vulnerabilities Darktrace enterprise cyber immune system deployed New firewall in place (August 2022)	12 (4x3)	<b>No further mitigations identified – existing controls are ongoing to manage the risk</b>	12 (4x3)
N	Financial costs restrict delivery of actions Loss of key personnel Changes in national policy <b>The Council is unable to deliver the climate &amp; ecological emergency motion agreed at Council in June 2019.</b> Reputational damage Not meeting net zero for Swale operations	Head of Environment & Leisure	Climate & ecology emergency Member / officer steering group established Annual report to Council to monitor progress Corporate Action Plan being delivered Annual revision of action plan including focus on top 10 actions Environmental gains factored into major contracts	9 (3x3)	Key environmental policies remain in draft (new local plan) <b>(31/05/2024)</b>	9 (3x3)

Ref	Risk (Cause / Event / Consequence)	Risk Owner	Key Existing Controls	Current Rating (I x L)	Actions Planned or In Progress (target date)	Mitigated Rating (I x L)
O	<p>Emerging issues and short-term initiatives</p> <p><b>Focus on established priorities: Resources are dissipated away from statutory responsibilities and established priorities</b></p> <p>Inhibits the Council's ability to deliver on the administration's medium-term objectives</p>	Chief Executive	<p>Agreed corporate plan priorities which have been prioritised and are being monitored through Pentana Service planning process designed to relate activity more explicitly to resources and priorities</p> <p>Regular 1-2-1 meetings between senior members &amp; heads of service</p> <p>Robust budget-setting process</p> <p>Single CLT member identified to monitor/coordinate cross-cutting work on each corporate-plan objective</p> <p>Directors have overall responsibility for the delivery of the priorities</p> <p>Annual report process to be focused on corporate-plan objectives</p> <p>Routine reporting on progress against priorities to P&amp;R Committee</p>	8 (4x2)	Implement actions from the Corporate Peer Review Challenge ( <b>In Progress</b> )	4 (2x2)
Page 19 P	<p>Current Contract End expiry and investment decision required</p> <p><b>Future Leisure Centre Provision</b></p> <p>Failure to meet objectives of council key priorities around Health and Wellbeing and reputational risk of not providing an adequate service</p>	Head of Environment & Leisure	<p>Current contract has been expended until 2027. Deed variations completed by MKLS and will be presented to SERCO.</p> <p>Current contract and performance monitoring ongoing to ensure short term delivery of service.</p>	12 (3x4)	<p>External specialists commissioned to complete contract documents (<b>30/05/2025</b>)</p> <p>Series of Member workshops to discuss strategic objectives and operating models (<b>31/05/2024</b>)</p> <p>Create Project Plan to finalise the long term provision and investment plan (<b>01/06/2025</b>)</p> <p>Consider the required procurement process or in-house service set up (<b>07/01/2027</b>)</p>	4 (2x2)

# Operational Risks

The following diagrams set out the operational risk profile, which is to say the score of Swale and shared service operational risks plotted onto the risk matrix. This demonstrates the risk to the Council at this moment in time (the **current rating**) and what it could look like in the future assuming all planned actions are completed (the **mitigated rating**). Appendix 1a sets out the impact and likelihood scoring criteria used to assess risks.



There continues to be 13 risks above the Council’s risk appetite, including two black risk above its tolerance. With mitigating actions 4 of these risks will remain above the appetite. In summary the high-level risks are as follows:

Service	Risk Event	Current Rating (I x L)	Mitigated Rating (I x L)
Housing Options	Provision and cost of Temporary Accommodation	20 (5x4)	16 (4x4)
Planning Services	Planning system reform	20 (4x5)	6 (3x2)
Mid Kent ICT	IT Security Breach	16 (4x4)	16 (4x4)
Mid Kent ICT	Cyber attack	16 (4x4)	16 (4x4)
Mid Kent Legal Services	Difficulty recruiting and retaining staff	16 (4x4)	12 (4x3)
Housing Options	Staff recruitment and retention	16 (4x4)	12 (4x3)
Economic Development & External Funding	Delivery against relevant Council priorities	16 (4x4)	9 (3x3)
Economic Development & External Funding	Post-16 learning provision in the Borough cannot be improved	16 (4x4)	12 (4x3)
Community Safety	CCTV Staffing	16 (4x4)	6 (3x2)
Mid Kent Revenues and Benefits	Reduction in collection rates	16 (4x4)	9 (3x3)
Mid Kent Revenues and Benefits	Absence of key decision maker	16 (4x4)	12 (3x4)
Mid Kent Revenues and Benefits	Software Capability	16 (4x4)	16 (4x4)
Mid Kent Revenues and Benefits	Staffing issues arising from TUPE of staff	15 (3x5)	8 (2x4)

## APPENDIX Ia Definitions for Impact and Likelihood

Risks are assessed for impact and likelihood. So that we achieve a consistent level of understanding when assessing risks, the following definitions were agreed and have been used to inform the assessment of risks on the comprehensive risk register.

### RISK IMPACT

Level	Service	Reputation	Wellbeing	Legal/Compliance	Financial	Strategic Objectives
<b>Catastrophic (5)</b>	Ongoing failure to provide an adequate service in a key area	Perceived as a failing authority requiring intervention	Significant staff dissatisfaction, long term absence, or increased staff turnover including key personnel	Litigation almost certain and difficult to defend. Breaches of law punishable by imprisonment. Possible responsibility for death.	Uncontrollable financial loss or overspend over £1.5m	Failure to deliver multiple key priorities
<b>Major (4)</b>	Key service areas disrupted 5+ days  Other service areas ongoing failure	Significant adverse national publicity	Adverse staff dissatisfaction, or increased absence and turnover of staff	Litigation expected and uncertain if defensible. Breaches of law punishable by significant fines. Fails to prevent death, causes extensive permanent injuries or long term sick	Financial loss or overspend greater than £1m	Failure to deliver key priority
<b>Moderate (3)</b>	Key service disruption 3-5 days  Other service disruption 7+ days	Adverse national publicity of significant adverse local publicity	Declining staff satisfaction, or some loss of staff due to absence or turnover	Litigation expected but defensible. Breaches of law punishable by fines. Fails to prevent extensive permanent injuries or long term sick.	Financial loss or overspend greater than £700k	Unsatisfactory delivery of priorities
<b>Minor (2)</b>	Key service disruption 2 days  Other service disruption 2-7 days	Minor adverse local publicity	Short-term dissatisfaction, minor loss of staff due to absence or turnover	Complaint or litigation possible. Breaches of regulations or standards. Long term injuries or sickness.	Financial loss or overspend greater than £100k	Poor delivery of priorities
<b>Minimal (1)</b>	Any service disruption 1+ day	Unlikely to cause adverse publicity	Loss of staff morale but unlikely to result in absence or turnover of staff	Unlikely to cause complaint. Breaches of local procedures.	Financial loss or overspend under £100k	Minimal reduction in delivery of priorities

### RISK LIKELIHOOD

Level	Probability	Description
<b>Highly Probable (5)</b>	80% +	Without action is likely to occur; frequent similar occurrences in local government / Council history or anticipated within the next 6 months.
<b>Probable (4)</b>	60% - 80%	Similar occurrences known often in local government / Council history or anticipated within the next 12 months.
<b>Possible (3)</b>	40% - 60%	Similar occurrences experienced in local government / Council history or anticipated within the next 18 months.
<b>Unlikely (2)</b>	20% - 40%	Not unheard-of occurrence in local government / Council history. Anticipated within the next 2 years.
<b>Rare (1)</b>	0% - 20%	Seldom occurs; no recent similar instances in local government / Council history.

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<b>Policy and Resources Meeting</b>	
<b>Meeting Date</b>	16 October 2024
<b>Report Title</b>	Council Tax Reduction Scheme 2025/26
<b>EMT Lead</b>	Lisa Fillery, Director of Resources
<b>Head of Service</b>	Zoe Kent, Head of Revenues and Benefits – Mid Kent
<b>Lead Officer</b>	Zoe Kent, Head of Revenues and Benefits – Mid Kent
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That the Policy and Resources Committee note the progress of the income banded Council Tax Reduction Scheme.</li> <li>2. That the Policy and Resources Committee recommends to Council that the scheme is not changed for 2025/26, except to amend the income bands to align with DWP benefit changes. That this amendment is delegated to the Director of Resources.</li> </ol>

## 1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to recommend the implementation of the Council’s Council Tax Reduction Scheme with effect from 1<sup>st</sup> April 2025.
- 1.2 Each year the Council is required to review its Council Tax Reduction Scheme in accordance with the requirements of schedule 1A of the Local Government Finance Act 1992 and to either maintain the scheme or replace it.
- 1.3 Council Tax Reduction (CTR) was introduced from 1 April 2013 when it replaced the Central Government funded Council Tax Benefit regime. From its inception, the funding available to the Council from government has reduced year on year.
- 1.4 This report recommends that no changes are made to the format of the banded scheme for the financial year 2025/26. It is however recommended that the income amounts within the banded grid are increased in line with the DWP annual percentage uprating increase.

## 2 Background

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

result, and to encourage each district to produce a scheme that was broadly consistent across the county, the major precepting authorities agreed to pay each district a grant towards the administration of the scheme. For Swale in 2023/24 the payment was £134,000.

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

2018/19 £8,854,129  
2019/20 £8,602,987  
2020/21 £9,680,057  
2021/22 £10,000,329  
2022/23 £10,025,014  
2023/24 £10,241,101  
2024/25 £10,864,960

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



- 2.9 The new banded scheme meant that constant liability changes have been avoided, and revised bills are only issued where income crosses into another income band. This has made it less cumbersome for customers and has allowed us to convey a relatively simple eligibility and understanding of the income banded scheme.
- 2.10 There is now a better understanding by claimants of how much they are required to pay towards their Council Tax. It is also helping, that a claimant's income can go up and down and unless it moves them to a different band the amount they need to pay will stay the same. There has also been a reduction in the number of entitlement letters and adjustment notices that are issued.
- 2.11 Table 1 shows the income banded scheme for single claimants, couples, lone parents with one or two or more children and couples with one or two or more children. Passported in the table refers to legacy benefits (job seekers allowance, income support, and employment and support allowance) for customers who have not migrated to Universal Credit.

**Table 1**

<b>Band</b>	<b>Discount</b>	<b>Single Person</b>	<b>Couple</b>	<b>Lone Parent with one child or young person</b>	<b>Couple with one child or young person</b>	<b>Lone Parent with two children or young persons</b>	<b>Couple with two children or young persons</b>
<b>1</b>	80%	£0 to 101.38	£0 to £154.73	£0 to £160.06	£0 to £213.41	£0 to £234.75	£0 to £288.10
<b>2</b>	60%	£101.39 to £149.38	£154.74 to £202.74	£160.07 to £213.41	£213.42 to £266.76	£234.76 to £288.10	£288.11 to £341.45
<b>3</b>	40%	£149.39 to £202.74	£202.75 to £256.09	£213.42 to £266.76	£266.77 to £320.11	£288.11 to £341.45	£341.46 to £394.80
<b>4</b>	20%	£202.75 to £288.10	£256.10 to £341.45	£266.77 to £341.45	£320.12 to £394.80	£341.46 to £426.81	£394.81 to £480.16
<b>5</b>	0%	Over £288.10	Over £341.45	Over £341.45	Over £394.80	Over £426.81	Over £480.16

## **2 Proposals**

- 2.1 This is the second year of the banded scheme, it is advisable to not make any major changes to the scheme at this time.
- 2.2 The automation of the Universal Credit information that is received from the DWP on a daily basis has significantly reduced the amount of work that has to be dealt with by the team. Around 100 notifications are received a day, of these between 60% to 70% are automated.

2.3 It is however proposed that the amounts within the grid are increased by the DWP annual uprating amount for 2024/25 (to meet the levels of Universal Credit basic allowance before premiums up to two children for those not working). This means that claimants stay within their correct bands when their state benefits are increased. If the grid is not changed claimants may drop to a lower band meaning they are not receiving the correct level of support.

## 4 Alternative Options Considered and Rejected

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

4.2 The scheme could return to the previous model not using a banded approach. This is not recommended because the current scheme is working well, and it would increase the administration needed to assess claims.

## 5 Consultation Undertaken or Proposed

5.1 A consultation was carried out in autumn 2022, this showed that most respondents were in agreement with the changes to the scheme. Appendix I gives an overview of the consultation results.

5.2 If changes are not recommended to the scheme, we are not required to carry out a consultation. The percentage change to the grid figures would not change the amount of support claimants receive. It should be cost neutral in the majority of cases.

## 6 Implications

Issue	Implications
Corporate Plan	The objectives and priorities in the corporate plan. Performance is measured through BV9 Percentage of Council Tax collected in year.
Financial, Resource and Property	The current Council Tax Reduction scheme costs approximately £11m which is borne by the Council's Collection Fund. Costs are shared between the Council and the Major Precepting Authorities in the following proportions: <ul style="list-style-type: none"> <li>• Borough Council (11%)</li> <li>• The County Council (73%)</li> </ul>

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

Risk Management and Health and Safety	Not directly applicable
Equality and Diversity	<p>The public sector equality duty requires decision-makers to have due regard to the need to eliminate unlawful discrimination and advance equality of opportunity right throughout the decision-making process. A full Equality Impact Assessment was carried out prior to the changes that were brought in for the 2023/24 scheme, this is included within Appendix II.</p> <p>As we are not recommending changes to the 2025/26 scheme, an Equality Impact Assessment is not required.</p>
Privacy and Data Protection	All requirements have been adhered to.

## 7 Appendices

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

## 8 Background Papers

Council Tax Reduction Scheme 2024/25 – to follow

<b>Policy &amp; Resources Meeting</b>	
<b>Meeting Date</b>	16 October 2024
<b>Report Title</b>	Accounts to write off
<b>EMT Lead</b>	Lisa Fillery Director of Resources
<b>Head of Service</b>	
<b>Lead Officer</b>	
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. The committee consents to the write off of the debts in excess of £10k.

## 1 Purpose of Report and Executive Summary

1.1 This report schedules those debts in excess of £10,000 to be written off as irrecoverable which it has been agreed will be reported to Committee prior to the Director of Resources authorising the write-offs.

## 2 Background

2.1 The Accounts and Audit Regulations 2003 (as amended) require that decisions to write of accounts are taken with the authority of the responsible financial officer.

2.2 The council's constitution (D5.9) states that once raised, no bona fide debt or part of the debt may be written off, unless the reason for write off is fully documented and approved by the Director of Resources.

(a) all debts arising from bankruptcies and liquidations, which are not covered by distributions from liquidators, receivers or administrators; and

(b) any other single amount due to the Council up to £5,000 or with Management Team approval £10,000. Any outstanding debt in excess of this amount can only be written off with the consent of the Policy and Resources Committee.

2.3 From year to year it is not possible to predict the level of write offs. What is possible is to ensure that procedures are in place to deal with these accounts properly; that proper claims are made in respect of bankruptcy and liquidation cases, executors are informed of liabilities and that all tracing enquiries are made in respect of absconded cases.

### 3 Proposals

- 3.1 The Director of Resources receives regular reports requesting the write off of debt, that has followed the due process for collection and is deemed to be irrecoverable. The debts that are within the delegation limits of the Director of Resources and Executive Management Team are reviewed and where appropriate are approved for write off.
- 3.2 Debts in excess of £10,000 that require the consent of Policy & Resources to write off are listed below with the justification for the write off request.
- 3.3 Business Rates

Business Rate debt write offs are accounted for through the collection fund where provision is made for the non payment of debts. The provision and the write off amounts are proportionate to the preceptors share of the business rates collection fund.

Account number	Amount	Details
327233635	£18,196.34	Company occupied premises from March to October 2022. Demand notices issued following non payment of business rates and Liability Order granted by the courts in December 2022. Debt recovery was unsuccessful and company was dissolved in June 2023 therefore we are no longer able to follow up on debt recovery.
327211522	£39,277.10	Company occupied premises from May 2019 to January 2020. Demand notice issued following non payment of business rates and Liability Order granted by the court in September 2019. Initial payment arrangement ended after 4 months with the registered office for the company now as the Official Receivers office in Cardiff this debt is irrecoverable.
327238884	£25,803.10	Company occupied premises from June 2022 to March 2023. Bills and subsequent demand notices issued with final notice and Liability Order granted in May and June 2023. Company dissolved in February 2024 and debt recovery returned to the council as non recoverable.
327235654	£14,570.12	Company liable for property charges from March 2021 until September 2022. Demand notices duly issued and sent to insolvency practitioner following notification of company in liquidation in October 2022. Company

		dissolved in Feb 2024 and so debt no longer recoverable.
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### 3.4 Housing Benefit

Housing Benefit overpayments arise when claimants' circumstances change and cancellations or reductions of their benefit entitlement is back dated to the date of the change. Deductions to recover overpayments can be made from any ongoing or reinstated benefits where possible. When benefits are no longer payable and tracing and other collection methods are unsuccessful and the debt is deemed irrecoverable, then the request to write off those debts is made. If new information is received once a debt has been written off the cases will be revisited to recommence recovery action.

Amount	Details
£16,319.95	Housing Benefit overpayment was assessed following a DWP Accuracy initiative review of the claimants non-dependant earnings in December 2020. Claim was assessed year on year from 2015 resulting in an overpayment of almost £18k. Between Jan and October 2021 weekly deductions of £11.25 were made from existing HB claim which increased to payments of £12/week from December 2021 to June 2023 following transfer to universal credit. We received notification of claimants death in June 2023 and were advised that the money left in the estate at the time of death had been used to pay part of the funeral expenses. There are no further means of recovering this debt.

### 3.5 Council Tax

Amount	Details
£11,643.92	Council tax arrears have accrued between 2019/20-2023/24 with an Individual Voluntary Arrangement (IVA) being agreed in August 2023. This process ceases to allow active recovery of outstanding debt as payments made to an insolvency practitioner are divided between all listed creditors. The level of payments received to cover outstanding debts as part of an IVA are usually very small and will take many years to clear the debt outstanding and so it is usual practice to write off the debt as an IVA is agreed and then write back any payments received in respect of the original debt. We are currently receiving £92/month in respect of this IVA.

3.6 There are no requests to write off debts in excess of £10,000 for Sundry Debts.

3.7 Allowance is made in the accounts for the non-recovery of a small proportion of debts. The Collection Fund bears the cost of write offs for council tax and business rates, and these losses are shared with the precepting authorities for

council tax and includes the government for business rates. The council has a bad debt provision for sundry debts and housing benefit payments.

#### 4 Alternative Options Considered and Rejected

- 4.1 The council has done all it can to recover the debts listed above. The alternative option would be to hold the debt on record but without the likelihood of any future recovery this option is not recommended.

#### 5 Consultation Undertaken or Proposed

- 5.1 No consultation has taken place. The Director of Resources is authorised to write off debts and this report to Committee is an element of consultation in that process.

#### 6 Implications

Issue	Implications
Corporate Plan	The recommendation in this report supports the business of council and making it fit for the future.
Financial, Resource and Property	The council provides an allowance to cover the non payment of debt across all debt categories and these write offs will be charged to that provision and will not create a further budget pressure.
Legal, Statutory and Procurement	In accordance with Accounts and Audit Regulations (2003) as amended the responsible officer must authorise the write off of debts.
Crime and Disorder	None identified at this stage
Environment and Climate/Ecological Emergency	None identified at this stage
Health and Wellbeing	None identified at this stage
Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage



Risk Management and Health and Safety	None identified at this stage
Equality and Diversity	None identified at this stage
Privacy and Data Protection	None identified at this stage

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<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	16 October 2024
<b>Report Title</b>	Communications Strategy
<b>EMT Lead</b>	Larissa Reed – Chief Executive
<b>Head of Service</b>	Philip Sutcliffe – Policy and Communications Manager
<b>Lead Officer</b>	Philip Sutcliffe – Policy and Communications Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. To adopt the Communications Strategy 2024 - 2027

## 1 Purpose of Report and Executive Summary

- 1.1 The Councils Corporate plan identified the need for effective communications both internally and externally.

Good communication is about engaging with our audiences, not just informing them about issues and services.

Communication is also about giving people the opportunity to express their views and opinions as well as providing information. Good communication leads to better services, a stronger reputation and positive relationships.

Internal and external communications affect all aspects of our day-to-day business: from businesses talking to our teams about planning issues; families using our leisure facilities; councillors advocating on behalf of their residents; and information in the council tax letter about value for money.

Communications is the responsibility of everyone who works for us, not just the communications team.

- 1.2 This strategy (appendix 1) sets out how Swale Borough Council currently communicates with members, officers, partners and members of the public. The strategy sets out the changes the council wishes to make to ensure improvements to our communications service

## 2 Background

- 2.1 In 2022, the council took part in a corporate peer challenge and one of the key recommendations from this was to **Prioritise work on developing your communications and engagement strategy**

- 2.2 A member working group consisting of members from the Administration Groups and the Liberal Democrats met on three occasions to workshop how the council should communicate with residents, partners, members and staff.

- 2.3 A draft of the strategy was considered by the member working group.

### 3 Proposals

- 3.1 The communications strategy (appendix 1) is adopted. It has been a piece of work which has been co-produced between officers and members.

### 4 Alternative Options Considered and Rejected

Not to have a Communications Strategy. This would be possible, however the work undertaken by members in developing the strategy is key in ensuring we provide effective and efficient communications to residents, partner, staff and members. This is option is therefore not recommended

### 5 Consultation Undertaken or Proposed

- 5.1 There has been no formal consultation, however the strategy has been co produced between members and officers.

### 6 Implications

Issue	Implications
Corporate Plan	This strategy meets the outcomes in the Running the Council section of the corporate plan 2023-2027,
Financial, Resource and Property	There are no direct costs to produce the strategy, however the strategy does acknowledge that Swale has the lowest number of communications staff of any council in Kent and there are some areas of the strategy which will require additional investment to deliver.
Legal, Statutory and Procurement	There is no statutory requirement for the council to have a communications strategy. An effective communications function will ensure compliance with relevant legislation and codes of practice including the Code of Conduct on Local Authority Publicity, accessibility regulations and publicising sentencing outcomes.
Crime and Disorder	There are no direct crime and disorder implications of this strategy
Environment and Climate/Ecological Emergency	There are no direct Environmental Emergency implications of this strategy
Health and Wellbeing	There are no direct Health and Wellbeing implications to the adoption of this strategy, however effective council communications will enable residents to access services which may have a positive impact on their health and wellbeing
Safeguarding of Children, Young	There are no direct safeguarding implications of this strategy

People and Vulnerable Adults	
Risk Management and Health and Safety	There are no direct health and safety implications of this strategy
Equality and Diversity	<p>Equalities and diversity run throughout council activity, and the strategy will support this work.</p> <p>Our communications cannot solely rely on digital communications, which would exclude sections of our community who do not have access to these channels.</p> <p>Digital communications need to be accessible to those who use assistive technologies, which the strategy supports.</p>
Privacy and Data Protection	There are no direct privacy or data protection implications of this strategy

## **7 Appendices**

Appendix 1 – Draft Communications Strategy 2024-2027

## **8 Background Papers**

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# Communications Strategy

June 2024

“Communications without strategy simply does not work. It is the golden thread that links a corporate plan, the organisation’s values and behaviours, residents and employee’s insight, and makes sense of it all.”

Communications at Swale .....	3
Why Swale needs good communications .....	3
What is a communications strategy? .....	4
Our approach to communications .....	5
Our audiences .....	6
Communications channels.....	6
Our resources .....	8
Work Plan .....	9
Our standards.....	9
Our Core Principles .....	10
Evaluation.....	10
The Annual Campaigns Plan .....	11

# Communications at Swale

We believe that good communication is about engaging with our audiences, not just informing them about issues and services.

Communication is also about giving people the opportunity to express their views and opinions as well as providing information. Good communication leads to better services, a stronger reputation and positive relationships.

Internal and external communications affect all aspects of our day-to-day business: from businesses talking to our teams about planning issues; families using our leisure facilities; councillors advocating on behalf of their residents; and information in the council tax letter about value for money.

Communications is the responsibility of everyone who works for us, not just the communications team.

We want to keep improving our services including communications. All employees and councillors can play a role in this improvement.

## Why Swale needs good communications

There are clear relationships between how well-informed people are about our council's services and their overall satisfaction.

Good communications lead to more effective services, a better reputation, and higher levels of trust. A good reputation and high levels of trust are especially important when things go wrong.

Residents and businesses need to know that they can trust us to deliver good services and provide effective community leadership.

The Local Government Association (LGA) defines good communications as:

- Articulating the ambition for the area
- Improving corporate and personal reputation
- Supporting good political leadership
- Helping engagement with residents, partners, and staff
- Building trust
- Rallying advocates
- Driving change and deliver savings
- Attracting investment (and good people)



- Being used to manage performance
- Strengthening public support and understanding

And it is delivered through:

- Leadership – clarity of purpose and commitment
- A distinctive brand – what you stand for, values and trust
- A clear vision
- Being authentic to your local area
- Adopting a strategic approach to communications – communication without strategy does not work
- Developing a corporately agreed, fully evaluated annual communications plan - not just sending out ad hoc stuff
- Making sure all communications activity is based on research and insight and that campaigns are linked to corporate priorities and resourced accordingly
- Investing in evaluation
- Ensuring communications are owned by everyone

These principles are the foundations of our communications strategy.

## What is a communications strategy?

A communications strategy is key in supporting delivery of our priorities. It provides a framework to ensure that we deliver clear, consistent and coordinated communications, that offer good value for money. It should set out priorities for delivery and improvement.

Together, officers, councillors, residents, businesses and other partners, such as the voluntary sector, can use this strategy to make sure the council is communicating clearly, consistently and through appropriate and accessible channels.

As a **resident** you can use this strategy to help:

- Understand what channels of communication are available and which are most suitable and convenient for you
- How you can communicate with us to give your views, feedback on services and highlight issues of concern
- Measure how effectively the council is communicating and how it offers good value for money.

As a **Councillor** you can use this strategy to help:

- Understand and challenge how we are doing in communicating effectively
- Signpost residents and businesses to communication channels that you think may be useful to them
- Understand priorities for improvement in communications and how we are delivering these.

As an **officer** you can use this strategy to help:

- Understand what external channels of communication are available and which are most appropriate to engage with your customers and service users
- Understand what internal channels are available so you have the all the information you need to deliver excellent services
- Understand priorities for improving communications and your role in supporting this

## Our approach to communications

Our communications will be timely, open, trustworthy and focused on issues that matter to the residents of Swale. We will communicate in plain English.

Our goals are to:

- Inform and engage residents and staff
- Prove we provide value for money
- Build trust and confidence in what we do
- Improve key services and show we are doing so
- Focus on changing lives for the better

To meet the goals of our communications strategy we will aim to:

- Communicate as one organisation with one voice
- Engage with our audiences through channels which work for them: listen and ensure we are easy to communicate with
- When possible, act on feedback we receive
- Ensure our communication is successful by measuring the quality and impact of what we do.

How we will do this:

- We will deliver clear, creative and value-for-money communications based on the issues that matter to Swale residents
- We will protect our brand so that all residents recognise the council's role in improving the borough

- We will ensure our staff are informed and engaged in all that we do

## Our audiences

### Internal audiences:

- Council staff:
  - office based
  - staff based outside of Swale House
  - hybrid and homeworkers
  - senior leaders (EMT, SMT) and managers.
- Councillors:
  - leader and committee chairs
  - backbench councillors
  - opposition councillors

### External audiences:

- residents
- local government partners – Kent County Council, Kent councils
- major contractors
- partnerships
- government departments and key politicians – MP's and Kent Police and Crime Commissioner
- local, regional, national and businesses
- community groups, faith groups and voluntary organisations
- schools

## Communications channels

Effective communication relies on a mix of communications channels, including, direct communications (leaflets, publications, digital and social media), media relations, events and internal and partner communications (working with employees and stakeholders to ensure everyone gets consistent, timely information).

Within our campaign plans, these channels will be matched to different audiences to ensure that messages are communicated at the right time, to the right people, in the right way.

We communicate and engage with residents, councillors and employees through a wide range of channels:

- The council's website – [swale.gov.uk](https://www.swale.gov.uk) – is our main communications channel. In 2023, the site had:

- 58.4k site views per week
- 6k views of home page per week
- Various social media channels (March 2024):
  - Facebook: 12.4k followers
  - Twitter/X: 7.8k followers
  - LinkedIn: 1,908 followers
- Inside Swale: 64,765 copies delivered by Royal Mail
- Business newsletter (1,783 subscribers)
- Print and broadcast media – regular press releases and occasional radio adverts
- Adverts and public notices in local press when appropriate
- Public engagement events including service committees, area committees and full council
- Member briefings
- Monthly all staff briefings.

Through the life of the strategy – we wish to develop the way we communicate with residents, members and officers. We will actively work to

- Create the news we report and encourage councillors to produce their own content, such as videos showcasing their ward work
- Change our relationship with residents through social media by using it as a discussion tool rather than an informing tool (this will require additional resource)
- Trial and roll out the use of additional social media channels, such as Instagram and WhatsApp, where resources allow
- Continue promoting job opportunities through social media
- Work to identify how to have more two-way dialogue with residents, such as through Q&A on social media with committees and councillors
- Reduce our reliance on news releases to local print media, understanding the impact of this on the key messages we want to get out.
- Increase the amount of information we share with members through briefings (both written and meetings)
- Celebrate the diversity of our communities.
- Improve our internal comms offer to officers.
- Support council services to ensure we are promoting our services and events in a relevant and timely manner, understanding the resource implications and impacts on other communications work.

We will look to use the following mechanisms to communicate effectively:

Our external channels:

- council website
- social media channels – which could include Facebook, LinkedIn, Instagram
- emerging email newsletter
- annual council tax leaflet
- Inside Swale
- Targeted direct mail
- On council buildings
- providing assets for community noticeboards
- Out of home advertising (print and digital)
- Railing banners
- vehicles – waste and recycling, grounds maintenance
- construction site hoardings
- neighbourhood shopping parade
- events
- litter bins and street furniture

Our internal channels:

- weekly staff bulletin (housekeeping)
- intranet
- display sites within council buildings including toilets, lifts, meeting rooms, photocopier rooms and wellbeing areas
- Chief executive and leader face-to-face and virtual briefings
- all staff briefings
- directorate team meetings
- All staff/member emails
- Teams channel and other 365 apps
- internal events

## Our resources

The communications and policy team will develop and deliver the strategy's annual communications plan working with services and members.

The team is responsible for most of our core communications – including media relations, the main social media accounts, the website and intranet, the twice yearly Inside Swale magazine, the emerging email newsletter, internal communications channels, and some campaigns.

The communications function is led by a manager, who reports directly into the chief executive and attends meetings of the Strategic Management Team (SMT). There are

two communications officers, a graphic designer and a web communications officer. This is a lower level of resource compared to other Kent councils.

The team will have more of strategic presence in the council, leading our communications activity.

This is so the team is more involved in the right projects at the right time using the team's full range of expertise and knowledge to advise and support service areas on communication matters and reputational issues

## Work Plan

The communications and policy team works within an annual work programme of communications and marketing campaigns that link directly to the corporate plan, annual delivery plan and associated service plans.

The work plan will be developed by the communications team working with heads of service and committee chairs, ensuring our strategic aims and service objectives are reflected in all communications activity.

There must be a clear line of sight of all work coming into the team that can be prioritised by managers on an ongoing basis and resource is used as flexibly as possible to deliver the priorities and projects emerging.

Equalities and accessibility run throughout all activity, ensuring inclusion is a key part of service planning. This applies to how we develop and share messaging, the channels and networks we use, and how we listen to feedback.

The broad scope of the team's work is as follows:

- **Priority 1** - campaigns are those that will have the biggest impact on council reputation and are vital to the delivery of one of our agreed priorities.
- **Priority 2** - campaigns are closely aligned to priorities but have a lesser impact on the reputation of the organisation.
- **Priority 3** - activity includes smaller campaigns - either aimed at smaller audiences or supporting time limited activity or events.

## Our standards

The style and standard of our communications reflect our culture and reveal who we are.

All communications we issue – both internal and external – are:

- Open and honest - plain talking and direct as well as truthful and factual.
- Timely - up-to-date information communicated regularly, consistently and quickly.

- Clear and concise - easy to understand and jargon free.
- Accessible – meeting our legal obligations and easy to access through online and traditional channels.
- Relevant - targeted at the needs of the intended audience.
- Inclusive - designed to encourage and value discussion and feedback, with information available in formats suitable for people with disabilities and in a variety of languages.

## Our Core Principles

We will be driven by the following principles which will frame how we work and prioritise what we do.

- Digital by default – placing the strongest emphasis of our work on digital and social media activity. This increases efficiency, reduces costs and is environmentally friendly.
- Acknowledging the diversity of our population, a range of communications methods are deployed to reach all our audiences, including those with limited or no digital access.
- Insight-driven – based on what we know our customers and stakeholders want. Focused on audiences rather than policies.
- Fully evaluated – so that we can tell what is working well and what needs to be improved.
- Innovative – continually reviewing and testing our approach to ensure we deliver the right message, at the right time, in the right format.
- Collaborative – working with internal and external partners to foster a culture of shared understanding and collective goals.

## Evaluation

A good communications strategy relies on good evaluation which is not just a list of outputs but focused on outcomes and driven by insight.

Each of the campaigns in the annual campaigns plan will contain an evaluation section, which will include:

- inputs - what we put in, our planning and content creation
- outputs - what is produced, such as content and assets
- outcomes – what is achieved, such as audience reach, engagement, behaviour change

We will make quarterly reports on our progress against the strategy's annual campaigns plan to EMT and annually to Policy and Resources.

## The Annual Campaigns Plan

The annual campaigns plan will be developed alongside an annual delivery plan and will be signed off by the chief executive and leader. Each campaign will follow the same template and will use the following headings:

- context
- aim and objectives
- strategy
- tactics
- audiences
- messages and content
- channels
- resources
- evaluation

## Actions

To support delivery of this strategy, we will:

- identify training resources for members to encourage greater use of video in their communication with residents
- review and refresh if necessary the council's brand guidance
- roll out and grow the audience for new direct email newsletter for residents
- identify resource to support wider use of additional social media channels, including training where necessary
- create "house rules" and officer guidance for use of social media
- develop style guide to ensure website content is consistent, accessible and effective



<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	16th October 2024
<b>Report Title</b>	Planning Enforcement Strategy – draft for adoption
<b>EMT Lead</b>	Emma Wiggins Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Joanne Johnson Head of Place
<b>Lead Officer</b>	Paul Casey Team Leader – Planning Investigations
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	1. Members are asked, following a recent consultation, to adopt the Planning Enforcement Strategy in order that it can be published and come into effect on 4 November 2024

## 1 Purpose of Report and Executive Summary

- 1.1 Members are requested to approve the Planning Enforcement Strategy so that it can be published and come into effect on 4 November 2024. The report taken to Planning and Transportation Working Group (PTPWG) on 17 September 2024 is provided at Appendix I. The draft minutes of the 17 September PTPWG meeting are provided in Appendix II

## 2 Background

- 2.1 The discussion at PTPWG involved noting the responses to the public consultation and the following recommendations by members have been considered and added to the draft strategy.
- Para 2.5 Expediency – added: Decisions to take enforcement action will be relayed to all borough councillors, in line with the current scheme of delegation.
  - Para 3.3 What we cannot investigate – added: dumping of waste on public land/ fly tipping and clarified waste crime.
  - Para 3.1 Reporting a breach – added: The best way to report a breach... and email and postal address for complaints. Also added a line regarding the Swale Planning Enforcement Website and information on how to access historic enforcement notices online.
  - All references to the Area of Outstanding Beauty changed to Kent Downs National Landscape.
  - Para 4.3 Formal action – added: Planning enforcement notices issued by the Council are kept on the planning register and are available to view on the Councils Planning website.

Appendix 2 Planning Enforcement Priorities – it was suggested that the pitching of caravans be moved to Category 1 from Category 2. Category 1 breaches are those that are irreversible once works have been undertaken and as such it is considered that the pitching of caravans on agricultural land should remain in Category 2 as the Council has suitable enforcement powers to ensure that any unauthorised development is actioned appropriately.

All references in the strategy to ‘complaint’ and ‘complainant’ have been changed to read ‘enquiry’ and ‘customer’. These change have been made to make distinction between corporate complaints and enquiries submitted to Planning Investigations that allege a breach of planning control.

### 3 Proposals

- 3.1 On 17 September 2024, PTPWG resolved that the draft Planning Enforcement Strategy be recommended to Policy and Resources Committee for adoption.

### 4 Implications

Issue	Implications
Corporate Plan	The strategy contributes towards our vision to provide a cleaner, healthier, more sustainable and enjoyable environment and to work with communities and outside bodies
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this Enforcement Strategy as it is being carried out by officers.
Legal, Statutory and Procurement	The relevant legislation in relation to planning is contained within the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and The Town and Country (General Permitted Development) (England) Order 2015 During the consultation a number of changes were made to legislation, including the introduction of Enforcement Warning Letters, immunity from enforcement action standardised to 10 years, restriction on appeals against enforcement notices and removal of our choice of appeal procedure for Lawful Development Certificates.
Crime and Disorder	The strategy contributes towards handling unauthorised development and the potential for enforcement action with the aim of protecting communities and their environment
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	A robust and accountable planning enforcement regime helps preserve the integrity of the planning system.
Equality and Diversity	The strategy recognises the Public Sector Equality Duty as per sections 149 to 157 of the Equality Act 2010 and investigations undertaken will be mindful of and where appropriate reflect specific circumstances related to protected characteristics
Privacy and Data Protection	Data protection and privacy rules are set out in the consultation draft.

## 5 Appendices

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

- Appendix I: PTPWG report 17/9/24
- Appendix II: Draft minutes PTPWG 17/9/24

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# Planning Enforcement Strategy

2024

Foreword by Cllr Tim Gibson, Leader of Swale Borough Council

## FOREWORD

I am delighted to publish Swale Borough Councils Planning Enforcement Strategy which sets out how we deal with complaints and queries about alleged breaches of planning control.

The strategy outlines the main legislative powers and how enquiries will be prioritised and investigated. The Council adopts a firm but fair approach to the investigation of enforcement matters, and enforcement officers seek to strike a sensible balance between the need for effective control and the need to be reasonable and proportionate in our response to such matters.

The strategy provides consistency in our approach to dealing with breaches of planning control and details what customers should expect from the planning enforcement service. People care about their neighbourhoods and reasonably expect the Council to uphold planning law and I am confident that the strategy will reassure the public that effective and proportionate practises are in place, which in turn should go some way in promoting transparent and effective dialogue and understanding with the Planning Enforcement Team.



Cllr Tim Gibson

Leader of the Council

### SWALE PLANNING ENFORCEMENT STRATEGY

The [National Planning Policy Framework](#) (NPPF) says in Paragraph 59 that

*“Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate”*

This Planning Enforcement Strategy is the Local Enforcement Plan as recommended by the NPPF, and sets out how the Council will approach enforcement, how and when action will be taken, and the occasions when action will not be taken.

## Table of contents

<b>1.0</b>	<b>Introduction</b>
1.1	Importance of a local enforcement plan
1.2	Principles of planning enforcement
<b>2.0</b>	<b>Breaches of planning control</b>
2.1	What is a breach?
2.2	Types of development
2.3	Immunity from enforcement
2.4	Concealment
2.5	Expediency
<b>3.0</b>	<b>Reporting alleged breaches</b>
3.1	Reporting a breach
3.2	Types of development investigated
3.3	What we don't investigate
3.4	Information needed
<b>4.0</b>	<b>Enforcement powers and processes</b>
4.1	Site visits and rights of entry
4.2	What is considered?
4.3	Formal Action
4.4	Appeals
4.5	Prosecution
4.6	What happens if you are the subject of an investigation?
<b>5.0</b>	<b>Performance standards and priorities</b>
5.1	Priorities
5.2	Contacting the customer and our Performance standards
5.3	Monitoring of sites
<b>Appendices</b>	
1	Terminology
2	Planning Enforcement Priorities (Initial Visit response times)

# 1.0 INTRODUCTION

## 1.1 Importance of an Enforcement Local Plan (Planning Enforcement Strategy)

This Planning Enforcement Strategy is being produced in line with the recommendation in the National Planning Policy Framework (NPPF) to ensure that enforcement remains a clear and transparent process serving the local community and ensuring proper planning borough wide. The strategy will guide how Swale Borough Council will approach and handle planning enforcement issues. It will set out what can and cannot be investigated, priorities for enforcement action, what courses of action are available, and will also set out targets for responding to enquiries at key stages within the enforcement process. This strategy will be reviewed on a four yearly basis – or more frequently as required - to ensure that it remains consistent with any changes in national guidance, policy and legislation and any changes to key Council documents such as the Corporate Plan.

## 1.2 Principles of Planning Enforcement

Planning enforcement aims to investigate planning breaches where development has been carried out without the benefit of the necessary planning permissions. Swale Borough Council adheres to the principles of good enforcement which include:

- **Proportionality** – enforcement action will be proportionate to the risks and seriousness of any breach including any actual or potential harm caused by the breach and the economic impact of averting the breach. Priority will be given towards unauthorised development that is causing immediate, serious, and irreversible harm. Swale Borough Council will consider a full range of enforcement powers which includes negotiation and retrospective planning applications. Where appropriate, formal action will be taken.
- **Helpfulness** - where it should be possible for all breaches of control to be quickly remedied, officers will give developers or landowners the opportunity to quickly rectify matters. Correspondence will identify the officer dealing with the matter and will provide contact details. Abusive language or behaviour will not be tolerated.
- **Targeting of enforcement action** – we will focus enforcement action on the most serious cases with the greatest potential to cause harm and will recognise that it is not possible to prioritise all issues of non-compliance or take action against breaches that are considered to cause little or no harm
- **Consistency** – consistency does not mean uniformity; however, a similar approach will be taken in similar circumstances with the appropriate exercise of professional judgement.
- **Transparency of how enforcement operates and what can be expected** – where non-compliance has been identified, officers will state what must be done to remedy the breach, clearly explaining the reasoning behind the decision, giving reasonable timescales for compliance, and providing clear guidance on the next steps if those in breach do not comply. To improve transparency and accountability, Swale Borough Council’s website will be further developed to show formal enforcement actions being taken and the progress being made. A copy of the enforcement register and an enforcement notice search facility will be added to the planning applications website.
- **Accountability for actions** – enforcement officers will abide by the strategy at all times during their working practices.



# 2.0 BREACHES OF PLANNING CONTROL

## 2.1 What is a breach of planning control?

“The carrying out of development without the required planning permission or failing to comply with a condition or limitation subject to which planning permission has been granted” (Town and Country Planning Act 1990, s171A)

Development carried out without planning permission is not ordinarily a criminal offence. There are exceptions for Listed Buildings, trees subject to a Tree Preservation Order (TPO) and advertisements displayed without consent. All other development only becomes a criminal offence if there is non-compliance following formal enforcement action. The 1990 Act defines formal enforcement action as the issue of an enforcement notice or the service of a breach of condition notice.

## 2.2 Types of Development

All development as defined by reference to Section 55 of the 1990 Act requires planning permission. There are two main types.

### ‘Deemed’ planning permission

Some types of development can be carried out without having to apply for written planning permission, and this is referred to as ‘Permitted Development.’ In these circumstances legislation is deemed to have granted planning permission if certain criteria are met as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (As amended). In addition the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (As amended) grants deemed consent for advertisements that satisfy the relevant criteria and conditions.

### ‘Express’ planning permission

All development that is not granted consent by deemed planning permission requires ‘express’ consent from the local planning authority. This requires a formal written planning application. Most planning applications are subject to public notification to nearby residents, relevant consultees and Parish or Town Councils, and are available for comment from any member of the public. More information about this process is available on the Swale Borough Council website.

## 2.3 Immunity from enforcement

Section 171B of the 1990 Act restricts the Council’s ability to take enforcement action after a certain period of time has lapsed. After the specified period, development without planning permission becomes lawful and therefore enforcement action cannot be taken.

- For building, engineering, mining, or other operations or change of use of a building to a single dwelling house, action cannot be taken after **Ten** years beginning with the date on which operations were substantially completed, including a continuous breach of planning conditions.
- There is no time limit in respect of listed buildings and enforcement action can be taken at any time.

The landowner has the option of applying for a certificate of lawful development to regularise the development.

The serving of an enforcement notice in respect of a particular development 'stops the clock' in relation to the time limit.

These circumstances do not, however, apply if the development was deliberately concealed (see 2.4 below).

## **2.4 Concealment**

The Localism Act 2011 introduced section 171BA into the 1990 Act. This power permits the Council to take enforcement action against deliberate concealment of breaches of planning control after the usual time limit for enforcement action has expired. The Council can, within six months of a breach coming to their attention, apply to the magistrate's court for a planning enforcement order. If such an order is granted by the magistrates, this allows the Council an additional twelve months in which to take enforcement action

## **2.5 Expediency**

Once a breach of planning control has been identified, the extent of the breach must be assessed to establish what action should be taken to remedy the breach and whether it is considered expedient to do so. One of the options is to invite a retrospective planning application. This enables the development to be assessed on its merits taking into account local planning policies and any other material considerations. If an application is not submitted or submitted and refused it is then at the Council's discretion to use enforcement powers. In accordance with section 172 of the 1990 Act 'expediency' is a test of whether the unauthorised development is causing serious harm and is assessed with reference to national and local planning policies and to any other material considerations (eg, amenity, design) to justify formal action.

If it is likely that the unauthorised development would have been granted, had planning permission been initially applied for, taking formal enforcement action would be unlikely. Taking enforcement action must be in the public interest. Enforcement action will not be taken simply because a breach has occurred or to punish those responsible for the breach regardless of whether the breach was carried out deliberately or in ignorance.

It will still be in the owner's best interest to regularise the breach. This can be a serious issue when it comes to selling or re-mortgaging a property, as evidence to show permission has been obtained for all extensions and alterations is often required by the purchaser's solicitor or the mortgage company.

Decisions to take enforcement action will be relayed to all borough councillors, in line with the current scheme of delegation.

## 3.0 REPORTING ALLEGED BREACHES

### 3.1 Reporting a breach.

Anyone concerned about a development or activity they believe may be unauthorised, is encouraged to report this directly to the Council. The best way to report a breach is through the online form at [www.swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement/enforcement](http://www.swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement/enforcement). Reports can also be submitted by email to [planninginvestigations@swale.gov.uk](mailto:planninginvestigations@swale.gov.uk) or by post to Planning Investigations, Swale House, East St., Sittingbourne ME10 3HT. All reports will be acknowledged, where a report is set up for further investigation you will receive an acknowledgment letter confirming our reference no., which can be used in future correspondence.

Before submitting an enquiry, customers are advised to check whether the particular development or activity already benefits from planning permission. This information can be found on the Council's website at <https://pa.midkent.gov.uk/online-applications/>. Additional information can be found on the Planning Enforcement website at [www.swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement](http://www.swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement). On this part of the website, you will be able to access details of historic enforcement notices served from 1990. For details of notices prior to 1990 these can be obtained on request by emailing [planninginvestigations@swale.gov.uk](mailto:planninginvestigations@swale.gov.uk)

Enquiries will be investigated in accordance with the Planning Enforcement Priorities at Appendix 2. Anonymous enquiries with limited or incorrect details will not normally be investigated, however, officers have full discretion in this regard and will make an informed choice whether to investigate based on the nature of the enquiry. This is to ensure that public resources are not spent unnecessarily investigating hoax or malicious enquiries and due to the importance of being able to fully assess the impact of the development on the customer as part of the investigation.

The subject of an investigation will be public information; however, the identity of the customer will be kept confidential. It is possible that the person who is the subject of the investigation may draw their own conclusions about the source. In some cases, a court may declare that personal information has to be made available; however, this is very unusual. If the case is referred to another department within the Council personal information will be passed on but would remain confidential.

Swale Borough Council cannot investigate an enquiry based on speculation, information, or suggestion regarding what may be planned and where no actual breach of planning control has taken place.

It should be noted that the Planning Investigations Team does not operate a 24 hour service, if reports are received out of hours they will be considered alongside the Planning Enforcement Priorities at Appendix 2 the next working day. Should, however, investigative work be required this will take place out of hours should it be necessary.

### 3.2 Types of development that will be investigated.

There are a number of matters that do not fall within planning control and therefore no planning enforcement action can be taken. Often this is where other legislation covers and controls the matter, such as Highway, Environmental Health and Building Control or external organisations such as the Health and Safety Executive or Police

The following are examples of what the planning service can investigate:

- Carrying out development where no planning permission has been sought.
- Carrying out development which deviates from that which has been granted planning permission.
- Breach of conditions which were imposed under an existing planning permission.
- Unauthorised change of use
- Unauthorised display of advertisements
- Unauthorised works to a Listed Building
- Unauthorised works to a protected tree
- Unauthorised works in a conservation area or a protected area such as the Kent Downs National Landscape.
- Derelict buildings and untidy residential properties (condition adversely affects the amenity of the area)
- Unauthorised work to hedgerows

### **3.3 What we cannot investigate.**

- Internal works unless they relate to Listed Buildings
- Obstruction of highway, footpaths, and parking of vehicles on the road or grass verges
- Matters controlled under building regulations such as dangerous structures.
- Private issues between neighbours (that don't involve material planning considerations)
- Opposition to business competition
- Non-material planning considerations such as loss of property value or loss of view
- Noise, Smoke, dust or vibration unless it is in breach of a planning condition.
- Land ownership or boundary issues
- Party wall disputes
- Blocking of designated rights of way
- Breaches of property deeds or covenants
- Damage to property
- Health and safety and site security
- Untidy land, for example an unkempt lawn where there is a minimal effect on amenity
- Dumping of waste on public land/flytipping

Matters relating to the highway and public footpaths are dealt with by Kent County Council.

Reports about noise, smoke and dust should be reported to Environmental Health.

Boundary issues and party wall disputes are private matters.

Concerns about Health and Safety and site security should be reported to the Health and Safety Executive (HSE)

Dangerous structures are inspected by STG Building Control Partnership

Waste Crime e.g. unlawful landfill sites is dealt with by the Environment Agency. Matters relating to fly tipping are dealt with by Environmental Health.

On receipt of reports which relate to any of the above, advice on how to contact the correct department or agency will be given, but if the report suggests that there is an immediate threat to health and safety of the public we will endeavour to contact the relevant authority on behalf of the customer.

Other works that are not classed as breaches of planning control:

- Clearing of land of vegetation unless it is the subject of a planning condition or protected under a Tree Preservation Order
- Fences or other means of enclosure adjacent to the highway 1m in height or 2m in all other cases unless permitted development rights have been removed, subject of an Article 4 Direction or a Listed Building. Highway may also include a private road so long as it is one over which the public has a right to pass and repass.
- Parking of a caravan within a residential property if it is used incidentally or ancillary to the main dwelling.
- Conversion of garages or outbuildings to residential if they are used incidentally or ancillary to the main dwelling.
- Operating of business from home where the residential use remains the main use and there is no serious harmful impact on neighbouring amenity.

If a sufficiently harmful breach of planning control is confirmed then officers will initially try to resolve the issue through negotiation and informal action, however, in some cases due to the level of harm it may be considered appropriate to take immediate formal enforcement action, without any initial contact with the contravener.

### **3.4 Information needed.**

In order to investigate an alleged breach, it is important that the Council has as much information as possible. Breaches can be investigated more rapidly when sufficient information is provided up-front. To ensure that relevant information is included in an investigation, this list highlights the key pieces of information that should be submitted to aid the investigation:

- An accurate address of the site including the postcode; if the address is unclear or the site is particularly unusual, an annotated map of the site may be more appropriate, or customers can provide an exact location using what3words at [www.what3words.com](http://www.what3words.com);
- The enforcement investigation; a detailed description of the development or activity.
- If available, approximate dimensions of the development.
- Any other information to assist the enquiry; a 30-day log of activities if it relates to a change of use, photos of the development/ proof of use.
- If possible, name and address of person/company involved in suspected breach.
- Approximate time when the suspected breach commenced and if necessary, the stage of building works.

# 4.0 ENFORCEMENT POWERS AND PROCESSES

## 4.1 Site visits and rights of entry

An officer will initially carry out desktop research to establish the fact of the investigation and determine whether a site visit is necessary. Not every site that is the subject of an investigation will need to be visited. A visit will only be made to establish facts and investigate the matter further. The officer will, wherever necessary, take measurements and photographs of the development and activity taking place.

There are situations where more than an initial site visit would be required to evidence a breach such as an alleged change of use. In most cases, if a visit is required an officer will visit the site under investigation within five working days of receiving the enquiry, unless it relates to a Listed Building or Tree Preservation Order (TPO) which we will aim to visit on the same day. If the allegation relates to minor breaches such as A-Boards or advertisements an investigation will be started within 10 working days. Due to the nature of planning enforcement work, most site visits will be made without prior arrangement.

Planning Investigation Officers will carry approved identification which will be produced for inspection on request. The Council's Planning Investigation Officers have extensive powers of entry which allow them to investigate planning enforcement enquiries. It may also be necessary for the officer to bring third parties onto the land to assist or advise them in carrying out their duties. Where entry is refused, a warrant to enter the land may be obtained. Prosecution will also be considered where there is deliberate obstruction of the officer carrying out their duties. Abusive or threatening behaviour towards staff will not be tolerated and will be logged and reported to the Police.

## 4.2 What is considered?

Whilst establishing whether enforcement action should be taken, a number of elements are considered, including but not limited to:

- Whether the enquiry relates to a non-planning matter.
- Whether the enquiry falls within the Council's planning boundaries
- Whether the alleged breach falls within the constraints and conditions of permitted development and is therefore lawful development.
- How long the development/change of use has been present.

After considering all these factors, if it is considered that there has been a breach of planning control officers will then establish whether it is expedient to act upon the breach. There may also be situations where another department within the Council is better placed to deal with the issue raised and in that case Planning Investigation Officers will refer the customer to the relevant department.

## 4.3 Formal Action

If a breach is deemed to be sufficiently harmful the Council will make every attempt to encourage those responsible for a breach to resolve the issue voluntarily. If informal negotiations have been unsuccessful, and the Council feels that the planning breach has significant harmful effects, formal enforcement action will usually be taken. There are numerous ways in which formal action can be taken, and this depends on the type, seriousness and harmfulness of the breach. In many circumstances dealing with planning enforcement can be a lengthy and complex process (see Appendix 1). Planning enforcement notices issued by the Council are kept on the Planning Register and are available to view on the Councils planning website.

## 4.4 Appeals

Enforcement Notices can be appealed. Guidance on Enforcement Appeals can be found [here](#). Once an appeal has been submitted in respect of an Enforcement Appeal then any enforcement action must be suspended until such time as a decision is issued in relation to the appeal. If an appeal is not issued within the required time period (usually 28 days) the Enforcement Notice takes effect, and the subject of the Notice is required to comply with the requirements of the Notice.

Appeals on Enforcement Notices can be made on seven grounds as follows:

- Planning permission should be granted for the development
- There has been no breach of planning control
- The breach alleged in the Enforcement Notice has not occurred as a matter of fact
- It is too late for the Council to take action under the ten- year rule
- The Notice was not properly served
- The requirements of the Notice are excessive

There is a role for people who are not one of the main appeal parties but are interested in the outcome. Neighbours are notified that an enforcement appeal is taking place but they will not be sent copies of representations made by the appellant, the Local Planning Authority and other interested parties. A letter is sent to these parties to inform them of the appeal, which contains information on where to inspect the appeal documents and how to make representations to the planning inspectorate.

## 4.5 Prosecution

Prosecution is a potential outcome of the enforcement process, and the Council will pursue a prosecution where circumstances warrant such action. Before commencing legal proceedings, the Council will need to be satisfied that there is sufficient evidence to offer a realistic prospect of conviction and that the legal proceedings are in the public interest. The Council will also seek to recover costs in connection with the enforcement action.

## 4.6 What happens if you are the subject of an investigation?

It is understood that in some cases a breach of planning control is not intentional and can be the result of a misunderstanding or being unaware of the planning requirements. If you are contacted about an alleged breach of planning control, you will be informed of what the allegation is, but not who made it.

If a breach is established, you will be clearly advised of the details of the breach and how to put it right. You will be advised not to do any more work and that any further work that is done would be at your risk as you may have to undo the work. Most breaches are resolved through negotiation and discussion, and we encourage you to cooperate positively. Do not delay in responding to our advice as it is in the interests of all parties if an identified breach can be addressed at an early stage.

If no positive progress is made, then the matter will be reported for enforcement action and formal notices may be served if it is expedient to do so. If you are served with a formal notice, you will be given the details of the breach, the reasons for the action, steps required to resolve the issue and a time period for compliance.



# 5.0 PERFORMANCE STANDARDS AND PRIORITIES

## 5.1 Priorities

The Council receives a large number of enquiries regarding alleged breaches of planning control and therefore cases need to be prioritised based on level of harm. Resources need to be focused on the most serious breaches of planning control as these are likely to cause most harm to the public or the environment. Once an enquiry has been received, the level of harm will be assessed by an officer.

In assessing the degree of harm officers will use a desk-based research approach; however, in some cases a site visit will be required to identify the breach if it cannot be established from desktop research, which will form the first stage of the investigation.

Each enquiry will be allocated a score to assess the level of harm and whether the harmful effects are escalating or stable, whether there is serious effect or harm to neighbours or residential amenity, where the development is located e.g., is it in a Kent Downs National Landscape, Conservation Area or flood risk area and so on.

This process will be subject to review and will:

- Determine whether a case can be closed without any further investigation. The customer will be notified that the development causes insufficient harm to warrant any further action.
- Identify those cases that will score more highly, and which will need to be investigated further. Thus, ensuring that the most harmful cases are dealt with as soon as possible.

The score of an alleged breach may alter during an investigation and if circumstances change, or new information is obtained this will be reviewed. If the investigation relates to an activity or use, officers will visit the site at different times to build a picture of the activity or use. In some circumstances a 30 day activity diary will be requested which should include the date and time of occurrences and harm caused, with any supporting evidence. If the person reporting the breach is unwilling to do this, then this may result in the Council not being able to pursue the investigation further due to there not being enough evidence.

All retrospective refused planning applications; Listed Building and Tree Protection Order reports and reports from Ward Members / MPs / Parish Council Clerks will automatically receive a full investigation.

## 5.2 Contacting the customer and our performance standards.

Swale Borough Council recognises the importance of keeping individuals up to date with our progress. Some investigations can take longer than others due to lengthy and complex negotiations and / or statutory time periods in serving notices, appeals and prosecutions. Investigation Officers will:

- Acknowledge enquires that are a potential breach within five working days, which will include the investigating officer's contact details.
- Provide a detailed response to the customer within 21 working days. However, if a detailed response cannot be given then an update will be provided which will include a date by when the full response will be given.

Customers are asked to wait to be contacted by the Investigations Officer about the progress of an enquiry. To effectively focus on investigations, it will not be possible for the Investigations Team to respond to customers requests for updates outside of these times.

The performance of the Planning Enforcement function is monitored corporately on the basis of responding to at least 95% of all reports with a 21-day deadline. Following the detailed response within 21 days each case will be reviewed on a case-by-case basis based on the target dates for each step of action to be completed.

Key performance indicators for the service include:

- Number of complaints received and initial response times.
- 5 and 21 day deadlines

### **5.3 Monitoring of Sites**

It is not possible to monitor all developments being carried out within Swale.

It is the responsibility of developers to comply with planning conditions and to determine when planning permission is required. The Council relies on public information, enquiries from Councillors, MPs and Parish Councils, and planning officers proactively monitoring sites to raise potential breaches of planning control. The Council informally monitors sites through site visits, and the planning investigations team also relies on other Council departments to raise potential breaches.

## Appendix 1 – Terminology

Options available to tackle possible breaches of planning control	Brief explanation
No formal action	This is appropriate for when there is no breach of planning control or when the impact of the breach is not considered expedient for enforcement action.
Monitor site	This is appropriate for when further evidence or investigation is required to establish an alleged breach.
De-minimus	These are minor works that have been carried out, which are considered so minor that would practically fall outside the scope of planning. Whether works are de-minimus is a decision made by the Council on a case-by-case basis.
Allow time to remedy	Time may be given to remedy the breach where there is no significant harm and it is not serious enough to warrant immediate action. Therefore the opportunity will be given to resolve the breach.
Retrospective planning application	A retrospective planning application allows for an application to be submitted after the development has been carried out. In some cases a retrospective planning application can be requested, when it is considered an appropriate way forward to regularise the situation. A retrospective application is dealt with in the same way as any other planning application.
Lawful Development Certificate	A lawful development certificate application can be submitted to regularise the development/use after the expiry of time period for taking enforcement action.
Planning Contravention Notice (PCN)	A PCN is a discretionary procedure, and is a way for the Council to find out more information about an alleged planning breach to establish what, if any enforcement action should be taken. It usually involves a series of questions about operations being carried out, or about how the breach may be satisfactorily remedied. Failure to complete, or to provide false or misleading information is a criminal offence.
Section 330 Notice	Similar to a PCN, this notice is a way for the Council to find out more information about the occupiers interest in the land.
Planning Enforcement Order	A magistrates' court may only make this order. It can be made where a person has deliberately concealed an unauthorised development and enables the Council to take action withstanding the usual time limits that may have expired. This order is used to extend the amount of time the Council can take formal action, the 'enforcement year'. This gives the Council time to decide the most appropriate course of action.
Enforcement Notice	This is the most common type of notice and instructs the recipient to carry out steps to remedy the breach. The notice will specify what the alleged breach is, and prescriptive steps, with specific timescales that must be taken to remedy it. Failure to comply with the requirements of an Enforcement Notice within the time period given is a criminal offence.
Listed Building Enforcement Notice	This notice is similar to an enforcement notice, and will specify the unauthorised works to the relevant listed building. It can be served on its own, where listed building consent was required but not planning permission, and can also be served in conjunction with a Planning Enforcement Notice.
Breach of Condition Notice (BCN)	A BCN may be served where there has been a breach of condition that is attached to an extant planning permission. It requires the recipient to comply with the specified planning conditions and failure to comply within the time period given is a criminal offence.
Enforcement Warning Notice	<p>An enforcement warning notice formalises the process for a local planning authority to invite a retrospective planning application.</p> <p>Under section 172ZA of the Town and Country Planning Act 1990, where a local planning authority considers that unauthorised development has a reasonable prospect of being acceptable in planning terms, it can issue an enforcement warning notice. The notice will set</p>

	<p>out the matters that appear to be a breach of planning control and state that, unless an application is made by a specified date, further enforcement action may be taken.</p> <p>The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of section 171B of the Town and Country Planning Act 1990.</p>
Stop Notice	A stop notice can only be served with an Enforcement Notice and they aim to prohibit any or all of the activities which comprise the alleged breach. They are used when the Council feels it expedient that any relevant activity should cease before the deadline for compliance in the related notice.
Temporary Stop Notice	Temporary Stop Notices can prohibit a range of activities relating to a planning breach, if it is expedient to do so. Unlike a stop notice, a temporary stop notice can be issued immediately without having to wait for an enforcement notice to be issued. They expire after 56 days from issue.
Advertisements	The display of advertisements that do not meet the criteria set out in the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 are illegal unless they have been granted express consent.
Discontinuance Notice	This notice can require that the display of a particular advertisement which has deemed consent is discontinued. This action may be taken if the Council feels that an advertisement causes substantial harm to the amenity of the locality or danger to members of the public.
Section 225 Notice	This notice enables the Council to require the removal of any placard or poster displayed illegally. The notice requires the owner or occupier to take specified measures to prevent or reduce the frequency of unauthorised advertisements in a specified time limit.
Section 215 (Untidy Land) Notice	This notice is served when land requires to be cleaned up because its condition adversely affects the amenity of the area. It can also require the demolition of derelict buildings. This notice sets out the steps needed to be taken and time limits in which they must be carried out.
Direct Action	The Council has the option to take direct action to remedy a planning breach if an Enforcement Notice or a Section 215 notice has not been complied with. The Council may carry out works required in the notice and seek to recover those costs from the landowner.
Injunction	An injunction can be obtained if the Council need to restrain a breach of planning control, and it is considered expedient for any actual or apprehended breach of planning control to be restrained. This is done by applying to the High Court or County Court. An injunction is a last resort attempt, and will only be applied for if ordinary enforcement powers have been, or will be unlikely to stop unauthorised activities.
Enforced Sale	An enforced sale is used when direct action has been taken and the Council is owed money for carrying out the work. If a charge has been placed on the property the Council has the ability to see the property in order to recover its costs. This is a last resort and would only be used when other repayment methods have been exhausted.
Prosecution	The Council will consider commencing a prosecution in the Courts when there has been a failure to comply with any notice and will recover costs.
Confiscation Orders under the Proceeds of Crime Act 2002 (POCA)	This is used when the defendant has benefitted financially from a breach of planning control and enforcement action has been taken. It allows the Council to bring an action to recover the money they have gained as a result of disregarding enforcement action.

## Appendix 2 – Planning Enforcement Priorities (Initial Visit response times)

Category	Harm	Description	Visit Response times
<b>Category 1</b>	Serious Harm	Unauthorised demolition of Listed Buildings, ancient monuments, and demolition of Locally Listed Buildings	1 day / same day
		Felling or lopping of a preserved tree or tree in a Conservation Area	
		Development or breach of conditions likely to cause serious harm or danger to people or amenity	
		Unauthorised work in a Conservation Area likely to lead to permanent harm	
		Where development has started and is subject to planning conditions relating to either contamination, archaeology, nature conservation or trees which are required to be agreed before development commences	
<b>Category 2</b>	Significant and widespread harm to local amenity	Development which is unsafe and hazardous	3 working days
		Unauthorised development causing significant or widespread harm	
		Breaches of planning conditions causing serious nuisance to adjoining residents	
		Breaches of advertisement control causing a serious impact on amenity	
<b>Category 3</b>	Matters causing demonstrable harm or where timely action is expedient	Caravans	5 working days
		Breaches likely to be resolved quickly by negotiation and/or the submission of a retrospective application	
<b>Category 4</b>	Other – including Breaches of a technical nature and not in significant conflict with	Breaches which are temporary and unlikely to result in any long-term harm	10 working days
		Advertisements not otherwise included above	
		Breaches of other planning conditions	
		Other changes of use	
		High Hedges	

planning policy		
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## Contacting Swale Borough Council

The customer Service Centre deals with all enquiries across the Council, it should be your first stop when contacting us.

Call 01795 417850.

Copies of this document are available on the council website.

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<b>Planning and Transportation Policy Working Group Meeting</b>	
<b>Meeting Date</b>	17 September 2024
<b>Report Title</b>	Swale Planning Enforcement Strategy – Draft for Adoption
<b>EMT Lead</b>	Emma Wiggins Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Joanne Johnson Head of Place
<b>Lead Officer</b>	Paul Casey Team Leader – Planning Investigations
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. That PTPWG <b>review</b> the comments received on the draft Planning Enforcement Strategy and the proposed officer response, and to <b>provide</b> any further comments.</li> <li>2. That PTPWG <b>recommend</b> the updated draft Strategy to Policy and Resources Committee for adoption.</li> </ol>

## 1 Purpose of Report and Executive Summary

1.1 This purpose of this report is to invite members to review the updated draft Planning Enforcement Strategy following the undertaking of a formal 8 week public consultation process between February and April this year.

## 2 Background

2.1 An initial draft Enforcement Local Plan was presented to PTPWG on 25<sup>th</sup> January 2024. Officers updated the draft following member discussion, and it was then presented to Policy and Resources Committee on 7<sup>th</sup> February 2024. At this meeting it was resolved that the draft Strategy proceed to public consultation. The draft is a refresh of a previous strategy adopted in 2021.

2.2 The Strategy intends to provide clarity on the scope, capacity and parameters of planning enforcement, and to thereby effectively set expectations

2.3 The adoption of the Planning Enforcement Strategy benefits customers by reassuring the public and other public bodies that effective and proportionate practices are in place. It provides for consistent and targeted enforcement activity, whilst also supporting transparent and effective dialogue and understanding between the public, Councillors, and planning investigation officers.

2.4 There have been several changes to legislation since the draft went to consultation, and these are reflected in the attached draft at Appendix I.

### **3 Proposals and comments received in response to consultation.**

3.1 The draft strategy was the subject of a formal consultation for an eight week period between 26 February 2024 to 22 April 2024. During this same period the document was also displayed on the Swale Borough Council website inviting the public to submit any comments. The consultation was also promoted via social media.

3.3 As a result of the formal consultation process comments were received from 4 parish/town councils, 1 Councillor and 4 members of the public

3.2 The consultation responses and subsequent proposed revisions to the Strategy are included as an Appendix II.

Consequently, PTPWG are asked

- to review the comments received on the draft Planning Enforcement Strategy and the proposed officer response, and to provide any further comments.
- To recommend the updated draft Strategy to Policy and Resources Committee for adoption.

### **4 Alternative Options Considered and Rejected**

4.1 Not to refresh the existing strategy. The adoption of a refreshed enforcement strategy benefits customers by outlining effective practices and it will develop a transparent and effective dialogue and understanding between the public, councillors, and planning investigation officers.

To accept some or none of the proposed amendments to the consultation draft. This is not recommended, as the proposed changes are considered to appropriately reflect comments received.

### **5 Consultation Undertaken or Proposed**

5.1 Consultation was carried out over an eight-week period this year with all councillors and parish/town councils directly invited to respond, and relevant publicity on our website pages and social media seeking public comment.

The consultation draft was informed by the views of PTPWG.

## 6 Implications

Issue	Implications
Corporate Plan	The strategy contributes towards our vision to provide a cleaner, healthier, more sustainable and enjoyable environment and to work with communities and outside bodies
Financial, Resource and Property	There are no direct financial implications for Swale Borough Council concerning this draft Enforcement Strategy as the consultation is being carried out by officers.
Legal, Statutory and Procurement	The relevant legislation in relation to planning is contained within the Town and Country Planning Act 1990, Planning (Listed Buildings and Conservation Areas) Act 1990 and The Town and Country (General Permitted Development) (England) Order 2015 During the consultation a number of changes were made to legislation, including the introduction of Enforcement Warning Letters, immunity from enforcement action standardised to 10 years, restriction on appeals against enforcement notices and removal of our choice of appeal procedure for Lawful Development Certificates.
Crime and Disorder	The strategy contributes towards handling unauthorised development and the potential for enforcement action with the aim of protecting communities and their environment
Environment and Climate/Ecological Emergency	No implications
Health and Wellbeing	No implications
Safeguarding of Children, Young People and Vulnerable Adults	No implications
Risk Management and Health and Safety	A robust and accountable planning enforcement regime helps preserve the integrity of the planning system.
Equality and Diversity	No implications
Privacy and Data Protection	No implications

## 6 Appendices

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

- Appendix I: Draft SBC Planning Enforcement Strategy 2024
- Appendix II: Consultation comments and responses

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

Comment Summary	Response
I am writing to lodge a complaint against building works that took place...	Thank you. Comments passed to planning officer dealing with the retrospective planning application
All retrospective applications should be considered at Committee and not dealt with at officer level.	A retrospective application is considered in the same manner as one made in advance. It does not automatically follow that permission will be granted, and this is no more or less likely when decided at Committee rather than under delegation. All decisions are made based on national and local policy.
I find the strategy clearly written, and sets out very clearly what is covered/what isn't. What is seen as more/less serious. Timescales expected for different priorities. I will find this very useful, both as a new Councillor and as a resident. I will also be confident in referring other residents to it, if asked	Noted, thank you.
The strategy is silent on how complaints will be prioritised	Please see Appendix 2 which lists priorities and categories along with initial site visit response times
Where can the public view the key performance indicators and what is the frequency of publication?  Could performance indicator statistics be made available on a regular basis so stakeholders can see how well targets (response times etc) are being met.	Performance and monitoring indicators for enforcement are: <ul style="list-style-type: none"> <li>• % complainants updated within 21 days of registration</li> <li>• No. of enforcement notices served</li> <li>• % priority cases responded to within one working day</li> </ul> Some of these are new indicators. They are reported to Policy and Resources Committee twice yearly.
What course of action is available to complainants when they do not receive a satisfactorily detailed response within the 21 day period from officers.	We would encourage ongoing dialogue with the investigations officer, noting that some details cannot be shared during a live investigation.  A complaint can be made under Stage 1 of the Councils complaints procedure if desired.
The document is procedures rather than strategy. There are no details on how SBC will engage with Parish Councils or the general public which is fundamental to make enforcement work.  There is historical evidence of major developments not being built to approved plans. There are no details on how Planning and Building Control will collaborate to ensure build outs are to approved plans or when there are potential breaches.  Concerns were raised about enforcement outside of office hours and this could be improved.	Engagement begins when a Parish or member of the public reports a breach, and their help is invaluable during investigations.  Paragraph 5.3 covers monitoring of sites and we regularly monitor Building Control's Commencement and Completions lists and act on suspected irregularities.  Out of hours provision will be considered going forward, but this is not within current budgets.
Whilst the draft policy has a logical flow it seems to provide incentives to ignore the planning process	The document outlines the processes and procedures by which all Local Planning Authorities are bound. There is no provision within the Planning Act to

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>and wait to be caught? Should you be seeking some form of penalty when this happens?</p> <p>If the enforcement system is not seen to be vigilant and effective, the view could prevail that planning control is weak, and encourage some to not apply for planning permission / comply with conditions on the assumption that failure is unlikely to lead to sanctions or that a long period will elapse before sanctions are applied.</p>	<p>penalise perpetrators on discovery of unauthorised development, as it is not an offence to undertake development without planning permission. It becomes an offence if an enforcement notice is issued and not complied with.</p> <p>We agree with your take on the workings of a successful system and the team has recently been reorganised to manage variations in workload throughout the district.</p>
<p>It also does not seem to cover deliberate wholesale criminality where land is used for dumping spoil/material for cash. This crime cuts across both planning controls and environmental controls.</p> <p>My view is that the policy should set challenging timescales for dealing with these reports and contain clear linkages with other agencies to take rapid action. I would suggest there are quarterly meetings between enforcement leaders in KCC, Swale and the EA to review sites of interest.</p>	<p>Waste crime falls within the remit of the Environment Agency and Kent County Council Minerals and Waste Planning Enforcement. It is generally not a district council matter.</p> <p>Swale BC Planning Investigations team maintains a close working relationship with other statutory bodies, including the Environment Agency, KCC planning and the police and do meet regularly.</p>
<p>The use of agricultural land effectively as scrap yards seems to be growing rapidly.</p>	<p>Reports can be made online through the Council's planning investigations pages.</p>
<p>Responses to illegal residential use of agricultural land should be tightened. Once it is established that a static caravan is deposited on a site not designated for housing an order for removal within 30 days is given. The owner can apply for planning permission but the caravan should be removed in the interim pending their application.</p>	<p>Unauthorised residential use of land which conflicts with planning policy and national planning guidance is always followed up by enforcement action. There is no provision within the Planning Act to allow us to require that unauthorised development must cease/ be removed whilst a planning application is being determined.</p>
<p>There is no definition of 'harm' as this can mean different things to different people</p>	<p>Harm that results from a breach in planning control could concern residential amenity or highway safety. It is the collective term used to describe the negative impacts of a development.</p>
<p>There needs to be more transparency and ability to view what breaches have been logged and actions taken, similar to reporting potholes.</p> <p>It would also be very helpful if Swale does include enforcement cases and case history to its planning portal as indicated in the strategy, as this should help avoid multiple reports from the public where a matter is already in hand.</p>	<p>Reports are submitted on a confidential basis. It is not good practice to make allegations public from the onset of the investigation.</p> <p>Planning Enforcement Notices are available to view on the Council's planning enforcement website, along with related appeal decisions.</p>
<p>There needs to be a process to address cumulative volumes of breaches.</p>	<p>Cases are dealt with individually and decisions as to whether to take enforcement action are discretionary, taking into account planning harm and other material considerations.</p> <p>There is no legislation in place singling out multiple breaches for tougher action. Each case is unique and will be dealt with accordingly</p>

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>We strongly agree that “effective enforcement is necessary in order to maintain public confidence in the planning system”. At the present time, we are of the view that Swale does not have an effective enforcement system in place.</p>	<p>Comment noted.</p>
<p>The NPPF states that enforcement is “discretionary” but this word in our view has been misconstrued by Swale. It does not give local authorities carte blanche as to whether or not to offer an enforcement service. Rather, in our view it means that the local authority must exercise discretion when carrying out its enforcement function which, as para 59 makes clear, means that the council must act “proportionately”.</p>	<p>Enforcement action is discretionary, however the Council’s duty to investigate an alleged breach is not. Enforcement action is intended to be remedial rather than punitive. The majority of cases are resolved by negotiation, but as soon as it becomes clear that a breach cannot be resolved and there is planning harm that is contrary to the public interest we consider formal action.</p>
<p>Acting “proportionately” means balancing several factors when deciding on a course of action and the stepped approach set out in the draft does this - our criticism would be that it lacks rigour and in some cases urgency. Enforcement action is sometimes slow, incomplete and ineffectual. These show in our view a lack of “proportionality”.</p>	<p>Comments noted. The investigations team are aware of the sites you refer to in your wider comments, many of which have been served enforcement notices upheld on appeal and where the breach is continuing. Legal advice is being sought.</p> <p>There are a lot of factors when deciding whether to take formal action, and the gathering of evidence can take some time if we are to successfully challenge any appeal that may be made against an enforcement notice.</p>
<p>In our opinion, effective, prompt and timely taking of enforcement action is a prerequisite to a functioning planning department. We do not expect all allegations of breach to lead to stop or enforcement notices but we do expect the process to move forward at a pace which ensures that the matter is dealt with expeditiously.</p>	<p>The Strategy sets out the processes, procedures and the powers at our disposal when considering enforcement action. The planning investigations team begin investigations within 21 days of a complaint being received, and complainants are updated throughout the course of the investigation. The majority of sites are visited within 10 working days, with the most urgent cases being visited the same day. There are timescales involved beyond the team’s control – for example waiting for determination of a retrospective application, and compliance and subsequent appeals processes of enforcement notices.</p>
<p>Our conclusion is that the draft strategy sets out a reasonable set of rules, but that these should be tightened to provide a more timely and rigorous enforcement policy whilst still applying the principle of proportionality to outcomes.</p> <p>This should be combined with more resources. This will include the clearing of pending cases. Planning enforcement should be seen as an important part of the effective operation of the planning system and not as some optional add-on.</p>	<p>Noted. Swale BC covers a large area of North Kent and the four investigating officers dealt with 259 cases in 2023, all of varying complexity. Cases where an enforcement notice has not been complied with usually result in a prosecution, and we are dependent on HM Courts to convict before considering further action. Whilst not a statutory duty, Swale BC understands the importance of planning enforcement, and every concern submitted via the online form is investigated.</p> <p>With regard to pending cases – there are many instances where a period of monitoring is required to gather evidence of a breach, and case reviews are</p>

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

	<p>held regularly where decisions are taken on whether to close a case or take formal action, taking into account expediency, harm and public interest. A 'pending' case does not mean there is a backlog.</p>
<p>It appears to our Parish Council that insufficient resources have been put historically into planning enforcement at Swale, and that there is a large backlog of cases which has led to instances where a situation has to be tolerated or has become incapable of enforcement. This inadequacy in resources and timely action needs to be addressed to provide confidence that planning enforcement is taken seriously at Swale.</p>	<p>There is no backlog of cases. Cases that are open for 6 months or more remain on file for variety of reasons, for example: appeals in progress; planning applications pending consideration; Court action; monitoring to gather evidence. The team comprises a Team Leader and four full time officers which is the average compliment for a suburban/rural planning authority.</p> <p>Swale is in the top percentile of Kent Planning Authorities in terms of the number of enforcement notices issued since 2022.</p> <p>The respondent has been invited to share details of the sites so that updates can be provided</p>
<p><b>Tone, perception and risk</b></p> <p>The thrust and direction of the draft strategy comes over as leaning heavily towards minimising cost and effort. It appears to offer cover for wider tolerance of planning breach (ie no or only limited action).</p> <p>The past strategy has already been weighted too heavily towards informal action. The new strategy needs to address this otherwise it under-estimates the overall impact on planning control and future planning officer workload as well as the reputational risk.</p> <p>Once problem developments are in situ, officers become involved in a series of steps by applicants/appellants over time to manoeuvre and manipulate the planning system.</p> <p>In this context the draft strategy only mentions temporary stop notices once – and on page 15 mentions stop orders (rather than temporary stop notices) - instead relying on a combination of informal action and enforcement notices, but weighted heavily towards informal action. Formal action, majoring on enforcement orders issued <u>after</u> unlawful development has already been carried out risks poorer outcomes.</p> <p>It would be helpful to tighten the risk-based system on page 14, prioritising rapid action in sensitive areas, to include not just conservation areas and the AONB but adverse planning history, and where concern has</p>	<p>The strategy aims to be transparent, covering all eventualities in the planning enforcement process, and does not condone enforcement where it is unnecessary to act.</p> <p>The initial visit criteria is effective, and deals with development that is irreversible, such as works to a listed building or felling of a protected tree.</p> <p>Temporary Stop Notices are used where necessary, and are followed up by enforcement notices and/or stop notices as required.</p> <p>Reports of work on sites with adverse planning history and where there is concern about further unauthorised development are prioritised for immediate attention.</p> <p>The opening statement query – it is for the Council to decide on whether there has been a breach of planning control based on the information supplied by the complainant, and we consider this would complicate the reporting process.</p>



## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>been flagged up by a Ward Member, MP or Parish Council.</p> <p>A combination of these factors should automatically trigger a Category 1 response as well as a lean towards prompt formal action.</p> <p>The opening statement (Para 1.2 Principles) only says Planning Enforcement “<i>aims to investigate planning breaches..</i>” - it would help if that paragraph could say something like</p> <p><i>Swale Enforcement will:</i></p> <p><i>i) investigate potential breaches of planning law, and therefore unlawful in planning terms, defined as :</i></p> <ul style="list-style-type: none"> <li>• <i>the carrying out of development (including change of use of land) without the benefit of the necessary planning permissions, or</i></li> <li>• <i>failing to comply with any condition or limitation subject to which planning permission has been granted</i></li> <li>• <i>any contravention of the limitations on, or conditions belonging to, permitted development rights</i></li> </ul> <p><i>(ii) take enforcement action deemed appropriate by the Council and consistent with relevant Council planning policies, national planning policy and guidance, in order to prevent, halt and seek to remedy breaches of planning law”.</i></p>	
<p><b>Public involvement</b></p> <p><b>Section 3.0 Reporting alleged breaches</b></p> <p>Making it easy for people to report concerns and responding rapidly to reports of unlawful development assessed as Category 1 is an important part of the overall control system. In practice it is currently not easy. Whether contact is online or by phone, few members of the public know or understand planning law etc - they just want to make contact or speak to someone about a particular concern.</p> <p>It’s long been the case that work on an unauthorised development would start near a bank holiday. Restricting phone access to half a day a week creates the equivalent of a perennial bank holiday for unauthorised development.</p> <p>Officers clearly cannot be at their desks to take calls all the time but it would be helpful if the main switchboard system included Planning and Enforcement in its list of options, and for planning dept phones to accept voice messages at any time.</p>	<p>Comments noted, and will be passed to the relevant team.</p> <p>Planning enforcement can be contacted by telephoning the main switchboard if the matter is considered. Reports can be made in person at Swale House reception, by letter, email and the preferred option of completing the online form on the Council’s planning enforcement webpages.</p> <p>Planning investigations officers are available to discuss planning enforcement concerns by telephone on Wednesday mornings between 9am and 12.30pm. Outside these times messages can be left on voicemail, and officers are alerted to voice messages immediately by email with a text transcript of the call.</p> <p>Enforcement notices going back 30 years were recently uploaded to public planning website, which can be accessed under the ‘Enforcement’ tab on the search page.</p>
<p><b>Notifying local people Para 4.4 Appeals</b></p> <p>As far we are concerned Para 4 is not happening. Some notification used to happen, and none appears</p>	<p>The relevant department has been notified of your concerns. Objectors to planning applications and planning enforcement complainants are always</p>

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>to be currently happening. In addition people no longer appear to receive letters (or emails) informing them of nearby planning applications, retrospective or otherwise so, unless they see a statutory notice pinned up locally they will be unaware.</p> <p>Access to Appeal documents is not easy as the Planning Inspectorate don't make these available on line to the public, so anything Swale can do to make these available would be welcomed.</p> <p>Statutory notices are still displayed nearby by Swale, but the strategy doesn't mention these for planning applications, Enforcement or Appeals, so it would be helpful to clarify this in the draft strategy.</p>	<p>contacted about appeals, including neighbouring properties</p> <p>Appeal documents are available to interested parties on request as set out in the appeal notification letters sent by Swale.</p> <p>Statutory notices such as planning application notices and inquiry notifications are displayed on site. Enforcement appeal notifications are sent by letter to complainants, neighbours and any other interested parties.</p>
<p><b>3 Priorities: Para 5.1 Priorities and page 19 Categories</b></p> <p>Little mention has been made of the importance of the role of Parish Councils, in particular their role in flagging up high risk concerns. It would be helpful to correct this by adding Parish Councils to the last sentence of para 5.1 , after Ward Members and MPs.</p>	<p>Noted. We have a close working relationship with parishes and concerns are always investigated. This change will be made.</p>
<p><b>Page 1 : Proportionality :</b></p> <p>The strategy mentions “averting” the breach whereas the preceding sentence says “has been carried out”. Should remedying be added to averting? Could this paragraph include something along the lines of :</p> <p><i>“In considering its options for enforcement, formal action will be taken when, in the officers opinion, the breach constitutes significant harm to the amenity of the local area, contravenes the Councils planning policies or national planning policy and a relevant planning application is unlikely to be approved. The Council has a wide range of formal powers including for example, Temporary Stop Notice, Enforcement Notice, Stop Notice, Breach of Condition Notice, the use of which will be decided on a case-by-case basis”.</i></p> <p><b>Targeting;</b> saying that enforcement will focus on the most serious breaches signals to the public that enforcement will probably really only deal with serious breaches. This puts planning control at risk – can this section refer to the (tightened) scoring system on Page 14 ?</p> <p><b>Transparency:</b> reference is made to reasonable timescales for compliance but can reference also be made to the use of a temporary stop notice to avoid or reduce further harm ? The period of the stop notice (Page 17) has apparently recently been increased from 28 to 56 days</p>	<p>Potential harm is covered in this paragraph, and a retrospective application will always be invited if a breach is judged to be potentially acceptable on its planning merits and can be controlled by conditions. Much of our work is education and negotiation, and failing this we will use formal powers to enforce, where expedient and in the public interest.</p> <p>We investigate all breaches reported to us, and act accordingly depending on the seriousness of the breach. It is right to focus on the most serious breaches and give them priority.</p> <p>Temporary Stop Notice is at Appendix 1 – Terminology. Legislation - The Temporary Stop The draft Strategy has been updated to reflect the legislative change.</p>
<p><b>Para 2.0 Breaches of planning control</b></p>	<p>The strategy is designed to be clear and easily understood with the appendix clearly stating our</p>

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>Can the focus be shifted from just enforcement orders to the wider issue of maintaining a system of planning control and bring in all the other mechanisms not just enforcement orders (detailed in appendix 1) more clearly into the strategy, rather than just buried in an attachment.</p>	<p>enforcement powers. Enforcement is a complex area of planning, and there are many potential outcomes, some of which may include one of more of our powers as listed in the appendix</p>
<p><b>Para 2.3 Immunity</b> – does this need updating to reflect the recent end of the 4-year rule?</p> <p>It puts people off by saying reports won't be investigated if only limited details but don't explain what limited means- people aren't versed in planning law.</p>	<p>Thank you, the immunity paragraph has been changed to reflect the new 10 year period.</p> <p>Limited details refers to the precise location of the reported breach, and scant details of the building or activity of concern. This is a case by case judgement call.</p>
<p><b>Page 8 : Para 3.1 Reporting a breach Privacy</b> Can privacy of the complainant include address not just name withheld on request.</p>	<p>Yes, the complainant's name, address, email address, phone number are confidential.</p>
<p><b>Page 8: Last sentence of Para 3.1</b> - the last sentence will deter anyone from contacting you until work etc has at least started, which is not desirable in high risk cases. Would it be better to receive information which leads to a site visit and halting the start or progression of a high risk Category 1 breach? E.g. building materials, large vehicles, mobile homes arriving on site.</p>	<p>If there is hard evidence of an impending breach of planning control such as building materials and the arrival of mobile homes we will always investigate as a priority.</p>
<p><b>Page 9: Para 3.3 what you can't investigate</b> You mention high hedges but then include high hedges in category 4. Delete from para 3.3 or from category 4 ?</p> <p>Last sentence currently gives a message that Swale will always seek to resolve informally, which is probably ok in most cases, but it also needs to give a clearer signal that it will take strong action when necessary.</p>	<p>High Hedges are dealt with by the Tree Officer and notices by planning enforcement in conjunction with legal, and we provide back up if requested for site visits. A fee is payable for this kind of investigation. The draft strategy has been amended for clarity.</p> <p>Our enforcement powers are outlined elsewhere in the document, and this sentence does mention immediate enforcement action</p>
<p><b>Page 10 Para 3.4 Information needed</b> Could the check list be written in less formal language and request only a brief description rather than a detailed one (most people won't know the detail of what is required)?</p> <p>Although the strategy has a link to the planning portal can the strategy mention its a shared service (Mid Kent) rather than Swale which is confusing, and that it can be found by searching online for 'Swale planning applications'. It would be helpful if the strategy included a link direct to the on-line reporting system a list of key internal phone extension numbers and contact hours.</p>	<p>These are just suggestions and if the information is not provided the cases will still be investigated at our discretion, however they may take longer to deal with as additional information is gathered.</p> <p>The strategy is accessed online by visiting the planning enforcement section of Swale's website, which contains key contact and reporting information.</p>
<p><b>Page 11 What is considered ?</b></p>	<p>Expediency relates to the planning balance for taking action, and when assessing a case for enforcement</p>

## Appendix II: Comments Received on Draft Planning Enforcement Strategy

<p>Last sentence: rather than saying ‘establish whether it is expedient to act upon the breach’, could it instead say ‘decide what action to take’?</p>	<p>action the Council will ensure that any action is reasonable, proportionate and in the public interest.</p>
<p><b>Page 19 Categories</b>          Can category 1 be tightened to include the Kent Downs AONB, and whether the location or person in control already has an adverse planning history, and where concern has been flagged up by a Ward Member, MP or Parish Council Chairman.</p>	<p>Category 1 is very clear, and to include a reference to the Kent Downs AONB would not make a difference to our response to the types of development stated.</p> <p>When a new complaint is logged on the system it automatically brings up the entire planning history for the site, thereby alerting officers to any adverse planning history.</p> <p>Complaints raised by Ward Members, MPs or Parish Councils are always investigated, and will be placed in the appropriate category based on the nature of the complaint.</p>

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## Planning and Transportation Policy Working Group

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**MINUTES** of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Tuesday, 17 September 2024 from 7.00 pm - 8.40 pm.

**PRESENT:** Councillors Mike Baldock, Monique Bonney (Vice-Chair), Ann Cavanagh (Substitute for Councillor Kieran Golding), Charles Gibson, Alastair Gould (Chair), James Hunt, Richard Palmer (Substitute for Councillor Elliott Jayes), Julien Speed, Tony Winckless and Ashley Wise (Substitute for Councillor Karen Watson).

**OFFICERS PRESENT:** Billy Attaway, Paul Casey, Natalie Earl, Joanne Johnson, Stuart Watson and Ceri Williams.

**ALSO IN ATTENDANCE (VIRTUALLY):** Councillors Lloyd Bowen and Jackson.

**APOLOGIES:** Councillors Kieran Golding, Elliott Jayes, Karen Watson and Mike Whiting.

### 243 Election of Chair

Councillor Mike Baldock nominated Councillor Alastair Gould to be Chair for the municipal year 2024-2025. This was seconded by Councillor Tony Winckless. On being put to the vote, it was agreed.

**Resolved:**

**(1) That Councillor Alastair Gould be elected as Chair for the municipal year 2024-2025.**

### 244 Election of Vice-Chair

**Resolved:**

**(1) That Councillor Monique Bonney be elected as Vice-Chair for the municipal year 2024-2025.**

### 245 Emergency Evacuation Procedure

The Chair outlined the emergency evacuation procedure.

### 246 Minutes

The Minutes of the Meeting held on 14 March 2024 (Minute Nos. 769 – 772) and the Minutes of the Extraordinary Meeting held on 8 August 2024 (Minute Nos. 166 – 172) were taken as read approved and signed by the Chair as correct records.

### 247 Declarations of Interest

No interests were declared.

### 248 Swale Planning Enforcement Strategy - Draft for Adoption

The Team Leader (Planning Investigations) introduced the report and asked for Members' comments on the updated draft Planning Enforcement Strategy following the eight-week public consultation process between February and April 2024.

The Chair invited Members to make comments which included:

- Page 15, needed to be changed so that all Members were consulted when officers make a decision on whether to take enforcement action under the current scheme of delegations;
- paragraph 3.1 referred to the online reporting form being the 'easiest' way to report enforcement breaches, but residents often struggled to complete the form, so the wording needed to be changed to 'quickest' or 'best';
- suggested the wording be changed to 'best' to emphasise that it was not the easiest, but best way for members of the public to ensure the breach had been reported;
- what was the situation with out-of-office hours working?;
- were officers expected to work out of normal working hours when required?;
- what enforcement breaches required police intervention?;
- why were unauthorised encampments not category one?;
- understood that not all reports of planning breaches were published online, but hoped that this could be looked at in the future;
- the document needed to clarify what types of breaches would be reported online so that the public and parish town councils knew what to expect on the portal; and
- needed to be clear about what type of fly tipping was the responsibility of Swale Borough Council and what was the responsibility of the Environment Agency as it was often confusing for parish/town councils as well as Ward Members.

The Team Leader (Planning Investigations) responded explaining that as well as the online reporting tool, an email address could be added to the website so that residents could email directly any enforcement breaches if they struggled to complete the online reporting tool. He added that a three-day response time for unauthorised encampments was what had been agreed but officers could review the response times before the report came back to the Policy and Resources Committee.

With regards to the out-of-office expectation of officers, the Head of Place explained that once an enforcement case had been reported, the strategy would be applied. The course of action might require the officer to work outside of normal working hours to deal with the breach.

With regards to the enforcement breaches which would require police action, the Team Leader (Planning Investigations) said that the police would only be called upon if there was a risk to investigating officers and a potential breach of the peace, and the investigation lay with the Council and not the police.

The Team Leader (Planning Investigations) agreed to take into consideration Members' comments on the strategy and to update the document before it was considered at the next Policy and Resources Committee.

Councillor Mike Baldock moved the recommendation, which was seconded by Councillor Tony Winckless.

**Recommended:**

- (1) That the draft Swale Planning Enforcement Strategy be updated as per the proposed changes as minuted and it be recommended to the Policy and Resources Committee for adoption.**

**249 Local Development Scheme Autumn 2024 update**

The Project Manager (Planning Policy) introduced the report which set out the changes to the timetable for the Local Plan Review consultations to address members' requests, as part of the drafting for the Regulation 18 document of the Local Plan.

The Chair invited Members to make comments, which included:

- Concerned that the Kent County Councillor elections in May 2025 could affect the timetable due to the pre-election period;
- concerned that extra meetings would need to be scheduled and requested that officers look at the timetable of meetings to ensure the decisions could be made in time before purdah period commenced;
- considered this the better option as it allowed the Council to spend more time on an important document;
- the Swale Highway model, on page 55 of the report, needed to be considered in more detail;
- the landscape character assessment, on page 56 of the report, needed to be looked at in more detail and requested that more information be circulated to Members;
- the design of past developments had been awful at times so it was important to get the design code in the local plan accurate;
- considered any further delays to the process would impact the Council's already lacking a 5-year housing land supply; and
- asked officers if it was possible to consult on the Design Code alongside the regulation 18 document.

The Planning Manager (Policy) responded explaining that the Design Code work was estimated to be approximately £140,000 and was very resource intensive, and for budgetary and resource reasons was programmed to follow the Local Plan work. She added that design coding was a very prescribed process and the policies within the current plan were robust and required officers to carry out the process of working on the design coding. With regard to the highways model work and landscaping models she added that the work was going to be carried out at a later stage and be bespoke to certain areas of the borough.

The Vice-Chair proposed the following amendment: that the design code and landscape character work be brought forward as far as possible, alongside the Local Plan consultations. This was seconded by Councillor Mike Baldock. On being put to the vote it was agreed by Members.

The Chair invited Members to make further comments, which included:

- What was the process for obtaining site proposals for future development?;
- were housing agencies and charities asked if they had any vacant land suitable for development?; and
- when already existing land allocation owners were being asked for possible suitable development, were officers asking if the owners would consider greater densification

at the same time?

The Planning Manager (Policy) said that officers were having meetings about the site allocation questions and that one of the questions they would ask regarding the new and current allocations, was if they would consider greater densification.

Councillor Mike Baldock proposed the recommendations as set out in the report as amended. This was seconded by Councillor Richard Palmer.

***Recommended:***

- (1) That the amended revised timetable for Regulation 18 draft Plan consultation in quarter 2 of 2025 and a Regulation 19 pre-submission plan consultation in quarter 4 of 2025 be recommended to the Policy and Resources Committee.***
- (2) That the Local Development Scheme shown at Appendix I of the report be recommended to the Policy and Resources Committee.***
- (3) That the design code and landscape character work be brought forward as far as possible, alongside the Local Plan consultations.***

250 **Statement of Community Involvement - Update for Emerging Local Plan**

The Planning Manager (Policy) introduced the report setting out how the Statement of Community Involvement consultation would support all planning matters, including; planning applications, planning policy documents and enforcement.

The Chair invited members to make comments, which included:

- Important to use digital and online technology to send messages out to members of the public as it was straightforward and cost efficient;
- thought points raised in paragraph 4.12, on page 75 of the report, needed to be changed to 'The Council will' rather than 'may' as it was important for the public to be able to view consultation documents; and
- putting documents in local libraries and putting information on how to view the documents in the local press was an easy thing to do.

Councillor Mike Baldock moved the following amendment that paragraph 4.12 be changed to read: 'The Council will:'. This was seconded by Councillor Julien Speed. On being put to the vote, the amendment was agreed by Members.

The Chair invited Members to make further comments and these included:

- Paragraph 3.12 on page 73 was not correct as the Community Infrastructure Levy (CIL) was not being implemented;
- the biggest complaints that Ward Members received were that neighbouring properties were not being informed about planning applications, and this needed to be looked into;
- it was hard to put a specific distance of 'who was entitled' to know about a planning application as some properties in the borough were miles apart from each other;
- requested that proper sized maps with in-depth explanations were included in the consultation documents so that members of the public could fully understand and interpret what was being proposed; and
- commented that it was Ward Members' responsibility to ensure that residents were made aware of the proposals in the Local Plan that would affect their local area.



The Planning Manager (Policy) noted members' comments and agreed to make the small changes to the Statement of Community Involvement.

The Vice-Chair moved the recommendations' in the report and this was seconded by Councillor Richard Palmer. On being put to the vote it was agreed.

***Recommended:***

- (1) That the Statement of Community Involvement report be noted.***
- (2) That the Statement of Community Involvement be recommended to the Policy and Resources Committee, subject to minor changes as minuted, to be published for public consultation.***

251 **Local Plan Review - Agricultural Land Report - Stage 1: Baseline Information**

The Planning Policy (Manager) presented the Agricultural Land Report – Stage 1: Baseline Information which would form part of the Local Plan Review evidence base, and would be published later in 2024.

Members made comments on the report and asked if there was a way the map could clearly differentiate the different grading of 3a & 3b agricultural land. The Planning Policy (Manager) responded to say that the information provided was given to them by the Department for Environment Food and Rural Affairs (DEFRA) and that officers would review the data to see if they could differentiate the different gradings of agricultural land.

***Recommended:***

- (1) That the Agricultural Land Report Stage 1 be noted.***

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All minutes are draft until agreed at the next meeting of the Committee/Panel

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<b>Policy and Resources Committee</b>	
<b>Meeting Date</b>	16 October 2024
<b>Report Title</b>	<b>Solar Panels – Swale House</b>
<b>SMT Lead</b>	Emma Wiggins Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Joanne Johnson, Head of Place
<b>Lead Officer</b>	Deborah Hardy, Building Operations and Maintenance Manager
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	<p>1) To agree to allow and delegate to the Director of Resources to use reserves up to £100,000 on an invest to save basis to provide solar panel coverage at Swale House with a payback of no longer than 5 years.</p> <p>2) To delegate to the Director of Regeneration and Neighbourhoods the preparation and award of a contract for the delivery of solar panels on Swale House subject to agreement of recommendation 1.</p>

## 1 Purpose of Report and Executive Summary

- 1.1 This report sets out the invest to save business case for the installation of solar panels on Swale House.
- 1.2 As part of the Climate Emergency Action Plan there is an action to investigate ways of decarbonising Swale House and this report sets out how this can be achieved.

## 2 Background

- 2.1 On 26 June 2019 Swale Borough Council declared a Climate and Ecological Emergency. The council set one of the most ambitious targets in the country to be carbon neutral by 2025 and achieve net zero borough wide by 2030.
- 2.2 The first priority in the top ten priorities in the action plan is to **Retro-fit Swale House to cut carbon emissions (e.g. extra insulation, triple glazing, heat pump, solar PV).**
- 2.3 Insulation and glazing works were successfully undertaken throughout 2022. Swale House’s Display Energy Certificate Rating has since been regraded from C to B.
- 2.4 The council was offered the opportunity to have a piece of work undertaken at no cost to investigate whether there was a financially viable business case to install solar panels on Swale House on an invest to save basis.

- 2.5 The business case is set out in appendix 1 and sets out the scope for installation of 6 separate PV arrays laid out across various roofs on Swale House, with a combined nominal output of 124.1 kWp. This utilises all the accessible flat roof surfaces and takes into account shading from buildings, a flagpole and several antennae.
- 2.6 The council is undertaking other investigations to identify which other buildings could be suitable to house solar panels and has a well-developed tender specification.
- 2.7 The overall electricity self-consumption rate is estimated at 89.6%, i.e. of the total power generated by the PV array, we can expect 89.6% to be utilised on site at Swale House, displacing power that would otherwise need to be imported from the grid. At the prevailing day-time tariff rate of 29.105 p/kWh this would be expected to save £30,553 annually. On this basis the PV array would achieve a self-sufficiency rate of 50.0%, i.e. we would expect the PV array to supply around 50% of the total electricity consumed by Swale House (209,897 kWh, day and night). In addition, between April and August surplus PV generation (~12,153 kWh) would be exported back to the grid. At a day-time export tariff rate of 18 p/kWh (e.g. Octopus Flux) this could be worth an additional £2,153 pa. Therefore, the estimated total benefit from the PV array would be in the region of £32,740 annually.
- 2.8 The main items of equipment required for this project are
- 292 x PV panels,
  - 6 x inverters,
  - an export power manager,
  - roof mounting equipment,
  - ballast
  - electrical switchgear and sundries.
- 2.9 The price of this has been estimated at £47,000 (ex VAT). However, this cost excludes any supplier margin on equipment and a final price would need to be established through a tender procurement process as per our contract standing orders.
- 2.9 Estimated design, installation and commissioning costs for an array of this capacity are likely to be in the region of £20,000 (ex VAT). In practice suppliers will charge a margin over wholesale prices on equipment which could be more than 30%, depending upon how competitively the selected contractor is prepared to price for the project. Allowing for a 30% margin on the cost of equipment, the overall project cost could be in the region of £81,000 (ex VAT, subject to market testing). This does not include any project financing/opportunity costs or internal administration costs. It also does not include any costs for ongoing maintenance, albeit in practice these ought to be minimal (~£500 pa).
- 2.10 The recommendations in this report were considered and approved by



### 3 Proposals

- 3.1 To agree to allow and delegate to the Director of Resources to use reserves up to £100,000 on an invest to save basis to provide solar panel coverage at Swale House with a payback of no longer than 5 years.
- 3.2 To delegate to the Director of Regeneration and Neighbourhoods the preparation and award of contract for the delivery of solar panels on Swale House subject to agreement of recommendation 1.
- 3.3 .

### 4 Alternative Options

- 4.1 That the council does not proceed with solar panels on Swale House – this is not recommended as to do so would not meet our climate emergency commitment and would cost more in the longer term.

### 5 Consultation Undertaken or Proposed

- 5.1 This report was considered and approved by Environment & Climate Change Committee on 3<sup>rd</sup> October 2024.

### 6 Implications

Issue	Implications
Corporate Plan	This project is part of the Environment section of the corporate plan as forms part of the annual delivery plan 2024-25
Financial, Resource and Property	Based on savings (section 7 of the business case) and costs (section 8 of the business case), excluding any project financing costs, the simple undiscounted payback period is likely to be in the region of 2.5 years, depending upon the terms that can be negotiated with the preferred contractor. Based on these projected costs and revenues the project achieves an Internal Rate of Return (IRR) of 38.91% after 10 years. Increases in the cost of electricity which occur post installation will improve the rate of return on investment. Likewise, a fall in the cost of electricity would reduce the rate of return.
Legal, Statutory and Procurement	None identified at this stage.
Crime and Disorder	None identified at this stage.
Climate and Ecological Emergency	If we proceed with this project, it will assist us to meet the priorities set out in the Climate and Ecological Emergency Action plan published in June 2019. It also helps us show an environmental stewardship role, encouraging other local

	businesses to follow suit.
Health and Wellbeing	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None

## 7 Appendices

Appendix 1 – PV array – cost benefit analysis

## 8 Background Papers

The author of this report has not relied on any background papers that are not either attached to this report or are in the public domain,

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## **Swale House – 124.1 kWp PV Array - DRAFT**

### **Executive Summary**

I expect a 124.1 kWp PV array to generate in the region of 117,128 kWh pa, offsetting ~50% of the electricity currently consumed in Swale House annually. Just under 90% of the electricity generated by the array would be used on site with the remaining 10% exported to grid. At current electricity prices the savings/revenue generated by the array would be worth just over £32,740 annually. I would expect an investment in the region of £81,000 to reach payback between 2.5 to 3 years, depending on the cost of financing, with an internal rate of return approaching 40% after 10 years.

### **1. Background**

The objective of this report is to provide evidence to establish, against a backdrop of severe constraints on local government funding, whether there is sufficient financial justification for Swale Borough Council to invest in installation of a large PV array on the roof of its headquarters building, Swale House.

It is the first of a series of reports for buildings owned/operated by Swale Borough Council.

This report has been prepared based on 13 years of experience with Invicta Clean Energy Ltd as a designer and installer of PV systems and with access to up-to-date pricing from one of the UK's largest and most longstanding wholesalers of PV equipment. However it is noted that this advice has been offered independently of my role as an installer.

### **2. Scope**

Further to my recent site visit I have identified scope for installation of 6 separate PV arrays laid out across various roofs on Swale House, with a combined nominal output of 124.1 kWp. This utilises all the accessible flat roof surfaces and takes into account shading from buildings, a flagpole and several antennae.

The purpose of this report is to provide an outline specification and estimated costs for the arrays, estimates of their annual generation and to compare these to actual electricity consumption. From these the likely rates of self-consumption and self-sufficiency can be determined. This allows the prospective annual revenue (savings) to be estimated and compared to the estimated capital outlay to determine the project's simple payback period and IRR.

Because the proposed PV array achieves a relatively high self-consumption rate (89.6%, see Section 7 below), which means the surplus generated by the array over day-time uses would be relatively small, I have excluded battery storage from this specification. It would be possible to retrofit battery storage at a later date.

### 3. PV Array Layout

The roof survey identified 6 separate areas, each of which would be suitable for mounting a PV array, as set out in Figure 1 and Table 1 below. These are categorised according to level; A = lower level, B = upper level, C = roof of plant room 1. These areas have been selected taking into account shading from buildings (plant rooms 1 and 2 and the stairwells), a flagpole, antennae and also the need for access. They have been divided into 11 separate sub-arrays reflecting areas with (A2, B2, B4, B5, C1) and without (A1, A3, B1, B3, B6, C2) significant shading.

\*Table 1 – Sub-arrays, shading, nominal capacity and number of PV modules

	Location	Shading	Array kWp	# of modules
A1	Lower level front	No significant shading	31.025	73
A2, A3	Lower level rear	Shading at front from stairwell building (A2), no shading at rear (A3)	23.375	55
B1	Top level front	No significant shading	2.125	5
B2, B3, B4	Top level middle	Shading from Plant Rm 1 (B4) and Plant Rm 2 (B6); no significant shading in middle section (B5).	27.2	64
B5, B6	Top level rear	Shading at front from Plant Rm 2 (B5), no shading at rear (B6)	21.25	50
C1, C2	Roof of plant room 1	Shading at front from flag pole and weather station antenna (C1); no shading at rear (C2).	19.125	45

Figure 1 – Swale House Roof PV Layout



#### **4. Equipment and Design**

The system design uses an Esdec Flat Fix Fusion mounting system with panels at 13° inclination (see Appendix 1). Panel orientation is SSW, 195°. A benefit of this mounting system is that it minimises the requirement for ballast.

The photovoltaic modules used in this analysis are JA Solar 425Wp Mono PERC Half-cell MBB LR Black Frame (see Appendix 2).

Each of the 6 arrays would have its own Solis 5G 3-phase inverter (see Appendix 3). These would be connected to grid via existing 3-phase sub-distribution boards in Plant Room 1 and Plant Room 2. Shaded and unshaded sub-arrays would be connected to separate MPPTs on the inverter. These would be linked by an Export Power Manager.

A system administrator would monitor the performance of each of the arrays using an online portal.

The equipment specified in this analysis conforms to industry standards. However it is likely that a contractor selected to undertake the project will propose alternatives.

#### **5. PV Annual Generation**

The estimated annual output for each of the 11 sub-arrays is set out in Table 2 below, taking into account inclination, orientation and shading (a shade factor of 0.75 has been applied to derate the output of the shaded sub-arrays). The overall estimated annual output of the combined 124.1 kWh array is 117,128 kWh.

Table 2 - Estimated Annual Output for PV Sub-Arrays

A. Installation data													
Total	A1	A2	A3`	B1	B2	B3	B4	B5	B6	C1	C2	Total	
Installed capacity of PV system - kWp (stc)	31.025	14.875	8.5	2.125	8.925	9.35	8.925	6.375	14.875	6.375	12.75	124.1	kWp
Degrees from south	15	15	15	15	15	15	15	15	15	15	15		°
Inclination of system - degrees from horizontal	13	13	13	13	13	13	13	13	13	13	13		°
Postcode region	2	2	2	2	2	2	2	2	2	2	2		
B. Calculations													
kWh/kWp (Kk) from table	1039	1039	1039	1039	1039	1039	1039	1039	1039	1039	1039		kWh/kWp
Shade Factor (SF)	1	0.75	1	1	0.75	1	0.75	0.75	1	0.75	1		
Estimated annual output (kWp x Kk x SF)	32235	11591	8832	2208	6955	9715	6955	4968	15455	4968	13247	117128	kWh
C. Other data													
CO2 saving	18.31	6.58	5.02	1.25	3.95	5.52	3.95	2.82	8.78	2.82	7.52	67	tonnes CO <sub>2</sub>
Estimated savings per annum*	£8,528.23	£3,066.66	£2,336.50	£584.13	£1,839.99	£2,570.15	£1,839.99	£1,314.28	£4,088.88	£1,314.28	£3,504.75	£30,988	*
Estimated export income per annum (SEG)**	£528.01	£189.87	£144.66	£36.16	£113.92	£159.13	£113.92	£81.37	£253.15	£81.37	£216.99	£1,919	**
Total estimated savings/income per annum	£9,056.24	£3,256.52	£2,481.16	£620.29	£1,953.91	£2,729.28	£1,953.91	£1,395.65	£4,342.03	£1,395.65	£3,721.74	£32,906	

Page 101

The overall annual output on Table 2 above is represented in monthly format in Table 3 and Figure 2 below. This facilitates comparison with monthly consumption data. The monthly yield factors used are also presented in the table. These have been derived using output data from monitoring of active PV sites elsewhere in Kent.

Table 3 – Estimated Monthly Output

	kWh	Monthly Yield Factor
Jan	3112	2.7%
Feb	5652	4.8%
Mar	8171	7.0%
Apr	14314	12.2%
May	16133	13.8%
Jun	17247	14.7%
Jul	15053	12.9%
Aug	14610	12.5%
Sep	10634	9.1%
Oct	7092	6.1%
Nov	3420	2.9%
Dec	1689	1.4%
Total	117128	

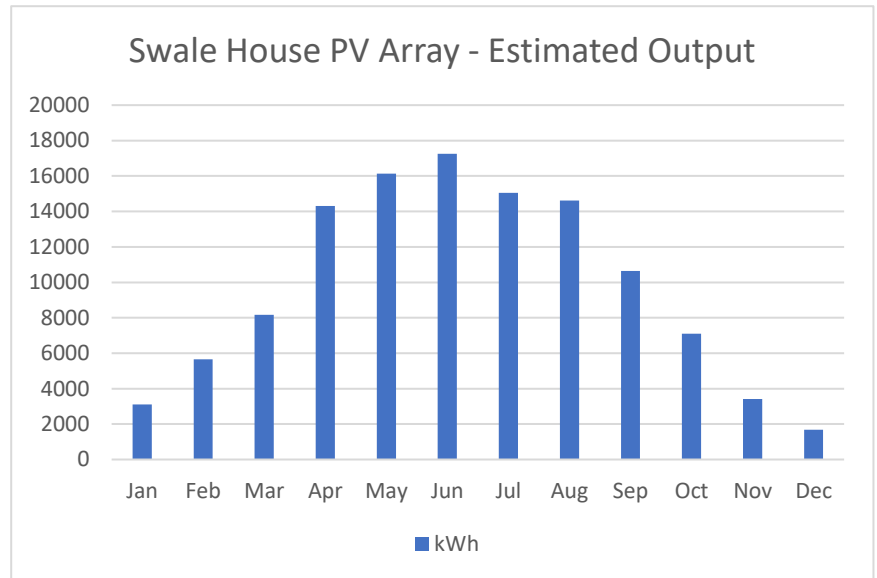


Figure 2 – Estimated Monthly Output

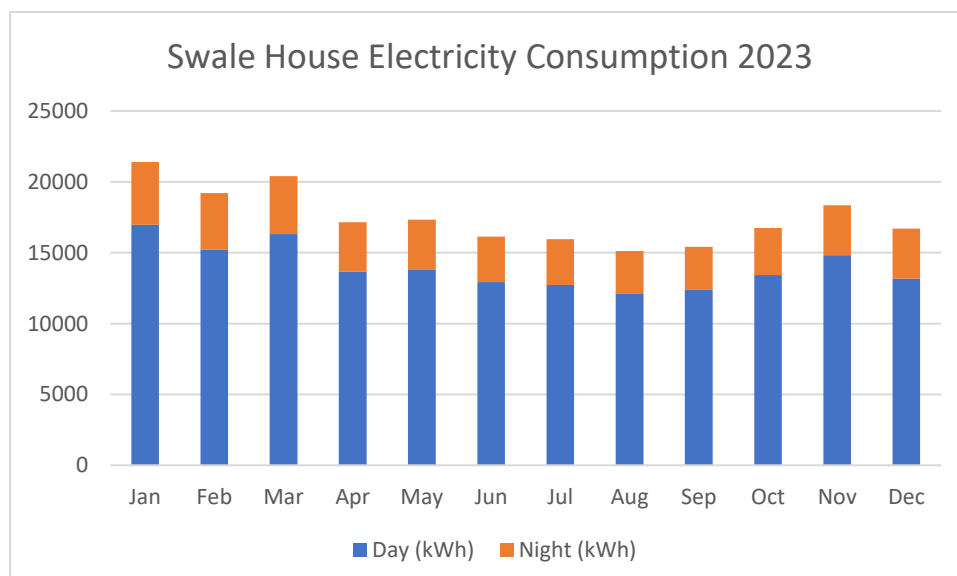
## 6. Electricity Consumption

Actual usage of electricity at Swale House during 2023 is presented in Table 4 below. Actual overall consumption over 12 months was 209,897 kWh, with ~80% consistently at the daytime tariff and ~20% at night time tariff. Excluding standing charges, at the current day and night time tariffs (29.105 p/kWh and 24.843 p/kWh respectively) the value of electricity consumed would have been £59,284.

Table 4 – Swale House Actual Day and Night Consumption (kWh)

	Day (kWh)	Night (kWh)	Total (kWh)	% Day	% Night
Jan	16968	4433	21401	79.3%	20.7%
Feb	15200	3997	19198	79.2%	20.8%
Mar	16309	4094	20403	79.9%	20.1%
Apr	13678	3475	17153	79.7%	20.3%
May	13789	3549	17338	79.5%	20.5%
Jun	12928	3216	16144	80.1%	19.9%
Jul	12724	3224	15948	79.8%	20.2%
Aug	12084	3024	15108	80.0%	20.0%
Sep	12406	3011	15417	80.5%	19.5%
Oct	13423	3315	16738	80.2%	19.8%
Nov	14829	3519	18348	80.8%	19.2%
Dec	13177	3526	16704	78.9%	21.1%
Total	167515	42383	209897	79.8%	20.2%
Value	£48,755	£10,529	£59,284		

Figure 3 – Actual Electricity Consumption – Swale House



## 7. Savings (self-consumption) and Revenue (export to grid)

The savings / revenue attributable to the PV installation derives from displacement of mains imported electricity at the daytime tariff rate, plus any surplus over consumption that is exported to the grid. Self-consumption is calculated by matching the output of the PV array to the day-time electricity consumption for each month. This is presented in Table 5 below.

Table 5 – Estimated PV Self-Consumption and Self-Sufficiency – Swale House

	PV Output (kWh)	Day-time Consumption (kWh)	Self-consumption (kWh)	Self-consumption Rate	Self-sufficiency Rate
Jan	3112	16968	3112	100%	14.5%
Feb	5652	15200	5652	100%	29.4%
Mar	8171	16309	8171	100%	40.0%
Apr	14314	13678	13678	96%	79.7%
May	16133	13789	13789	85%	79.5%
Jun	17247	12928	12928	75%	80.1%
Jul	15053	12724	12724	85%	79.8%
Aug	14610	12084	12084	83%	80.0%
Sep	10634	12406	10634	100%	69.0%
Oct	7092	13423	7092	100%	42.4%
Nov	3420	14829	3420	100%	18.6%
Dec	1689	13177	1689	100%	10.1%
<b>Total</b>	<b>117128</b>	<b>167515</b>	<b>104974</b>	<b>89.6%</b>	<b>50.0%</b>

The overall self-consumption rate is estimated at 89.6%, i.e. of the total power generated by the PV array, we can expect 89.6% to be utilised on site at Swale House, displacing power that would otherwise need to be imported from the grid. At the prevailing day-time tariff rate of 29.105 p/kWh this would be expected to save £30,553 annually.

On this basis the PV array would achieve a self-sufficiency rate of 50.0%, i.e. we would expect the PV array to supply around 50% of the total electricity consumed by Swale House (209,897 kWh, day and night).

In addition, between April and August surplus PV generation (~12,153 kWh) would be exported back to the grid. At a day-time export tariff rate of 18 p/kWh (e.g. Octopus Flux) this could be worth an additional £2,153 pa. Therefore the estimated total benefit from the PV array would be in the region of £32,740 annually.

These annual savings will be recurring over the lifetime of the project. Solar panels will typically come with a manufacturer's performance warranty of 25 years.



## **8. Equipment and Installation Costs**

The main items of equipment are 292 x PV panels, 6 x inverters, an export power manager, roof mounting equipment, ballast and electrical switchgear and sundries. At current wholesale prices from our distributor (Segen Ltd) the cost of this equipment would be around £47,000 (ex VAT). Note that this excludes any supplier margin on equipment.

Estimated design, installation and commissioning costs for an array of this capacity are likely to be in the region of £20,000 (ex VAT).

In practice suppliers will charge a margin over wholesale prices on equipment which could be more than 30%, depending upon how competitively the selected contractor is prepared to price for the project. Allowing for a 30% margin on the cost of equipment, the overall project cost could be in the region of £81,000 (ex VAT).

This does not include any project financing/opportunity costs or internal administration costs. It also does not include any costs for ongoing maintenance, albeit in practice these ought to be minimal (~£500 pa).

## **9. Financial Analysis**

Based on savings (section 7) and costs (section 8), excluding any project financing costs, the simple undiscounted payback period is likely to be in the region of 2.5 years, depending upon the terms that can be negotiated with the preferred contractor.

Based on these projected costs and revenues the project achieves an Internal Rate of Return (IRR) of 38.91% after 10 years.

Increases in the cost of electricity which occur post installation will improve the rate of return on investment. Likewise a fall in the cost of electricity would reduce the rate of return.

An aerial photograph of a flat roof on a modern building. The roof is covered with a grid of blue solar panels. Several HVAC units are visible, integrated into the solar panel layout. The building's facade is visible at the bottom, showing large windows and a balcony area. The image is partially overlaid with a dark blue semi-transparent rectangle on the left side, which contains text and a logo.

**THE  
VERSATILE  
CLICK SYSTEM FOR  
FLAT ROOFS**

**FLATFIX FUSION**

[www.esdec.com](http://www.esdec.com)

# THE ADVANTAGES OF FLATFIX FUSION



## FLEXIBLE AND EASY

- Completely modular system
- Flexible installation: Easy to build around obstacles
- Aesthetic lightweight system
- Single or dual setup
- Suitable for residential and commercial projects
- Strong and durable clamping force with metal insert in high and low base
- For panels up to 1150mm wide and 2190mm long



## RELIABLE

- Aerodynamic design with rounded corners and a smooth material finish
- Robust system thanks to connectors parallel and perpendicular to the panels
- Wind deflector designed for maximum safety
- Tested to international standards
- 20-year warranty



## SAFETY FOR THE ROOF

- For every type of roof
- Roof support with movable connectors
- Unique thermal decoupling prevents damage to roof material
- Optimum point pressure due to distributed ballast
- Integrated grounding and bonding in high and low base in accordance with IEC 60364 series
- Cable exits and cable guides (optional) for safe cable management



## EASY TO INSTALL

- User-friendly click system
- Optimiser ready cable clip for easy attachment and safe cable removal
- Grounding clamp can easily be incorporated onto the end clamp
- Optimiser clip can also be used for most microinverters
- For the most common solar panels (angle of inclination 13°)
- Renewed end clamps for even more powerful and easier installation



## COMPLETE AND FLEXIBLE INSTALLATION ON EVERY ROOF

FlatFix Fusion is the modular and flexible mounting system for solar panels on small and medium-sized roofs. Its modular design enables a customized configuration to be created for every roof. Installers can, for example, easily build around obstacles – such as chimneys – with this system. FlatFix Fusion can be set up either in dual or single configuration. FlatFix Fusion is a 100% Dutch product that has proven itself for years. In 2021, the system received an update of a number of components, which not only makes installation even easier for the installer, but also further increases the safety of the roof and the PV system. It is now possible to install solar panels up to 1150mm wide and 2190mm long with FlatFix Fusion.

### Easy to install

Esdec was founded by professional installers, the interest of the installer always come first when designing our products. Simplicity and flexibility were therefore the starting points in the design of our FlatFix Fusion system. Smart click connections enable the system to be assembled quickly. Handy features on the dampers and on the wind deflectors make installation even easier.

### Safety for the roof

The different components are connected using fast-click connectors. The roof supports with movable connectors allow the system to move (expand and shrink) to prevent damages of the roof material. As a result, the thermal movements of the building are not transmitted to the PV system and vice versa. The 2021 upgrade includes a safe and aesthetic solution for cable management: cables are guided through the wind deflectors with a cable exit guide.

### Reliability

The patented FlatFix Fusion system has been extensively tested on fire safety, wind resistance and corrosion. With even stronger and durable damping force with a metal insert in the high and low base. FlatFix Fusion is a high-quality mounting solution. It complies with the strictest international standards and comes with a 20-year warranty.

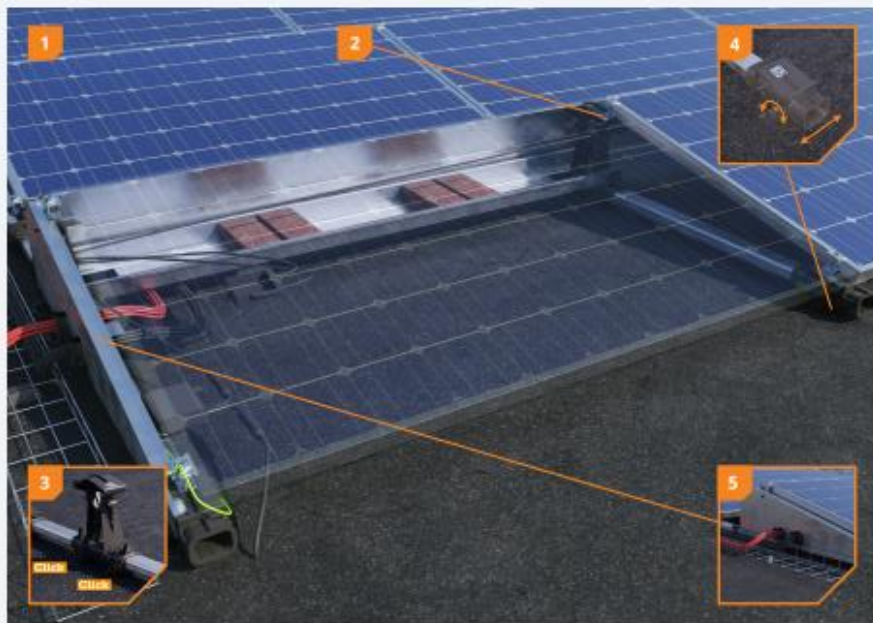
#### ADVANTAGES FOR THE INSTALLER

- ✓ Modular mounting solution with click connection
- ✓ Flexible installation on any roof
- ✓ Integrated grounding and equipotential bonding
- ✓ Ease of installation with optimizer dip with integrated cable dip

#### ADVANTAGES FOR THE END USER

- ✓ Roof-specific configuration
- ✓ Safe and reliable
- ✓ No damage of the roof material
- ✓ 20-year warranty





**1 Strong, lightweight system**

The different components enable flexible row lengths. This makes it possible to create a roof-specific setup and, for example, to build around obstacles.

**2 Easy maintenance**

FlatFix Fusion is made of strong, lightweight materials. With the high and low base, with a metal insert, the damping force remains optimal after removal and reinstallation of panels.

**3 Unique click connection**

The revolutionary, unique click connection makes the FlatFix Fusion a very quick and easy-to-install mounting solution.




**4 With thermal decoupling**

The roof supports with movable connectors give the system space to expand thermally without damaging the roof material.

**5 With integrated cable management**


The cables and plugs of the solar panels can be safely and easily attached to the mounting solution. With the cable exits in the wind deflectors and with the cable exit guides, cables can be stowed and guided in a safe way.

## SYSTEM COMPONENTS

 FlatFix Fusion roof support 1007012	 FlatFix Fusion wind deflector left** 1007224 with base profile 940mm 1007226 with base profile 1030mm or 1077mm
 FlatFix Fusion low base 1007022 1007022-5 (with bonding)	 FlatFix Fusion wind deflector right** 1007225 with base profile 940mm 1007227 with base profile 1030mm or 1077mm
 FlatFix Fusion high base 1007031 1007031-5 (with bonding)	 FlatFix Fusion ballast container*/** 1007202
 FlatFix Fusion cable-clip optimizer ready*** 1007041	 FlatFix Fusion stabilizer*/** 1007203
 FlatFix Fusion wind deflector rear*/** 1007201	 FlatFix Fusion base profile 210mm 1007121** 370mm 1007137** 550mm 1007155** 750mm 1007175** 940mm 1007194** 1030mm 1007195 1077mm 1007196



\* Also available in 1200, 1500, 1600, 1700, 1900, 2000 & 2100  
 \*\* Also available in black  
 \*\*\* Also suitable for most micro inverters

## FASTENERS

 Esdec mounting screw*/** 6 x 55mm 1000655 6 x 70mm 1000670 6 x 12mm 1000612
 Esdec screw 6,0 x 25mm (self tapping) 1008085 6,3 x 32mm (self drilling) 1003015

\* Depending on panel thickness and related end clamp  
 \*\* Also available in black

## CLAMPS

 FlatFix Fusion universal module clamp with bonding** 1003022
 FlatFix end clamp 30-50mm*/** 10043_... 10044_... (black)

\* Depending on panel thickness (in mm)  
 \*\* Also available in black

## ACCESSORIES

 FlatFix Fusion grounding spring 1007502*	 FlatFix Fusion roof support adapter 1007011
 FlatFix Fusion grounding clamp (6mm <sup>2</sup> ) 1007505	 FlatFix Fusion low base extension 1007022-WP
 FlatFix Fusion grounding bracket 1007503	 FlatFix Fusion Cable exit guide 1005570
 FlatFix Fusion TPO Mat 1007015	

\* Also available ready assembled, see SYSTEM COMPONENTS

## Calculator

In the Esdec calculator you can manage and calculate all your projects, for both pitched and flat roofs. One platform with all Esdec mounting systems for the most reliable calculation of your project.

Go to [eu.esdec.com/en/calculator](http://eu.esdec.com/en/calculator)



## Warranty

- Use of premium materials
- Thoroughly tested
- 20-year warranty



[www.esdec.com](http://www.esdec.com)



**QUICK  
RELIABLE  
INNOVATIVE**

Esdec has been developing, producing and supplying professional roof-mounting systems for solar panels since 2004. ClickFit and FlatFix are inspired by all installers who regularly install solar panels. Easy, quick, reliable installation using innovative, high-quality, durable mounting systems: Esdec makes it possible.

**Esdec**  
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☎ +31 850 702 000  
✉ info@esdec.com

1-90120122



[www.esdec.com](http://www.esdec.com)

**JA SOLAR**

**DEEP BLUE 3.0**

Version No. : Global-EN-20230003A

**440W MBB** 

- 
-  Higher output power
  -  Lower LCOE
  -  Better mechanical loading tolerance
  -  Less shading and lower resistive loss
  -  12-year product warranty
  -  25-year linear power output warranty

**Half-cell Module**  
**JAM54S30 LR**  
**415-440**

**Comprehensive Certificates**

- IEC 61215, IEC 61730, UL 61215, UL 61730
- ISO 9001:2015 Quality management systems
- ISO 14001:2015 Environmental management systems
- ISO 45001:2018 Occupational health and safety management systems
- IEC 62941:2018 Terrestrial photovoltaic (PV) modules - Quality system for PV module manufacturing



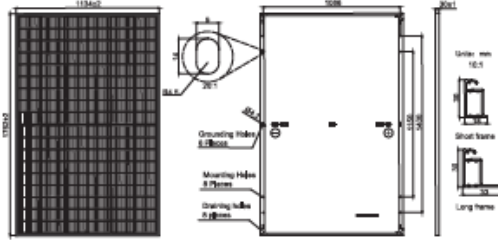




440W

415-440  
JAMS4530

LR  
Series



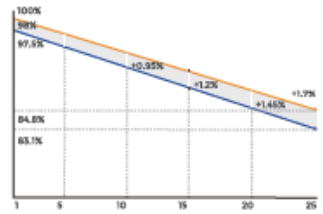
Cell	Mono
Weight	20kg
Dimensions	1762±2mm×1134±2mm×30±1mm
Cable Cross Section Size	4mm <sup>2</sup> (IEC), 12 AWG(UL)
No. of cells	108(6x18)
Junction Box	IP68, 3 diodes
Connector	QC 4.10-3S/ MC4-EVO2A
Cable Length (Including Connector)	Portrait: 300mm(+)/400mm(-); 800mm(+)/800mm(-)(Leapfrog) Landscape: 1200mm(+)/1200mm(-)
Front Glass	2.8mm
Packaging Configuration	36pcs/Pallet, 936pcs/40ft Container

**ELECTRICAL PARAMETERS AT STC**

TYPE	JAMS4530 -415/LR	JAMS4530 -420/LR	JAMS4530 -425/LR	JAMS4530 -430/LR	JAMS4530 -435/LR	JAMS4530 -440/LR
Rated Maximum Power(Pmax) [W]	415	420	425	430	435	440
Open Circuit Voltage(Voc) [V]	37.55	37.73	37.91	38.09	38.27	38.45
Maximum Power Voltage(Vmp) [V]	30.92	31.11	31.30	31.49	31.68	31.86
Short Circuit Current(Isc) [A]	14.17	14.25	14.33	14.42	14.50	14.58
Maximum Power Current(Imp) [A]	13.42	13.50	13.58	13.65	13.73	13.81
Module Efficiency [%]	20.8	21.0	21.3	21.5	21.8	22.0
Power Tolerance	0→±5W					
Temperature Coefficient of Voc(β <sub>Voc</sub> )	+0.045%/°C					
Temperature Coefficient of Voc(β <sub>Vmp</sub> )	-0.275%/°C					
Temperature Coefficient of Pmax(β <sub>Pmp</sub> )	-0.350%/°C					
STC	Irradiance 1000W/m <sup>2</sup> , cell temperature 25°C, AM1.5G					

**Superior Warranty**

0.55% Annual Degradation Over 25 years



- New linear power warranty
- Standard module linear power warranty

**ELECTRICAL PARAMETERS AT NOCT**

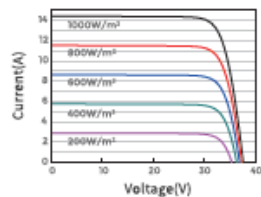
TYPE	JAMS4530 -415/LR	JAMS4530 -420/LR	JAMS4530 -425/LR	JAMS4530 -430/LR	JAMS4530 -435/LR	JAMS4530 -440/LR
Rated Max Power(Pmax) [W]	314	318	322	326	329	333
Open Circuit Voltage(Voc) [V]	35.53	35.70	35.87	36.04	36.21	36.38
Max Power Voltage(Vmp) [V]	29.26	29.44	29.62	29.80	29.98	30.15
Short Circuit Current(Isc) [A]	11.33	11.40	11.47	11.53	11.60	11.67
Max Power Current(Imp) [A]	10.74	10.80	10.86	10.92	10.99	11.05
NOCT	Irradiance 800W/m <sup>2</sup> , ambient temperature 20°C, wind speed 1m/s, AM1.5G					

**OPERATING CONDITIONS**

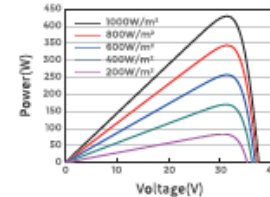
Maximum System Voltage	1000V/1500V DC
Operating Temperature	-40°C → +85°C
Maximum Series Fuse Rating	25A
Maximum Static Load, Front*	5400Pa(112lb/ft <sup>2</sup> )
Maximum Static Load, Back*	2400Pa(50lb/ft <sup>2</sup> )
NOCT	45±2°C
Safety Class	Class II
Fire Performance	UL Type 1

**CHARACTERISTICS**

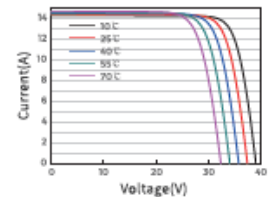
Current-Voltage Curve JAMS4530-430/LR



Power-Voltage Curve JAMS4530-430/LR



Current-Voltage Curve JAMS4530-430/LR





## S5-GC(25-40)K

Solis Three Phase Inverters



360 degree

### Model:

400V: S5-GC25K S5-GC30K S5-GC33K S5-GC36K S5-GC40K



#### Efficient

- ▶ Max. efficiency 98.7%
- ▶ String current up to **16A**
- ▶ 3/4 MPPT design, supports multiple orientation system design
- ▶ Night time PID recovery function, increases overall system yield (optional)
- ▶ Wide voltage range and low startup voltage



#### Smart

- ▶ Supports export power control
- ▶ Intelligent string monitoring, smart I-V curve scan
- ▶ Supports RS485, WiFi, GPRS
- ▶ Scan to register on SolisCloud, supports remote upgrade and control



#### Safe

- ▶ IP66
- ▶ AFCI protection, proactively reduces fire risk
- ▶ Globally recognised branded componentry for longer life
- ▶ Intelligent redundant fan-cooling



#### Economic

- ▶ Supports GPRS/WiFi communication with less wiring and reduced installation costs
- ▶ > 150% DC/AC ratio
- ▶ Supports high power modules for lower installation costs
- ▶ Supports aluminium wire access to reduce cost

## Datasheet

Model Name	SS-GC25K	SS-GC30K	SS-GC33K	SS-GC36K	SS-GC40K
<b>Input DC</b>					
Recommended max. PV power	37.5 kW	45 kW	49.5 kW	54 kW	60 kW
Max. input voltage	1100 V				
Rated voltage	600 V				
Start-up voltage	180 V				
MPPT voltage range	200-1000 V				
Max. input current	32 A / 32 A / 32 A			4*32A	
Max. short circuit current	50 A / 50 A / 50 A			4*50A	
MPPT number/Max. input strings number	3/6			4/8	
<b>Output AC</b>					
Rated output power	25 kW	30 kW	33 kW	36 kW	40 kW
Max. apparent output power	27.5 kVA	33 kVA	36.3 kVA	39.6 kVA	44 kVA
Max. output power	27.5 kW	33 kW	36.3 kW	39.6 kW	44 kW
Rated grid voltage	3/N/PE, 220 V / 380 V, 230 V / 400 V				
Rated grid frequency	50 Hz / 60 Hz				
Rated grid output current	38.0 A / 36.1 A	45.6 A / 43.3 A	50.1 A / 47.6 A	54.7 A / 52.0 A	60.8 A / 57.7 A
Max. output current	41.8 A	50.2 A	55.1 A	60.2 A	66.9 A
Power factor	>0.99 (0.8 leading - 0.8 lagging)				
THDI	<3%				
<b>Efficiency</b>					
Max. efficiency	98.5%		98.6%		98.7%
EU efficiency	98.1%		98.2%		98.3%
<b>Protection</b>					
DC reverse-polarity protection	Yes				
Short circuit protection	Yes				
Output over current protection	Yes				
Surge protection	DC Type II / AC Type II				
Grid monitoring	Yes				
Anti-islanding protection	Yes				
Temperature protection	Yes				
Strings monitoring	Yes				
I/V Curves scanning	Yes				
Integrated PID recovery	Optional				
Integrated AFCI (DC arc-fault circuit protection)	Yes <sup>2)</sup>				
Integrated DC switch	Optional				
<b>General Data</b>					
Dimensions (W*H*D)	647*629*252 mm				
Weight	37 kg				
Topology	Transformerless				
Self consumption (night)	<1 W				
Operating ambient temperature range	-25 ~ +60° C				
Relative humidity	0-100%				
Ingress protection	IP66				
Cooling concept	Intelligent redundant fan-cooling				
Max. operation altitude	4000 m				
Grid connection standard	GB8 or G99, VDE-AR-N 4105 / VDE V 0124, EN 50549-1, VDE 0126 / UTE C 15 / VFR:2019, RD 1699 / RD 244 / UNE 206006 / UNE 206007-1, CEI 0-21, C10/11, NRS 097-2-1, TOR, EIP5 2018.2, IEC 62116, IEC 61727, IEC 60068, IEC 61683, EN 50530				
Safety/EMC standard	IEC/EN 62109-1/-2, IEC/EN 61000-6-1/-2/-3/-4				
<b>Features</b>					
DC connection	MC4 connector				
AC connection	OT terminal				
Display	LCD				
Communication	RS485, Optional: Wi-Fi, GPRS				

<sup>2)</sup> Activation required.

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**Policy and Resources Committee Forward Decisions Plan – October 2024**

<b>Report title, background information and recommendation(s)</b>	<b>Date of meeting</b>	<b>Open or exempt?</b>	<b>Lead Officer and report author</b>
Local Development Scheme Autumn 2024 Update	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Stuart Watson
Update of the Commissioning and Procurement Policy	27 November 2024	Open	Head of Service: Claire Stanbury Report Author: Charlotte Knowles
Local Heritage List	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Jhilmil Kishore
South Thames Gateway Building Control Partnership – Draft business Plan 2025-2028	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Joanne Johnson
Newington Conservation Area Appraisals: - Newington Church - Newington High Street - Newington Manor	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Jhilmil Kishore
Review of the Discretionary Rate Relief Policy	27 November 2024	Open	Head of Service: Zoe Kent Report Author: Zoe Kent
Draft Budget 2025/26	27 November 2024	Open	Head of Service: Claire Stanbury Report Author: Lisa Fillery and Claire Stanbury
Half Year Budget Monitoring 2024/25	27 November 2024	Open	Head of Service: Claire Stanbury Report Author: Caroline Frampton and Claire Stanbury

Kent's Local Nature Recovery Strategy – Role of Swale Borough Council	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Natalie Earl
Performance Monitoring Mid-Year Report 2024/2025 (end Q2)	27 November 2024	Open	Head of Service: Lisa Fillery Report Author: Tony Potter
Local Development Scheme Autumn 2024 Update	27 November 2024	Open	Head of Service: Joanne Johnson Report Author: Natalie Earl
Final Budget 2025/26	5 February 2025	Open	Head of Service: Claire Stanbury Report Author: Caroline Frampton and Claire Stanbury
Treasury Management Strategy 2025/26	5 February 2025	Open	Head of Service: Claire Stanbury Report Author: Olga Cole and Claire Stanbury
Conservation Area Appraisals: - Bredgar – Bexon (New) - Graveney Church - Graveney Bridge - Goodnestone Graveney	5 February 2025	Open	Head of Service: Joanne Johnson Report Author: Jhilmil Kishore
South Thames Gateway Building Control Business Plan 2025-2028 - approval	5 February 2025	Open	Head of Service: Joanne Johnson Report Author: Joanne Johnson

Public Space CCTV Policy for Sign-off	26 March 2025	Open	Head of Service: Charlotte Hudson Report Author: Steph Curtis
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**Item 9 - Statement of Community Involvement - Update for Emerging Local Plan, Minute No. 250.**

- (1) That the Statement of Community Involvement report be noted.***
- (2) That the Statement of Community Involvement be recommended to the Policy and Resources Committee, subject to the minor changes as minuted, to be published for public consultation.***

**Item 10 - Local Plan Review - Agricultural Land Report - Stage 1: Baseline Information, Minute No. 251.**

- (1) That the Agricultural Land Report Stage 1 be noted.***

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<b>Policy &amp; Resources Committee Meeting</b>	
<b>Meeting Date</b>	16 October 2024
<b>Report Title</b>	Beach Hut Phase 1 Tender Award
<b>EMT Lead</b>	Emma Wiggins, Director of Regeneration and Neighbourhoods
<b>Head of Service</b>	Martyn Cassell, Head of Environment and Leisure
<b>Lead Officer</b>	Jay Jenkins, Leisure and Technical Services Manager
<b>Classification</b>	<b>Open plus Exempt Appendix</b>
<b>Recommendations</b>	1. That the Committee recommends the amendment to the capital programme beach hut allocation by £59,719.55 to facilitate maximum capital and revenue return on this project.

## **1 Purpose of Report and Executive Summary**

- 1.1 The Community Committee approved the progression of a tender for phase 1 of the beach hut developments. However, the delegation stated that the officers could only proceed with awarding the contract if the tender stayed within the allocated sum of money.
- 1.2 This report asks for further approval due to the tender prices exceeding the original budget.

## **2 Background**

- 2.1 The Council currently has 55 beach huts either directly owned and managed by Swale Borough Council (SBC) or privately owned and sited on land under Borough Council control.
- 2.2 The previous tender returns were significantly over budget. A second tender process was advertised with a revised specification with two lots. Lot 1 was for 26 huts as previous tender and Lot 2 was for 16 huts, 8 at each location.
- 2.3 The Lot 1 winning tender exceeds the budget set aside in the capital programme by £59,719.55. Therefore, further approval is required to allocate the funding in the capital programme. This will facilitate maximum return on the capital receipts and future revenue from this project.

## **3 Proposals**

- 3.1 That the Committee approves the amendment to the capital programme beach hut allocation by £59,719.55.

## 4 Alternative Options Considered and Rejected

- 4.1 To proceed with Lot 2. at a sum of £127,768.35 with the resultant capital receipts and revenue return identified in Appendix 1.
- 4.2 This is not recommended as although within the current capital budget allocation, it reduces the ongoing revenue that would be achieved and would not facilitate the potential capital receipts.

## 5 Consultation Undertaken or Proposed

- 5.1 The Beach Hut Policy which was approved by the Regeneration and Property Committee on 12 March 2024 included public consultation but no further consultation has been needed for the tender process.

## 6 Implications

Issue	Implications
Corporate Plan	<p>The policy relates to two priorities.</p> <p>Community: To enable our residents to live, work and enjoy their leisure time safely in our borough and to support community resilience.</p> <p>Economy: Working with our businesses and community organisations to work towards a sustainable economy which delivers for local people.</p>
Financial, Resource and Property	<p>The current 2024-25 revenue budget assumes increased income from beach hut rental. This will need to be reduced as part of the budget setting process as it assumed phase 2 would also progress. However, building these phase 1 huts will reduce the amount lost in revenue.</p> <p>The current 25/26 income budget is £70,840. The current huts generate £35,000. This leaves a gap of £35,840. Approving the additional capital to proceed with 26 huts reduces the gap to £16,930.</p> <p>A sum of £143,000 is already allocated in the capital programme to fund the installation of the 26 additional beach huts. (Lot 1). Following the return of tenders a further £59,719.55 is required to be added to the programme.</p>

	Projected Capital Receipts returns for both Lots can be seen in Appendix I. (Exempt)
Legal, Statutory and Procurement	<p>Beach huts are a discretionary service and therefore fall under the Local Govt Miscellaneous Act where Councils are able to levy fees.</p> <p>The beach huts have been confirmed as under permitted development due to their size and nature.</p> <p>The contract will be drawn up using the Council's current standard Terms and Conditions which have been approved by Mid Kent Legal Services and Finance</p>
Crime and Disorder	<p>The beach hut policy has a section relating to security and anti-social behaviour. We are confident our policies and terms and conditions allow us to control behaviour at the huts.</p> <p>Due to the remote location of the huts, they will always be susceptible to vandalism and theft. Our terms and conditions encourage owners and renters to secure their asset robustly and to not leave items of value in overnight.</p>
Environment and Climate/Ecological Emergency	<p>The huts are made from sustainable wood sources as detailed in the specification for construction. They do not require mains utilities and we often find owners/renters use sustainable power sources such as solar panels to assist them.</p> <p>The locations of the huts are considered carefully to ensure they do not have a detrimental impact to the environment. Relevant surveys (Preliminary Ecological Appraisal) will be undertaken in both areas.</p>
Health and Wellbeing	As detailed in the corporate plan we encourage active recreation and beach huts encourage users to enjoy the coastal environment.
Safeguarding of Children, Young People and Vulnerable Adults	There are no safeguarding concerns considered in relation to the contract award.
Risk Management and Health and Safety	<p>The licence requires all owners and the Council (in relation to rental huts) to maintain the asset to a good standard. This reduces the risk of injury. Furthermore, there are strict rules on what can and can't be done in or stored in the huts to reduce fire risks.</p> <p>Part of the procurement process ensures that contractors are fully competent, particularly in the area of health and safety. Company A's competence is evidenced through their tender submission.</p>

Equality and Diversity	<p>The current hut design means steps are required for access. The policy however sets out how the Council will consider adaptations in order to provide for disabled access.</p> <p>The pricing structure has been revised recently to provide more accessible weekly rents for those that cannot afford to purchase or annually rent the hut.</p>
Privacy and Data Protection	The waiting lists and licences are held in accordance with data protection principles.

## 7 Appendices

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

- Exempt Appendix I – Beach hut financial projections – October 2024

## 8 Background Papers

n/a

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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