Electoral Review of Tonbridge & Malling

Tonbridge & Malling Borough Council submission on Council Size

October 2011

TONBRIDGE & MALLING
BOROUGH COUNCIL

Contents

■ Version Control

Version	Date	Author/s	Brief description of changes
3.0	5 Oct 2011	R Beesley	Third full revised version, ready for Council.

■ Maps

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Council Size Submission

- **About this submission**

    1. This document is submitted as evidence from Tonbridge & Malling Borough Council (TMBC) to the Local Government Boundary Commission for England (LGBCE) in respect of the Electoral Review commencing during 2011 concerning the size of Council.

    2. This submission has been prepared and collated by Officers using a range of data available, as outlined in the document, and has been considered by elected Members of the Borough Council through the Electoral Review Working Group and General Purposes Committee. This final submission has been endorsed by full Council, and so reflects the views of the Borough Council, and all political parties represented on it.

- **Executive Summary**

    3. At present, 53 Councillors representing 26 wards serve on Tonbridge & Malling Borough Council. All councillors are elected every four years and serve a four year term of office. The most recent elections were held in May 2011, with the next scheduled Borough Council elections due to take place in May 2015.

    4. Based on the evidence set out in this Submission, Tonbridge & Malling Borough Council propose that the number of elected Councillors for this Borough should be **53**.

Introduction

■ **Background**

5.   The Electoral Review of Tonbridge & Malling commenced in July 2011, with the aim of reviewing electoral arrangements for the whole Borough. The review includes looking at the total number of members to be elected to the Council (Council Size), the number and boundaries of electoral wards, the number of councillors for each ward, and the names of each ward.

6.   The initial stage of an Electoral Review is to identify and confirm the preferred Council Size. This is the number of elected Councillors who will serve on the Borough Council, and should be the number required to deliver effective and convenient local government (the number of members to allow the council and individual councillors to perform most effectively).

7.   The final size of council will determine the average number of electors per councillor, and this is then used to determine warding patterns. It is therefore important that the figure agreed is correct and reflects the needs of the authority and of the community, although one should note that the LGBCE may amend the agreed figure if necessary to allow for a better representation of electors and as a result of consultation.

8.   Within the review process, the LGBCE have no initial view on whether there should be an increase, decrease or no change in the size of Council. However, all submissions must be based on evidence and be made on the basis that they can be justified.

9.   Tonbridge & Malling Borough Council runs a Leader and Cabinet system for making decisions. The last review of electoral arrangements pre-dated the move to this model, so this review is the first opportunity to consider the impact of that change in terms of the size of Council needed now.

■ **Guidance on calculating Council Size**

10. The LGBCE have provided *Technical Guidance* and support to Officers and highlight the following areas that should be considered when developing a proposal for Council Size; these are considered in detail in the pages that follow:

    a. **Managing the business of the council** – including both decision-making procedures and quasi-judicial processes (e.g. planning and licensing).

    b. **Scrutiny of the council** – the determination of what is scrutinised and the scrutiny workload can impact on the workload of councillors.

    c. **Representative role** – both of electors by the councillor, and of the council to the community.

Managing the Business of the Council

■ **Local Government Act 2000**

11. The Local Government Act (LGA) 2000 altered the political management of local authorities by separating executive from non-executive functions, with the aim of making council decision-making more efficient, transparent and accountable.

12. Previously TMBC had a range of politically proportionate committees with responsibility for overseeing a function of the council. From 1 January 2002, a new system of cabinet decision-making replaced that old system.

    a. **Full Council** of 53 members approves and adopts the budget and key policies within which Cabinet decisions are taken. Council appoints members of committees and holds them and the Cabinet to account for the decisions they take.

    b. **Cabinet** comprises 8 members, including the Leader of the Council. They are responsible for most day-to-day decisions. Apart from the Leader, each member has responsibility for particular service areas. When major or "key" decisions are to be discussed or made they are, wherever possible, published in the Leader's forward plan and taken collectively by the whole Cabinet.

    c. **Councillors'** overriding duty is to the whole community, but they are democratically accountable to all the residents of their ward. Their role is to represent the residents of their ward, share in the policy and budgetary decisions of the Full Council, suggest policy improvements, and scrutinise the Cabinet's policy proposals and their implementation.

■ **Member Allowances**

13. During the financial year 2010/11, the total sum of allowances paid to Borough Councillors was around £415k (including subsistence and expenses). The sum paid to each Councillor varies, based on their responsibilities, but the average paid per Councillor is around £7,830.

14. The cost of Member Allowances is not taken into account in determining the optimum number of Councillors. However, any recommendation to increase the number of Councillors must consider the consequential cost to the council.

Roles & Responsibilities of Councillors

■ **Separation of Roles**

15. The constitution of Tonbridge & Malling Borough Council formalises the separation of roles for Councillors. These include specifications as to which Committees and Advisory Boards members of the Cabinet may be members of, and how many Cabinet members may be part of those other bodies.

16. Whilst this separation of roles is crucial in the fair, effective, accountable and transparent running of the Council, it does reduce the number of available Councillors for certain bodies and in so doing increase the requirement of those members in terms of the number of bodies they must join and attend.

■ **Full Council**

17. The Council currently has 53 Councillors, elected every four years for a four year term of office. The last elections were held in May 2011, with the next scheduled elections due to take place in May 2015.

18. All Councillors are members of the Full Council, which is responsible for approving and adopting the budget and key policies within which Cabinet decisions are taken. Council appoints members of committees and holds them and the Cabinet to account for the decisions they take.

19. The Council has around 6 scheduled meetings per year, although additional special meetings are held as necessary.

■ **Cabinet**

20. TMBC operates a Leader and Cabinet model. The Cabinet comprises 8 members, including the Leader of the Council. They are responsible for most day-to-day decisions. Apart from the Leader, each member has responsibility for particular service areas. When major or "key" decisions are to be discussed or made they are taken collectively by the whole Cabinet. The Cabinet meets around 6 times per year.

21. In addition each Cabinet member has regular meetings with relevant directors and other senior officers.

22. The anticipated Police and Crime Commissioners, set out in legislation currently before Parliament, will replace the Police Authority. However, there is some speculation that there will be an additional requirement for the Cabinet members for Crime & Disorder to attend meetings representing Tonbridge & Malling interests in Kent-wide meetings with the new Commissioner. This will see an increase in the

workload for that Cabinet member, with a potential rebalancing of other roles to compensate.

23. Given the experience of running a Cabinet of 8 members it is felt that this number and the division of Portfolio responsibilities enables effective and convenient leadership of the authority, even given those changes.

24. The exact nature of the portfolios and what they consist of will be kept under review as Council structures are altered but the number of portfolios is considered appropriate at the current time given the amount of change being progressed through the public sector. Following the 2011 elections, the portfolios were changed to reflect the priorities of the coming term of office.

■ Delegations to Officers

25. The Authority has a well developed and comprehensive Scheme of Delegation to Officers (set out in Schedule 3 of the Constitution) which sets out clearly where the responsibility and extent of delegation lies.

26. In line with previous Government requirements the majority of all planning applications, for example, are delegated. However, if an elected Member feels that they have grounds for a particular application to be determined by Committee, they can request this. In addition, officer-led submissions to Committee are made for applications considered more complex, high-profile or potentially contentious. Over recent years, there has been a steady increase in the number of applications being submitted to Committee for consideration.

■ Notification of Cabinet Decisions

27. Following each meeting of the Cabinet, all Members of the council are circulated with a list of all the decisions taken. Decisions are subject to a five day delay before implementation to enable decisions to be called in.

Regulatory and other Committees
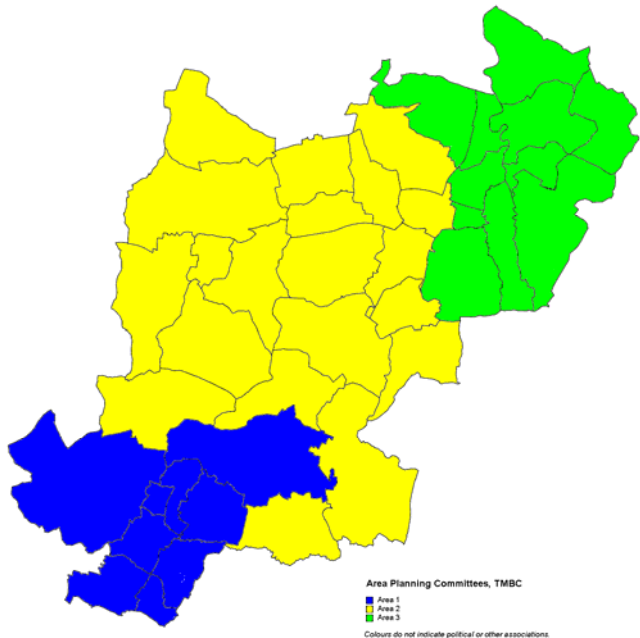
■ **Introduction**

28. Under the terms of the Constitution, a number of regulatory and other Committees have been established. These have delegated authority to carry out and/or oversee specific duties and functions of the Council.

■ **Overview and Scrutiny Committee**

29. The LGA 2000 required each local authority to set up a scrutiny process. The functions required of the scrutiny process are discharged in TMBC by the Overview and Scrutiny Committee (OSC). In broad terms, the OSC has responsibility for analysis of policy issues and options to assist in the development of the budget and policy framework; review and scrutiny of the decisions and performance of executive, committee, and officer functions; holding the executive to account for its actions; consideration of other matters of local concern. In addition it has the right to call-in decisions made but not yet implemented by the Cabinet.

30. The OSC currently has 18 members, plus 4 co-opted members to provide a broader range of experience and political views to the scrutiny process. The OSC meets around 5 times per year. OSC membership is politically balanced, and members of Cabinet may not be members of the OSC.

31. In addition to the OSC, Scrutiny Panels are established for each topic investigated, meeting as required during the project. At present, three such Panels are in place, looking at Winter Maintenance, Air Quality Management, and Planning Enforcement. The Panels report back to the OSC.

32. TMBC also operates a substantial system of Advisory Boards, enabling Councillors to contribute to decision-making early in the process.

33. The Community Safety Scrutiny Sub-Committee comprises 9 members, meeting around 3 times per year. In addition, a representative of the Police Authority is co-opted to the Sub-Committee. Their remit is to undertake review and scrutiny of Community Safety aspects, including consideration of partnership arrangements and activities undertaken by partners in respect of community safety.
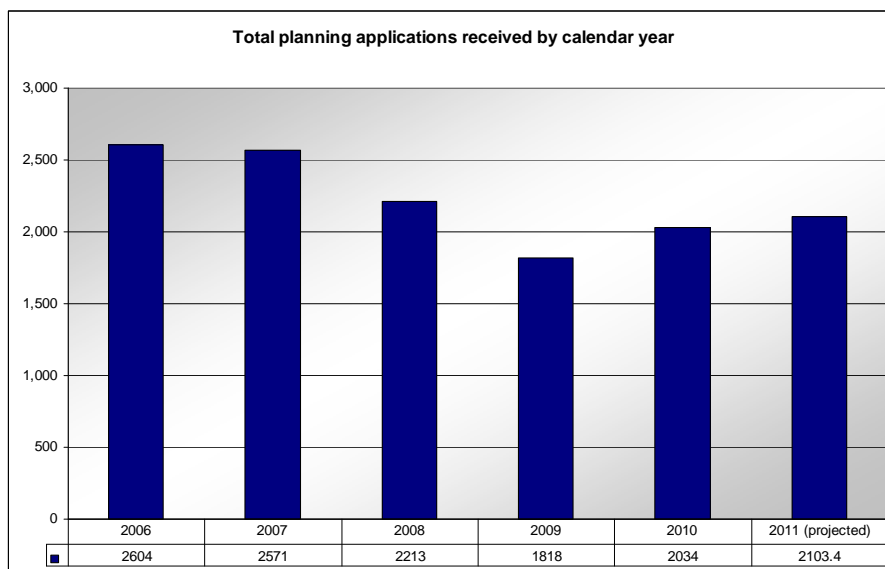
■ Area Planning Committees

34. The Council has delegated planning and conservation matters, and some highway use and regulation functions to three Area Planning Committees. These three Committees have responsibility, as set out below, for distinct geographical areas within the Borough. In addition, their members act as Area Consultative Forums (in a consultative rather than decision-making capacity) as required.

Planning Committee	Current ward allocations	
Area 1 ■	Cage Green; Castle; Higham; Hildenborough; Judd; Medway; Trench; Vauxhall; Hadlow, Mereworth and West Peckham (part)	
Area 2 ■	Borough Green and Long Mill; Downs; East Peckham and Golden Green; Hadlow, Mereworth and West Peckham (part); Ightham; Kings Hill; Wateringbury; West Malling and Leybourne; Wrotham.	*Colours do not indicate political or other associations. Blue – Area 1; Yellow – Area 2; Green – Area 3 Planning Committees.*
Area 3 ■	Aylesford; Blue Bell Hill and Walderslade; Burham, Eccles and Wouldham; Ditton; East Malling; Larkfield North; Larkfield South; Snodland East; Snodland West.	

35. Almost uniquely, all ward Councillors attend one of the three Area Planning Committees in Tonbridge. All major and controversial planning applications are reviewed by the appropriate Committee, and Officer-based decisions are reported to Committees. Members have considered this arrangement a number of times over the years, and each time have decided to retain it as it allows all Members to have an active say in planning issues and matters that affect their communities.

36. Whilst the number of planning applications for new properties decreased from a high in 2006, they have increased again over the past few years (see below).

Total planning applications received by calendar year

	2006	2007	2008	2009	2010	2011 (projected)
■	2604	2571	2213	1818	2034	2103.4

37. The chart above includes *all* planning applications, from minor residential extensions to major multi-property development sites. The more complex applications are determined by Committee and, although the crude proportion of these have decreased in recent years (from 4.9% of all applications down to 2.6% in 2010), the level of complexity and therefore Councillor involvement has increased.

38. Planning Committee meetings typically last from 7.30pm until 10pm, due to the depth of debate required and the involvement of the public. Members of the public have rights to speak at Committee meetings, and members of the Committee therefore have to listen attentively and consider the points made during their deliberations and determinations. At a recent meeting, regarding PolyTunnels, over 50 members of the public spoke, highlighting the work and requirements of Committee members in this case.

39. Councillors representing wards within the Area Planning Committee area are members of that Committee. Thus, Area 1 has 19 members, Area 2 has 17 and Area 3 has 19. Each Committee meets 9 times per year on a scheduled basis, although specific meetings or site-visits are held in addition as required.

40. The Planning Committees are required to spend a considerable time in reviewing and determining major planning applications. In addition to the residential developments in Kings Hill, Peters' Village, Leybourne Grange, Holborough and Tonbridge, Committees have recently had to determine the largest planning application for PolyTunnels in the UK, an exercise that required substantial Councillor involvement. In addition, the Local Development Framework has identified a number of additional sites for further development, for which applications have not yet been received. These are anticipated in the coming 5-7 years and, given their nature, site and scale, will be determined by Committee. Therefore, it is anticipated that the involvement that Councillors have in planning decisions will increase.
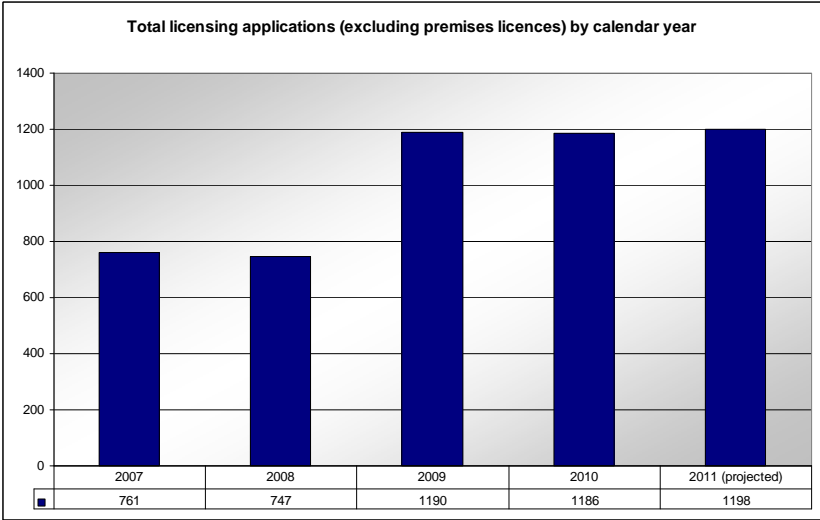
41. In recent years the Borough Council has been asked to consider significant and substantial planning applications. The most high-profile of these, concerning Poly-tunnels, required a very considerable investment of time from local Councillors during the course of the planning process, including a whole day's meeting to consider the issue locally. However, significant applications have also been received and considered for: Holborough (residential), Kings Hill (residential and commercial), Tonbridge (residential, commercial, industrial and educational), and Wouldham (residential). Further significant applications are anticipated for at least fourteen sites in Tonbridge, all of which will need careful consideration, along with further plans for Leybourne Grange, and applications within Borough Green. We consider that each of these will require significant input from local Members to ensure the views of their electorate are represented and the needs of the community as a whole taken into account.

42. In a review undertaken in 2007, the Chief Executive and Leader of the Council reported to the Management Liaison Panel "We believe there is widespread support from Members for the way in which the Area Committees function and the current system would seem to serve the community well in delivering local decision making. In that context we see no reason to recommend any substantive changes."

43. The need for three Area Planning Committees, and the requirement for all Borough Councillors to be members of their local Committee, has been reviewed on a regular basis. There is cross-party support for the current arrangement, and each review has confirmed this. In some cases, planning decisions have formed a platform on which Borough Councillors have been elected to represent their local community as they are key issues for that community. For many residents, planning decisions are one of the tangible decisions in which Councillors play an active role. In all cases, it is felt important that Councillors have an opportunity to represent the breadth and depth of feeling of their residents on planning issues. This is particularly important for the larger and more complex developments that go to Committee for detailed consideration. Therefore, the current situation whereby all Borough Councillors are members of, and are expected to attend, planning committees will continue.

44. The division of planning decisions between three Area Planning Committees based on geography ensures Members are able to effectively represent their communities on local planning issues, and has kept meetings to a reasonable duration, rather than the alternative of having a single body to consider all planning matters. The division of the Borough into three areas has proven to improve the efficiency of the discussion and decision-making processes, allowing business to be conducted more effectively and allowing Councillors to adequately represent their wards. In addition, the balance of work between the three Committees is largely appropriate, being based on the number and nature of developments in each area. It is anticipated that, following the Electoral Review, the three Area Planning Committees will continue.

45. The current planning committee structure, whereby councillors directly represent the local interests and needs of their community, is dependent on councillors having a local knowledge and a local representative role within those communities. With the current 53 councillors, this structure does work. Having considered reducing the number of councillors, we do not believe that a direct local representation would be feasible given the necessary increase in geographical size of area and number of electors being represented by each councillor.

46. In addition, Borough Councillors must consult on planning issues with the parish councils within their ward. There is limited time between the publication of planning committee papers and the committee meeting itself, restricting the time available for consultation with parish councils. If there were fewer Borough Councillors, each would have to consult with an increased number of Parish councils during this same pre-Committee window. We consider that this would become impractical, resulting in a loss of input from parish councils and so a loss of local representation.

47. Fewer Borough Councillors overall would also increase the geographical area that each Councillor would need to represent. As planning is often a very localised matter, this would make local representation much more difficult.

48. Further, there are differences between local communities, even those geographically near to each other. For example, the recent poly-tunnels planning application saw two neighbouring communities taking opposing sides in the debate. There is therefore a very local link needed for planning issues. Very local knowledge is required of relatively small areas. If there were fewer Councillors overall, they would need to represent a larger number of communities, making representation more difficult. This would be particularly apparent where an application is likely to benefit one community at the detriment of another; one Councillor representing both sides would find this task impossible. This would be disingenuous to all affected communities as their interests could not be adequately represented.

49. As is currently the case in Tonbridge & Malling, we believe it is important that both (or all) ward members should be present at Area Planning Committee meetings to broaden the representation, spread the judgement and provide confidence to residents.

50. We consider that the current working arrangements for considering planning applications work effectively because they give all Members a say on local issues. Having discussed this with other local authorities recently, we have identified other district Councils that operate a similar system and they have confirmed that they have also found this approach more effective. Such a system ensures all local views can be expressed, prevents any potential conflicts of interest from affecting the system (most areas are represented directly by more than one councillor), and avoids other Members needing to 'call in' or reconsider decisions as they are involved in the original process.

51. Tonbridge & Malling Borough Council has consistently been at the leading edge in terms of quality of area plans and assessments, forward planning work, and local development frameworks. This has been facilitated in part by the Area Planning structures in place, which has allowed substantial Member involvement.

52. It is important to note that the Chairmen and Vice-Chairmen of Area Planning Committees are required to attend pre-meetings with officers to fully understand the issues and complexities of matters to be discussed. These contribute significantly to the workload of such Members.

■ **Licensing and Appeals Committee**

53. The Council has delegated licensing and registration, and determination of appeals, to the Licensing and Appeals Committee.

54. The Committee meets around 5 times per year and comprises 15 members, and is politically balanced. In addition, a Licensing and Appeals Panel is formed as required to determine appeals and applications. The Panel comprises 5 members of the Committee and meets as required, typically up to 10 times per year.

55. Normally, Council and Committee meetings are held during the evening. However, Panel meetings can also take place during the day. This limits the availability of Councillors to sit on Panels.

56. The chart below shows the number of licensing applications received by calendar year (excluding premises licenses), highlighting that the number is not expected to decrease this year and is nearly twice the figure from 2007 and 2008.

Total licensing applications (excluding premises licences) by calendar year

	2007	2008	2009	2010	2011 (projected)
	761	747	1190	1186	1198

57. In addition to the work relating to new license applications and appeals, the Committee are also responsible for reviewing licenses at the request of one of the responsible authorities. This work includes that relating to Trading Standards applications (e.g. recent cases due to under-age sales).

58. It is not anticipated that the Licensing and Appeals structure will need to be amended in any way at present.

■ **General Purposes Committee**

59. The Council has delegated health and safety functions and all other functions set out in Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 plus employment and audit functions to the General Purposes Committee. In addition, all electoral matters (such as boundary reviews) are referred to the General Purposes Committee.

60. The General Purposes Committee has 14 members, although many more Councillors attend due to the wide brief of the Committee. Membership is politically balanced. It now meets around 3 times per year.

■ **Audit Committee**

61. The Audit Committee comprises 7 members and meets around 4 times per year. No members of the Audit Committee also sit on the Overview and Scrutiny Committee, strengthening the independence of the two bodies, and no members are part of Cabinet.

62. The remit of the Audit Committee includes internal and external audit matters, risk management, corporate governance and financial reporting.

■ **Standards Committee**

63. There is a requirement under the LGA 2000 for each local authority to have a Standards Committee. The role of the Committee is to promote high standards of conducted by Councillors and co-opted members, through training, support, monitoring and, where necessary, investigations and hearings.

64. The Standards Committee for TMBC has 13 members (politically balanced, and of whom not more than one may be a member of Cabinet and may not be the Leader) and 5 independent members plus 5 representatives of Parish councils. The Standards Committee meets 4 times per year. Membership of the Committee was increased in 2008 (from 12 to 13) to reflect the needs of the council.

65. Three sub-committees meet as required and report to the Standards Committee:

   a. Standards Assessment Sub-Committee, comprising 5 or 6 members of the Standards Committee. This body undertakes the initial assessment of complaints that a member may have breached the Code of Conduct.

b. Standards Hearings Sub-Committee, comprising 5 or 6 members of the Standards Committee. This body undertakes the hearings relating to the review of complaints that a member may have breached the Code of Conduct.

c. Standards Review Sub-Committee, comprising 5 or 6 members of the Standards Committee. This body undertakes reviews of complaints that a member may have breached the Code of Conduct.

66. The three sub-committees meet as required, typically not more than twice per year.

67. The Standards Committee will be renamed Standards and Training Committee upon abolition of the national framework for ethical standards, and will therefore merge with the Training Committee at that time. Therefore although the national framework is being removed, the Committee will continue to meet to determine local matters and to review training matters. Its overall workload will therefore not decrease and is anticipated to remain broadly similar to its current workload.

■ **Training Committee**

68. The Training Committee comprises 13 members. Established only this year, the role of the Committee will be to support and oversee training and development of Councillors. It is anticipated the Committee will meet 4 times per year. Members of the Training Committee are the members of the Standards Committee.

69. The Training Committee will merge with the Standards Committee upon the abolition of the national framework for ethical standards.

Advisory Panels and Boards

■ **Introduction**

70. In addition to the decision-making Committees, TMBC maintains a number of advisory panels and boards. These allow Councillors to contribute to matters early on in the decision-making process, and allows detailed consideration to be made in advance of decisions having to be made. This ensures proper debate and scrutiny throughout the process. In addition, the Panels and Boards allow Members to contribute their expertise to the decision-making process.

71. The Leader of Tonbridge & Malling Borough Council requires all Cabinet Members to attend Advisory Boards that feed into their portfolio, to enable them to understand the discussions held and points raised by colleagues. This inevitably increases the demands upon Cabinet Members, but has proven useful in ensuring the views of Advisory Boards are taken fully into account in the decision-making process.

72. The number and remit of the Panels and Boards has evolved over time to ensure meetings are of a manageable length to give opportunity for meaningful discussion and debate by Members.

73. Advisory Panels and Boards are chaired by a member of the Council who is not a member of the Executive and their purpose is to give initial consideration, within their respective terms of reference, to matters that will come before Cabinet and to make recommendations to Cabinet in respect to such matters. Membership is normally politically balanced. Meetings of the Panels are not programmed but will be convened as and when necessary for the efficient discharge of business.

74. The Panels and Boards shown below are those in place since the May 2011 elections, and represent some changes to the previous arrangements. Given the detailed considerations made by these bodies, they can require considerable commitment from those Councillors involved in them. The bodies meet at different frequency due to their differing remits and responsibilities.

75. Most Panels and Boards have 13 members. This number has been determined as it ensures sufficient representation of residents, gives sufficient opportunity for Councillors with a particular interest to be more directly involved in the decision-making process and, at the same time, keeps meeting size and duration manageable. For those bodies that meet a set number of times per year (excluding those that meet 'as required'), there are a total of 134 appointments. This equates to around 2.5 appointments per Councillor, and 9 meetings per year.

76. Given the regular reviews of the number and remit of Boards and Panels, the council consider that they currently represent the most effective and convenient way to deliver local government in Tonbridge & Malling. The number of appointments and meetings for each Councillor have also been reviewed and are

considered to be both acceptable and appropriate. Reducing the number of councillors would increase the number of appointments and meetings, and this is not considered appropriate.

77. The work of the Advisory Panels and Boards is set out in a Guiding Principles document, accepted and endorsed by Council in 2003. This specifies how these bodies work, and how they contribute to the effective and convenient running of the Council. The Guiding Principles were re-presented in 2007 to the Management Liaison Panel:

   a. All Members should have an opportunity to make an input into the decision making process before and not after decisions are taken

   b. The arrangements should be practical and workable and should not over-burden Members or officers

   c. The Council's effectiveness should be unimpaired

   d. The process should be transparent and understandable to all

   e. The overview and scrutiny process should continue to operate with the same degree of vigour as before

   f. The new arrangements should have the potential for further development to enable decisions to be made under a scheme of delegation where there is general agreement to a particular course of action – subject to the call-in powers available to the Scrutiny Committee.

78. That same report from 2007, included in Annex 1 of this submission, set out how well the Council has operated under the new Constitution that introduced Advisory Boards and Panels.

79. Any reduction in the overall size of Council would increase the number of appointments and meetings of Panels and Boards that the remaining Members would need to attend. This would increase the workload of Councillors, and so reduce their effectiveness in researching, consulting and discussing topics at Board meetings due to their reduced time outside of meetings.

■ **Car Parking Charges Advisory Board**

80. Advises on the management and maintenance policy for the off-street car parks; review and management of the on-street parking regime including enforcement procedures; and the annual review of the charging structure for public car parking in the Borough. This Board typically meets around once per year.

- **Communities Advisory Board**

   81. Advises on matters relating to community development and cohesion, and implications of wider community initiatives.

   82. This Board meets 4 times per year.

- **Community Safety Advisory Board**

   83. Advises on matters relating to community safety, including crime, disorder and anti-social behaviour, and other broader community safety issues.

   84. This Board meets as required.

- **Finance and Property Advisory Board**

   85. Advises on a broad range of matters relating to council finances and assets, including strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan; Operational management of acquisition and disposal of land and property including leases, easements and other interests; Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises; Usage of Council offices and allocation of accommodation; Maintenance and improvement of Council property; Development of the Council's procurement strategy; Concessionary Fares Scheme; Administration of Housing & Council Tax Benefits; Collection of Council Tax and Business Rates; Financial management for the Council as a whole in accordance with proper practices, including the preparation of Annual Estimates & the provision of medium term forecasts; Treasury and Cash Flow Management; Benefit Fraud Investigation; Day to Day financial operations, including debt recovery/management and payment of staff & creditors; Capital Planning including the management of new 'bids' and the preparation of a medium term plan.

   86. This Board meets around 4 times per year.

- **Health and Wellbeing Advisory Board**

   87. Advises on matters relating to health matters, including public and community health initiatives.

   88. This Board meets as required.

- **Innovation and Improvement Advisory Board**

   89. Advises on matters relating to Customer Services (including design, quality and accessibility of services), Service Delivery (including the impact of legislative changes, and changing expectations), Shared Services (including the opportunity to provide efficient services and share best practice), Thinking differently &

organisational change, and Information Technology (both public facing and internal support services).

90. This Board meets as required.

■ **Leisure and Arts Advisory Board**

91. Advises on matters relating to the development and provision of leisure and arts facilities, services and events by the Borough Council. This includes the three leisure centres, golf centre, public open spaces, country parks, sports coaching and events, allotments (Tonbridge), cemetery management, Tourist Information Centre, Tonbridge Gatehouse Exhibition, Tourism marketing and Heritage Interpretation throughout the Borough. In addition, activities and events for children and young people are considered by this Board.

92. This Board meets 4 times per year.

■ **Local Environmental Management Advisory Board**

93. Advises on matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies; Abandoned vehicles; Fly-tipping; Graffiti removal; Fly-posting; Verge/grass cutting; Street name signage maintenance; Food safety; Health and safety at work; Dog control; Pest control; Public health and control of nuisances; Private drains and sewers; Environmental monitoring; Sunday trading; Public conveniences; Noise control; Air quality; Contaminated land; Animal welfare; Refuse collection; Recycling; Street cleansing; Litter control; Health; Environment; Climate change.

94. This Board meets 4 times per year.

■ **Planning and Transportation Advisory Board**

95. Advises on matters relating to the preparation of the Local Development Framework; Input into Regional Planning Guidance; Input into Structure Planning; Preparation of development briefs; Conservation area appraisals, improvement schemes and grants; Character Area Appraisals; Village Design Statements; Countryside planning and transport initiatives; Liaison with the Cabinet member for Housing over delivery of the Council's Strategic Housing Objectives; Input into Regional Transport Strategy; Major regional projects (CTRL, Orbit, A21, Seras); Local transport projects (TUTS, A228/A20 corridor, West Malling station); Public transport initiatives (bus priority measures, Medway Valley line); Overall monitoring and review of the Borough Council's role in the Kent Highways Partnership; Overall planning and monitoring of the Borough highways activities including maintenance programmes, street signage; Design, consultation and implementation of car

parking action plan; Evaluation, programming, consultation and implementation of the Council's engineering capital plan; Traffic management; Highway improvement and crash remedial schemes and works; Small improvement schemes; Traffic speed reduction initiatives; Traffic Regulation Orders; Highway adoption agreements; CCTV operations; Land drainage and flood attenuation measures; Emergency readiness and response; Highway advisory and liaison service; Performance monitoring and review (planning delivery grant); Design and procedural guidance; Improvement of operating systems; Planning enforcement - overview of performance, resources and priorities.

96.   This Board meets 4 times per year.

■   **Strategic Housing Advisory Board**

97.   Advises on matters relating to the Housing Strategy, Housing Needs and Housing Investment; Liaison with the Cabinet Member for Planning and Transportation over delivery of the Council's Strategic Housing Objectives; Enabling, including the development of affordable homes; Decent Homes; Homelessness; Housing Advice; Housing Register; Temporary Accommodation; Supporting People programme; Disabled Facilities Grants; Home Assistance Scheme; Home Safety; Enforcement of Caravan Site Licensing; Energy Conservation; Home Improvement Agency; Private Sector Housing Standards and Enforcement, including Unfitness, Disrepair and Defective Housing; Houses in Multiple Occupation; Restoration of Utility Services to Domestic Premises; Housing Compensation Payments.

98.   This Board meets 4 times per year.

■ **Community Infrastructure Levy Panel**

99. Advises on matters relating to the developing Community Infrastructure Levy Scheme.

100. The Community Infrastructure Levy (CIL) is a new levy that local authorities can choose to charge on new developments in their area. The money can be used to support development by funding infrastructure that the council, local community and neighbourhoods want.

101. This Panel meets as required, around 2 times per year.

■ **Electoral Review Working Group**

102. Advises on electoral matters, including reviews of boundaries (Ward, County Division, Parishes, Constituencies), developments in electoral law and practice (such as Individual Elector Registration), and advises on the resources required by the Electoral Registration Officer and Returning Officer.

103. This Panel meets as required.

■ **Gypsy and Travellers Issues Panel**

104. Advises on issues relating to Gypsy and Traveller communities and their specific needs and interactions with other communities within the Borough.

105. This Panel meets as required.

■ **Housing Associations Liaison Panel**

106. Acts as a focal point for discussions between the Council and Housing Associations, subsequently providing advice on issues relating to housing associations and their services to Cabinet.

107. This Panel meets as required.

■ **Joint Employee Consultative Committee**

108. The JECC meets to promote close understanding and co-operation between the Council and its employees, through their representatives; to provide a systematic means of communication between the Council and its employees, through their representatives; to give employees, through their representatives, the opportunity to discuss and express views about Council decisions which affect them.

109. This Committee meets as required.

■ **Joint Transportation Board**

110. The JTB meets to advise the Kent County Council Executive on: Capital and revenue funded works programmes within limits set by the KCC Executive; The Highway Unit's Annual Business Plan; Proposals by the TMBC to fund works on the Highway. To advise the TMBC Executive on: Any decisions to be taken by the Executive in relation to functions delegated to TMBC under the agreement; Parking orders, taxi rank locations and street management schemes (management schemes do not include street trading consents); Proposals by the TMBC to fund works on the highway. And to: Review the progress and out-turn of works programmes; review the performance of the HMU and the operation of the Partnership in the Borough; be a forum for consultation between KCC and TMBC on policies, plans and strategies related to highways, road traffic and public transport

111. This Board meets 4 times per year.

■ **Management Liaison Panel**

112. The Panel meets to ensure liaison between Members and the Council's Management Team in respect of matters relating to the effective functioning of the Council.

113. This Panel meets as required.

■ **Parish Partnership Panel**

114. The Panel is considered a vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and the parish (and town) councils in the Borough.

115. This Panel meets 4 times per year.

- **Tonbridge Forum**

    116. The Forum is considered a vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and those Tonbridge-based organisations with a shared interest in enhancing the well-being of the town through the identification of problems and joint working towards solutions. Note that Tonbridge is not parished.

    117. This Forum meets 4 times per year.

- **Tonbridge Town Centre Panel**

    118. The Panel oversees the implementation of the Council's capital projects relating to Tonbridge town centre and to consider and advise Council on proposals for future projects.

    119. This Panel meets as required.

- **Twinning Committee**

    120. The Committee advises the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally, to promote twinning within the Borough.

    121. This Panel meets 2 times per year.

Summary of internal appointments

■ **Number of Committee places**

122. The table below sets out the number of permanent seats to be filled on Committees.

Body	Number members	Quorum	Number of meetings/year	Total projected attendances/year[1]
Council	53	14	6	318
Cabinet	8	4	6	54
Overview and Scrutiny	18	n/a	5	90
Community Safety Scrutiny Sub-Committee	*9*	*n/a*	*3*	*27*
Area 1 Planning	19	4	9	171
Area 2 Planning	17	4	9	153
Area 3 Planning	19	4	9	171
Licensing and Appeals	15	4	5	75
Licensing and Appeals Panel	*5*	*3*	*10*	*50*
General Purposes	14	4	3	42
Audit Committee	7	n/a	4	28
Standards Committee	13	4	4	52
Standards Assessment Sub-Committee	*6*	*3*	*2*	*12*
Standards Hearings Sub-Committee	*6*	*3*	*2*	*12*
Standards Review Sub-Committee	*6*	*3*	*2*	*12*
Training Committee *	13	n/a	4	52
TOTAL excluding *sub-groups*	**196**			**1,206**

* The Training Committee is excluded from the totals as it will be merged with the Standards Committee in due course.

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[1] Total projected attendances per year is based on the number of possible attendances by Councillors, if all eligible to attend do so to every meeting. These figures do not include Councillors who are not required to attend but have done so through choice.

■ **Number of Advisory Boards and Panels places**

123. The table below sets out the number of seats to be filled on Advisory Boards and Panels.

Advisory Board / Panel	Number members	Quorum	Number of meetings/year
Car Parking Charges	13	4	1
Communities	13	4	4
Community Safety	13	4	As required
Finance and Property	13	4	4
Health and Wellbeing	13	4	As required
Innovation and Improvement	13	4	As required
Leisure and Arts	13	4	4
Local Environmental Management	13	4	4
Planning and Transportation	13	4	4
Strategic Housing	13	4	4
Community Infrastructure Levy	13	4	As required
Electoral Review	9	n/a	As required
Gypsy and Travellers Issues	13	4	As required
Housing Associations Liaison	5	3	As required
Joint Employee Consultative Committee	9	4	As required
Joint Transportation Board	7	4	4
Management Liaison Panel	13	4	As required
Parish Partnership Panel	13	4	4
Tonbridge Forum	13	4	4
Tonbridge Town Centre Panel	19	4	As required
Twinning Committee	10	4	2
TOTAL For those meeting 4 times per year only	**111**		

124. Based on four meetings per year, this equates to 444 attendances for these Panels and Boards. Looking at all Boards and Panels that meet a set number of times per year (rather than 'as required'), there are a total of 134 appointments and 477 meetings.

- **Total number of places**

125. Taking into account the number of places on Committees, and the number on those Advisory Boards and Panels that must meet a set number of times per year, there are a total of 330 places. This equates to approximately 1,683 possible attendances.

126. Although not all Councillors are eligible to sit on all Committees or Panels, the crude average is 6.2 places per Councillor and 32 meetings per Councillor per year. This figure does not include the additional meetings of those Committees and Panels, nor the sub-groups of them, nor the Panels and Boards that meet only as required.

127. There is, therefore, considerable resource required by Councillors in simply servicing the democratic discussion and decision-making mechanisms in place. Any significant reduction in the size of Council would require a fundamental change in the Committee and Board structure to ensure it remains manageable. However, given the effectiveness of the current working arrangements, it is undesirable to make such changes.
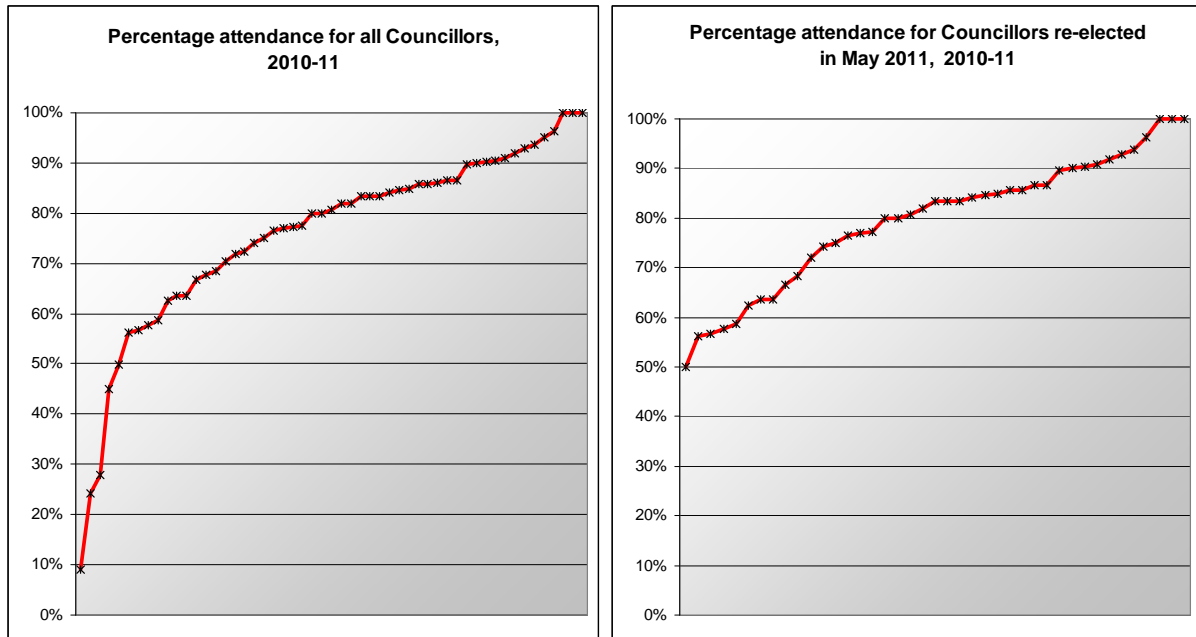
■ Attendance

128. The table below sets out the attendance by Members at formal meetings of the Council and Committees for the 2010/11 Municipal year.

Councillor		Meetings, 2010/11	Attended, 2010/11	Percentage
Cllr Allison A W		46	39	85%
Cllr Balcombe J A L		25	18	72%
Cllr Baldock O C		30	26	87%
Cllr Balfour M A C		32	30	94%
Cllr Bolt P F		32	32	100%
Cllr Mrs Anderson J A		37	34	92%
Cllr Ms Atkinson J A		25	20	80%
Cllr Ms Branson V M C		28	24	86%
Cllr Mrs Brown B A		22	20	91%
Cllr Brown C		38	19	50%
Cllr Chartres F R D		26	20	77%
Cllr Coffin M A		24	20	83%
Cllr Cure D J		21	18	86%
Cllr Dalton R W		22	14	64%
Cllr Davis D A S		28	21	75%
Cllr Davis M O		26	21	81%
Cllr Evans D W P		32	18	56%
Cllr Mrs Heslop M F		31	23	74%
Cllr Heslop N J)		29	26	90%
Cllr Mrs Holland E M		38	26	68%
Cllr Homewood P J		19	16	84%
Cllr Keeley D		24	16	67%
Cllr Mrs Kemp F A		33	27	82%
Cllr Lancaster R D		25	20	80%
Cllr Mrs Luck S L		36	30	83%
Cllr Luker B J		27	26	96%
Cllr Miss Moloney A		30	26	87%
Cllr Mrs Murray S M		14	13	93%
Cllr Mrs Oakley A S		22	17	77%
Cllr Rhodes M R		30	27	90%
Cllr Robins T J		29	17	59%
Cllr Rogers H S		34	26	76%
Cllr Sayer A G		36	30	83%
Cllr Miss Sergison J L		41	37	90%
Cllr Mrs Simpson E A		26	15	58%
Cllr Smith C P		22	14	64%
Cllr Smith D W		30	17	57%
Cllr Ms Spence S V		40	25	63%
Cllr Sullivan A K		28	28	100%
Cllr Mrs Woodger C J		26	22	85%
Cllr Worrall M S		38	38	100%
Cllr Mrs Grant C A F	*Not re-elected May 2011*	36	10	28%
Cllr Stone B D	*Not re-elected May 2011*	29	7	24%
Cllr Aikman D J	*Not re-elected May 2011*	27	19	70%
Cllr Court G	*Not re-elected May 2011*	20	19	95%
Cllr Dobson M J	*Not re-elected May 2011*	29	21	72%
Cllr Clements J R H	*Not re-elected May 2011*	36	31	86%
Cllr Thornewell D F.	*Not re-elected May 2011*	34	23	68%
Cllr Lettington D	*Not re-elected May 2011*	20	9	45%
Cllr Mrs Boakes S J	*Not re-elected May 2011*	22	18	82%
Cllr MacDonald M J	*Not re-elected May 2011*	22	2	9%
Cllr Mrs English F A	*Not re-elected May 2011*	31	24	77%
Cllr Withey L A	*Not re-elected May 2011*	21	19	90%
	Total	1,529	1,158	76%
	Average (mean)	29	22	

129. As can be seen, attendance varies from 9% to 100%. Of the 53 Councillors, 11 achieved 90% attendance or greater during the municipal year 2010/11, compared to 15 who did not attend at least 70% of their scheduled meetings. Excluding those former Councillors not re-elected in May 2011, the attendance ranges from 50% to 100%. The charts below show the distribution of attendance.

130. For the sake of fairness, it should be noted that Cllr MacDonald experienced changes in personal circumstances in the few months prior to the May 2011 elections, preventing him from attending meetings and so adversely affecting the statistics. He did not stand for re-election.

Percentage attendance for all Councillors, 2010-11

Percentage attendance for Councillors re-elected in May 2011, 2010-11

131. The table below sets out the attendance information by body for the same period.

Body	Meetings, 2010/11	Attended, 2010/11	Percentage
Area 1 Planning Committee	152	118	78%
Area 2 Planning Committee	170	136	80%
Area 3 Planning Committee	113	85	75%
Audit Committee	15	12	80%
Cabinet	56	54	96%
Community Development Advisory Board	39	22	56%
Council	262	219	84%
Finance and Property Advisory Board	52	35	67%
General Purposes Committee	56	32	57%
Joint Employee Consultative Committee	18	14	78%
Joint Transportation Board	28	24	86%
Leisure and Arts Advisory Board	52	42	81%
Licensing and Appeals Committee	60	35	58%
Licensing and Appeals Panel	44	42	95%
Older Persons Issues Advisory Board	13	11	85%
Parish Partnership Panel	25	20	80%
Planning and Transportation Advisory Board	39	30	77%
Policy Overview Committee	19	13	68%
Rural Affairs Advisory Board	13	11	85%
Scrutiny Committee	75	50	67%
Standards Committee	13	11	85%
Standards Hearings Sub-Committee	8	8	100%
Strategic Housing Advisory Board	65	46	71%
Tonbridge Forum	52	33	63%
Twinning Committee	8	8	100%
Community Safety Scrutiny Sub-Committee	26	15	58%
Local Environmental Management AB	38	20	53%
Electoral Review Working Group	18	12	67%
Total	1,529	1,158	76%
Average (mean)	55	41	

132. As can be seen, attendance varies from 53% to 100%. Of the 28 Committees and Boards shown, 4 had 90% attendance or greater during the municipal year 2010/11, compared to 10 who did not attend at least 70% of their scheduled meetings.

133. It should be noted that the three Area Planning Committees have good levels of attendance, even though all Councillors have a role on those Committees.

134. Of those bodies with less than 70% attendance:

   a. The Scrutiny Committee (67%) and Policy Overview Committee (68%) have since been merged to reduce overlap of the Committee remits. This is likely to have the effect of increasing attendance overall. There are statutory functions undertaken by this Committee.

   b. Community Development Advisory Board (56%) has now been replaced by the Communities Advisory Board. With its wider remit, attendance is likely to be higher.

c. Local Environmental Management Advisory Board (53%) has a wide remit on high profile issues affecting all local communities. The Council enjoys a reputation for innovation nationally which will increase the need to engage with other agencies and for meetings of the Board.

d. General Purposes Committee (57%) has a wide remit and important role for the Council. Owing to the fact that the Council has delegated key responsibilities to the General Purposes Committee, and due to its important roles in personnel and staffing establishment, and the formal signing of accounts, the Committee is required and cannot be materially amended. The General Purposes Committee undertakes statutory functions.

e. Community Safety Scrutiny Sub-Committee (56%) is required by law to scrutinise the Community Safety work undertaken by TMBC.

f. Licensing and Appeals Committee (58%) is required to meet to record and confirm decisions made by the Panel, and to determine broader strategic licensing matters.

g. Tonbridge Forum (63%) is a key vehicle for engaging with partners and residents in Tonbridge, similar in role to the Parish Partnership Panel. The importance of the meeting remains in the attendance of others (rather than all appointed Councillors). As with all Advisory Boards, membership is set at 13 Councillors.

h. Electoral Review Working Group (67%) meets as and when required. Over the past year, matters discussed have been largely technical rather than opportunities for detailed debate hence the lower turnout. However, the Electoral Review and other planned items over the coming year are likely to have a higher attendance.

i. Finance and Property Advisory Board (67%) has a broad remit covering all aspects of financial planning, reporting and assessment, including the detailed assessment of the revenue and capital estimates. It is important that this consultative group remains to ensure a fair balance of views can be represented and considered in the decision-making process.

Parishes

■ **Parishes within Tonbridge & Malling**

135. The majority of the area of Tonbridge & Malling is parished, with the majority of residents living in a parished area.

136. There are a total of 27 parishes in the Borough (including 1 Town Council area). Of these, five are also warded, giving a total of 36 parish electoral areas. The relationship of these areas is highlighted in the table below.

137. A number of Borough Councillors are currently also serving Parish Councillors and, although this is a separate role and distinct appointment, Councillors serving both tiers of council inevitably do have an additional representational role to the Borough Council reflecting the views and concerns of their Parish and the residents that they serve.

138. A number of Borough Council wards cover more than one parish council – the most striking example being Downs ward which covers six separate parishes. However Downs is not unique, as the table below illustrates. There is a tradition of Borough Councillors attending Parish Council meetings within their ward.

Borough Ward	Number of parishes
Snodland East	1 parish ward
Snodland West	1 parish ward
Aylesford	2 parish wards
Blue Bell Hill & Walderslade	2 parish wards
Burham, Eccles & Wouldham	2 parishes and 1 parish ward
Ditton	1 parish
Larkfield North	1 parish ward
Larkfield South	1 parish ward
East Malling	1 parish ward
West Malling & Leybourne	2 parishes
Downs	6 parishes
East Peckham & Golden Green	1 parish and 1 parish ward
Hadlow, Mereworth & West Peckham	2 parishes and 1 parish ward
Kings Hill	1 parish and 1 parish ward
Wateringbury	1 parish
Borough Green & Long Mill	4 parishes
Hildenborough	1 parish
Ightham	1 parish
Wrotham	1 parish
Tonbridge (7 wards)	No parishes

139. The number and frequency of parish meetings varies between parishes, as does the electorate, geographical area, range of business covered and particular issues.

140. Borough Councillors have a duty to represent the residents in their Ward. As such, some Councillors do endeavour to attend parish council meetings within their Ward. In some cases, this can create a significant additional burden.

141. There is an expectation that Borough Councillors will attend parish council meetings within their ward. This enables them to represent the Borough Council to the parish, and the views and concerns of the Parish Council back to the Borough. This – the exchange of ideas, concerns and common values between the tiers of local government – is a key element of local democracy in parished areas. There are 27 parishes within the Borough. Any reduction in the number of Councillors will result in fewer Councillors representing these parishes, creating an unavoidable burden on the Borough Councillors.

142. We consider that local knowledge is an important part of being a Borough Councillor, including liaison with Parish Councils. We believe that reducing the number of Borough Councillors would lead to a reduction in sufficiently detailed local knowledge. Councillors would then be less able to get involved with those parishes leading to a loss of representation of local communities and local residents.

■ **Non-parished areas in Tonbridge & Malling**

143. 'Tonbridge is the only part of the Borough that does not have a parish. However, the size of the town in comparison to the neighbouring areas (with seven wards and around 34,000 residents), its urban nature, and the range of communities that it serves, all contribute to a complex set of issues not found elsewhere in the Borough. These distinct issues contribute to the workload of Borough Councillors representing Tonbridge.

144. The same concerns about reduced effectiveness of Borough Councillors in relation to their work with Parishes, should there be a reduction in Council Size, apply equally in Tonbridge. Tonbridge is served by a plethora of community groups, which are represented by the existing Borough Councillors for the town. Reducing the size of Council would result in each Councillor in Tonbridge having too many groups to be able to effectively represent them.

Other Community-based Bodies

■ **Introduction**

145. In addition to parish councils, there are a number of other community and resident forums which meet regularly and which ward members may attend. The key bodies are noted below.

■ **PACT Panels**

146. The Partners and Communities Together Panels (PACT) are run by Kent Police. They meet regularly to discuss issues in particular geographic areas with the aim of improving the long term quality of life of residents.

147. Quality of life issues could include crime and disorder, health, education and learning, employment, anti-social behaviour, housing, public transport, postal services and the physical environment e.g. street lighting, noise and litter. Through PACT the community is able to influence and shape services in their area, identify and communicate their priorities with partners and help create a community spirit and ownership for an area.

148. In Tonbridge & Malling, there are PACT Panels for:

   a. Kings Hill

   b. Trench (Tonbridge)

   c. Larkfield

■ **Future Neighbourhood Working**

149. The traditional community involvement will continue to increase in coming years, with an increase in the delivery of services and Councillor interaction at a local level.

Outside Bodies

■ **Introduction**

150. Tonbridge & Malling Borough Council appoints a number of Councillors to outside appointments, either annually or for a term of office. These are outlined below. In total there are 53 places on these Outside Bodies, excluding those currently filled by co-opted members or other (non-Councillor) representatives of the Council, equating to just under one per Councillor on average.

151. This list is reviewed regularly to ensure that nomination of members on these bodies supports the priorities of the Council. The frequency with which these bodies meet and the time commitment required is diverse.

152. The number of appointments to Outside Bodies has not decreased in recent years and, given the growing need to support and partner with other local organisations, is unlikely to do so in the future.

■ Outside Bodies

Outside Body	Councillor/s appointed, 2011/12 *	
South East Employers	1 Cllr Balfour	A
Kent County Playing Fields Association	1 Cllr M Heslop	A
Age Concern (Tonbridge)	3 Cllrs Atkinson, Cure, Trice	A
Age Concern (Malling)	1 Cllr Bellamy	A
Tonbridge & Malling Citizen's Advice Bureau	2 Cllrs Allison, Anderson *	A
Maidstone and District Care Committee for Chest, Heart and Stroke	1 Cllr Homewood	A
West Kent Relate	1 Cllr Chartres	A
Action with Communities in Rural Kent	2 Cllrs Dalton, Sergison	A
Malling Area Volunteer Bureau	2 Cllrs Brown, Smith	A
Tonbridge Volunteer Bureau	2 Cllrs Branson, Cure	A
Support Group of Home Improvement Agency	2 Cllrs Atkinson, Balcombe	A
Maidstone Mediation Scheme	1 Cllr Gale	A
Tourism South East	1 Cllr Coffin	A
West Kent Cruse	1 Cllr Brown	A
Education Area Briefings	1 Cllr N Heslop	A
Kent Downs AONB Joint Advisory Committee	1 Cllr Balfour	A
Basted Mill Public Open Space JAC	2 Cllrs Murray, Sayer	A
Snodland Partnership Steering Group	3 Cllrs Keeley, Moloney, Oakley	A
South East England Councils (Leader's Forum)	1 Cllr Worrall	A
Youth and Community Centres / Project Management Committees	1 Cllr M Heslop	A
LGA General Assembly	1 Cllr Worrall	A
West Kent Partnership	1 Cllr Baldock	A
Parking and Traffic Regulations Outside London Adjudication Joint Committee	1 Cllr Branson	A
Rochester Airport Consultative Committee	1 Cllr Homewood	A
Supporting People Commissioning Body	1 Cllr Anderson	A
Maidstone and Tunbridge Wells NHS Trust Community Involvement Group	1 Cllr M Heslop	A
Glaxo Smith Kline Transport Forum	2 Cllr N Heslop, Rhodes	A
KCC Health Overview and Scrutiny Committee	1 Cllr Spence	A
Upper Medway Internal Drainage Board	1 Cllr Rogers *	
Lower Medway Internal Drainage Board	1 Cllr Homewood *	
Sanctuary Housing Association	1 (currently vacant)	
Tonbridge Town Lands & Richard Mylls Charity	0 *	
Holme's Southborough Foundation	0 *	
Sir Thomas Smythe's Charity	1 Cllr Branson *	
William Strong's Foundation	0 *	
Tonbridge United Charity	1 Cllr Lancaster *	
Petley & Deakins Almshouse Charity	1 Cllr Heslop *	
Hospital of the Holy Trinity, Aylesford	2 Cllrs Homewood, Sullivan	
The Berry Housing Trust, Stansted	0 *	
Cage Green Co Primary	1 Cllr N Heslop	
St Margaret Clitherow RC Primary	0 *	
St Mark's CE (Controlled) Primary, Eccles	0 *	
Woodlands Junior School	0 *	
K College (was West Kent College)	1 (Currently vacant)	
Kent Forum	1 Cllr M Worrall	
South East Local Enterprise Partnership	1 Cllr M Worrall	
Kent Waste Partnership Member Board	1 Cllr H Rogers	
High Weald AONB Unit	1 Cllr Balfour	

*   *Does not include co-opted representatives of TMBC and former TMBC Councillors whose term of office has not yet ended. A – Appointed annually*

Formal Partnerships

■ **Local Strategic Partnership**

153. The Tonbridge & Malling Local Strategic Partnership is a formal non-statutory body that brings together a wide range of groups and organisations that operate across the borough, covering the public, private, faith, voluntary and community sectors.

154. The Partnership works with the local communities to identify and tackle key issues in a more co-ordinated way. This includes issues across crime, education, skills, health and housing.

155. The LSP is responsible for the Sustainable Community Strategy, a three year plan to address issues related to the local quality of life. The Partnership acts as the strategic decision making body to ensure that actions within the Sustainable Community Strategy are delivered.

■ **Community Safety Partnership**

156. The Tonbridge & Malling Community Safety Partnership is a statutory partnership that was formed as a result of the Crime and Disorder Act 1998, which required CSPs to be established in each district in England and Wales. The Act placed an obligation on local authorities and the Police (amongst others) to work together to develop and implement a strategy to tackle crime and disorder in their area.

157. Under the Act and the subsequent Police Reform Act 2002, Tonbridge & Malling Borough Council, Kent Police, Kent County Council, Kent Police Authority, Kent Fire and Rescue Service and West Kent Primary Care Trusts were designated 'Responsible Authorities' and are held accountable for this work. Other agencies have also joined with the Partnership including Registered Social Landlords, the Probation Service and Voluntary organisations

158. The role of the CSP is to provide a forum for partnership working between both the statutory and non-statutory members, and to improve community safety across the Borough through the resources and support of all partners.

■ **West Kent Partnership**

159. The West Kent Partnership is an Economic and Strategic Partnership operating across Sevenoaks District and the boroughs of Tunbridge Wells and Tonbridge & Malling.

160. The Partnership addresses common sub regional economic, housing and transport issues and identifies strategic action for lobbying and other interventions.

■ **Kent Forum**

161. The Kent Forum is a high-level strategic group which was formed in 2010 following the development of the Kent Recommitment. It is made up of the democratic Leaders of Kent.

162. The Kent Forum has overall responsibility for co-ordinating and agreeing shared priorities and progress, encouraging community leadership and supporting new initiatives. These responsibilities include overseeing Kent's Sustainable Community Strategy, called the 'Vision for Kent' and supporting the development of Locality Boards across Kent.

■ **South East Local Enterprise Partnership**

163. The new South East LEP was fully implemented in April 2011. Its members include councils and businesses from Kent, Greater Essex and East Sussex, creating a new 'economic powerhouse focusing on driving forward prosperity by creating the right environment for growth.'

164. The aims of the LEP are to improve prosperity by enabling and facilitating the right environment for business to flourish, delivered where possible by private enterprise not public subsidy. The LEP aims to create new opportunities for the residents and businesses of the area to increase employment for the short and long term.

■ **Other Consultative Forums**

165. There are a number of consultative forums that elected Members attend. These include the Parish Partnership Panel, Tonbridge Forum, liaison meetings with Kent County Council, the Housing Association, and many more. The commitment of Councillors in attending these forums over a period of many years has helped establish long-term partnerships at Member level, which has given opportunities to help shape and develop local policies outside of TMBC's direct remit. This does, however, increase the workload of Councillors both in attending the consultative forums themselves, and also in contributing to the opportunities this affords.

Representative Role

■ **Introduction**

166. There are two aspects of representation for Councillors – the first is of the council to the community, the second is of electors by the councillor (both to the council and to other bodies).

167. These are partly met through the formal meetings and Committee structures in place (previously described), alongside informal activities and events and casework.

■ **Other appointments**

168. A large number of Councillors undertake other non-TMBC activities as a direct result of their involvement with the Council, such as School Governors and Trustees of local charities. This work is an important part of the role of being a Councillor as it brings a greater opportunity for representation both to and of the community.

■ **Informal activities**

169. A large number of Councillors attend informal activities and events in the wards they represent. This includes attendance at school and church fetes, community development and fun days, litter-picks, and other events. This is an opportunity for Councillors to engage with residents and to gauge views and concerns as well as represent the Council to the community.

■ **Case work**

170. Unlike some other authorities, Members of the Borough Council are not required to formally log all enquiries or respond to them through TMBC Officers. This means that an accurate estimate for the amount of case work undertaken by Councillors is not available.

171. However, discussions with Chief Officers of the Council confirm that whilst there is significant variation between Councillors in terms of the number and nature of cases passed to Officers for resolution, there is a considerable volume of work received in this way. This indicates that many Borough Councillors do engage in a significant level of case work, acquiring information and logging concerns as appropriate. Case work is fundamental to the role of elected Members.

Community & Electorate

■ **Introduction**

172. The current electorate of Tonbridge & Malling is 89,894 (as of 1 September 2011). These electors represent an estimated total population of 118,800 (mid-2010 population estimates, ONS).

173. There are some parts of the community that are not eligible to register to vote, and some parts who although eligible to register choose not to do so. However, although it is the population as a whole that places demands on the council and its services, it is the electorate that must be considered in an Electoral Review.

■ **Changing Electorate**

174. The electorate has increased from 83,970 in 2005 to 89,894 in 2011. This represents an increase of 7%, and this is in line with the major housing development that has taken place during that period.

175. Over the coming years, there is expected to be considerable further residential development taking place within Tonbridge & Malling. Information about those sites is used in developing the projected electorate being used in this Electoral Review.

176. Overall, it is anticipated that the total electorate may rise to 97,539 by 2018 based on current estimates and models. This represents an increase of 8.5% from current figures, and further increases (although outside of the scope of this review) are anticipated in the years following based on current development plans.

177. If the number of Councillors remains constant at 53, then the crude average number of electors per Councillor will increase from 1,693 now to 1,840 in 2018. This increase in itself cannot justify an increase in the total number of Councillors, given that individual electors do not of themselves necessarily increase the workload of each Councillor, but should be taken into account when looking at the overall decision.

Further anticipated changes

■ **The Localism Bill**

178. This document has highlighted a number of likely changes that are anticipated in the coming years. However, one major additional change will be with the introduction of the Localism Bill.

179. The Coalition Government has said that the Bill will devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions. The precise details of the Bill are not yet known but, among other things, it is likely that it will:

   a. Give communities the right to bid to take over local state-run services

   b. Give councils a general power of competence

   c. Give residents the power to instigate local referendums on any local issue and the power to veto excessive council tax increases.

   d. Give greater financial autonomy to local government and community groups.

180. It is already the case that a growing amount of councillors' time is spent on informal consultations and activities. The provisions of the Bill, once enacted, will serve to strengthen the importance of these informal governance arrangements, giving then greater prominence and power and setting them on a more formal footing. The Bill is likely to change the way in which councillors work within their communities by placing greater emphasis on community led decision making.

Performance of the Borough Council

■ **Comprehensive Performance Assessment**

181. In July 2004, the Audit Commission published its Comprehensive Performance Assessment (CPA) on Tonbridge & Malling Borough Council. TMBC received the highest score of all district councils in the country.

182. That assessment was undertaken at a time when the Council operated the same management and political structure as now – with three Area Planning Committees and the Advisory Boards and Panels in place. As such, we consider it inappropriate to divorce the performance of the authority from the way in which it operates.

183. The CPA report is attached at Annex 2. Paragraph 45 indicates that the Audit Commission supported the use of Advisory Boards and Panels:

> The involvement of non-cabinet councillors in advisory boards and panels enhances the council's political capacity. This has enabled non-cabinet members to be more engaged in council business and has allowed them to acquire specialist knowledge to help portfolio holders.

184. In addition, paragraph 49 states: "The council enhances its capacity by active partnership working with other agencies… This improves the council's ability to meet local needs." These partnerships, however, require the time and energy of Councillors to be invested in them to ensure their effective and smooth running.

■ **Ombudsman Report**

185. Tonbridge & Malling Borough Council retains a strong record in respect of complaints referred to the Local Government Ombudsman (LGO), with fewer complaints than any other authority in Kent in most years, and for the past twenty years there have been no findings of maladministration against the Council. In addition the Council has made no local settlements in recent years.

186. Attached at Annex 3 is the Ombudsman's report.

187. We consider that the strong performance of this Council is due in no small part to the way in which it operates and the engagement of Borough Councillors within the council's activities. We also consider that any reduction in the total number of Councillors would impinge on the ability of Councillors to represent their constituents and so reduce the Council's overall performance

Review of possible Council Size changes

■ **Reduction in Council Size**

188. Any reduction in Council Size would significantly increase the workload of each individual Councillor. Given that the current structure of the Council, including Advisory Boards and Panels, and the current Planning Committee system, works so well, it is undesirable to make changes to these processes.

189. Any reduction in the number of Councillors overall would increase the direct workload, with Members required to attend more meetings, and would decrease their ability to engage with electors due to being in meetings more frequently. A major part of a Councillor's role is to represent their constituents and, as such, they must have the ability to meet with and engage with them. In addition, a significant proportion of existing Councillors work full-time, leaving only their evenings to undertake Council work including working with and for residents, and attending meetings. It is not practical or feasible to increase the latter at the expense of the former, particularly given the increase in electorate that is anticipated in coming years.

190. The electorate of Tonbridge & Malling is increasing, which in itself will result in increasing Councillors' workloads. In addition, some of the current residential developments are creating entirely new communities (St Peters Village yet to start, and Holborough and Kings Hill which are in development). As these communities are formed and developed, Councillors have a role in ensuring the representation of the electorate so helping to create those communities. This places additional responsibilities on those local Members to ensure they effectively and appropriately represent the new communities as they emerge in addition to established communities elsewhere in the ward.

191. It is also important to note that reducing the size of Council, and so increasing the workload, would likely prevent individuals who currently work full-time from considering a role as an elected Member. This would in turn limit the skills and experience of Members of the Council, reducing the effectiveness of their decision-making and representative role, and reducing the diversity of community representation on the Council.

Conclusion

■ **Borough Council Meetings**

192. Most evening meetings start at 7.30pm. The length of meetings varies according to the Committee and agenda, but typically require a full evening from the Councillors attending, often lasting until after 10pm. In some cases, detailed discussions can result in meetings lasting until closer to midnight.

193. It is currently unlikely that the number, nature or frequency of meetings will be reduced. Given current workloads of those meetings, it is also unlikely that the membership of meetings will be reduced.

194. As a result, any significant reduction in the size of Council would require a fundamental change in the Committee and Board structure to ensure it remains manageable and, as noted above, it is undesirable to make such changes.

195. Average attendance at council meetings (Committees and Boards) averages 74%, although a significant minority (39%) did not attend at least 70% of meetings they were scheduled to.

196. It is important to note that some Councillors attend meetings to which they are not required to. These attendances are not highlighted in their attendance statistics, but do add to the work of Councillors, and should not be underestimated.

■ **Other Meetings**

197. A significant amount of time can be spent by Borough Councillors in servicing the parishes in their Wards. This should be borne in mind during the warding process that will follow during this Electoral Review. Considerable resource can also be required to service the appointments to external bodies.

■ **Other work**

198. Each Councillor apportions a different amount of time to community events and to case work. However, this should not be underestimated in identifying the role of a Borough Councillor.

■ **Electorate changes**

199. The electorate is anticipated to increase by 8.5% to 97,539 by 2018. Each elector will require services of the Council, and Councillors will be required to represent these additional electors.

■ **Tonbridge & Malling Borough Council**

200. It is important to recognise that Tonbridge & Malling Borough Council has consistently been placed highly in almost all comparative exercises between local authorities. This is largely due to the good working relationships between Officers and elected Members.

■ **Recommendation**

201. During 2010, both the Conservative and Liberal Democrat groups on the Council identified that they would be happy with a modest reduction in the overall number of councillors on the Borough Council.

202. However, given the anticipated increase in electors, the changes imposed by the Localism Bill, the increasing workload of Planning Committees as the economy picks-up and the additional desire to work more locally with residents and the review summarised in paragraphs 185-188, it is unlikely that any decrease could be attained.

203. Tonbridge & Malling Borough Council therefore propose to retain the existing number of Councillors at **53**.

Annexes

TONBRIDGE & MALLING BOROUGH COUNCIL

MANAGEMENT LIAISON PANEL

2 APRIL 2007

Report of the Leader and Chief Executive

IMPROVEMENTS TO THE COUNCIL'S CONSTITUTION

1   Introduction

1.1   As we approach the end of the term of office of the current Council it is arguably an appropriate moment to reflect upon the operation of the Council's constitutional arrangements in order that any changes that are considered beneficial can be agreed and put in place in time for them to be effective from the Annual Council meeting.

1.2   When the Council adopted the present arrangements in 2003, with some subsequent refinements in 2004, it also accepted some guiding principles that we believe are still entirely relevant and worthy of re-statement:-

-    That all Members should have an opportunity to make an input into the decision making process **before** and not **after** decisions are taken

-    That the arrangements should be practical and workable and should not over-burden Members or officers

-    That the Council's effectiveness should be unimpaired

-    That the process should be transparent and understandable to all

-    That the overview and scrutiny process should continue to operate with the same degree of vigour as before

-    That the new arrangements should have the potential for further development to enable decisions to be made under a scheme of delegation where there is general agreement to a particular course of action – subject to the call-in powers available to the Scrutiny Committee.

1.3   The key features of the amendments the Council adopted in 2003 were the introduction of a number of Advisory Boards and Panels which were able to give initial consideration to issues and make recommendations to the Cabinet and the signalled intention to work towards a system of delegation to Cabinet Portfolio holders.

1.4   In 2004 the Council agreed a system of delegated decision making to Cabinet Portfolio holders subject to a number of appropriate safeguards. Slight adjustments were also made to the Advisory Boards to reflect practical experience of their operation.

2   How well have the amendments to the Constitution operated?

2.1   The introduction of Advisory Boards and Panels has in our view worked extremely well and developed over the lifetime of this Council. We feel it has fully achieved the objective of involving all Members in the decision making process. The Advisory Boards, in particular, have enabled particular issues to be examined in more detail than would have been possible at meetings of the Cabinet and have benefited on occasions from the attendance of external bodies and advisers.

2.2   The Advisory Boards have enabled Members that were new to the Council in 2003 to gain a good understanding of a range of issues and facilitated the ability of all Members to contribute their particular knowledge and expertise to discussion of important topics. The Boards have also enabled Members to take a more focussed interest in particular subject areas. They have also fulfilled a developmental role for a number of Members and afforded an opportunity for some to enhance their skills – for example in chairmanship.

2.3   When we made our original proposals and indeed suggested modifications in 2004, we fully acknowledged that experience of the system working in practice would probably highlight areas where improvements or refinements could be made and that we would, therefore, carefully monitor how well the new system operated.

2.4   It is our view that the system has operated well and has been understood by Members and officers alike. Advisory Boards have been a significant success and few problems have been encountered. Cabinet agendas have been largely strategic in consequence and the Council's business has been conducted and transacted smoothly, efficiently and transparently – a situation that is not always true in other authorities it has to be acknowledged.

2.5   We have taken informal soundings from a number of Members and officers and the general consensus agrees with our own analysis. It is fair to record that some Members hold the view that there are too many meetings in consequence of the number of Advisory Boards and, although it is difficult to address this in any significant way without undermining the rationale behind their existence we do make some suggestions later that will help a little.

2.6   In view of the general agreement that the system is working well, we do not consider that wholesale changes are needed and that only comparatively minor modifications need be contemplated.

3   Proposals for amendment

3.1   The modifications we are proposing fall into the following categories:

- Merger of some Advisory Boards and creation of one unprogrammed Advisory Board
- Renaming of some Advisory Boards
- Merger of some Committees
- Renaming of some Cabinet Portfolios
- Creation of a new Cabinet Portfolio
- Amendment to the Area Planning Committees cycle

3.2   We believe that few changes are required to the Advisory Boards but propose that the functions of the Environmental Health, Refuse and Recycling Advisory Board and those of the Street Scene Advisory Board are merged and incorporated within a Local Environmental Management Advisory Board.

3.3   Similarly, we propose that the functions of the Customer Contact Advisory Board and the ICT and E Government Advisory Board are merged and incorporated within a Customer Service Improvement Advisory Board.

3.4   These changes will make a modest contribution towards reducing the number of Advisory Boards.

3.5   Given that meeting the needs of children and young people is a key priority for the Council, we believe this objective would be assisted by the creation of a Youth and Children Advisory Board that would meet probably only twice each year but would on those occasions undertake an in depth examination of particular issues, facilitated by the attendance of young people and representatives from other external agencies where appropriate. The outcomes could well be recommendations for other Advisory Boards or the Cabinet to consider. It would be appropriate in consequence of the above to re-name the Leisure Facilities, Culture and Youth Advisory Board to the Leisure and Arts Advisory Board. The use of the word "Arts" as opposed to "Culture" we feel will convey more accurately the issues the Board will address. We intend that operational matters such as Activate and the Summer Playscheme would continue to go through the Leisure and Arts Advisory Board as at present.

3.6 We have reviewed the way in which the Council's regulatory decisions are made in respect of its licensing functions. Now that the alcohol licensing regime has properly bedded down, we can see no particular reason why we need continue with both a general Licensing and Appeals Committee and a specific Alcohol and Entertainments Licensing Committee. We propose, therefore, to merge their functions into a single Licensing and Appeals Committee.

3.7 We are proposing the renaming of the Policy and Best Value Committee to Policy Overview Committee to reflect the fact that the Government and Audit Commission no longer expect in depth Best Value reviews to be undertaken by Council with Excellent status and therefore the role of the Committee will be more focussed on policy review and development.

3.8 We are of the opinion that it may no longer be particularly useful to have a Disability Working Party. It is worth reminding ourselves that it originally came into being as a Disabled Access Working Party. The passing of the Disability Discrimination Act has meant that less focus on access is now needed in the sense of physical access and instead it is more about identifying and seeking to remove other types of barrier to disabled people participating fully in our society. The Disability Working Party has found it difficult to attract representatives from the wide spectrum of disability and it may well be that more could be achieved if the Council were to adopt a different approach. For example, better engagement might be secured if the Council were to contact existing groups representing particular types of disability indicating a willingness to attend their meetings where they have issues that they would like to raise with the Council. We are therefore signalling an intention to discontinue the Working Party but with the strong caveat that this is subject to consultation with the current membership of the Working Party and Members being satisfied in due course that better means of engagement have been established.

3.9 To assist Members to follow the changes we are proposing, we have attached at **Annex 1** a schedule of the current and proposed decision making structure.

3.10 Turning now to the Cabinet itself, our view is that, like the Advisory Boards, the Portfolios have generally worked well and that only minor modifications are needed.

3.11 The existing portfolios are as follows:

- Community Development
- Environmental Services
- Efficiency and Innovation
- Planning and Transportation
- Resources and Capital Projects
- Housing
- Leisure Facilities, Culture and Youth

3.12   We propose no changes to the portfolios of Environmental Services, Planning and Transportation or Housing. We propose that the title of "Resources and Capital Projects" be simplified to "Finance." For the same reasons as the earlier change to the Advisory Board title we propose that "Leisure Facilities, Culture and Youth" becomes "Leisure, Youth and Arts." We also propose that "Efficiency and Innovation" be re-titled "Innovation and Improvement" as we believe the present title does not properly reflect the fact that the portfolio is just as much centred on improving the service that consumers of Council services receive as it is on efficiency and the word "Improvement" captures both aspects adequately.

3.13   The most significant change we propose is the introduction of a new portfolio to be entitled "Community Safety" which will assume responsibility for a number of key functions currently embraced within the Community Development portfolio. The reasons for this change are set out below.

3.14   The existing Community Development portfolio is quite wide and is very much concerned with the ever growing requirement for partnership with a large range of external public, private and voluntary sector agencies. That requirement is likely to grow rather than diminish under current Government policies and the development of a second round of Local and Multi Area Agreements. It is also possible that a review of the operation of the West Kent Partnership may give rise to a need to establish a truly Local Strategic Partnership covering just this Borough as has been done in both Tunbridge Wells and Sevenoaks. The portfolio is also charged with taking forward a new key priority in relation to tackling climate change locally.

3.15   Simultaneously, the need for the Council to be fully engaged in the Crime and Disorder reduction agenda and working effectively with a range of partners is also growing significantly. The Council has a clear statutory duty to consider crime and disorder issues in the exercise of all its functions and to contribute to a reduction in crime in its area. This too will be an important component of a second round of Local and Multi Area Agreements. Reducing Crime and Disorder in the Borough is also a key priority for the Council.

3.16   The very clear view we have formed is that Community Safety is so significant an issue in its own right that it should be recognised as such with its own Cabinet portfolio. For the reasons set out in 3.14 above we believe there is a more than sufficient workload to necessitate the continuance of the Community Development portfolio even after the transfer of the Community Safety functions to the new portfolio. We have not proposed a new Advisory Board for Community Safety and intend that these issues continue to be addressed by the Community Development Advisory Board in order that the Council diary is not overloaded.

3.17 To make it quite clear what we are proposing in respect of changes to the Cabinet we have set out the proposed terms of reference for each portfolio in **Annex 2.** We have taken the opportunity to update these where appropriate to reflect such issues as the Kent Agreement (the Local Area Agreement for Kent) but the most substantial changes relate to the creation of the new portfolio as described above.

4   Area Planning Committees

4.1 In reviewing the constitutional arrangements for Committees, Boards and Panels we have also considered the operation of the Area Planning Committees. We believe there is widespread support from Members for the way in which the Area Committees function and the current system would seem to serve the community well in delivering local decision making. In that context we see no reason to recommend any substantive changes.

4.2 However, we have reviewed whether the monthly frequency of the Area Committee meetings remains appropriate in terms of the business they are required to deal with, the implications for the Development Control service and the general pressure of agenda preparation and meeting arrangements.

4.3 In summary, we feel that a move to a 6 weekly cycle for each Area Committee would be beneficial in a number of respects. It would assist in agenda and overall work management and as a result relieve some of the pressure in the Development Control section and aid efficiency in the service. It would also relieve pressure in the Committee Administration.

4.4 The Director of Planning, Transport and Leisure has examined the current business throughput of planning applications and advises that such a reduction in frequency of Area Committee meetings will not be detrimental to overall development control performance. This takes into account the current level of delegation to officers and reflects the continuation of the close liaison with chairmen and local members on a case by case basis which is good practice regardless of the decision making process.

4.5 As part of the assessment we have also looked at the general pattern of meeting duration and the number of cases for decision considered over the past year by the Area Committees. That information is provided at **Annex 3** and serves to demonstrate that even with a small number of additional cases there should be no practical problems that would lead to overloading each meeting. In exceptional circumstances there may be a need to call a special meeting to deal with a major case but this is really no different to current circumstances.

4.6 In conclusion we feel that there is a good business and organisational case to change to a 6 week cycle and we therefore propose that the Calendar of Meetings for 2007/08 is prepared on that basis.

5   <u>**The Way Forward**</u>

5.1   As we said at the beginning of this report, we believe it will be helpful to have new arrangements agreed and in place ahead of the Annual Council Meeting in May. This will enable Group Leaders to be clear as to the decision making structure that will be in place and the consequential appointments that will need to be made at the Annual Council meeting.

5.2   The purpose of this report and its annexes is to explain the changes we feel it is appropriate to make so that an informed discussion can take place on 2 April. The outcome we would hope for is a recommendation from the Panel to the Cabinet at its meeting on 4 April that endorses our proposals, with any changes agreed by the Panel arising from the discussions that take place, in order that the Chief Solicitor can be given instructions to prepare amendments to the Constitution for the Council to consider at its meeting on 24 April.

5.3   The Panel is REQUESTED to CONSIDER the proposals set out in this report and make recommendations to the Cabinet, in order that the Chief Solicitor can be given instructions to prepare amendments to the Constitution for the Council to consider.

contact: David Hughes

David Hughes   Mark Worrall
Chief Executive   Leader

audit commission

Inspection report

July 2004

Comprehensive performance assessment

Tonbridge and Malling Borough Council

Contents

Introduction

1   Comprehensive performance assessment (CPA) is part of the wider agenda set out in the Local Government White Paper *Strong Local Leadership – Quality Public Services.* The White Paper encourages greater focus on improved services for local people by freeing good councils from central government controls and restrictions, and providing poorer councils with more, and better focused, support for improvement. CPA is the first step in this process, that of making an overall judgement of where each council stands.

2   This report presents an analysis of the council's overall performance as well as two short diagnostic assessments which cover important areas of responsibility. It also includes an assessment of the council's benefit service by the Benefit Fraud Inspectorate (BFI), and the appointed auditor's assessment of performance on each of the main elements of the code of audit practice. The appendices to this report set out further details on the findings of these assessments and the framework for CPA.

3   The official version of this report is also available on the Audit Commission's web site at www.audit-commission.gov.uk. The Audit Commission cannot verify the accuracy of and is not responsible for material contained in this report which has been reproduced by another organisation or individual.
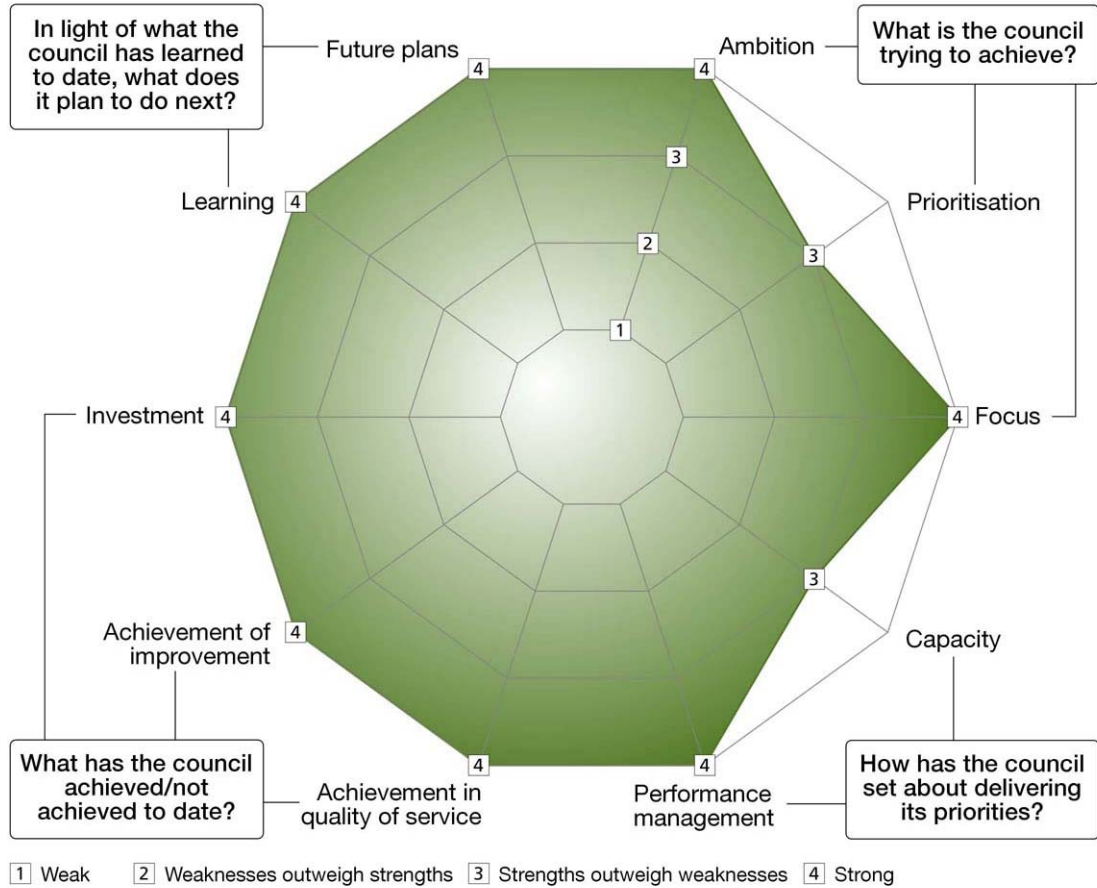
Summary of comprehensive performance assessment judgements

4   Tonbridge and Malling is an excellent council. It has clear ambitions that have been developed in consultation with the community it serves. It knows what the public wants – excellent public services, value for money and a council that shows leadership in representing their interests – and has identified priorities to achieve this. Councillors and staff share a common purpose. The council's priorities balance national and local priorities and are based on sound intelligence.

5   Leadership is strong, and the leader and chief executive work well together. The council has played a leading role in adopting a community strategy through the local strategic partnership (LSP) that is based on the West Kent sub-region. Councillors and staff are skilled, confident and work effectively together. Distinctions between political and managerial roles are clear, and mutual respect is high across the council.

6   Performance management and partnership working are strong areas that are thoroughly embedded in the culture of the organisation and have played a large part in the council's success. The council is financially sound and it is taking a responsible approach to medium-term financial planning. Capacity is enhanced by successes in securing external funding in areas such as planning and housing.

7   Services are well run. Satisfaction levels and performance indicators consistently demonstrate that high standards are being achieved. There is some notable practice in the council's priority areas concerning public space and housing. Services continue to improve and contribute significantly to a high quality of life in the borough.

8   The council is very self-aware and responds positively and openly to challenge. It has been swift to deal with the weaknesses identified by the peer challenge team in December 2003 and those included in its self assessment. The council learns from its own experiences and those of others and uses this learning effectively.

9   There are no significant weaknesses and none that the council does not have firm plans to tackle. There is a positive plan to deal with affordable housing and performance issues in land charges arising from the implementation of new IT systems have largely been addressed. Constitution changes have been agreed for implementation in June 2004 and there are major plans to improve IT arrangements to meet the national e-government agenda.

Summary of assessment scores

Top level question	Theme	Grade	Weighted score
What is the council trying to achieve?	Ambition	4	4
	Prioritisation	3	3
	Focus	4	4
How has the council set about delivering its priorities?	Capacity	3	3
	Performance management	4	4
What has the council achieved/not achieved to date?	Achievement in quality of service	4	12
	Achievement of improvement	4	12
	Investment	4	8
In light of what the council has learned to date, what does it plan to do next?	Learning	4	4
	Future plans	4	4
Weighted score			**58**
Corporate assessment category			**Excellent**

Tonbridge and Malling Borough Council

In light of what the council has learned to date, what does it plan to do next?

Future plans — 4

Ambition — 4

What is the council trying to achieve?

Learning 4

Prioritisation — 3

3

Investment 4

4 Focus

What has the council achieved/not achieved to date?

Achievement of improvement 4

3

Capacity

Achievement in quality of service 4

Performance management 4

How has the council set about delivering its priorities?

1 Weak   2 Weaknesses outweigh strengths   3 Strengths outweigh weaknesses   4 Strong

Recommendations

10   It is recommended that the council:

◆   actively and promptly shares the findings of this assessment with the public, partner organisations, councillors and staff; and

◆   uses the strengths and weaknesses identified in this report as the basis for its improvement planning.

Context

The locality

11   Tonbridge and Malling Borough Council administers an area in the west of Kent covering 240 square kilometres. The western two thirds of the borough are designated as green belt, where development opportunities are limited. The North Downs is an Area of Outstanding Natural Beauty that also occupies part of the borough.

12   The borough has a population of 108,800. It covers a number of diverse settlements with no single urban focus. The largest is the market town of Tonbridge, with a population of 35,000. It lies to the south, close to the larger neighbouring town, Tunbridge Wells. Attractive villages are situated close to the boundaries with Sevenoaks, and urban areas to the south of the M2 look predominantly eastward to Maidstone.

13   The proportion of the population from ethnic groups other than 'White British' is 4.1 per cent. This compares with 8.7 per cent for the South East and 13.0 per cent for all England (2001 census).

14   The borough is relatively affluent, with high levels of house and car ownership compared to national figures. Unemployment at 1.1 per cent is low. It is ranked as the 300th most deprived out of 354 English councils. None of its wards are among the 25 per cent most deprived nationally. Despite this there are communities that are relatively disadvantaged such as Snodland and East Malling.

The council

15   The council has a Conservative administration. Prior to the elections in May 2003 a Liberal Democrat/Labour administration had held control since 1995. There are 33 Conservative councillors, 13 Liberal Democrats and 7 Labour councillors. The single party cabinet has six portfolio holders. The scrutiny committee is chaired by the deputy leader of the Labour group.

16   The council employs around 300 staff with a further 146 staff employed in a separately managed leisure services business unit along with up to 200 casual staff. Staff are led by a chief executive and five directors. The main council offices are centrally located at Kings Hill, with two area offices, at Tonbridge Castle and Larkfield that are more accessible for residents in the south and north of the borough.

17   The council operates on a net annual revenue budget of some £12 million and has general revenue reserves of just below £6 million.

18   The council carried out, as requested, a scored self assessment for this inspection against each of the corporate assessment themes. The self assessment was informed by a peer review commissioned by the council and undertaken by SOLACE Enterprises in December 2003. Using the Audit Commission's scoring mechanism the council has assessed itself as 'excellent'.

What is the council trying to achieve?

Ambition

19   This area is strong with few identifiable weaknesses.

20   The council is clear about its ambitions for the area it serves and has developed a long-term vision in partnership with stakeholders and neighbouring councils. Ambitions for Tonbridge and Malling are laid down in *Serving You Better,* the borough's community strategy, which was adopted in March 2003. The ten-year vision contains six themes covering the key aims for the area, which are to be:

◆   a safer place with lower levels of crime;

◆   cleaner, smarter and better maintained;

◆   responsive to housing, health and social needs;

◆   protective of the local environment;

◆   with reduced traffic problems and well managed car parking; and

◆   thriving businesses and shared opportunity.

21   The council has a good understanding of the challenges facing the area, including those it shares with its neighbours such as the local economy and social issues, including affordable housing. As a result it has been instrumental in establishing a LSP, rather unusually on a sub regional rather than district basis. The West Kent Partnership covers the three councils of Tunbridge Wells, Sevenoaks and Tonbridge and Malling. Its wide ranging membership includes representatives from all tiers of local government as well as health, housing, learning, law enforcement, voluntary and business sectors. The LSP has enabled the council to be well informed by consultation with the community.

22   The council understands what it and other stakeholders can achieve for the area. The vision is translated into actions defined for 2003-06. Each action has a lead agency assigned to it and clear links are shown to current plans or strategies that support them. The council is named as the lead agency for a significant number of these actions. Progress towards achieving the vision is being monitored by assessing the implementation of these actions and also by monitoring against a set of adopted quality of life indicators and targets contained in the strategy documents. Ambitions are focused, realistic and robust.

23   The council's vision is appropriately set within the sub-regional context. Links to the county council's community strategy – *the Vision for Kent* – are clear. The nine themes adopted by Kent take a broad strategic view of community needs across the whole county, while the six themes in the district strategy translate these into aims that are of specific relevance to the borough. There is clarity over responsibilities and focus.

24   The council has a clear vision of the organisational culture it wants to develop. The council's corporate performance plan – *Spotlight* - describes this as 'an organisation that provides excellent public services, good value for money and effective community leadership'. Stakeholders have contributed to this ambition. It reflects the political manifesto at the last elections but, importantly, is owned and clearly understood by all councillors and staff. This guides the council's contribution to the community strategy.

25   The council is providing leadership in developing the LSP. The West Kent Partnership is relatively new. It is not working as effectively as it could, but it is still developing. The council leader, in his role as the new chair is promoting a more action-orientated approach and has initiated a review of the partnership operation and structure to ensure that it continues to improve. The aim is to ensure that all of the councils are fully committed to the partnership. This has resulted in joint funding being agreed to pay for a dedicated officer to co-ordinate the partnership's actions.

26   The council is well led, both politically and managerially. The leader and chief executive work constructively and effectively together. They hold considerable authority and respect within the council and are inclusive in their style. Councillors, senior managers and staff share a common purpose with clear understanding about what the council is seeking to achieve.

27   The council supports equalities through its diversity policy and action plan, which were adopted in January 2004. It provides a range of services to support people, such as a rent deposit scheme and offers a language line translation service. These initiatives help vulnerable people access housing information and the local housing market.

28   The council uses consultation effectively to inform its ambitions. It has a well-established citizen's panel, feedback from which influences decision-making about improvement planning. This helps ensure that aims are realistic and informed.

29   The community strategy is supported by a wide range of long-term plans and strategies that the council has adopted following consultation with stakeholders. Examples include, among others, an up-to-date local plan that covers the period up to 2011, the West Kent area investment framework up to 2012 and a local cultural strategy that runs to 2007. However some plans and strategies were agreed and consulted on before the community strategy was adopted. The council acknowledges that they may not yet be fully aligned to the aims and it plans to carry out an audit to establish links.

Prioritisation

30   Strengths outweigh weaknesses.

31   The council has identified key priorities for improvement in 2004/05. These are refreshed annually to ensure that they are consistent with current needs. After the May 2003 elections the council carried out a major review of its priorities that resulted in a significant restructuring of the priorities and the identification of six key priorities. This allows the council to focus on a much smaller set of key areas for improvement. The six priorities are to:

◆   better target resources to reflect priorities;

◆   progress preparation of the local development framework (LDF);

◆   seek new ways to increase the supply of affordable housing;

◆   give priority to involving and meeting the needs of young people;

◆   achieve a cleaner, smarter and better maintained 'street scene' and open space environment; and

◆   reduce levels of crime, drug and alcohol abuse and anti-social behaviour.

32   There is a clear basis for the new priorities. Criteria for inclusion are that they are relevant to the local community, cross service, affect more than one locality and are key priorities of the current administration. The council also ensures that its priorities reflect national agendas, are supported by community consultation, or are priorities in other strategies and plans. It has also made it clear that other priorities in existing plans will be treated as service level priorities that will be actioned through service performance plans. Details of progress and plans regarding priorities are given in Spotlight, with a clear distinction given to the key corporate priorities.

33   Priorities are based on sound consultation and research. The council uses a variety of mechanisms to consult the community, including a citizen's panel of 1,200 people and an independent youth forum that investigates key issues and advises on activities for young people. The council has a good understanding of the needs of the small minority ethnic population and the needs of people from deprived areas. It has also developed a compact with the voluntary sector to strengthen relationships and effectiveness. The needs analysis to support the council's housing priorities, outlined in Appendix 1, is a good example of the high quality of research that the council uses to ensure that its decisions are well informed.

34 The council communicates its priorities effectively, both internally and externally. Staff and councillors have a good awareness of the priorities and this helps to focus their actions. The public is informed about priorities via the council's website, articles in the council newspaper, *Here and Now,* and booklets delivered to all households with their council tax bill. The council also takes every opportunity to inform other stakeholders, for example by including items on agendas for parish liaison meetings and meetings with the Chamber of Commerce. The council promotes ownership and understanding of what it is trying to achieve for local people.

35 The council has a good record of allocating resources to match its former priorities. Notable examples are the employment of police community support officers (PCSOs) and the investment in the Streetline service. The council has allocated additional resources to improve current priority areas such as young people, parking enforcement and abandoned vehicles. It has also redirected staff to deal with areas in need of improvement such as land charges. However it has not yet identified areas of low priority or redirected resources away from these. The council has said that services already achieving performances in the best 25 per cent nationally will not need to be considered as priorities for improvement but there have been no explicit statements to define these further. The council is aware of these weaknesses and plans to deal with them as a key corporate priority during 2004/05.

Focus

36 This area is strong with few identifiable weaknesses.

37 The council has effective mechanisms to help councillors and officers to stay focused on priorities. Advisory boards and panels provide policy advice to the cabinet. Officer study groups provide a focus on individual topics related to priorities. Both the cabinet and the scrutiny committee work to forward work plans. The format of the corporate performance plan has a clear focus on priorities, showing what has been achieved against previous priorities and what is planned in the next year. These mechanisms ensure that the council does not become distracted from what it is trying to achieve.

38 A well embedded and effective performance management system helps sustain focus on priorities. Comprehensive performance information is reported on a wide range of performance indicators to help the council focus on what matters. Regular monitoring enables key issues such as underperformance to be quickly identified and rectified. An example from housing is the effectiveness of monitoring the local plan and identifying a significant shortfall in affordable housing. This lead to steps being taken to address this through the release of three sites and changes to policy through supplementary planning guidance (SPG).

39   There is a strong focus on continuous improvement. The council makes effective use of best value reviews to identify areas for improvement. Focus is reinforced by integrating the resulting improvement action plans within the performance management framework. A good example is the annual monitoring statement in the housing strategy. The council responded to criticism about the narrow focus of early reviews and amended its programme of reviews to ensure that they are better aligned to corporate priorities and more customer-focused. This has reduced the planned number of reviews for the period 2000 to 2005 from 53 to just 16. This allows the council to focus its improvements on the issues that matter most to the community.

40   The council has a strong focus on delivering outcomes for local people, even in the face of difficulties. A good example is the East Peckham flood relief scheme where the council demonstrated strong leadership by bringing several different agencies together to reach a solution. The council also has a strong focus on housing. Despite a long standing vacancy for a housing manager and the exceptional demands on the service by a major public inquiry, the council delivered all but one of its key housing targets for 2003/04. Additionally, over this period, it successfully bid for a further £8.1 million transitional funding to provide new affordable homes.

41   The council maintains focus on long-term agendas such as Local Agenda 21 and community safety. Primarily it does so by supporting long-term strategies with annual reviews and action plans. However the council could do more to ensure that all of its services are contributing fully to longer term cross cutting issues. For example, it has not carried out an audit to show how well it mainstreams community safety activities under Section 17 of the Crime and Disorder Act 1998. The council has an established child protection plan for leisure services but this has not been formally adopted as a corporate plan. Neither of these are issues that are having a detrimental effect on current services but a more comprehensive approach would help to broaden the contribution of all council services across these areas.

How has the council set about delivering its priorities?

Capacity

42   Strengths outweigh weaknesses.

43   The council has high calibre staff and councillors who work together effectively as a team to deliver high quality services to the public. Staff surveys show that morale is high and internal communications are excellent. This contributes to a positive culture in the organisation and a 'can-do' approach to service delivery.

44   Good leadership of the council is reinforced by effective and constructive relationships across political parties. All parties support the governance changes and the priorities set by the new administration. The chief executive is highly regarded and has helped to build a mature partnership between councillors and staff, with appropriate safeguards over accountability.

45   The involvement of non-cabinet councillors in advisory boards and panels enhances the council's political capacity. This has enabled non-cabinet members to be more engaged in council business and has allowed them to acquire specialist knowledge to help portfolio holders. There is an annual training plan and councillors have a positive attitude to personal training.

46   Scrutiny is working effectively both to tackle long standing issues and respond to unforeseen events that impact on the local community. For example, through the scrutiny committee the council has rationalised and streamlined its procedures for the allocation of grants to local groups to ensure that they are both simplified and better aligned with the council's priorities. The chair of scrutiny works constructively with the leader of the council and senior officers to head off problems and resolve issues, without the need for referral to the scrutiny committee. As a result, since the introduction of the new political decision making arrangements some two years ago, only three items have been called in by the scrutiny committee.

47   The council has a good understanding of the new ethical framework. It has adopted the model code of conduct for members and a protocol for officer/member relations. The council established a standards committee in advance of legal requirements and in 2002 it established a standards sub-committee for town and parish councils. Annual reports are produced. 'Whistle blowing' policies have been in place for some time but nothing untoward has been disclosed.

48   The council has a good range of personnel policies and procedures and makes good use of staff training to optimise capacity. It has achieved Investors in People (IIP) status for the third successive time. There is a diversity policy and action plan that applies to staff issues and a diversity steering group has been set up to review existing practices. The council uses the staff appraisal scheme to identify training needs and plan delivery against performance and service plans. Managers and staff work together to assess what has been achieved through individual training and development and agree future training needs. Funding for training is well above the national average at over £400 a year per employee. This commitment to training helps ensure that all staff have the skills and knowledge needed to deliver the council's priorities.

49   The council enhances its capacity by active partnership working with other agencies. Examples include single issues such as the Medway Valley Countryside Partnership, countywide partnerships, such as the Kent Benefits Partnership, and inter-agency working such as the West Kent Health Improvement and Modernisation Programme. More locally the council works in partnership to provide housing for vulnerable people. Successful cross boundary initiatives with neighbouring councils include a winter shelter, a domestic violence refuge, a hostel for single homeless people and a handyman's service for the elderly. Partnership working is embedded in the culture of the organisation and delivers economies of scale and the ability to attract funding. This improves the council's ability to meet local needs.

50   The council also supports local partnerships to build capacity within the local community. For example, the highly successful Snodland Partnership has secured significant external funding to achieve a range of improvements within the town, including security cameras, traffic calming, improvements to local schools and a significantly increased police presence. As a result, the council has been able to tackle a range of cross cutting issues of local concern that contribute to the quality of life.

51   The council positively embraces alternative methods of service delivery. It uses both the private sector and in-house services to ensure value for money. For example a wide range of street scene and waste management services are delivered externally. There is a mixed economy of service delivery at the municipal golf course where the clubhouse is operated by the private sector and the course itself is run by the council. Although the council has an adopted procurement strategy it is looking to improve it by working in partnership with Maidstone Borough Council, which has specialist procurement skills in-house.

52   The council is in a sound financial position and manages its resources well. It has ample reserves and is debt-free. The capital strategy and asset management plan received a 'good' rating from the GOSE. The council uses its capital programme effectively to support its priorities. The appointed auditor has scored all five areas in the statutory code of audit practice as good, the highest level possible. The council is in a strong financial position to deliver its priorities.

53   The council has improved its capacity by introducing more efficient practices. Examples are the Street Line service, and the Eyes and Ears project which both make it more efficient to identify and remedy problems on the streets. Also the design team approach to major developments allows a range of officers to have an early input to avoid future problems. By working in a more integrated way staff time has been freed up to be more effective in other areas.

54   The council promotes the use of IT to deliver its services more effectively. It is making good progress towards achieving e-government targets. The number of transactions that can be made electronically is about average at 62 per cent and the council is on target to reach 100 per cent in 2005. A sound IT infrastructure is in place to help staff to meet day to day requirements. The council has enhanced its capacity to deliver IT projects by working in partnership with other councils and agencies in Kent Connects. It is also using external consultants to develop its e-government plans that will improve capacity in the future.

55   However the council is not yet optimising the full potential of IT and is not at the forefront of new developments. There is scope to improve systems in customer-facing areas such as planning and land charges. The implementation of a new land charges system has adversely affected performance and the systems used in planning are not the most up to date. The awareness and use of IT amongst councillors is variable and not all councillors are taking advantage of opportunities available to them, for example through training and grants and loans to purchase equipment. This limits efficiency and results in the need for duplicated processes.

56   Despite having a wide range of personnel policies and procedures, the council has not yet adopted a formal HR strategy. Formal flexible working practices are relatively underdeveloped. The proportion of high earners that are women is in the worst 25 per cent nationally. The council has experienced recruitment and retention problems in areas such as planning and housing. As a result the council is preparing a draft HR strategy and plans to introduce more family-friendly working practices.

Performance management

57   This area is strong with few identifiable weaknesses.

58   The council has a sound and well established performance management system, with a number of features that are good practice. Performance management processes are firmly embedded in the culture of the organisation and this has been recognised in a number of external assessments by the district auditor, the BFI and the peer challenge team. There is a clear link between corporate objectives, service plans and individual staff targets which form the basis of the council's staff appraisal system. Compliance with the appraisal system is very high and as a result staff have a good understanding of their contribution to the delivery of the council's priorities.

59   Regular performance monitoring takes place at all levels, both operationally and corporately. A wide range of local performance indicators provide valuable information about how services are performing. Key indicators are reviewed quarterly by the cabinet, using a traffic light system. Managers also monitor performance at service level using more detailed indicators. As a result the council is able to take corrective action to bring about improvement. An example is the council's improvement in processing invoices and bills within 30 days, from 87
per cent in 1999/2000 to a fraction under 100 per cent in 2002/03.

60   Information on performance is readily accessible. Councillors and staff have easy access to relevant statistics and the public are kept informed in a number of ways. The BVPP, relabelled as the corporate performance plan, is produced to a high standard, giving clear information on targets, and performance. Service users are informed about standards and targets through leaflets and the council's website. There are articles in the council's newspaper, *Here and Now* and an annual booklet summarising performance is sent to all households with council tax bills.

61   The council uses other management information to help it to improve. For example the Street Line system gives a breakdown of the nature and quantity of customer contacts regarding the street scene. This enables trends to be identified so that there is early recognition of problems.

62   Council plans and strategies contain targets so that future performance can be measured. For example the community strategy includes a range of quality of life indicators and the area investment framework includes targets for 2012 and intermediate targets for 2007.

63   The council manages risk effectively. It has a risk management strategy in place that is regularly refreshed and updated. The strategy sets clear objectives and defines roles and responsibilities for everyone in the organisation. Strategic and operational risk registers are kept and these are reviewed annually or when new circumstances arise. Insurance claims against the council are monitored and have been reviewed recently by an advisory board. Members are informed about major claims and exceptions. The council's insurers have undertaken a review and are happy with how the council deals with risk.

64   The council has a record of sound financial management. It monitors revenue and capital spending monthly and reports on exceptions. It ensures value for money by openly market testing the delivery of services, such as street scene and waste management at regular intervals. The council is able to demonstrate that it achieves value for money by having high satisfaction levels, yet resulting from a council tax level that is below the average of the other Kent districts.

What has the council achieved / not achieved to date?

Achievement in quality of service

65   This area is strong with few identifiable weaknesses.

66   The council measures its achievements against its priorities and reports them annually in its corporate performance plan. The council's current priorities are relatively new and it is too soon to measure the council's achievements against them. However the seventy or so previous priorities covered the same broad areas of public space, housing and effective council services and the achievements reported below are a fair reflection of achievement against council priorities.

67   Overall there are good levels of satisfaction with the council and specific services. Partners rate the council highly. Residents' satisfaction levels with the overall service provided by the council are the highest in Kent and, at 82 per cent in 2000/01, were among the best nationally. Satisfaction levels for a number of the council's priority services relating to public space are in the best 25 per cent nationally. These include parks and open spaces, sports and leisure facilities, waste collection and recycling facilities.

68   The council's performance compares favourably with other councils. Thirty per cent of national performance indicators are in the best performing 25 per cent of councils; a further 38 per cent are above the average, and only nine per cent are in the worst performing 25 per cent of councils.

69   The council generally delivers high quality services. This is confirmed by a number of external assessments. The BFI judged the council's service as 'fair to good', with a 'good' proven capacity to improve. Two of the council's priority services, housing and amenity and street cleansing have been assessed by the Audit Commission as good services with promising prospects for improvement. The food safety regulation service has received national recognition in an audit by the Food Standards Agency. Other external recognition has been obtained for a number of individual projects or initiatives. For example, the council received an Institute of Public Relations Excellence Award for the launch of the crime and disorder reduction strategy for 2002-05. Residents can be assured that independent assessments of services confirm high quality.

70   The council is particularly efficient in administration, especially of taxes and benefits. For a number of years it has achieved the highest council tax collection rate in Kent. In 2002/03 it collected 98.4 per cent and in the same year it also achieved the highest in Kent for the collection of business rates at 99.5 per cent. Performance in administering housing and council tax benefits and processing invoices is also in the best 25 per cent nationally. There have been no cases of maladministration reported from the ombudsman in the last 12 years. Efficient administration helps to maximise the council's income and speed up payments to businesses and people in need.

71   The council is a good custodian of the local environment. It has a well-developed and up-to-date local plan and has secured national awards for achievement in the design and development of both historic buildings and new housing and for an innovative quiet lanes project. It has also met government targets for development on brownfield land, which includes an attractive business park. It is a partner in a substantial, long-term community regeneration project in Snodland. In this the council has made good use of both planning powers and local community involvement to provide developments to a high standard that meet local need and enhance quality of life.

72   Its leisure services enjoy high ratings, with Quest 'highly commended' accreditation for the Larkfield centre and a good programme of summer activities for young people. Local amenities have been secured from developers and include play areas and community halls. Play areas and pitches are well maintained, and some close partnership working with parishes and local communities has helped achieve a level of residents' satisfaction with parks and open spaces that matches best performance nationally. This demonstrates wide-ranging quality in an important priority.

73   The council has endeavoured to make its services accessible to the public. The centrally located council offices are supplemented by two area offices for people in the north and south, who are more remote. At the area office at Tonbridge Castle the opportunity has been taken to combine with the tourist information service to provide access to some council services, such as the register of current planning applications, seven days a week. A number of transactions can be made electronically on the council's website, which is given an average rating by the Society of Information Technology Management. Leaflets are available in audio or large print form and there is access to translation services. The council is aware of the difficulties in consulting 'hard to reach' groups and has developed a commendable good-practice guide. This means that, despite the rural area, the council makes it is easy for local people to use their council services and comment on them.

74   In terms of housing, the council is on target to deliver the housing allocations in the county structure plan. It has made a substantial contribution to the availability of housing for vulnerable people and those with special needs. Through working with others and successfully targeting various agencies, it achieved top quartile performance in 2002/03 for bringing empty properties back into use. Attention to detail has helped secure a community legal service (CLS) quality mark for the housing advice service, and a good overall assessment by the Audit Commission for the council's housing service.

75   However, performance in some priority areas was in the worst performing 25 per cent for 2002/03. These include the volume of waste collected, the speed of processing minor planning applications and the completion of standard searches within ten days. The number of council buildings in which all public areas are suitable for and accessible to disabled people was relatively low at 18 per cent, just above the worst 25 per cent in 2002/03, which was 14 per cent.

Achievement of improvement

76   This area is strong with few identifiable weaknesses.

77   Performance data for 2002/03 suggests that council has improved overall since the previous year. Of the indicators where direct comparison is possible 13 (68 per cent) have improved and 6 (32 per cent) have not. Significantly all indicators in the worst 25 per cent are improving. In priority areas, the most significant improvement is in the speed of dealing with planning applications. For example, the percentage of minor applications decided in eight weeks has improved from 46 per cent in 2002/03 to 64 per cent in 2003/04. This improvement is reflected in a significant increase of £356,000 in the planning delivery grant received from the government. Improved performances include those in poorly performing areas such as land charges and the amount of waste collected. The push to develop the land searches service has proved significant, with un-audited figures suggesting an increase to over 99 per cent in the third quarter of 2003, compared with 55 per cent for the same period in 2002. Improved satisfaction ratings are evident for other services, too, including highway maintenance, where satisfaction has increased by 17 per cent for roads and 29 per cent for pavements between 2001 and 2003.

78   The council has strengthened several financial processes, showing consistent improvement that benefits local people. For example, invoice processing in 30 days reached nearly 100 per cent in 2002/03 (from 87 per cent in 1999/2000); and government targets in benefits have been exceeded. The council has a full range of payment options to help the public to pay their bills. These range from cash, direct debit, credit and debit cards, by phone or by internet, post offices and banks. These achievements demonstrate an effective focus on enhanced customer responsiveness and improved service delivery.

79   The council has steadily improved the local environment, in line with its residents' wishes, through its local plan framework. This has delivered a new country park, town-centre enhancements, new housing and highways projects – as well as a significant and acclaimed regeneration project in Snodland, one of the area's most deprived wards. Leisure opportunities have improved with refurbished centres, a new cycle path and an impressive refurbishment of Tonbridge Castle – with associated public events and seven-day opening as a public enquiry point and focus for local tourism. GP referral schemes have been set up. New and improved permanent accommodation has been provided for homeless families to replace substandard chalets. These are major projects that have delivered substantial improvements to the quality of life.

80   Carefully designed pilot schemes are contributing to major steps forward in cleanliness and waste management, with £101k funds secured for this from the Department for Environment, Food and Rural Affairs (DEFRA). A recycling pilot in Ditton and Larkfield is notable for being delivered without external funding and for the high level of satisfaction achieved, including residents' confidence in the council's overall approach. This is testimony to the council's energetic and sensitive communication, as well as its skills in achieving 48 per cent recycling rates, compared with 15 per cent outside the pilot areas. It has also improved its removal of abandoned vehicles and invested £250k in improved land drainage to help minimise flood risks.

81   The council's active partnerships, with landlords and housing associations, have helped improve its housing services and the quality of local housing stock. It has tackled this by thorough research – mapping needs and affordability to produce an issues report that anticipates its LDF. It has taken homelessness seriously, providing 87 extra units in quality local accommodation to make a significant reduction in the use of B&B for families in line with government targets. It has provided special needs housing for vulnerable people, such as a hostel for single homeless people and 15 homes for people with a learning disability. It has used a housing assistance policy to target those most in need for home improvement and energy grants. New developments are attractive, and a mix of affordable housing has been achieved through its local plan – including 18 affordable homes on rural exception sites.

82   The council has also made improvements to systems that help it to communicate with the public. The Street Line service has been introduced to make it easier to report problems on the streets and improvements to the council's website include the ability to carry out on-line transactions. It has made changes to its public buildings, increasing the percentage accessible to disabled people from 18 to 45 per cent.

83   Although six performance indicators show a decrease in performance none of these is significant as they are marginal changes in otherwise high performing areas. However the volume of waste collected per household remains in the worst 25 per cent and has only marginally improved.

84   The council has not fully optimised the delivery of new affordable housing through the planning system. Registered social landlords (RSLs) have contributed a steady supply, but only 73 of the 411 new affordable homes completed since 1996 have been provided through developer contributions. As a result, the council has not met its target of 525 dwellings set for this period. When account is taken of the loss of affordable housing through 'right to buy', the council has not in fact added to the social housing stock. The council has worked hard to address this shortfall and planning permission has been granted for a further 226 affordable homes, which have not yet been built. Of these, more than half (144) have been negotiated through planning agreements.

Investment

85   This area is strong with few identifiable weaknesses.

86   The council is clear about the investment it needs to make to deliver continuous improvement and is putting the right building blocks in place. These are evident across partnerships, governance and corporate arrangements and service development, as well as in the infrastructure needed to support and sustain them. There is an assured focus on community leadership, through its refocused vision, increased LSP involvement, and stronger approaches to social inclusion.

87   Political investment is strong. For example, councillors are reviewing governance further, in order to streamline decision-making. The council has taken significant steps in governance since the May 2003 elections to ensure clearer accountability, a formal councillor/officer protocol, credible community leadership and better decision-making.

88   The council invests in community involvement to enhance decision making and to open itself to challenge. It is building on its experience with a strong citizens' panel and other methods of community consultation to develop a more extensive, external consultation strategy, including a good practice guide to consulting hard to reach groups. It is also building on a sound complaints policy where complaints are welcomed as a means to improve service quality.

89   Investment is also strong in regard to human resources. The council is supporting its revised priorities by investing in staff capacity to deliver them. It has developed a draft human resources strategy that actively encourages the best from its managers and staff, through training and learning opportunities. It is strengthening its HR policies, for example on flexible working, to make them more family-friendly and to encourage the development of women as senior managers. Recruitment and retention difficulties have been tackled through a salary review and greater emphasis on succession planning. These investments strengthen the existing culture, encourage innovation, and support strengthened financial capacity and risk management protocols.

90   The council is taking a responsible approach to investment in affordable housing. Aware of the risks of the loss of Local Authority Social Housing Grant (LASHG), the council has worked with its RSL partners to secure over £21 million transitional funding that will deliver 337 new homes over the next three years. It is only the second council in southern England to secure a Sanctuary scheme to address homelessness arising from domestic violence, and is developing a range of other practices and policies that will extend local access to housing.

91   The council is investing in infrastructure and new practices to support improvement. It has invested nearly £3 million in ICT over the past five years, including geographic information systems, website development and partnerships with other councils to improve electronic access. New and streamlined practices use technology and integrated staff teams to deliver more efficient services, better suited to the cross-cutting agenda of its community strategy. The council is well placed to deliver further improvement.

In the light of what the council has learned to date, what does it plan to do next?

Learning

92   This area is strong with few identifiable weaknesses.

93   The council's culture is wholly attuned to learning and improvement. It reaches toward best practice and is responsive to lessons from its own experiences and that of others. Notably, it responded rapidly and fully to all of the issues raised by the peer challenge team. The most significant example of this is the adoption of a new constitution, from June 2004, with more extensive delegated powers for portfolio holders and a reduction in the number of advisory boards and panels.

94   It demonstrates self awareness in many ways. Its approach to improving the delivery of affordable housing is informed by learning from monitoring and research. It approaches best value reviews with rigour and enthusiasm. A strong set of consultation-driven reviews have provided effective learning opportunities for councillors, managers and staff in improving service delivery. Comprehensive improvement plans – well-grounded in local opinion – cascade across the organisation and into service and individual aims. This helps ensure effective change.

95   There is mature and responsible political leadership to support learning throughout the organisation. Councillors play an active part in learning. Their involvement in advisory groups and in best value and scrutiny reviews has led to service challenge and change. Some have taken part in visits to good practice elsewhere; for example, to explore effective ways to improve recycling through the promotion of changed attitudes to household waste. This approach underpins strong ownership of local issues.

96   Senior managers encourage learning. Staff are encouraged to share learning and to contribute to organisational change. Staff surveys indicate that training is well established. Recent initiatives include informal lunchtime learning sessions and officer study groups to consider issues such as improved employment opportunities for female staff. A new meeting group of second tier managers contribute to a rich and effective portfolio of internal learning.

97   The council learns from partner organisations. Networking with other Kent councils has provided learning opportunities for improved procurement, waste management and research on key workers. The council also passes learning to others, contributing to ODPM work on sustainable communities, to colleagues in neighbouring areas and further afield. And it learns from partnerships with RSLs, developers and voluntary organisations to improve access to housing.

98   There is a measured and responsible approach to learning. The council uses learning opportunities to deliver improvement with certainty. It is good at applying learning from a range of sources, adapting these to the local context to optimise benefits and minimise risks. Examples include its approach to housing, green waste, and to its own governance. The council learns from information collected from complaints. It has also developed pilot schemes to maximise learning, such as an innovative scheme to work with street monitors to provide cleaner and safer streets. This approach balances innovation against associated risks to deliver cost effective improvement.

Future plans

99   This area is strong with few identifiable weaknesses.

100   Tonbridge and Malling is building from strength and has assured a significant part of its future. It has achieved this by listening to local people, using thorough consultation to identify clear aims and priorities in its community strategy and across a range of services. Its plans also address the building blocks necessary to secure future change such as good management, partnerships, financial control, and attention to governance – such as regular cabinet review. These attributes are cemented by a full suite of clear statutory plans and by effective plans and policies, including for e-government.

101   New political leadership has given clarity and purpose. The recent clarification of vision and priorities will help more focused achievement in future, including budget shifts towards the new statement of priorities. This process is being eased by a comprehensive review of existing priorities. The council has also responded swiftly to its CPA self assessment, with a high-level improvement plan to address emerging findings. With stronger influence on the West Kent Partnership since the leader became chairman, this is a robust framework for future community leadership.

102   The council's strong focus on future planning stems from its improvement ethos. It has used good research and its best value and scrutiny reviews to ensure it will be matching resources to local needs. It has prepared for its future by developing a full suite of statutory plans, including a housing strategy commended by GOSE as 'fit for purpose'. Its community strategy has been in place for some time, with its ethos and priorities fully embedded. From April 2004, the community strategy aims will be firmly linked with all other corporate and service planning via a newly-formatted corporate performance plan, which is a powerful performance management tool. These processes will help the council ensure the capacity to meet demand, and enable shifts in resources.

103   It is also building on a firm, debt-free financial foundation and has made it a key priority to review its budget for 2005/06 in 2004 to ensure a more effective alignment with its newly-adopted priorities. Its capital strategy and asset management plan have been rated as 'good' (the highest category available) by GOSE, and it has clear plans to meet BFI standards in 2004. This financial clarity is important to ensuring effective use of future resources.

104   There is a clear approach to future delivery of priorities such as affordable housing. A firm programme is in place and funding agreed to develop a LDF to replace the local plan as a corporate priority. More robust planning policies to improve delivery of affordable housing are incorporated within recently adopted SPG and a revised housing policy statement. The council has supported the release of three further strategic housing sites at a recent public inquiry. A clear and robust strategic framework is in place.

105   Other priorities are effectively integrated in future plans. The council is addressing longer term national agendas such as sustainability, and pollution. At the same time, it is tackling local issues through engaging local communities in the preparation of village design statements. Future plans support a broad agenda and different mechanisms for change.

106   There are no significant weaknesses within the future planning framework and none that the council does not have firm plans to tackle. For example the council is auditing its DDA compliance with a view to improving the accessibility of its buildings, but has not yet made financial contingency for this to meet statutory timescales. It does not have playing pitch or open space strategies, but a district wide audit and user consultation of sports grounds is in progress. The council plans to better address diversity and race, but has not yet developed SMART plans for this, including the staff training that will be required when it seeks to achieve
Level 3 of the Equalities Standard. These weaknesses represent work in progress, rather than significant gaps that could prejudice future improvement.

107   Although the future strategies are well understood by staff, councillors and stakeholders, at this stage there is no overall project plan to co-ordinate implementation, deal with contingencies and ensure that the council stays on track. The council is aware of this and, for example, is providing project management software and training to deliver its e-government strategy. However there is a degree of uncertainty about the council's affordable housing strategy. Partly, this is an issue of timing, pending the outcome of the three sites inquiry. Once this is known, the council will incorporate its plans for the future, including funding arrangements, within the annual supplement to the housing strategy. However, it has yet to assess whether this mechanism will be sufficient to coordinate the actions across the different service areas that are involved. As a result, there is an element of uncertainty over future delivery.

Summary of theme scores and strengths / weaknesses

Theme	Grade	Strengths	Weaknesses
Ambition	4	• Long-term ambitions adopted in Community Strategy • Vision translated into clear actions for 2003-06 • Strategy developed in partnership and informed by community consultation • Ownership and understanding of the council's long-term ambitions (councillors, staff) • Strategy links with Kent CC Community Strategy • Effective political and managerial leadership • Range of policies and strategies to support corporate aims	• Community strategy not yet fully aligned with other aims and plans
Prioritisation	3	• Key priorities identified and adopted • Sound, inclusive basis for priorities • Internal ownership and cascade of priorities • Effective communication of priorities • Sound needs analysis and research to support priorities • Examples of resources redirected to former priorities	• No identification of areas that are not priorities • Need to shift resources to match new priorities
Focus	4	• Mechanisms to help councillors and officers to stay focused (eg cabinet forward work plan) • Advisory boards and officer study groups focus on key topics • Effective and established performance management • Reviews focus on critical improvements • Examples of sustained focus eg community safety	• Lack of mainstreaming of some regulatory functions, eg Section 17 and child protection

Theme	Grade	Strengths	Weaknesses
Capacity	3	• Positive culture, with well motivated and informed workforce and councillors • Effective leadership reinforces good councillor/officer and cross party relations • Commitment to training and development programmes for councillors and staff • IiP accreditation • Effective scrutiny • Partnerships embraced fully • Mixed economy of service delivery eg golf course • Sound finances, with adequate reserves • Wide range of personnel policies and procedures • Progress towards e-government	• No adopted HR strategy • Low proportion of women are high earners • Flexible working practices underdeveloped • Recruitment and retention, eg planning and housing • IT not optimised
Performance management	4	• Mature and robust PM system • Aims and priorities cascade to targets for individual staff • High compliance with staff appraisal system • Monitoring at all levels - corporate and operational • Understanding and systematic use of performance management throughout the organisation • Performance information is publicly available • Plans and strategies contain targets eg in community strategy and AIF • Local PIs have been developed covering priority areas • Risk management strategy • PIs used to drive improvement	

Theme	Grade	Strengths	Weaknesses
Achievement in quality of service	4	• High satisfaction ratings • BVPIs show 30% top quartile and 38% second quartile • Good ratings from BFI and AC inspections • Examples of strong performance, eg council tax collection rates • Achievement of external awards, eg Quest, Food Standards Agency, Institute of PR • No cases of maladministration from ombudsman in 12 years • Good environmental custodian, including regeneration projects • Strong leisure services • Accessibility, eg opening hours of Tonbridge Castle office • Consultation with hard to reach groups – Good Practice Guide • On track to deliver structure plan housing allocations • Housing for vulnerable people	• Some weaker PIs, eg waste collected, land searches and processing minor planning applications • DDA compliance in respect to buildings
Achievement of improvement	4	• 68 per cent of BVPIs have improved • Improvement in areas with weak PIs - planning applications and land charges • Improved satisfaction ratings for some services eg highway maintenance • Range of improved facilities and services – indoor/ outdoor leisure, Tonbridge Castle, Street Line • Pilot schemes to ensure sustained improvement • Partnerships delivering a wide range of housing improvements, eg for homeless families and in the quality of developments • On-line transactions	• Slow progress in reducing the amount of waste collected • Failure to meet affordable housing targets

Theme	Grade	Strengths	Weaknesses
Investment	4	• Range of strategies, plans and policies providing building blocks for future • Increased community leadership • Further investments in governance and consultation • HR policies, including recruitment and retention • External resources secured for affordable housing and waste • £3 million on ICT development	
Learning	4	• Culture attuned to rapid improvement • Self awareness of key issues • Learning from BVRs and Peer Challenge • Range of learning sources – from local people, own reviews, complaints, networking, other councils, partners and other agencies • Leadership supports staff learning, eg lunchtime and officer study groups • Passing on learning to others • Use of pilot schemes eg street monitors	
Future plans	4	• Building on existing strengths and consultation • Community strategy and all necessary statutory plans in place • High level improvement plan addresses key areas identified in self assessment • High ratings of plans and strategies by GOSE • Strategies informed by up to date research and engagement with stakeholders • Robust plan to produce LDF on schedule with legislation • Tackling longer-term issues • Clear plans in place to improve delivery of affordable housing	• Degree of uncertainty over future delivery of affordable housing

Scoring key:

1 - Weak

2 - Weaknesses outweigh strengths

3 - Strengths outweigh weaknesses

4 – Strong

Appendix 1 - Balancing housing markets diagnostic assessment

How well does the council understand its housing market and from its understanding has the council developed the right proposals to help balance its housing markets?

108   There is a very low risk of function failure and/or poor outcomes in this area.

109   The council's knowledge of the local and sub-regional housing market is comprehensive and robust, supported by an up to date research base. The extent and effective use of information gathering is exemplary. It is supplemented by regular monitoring of a wide range of local housing trends and indicators. There has been a steady growth in owner occupation to its current level of 80 per cent, with a declining socially and privately rented sector of 6 and 7 per cent respectively. The 2003 housing needs and affordability study places special emphasis on identifying the extent and consequences of the affordability gap that prevents 85 per cent of households who need to move from accessing the local housing market. The council is aware of the challenges it faces and the need to tackle local housing issues on a well-informed basis.

110   The council understands the dynamics of the sub-regional housing market. It exploits a number of valuable information sources, including other councils, government bodies and voluntary organisations. With the assistance of £50,000 from the Housing Corporation's innovation fund, the council is contributing to a sub-group of the LSP that works with local employers on the need for key worker housing. It works closely with GOSE and the regional housing board to exchange information and shares this with other councils through informal networks such as the Kent planning officers' society. This helps the council build a clear picture of housing needs within the sub-regional context.

111   This broad information base is kept up to date at both strategic and operational levels. Housing needs and stock condition surveys are carried out every five years, being most recently completed in 2003 and 2001 respectively. Information on empty homes is updated six monthly. An urban capacity study has identified land available for housing in addition to that allocated in the local plan. There is a good understanding of the extent and causes of homelessness through the preparation of the homelessness strategy in 2003. Mapping of services and the needs of vulnerable people is included within the supporting people locality plan implemented in 2003. To support operational activities, rents and house prices are monitored weekly. Empty homes are identified through close liaison with other services such as council tax collection. In partnership with RSLs, the council receives regular updates on the demand for social housing, vacancies and nomination activity. This helps the council formulate effective policies and successfully target actions.

112   There is a good understanding of the current shortfall of affordable housing. The 2003 housing needs survey identifies a need for between 1215 and 2214 new affordable homes from 2000 to 2011. This amounts to 121 to 221 new dwellings per year, more than double the numbers currently being provided and some two thirds of the total number of new homes required over this period. The council is aware of the scale of the challenges it faces.

113 The council understands the needs of vulnerable and minority groups. A database captures the demand characteristics of people interested in shared ownership schemes. In partnership with Kent County Council, information is gathered on people with special needs such as asylum seekers, mental health problems and learning difficulties. The council monitors the nature of housing enquiries through its own advice centre and the CAB. This includes ethnicity. Work on the supporting people locality plan has identified gaps in special needs services.

114 The council has a comprehensive range of linked strategies and plans to support delivery of its housing priorities. The housing strategy provides an overarching strategic framework that is supported by a wide range of integrated sub-strategies. The housing strategy is rated as 'well above average' by GOSE and meets 'fit for purpose' criteria. It contains SMART targets for action that are cascaded into staff work programmes via an effective performance management system. The strategies have been developed in consultation with stakeholders using a variety of mechanisms, including exhibitions, housing forums, the citizens' panel, the council's newspaper and website. Staff and other stakeholders understand how they contribute to the bigger picture.

115 Strategies are well aligned and it is clear how they have been informed by research and support national agendas. The housing strategy draws on the community strategy, the local plan, the community safety plan and supporting people locality plan. The housing assistance policy that sets out the council's response to the regulatory reform order is informed by the housing stock condition survey. This policy also links to complementary strategies for empty homes and fuel economy. Priorities within strategies and performance indicators are clearly stated and support the council in addressing the most pressing needs. This integrated framework provides a sound basis for action.

116 The council takes steps to ensure that key strategies stay in alignment over time. An annual supplement to the housing strategy ensures that it reflects the latest research findings and any changes in national or regional policies. The recently produced interim housing policy statement brings planning policies for affordable housing into line with the findings of the urban capacity study and the housing needs and affordability study. To optimise future supply, the policy sets a new target of 28 per cent provision in new developments and reduces site thresholds from 25 to 15 dwellings in urban areas. For rural areas, a new threshold of five dwellings or 0.17 ha is introduced. To enhance its status, the council has recently upgraded part of this policy statement to SPG. This helps the council remain responsive to local housing needs.

117 The local plan contributes to sustainable development through balancing housing needs with the protection of the environment. It allocates land to meet housing needs on brownfield sites and makes provision for rural exception sites. The plan's longer time horizon (1996-2011) builds in flexibility by holding other 'safeguarded' sites in reserve as a buffer against unforeseen circumstances. As a result, the council has been able to meet structure plan allocations whilst protecting the green belt and other sensitive sites against inappropriate speculative development.

118   The plan is reasonably up to date, but it is not fully effective in supporting delivery of new affordable housing. Targets and policies are no longer challenging in relation to currently identified need or the standards of other similar councils. For example, no specific target is set for affordable contributions on non-allocated sites, leaving this for negotiation with developers. The council is aware of these weaknesses and is taking steps to address them through new SPG and LDF that will replace the local plan.

119   There are relatively few gaps in the council's information base or its framework of strategies to support delivery. However the emphasis on affordability issues in the latest housing needs and affordability study means that the geographical breakdown of demand for different house types and tenures is missing. Rural housing needs are identified through partnership working with parish councils and the Kent rural community council. But the lack of detailed spatial information prevents the council from targeting the specific needs of people living in rural areas or identifying the particular characteristics of other localised demand. In addition, despite a growing elderly population profile, the extensive range of strategies does not specifically target the needs of elderly people.

What are the council's actions and what outcomes has it achieved in helping to balance housing markets?

120   There is a very low risk of function failure and/or poor outcomes in this area.

121   Housing is a corporate priority. The need to increase the supply of affordable housing is one of the council's six priorities for improvement for 2004/05. To support this, the council has released its own land at the former East Malling depot and has overcome substantial environmental and highway constraints to deliver 40 new affordable homes.

122   There is a good awareness of the corporate importance of housing.Housing priorities are supported by effective cross service working at all levels, particularly between planning and housing services. The recent housing needs and affordability study was jointly funded by planning and housing budgets. Collaborative working between planning and housing supported the council's case at the recent 'three sites' public inquiry, the production of its interim housing policy statement and successful bids for transitional funding since the ending of LASHG. Officer study groups and lunchtime learning sessions promote awareness of housing issues across the council and contribute to effective cross service working.

123   Strong political and managerial leadership supports delivery. The council ensures it has the capacity to deliver and that the housing service is adequately resourced. In addition to confirmed budgetary allocations, a further £500,000 is available each year to take advantage of opportunities that arise. The council has skilled and experienced staff, supported by political leadership and structures that sustain focus on delivery. The portfolio holder for housing actively contributes to a 'team' approach. The strategic housing advisory board monitors performance and raises awareness of housing issues to councillors who do not hold executive or scrutiny roles. This keeps housing on the agenda for all councillors.

124 The council's focus on housing is convincing. Despite temporary gaps in capacity resulting from the failure to recruit a new housing manager over a seven month period and the exceptional demands on the service by the recent public inquiry, the council delivered all but one of its key housing targets for 2003/04. Additionally, over this period, it successfully bid for a further £8.1 million transitional funding to provide new affordable homes. There is strong determination and commitment to succeed.

125 The quality of the housing service has received external verification. The Audit Commission rated it as good with promising prospects of improvement in 2002; the housing advice service has also received a quality mark.

126 Partnership working is strong. It enhances capacity and helps the council deliver a diverse housing agenda from the strategic level to front line delivery. Examples include:

◆ partnering agreement with preferred RSL (TMHA) to deliver new affordable homes, housing advice and homelessness services and improve the existing social housing stock;

◆ cross boundary initiatives with other councils as part of the supporting people agenda to meet the needs of vulnerable people, including a winter shelter, a domestic violence refuge, a hostel for single homeless people and 15 homes for people with a learning disability;

◆ provision of 18 new affordable homes in rural exception sites in the villages of Wrotham and Plaxtol;

◆ securing resources through the starter homes initiative to promote key worker housing through 106 agreements; tackling crime and disorder in Churchfields estate, Snodland in partnership with Moat housing association and the police; and

◆ in partnership with RSLs securing a total of £21 million transitional funding to deliver 337 affordable homes over the next three years.

127 The council demonstrates community leadership by targeting vulnerable groups and co-ordinating complementary actions. In partnership with TMHA it is providing 87 new units of temporary accommodation to replace recently demolished sub-standard chalets. It has inspected the 400 HMOs in the borough and targets improvements through a risk based policy. In response to the RRO, the new housing assistance policy targets assistance to people most in need, such as those on low incomes, the elderly and disabled. The policy also provides access to wider agendas such as energy efficiency and encourages landlords to improve private rented accommodation in exchange for nomination rights. The council is bringing together actions in a co-ordinated way.

128 The council has an impressive record in bringing empty properties back into use. Through targeting home owners, letting agents, RSLs and private landlords, some 300 empty homes have been brought back into use since 1999. Performance is in the best quartile nationally for 2002/03, when 48 properties were brought back into use, although changes to data recording through IT systems resulted in the council not meeting its original target of 110 properties.

129   There is tangible progress in preventing homelessness through effective partnership working. The council is piloting a sanctuary scheme in response to recent findings that domestic violence is a major cause of homelessness in the area. Through close working with other agencies, the council is preventing evictions, providing mediation and tenancy support to people at risk. As a result there are currently only three families in B&B accommodation. The council is on track to meet the April 2004 government target around the length of time homeless families with children spend in B&B.

130   Through the local plan, the council maintains an adequate supply of housing land and is on track to meet its share of structure plan allocations, primarily on brownfield sites. There are development briefs for major sites and guidance is available on a range of design and environmental issues, including village design statements prepared by stakeholders. Since LSVT in 1991 the council has delivered 939 new affordable homes, largely through direct provision from RSLs. The majority have been for rent, in line with local needs. The council also supports shared ownership through DIYSO and 'build for sale' schemes. High densities, energy efficiency and high standards of design are promoted and affordable housing is well integrated, for example at Kings Hill. This contributes to meeting local needs through sustainable communities.

131   However to date, the council has not fully optimised delivery of affordable housing via the planning system and section 106 agreements. Direct provision by RSLs has contributed a steady supply of around 50 dwellings a year, exceeding the target of 40. But of the 411 new affordable homes completed since 1996, only 73 have been provided through developer contributions. The council has worked hard to address this shortfall and substantial numbers of negotiated schemes are now in the pipeline. More than half (144) of 226 affordable homes that currently have outstanding planning permission have been secured through planning gain. However, implementation is largely outside the council's control and limited land supply and the current policy framework will check future delivery rates.

132   Overall, completion of affordable housing since the base date of the local plan (1996) has fallen well short of its target of 525 dwellings. In addition, the available stock of social housing has steadily declined since 1991 through 'right to buy' sales. Through effective partnership working, the council has managed to balance the provision of new affordable homes with the numbers lost through 'right to buy'. But in real terms, the council has not added to the overall stock of affordable housing. The council is aware of this weakness and is tackling it as a corporate priority.

How does the council monitor its progress and impact in helping to balance housing markets and how effectively does this feed into future strategies and plans?

133   There is a very low risk of function failure and/or poor outcomes in this area.

134   An effective and well embedded performance management framework supports delivery of the council's housing priorities. Measurable targets are in place for all of the council's housing work. These are cascaded to staff work programmes through service plans and appraisals. Sound monitoring procedures ensure that the council stays on track. The council is able to monitor the impact of its work and identify the need for corrective action.

135 Monitoring of performance is rigorous. Progress against the aims and targets of the housing strategy is monitored quarterly by councillors and more formally on an annual basis through an annual housing strategy monitoring statement and in the BVPP spotlight. The monitoring statement includes progress against a wide range of indicators and actions under the nine key aims of the housing strategy. Actions from the best value improvement plan are incorporated. This ensures that the BVR actions contribute to the key aims of the strategy and stay on track. An annual supplement to the housing strategy summarises progress over the preceding year and identifies new emerging themes and priorities for the future.

136 The council publishes an annual monitoring report on the local plan. This focuses on progress on key development proposals and the supply and availability of housing and employment land. The council monitors house completions on allocated and windfall sites, affordable housing completions by RSLs and through 106 agreements and the use of brownfield land. Monitoring trends in house types and tenures helps the council understand whether it is meeting identified needs. This framework supports a clear focus on priorities and the delivery of results.

137 There is a strongly developed performance management culture across the council. Formal monitoring arrangements are supported by a wide range of informal processes and extensive data collection, supported by IT systems. For example TMHA supplies regular updates on the housing register, housing enquiries, homelessness trends and the use of B&B accommodation. Staff and key councillors meet regularly and keep abreast of developments via e-mail and telephone. Councillors, staff and the partner RSL share a good understanding of current trends and challenges. This helps a shared focus on delivery. Monitoring is used effectively as a learning opportunity to drive improvement. The council is aware of the weaknesses in its current planning framework in supporting delivery of affordable housing. It is taking major steps to improve performance in this area on a coordinated basis. Although the council is on track to meet structure plan housing allocations, with an adequate land supply to meet future requirements, it is supporting the release of three major reserve sites at Kings Hill, Holborough Quarry and Leybourne Grange – purely to boost the supply of affordable housing. Together these sites could deliver an additional 2,500 dwellings, of which 800 would be affordable. These sites were the subject of a recent public inquiry, the outcome of which is not yet known. If approved, these sites will make a substantial contribution to meeting the local need for affordable housing. This bold initiative demonstrates the council's clear focus on affordable housing and its commitment to succeed where it has under achieved in the past.

139 In response to the findings of the urban capacity study and the failure to meet affordable housing targets through developer contributions, the council has reviewed its planning policies to reduce current site size thresholds for urban and rural sites. Together with the introduction of a 28 per cent developer contribution, this will boost the future supply of affordable homes.

140   The council is a learning organisation. It learns from others, BVRs and its own experience. Regular forums with RSLs, local landlords and neighbouring councils have contributed to a review of the housing register and the rent deposit scheme. Close working with GOSE has allowed the council to further improve the housing strategy to achieve 'fit for purpose' criteria. Through informal networks and the LSP, the council is developing closer relationships with partners and creating opportunities to listen and learn from them. Examples include the homelessness strategy and efforts to improve delivery of key worker housing. Learning from the housing service BVR and inspection has resulted in improved services for customers; for example a more integrated system of visits, a unified allocations policy and an extensive range of information leaflets.

141   The council is very clear about what it needs to do to ensure that its future efforts in balancing the housing market are well directed and effective. There is a renewed focus on improving the future delivery of affordable housing following the abolition of LASHG. The council has a clear and considered approach to this issue, supported by corporate recognition of its importance. Many of the building blocks of its strategy are already in place or under way. These include:

◆   the achievement of £21 million transitional funding to provide 337 new affordable homes over the next three years to meet short-term needs;

◆   the development of partnering relationships with a wider range of RSLs that will help the council access other funding streams in the future;

◆   the preparation of a funding strategy for affordable housing that will feed into the annual review of the housing strategy by autumn 2004;

◆   the review of planning policies to enhance delivery of affordable housing in an interim housing policy statement and SPG;

◆   the potential release of three major housing sites in excess of requirements to boost the supply of affordable housing; and

◆   a corporate commitment to review the local plan as a priority, with a clear programme and funding agreed to develop a LDF to coincide with the enactment legislation.

142   The council's commitment, track record to date and well embedded performance management framework give little cause for concern over the council's ability to deliver this strategy. It is ambitious and far reaching and draws on the council's experience and sound research. The outcome of the three sites inquiry is critical to success but is not yet known. It will significantly affect the council's future ability to deliver affordable housing through the planning system in line with local need. The council has carefully assessed the risks attached to this aspect of its strategy and considers them to be low. However, at the present time, alternative long-term funding mechanisms are yet to be identified and contingency arrangements are not yet in place.

143   Although the future strategy is well understood by staff, councillors and stakeholders, at this stage there is no coordinated project plan to manage its implementation, deal with contingencies and ensure that it stays on track. Partly, this is an issue of timing, pending the outcome of the three sites inquiry. Once this is known, the council will incorporate its plans for the future, including funding arrangements, within the annual supplement to the housing strategy. However, it has yet to assess whether this mechanism will be sufficient to co-ordinate the actions across the different service areas that are involved. As a result, there is an element of uncertainty over future delivery.

Summary of balancing housing markets diagnostic judgements and strengths / weaknesses

Area of focus	Grade	Strengths	Weaknesses
How well does the council understand its housing market and from its understanding has the council developed the right proposals to help balance its housing markets?	a	• Up-to-date, comprehensive information base, tailored to local circumstances • Good understanding of the need for affordable housing and shortfall in supply • Full range of integrated strategies, supported by SMART action plans and informed by wide consultation • 'Fit for purpose' housing strategy, with annual supplement to keep aims and targets under review • Links to LSP and community strategy, eg key worker housing • Long time horizon and flexibility built in to adopted local plan • Policies updated in SPG to boost delivery of affordable housing	• Local plan policy framework does not optimise delivery of affordable housing • Some limited gaps in knowledge • No elderly persons strategy
What are the council's actions and what outcomes has it achieved in helping to balance housing markets?	a	• Housing is a key corporate priority, supported by strong leadership and effective cross service working • Use of council owned land to deliver housing • On track to meet structure plan allocations • 939 new affordable homes since 1991 • effective partnerships and cross boundary working • Good record of bringing empty properties back into use • Proactive approach to tackling homelessness and reducing reliance on B&B • Targeted housing assistance to vulnerable people • Capacity to deliver • External verification of quality of housing service	• Failure to meet targets for affordable housing over last seven years • Not optimising use of developer contributions to deliver affordable housing

Area of focus	Grade	Strengths	Weaknesses
How well does the council monitor its progress and impact in helping to balance housing markets and how effectively does this feed into future strategies and plans?	a	• Monitoring used effectively to drive improvement • Effective performance management framework • Learning from others and experience • Good awareness of challenges and clear approach to tackle them • £21m transitional funding in response to abolition of LASHG • Release of 3 major sites in excess of requirements to boost supply of affordable housing • Clear strategy to develop LDF on schedule	• Currently a degree of uncertainty over future delivery of affordable housing
Balancing housing markets diagnostic assessment judgement	A		

Scoring key

For each of the key areas looked at within the diagnostic assessments **the need for improvement**, based upon the risk of service failure and poor outcomes, is identified using the following scale.

a = very low
b = low
c = high
d = very high

Appendix 2 - Public space diagnostic assessment

How well does the council contribute to the management of the physical environment?

144 This area has a low risk of service failure and/or poor outcomes.

145 The council has a clear understanding of the factors contributing to the quality of the environment and recognises the importance of the environment to the local community. The community strategy sets out a broad vision for the borough that embraces a wide range of issues contributing to a well managed local environment. These include crime, social inclusion and health in addition to physical factors such as clean public streets and spaces. The need to achieve a cleaner, smarter and better maintained street scene and open space environment is one of the council's top six improvement priorities in 2004/05.

146 Key plans are in place to help the council manage the environment. The local plan provides an up to date policy framework, with a clear focus on environmental protection and enhancement. Links to national agendas, the Kent structure plan and the LA21 strategy are clear. 75 per cent of the borough's area is designated as green belt or areas of natural beauty, resulting in significant planning constraints. Environmental policies focus on conserving and enhancing the borough's natural and built environment. An environmental appraisal formed part of the plan's preparation. Sustainability issues such as energy conservation and the use of natural energy sources in buildings are incorporated into the plan. In addition supplementary planning guidance and design briefs are applied to encourage the use of sustainable building materials, energy efficiency and long-term flexibility of use. In addition 85 per cent of new homes built in 2002/03 were on previously developed land, further conserving the natural environment.

147 The council has been effective in encouraging quality developments. For example, high quality residential development at Kings Hill combines local distinctiveness with energy efficiency. New residential development at Leybourne Lakes has enabled the improvement of the local environment by funding the development of the adjacent country park.

148 The council encourages local communities to participate in, and be responsible for, environmental management. Two village design statements, produced by local people, are already in place for Shipbourne and East Malling and four more are in the pipeline. Work is under way with two parish councils to produce parish plans. Recent village centre enhancements at West Malling reflect strong local engagement and involvement.

149 The council makes effective use of section 106 agreements with developers to fund a wide range of community facilities, including new open space and children's play areas in conjunction with new residential development. Such funds are also used to improve existing open space and playgrounds, restore heritage buildings, improvements to the road network, archaeological investigations, community hall and provision of affordable housing as well as providing sites for schools provision required by residential developments. This contributes to the integration of new development and quality of life of local people.

150 The council ensures that its open spaces, playing pitches and children's play spaces are well maintained. A royal town planning institute award was achieved for the best practice guide produced as part of the Greenside 'quiet lanes' project implemented by the council. Outside Tonbridge, public spaces are the management responsibility of parish councils and community groups. However, close and effective partnership working ensures that future provision, improvement and ongoing maintenance of such areas is assured. As a result, residents' satisfaction with parks and open spaces matches best performance nationally.

151 The council deals effectively with air quality, noise and pollution issues. The local plan has a series of policies to control these issues and an air quality action plan has been adopted in parts of the borough where air pollution is a problem. The council monitors air, land and water pollution at 50 locations across the borough. A particular concern is the M20 motorway corridor in the north of the borough and this has been designated an air quality management area. Noise pollution and vibration related to the Channel Tunnel rail link has resulted in the establishment of a working group consisting of councillors, officers and local residents to monitor and seek remedies for this type of pollution.

152 Public satisfaction with the development control service is high at 95 per cent in 2002/03. Overall residents' satisfaction with the council's planning service was 76 per cent in 2002/03 and early indications from un-audited from 2003/04 show a further improvement to 84 per cent.

153 However the council has been less effective in meeting government targets for the speed of processing planning applications. In 2000/01 the council's performance in processing planning applications was in the worst 25 per cent nationally. Performance has subsequently improved. In 2002/03 the percentage of major applications decided in 13 weeks was, at 55 per cent, in the best 25 per cent although performance on minor applications (46 per cent) remained in the worst and for 'other' applications (68 per cent) was still below the median. Early indications from the council's un-audited data for 2003/04 show significant improvements in all categories at 65 per cent; 65 per cent and 80 per cent respectively, in all exceeding the council's initial targets. In view of this improved performance, the council has been awarded a significantly increased planning delivery grant for 2004/05 – amounting to £356,000 more than it received in 2003/04.

154 The council's performance for processing land searches within ten days sharply declined between 2000/01 and 2001/02 from 93.5 per cent to 42 per cent. Although by 2002/03 there was a recovery to 64 per cent, the council remains in the worst quartile nationally. Software problems caused by the introduction of a new system have now been resolved and early indications suggest that current performance is 83 per cent.

155   The council has been slow to improve its buildings to comply with the Disability Discrimination Act standards and is unlikely to meet the statutory targets for access. In 2002/03 only 18 per cent of its buildings were compliant, which was just above the level of the worst 25 per cent nationally, which was 14 per cent. Improvements carried out in 2003 have increased compliance to 45 per cent. The council has not been able to keep to the timetable to complete audits of the remaining buildings, being carried out in consultation with disability groups. As a result, the budget for the remaining compliance work has still to be agreed. Although the council is confident that it will complete the necessary works, this may not be before the October 2004 deadline.

Does the council help keep the locality clean?

156   This area has a very low risk of service failure and/or poor outcomes.

157   The council gives high priority to cleanliness. A key council priority is for a 'cleaner, smarter, better maintained street scene and open space environment'. The focus of the council is on recycling, waste collection, and those service elements grouped into 'street scene' such as refuse collection, street cleaning and lighting, highways and roadside maintenance, litter picking, dog control, and fly tipping. Its activity in these areas is focused by a series of performance plans detailing standards, targets and improvement actions to meet the service objectives. However the plans lack detail on responsibilities and costs.

158   Streets and public spaces are generally clean and litter free. The success of the council's street scene services is reflected in the high level of resident satisfaction of 93 per cent (top quartile) in 2000/01. The BVPI for residents' satisfaction with land kept clear of litter and refuse stood at 70 per cent for the same year, only one per cent below top quartile. The local performance indicator for residents' satisfaction with the overall cleanliness of their local area stood at 74 per cent in September 2002. The council's amenity and street cleaning service was assessed as good by the Audit Commission.

159   The council has been proactive in engaging the public to promote a cleaner environment. It has coordinated community initiatives, such as the 'cleaner borough campaign'. It has published a range of information leaflets and general promotion literature on litter, graffiti, fly tipping, recycling and waste management. Council staff also provide environmental education programmes in schools and meet with community groups on reducing and recycling waste, but the effectiveness of these initiatives has still to be measured. A further example of the council engaging well with the public and improving its customer facing services is the introduction of the 'Street Line' service. This computerised complaints service enables residents to phone one number, or e-mail via the council's website, with their complaints or improvement suggestions. The service covers all aspects of street scene, and complaints are analysed with a view to future service improvement.

160　The council has been innovative in some of the measures taken. It has developed a partnership known as 'Grimebusters' involving the probation service, the police and two neighbouring councils to deal with graffiti through people serving community sentences. It has also trialled a scheme using street monitor volunteers from local residents to monitor street scene performance. This trial was a success but difficulties in recruiting volunteers in some areas have hampered the council in extending the scheme across the borough.

161　The council takes positive enforcement action against offenders to ensure a cleaner environment. Dog control and fouling issues are dealt with by the council's outsourced dog warden service. Fixed penalty notices for dog fouling issued in 2003/04 were half of the 2002/03 total. Sixteen fixed penalty notices have been issued for littering offences. Fly tipping is dealt with in 1.1 days and mobile CCTV is now being used to improve the council's response to the problem. Ninety eight per cent of abandoned vehicles are removed within 21 days of being reported. Operation Cubit, a pilot partnership project between the council, the County Council, Kent Police and the DVLA, enabled removal of illegally abandoned vehicles within the hour. The successful outcome of this trial is that it has now been made permanent and extended across Kent.

162　The council has robust strategies and plans for dealing with waste and recycling. It is an active member of the Kent waste forum and is committed to achieving the aims of the sustainable waste management strategy for Kent. The strategic focus is on increasing recycling and composting and the need to reduce the amount of waste generated. The council has set down clear objectives in its recycling plan for 1999–2005.

163　The council performs well on recycling. Overall, residents' satisfaction with the provision of recycling facilities is, at 75 per cent, in the national top quartile. The council's performance in waste recycling in 2002/03 was 16.4 per cent. This is second highest in Kent and in the best 25 per cent nationally. This has steadily improved but in order to meet future government targets the council is aware that a step change is needed and a new recycling system has been trialled in the Larkfield and Ditton areas. The council effectively engaged residents and the trial was very successful, resulting in a recycling rate of 48 per cent and a reduction of two per cent in waste generated per household.

164　The success of this trial illustrates the scale of improvement that the council can achieve and gives confidence that future government targets are achievable. However the council's plans to extend this scheme to the rest of the borough are dependent upon Kent County Council commissioning a new composting facility to deal with an increase in volume. This has been delayed until autumn 2004 which has prevented the borough council meeting its composting target. Although the overall recycling statistics in the third quarter of 2003/04 show a further rise to 17.7 per cent this means it is likely that the council will narrowly miss the government's target of 20 per cent recycling by 2003/04.

165　The council performs well in other aspects of waste management with top quartile performance at 93 per cent for residents' satisfaction with waste collection services. The parish councils' satisfaction with refuse collection and recycling stood at 93 per cent in 2003.

166   However the amount of household waste collected per household is in the worst quartile nationally despite having fallen by four kilograms per household between 2001/02 and 2002/03. The council believes that the absence of a civic amenity site is a factor. This issue, and that of a central composting plant, is being addressed in by the county council who have responsibility for such facilities.

Does the council work with partners to improve community safety?

167   This area has a very low risk of service failure and/or poor outcomes

168   The council is providing effective leadership on community safety and is a committed member of the crime and disorder partnership (CDRP). Strong leadership is given by the council's chief executive who is joint chairman of the partnership. The council is recognised within the CDRP as being dynamic, with strong political support, given through a community safety advisory board. Community safety is one of the key priories if the council and this is reflected in a commitment of £158,500 to community safety initiatives in 2003/04.

169   The council has a clear understanding of community safety concerns in the area. The crime and disorder reduction strategy 2002-05 (CDRS) was based on a detailed audit of crime and disorder in the area, national priorities, and the output from consultation (including hard to reach groups). Progress on achieving the aims of the previous strategy was also reviewed which led to a reduced number of strategic aims to match the available capacity and resources of the CDRP. The CDRS has clear and focused aims to improve community safety and reduce crime. The priorities are – crime reduction; drug, alcohol and substance abuse; and anti social behaviour. The strategy acknowledges that delivery of improvement requires the involvement of a range of partners and securing external funding for some initiatives.

170   There is clarity about aims and responsibilities. Each priority in the CDRS has key objectives and action areas. For example the approach to crime reduction is geographically based and focuses on the reduction of specific types of crime and reducing the fear of crime. These actions also link to Home Office targets giving a national dimension to the approach. Focus is maintained by sub groups for each priority. The strategic approach is cross cutting and takes account of cultural diversity and racism as well as addressing the fear of crime. Specific, measurable, achievable, resourced and timetabled targets are set out in the CDRS action plan and the required actions by CDRP members are clearly identified. Quarterly monitoring takes place on the plan's progress, and includes measuring the achievement of improvements.

171   The CDRS seeks the involvement of the wider community and the CDRP is implementing a scheme to appoint and train community safety officers to work with local police units. The CDRS also addresses the full range of community concerns with for example CCTV coverage of the main commuter car park in the borough and initiatives to reduce crime in rural areas. Initiatives address specific problems such as the woodlands walk in Tonbridge which was a target for vandalism and anti-social behaviour. A multi-agency approach in association with the local community took a range of actions including education, outreach work, increased security patrols, and relocating youth facilities. The outcome has been a considerable reduction in the problems.

172 The borough has the lowest crime rate in Kent. Incidences of burglary, theft of motor vehicles and sexual offences have decreased between 2001/02 and 2002/03 with the first two being in second top and the third in top quartile performance. Three categories of crime have increased. These are violence against the person, robberies and theft from a motor vehicle. The first two have increased in line with national trends and the borough's performance remains in best and second quartile respectively. The increase in thefts from motor vehicles is marginal and performance remains in the second quartile.

173 The CDRP pays particular attention to fear of crime, which is higher than the reality. The council addresses this issue through a proactive engagement with the local media. It issues regular news releases through the local media and articles in the council's own newspaper and website to acquaint the public with the facts about the low levels of crime in the borough and the measures being taken to reduce them still further. The council received an excellence award from the Institute of Public Relations for its publicity campaign undertaken to launch the CDRS in 2002, which was primarily aimed at reducing the fear of crime. Meetings are held with parish councils and community groups to promote the CDRS and manage perceptions of crime, and further contact with the public is through roadshows to promote neighbourhood watch schemes.

174 The council has also implemented significant initiatives such as the establishment, in partnership with Tunbridge Wells, of CCTV coverage in Tonbridge and Snodland, and the use of mobile CCTV units. It has contributed to a multi-agency initiative, Operation Scallywag, that uses automatic number plate recognition equipment to address problems with travelling criminals. This operation has resulted in a variety of offences and offenders being identified, charges brought and arrests made.

175 The council has taken positive actions to address the link between community safety and young people, working closely with the county council's youth and community service. Initiatives to address drugs, alcohol and substance abuse include drug awareness workshops, SNAP (Say No and Phone) dance nights at leisure centres, and 20 young people were dealt with by a drugs outreach worker in Snodland. Anti-social behaviour initiatives include attendance at summer schemes by 174 young people including 37 referred by social services and the Youth Offending Service. Other schemes include parenting workshops, 'after school' clubs and the provision of social skills groups for 12-16 year olds dealing with anger management, communication and resolving conflict.

176 The council has made good progress in mainstreaming community safety into frontline services, it is a key corporate priority. For example the police architectural liaison officer comments on relevant planning applications, safety issues are considered when improving street lighting, new developments and new car parks include 'secure by design' principles, and leisure and arts initiatives are linked to combating anti social behaviour. References are made to community safety in various strategies and plans, particularly in relation to planning, leisure and street scene issues.

177   However the council has not systematically mainstreamed community safety across all of its services. It has not, for example, carried out an audit to demonstrate how well it is conforming to Section 17 of the Crime and Disorder Act 1998 and it has not provided any recent training on its implications to councillors and staff.

178   Monitoring of the outcomes from council and partnership activities could be further improved, for example testing the extent to which 'secured by design' projects or improved street lighting result in reduced crime levels, or the impact of initiatives with 'hard to reach' groups on addressing drug and alcohol related crime.

Does the council contribute to activities to positively engage children and young people?

179   This area has a very low risk of service failure and/or poor outcomes.

180   Involving and meeting the needs of young people is a key priority of the council. Twenty three per cent of the population is under the age of 19, and research to prepare the community strategy revealed residents' top concern is the provision of facilities and activities for teenagers. The council responds to this concern in the community strategy and focuses on engaging with young people between the ages of 13 and 19. The culture, leisure, and crime and disorder reduction strategies all have engaging children and young people as a priority and the young people's officer study group gives a focused and cross cutting approach to this priority. There is no formal council strategy for young people, but it does have a draft a set of aims and objectives for young people. A youth action plan is to be prepared and implemented working in partnership with other agencies.

181   The council has a clear understanding of the needs of young people. The Community Strategy contains a clear statement of youth needs which was informed by a wide range of consultation with young people. This included a youth conference in 2002, organised in partnership with the council's youth forum.

182   The council successfully engages with young people in the youth forum which includes some 'hard to reach' groups such as young travelling people but young people with disabilities are not specifically represented. The council is careful to ensure that the forum is led by young people and is used to highlight young people's needs. The first key issue identified by the forum is that of transport in view of its importance as a means of accessing facilities and activities. There is also a youth website to enable access to the council by young people who are not members of the forum. Young people are also consulted on specific projects such as skate board park developments and the council's best value review of outdoor leisure.

183 The council has implemented a wide range of initiatives to engage with children and young people. The youth and play development officer and other members of the council's staff are pro-active in engaging young people and activities are provided ranging from sports and play activities to courses in mechanics. The council employs consultants or enables local arts organisations to provide arts activities for young people. In 2003/04 over 65 activity programmes for young people took place at different venues across the borough. Participating age groups start with mother and toddler playgroups through to teenagers as well as ethnic minorities and young people with disabilities. Access difficulties to these activity schemes are partly addressed by outreach programmes taking place in villages and towns across the borough.

184 A range of very good indoor and outdoor leisure and recreation facilities are provided by the council across the borough. However other than children's play grounds, multi use games areas and youth shelters relatively few facilities are developed specifically for young people. Facilities such as cyber cafes or internet facilities in leisure centres are lacking, but there is a development programme for the provision of skate board parks throughout the district. The extent of co-operation with the education authority in making use of indoor and outdoor school facilities varies, but the two sports colleges in the borough actively participate in the council programmes.

185 The council has taken steps to improve the accessibility of its services for young people wanting to benefit from the council's facilities and activity programmes. For many young people this arises from poor public transport services and cost factors. The council's social inclusion approach partly improves accessibility so that for example young people pay discounted entry fees at leisure centres. This policy also applies to students whilst dependent children can also benefit from the council's leisure pass discount cards scheme. Currently 1,021 dependents benefit from the leisure pass. Unlike much of the rest of the UK the council is able to attract adults to qualify as coaches, thus providing increased capacity for sports development programmes for young people. In recognising the value of this resource the council participates in arranging relevant training for such volunteers.

186 Participation by young people is high. Approximately 9,100 young people attended coaching courses in 2003/04. Young people are also casual users of facilities such as the borough's swimming pools and 30 per cent of casual swimmers are juniors whilst 51 per cent of the Angel Centre members are juniors. The monitoring information gained through leisure centre users, activity course participants and schools and youth groups enables greater accuracy in focusing publicity and promotions on young people.

187 Other organisations receive council encouragement to provide for young people. This is particularly so with arts provision. The council withdrew its own arts section after reviewing this activity as it concluded that arts opportunities can be more effectively provided through working with West Kent arts development officers and by enabling local arts organisations or using consultants to deliver such services. The council advises sports and arts organisations on establishing junior sections.

188   The council provides a budget to reflect the priority it gives to young people. The council's allocated revenue budget to meet the direct needs of young people in 2004/05 is £204,000 and the budgeted capital spend is £621,000. In addition the council has budgeted for grant aid of £3,550 to sports organisations, £4,900 to arts organisations and £3,550 to sports/arts excellence candidates.

189   The council looks after the safety of young people. Work with young people is covered by a child protection policy. Only council staff and those of partner organisations trained in this policy are permitted to engage with children and young people. The policy was developed by leisure services, the main department involved with children, but there are examples where it has been followed by other departments when appropriate.

190   However there is little awareness of the child protection policy outside of leisure services as it has not been formally adopted as a corporate policy and no awareness training has been given.

Summary of public space diagnostic assessment judgements and strengths / weaknesses

Area of focus	Grade	Strengths	Weaknesses
How well does the council contribute to the management of the physical environment?	b	• Quality of environment a top council priority and integral to community strategy vision • Up to date local plan - supported by SPG and design guides • Effective cross service working • Well maintained local environment • Effective use of s 106 agreements • High levels of resident satisfaction with planning and parks • Planning performance improving • Tackling noise and pollution	• Poor performance for deciding minor commercial applications in 2002/03 and standard searches • Compliance with DDA in respect to buildings behind schedule for October 2004 deadline
Does the council help keep the locality clean?	a	• Performance Plans in place • Links to Community Strategy and to regional strategies • Performance management and monitoring good • High levels of resident satisfaction with standards of cleanliness, recycling and waste collection • Best quartile performance for recycling • Street Line customer complaints initiative • Community engagement • New initiatives eg Grime busters; street wardens; Cleaner Borough Campaign • Use of CCTV to reduce incidences of fly tipping • Committed to County waste strategy • Successful trials to improve recycling performance • Removal of abandoned vehicles	• Worst quartile for amount of waste collected • Likely to narrowly miss government recycling targets for 2003/04

Area of focus	Grade	Strengths	Weaknesses
Does the council work with partners to improve community safety?	a	• Crime and disorder reduction a key corporate priority • Council committed to CDRP • Strategic priorities determined by sound intelligence • Implementation approach modified on basis of review and learning • Community engagement • Proactive approach to fear of crime • Excellence award for publicity campaign • Initiatives in place to engage with young people at risk • Low crime rates - top or second top quartile performance in all crime categories monitored • Reduction in crime levels in some categories • Use of technology such as CCTV, mobile CCTV, ANPR • Secured by Design principles adopted	• Increasing crime levels in some categories although top two quartile performance maintained • No audit of Section 17, mainstreaming, • Effective monitoring of outcomes of strategy could be improved
Does the council contribute to activities to positively engage children and young people?	a	• Engagement with young people a key priority in the community strategy • Clear understanding of needs • Established youth forum • Youth website operating • Draft aims and objectives for young people progressing • Cross cutting approach to council's work with young people • Wide range of facilities and activity programmes for young people • Development of facilities specifically for young people • Provision of children's play areas in cooperation with other agencies • Section 106 used to create and improve children's play areas • Good performance monitoring and management • Child protection policy operating in main areas	• Child protection policy not formally mainstreamed into all areas
Public space diagnostic assessment judgement		A	

Scoring key

For each of the key areas looked at within the diagnostic assessments **the need for improvement**, based upon the risk of service failure and poor outcomes, is identified using the following scale.

a = very low
b = low
c = high
d = very high

Appendix 3 - Appointed auditor assessment

191 Appointed auditors are asked to score five areas which relate to the statutory code of audit practice. When scoring each area a range of issues are taken into account. These issues and the score that has been given in each area are set out in the table below.

Area for auditor judgement	Grade	Issues included in this area
Financial standing	4	Setting a balanced budget Setting a capital programme Financial monitoring and reporting Meeting financial targets Financial reserves
Systems of internal financial control	4	Monitoring of financial systems An adequate internal audit function is maintained Risk identification and management
Standards of financial conduct and the prevention and detection of fraud and corruption	4	Ethical framework Governance arrangements Treasury management Prevention and detection of fraud and corruption
Financial statements	4	Timeliness Quality Supporting records
Legality of significant financial transactions	4	Roles and responsibilities Consideration of legality of significant financial transactions New legislation

Scoring key

1 = inadequate

2 = adequate overall, but some weaknesses that need to be addressed

3 = adequate

4 = good

Appendix 4 - Benefit Fraud Inspectorate assessment

192   The BFI has undertaken the assessment in this appendix as part of the CPA process. The assessment covers two aspects, the current level of performance and the council's proven capacity to improve. Each assessment is measured on a five-point scale (poor, fair, fair to good, good and excellent).

Current performance

193   Overall, we found that Tonbridge and Malling Borough Council's HB and CTB service was providing a fair towards good performance. Tonbridge and Malling Borough Council's current performance demonstrates a number of strengths. These include:

◆   a clear statement of intent to deliver an effective and secure benefits service;

◆   a commitment to fully meet the BFI and Department for Work and Pensions' performance standards framework by September 2004;

◆   monitoring of performance by members;

◆   speed of processing claims that consistently exceed Performance Standards targets;

◆   compliance with the verification framework;

◆   anti-fraud and corruption and prosecution policies approved by members;

◆   counter-fraud business plan for 2003/04; and

◆   use of all available methods for recovering overpayments.

194   However there are some areas where Tonbridge and Malling Borough Council needs to develop further to fully meet the performance standards framework. These include:

◆   key milestone dates not included in operational plans;

◆   limited work to identify and encourage take-up from under-claiming groups;

◆   service not assessed against the requirements of the Disability Discrimination Acts;

◆   no systems in place to apply the fit and proper person test in relation to landlords receiving direct payments; and

◆   lack of targets, other then the best value performance indicator, in relation to overpayment recovery.

Proven capacity to improve

195   We assessed Tonbridge and Malling Borough Council's proven capacity to improve as good. Tonbridge and Malling Borough Council was able to demonstrate the following positive aspects:

◆   member and senior management commitment to continuous improvement;

◆   a clear statement of intent to provide an effective and secure service;

◆   a willingness to take tough decisions and tackle problems;

◆   a well establish and effective performance management system;

◆   IIP accreditation and a commitment to the training and development of staff; and

◆   adopting a flexible approach to move resources to improve services.

196   However, the following areas led us to question the extent to which Tonbridge and Malling Borough Council was able to prove its capacity to improve:

◆   operational plans did not identify key milestone dates; and

◆   no targets had been set to show planned improvements over time.

Appendix 5 - Framework for comprehensive performance assessment

197 This comprehensive performance assessment was carried out under the Local Government Act 1999. Local councils have a general duty under Section 3 of this Act to secure continuous improvement in the exercise of their functions. Section 10 gives the Audit Commission the power to inspect councils' performance of the general duty of improvement.

198 The main elements of the assessment were:

◆ a self-assessment completed by the council;

◆ accredited peer challenge to inform the council's self-assessment;

◆ a corporate assessment of the council's overall effectiveness in supporting services to deliver improvements;

◆ an assessment of the council's service delivery performance through two diagnostic assessments on:

◆ management of public space;

◆ contribution to developing a balanced housing market;

◆ BFI assessment of benefit services;

◆ appointed auditor assessments of performance on each of the main elements of the code of audit practice; and

◆ audited performance indicators, inspection reports and plan assessments.

199 The assessment for Tonbridge and Malling Borough Council was undertaken by a team from the Audit Commission and took place over the period from 29 March to
2 April 2004.

200 This report has been discussed with the council, which has been given the opportunity to examine the Audit Commission's assessment. This report will be used as the basis for improvement planning by the council.

Local Government
OMBUDSMAN

The Local Government Ombudsman's Annual Review
Tonbridge and Malling Borough Council
for the year ended 31 March 2010

Local Government Ombudsmen (LGOs) provide a free, independent and impartial service. We consider complaints about the administrative actions of councils and some other authorities. We cannot question what a council has done simply because someone does not agree with it. If we find something has gone wrong, such as poor service, service failure, delay or bad advice, and that a person has suffered as a result, we aim to get it put right by recommending a suitable remedy. We also use the findings from investigation work to help authorities provide better public services through initiatives such as special reports, training and annual reviews.

Contents of Annual Review

Section 1: Complaints about Tonbridge and Malling Borough Council 2009/10

Introduction

This annual review provides a summary of the complaints we have dealt with about Tonbridge and Malling Borough Council. We have included comments on the authority's performance and complaint-handling arrangements, where possible, so they can assist with your service improvement.

I hope that the review will be a useful addition to other information your authority holds on how people experience or perceive your services.

Two appendices form an integral part of this review: statistical data for 2009/10 and a note to help the interpretation of the statistics.

Enquiries and complaints received

Our advice team received nine complaints and enquiries about your Council in 2009/10. Four of these concerned housing, three planning and building control and one transport and highways. Our advice team gave advice regarding one enquiry. Of the nine complaints and enquiries, three were deemed to be premature and were referred back to the Council for consideration. Five complaints were forwarded to our investigative teams for consideration.

Complaint outcomes

I made decisions on four complaints against your Council. I found that there was no fault in two complaints, I exercised my discretion to close one complaint and one was outside my jurisdiction.

In one complaint concerning housing I found that there was no or insufficient evidence of fault in the way that the Council considered an application for a Disabled Facilities Grant. However, the Council was willing to consider the complainant's preferred option to install a level access shower in the garage and indicated that it would meet him to discuss ways of resolving matters. This seemed to me a helpful offer by the Council, and I decided to let those discussions take their course, and close the complaint on that basis.

Local settlements

A 'local settlement' is a complaint where, during the course of our investigation, a council takes or agrees to take some action that we consider to be a satisfactory response to the complaint. In 2009/10, 26.9% of all complaints the Ombudsmen decided and which were within our jurisdiction were local settlements. Of the complaints we decided against your authority, none was settled locally.

Liaison with the Local Government Ombudsman

The Council responded to two written enquiries made by this office within 27 days on average. This is slightly higher than the previous year but remains within our target time of 28 days.

Training in complaint handling

I would like to take this opportunity to remind the Council that part of our role is to provide advice and guidance about good administrative practice. We offer training courses for all levels of local authority staff in complaints handling and investigation. All courses are presented by experienced investigators. They give participants the opportunity to practise the skills needed to deal with complaints positively and efficiently. We can also provide customised courses to help authorities to deal with particular issues and occasional open courses for individuals from different authorities.

We have extended the range of courses we provide and I have enclosed some information on the full range of courses available together with contact details for enquiries and bookings.

Conclusions

I welcome this opportunity to give you my reflections about the complaints my office has dealt with over the past year. I hope that you find the information and assessment provided useful when seeking improvements to your authority's services.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank TowerMillbank
London
SW1P 4QP   **June 2010**

Section 2: LGO developments

Introduction

This annual review also provides an opportunity to bring councils up to date on developments in the LGO and to seek feedback.

New schools complaints service launched

In April 2010 we launched the first pilot phase of a complaints service extending our jurisdiction to consider parent and pupil complaints about state schools in four local authority areas. This power was introduced by the Apprenticeships, Skills, Children and Learning Act 2009.

The first phase involves schools in **Barking and Dagenham, Cambridgeshire, Medway** and **Sefton**. The Secretary of State no longer considers complaints about schools in these areas. In September the schools in a further 10 local authority areas are set to join the pilot phase.

We are working closely with colleagues in the pilot areas and their schools, including providing training and information sessions, to shape the design and delivery of the new service. It is intended that by September 2011 our jurisdiction will cover all state schools in England.

A new team in each office now deals with all complaints about children's services and education on behalf of the Ombudsman. Arrangements for cooperation with Ofsted on related work areas have been agreed.

For further information see the new schools pages on our website at www.lgo.org.uk/schools/

Adult social care: new powers from October

The Health Act 2009 extended the Ombudsmen's powers to investigate complaints about privately arranged and funded adult social care. These powers come into effect from 1 October 2010 (or when the Care Quality Commission has re-registered all adult care providers undertaking regulated activity). Provision of care that is arranged by an individual and funded from direct payments comes within this new jurisdiction.

Each Ombudsman has set up a team to deal with all adult social care complaints on their behalf. We expect that many complaints from people who have arranged and funded their care will involve the actions of both the local authority and the care provider. We are developing information-sharing agreements with the Care Quality Commission and with councils in their roles as adult safeguarding leads and service commissioners.

Council first

We introduced our Council first procedure in April last year. With some exceptions, we require complainants to go through all stages of a council's own complaints procedure before we will consider the complaint. It aims to build on the improved handling of complaints by councils.

We are going to research the views of people whose complaints have been referred to councils as premature. We are also still keen to hear from councils about how the procedure is working, particularly on the exception categories. Details of the categories of complaint that are normally treated as exceptions are on our website at www.lgo.org.uk/guide-for-advisers/council-response

Training in complaint handling

Demand for our training in complaint handling has remained high, with 118 courses delivered over the year to 53 different authorities. Our core Effective Complaint Handling course is still the most popular – we ran some of these as open courses for groups of staff from different authorities. These are designed to assist those authorities that wish to train small numbers of staff and give them an opportunity to share ideas and experience with other authorities.

The new Effective Complaint Handling in Adult Social Care course, driven by the introduction of the new statutory complaints arrangements in health and adult social care in April 2009, was also popular. It accounted for just over a third of bookings.

Over the next year we intend to carry out a thorough review of local authority training needs to ensure that the programme continues to deliver learning outcomes that improve complaint handling by councils.

Statements of reasons

Last year we consulted councils on our broad proposals for introducing statements of reasons on the individual decisions of an Ombudsman following the investigation of a complaint. We received very supportive and constructive feedback on the proposals, which aim to provide greater transparency and increase understanding of our work. Since then we have been carrying out more detailed work, including our new powers. We intend to introduce the new arrangements in the near future.

Delivering public value

We hope this information gives you an insight into the major changes happening within the LGO, many of which will have a direct impact on your authority. We will keep you up to date through LGO Link as each development progresses, but if there is anything you wish to discuss in the meantime please let me know.

Mindful of the current economic climate, financial stringencies and our public accountability, we are determined to continue to increase the efficiency, cost-effectiveness and public value of our work.

Tony Redmond
Local Government Ombudsman
10th Floor
Millbank Tower
Millbank
London
SW1P 4QP   **June 2010**

Appendix 1: Notes to assist interpretation of the statistics 2009/10

Table 1. LGO Advice Team: Enquiries and complaints received

This information shows the number of enquiries and complaints received by the LGO, broken down by service area and in total. It also shows how these were dealt with, as follows.

Premature complaints: The LGO does not normally consider a complaint unless a council has first had an opportunity to deal with that complaint itself. So if someone complains to the LGO without having taken the matter up with a council, the LGO will either refer it back to the council as a 'premature complaint' to see if the council can itself resolve the matter, or give advice to the enquirer that their complaint is premature.

Advice given: These are enquiries where the LGO Advice Team has given advice on why the LGO would not be able to consider the complaint, other than the complaint is premature. For example, the complaint may clearly be outside the LGO's jurisdiction.

Forwarded to the investigative team (resubmitted premature and new): These are new cases forwarded to the Investigative Team for further consideration and cases where the complainant has resubmitted their complaint to the LGO after it has been put to the council.

Table 2. Investigative Team: Decisions

This information records the number of decisions made by the LGO Investigative Team, broken down by outcome, within the period given. **This number will not be the same as the number of complaints forwarded from the LGO Advice Team** because some complaints decided in 2009/10 will already have been in hand at the beginning of the year, and some forwarded to the Investigative Team during 2009/10 will still be in hand at the end of the year. Below we set out a key explaining the outcome categories.

MI reps: where the LGO has concluded an investigation and issued a formal report finding maladministration causing injustice.

LS (local settlements): decisions by letter discontinuing our investigation because action has been agreed by the authority and accepted by the LGO as a satisfactory outcome for the complainant.

M reps: where the LGO has concluded an investigation and issued a formal report finding maladministration but causing no injustice to the complainant.

NM reps: where the LGO has concluded an investigation and issued a formal report finding no maladministration by the council.

No mal: decisions by letter discontinuing an investigation because we have found no, or insufficient, evidence of maladministration.

Omb disc: decisions by letter discontinuing an investigation in which we have exercised the LGO's general discretion not to pursue the complaint. This can be for a variety of reasons, but the most common is that we have found no or insufficient injustice to warrant pursuing the matter further.

Outside jurisdiction: these are cases which were outside the LGO's jurisdiction.

Table 3. Response times

These figures record the average time the council takes to respond to our first enquiries on a complaint. We measure this in calendar days from the date we send our letter/fax/email to the date that we receive a substantive response from the council. The council's figures may differ somewhat, since they are likely to be recorded from the date the council receives our letter until the despatch of its response.

Table 4. Average local authority response times 2009/10

This table gives comparative figures for average response times by authorities in England, by type of authority, within three time bands.

LGO Advice Team

Enquiries and complaints received	Housing	Planning and building control	Transport and highways	Other	Total
Formal/informal premature complaints	1	1	0	1	3
Advice given	1	0	0	0	1
Forwarded to investigative team (new)	2	2	1	0	5
Total	4	3	1	1	9

Investigative Team

Decisions	MI reps	LS	M reps	NM reps	No mal	Omb disc	Outside jurisdiction	Total
2009 / 2010	0	0	0	0	2	1	1	4

Average local authority resp times 01/04/2009 to 31/03/2010

Response times	FIRST ENQUIRIES	
	No. of First Enquiries	Avg no. of days to respond
1/04/2009 / 31/03/2010	2	27.0
2008 / 2009	2	26.0
2007 / 2008	2	15.5

Types of authority	<= 28 days %	29 - 35 days %	> = 36 days %
District Councils	61	22	17
Unitary Authorities	68	26	6
Metropolitan Authorities	70	22	8
County Councils	58	32	10
London Boroughs	52	36	12
National Parks Authorities	60	20	20