

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

29 September 2015

To: MEMBERS OF THE CABINET  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 7th October, 2015 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

**NB Background reports to items referred from Advisory Boards have been omitted from printed agenda pack.**

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## MEMBERSHIP

Councillor N J Heslop, (Leader)  
Councillor Mrs J A Anderson, (Housing and Environment Services)  
Councillor M A Coffin, (Finance, Innovation and Property)  
Councillor Mrs M F Heslop, (Community Services)  
Councillor B J Luker, (Community Safety)  
Councillor H S Rogers, (Planning and Transportation)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### CABINET

Wednesday, 24th June, 2015

**Present:** Cllr N J Heslop (Chairman), Cllr Mrs J A Anderson, Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr B J Luker and Cllr H S Rogers

Councillors O C Baldock, D J Cure, S C Perry, M R Rhodes, R V Roud, B W Walker, T C Walker and A K Sullivan were also present pursuant to Access to Information Rule No 22.

### PART 1 - PUBLIC

#### **CB 15/38 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.


#### **CB 15/39 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 24 March 2015 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 15/40 RISK MANAGEMENT STRATEGY**

The joint report of the Chief Executive and Director of Finance and Transformation reviewed the current Risk Management Strategy. No amendment was considered to be required other than some minor textual adjustments and the strategy had been endorsed by the Audit Committee at its meeting on 22 June 2015.


**RECOMMENDED:** That the Risk Management Strategy set out at Annex 1 to the report be adopted by the Council. 

**\*Referred to Council**

#### **CB 15/41 LOCAL CODE OF CORPORATE GOVERNANCE**

The joint report of the Chief Executive and Director of Finance and Transformation reviewed the Local Code of Corporate Governance which was considered to require no amendment apart from some minor textual adjustments. It was noted that the Code had been considered by the Audit Committee on 22 June which had requested that reference to that Committee be included in section 2.2 of the Code in respect of the independent scrutiny role of the Audit Committee. It was also suggested

that section 4.1 be expanded regarding the means of securing transparent decisions.

**RECOMMENDED:** That the revised Local Code of Corporate Governance set out at Annex 1 to the report, as amended by the Audit Committee, be adopted by the Council. 

**\*Referred to Council**

**CB 15/42 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2014/15**

The report of the Director of Finance and Transformation advised that a report detailing treasury management activity undertaken in April and May of the current financial year together with the treasury management outturn position for 2014/15 had been considered by the Audit Committee on 22 June 2015.

It was noted that the action taken by officers had been commended for endorsement.

**RECOMMENDED:** That 

- (1) the action taken by officers in respect of treasury management activity for April and May 2015 be endorsed; and
- (2) the 2014/15 outturn position be noted.

**\*Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4, PART 3 OF THE CONSTITUTION**

**CB 15/43 REVENUE AND CAPITAL OUTTURN 2014/15**

Decision Notice D150052CAB

**CB 15/44 NEW CORPORATE STRATEGY - PROPOSED TIMETABLE**

Decision Notice D150053CAB

**CB 15/45 DITTON PARISH NEIGHBOURHOOD AREA**

Decision Notice D150054CAB

**CB 15/46 BOROUGH ECONOMIC REGENERATION STRATEGY**

Decision Notice D150055CAB

**MATTERS SUBMITTED FOR INFORMATION****CB 15/47 MATTERS REFERRED FROM ADVISORY BOARDS**

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

With reference to Minute FIP 15/25, the Leader gave an update on action taken in response to the Government's Business Rates Review discussion paper and indicated that a further report would be presented to the next meeting of the Finance, Innovation and Property Advisory Board.

Housing and Environment Services Advisory Board of 1 June 2015  
Finance, Innovation and Property Advisory Board of 3 June 2015  
Planning and Transportation Advisory Board of 8 June 2015  
Communities Advisory Board of 10 June 2015  
Economic Regeneration Advisory Board of 23 June 2015

**RESOLVED:** That the report be received and noted.

**CB 15/48 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS**

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Joint Transportation Board of 30 March 2015

**RESOLVED:** That the report be received and noted.

**CB 15/49 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.53 pm

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# Agenda Item 4

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making are annexed to the notes.

Housing and Environment Services Advisory Board of 20 July 2015

Finance, Innovation and Property Advisory Board of 22 July 2015

Planning and Transportation Advisory Board of 8 September 2015

Economic Regeneration Advisory Board of 9 September 2015

Communities Advisory Board of 16 September 2015

Finance, Innovation and Property Advisory Board of 23 September 2015

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### HOUSING AND ENVIRONMENT SERVICES ADVISORY BOARD

Monday, 20th July, 2015

**Present:** Cllr M O Davis (Chairman), Cllr M A C Balfour, Cllr D J Cure, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr D Keeley, Cllr D Markham, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr S C Perry, Cllr T B Shaw and Cllr Ms S V Spence

Councillors P F Bolt, Mrs J A Anderson, N J Heslop, Mrs P A Bates, T Bishop, B J Luker, M Parry-Waller and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Ms J A Atkinson, V M C Branson, R W Dalton and M R Rhodes

#### PART 1 - PUBLIC

##### **HE 15/8 DECLARATIONS OF INTEREST**

There were no declarations of interest in accordance with the Code of Conduct. However, Councillor N Heslop referred to a potential interest in any items that might have implications for the Bridge Trust on the grounds that he was a member of its Board.

##### **HE 15/9 MINUTES**

**RESOLVED:** That the notes of the meeting of the Housing and Environment Services Advisory Board held on 1 June 2015 be approved as a correct record and signed by the Chairman.

##### **HE 15/10 EXTRA CARE ACCOMMODATION**

The Head of Strategic Commissioning at Kent County Council (Christy Holden) presented details related to its Social Care Accommodation Strategy, which identified how the provision, demand and aspiration for housing, care and support services would be met for adult social care across the County. The ambition was for people to remain living independently in their own home receiving the right care and support. However, if that option was no longer suitable the right accommodation solutions had to be in the right places across the county.

A presentation raising awareness about Extra Care Housing provided by the Development Director at Orbit Housing (Maggie McCann) and the Development Manager at Orbit Housing for Extra Care Housing (Lorraine Mansfield) detailed what extra care was and the wider, positive benefits to health and wellbeing as a result of independent living and an integrated approach to social care. It was noted that Orbit Housing

had delivered extra care housing across a number of its operating areas with the most recent in Deal.

Schemes were designed specifically for the over 55s to enable independent living in a safe and secure environment in a self-contained unit benefiting from a range of communal facilities, access to care and support 24 hours a day, 7 days a week. To strengthen close links with the local community some facilities would be open to the public including restaurant, coffee shop, hairdressers and internet availability. Shared Ownership and Help to Buy options were also available.

In response to concerns raised by Members regarding funding contributions it was explained that there would be no additional financial burdens on district and borough councils as schemes were funded by Central Government. Additionally, a fixed cost care package was offered tailored to an individual's requirements and level of support. This had the potential to create savings on the overall social care budget as the County Council were paying a combined cost of accommodation and care in one place rather than a split price for the two elements.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **HE 15/11 'LOVE WHERE YOU LIVE' CAMPAIGN**

Decision Notice D150056MEM

The report gave details of the past successes and future initiatives involved in the Love Where You Live campaign which was launched in 2011 in partnership with Keep Britain Tidy. The Cleaner Borough Campaign Action Plan for 2015/16 was also presented for consideration.

Particular reference was made to the Love Kent Hate Litter campaign which would run from 13 July to 13 September 2015. It was reported that further community initiatives and events had been confirmed in addition to those set out in Annex 1 to the report.

The Street Monitor Scheme and Guidance Booklet had been revised and provided details of online report forms, email contacts and telephone numbers for the various agencies concerned. It also gave guidance on the most common issues raised by residents. The longer term ambition was for this booklet to be available on the website with live links to online report forms.

**RECOMMENDED:** That the projects and progress across a wide range of Cleaner Borough Campaign and Love Where You Live initiatives be noted and endorsed.



## **HE 15/12 STREET SCENE ACTION PLAN**

Decision Notice D150057MEM

The report provided an update on progress with a range of 'street scene' initiatives and projects currently being implemented within the Borough. The annex to the report showed progress in respect of the on-going Street Scene Action Plan.

Reference was made to the measures being taken to implement a programme of signage cleaning within the Borough, including signs on Borough Council owned land, street signs and those welcoming the public to the Borough. In addition, the Borough Council would work with colleagues in Kent County Council Highways to notify and carry out cleansing of their road signs.

Finally, in response to questions raised by Members the Leader reiterated that the Borough Council remained committed to Haysden and Leybourne Lakes Country Parks and that significant activity of both these facilities would be reported to the Communities Advisory Board when appropriate.

**RECOMMENDED:** That the approach outlined in the report be endorsed and the projects and progress against a wide range of street scene related initiatives be noted.

## **MATTERS SUBMITTED FOR INFORMATION**

### **HE 15/13 HOUSING SERVICES UPDATE**

The report of the Director of Planning, Housing and Environmental Health advised of key issues following the parliamentary elections of 7 May 2015. The Queens Speech, presented to Parliament on 27 May 2015, outlined forthcoming legislation and a number of proposals would have implications for the Housing Service and other key areas of the Borough Council's responsibilities, including Planning, Community Development and Financial Services.

Measures related to housing and welfare reform were summarised in the report with particular reference given to the removal of housing benefit entitlement for 18-21 year olds, freezing working age benefits for a further two years, further reduction to the benefit cap of £20k for families and £13,400 per annum for single person households and the pay to stay proposal for higher earning tenants. It was predicted that these changes would significantly impact on low income working families and those affected by the benefit cap in terms of affordability of housing.

In addition, it was reported that social housing rents would be reduced by 1% year on year for four years from 2016. Whilst this measure was

good news for tenants it would impact significantly on the forecasted rental incomes for social housing providers. This reduction in rental income had the potential to negatively impact on current and future affordable housing development programmes. The full implications of which would emerge over time.

Officers would provide further updates to future meetings of the Advisory Board as the policy detail emerged and the implications became clearer.

In response to concerns raised regarding disabled facilities grant and potential delays in securing funding, Members were assured that the service processes were being reviewed to improve any backlog. Further information on any Kent County Council Occupational Therapist backlog would be shared once it was available.

Members expressed concern around the Right to Build and the Right To Buy initiatives due to the potential increased demand for housing development and a shortfall in housing stock.

#### **HE 15/14 WASTE AND STREET SCENE SERVICES UPDATE**

The report of the Director of Street Scene, Leisure and Technical Services detailed arrangements for refuse, recycling, street cleansing and public convenience cleansing over the Christmas 2015/16 holiday period and these were noted by Members.

In addition, an update on a number of projects and initiatives within the service was provided. Attention was drawn to the Borough Council's successful bid for funding for the WEEE Saturday Service which enabled this to be maintained until the end of September 2016.

Alternative arrangements for the provision of a recycling bank following the closure of Homebase in Tonbridge were being explored.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **HE 15/15 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

#### **PART 2 - PRIVATE**

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **HE 15/16 PAPER SUPPLY CONTRACT**

**(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)**

Decision Notice D150078MEM

The report sought endorsement of the Borough Council's supply contract arrangements for the material collected from the kerbside paper recycling service.

**RECOMMENDED:** That

- (1) the approach set out in the report be noted and the paper supply arrangements with Veolia up until February 2019 be endorsed; and
- (2) the Principal Solicitor be authorised to complete a sale contract with Veolia on the terms indicated in the report.

The meeting ended at 9.20 pm

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**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD**

**Wednesday, 22nd July, 2015**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs B A Brown (Vice-Chairman), Cllr O C Baldock, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr T I B Cannon, Cllr D J Cure, Cllr M O Davis, Cllr D Lettington, Cllr A K Sullivan and Cllr B W Walker

Councillors Mrs J A Anderson, M A Coffin, N J Heslop, B J Luker, S C Perry and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, R D Lancaster, L J O'Toole and Miss J L Sergison

**PART 1 - PUBLIC**

**FIP 15/33 DECLARATIONS OF INTEREST**

Councillor N Heslop declared an Other Significant Interest in the item on Applications for Discretionary Rate Relief in respect of a renewal application by the Bridge Trust on the grounds of membership of the Trust's Board. Councillor M Davis also declared an Other Significant Interest in this item on the grounds that his firm had undertaken work for the Bridge Trust. Both Councillors withdrew from the meeting during its consideration.

**FIP 15/34 MINUTES**

**RESOLVED:** That the notes of the meeting of the Finance, Innovation and Property Advisory Board held on 3 June 2015 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**FIP 15/35 APPLICATIONS FOR DISCRETIONARY RATE RELIEF**

Decision Notice D150059MEM

The report of the Director of Finance and Transformation gave details of new and renewal applications for discretionary rate relief which were considered in accordance with the previously agreed criteria for determining such applications.

**RECOMMENDED:** That

- (1) in respect of the re-applications for relief shown at Annex 2 to the report, 20% discretionary rate relief be awarded in each case with effect from 1 April 2015 and time limited to 31 March 2017;
- (2) the new application for discretionary rate relief be determined as follows:

14th Tonbridge Sea Scout Group, Adj Sumaria, Barden Road, Tonbridge – 100% discretionary relief be awarded, time limited to 31 March 2017.

### **FIP 15/36 FINANCIAL PLANNING AND CONTROL**

Decision Notice D150060MEM

The report of the Director of Finance and Transformation provided information on the Council's key budget areas of salaries, major income streams and investment income. It also gave an update on the approved variations to the revenue budget and areas identified through budget monitoring, summarised to provide an indicative overall budget position for the year which showed a net adverse variance of £209,250.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Reference was made to a number of measures included in the Chancellor's Emergency Budget on 8 July 2015, the wider impacts of which on the Council were currently being assessed. Further information would be given as part of the programme of review and update of the Medium Term Financial Strategy together with the effects of the Government's Spending Review in the autumn.

**RECOMMENDED:** That the contents of the report be noted and endorsed.

### **MATTERS SUBMITTED FOR INFORMATION**

### **FIP 15/37 BENEFITS UPDATE**

Members were advised of current issues in the benefits field including performance and workload of the Benefits Service together with an initial assessment of the welfare changes set out in the Chancellor's Emergency Budget. Far reaching implications were anticipated from April 2016 and a more detailed analysis of the impact of the changes, undertaken via the local Welfare Reform Group, would be provided at the next meeting of the Advisory Board.

**FIP 15/38 COUNCIL TAX AND BUSINESS RATES UPDATE**

The report gave details of recent developments in respect of council tax and business rates and it was noted that collection rates remained encouraging, especially the improvement in the rate for working age claimants.

**FIP 15/39 CAPITAL PROGRAMME: POST IMPLEMENTATION REVIEWS MONITORING REPORT**

The report identified the post implementation reviews carried out since the July 2014 meeting of the Advisory Board together with the capital schemes for which reviews were due.

**FIP 15/40 IT STRATEGY UPDATE**

The Advisory Board received a presentation updating progress on the various strands of work within the IT Strategy. Particular reference was made to service modernisation including use of eForms and an upgrade of WiFi within the Gibson Building, changes in methods of communication, development of self service for customers and improvements to the website.

**FIP 15/41 BUSINESS RATES REVIEW: DISCUSSION PAPER FROM HM TREASURY - UPDATE**

Further to Decision No D150043MEM, details were given of the final response submitted to HM Treasury on the business rates discussion paper. It was noted that the Leader had sent a copy of the response directly to the Minister for Local Government and the South East Councils Network had included the circumstances of Aylesford Newsprint's demise within its own response to the paper. Feedback was awaited from the Treasury once they had had an opportunity to consider all responses.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**FIP 15/42 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**FIP 15/43 DEBTS FOR WRITE OFF**

**(LGA 1972 – Sch 12A Paragraph 2 – Information likely to reveal information about an individual)**

Decision Notice D150061MEM

The report of the Director of Finance and Transformation sought approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

**RECOMMENDED:** That the 12 items shown in the schedule of amounts over £1,000, totalling £59,743.79 be written-off for the reasons stated within the schedule.

**FIP 15/44 PROPOSED DISPOSAL OF AMENITY LAND AT LONGMEAD WAY, TONBRIDGE**

**(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)**

Decision Notice D150062MEM

The report of the Director of Central Services gave details of proposed terms and conditions for disposal of a strip of amenity land at Longmead Way following a request from an adjacent property owner for incorporation of the land into their garden. It was noted that planning approval would be required for a change of use from amenity to domestic garden and that the area to the rear of the property fell within the Green Belt.

**RECOMMENDED:** That disposal of the area of amenity land at Longmead Way, Tonbridge be approved on the basis of the conditions outlined in the report, subject to planning permission being obtained for a change of use from amenity to domestic garden.

The meeting ended at 8.44 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**PLANNING AND TRANSPORTATION ADVISORY BOARD**

**Tuesday, 8th September, 2015**

**Present:** Cllr D A S Davis (Chairman), Cllr Miss S O Shrubsole (Vice-Chairman), Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr P F Bolt, Cllr V M C Branson, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr S C Perry, Cllr R V Roud, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, M C Base, M A Coffin, R W Dalton, M O Davis, Mrs S L Luck, B J Luker, Mrs A S Oakley, M R Rhodes, H S Rogers, T C Walker and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors O'Toole and Parry-Waller.

**PE 15/13 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

However, Councillor Balfour advised the Members present that a member of his family had put forward some site submissions for the Tonbridge and Malling Local Plan and that he was also the Kent County Council Cabinet Member for Environment and Transport. As neither of these represented a Disclosable Pecuniary or Other Significant Interest at this stage he remained in the meeting during the discussion.

**PE 15/14 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 8 June 2015 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**PE 15/15 TONBRIDGE AND MALLING LOCAL PLAN**

The Director of Planning, Housing and Environmental Health provided an update on the important progress made towards the preparation of the Local Plan and specifically the initial outcome of the Call for Sites exercise, which closed on 1 September 2015. A short presentation highlighting the key issues and setting the context for Members was also provided.

Proposed revisions to the timetable to reflect the next stages of the Local Plan preparation were also set out and included time to enable a full assessment of potential sites to inform options for the development strategy and land allocations in the Plan. It was reported that due to the number and scale of sites being assessed the original timetable had been revised to allow sufficient time for evidence gathering and proper technical evaluation around suitability, affordability, deliverability and/or constraints.

It was emphasised that this was an important milestone in the preparation of the Local Plan and significant public interest was anticipated.

Locations and outlines of all the submissions were set out in the Call for Sites map, attached as Annex 1 to the report. It was noted that the map was for illustrative purposes only in order to inform and advise Members of the number, general scale and distribution of the sites coming forward for assessment.

On the basis of the revised timetable, set out in Annex 2 to the report, it was anticipated that the next meeting of the Advisory Board in November would receive a report scoping the future needs for development (the Issues) and setting out some alternative strategies and sites to address them (the Options). It was therefore likely that the public consultation process would start in spring 2016.

Members asked questions and raised a number of issues including the duty to co-operate with neighbouring authorities, the importance of identifying the appropriate mix of employment and housing development land, ensuring adequate infrastructure to support local communities, amenity and green space and type of housing provision. Officers responded and noted the comments expressed for consideration as part of the assessment process.

In addition, Members were advised that a list summarising the name of sites and the organisations submitting sites would be prepared for information shortly.

**RECOMMENDED:** That the contents of the report be noted and the revised Local Plan timetable, set out in Annex 2 to the report, be approved by Cabinet.

**\*Referred to Cabinet**

**PE 15/16 PLANNING REFORMS UPDATE**

Decision Notice D150063MEM

The Director of Planning, Housing and Environmental Health provided an update on the Government's ongoing programme of planning reforms, further amendments to national policy on affordable housing contributions and future proposals for further reforms.

Particular reference was made to revisions to the National Planning Practice Guidance in respect of small scale affordable housing contributions and the successful challenge in the High Court which had judged that the Government had acted inappropriately by introducing changes in the form of a Ministerial Statement.

In the circumstances the amendment to the Borough Council's adopted Policy CP17 in the Local Development Framework, agreed by Cabinet on 24 March, to adopt a new threshold of 5 dwellings for the securing of affordable housing contributions for proposed developments in the Areas of Outstanding Natural Beauty only should also be reversed.

It was also reported that in May the Queens Speech had set out the Government's priorities for new legislation for the current Parliament. The most relevant for planning was the Housing Bill which would extend the Right to Buy to Housing Association tenants in England, the remaining provisions for implementing the Right to Build and the Starter Homes Initiative.

Finally, Members were advised of recent changes to Planning Policy for Traveller Sites and the removal of key words from the definitions of gypsies and travellers. An external consultant was reviewing the changes and further detail would be provided at the next meeting of the Advisory Board.

**RECOMMENDED:** That

- (1) the content of the report be noted; and
- (2) Policy CP17, as adopted in the Tonbridge and Malling Local Development Framework Core Strategy (September 2007) be reinstated.

#### **MATTERS FOR CONSIDERATION IN PRIVATE**

##### **PE 15/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **ECONOMIC REGENERATION ADVISORY BOARD**

**Wednesday, 9th September, 2015**

**Present:** Cllr S M King (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs S M Barker, Cllr R P Betts, Cllr T I B Cannon, Cllr M O Davis, Cllr Mrs S L Luck, Cllr Miss J L Sergison, Cllr C P Smith, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Mrs J A Anderson, P F Bolt, M A Coffin, N J Heslop, B J Luker, S C Perry and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Bishop, J L Botten and R D Lancaster

#### **ERG 15/17 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

#### **ERG 15/18 MINUTES**

**RESOLVED:** That the notes of the meeting of the Economic Regeneration Advisory Board held on 23 June 2015 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **ERG 15/19 WEST KENT PRIORITIES FOR ECONOMIC GROWTH 2015 - 2018**

Decision Notice D150064MEM

The report of the Chief Executive provided an overview of the amended West Kent Priorities for Economic Growth Strategy which identified five key areas for economic growth. Consideration was given to the priorities for West Kent set out in the document and, in particular, the transformational scheme to be accorded the highest priority for Tonbridge and Malling.

An update was also given on the case for a Kent and Medway Local Enterprise Partnership in place of the South East LEP and the Government's response that there was unlikely to be significant change to any LEP.

**RECOMMENDED:** That the transformational priorities set out in the West Kent Priorities for Economic Growth document be endorsed and the scheme for enhanced capacity to the Leigh Flood Storage Area and

flooding works at East Peckham be identified as Tonbridge and Malling's highest priority.

### **ERG 15/20 ENHANCEMENT OF LOCAL NEIGHBOURHOOD CENTRES**

Decision Notice D150065MEM

The report of the Chief Executive gave details of progress to date on the Local Neighbourhood Centres Programme, an initiative which sought to provide grant support to local traders for implementing improvements in those centres. A proposal was considered to redefine Quarry Hill Parade as a "district centre" eligible for grant assistance up to £7,500 rather than the £3,000 available to "local neighbourhood centres".

**RECOMMENDED:** That the progress in the programme be noted and the proposed increase in grant for the Quarry Hill area, as detailed in the report, be approved.

### **ERG 15/21 WEST KENT LEADER PROGRAMME**

Decision Notice D150066MEM

The report of the Chief Executive provided an update on the development of the new West Kent LEADER programme, due to be launched in mid-October, including proposals for assisting with promotion of the available grant support and encouraging local take up.

**RECOMMENDED:** That the proposed actions to promote take up of LEADER grants within the Borough, as set out in the report, be endorsed.

### **MATTERS SUBMITTED FOR INFORMATION**

### **ERG 15/22 UPDATE ON BUSINESS SUPPORT PROGRAMME**

Further to Minute ERG 15/14, the report of the Chief Executive provided an update and more detailed overview of the West Kent Business Support Programme following further discussion with Kent County Council and West Kent partners. Details were given of arrangements for generic and more specific business workshops, one-to-one sessions and web-based support. Reference was also made to promotion and raising awareness of the support available to local businesses. Members were requested to advise the Economic Regeneration Officer if they had any links with the secondary schools in their areas to help raise awareness of initiatives for young entrepreneurs.

### **ERG 15/23 CHAIRMAN'S ANNOUNCEMENT**

The Chairman advised that the next meeting on 10 November would be more informal with a presentation from Paramount on the proposed

development in north Kent followed by a question and answer session. It would provide an opportunity to discuss how to promote the availability of some of the contract work among local businesses.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**ERG 15/24 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.20 pm

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# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COMMUNITIES ADVISORY BOARD**

**Wednesday, 16th September, 2015**

**Present:** Cllr M R Rhodes (Chairman), Cllr Mrs P A Bates, Cllr T I B Cannon, Cllr Mrs T Dean, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr T B Shaw and Cllr B W Walker

Councillors P F Bolt, Mrs M F Heslop, N J Heslop, B J Luker and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keeley (Vice-Chairman), O C Baldock, Mrs S M Barker, Mrs S Bell and V M C Branson

### **PART 1 - PUBLIC**

#### **COM 15/10 DECLARATIONS OF INTEREST**

Councillor B Walker and Councillor T Walker declared a Disclosable Pecuniary Interest in the Capital Plan Projects and the Tonbridge and Malling Leisure Trust Performance Update items on the grounds of being an employee of the Tonbridge and Malling Leisure Trust. They did not participate in any discussion and withdrew from the meeting.

#### **COM 15/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities Advisory Board held on 10 June 2015 be approved as a correct record and signed by the Chairman.

#### **COM 15/12 KENT SAVERS UPDATE**

The General Manager (Mr C Hunt) of Kent Savers provided an update on the work undertaken in Tonbridge and Malling since the allocation of an unconditional grant of £10,000 to the Kent Savers Credit Union in October 2014.

Particular reference was made to the extent to which local families in need had been able to access financial support from Kent Savers and what had been done to promote the scheme locally.

It was reported that there were 174 members in the Tonbridge and Malling area which was an increase of 93 in the last year. All promotion of the scheme was done through partners including housing associations, particularly Circle Russet, local churches in Tonbridge, Hildenborough, Ightham and West Malling and Aylesford Parochial

Church Council. In addition, the charity Carers First promoted Kent Savers across West Kent.

Mr Hunt advised that local businesses, the Halifax in Tonbridge and NSL in Larkfield, had also expressed an interest in promoting the loan service.

The importance of working with external partners was recognised by Kent Savers and the assistance in promoting their services throughout the Borough was appreciated.

Members welcomed the improved positive and active engagement with people in Tonbridge and Malling. However, it was suggested that a breakdown of the distribution of loans within the Borough might be valuable in identifying those areas of most need.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **COM 15/13 HEALTH IMPROVEMENT DELIVERY PLANS**

Decision Notice D150067MEM

The report of the Director of Planning, Housing and Environmental Health described the partnership work themes identified by the Borough Council's Health Action Team. In addition, an update on both the recent Active People's survey and the West Kent Health and Wellbeing Board was provided.

The three priority themes identified reflected the Borough Council's local health improvement needs:

- Reducing obesity and increasing physical activity
- Developing a Dementia Friendly Tonbridge
- Preventing admissions to hospital due to falls in the home

Members noted the successful assessment for the Kent Healthy Business award and that the Borough Council was the only local authority in Kent to meet the standards required against all nine criteria at the 'Commitment Level'. This success had been due to the hard work and contribution of all Services across the organisation.

Details of the Active People's survey were highlighted and it was reported that the local results were encouraging and underlined the work undertaken by Leisure Services, the Health Improvement Team and external partners.

Particular reference was made to the financial pressures faced by Kent County Council Public Health Service and Members were advised of a potential 10% reduction in budget funding. This would represent a significant challenge in delivering health and wellbeing outcomes.

Members discussed concerns around obesity in young children, the implications of air quality on health and whether sheltered housing accommodation could be considered for future developments.

**RECOMMENDED:** That

- (1) the three work themes identified by the Health Action Team as its priorities, and set out above, be endorsed;
- (2) the results of the Active People's survey be noted; and
- (3) staff across all Services be thanked for their hard work in achieving the 'Commitment Level' of the Kent Healthy Business award as an important step in reinforcing the importance of health and wellbeing of employees.

### **COM 15/14 CAPITAL PLAN PROJECTS**

Decision Notice D150068MEM

Members were advised of progress with key projects contained in the Borough Council's Capital Plan. In addition, a Post Implementation Review related to the pipework surrounding the outdoor pool at Tonbridge Swimming Pool was brought forward for approval. The details were set out in Annex 2 of the report.

The current position regarding the refurbishment of the health suite and ultra violet disinfection at Larkfield Leisure Centre, potential improvements to facilities at Leybourne Lakes Country Park, the Tonbridge Town Lock project and proposals for design works for Wouldham river wall were outlined and noted by Members.

With regard to Tonbridge Town Lock Members were assured that regular liaison and discussion with the Environment Agency was ongoing and the project was fully compliant with their recommendations. Members also indicated that any further delays to the project timetable should be avoided where possible.

**RECOMMENDED:** That

- (1) the Post Implementation Review for Tonbridge Outdoor Pool, as shown at Annex 2 of the report, be approved; and
- (2) a detailed design for works to Wouldham River Wall be progressed and costed and reported to the January 2016 meeting of the Finance, Innovation and Property Advisory Board.

**COM 15/15 COUNTRY PARKS - CUSTOMER PANEL MEETINGS**

Decision Notice D150069MEM

The report sought nominations for Member representatives to attend Customer Panel meetings at the Borough Council's two Country Parks until May 2016.

Members were advised that Customer Panels were a valuable tool in assisting Borough Council facilities to meet the needs of their customers by seeking views from a cross section of users on the services provided. The Panels also provided a 'sounding board' for potential new initiatives.

Reference was made to the proposals of the Judd School and whether these would have implications for users of Haysden Country Park. Members were assured that the School were fully aware of the situation and were keen to avoid any negative impact although the situation would be monitored.

**RECOMMENDED:** That the Group Leaders, in consultation with the Cabinet Member for Community Services and officers, be invited to nominate representatives to serve on the Customer Panels at the two country parks until May 2016.

**MATTERS SUBMITTED FOR INFORMATION****COM 15/16 TONBRIDGE AND MALLING LEISURE TRUST PERFORMANCE UPDATE**

Members received the report of the Director of Street Scene, Leisure and Technical Services, which set out details of the recent performance of the Tonbridge and Malling Leisure Trust.

The latest Annual Service Delivery Plan – Cumulative Quarterly Monitoring Report for Quarter 1 of the financial year, covering 1 April to 30 June 2015 was attached at annex 1 to the report.

Members were pleased to note the encouraging position on customer attendance levels, user satisfaction, service delivery and income. The financial performance of the Trust continued to be positive and, whilst confirmed outturn figures for 2014/15 had yet to be received, early indications suggested the Trust would outturn positively against its profiled surplus.

The Chief Executive of the Leisure Trust reported on an effective working partnership with the Borough Council and reassured Members that the Trust was on target to deliver outcomes. It was also indicated that any profits would be put back into services and facilities to maintain quality and performance.

Reference was made to the challenges around recruitment and retention of staff despite being above the average levels for the industry standard, although the Trust remained confident that quality and performance would not be affected.

**COM 15/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.05 pm

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

Wednesday, 23rd September, 2015

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr T I B Cannon, Cllr D J Cure, Cllr M O Davis, Cllr D Lettington, Cllr L J O'Toole, Cllr Miss J L Sergison and Cllr A K Sullivan

Councillors Mrs J A Anderson, M A C Balfour, P F Bolt, M A Coffin, N J Heslop, B J Luker and S C Perry were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs B A Brown (Vice-Chairman), O C Baldock, J L Botten, R D Lancaster and B W Walker

#### PART 1 - PUBLIC

##### **FIP 15/45 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct.

##### **FIP 15/46 MINUTES**

**RESOLVED:** That the notes of the meeting of the Finance, Innovation and Property Advisory Board held on 22 July 2015 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

##### **FIP 15/47 FINANCIAL ARRANGEMENTS WITH PARISH COUNCILS 2016/17**

The report of the Director of Finance and Transformation gave details of proposed allocations to individual parish councils under the Scheme of Financial Arrangements with Parish Councils for 2016/17 in accordance with the methodology agreed by the Council in 2013 following consultation with the Parish Partnership Panel. It was noted that this would result in the allocations for the forthcoming year increasing by 0.4% with the calculation based on a return to a rate per elector after the transition to individual electoral registration.

Attention was drawn to the Overview and Scrutiny Committee's programmed review of grants to the voluntary sector and other third parties, including funding for parish councils. It was considered appropriate to alert all parish councils to the potential for change in the way any funding might be allocated in the future, this matter having been

highlighted at the meeting of the Parish Partnership Panel on 10 September.

**RECOMMENDED:** That

- (1) the methodology outlined in the report be adopted in calculating the allocations to parish councils under the Scheme of Financial Arrangements with Parish Councils for the year 2016/17; and
- (2) parish councils be notified of their allocations as set out in Annex 1 to the report and be advised that 2016/17 could potentially be the last year in which the current methodology is employed.

\* **Referred to Cabinet**

#### **FIP 15/48 FINANCIAL PLANNING AND CONTROL**

Decision Notice D150070MEM

The report of the Director of Finance and Transformation provided information on the Council's key budget areas of salaries, major income streams and investment income. It also gave an update on the approved variations to the revenue budget and areas identified through budget monitoring, summarised to provide an indicative overall budget position for the year which showed a net adverse variance of £34,050.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

The improving position for the current financial year resulted from income streams performing above budget and negating the loss of recycling income following Aylesford Newsprint going into administration. However, looking beyond the current financial year, attention was drawn to the potential outcome of the Spending Review 2015 and the consequential impact on local government funding.

The Director of Finance and Transformation advised that the Medium Term Financial Strategy had recently been updated and a report would be presented to Cabinet on 7 October. Following discussion regarding the New Homes Bonus and the financial stability of local authorities in general, it was acknowledged that there were serious challenges and choices facing the Council in meeting its funding gap. The Director of Finance and Transformation indicated that benchmarking data might provide some guidance for councillors in assessing options and a Member suggested that a list of those services which the Council provided on a "discretionary" basis would be helpful in this regard.

**RECOMMENDED:** That the contents of the report be noted and endorsed.



**FIP 15/49 APPLICATIONS FOR DISCRETIONARY RATE RELIEF**

Decision Notice D150071MEM

The report of the Director of Finance and Transformation gave details of new and renewal applications for discretionary rate relief and rural rate relief which were considered in accordance with the previously agreed criteria for determining such applications.

**RECOMMENDED:** That

- (1) in respect of the re-application for discretionary relief shown at Annex 3 to the report, 20% discretionary rate relief be awarded with effect from 1 April 2015 and time limited to 31 March 2017;
- (2) in respect of the re-application for rural rate relief shown at Annex 4 to the report, 80% discretionary rural rate relief be awarded time limited to 31 March 2017;
- (3) the new application for rural rate relief be determined as follows:  
  
The Village Pantry Tea Rooms Project, 2 Forstal Road, Aylesford – 100% discretionary rural rate relief be awarded, time limited to 31 March 2017; and
- (4) the new application for discretionary rate relief be determined as follows:  
  
all properties in the Borough occupied by Barclays Bank Plc, HSBC Bank Plc, Lloyds Banking Group and TSB Bank Plc – no discretionary relief be awarded.

**FIP 15/50 RURAL RATE RELIEF - RURAL SETTLEMENT LIST**

Decision Notice D150072MEM

The report of the Director of Finance and Transformation referred to the requirement to review the Council's rural settlement list and recommended that the current list should be retained unaltered for the financial year 2016/17.

**RECOMMENDED:** That the current rural settlement list remain in force for the year 2016/17.

**FIP 15/51 TONBRIDGE CASTLE GATEHOUSE CHARGES**

Decision Notice D150073MEM

The report of the Director of Central Services recommended revised charges for the Tonbridge Castle Gatehouse attraction for implementation from 1 April 2016. The proposals took into account prevailing inflation figures, competitor charges and local market conditions.

**RECOMMENDED:** That

- (1) the proposed charges for Tonbridge Castle Gatehouse, as set out in the report, be approved for implementation from 1 April 2016; and
- (2) the charges be reflected in the appropriate tourism marketing material.

**FIP 15/52 CAPITAL PLAN POST IMPLEMENTATION REVIEWS**

Decision Notice D150074MEM

The joint report of the Director of Central Services and Director of Finance and Transformation presented post implementation reviews in respect of Christmas Lighting Capital Grants and Implementing Electronic Government which indicated successful implementation of the projects.

**RECOMMENDED:** That the post implementation reviews for the projects, as outlined in the report, be endorsed.

**FIP 15/53 BENEFITS UPDATE AND COUNCIL TAX REDUCTION SCHEME**

The report of the Director of Finance and Transformation gave details of current issues in the benefits field including performance and workload of the Benefits Service, an update on Universal Credit and welfare reform budget changes.

Members were advised that the current three year Kent-wide agreement period for the Council Tax Reduction Scheme would expire at the end of 2015/16. In view of the national welfare changes taking place and the significant consultation process and timescale involved in a review of the scheme, it had been agreed with the major Kent precepting authorities that the current scheme should be rolled forward for another year. Agreement was therefore sought to “refresh” the existing Council Tax Reduction Scheme in preparation for the financial year 2016/17.

**RECOMMENDED:** That

- (1) the existing Council Tax Reduction Scheme be refreshed in readiness for the financial year 2016/17 and published on the Council's website; and
- (2) the Director of Finance and Transformation be authorised to enter into negotiations with Kent County Council and Kent District Council colleagues regarding a fundamental review of the scheme for 2017/18.

**\*Referred to Cabinet**

**MATTERS SUBMITTED FOR INFORMATION**

**FIP 15/54 COUNCIL TAX AND BUSINESS RATES UPDATE**

The report gave details of recent developments in respect of council tax and business rates including encouraging rates of collection and a reduction in the number of recovery notices issued. Reference was made to recent media interest in council tax recovery and Members were assured that the Council only used enforcement agents as a last resort when all other options had failed. Staff made every effort to negotiate with taxpayers in respect of payment arrangements, taking into account individual circumstances.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**FIP 15/55 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

**RESOLVED:** That as public discussion would disclose exempt information, the following matters be considered in private.

**PART 2 - PRIVATE**

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**FIP 15/56 DEBTS FOR WRITE OFF**

**(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)**

Decision Notice D150075MEM

The report of the Director of Finance and Transformation sought approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with

cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

**RECOMMENDED:** That the 9 items shown in the schedule of amounts over £1,000, totalling £24,892.04 be written-off for the reasons stated within the schedule.

**FIP 15/57 PROPOSED LICENCE FOR WORKS ON LAND ADJACENT TO  
LARKSPUR CLOSE, EAST MALLING**

**(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of  
any particular person)**

Decision Notice D150076MEM

The report of the Director of Central Services gave details of a request for a licence for works to divert a sewer on land within the Council's ownership adjacent to Larkspur Close, East Malling to facilitate development of a new dwelling. Consideration was given to proposed terms and conditions for the licence.

**RECOMMENDED:** That the terms and conditions for the licence for works for the diversion of a sewer on land within the Council's ownership be approved as outlined in the report.

The meeting ended at 8.40 pm

# Agenda Item 5

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

Parish Partnership Panel of 10 September 2015

Tonbridge Forum of 14 September 2015

Joint Transportation Board of 28 September 2015 – to follow

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **PARISH PARTNERSHIP PANEL**

**Thursday, 10th September, 2015**

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman),  
Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts,  
Cllr T I B Cannon, Cllr Mrs S M Hall, Cllr S M Hammond,  
Cllr R V Roud and Cllr T B Shaw.

Together with Borough Green, Burham, East Malling and Larkfield, Hildenborough, Kings Hill, Leybourne, Platt, Plaxtol, Snodland, Trottiscliffe, Wateringbury, West Malling, Wouldham and Wrotham Parish and Town Councils.

Councillors O C Baldock, M C Base and B J Luker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R W Dalton, D Lettington, D Markham; Addington, East Peckham and Ightham Parish Councils; Kent County Councillor Mrs S Hohler and Kent Association of Local Councils (Tonbridge and Malling)

### **PART 1 - PUBLIC**

#### **PPP 15/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 19 February 2015 be approved as a correct record and signed by the Chairman.

#### **PPP 15/9 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES**

There were no actions identified.

#### **PPP 15/10 REVIEW OF THE PARISH PARTNERSHIP PANEL**

The report of the Chief Executive provided an update on the current Overview and Scrutiny Committee review into how the Borough Council engaged with parish councils and local community groups.

All parish councils had been invited to complete a short questionnaire about how the Parish Partnership Panel operated and whether improvements could be made. However, at the request of the Tonbridge and Malling area Kent Association of Local Councils (KALC) the consultation period had been extended until 25 September 2015 to allow more time for responses to be made.

Other issues identified for consideration by KALC were highlighted in paragraph 1.1.4 of the report and related to agenda setting and identifying items of business relevant to parish councils.

The Chairman encouraged parish councils to complete a questionnaire if they had not already done so. This would enable the Member Panel undertaking the review to be fully informed of local views on this issue.

### **PPP 15/11 KENT POLICE SERVICES UPDATE**

Chief Inspector Gill Ellis, Borough Commander for Tonbridge and Malling, provided a verbal update on the achievements made in performance and the neighbourhood policing agenda.

It was reported that the overall position in the Borough remained good despite a slight increase of 5% in victim based crime and was the second lowest in Kent. Violence against the person had increased by 10% whilst house burglary had decreased by 20%.

Any increase in domestic abuse was likely the result of improved reporting as people gained more confidence in the system and this was to be welcomed.

As a result of issues raised at the last meeting of the Panel, Chief Inspector Ellis was pleased to report that 31 speed enforcement initiatives had taken place between February and September. The majority of these had resulted in verbal warnings although some tickets had been issued. It was reiterated that if any parish or town councils identified a speeding problem within their villages they could contact Chief Inspector Ellis directly on [Gillian.Ellis@kent.pnn.police.uk](mailto:Gillian.Ellis@kent.pnn.police.uk) requesting speeding initiatives be undertaken.

In response to a question raised regarding 'community speed watch', the Panel was advised that these were a useful tool in identifying and demonstrating potential 'hot spots'. However, there was no need for a prolonged period of monitoring and there was also no requirement to undertake 'community speed watch' to request a speeding initiative.

With regard to comments raised about moving enforcement cameras around to monitor 'hot spot' areas, Chief Inspector Ellis offered to clarify the rules of engagement of speed enforcement vehicles.

Particular reference was made to the anticipated reduction in public sector funding and the need for Kent Police to make further budget savings. The Force remained committed to minimising disruption to front line delivery as a result of any further restructuring. In addition, it was expected that districts would remain co-terminus with local authorities. Further detail would emerge in due course.



Finally, Chief Inspector Ellis referred to a recruiting opportunity for Police Special Constables within Tonbridge and Malling. An event would be held at the Angel Centre on Thursday 22 October from 1900 to 2100 hours and would consist of the following:

- A presentation for anyone interested in joining the Special Constabulary
- Opportunities to speak with serving Specials
- Find out more about a new, interactive training package which meant that 75% of the preparation could be done online.

Parishes were encouraged to promote this event locally and further information was available at:

[http://www.kent.police.uk/join\\_us/specials/specials\\_events.html](http://www.kent.police.uk/join_us/specials/specials_events.html)

Leybourne Parish Council thanked both Kent Police and Tonbridge and Malling Borough Council for their quick action in addressing a recent traveller incursion.

#### **PPP 15/12 FINANCIAL ARRANGEMENTS WITH PARISH COUNCILS**

The Director of Finance and Transformation advised of the Borough Council's intention to continue with the methodology currently in place to determine the Scheme of Financial Arrangements with Parish Councils for one further year, subject to Cabinet agreement. This represented a 0.4% increase in overall parish council funding for 2016/17.

In the current economic climate this was good news and the main contributory factor was the inclusion of New Homes Bonus within the calculation methodology. In response to a question, the Director of Finance and Planning indicated that the future of New Homes Bonus funding was uncertain.

However, parish councils were advised that the Borough Council's Overview and Scrutiny Committee intended to launch a review into funding arrangements with external and third party groups. It was anticipated that any new arrangement would be in place with effect from 2017/18 and therefore parish councils were advised that 2016/17 was likely to be the last year for which the current methodology would apply.

Details of financial arrangements for 2016/17 would be confirmed in writing. Parish councils would also be kept up to date with the progress and findings of the review process.

#### **PPP 15/13 LOCAL PLAN UPDATE**

The Director of Planning, Housing and Environmental Health provided an update on the important progress made towards the preparation of

the Local Plan. Particular reference was made to the initial outcome of the Call for Sites exercise which closed on 1 September 2015.

A short presentation highlighting the key issues and setting the context for the Panel was also provided. At the request of the Chairman this would be circulated with the Minutes for information.

Proposed revisions to the timetable to reflect the next stages of the Local Plan preparation were also set out and included a full assessment of potential sites to inform options for the development strategy and land allocations in the Plan. Due to the number and scale of sites being assessed the original timetable had been revised to allow sufficient time for evidence gathering and proper technical evaluation around suitability, affordability, deliverability and/or constraints.

It was emphasised that this was an important milestone in preparation of the Local Plan and significant public interest was anticipated.

Locations and outlines of all the submissions were set out in the Call for Sites map, attached as Annex 1 and tabled at the meeting. It was noted that the map was for illustrative purposes only in order to inform and advise the Panel of the number, general scale and distribution of the sites coming forward for assessment. In addition, Members were reminded that the identified sites had no status and at this stage were merely submissions of interest.

On the basis of the revised timetable it was anticipated that the November meeting of the Borough Council's Planning and Transportation Advisory Board would receive a report that would begin to scope out the next stage of the process (Issues and Options) in more detail. Approval of the documentation and community engagement arrangements would then be sought at the following meeting enabling consultations to take place in Spring 2016 and would build on the positive engagement exercise with the Parish and Town Councils that took place between November 2013 and March 2014. Although the Issues and Options stage next year would be the first formal opportunity for public consultations an ongoing dialogue with local councils throughout the Local Plan process was anticipated.

Members asked questions and raised a number of issues around implications for the Green Belt, the duty to co-operate with neighbouring authorities, infrastructure deliverability, air quality and pollution, traffic pressures and the difficult challenge of meeting housing demand bearing in mind the extent of planning constraints in the Borough, including Green Belt and Areas of Outstanding Natural Beauty. Officers responded and noted the comments expressed for further consideration as part of the assessment process.

Particular reference was made to the Aylesford Newsprint site as a potentially important site for addressing employment needs.

A list describing the sites identified and the organisations putting forward submissions would be prepared for information. It was noted that individuals would not be identified due to data protection.

The Chairman thanked Members for an excellent debate which had recognised the significant challenges that the Local Plan represented to the Borough.

### **PPP 15/14 KENT COUNTY COUNCIL SERVICES UPDATE**

The Kent County Council Community Liaison Officer (Anne Charman) reported on a number of County initiatives and consultations. A Kent County Council Services Update report setting out more detail was tabled at the meeting for information.

Members were advised that by subscribing to Kent County Council's free emailing service residents could receive important information and news as it became available. A valid email address was required and would be used only to provide information on topic preferences subscribed to. For more information visit: [www.kent.gov.uk](http://www.kent.gov.uk)

Reference was made to the Care Act which came into force on 1 April 2015 bringing changes to the way people could plan and pay for their care and support. Phase 1 introduced a new legal framework from 1 April to include deferred payments, support for carers and national minimum eligibility criteria. Further changes were planned to come into effect from April 2020 as part of phase 2.

The KCC Combined Member Grant scheme was open until 31 March 2016 with £25,000 available to every County Councillor to fund both community and highway projects in their electoral division. It was reported that Tonbridge and Malling County Councillors had a total of £175,000 to allocate in 2015/16. Further information was available by contacting the local County Councillors or the Community Liaison Officer (Anne Charman).

All KCC consultations could be found online at:

<http://consultations.kent.gov.uk/consult.ti>

Particular reference was made to the revised Kent Environment Strategy consultation, which would run until 25 September 2015. There was an online questionnaire for residents to give feedback although hard copies were available on request from [climate.change@kent.gov.uk](mailto:climate.change@kent.gov.uk)

Anyone requiring further information on any of the subjects in the Update report could contact the Kent County Community Liaison Officer on [anne.charman@kent.gov.uk](mailto:anne.charman@kent.gov.uk)

The Community Liaison Officer noted comments made regarding changes to the Kent Test and assessment for grammar schools and offered to pass these to Kent Education.

Snodland Town Council asked if the Kent Highways Work Programme which identified schemes/projects for the year could once again be shared with parish councils for information. The Community Liaison Officer offered to supply a list of schemes and dates in future updates although it was noted that the Work Programme was a standing item on Joint Transportation Board agendas.

### **PPP 15/15 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE**

The Director of Finance and Transformation provided an update on key points relevant to Tonbridge and Malling. The headline messages included:

- Larkfield Leisure Centre Health Suite Refurbishment

Work on improving the health suite had started this month and was expected to be completed by December. This represented a significant investment but would improve the quality of the leisure facilities offered. It was noted that the project was being progressed in partnership with the Leisure Trust.

- Heritage Open Days: 12-13 September 2015

The Open Days celebrated architecture and culture by offering free access to properties usually closed to the public or normally charging for admission. Further details of the places participating in the Open Days were available on [www.tmbc.gov.uk](http://www.tmbc.gov.uk)

- Music at Malling

This event was taking place during 20 – 27 September 2015 with concerts, workshops and masterclasses with leading international artists in venues in and around West Malling.

Further information was available at: [www.musicatmalling.com](http://www.musicatmalling.com)

- Street Monitor Guidance

The Guidance booklet had recently been updated and copies were available on request from Waste Services. Comments and feedback were invited as these would be noted for future revisions.

The meeting ended at 9.25 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### TONBRIDGE FORUM

Monday, 14th September, 2015

**Present:** Cllr N J Heslop (Chairman), Cllr C P Smith (Vice-Chairman), Cllr Mrs P A Bates, Cllr P F Bolt, Cllr Ms S V Spence and Cllr F G Tombolis and County Councillor Mr R Long.

Together with representatives from:

The Bridge Trust, Kent Fire and Rescue Service, Kent Police (Tonbridge), St John's Ambulance, Tonbridge Allotments and Gardens, Tonbridge Art Group, Tonbridge Area Churches Together, Tonbridge Citizen's Advice Bureau, Tonbridge District Scout Council, Tonbridge Historical Society, Tonbridge Line Commuters, Tonbridge Music Club, Tonbridge Rotary Club and Tonbridge Town Team.

Councillor O C Baldock was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, Ms J A Atkinson, D J Cure, V M C Branson, Society of Friends, Tonbridge and Malling Seniors, Tonbridge Angels Football Club, Tonbridge Philharmonic Society, Tonbridge Red Cross, Tonbridge Sports Association, Tonbridge Theatre and Arts Club and Women's Institute.

#### **TF 15/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting held on 9 February 2015 be approved as a correct record and signed by the Chairman.

#### **TF 15/9 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES**

There were no actions identified.

#### **TF 15/10 CHAIRMAN ANNOUNCEMENTS**

The Chairman referred to the activities in Tonbridge over the weekend (12/13 September 2015) and thanked all organisers and participants involved in the events which had been a great success for the town.

- Dragon Boat Race

This had attracted 20 boats and thanks were given to the Tonbridge Town Team and Borough Councillor Spence for their contribution. Tonbridge Lions were also thanked for their continued support.

- Mediaeval Fayre

Thanks were extended to Tonbridge and Malling Borough Council officers

- Heritage Open Days

This initiative had taken place over 12-13 September to celebrate architecture and culture by offering free access to properties usually closed to the public or normally charging for admission. The Chairman thanked all the participating properties for their involvement.

- Haysden Country Park

The Chairman advised that the Country Park had successfully gained another Parks and Green Spaces green flag award. This was the tenth consecutive year and particular gratitude was extended to the volunteers who maintained the park to such a high standard.

#### **TF 15/11 REVIEW OF TONBRIDGE FORUM**

The report of the Chief Executive provided an update on the current Overview and Scrutiny Committee review into how the Borough Council engaged with local community groups and parish councils.

All external Forum members had been invited to complete a short questionnaire about how the Tonbridge Forum operated and whether improvements could be made. However, at the request of the Kent Association of Local Councils (KALC) the consultation period had been extended until 25 September 2015 to allow more time for responses to be made.

It was confirmed that non returns would be discounted and not included as a negative response. In addition, Members were advised that the majority response so far indicated support for retaining the Forum but possibly in a different format.

The Chairman encouraged all member organisations to complete a questionnaire if they had not already done so. This would enable the Member Panel undertaking the review to be fully informed of local views on this issue.

#### **TF 15/12 LOCAL PLAN UPDATE**

The Head of Planning and the Planning Policy Manager provided a presentation highlighting the key issues and setting the context for the Local Plan. At the request of the Chairman this would be circulated with the Minutes for information.

Members were updated on the important progress made towards the preparation of the Local Plan with particular reference to the initial outcome of the Call for Sites exercise which had closed on 1 September 2015. It was emphasised that this was an important milestone in preparation of the Local Plan and significant public interest was anticipated. As part of this exercise there had been 220 site submissions across the borough as a whole and it was noted that not all of these would come forward and were dependent upon technical evaluation and assessment.

Locations of site submissions were outlined and those of particular relevance to Tonbridge highlighted.

The Forum was advised that the identified sites had no status and at this stage were merely submissions of interest. A full assessment of the potential sites to inform options for development and land allocations was now required. Due to the number and scale of sites being assessed the original timetable had been revised to allow sufficient time for evidence gathering and proper technical evaluation around suitability, affordability, deliverability and/or constraints.

Members asked questions and raised a number of issues around community infrastructure, building on flood plains and providing assistance to refugees. Officers responded and noted the comments expressed for further consideration as part of the assessment process. The Forum was also advised that flood areas and the Green Belt represented significant challenges for some strategic sites and these would be fully considered. It was also indicated that the position regarding refugees was constantly monitored but this would only represent a very small increase in demand as most migrants to the Borough were from other parts of the South East or London.

### **TF 15/13 KENT POLICE UPDATE**

Inspector M Hutcheon provided a verbal update of the achievements made in performance and neighbourhood policing. It was reported that Tonbridge and Malling remained a low crime area despite a slight increase of 5% in victim based crime. Partnership working remained successful in addressing crime.

Recent police initiatives included Operation Lerwick, aimed at addressing youth related anti-social behaviour in East Peckham; Op Spitfire focused around East Malling and working with troubled families; Op Hurdle, investigating objects thrown from the M20 bridge and which had seen a reduction in incidents.

There had also been successes related to shed thefts in North Tonbridge and Hildenborough as a recent stop check had resulted in two arrests and property recovered. Members were reminded to mark property to make it easier for them to be returned. In addition, as a

result of good partnership working with the Borough Council the area around the Slade crossroads had been tidied up, which had contributed to the reduction in low level crime and the establishment of a local neighbourhood watch scheme.

With regard to Tonbridge High Street, Kent Police would work with the Borough Council and Kent Highways to see if traffic flow could be improved as a result of the 'no right' turn.

Particular reference was made to the anticipated reduction in public sector funding and the need for Kent Police to make further budget savings. The Force remained committed to minimising disruption to front line delivery as a result of any further restructuring. In addition, it was expected that districts would remain co-terminus with local authorities. Further detail would emerge in due course.

Finally, Inspector Hutcheon referred to a recruiting opportunity for Police Special Constables within Tonbridge and Malling. An event would be held at the Angel Centre on Thursday 22 October from 1900 to 2100 hours and would consist of the following:

- A presentation for anyone interested in joining the Special Constabulary
- Opportunities to speak with serving Specials
- Find out more about a new, interactive training package which meant that 75% of the preparation could be done online.

Members were encouraged to promote this event locally and further information was available at:

[http://www.kent.police.uk/join\\_us/specials/specials\\_events.html](http://www.kent.police.uk/join_us/specials/specials_events.html)

#### **TF 15/14 KENT FIRE AND RESCUE SERVICES UPDATE**

Group Manager C King provided a verbal update on recent initiatives and operations undertaken by Kent Fire and Rescue Services.

There had been a small (10%) increase in incidents in Kent although there was nothing significant in Tonbridge. It was reported that generally there had been a large reduction in the need for Kent Fire and Rescue Services.

Recent activities included advice on chimney safety and offering informal advice and guidance to small and medium sized businesses on general fire safety and making places of work safer. The Service was also looking at other ways it could add value to the community and where it could offer assistance by providing alternative and complementary services. For example, the Fire Service were keen to offer assistance to the ambulance service, which had seen an increased demand, by undertaking additional first aid training so they could help make



interventions if they were the first emergency service on the scene or nearest to the incident.

Reference was made to the future and the need to make savings, in line with many other public sector organisations. As a result the Fire Service were looking to share premises and use their existing building stock more effectively by providing opportunities for organisations to use their facilities.

Tonbridge Town Team offered to promote information from Kent Fire and Rescue Services on their facebook page and website.

## **TF 15/15 KENT COUNTY COUNCIL SERVICES UPDATE**

The Kent County Council Community Liaison Officer (Anne Charman) reported on a number of County initiatives and consultations. A Kent County Council Services Update report setting out more details was tabled at the meeting for information.

Members were advised that by subscribing to Kent County Council's free emailing service residents could receive important information and news as it became available. A valid email address was required and would be used only to provide information on topic preferences subscribed to. For more information visit: [www.kent.gov.uk](http://www.kent.gov.uk)

All KCC consultations could be found online and Members were encouraged to sign up to the consultation directory:

<http://consultations.kent.gov.uk/consult.ti>

Particular reference was made to the major improvement work to Tonbridge High Street which had started in August. The regeneration project was being delivered by KCC in partnership with the Borough Council and aimed to enhance the town's main shopping area to boost the local economy.

It was noted that work would temporarily cease between 22 November 2015 and 3 January 2016 inclusive to minimise the effect on local businesses over the Christmas period.

In response to a question regarding implications for businesses during the High Street improvement works, the Chairman suggested that any concerns and/or comments be passed to the Borough Council's Economic Regeneration Officer (Jeremy Whittaker) for further engagement with traders.

Reference was made to the removal of kerbs from the High Street and whether disability groups, particularly the Guide Dogs for the Blind, had any comments. County Councillor C Smith indicated that disability groups would have been consulted with but was unsure of the outcome.

The Chairman offered to try and clarify this point and provide feedback out of meeting.

Anyone requiring further information on any of the subjects in the Update report could contact the Kent County Community Liaison Officer on [anne.charman@kent.gov.uk](mailto:anne.charman@kent.gov.uk)

The local borough Member for the Judd ward (Councillor Peter Bolt) referred to Ridgeview School and asked whether plans were yet available to comment on. The Community Liaison Officer offered to contact the Area Education Officer for more information and provide feedback on progress out of meeting.

#### **TF 15/16 TONBRIDGE AND MALLING SERVICES UPDATE**

The Chief Corporate Policy Officer provided an update on key points relevant to Tonbridge and referred to the Town Lock development. Good progress was being made although there was a revised completion date of February 2016. There was ongoing liaison with local residents and monthly updates were available on the Borough Council's website.

Reference was made to Street Monitor Guidance booklets which had recently been updated. Copies were available on request from Environmental Services. The Borough Council was keen to recruit local Street Monitors and volunteers were encouraged to participate.

The Tonbridge Half Marathon was taking place on 4 October 2015 and a team, comprising Borough Council officers, in aid of one of the Mayor's charities (The Bridge Trust) were participating.

A Seniors Information and Advice Day was arranged for 1 October 2015 between 1000 – 1400 hours at the Angel Centre and everyone was asked to publicise the event where possible.

Finally, reference was made to the crossing on Cannon Lane at the junction of Hadlow Road which was considered dangerous by local residents. It was noted that part of the KCC improvements to the High Street and traffic flow around the town might improve this junction. It was also noted that Councillor Lancaster, the local Member for Medway ward, had been lobbying the County Council for improvements.

The meeting ended at 9.30 pm



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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

07 October 2015

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 TREASURY MANAGEMENT MID-YEAR REVIEW 2015/16**

**A report detailing treasury management activity undertaken during the period April to July of the current financial year was considered by Audit Committee on 7 September. The report also reminded Members of the parameters that define the Council's risk appetite. Cabinet are invited to recommend that Council endorse the action taken by officers in respect of treasury management activity to date and retain the current risk parameters.**

#### **1.1 Introduction**

- 1.1.1 Council adopted the 2009 CIPFA Code of Practice for Treasury Management on 18 February 2010. That Code, and subsequent updates, requires as a minimum that full Council approves an annual strategy prior to the start of the financial year, a mid-year review of that strategy (this report) and an outturn report.
- 1.1.2 Additional reports updating Members on current activity are presented to the Audit Committee and performance is also reported on a regular basis to the Finance, Innovation and Property Advisory Board. The combination of Member reporting and detailed scrutiny of activity ensures this Council complies with best practice.
- 1.1.3 The treasury management report presented to the Audit Committee on 7 September 2015 is replicated in full at **[Appendix 1]**.

#### **1.2 2015/16 Treasury Management Performance**

- 1.2.1 A gross annualised return of 0.71% was generated on investments for the period April to July 2015. In cash terms, investment income of £62,500 is £6,500 better than our profiled budget for the same period.
- 1.2.2 Investment returns offered by banks and building societies are broadly the same today as they were a year ago. The additional income referred to above can be attributed to both core fund and cash flow balances being higher than anticipated. Cash flow balances, in particular, are benefitting from a change by Government in the timing of Business Rate income paid over to themselves and precepting

authorities which has allowed greater use to be made of higher yielding term deposits. This enhanced performance is expected to continue such that investment income for the year as a whole will be £15,000 to £20,000 better than budget.

- 1.2.3 All investments undertaken in 2015/16 complied in full with the requirements of the 2015/16 Annual Investment Strategy including prudential and treasury limits.

### **1.3 Review of Risk Parameters and Regulatory Changes**

- 1.3.1 The 2015/16 Investment Strategy was approved by full Council in February 2015. The Strategy limits the Council's exposure to investment risks via the specification of minimum sovereign and counterparty credit ratings and associated exposure limits. The Strategy also imposes restrictions on the duration of an investment and the type of investment instrument that can be used. In conducting a mid-year review of the Strategy no change to the Council's current risk appetite is proposed.

### **1.4 Legal Implications**

- 1.4.1 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including securing effective arrangements for treasury management.
- 1.4.2 This mid-year review fulfils a requirement in The Chartered Institute of Public Finance & Accountancy's Code of Practice on Treasury Management 2009.

### **1.5 Financial and Value for Money Considerations**

- 1.5.1 As outlined above.

### **1.6 Risk Assessment**

- 1.6.1 The application of best practice, including the regular reporting and scrutiny of treasury management activity as identified by the CIPFA Code, is considered to be the most effective way of mitigating the risks associated with treasury management.

### **1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **1.8 Recommendations**

- 1.8.1 Audit Committee endorsed the recommendations contained in the report to them on 7 September 2015 [**Appendix 1**] and as detailed below. Cabinet is invited to **RECOMMEND** that Council:

- 1) Endorse the action taken by officers in respect of treasury management activity for the period April to July 2015.
- 2) Retain the existing parameters intended to limit the Council's exposure to investment risks.

Background papers:

contact: Michael Withey

Nil

Sharon Shelton  
Director of Finance and Transformation

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**TONBRIDGE & MALLING BOROUGH COUNCIL**

**AUDIT COMMITTEE**

**07 September 2015**

**Report of the Director of Finance & Transformation**

**Part 1- Public**

**Matters for Recommendation to Cabinet – Council Decision**

**1 TREASURY MANAGEMENT MID-YEAR REVIEW 2015/16**

**This report provides an update on treasury management activity undertaken during the period April to July of the current financial year. The report also includes a mid-year review of the current financial year's Annual Investment Strategy and reminds Members of the parameters that define the Council's risk appetite. Members are invited to endorse the action taken by officers in respect of treasury management activity to date and to retain the current risk parameters.**

**1.1 Introduction**

1.1.1 The Chartered Institute of Public Finance and Accountancy's (CIPFA) Code of Practice on Treasury Management (revised November 2009) was adopted by this Council on 18 February 2010.

1.1.2 The primary requirements of the 2009 Code and its subsequent revisions are as follows:

- Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the full Council of an Annual Treasury Management Strategy Statement, including the Annual Investment Strategy, for the year ahead; a mid-year Review Report (this report) and an Annual Report (stewardship report) covering activities during the previous year.
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.

- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Audit Committee.

1.1.3 This mid-year report has been prepared in compliance with CIPFA's Code of Practice, and covers the following:

- An economic update and revised interest rate forecast.
- Investment performance for April to July of the 2015/16 financial year.
- Use of borrowing.
- Compliance with Treasury and Prudential Limits for 2015/16.
- A review of the risk parameters contained in the 2015/16 Annual Investment Strategy.

## 1.2 Economic Background

1.2.1 Thus far in 2015/16:

- The May Inflation Report saw the Bank of England reduce its forecast for annual growth in 2015 to 2.5% (from 2.9%) and in 2016 to 2.7% (also from 2.9%). Contributing factors to these downward revisions included a slowing of growth in Q1 2015 to 0.4% (2.9% y/y) and a more pessimistic view on the rate and timing of growth in labour productivity. Growth in Q2 rebounded returning 0.7% for the quarter (2.6% y/y).
- CPI inflation fell to -0.1% in April, rose to 0.1% in May and fell again to 0.0% in June. This dip in inflation is only expected to last for a short period until the fall in oil and food prices drop out of the twelve month calculation. CPI is expected to rise especially during Q4 2015 and be marginally higher than the 2.0% target two years from now.
- In June the Greek government, led by an anti-austerity party Syriza, made a strong push to renegotiate the country's debt repayments. This was met with a robust rejection by the European Central Bank and European Union. Following the imposition of capital controls and temporary closure of Greek banks a third bailout package was agreed.
- In July, Governor Carney, commented that an interest rate rise would come 'into sharper relief around the turn of the year'. The misconception that this implied a rate rise in 2015 has since been dispelled. Since then, the August Monetary Policy Committee meeting saw one of the nine member committee vote in favour of an immediate rate rise.
- The American economy experienced disappointing growth in Q1 2015. GDP grew by 0.6% on an annualised basis due to bad weather hitting construction and consumer spending, a ports strike and the near 20% appreciation in the value of the dollar. GDP recovered strongly in Q2 rising 2.3% y/y and a

resumption to full recovery from the financial crisis. To counter inflationary pressures the Federal Reserve is expected to raise interest rates before the end of 2015 and be the first western economy to do so.

- The ECB announced a €1.1 trillion programme of quantitative easing in January 2015. The programme which started in March and will run to September 2016 has already had a beneficial impact in improving confidence and sentiment in the EZ. The recent trend of marginal increases in GDP has continued with GDP of 0.4% in Q1 2015 (1.0% y/y) and 0.3% in Q2 (1.25% y/y). A period of deflation also ended when inflation returned to 0.0% in April.
- In an effort to maintain growth in the Chinese economy (7% target) the Yuan was devalued in August.

### 1.3 Interest Rate Forecast

- 1.3.1 The Bank Rate has remained at an emergency level of 0.5% for the last 6 years. Capita's latest forecast, updated May 2015, anticipates the Bank Rate will remain at this level for a further 9 months before rising in the second quarter of 2016. This is six months later than anticipated in the 2015/16 Annual Investment Strategy.

| Rate                | Now<br>%    | Sep-<br>15<br>% | Dec-<br>15<br>% | Mar-<br>16<br>% | Jun-<br>16<br>% | Sep-<br>16<br>% | Dec-<br>16<br>% | Mar-<br>17<br>% | Jun-<br>17<br>% | Sep-<br>17<br>% |
|---------------------|-------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| <b>Bank Rate</b>    | <b>0.50</b> | <b>0.50</b>     | <b>0.50</b>     | <b>0.50</b>     | <b>0.75</b>     | <b>0.75</b>     | <b>1.00</b>     | <b>1.00</b>     | <b>1.25</b>     | <b>1.50</b>     |
| <b>3 mth LIBID</b>  | <b>0.46</b> | <b>0.50</b>     | <b>0.60</b>     | <b>0.70</b>     | <b>0.80</b>     | <b>0.90</b>     | <b>1.10</b>     | <b>1.30</b>     | <b>1.40</b>     | <b>1.50</b>     |
| <b>6 mth LIBID</b>  | <b>0.63</b> | <b>0.70</b>     | <b>0.80</b>     | <b>0.90</b>     | <b>1.00</b>     | <b>1.10</b>     | <b>1.30</b>     | <b>1.50</b>     | <b>1.60</b>     | <b>1.70</b>     |
| <b>12 mth LIBID</b> | <b>0.94</b> | <b>1.00</b>     | <b>1.10</b>     | <b>1.20</b>     | <b>1.30</b>     | <b>1.40</b>     | <b>1.60</b>     | <b>1.80</b>     | <b>1.90</b>     | <b>2.00</b>     |
| <b>25yr PWLB</b>    | <b>3.31</b> | <b>3.40</b>     | <b>3.60</b>     | <b>3.80</b>     | <b>3.90</b>     | <b>4.00</b>     | <b>4.10</b>     | <b>4.20</b>     | <b>4.30</b>     | <b>4.40</b>     |

### 1.4 Investment Portfolio

- 1.4.1 The Annual Investment Strategy for the 2015/16 financial year was approved by Council on 17 February 2015. The Strategy outlines the Council's investment priorities as follows:

- Security of Capital,
- Liquidity.

- 1.4.2 In addition the Council aims to achieve the optimum return (yield) on investments commensurate with the proper levels of security and liquidity. In particular, for 2015/16 the Council will 'avoid locking into longer term deals while investment rates continue their current low levels unless attractive rates are available with counterparties of particularly high creditworthiness which make longer term deals worthwhile'. The Council has adopted Capita's recommended creditworthiness approach which incorporates the credit ratings from each of the three main rating agencies and includes sovereign credit ratings and a market view of risk using credit default swap (CDS) data.

1.4.3 A full list of investments held on 31 July 2015 and our lending list in operation on that date are provided at **[Annexes 1 and 2]**.

1.4.4 As illustrated above, investment rates available in the market are at a historical low. The average level of cash flow funds available for investment purposes to the end of July 2015 was £12.7m. These funds were available on a temporary basis and the amount mainly dependent on the timing of precept payments, receipt of grants and progress on the capital programme. The Authority holds £13.5m of core cash balances. These funds are for the most part available to invest for more than one year, albeit some funds will need to be recalled towards the end of the financial year to top-up daily cash balances.

1.4.5 At the end of July 2015 funds invested and interest earned is set out in the table below:

|                   | <b>Funds invested at 31 July 2015</b><br><b>£m</b> | <b>Average duration to maturity</b><br><b>Days</b> | <b>Weighted average rate of return</b><br><b>%</b> | <b>Interest earned to 31 July 2015</b><br><b>£</b> | <b>Gross annualised return</b><br><b>%</b> | <b>LIBID benchmark</b><br><b>%</b> |
|-------------------|--|--|--|--|--|------------------------------------|
| <b>Cash flow</b>  | 12.25  | 87   | 0.69   | 26,300   | 0.62                                       | 0.36 (7 Day)                       |
| <b>Core funds</b> | 13.45  | 177  | 0.83   | 36,200   | 0.80                                       | 0.46 (3 Month)                     |
| <b>Total</b>      | 25.70  | 134  | 0.76   | 62,500   | 0.71                                       | 0.41 (Average)                     |

1.4.6 Interest earned of £62,500 is £6,500 better than budget for the same period and 30 basis points above benchmark. The additional income is wholly attributed to higher than expected cash flow and core fund balances. The pattern of income generation is expected to be maintained throughout the year such that Income for the financial year as a whole will be £15,000 to £20,000 better than budget.

1.4.7 **Cash flow.** Our daily cash flow balances for the year ahead are modelled at the start of the financial year. That cash flow model is then updated daily and reviewed on a regular basis. The majority of our cash flow surpluses are invested overnight in bank deposit accounts and money market funds to ensure sufficient short term liquidity to meet payment obligations. However, when cash surpluses permit, fixed term investments are undertaken to take advantage of the higher yields available. In April £5m nine month fixed term investments were undertaken yielding circa 0.8%. More recently £4m six month fixed term investments have been placed yielding an average of 0.7%. Further, shorter duration, term deposits are likely to be placed in the autumn to take advantage of peak cash flow balances.

1.4.8 **Core funds.** Following the transfer of all core fund investments from our external fund manager to in-house management in August 2014, the opportunity to

enhance yield by extending duration has continued. The current core fund portfolio includes a mix of nine and twelve month deposits together with one high yielding call account. The pattern of maturities (each month from December to April) is designed to ensure additional liquidity is available to the Council to support spending towards the end of the financial year and to take advantage of improved offers from banks as we approach a rise in Bank Rate.

## **1.5 Use of Borrowing**

1.5.1 It is a statutory duty for the Council to determine and keep under review the 'Affordable Borrowing Limits' by way of the Prudential Indicators (affordability limits) set out in the approved 2015/16 Investment Strategy. The Authority is debt free and uses a combination of reserves and revenue contributions to finance the Capital Plan. Borrowing on a temporary basis using overdraft facilities may be required from time to time to meet liquidity needs. However, no borrowing was undertaken in the period April 2015 to July 2015.

## **1.6 Compliance with the Annual Investment Strategy**

1.6.1 Throughout April to July 2015 all of the requirements contained in the 2015/16 Annual Investment Strategy intended to limit the Council's exposure to investment risks (minimum sovereign and counterparty credit rating; durational limits; exposure limits in respect of counterparties, groups of related counterparty and sovereigns; and specified and non-specified investment limits) have been complied with.

1.6.2 In addition the Council has operated within the treasury limits and prudential indicators set out in the 2015/16 Annual Investment Strategy and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators can be found at **[Annex 3]** to this report.

## **1.7 Review of Risk Parameters**

1.7.1 Members will recall the detailed consideration that was given to the 2015/16 Annual Investment Strategy at the January 2015 meeting of the Audit Committee. The strategy includes the parameters that aim to limit the Council's exposure to investment risks by requiring investments to be placed with highly credit rated institutions and that those investments are diversified across a range of counterparties. More specifically the 2015/16 Annual Investment Strategy requires:

- Counterparties must be regulated by a Sovereign rated AA- or better as recognised by each of the three main rating agencies (Fitch, Moody's or Standard & Poor's).
- Whilst 100% of funds can be invested in the UK, exposure to non-UK banks is restricted to no more than 20% of funds per Sovereign.

- Exposure to individual counterparties / groups of related counterparty must not exceed 20% of funds (25% of funds for part state owned UK Banks).
- In selecting suitable counterparties the Council has adopted Capita's credit worthiness methodology. The methodology combines the output from all three credit rating agencies including credit watches / outlooks and credit default swap data to assign a durational band to a financial institution (100 days, 6 months, 12 months, 5 years, etc.). At the time of placing an investment the financial institution must be assigned a durational band of at least 100 days. This broadly equates to a minimum long term credit rating of Fitch A- (high) and a short term credit rating of Fitch F1 (strong).
- The duration of an investment in a foreign bank must not exceed Capita's recommendation. For UK financial institutions Capita's duration recommendation can be enhanced by up to three months subject to the combined duration (Capita recommendation plus the enhancement) not exceeding 12 months.
- Money Market funds should be rated Fitch AAmmf or equivalent and exposure limited to no more than 20% per fund.
- Enhanced Money Funds should be rated AAA and exposure limited to no more than 10% per fund and 20% to all such funds.

1.7.2 The 2015/16 Strategy also limits the type of instrument (e.g. term deposits, floating rate notes, etc.) that can be used and establishes a maximum investment duration (2 years other than Gilts). Given our overriding investment priorities of security of capital and liquidity the Council does not invest in equities.

1.7.3 In preparing this report the risk parameters have been reviewed and are considered appropriate to protect the Council's interests. The Council has access, both directly and via brokers, to a sufficient number of high credit rated financial institutions enabling it to maintain a diverse portfolio; with an appropriate level of liquidity; that makes a positive contribution to income generation. No changes to the risk parameters are proposed at the present time.

## **1.8 Legal Implications**

1.8.1 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority including securing effective arrangements for treasury management. In addition, Capita are employed to provide independent advice on legislative and professional changes that impact on the treasury management function.

1.8.2 This mid-year review report fulfils a requirement in The Chartered Institute of Public Finance & Accountancy's Code of Practice on Treasury Management 2009.

## **1.9 Financial and Value for Money Considerations**

- 1.9.1 The Bank Rate has remained at a historic low of 0.5% for over 6 years. Capita, our treasury advisors, in common with other market forecasts, anticipate a rise in Bank Rate sometime during the second quarter of 2016.
- 1.9.2 The Funding for Lending initiative introduced by the Bank of England in summer 2012 had a significant downward impact on returns being offered by financial institutions at the time and that impact has continued.
- 1.9.3 At the end of July Investment income is £6,500 better than expected. This pattern is expected to be repeated throughout 2015/16 resulting in income for the year as a whole being £15,000 to £20,000 above budget.
- 1.9.4 Investment performance is monitored against relevant benchmarks and compared to other local authorities in Kent and the broader local authority pool via Capita's benchmarking service.

## **1.10 Risk Assessment**

- 1.10.1 The application of best practice, including the regular reporting and scrutiny of treasury management activity, as identified by the CIPFA Code is considered to be the most effective way of mitigating the risks associated with treasury management.

## **1.11 Equality Impact Assessment**

- 1.11.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.12 Recommendations**

- 1.12.1 Members are invited to **RECOMMEND** that Cabinet:

- 1) Endorse the action taken by officers in respect of treasury management activity for the period April to July 2015.
- 2) Retain the existing parameters intended to limit the Council's exposure to investment risks.

Background papers:

contact: Mike Withey

Capita Interest Rate Forecast (August 2015)

Sharon Shelton  
Director of Finance and Transformation

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## Investment Summary as at 31 July 2015

| Counterparty                             | Sovereign | Fitch Credit rating |            | Capita Credit Worthiness/ Suggested Duration Limit | Investment type (Specified/Non-specified) [Statement date to Maturity] | Investment from | Maturity Date | Principal sum invested £ | Return (coupon / yield at purchase) % | % of total investments | Instrument type | Core Funds £      | Cash Flow £       |
|--|-----------|---------------------|------------|--|--|-----------------|---------------|--------------------------|---------------------------------------|------------------------|-----------------|-------------------|-------------------|
|  |           | Long Term           | Short Term |  |  |                 |               |                          |                                       |                        |                 |                   |                   |
| Bank of Scotland                         | UK        | A+                  | F1         | 6 months   | Specified  | 14/04/2015      | 14/01/2016    | 1,000,000                | 0.80%                                 |                        | Fixed deposit   | 1,000,000         |                   |
| Bank of Scotland                         | UK        | A+                  | F1         | 6 months   | Specified  | 21/04/2015      | 21/01/2016    | 1,000,000                | 0.80%                                 |                        | Fixed deposit   |                   | 1,000,000         |
| <b>Bank of Scotland Total</b>            |           |                     |            |  |  |                 |               | <b>2,000,000</b>         |                                       | 7.78%                  |                 |                   |                   |
| Barclays Bank                            | UK        | A                   | F1         | 6 months   | Specified  | 28/04/2015      | 28/01/2016    | 1,000,000                | 0.80%                                 |                        | Fixed deposit   |                   | 1,000,000         |
| Barclays Bank                            | UK        | A                   | F1         | 6 months   | Specified  | 29/05/2015      | 29/02/2016    | 1,250,000                | 0.81%                                 |                        | Fixed deposit   | 1,250,000         |                   |
| Barclays Bank                            | UK        | A                   | F1         | 6 months   | Specified  | 22/07/2015      | 22/04/2016    | 1,250,000                | 0.86%                                 |                        | Fixed deposit   | 1,250,000         |                   |
| <b>Barclays Bank Total</b>               |           |                     |            |  |  |                 |               | <b>3,500,000</b>         |                                       | 13.62%                 |                 |                   |                   |
| BNP Paribas MMF                          | n/a       | AAA                 | mmf (Eq)   | 5 years  | Specified  | 31/07/2015      | 03/08/2015    | 1,717,000                | 0.48%                                 |                        | Call - MMF      |                   | 1,717,000         |
| <b>BNP Paribas MMF Total</b>             |           |                     |            |  |  |                 |               | <b>1,717,000</b>         |                                       | 6.68%                  |                 |                   |                   |
| Handelsbanken                            | Sweden    | AA-                 | F1+        | 1 year   | Specified  | 31/07/2015      | 03/08/2015    | 1,000,000                | 0.45%                                 |                        | Call            |                   | 1,000,000         |
| <b>Handelsbanken Bank Total</b>          |           |                     |            |  |  |                 |               | <b>1,000,000</b>         |                                       | 3.89%                  |                 |                   |                   |
| Insight Liquidity Plus EMF [1]           | n/a       | AAA                 | f/S1 (S&P) | 5 years  | Specified  | 18/02/2014      | 03/08/2015    | 1,050,000                | 0.33%                                 |                        | Call - EMF      |                   | 1,050,000         |
| <b>Insight Liquidity Funds Total</b>     |           |                     |            |  |  |                 |               | <b>1,050,000</b>         |                                       | 4.09%                  |                 |                   |                   |
| Lloyds Bank                              | UK        | A+                  | F1         | 6 months   | Specified  | 14/04/2015      | 13/04/2016    | 1,000,000                | 1.00%                                 |                        | Fixed deposit   | 1,000,000         |                   |
| Lloyds Bank                              | UK        | A+                  | F1         | 6 months   | Specified  | 21/04/2015      | 21/01/2016    | 1,000,000                | 0.80%                                 |                        | Fixed deposit   |                   | 1,000,000         |
| Lloyds Bank                              | UK        | A+                  | F1         | 6 months   | Specified  | 24/07/2015      | 25/01/2016    | 500,000                  | 0.80%                                 |                        | Fixed deposit   | 500,000           |                   |
| <b>Lloyds Bank Total</b>                 |           |                     |            |  |  |                 |               | <b>2,500,000</b>         |                                       | 9.73%                  |                 |                   |                   |
| NatWest Bank Call Account                | UK        | BBB+                | F2         | 1 year   | Specified  | 31/07/2015      | 03/08/2015    | 10,000                   | 0.25%                                 |                        | Call            |                   | 10,000            |
| <b>National Westminster Bank Total</b>   |           |                     |            |  |  |                 |               | <b>10,000</b>            |                                       | 0.04%                  |                 |                   |                   |
| Nordea Bank AB                           | Sweden    | AA-                 | F1+        | 1 year   | Specified  | 23/07/2015      | 22/01/2016    | 500,000                  | 0.64%                                 |                        | CD              |                   | 500,000           |
| <b>Nordea Bank AB Total</b>              |           |                     |            |  |  |                 |               | <b>500,000</b>           |                                       | 1.95%                  |                 |                   |                   |
| Nationwide Building Society              | UK        | A                   | F1         | 6 months   | Specified  | 16/03/2015      | 16/12/2015    | 1,250,000                | 0.79%                                 |                        | Fixed deposit   | 1,250,000         |                   |
| Nationwide Building Society              | UK        | A                   | F1         | 6 months   | Specified  | 29/04/2015      | 29/01/2016    | 1,000,000                | 0.80%                                 |                        | Fixed deposit   |                   | 1,000,000         |
| Nationwide Building Society              | UK        | A                   | F1         | 6 months   | Specified  | 29/05/2015      | 29/02/2016    | 1,250,000                | 0.79%                                 |                        | Fixed deposit   | 1,250,000         |                   |
| <b>Nationwide Building Society Total</b> |           |                     |            |  |  |                 |               | <b>3,500,000</b>         |                                       | 13.62%                 |                 |                   |                   |
| Santander UK Plc                         | UK        | A                   | F1         | 6 months   | Specified  | 31/07/2015      | 03/08/2015    | 4,924,000                | 0.80%                                 |                        | Call            | 2,451,000         | 2,473,000         |
| <b>Santander UK Plc Total</b>            |           |                     |            |  |  |                 |               | <b>4,924,000</b>         |                                       | 19.16%                 |                 |                   |                   |
| RBS                                      | UK        | BBB+                | F2         | 1 year   | Specified  | 23/03/2015      | 23/03/2016    | 1,000,000                | 0.90%                                 |                        | CD              | 1,000,000         |                   |
| <b>RBS Total</b>                         |           |                     |            |  |  |                 |               | <b>1,000,000</b>         |                                       | 3.89%                  |                 |                   |                   |
| Standard Chartered Bank                  | UK        | AA-                 | F1+        | 6 months   | Specified  | 24/04/2015      | 25/01/2016    | 1,000,000                | 0.80%                                 |                        | CD              |                   | 1,000,000         |
| Standard Chartered Bank                  | UK        | AA-                 | F1+        | 6 months   | Specified  | 05/06/2015      | 04/03/2016    | 1,000,000                | 0.80%                                 |                        | CD              | 1,000,000         |                   |
| Standard Chartered Bank                  | UK        | AA-                 | F1+        | 6 months   | Specified  | 10/06/2015      | 10/03/2016    | 1,500,000                | 0.81%                                 |                        | CD              | 1,500,000         |                   |
| Standard Chartered Bank                  | UK        | AA-                 | F1+        | 6 months   | Specified  | 08/07/2015      | 08/01/2016    | 500,000                  | 0.72%                                 |                        | CD              |                   | 500,000           |
| <b>Standard Chartered Bank Total</b>     |           |                     |            |  |  |                 |               | <b>4,000,000</b>         |                                       | 15.56%                 |                 |                   |                   |
| <b>Total invested</b>                    |           |                     |            |  |  |                 |               | <b>25,701,000</b>        |                                       | <b>100.00%</b>         |                 | <b>13,451,000</b> | <b>12,250,000</b> |

|   |    |  |                   |
|---|----|--|-------------------|
| Number of investments   | 23 | Average investment value £             | 1,117,000         |
| Number of counter parties   | 12 | Average investment per counter party £ | 2,142,000         |
| <b>Group exposures:</b>   |    | <b>Core £</b>                          | <b>Cash £</b>     |
| <b>RBS + National Westminster (UK Nationalised 25% or £3.3m per fund)</b> |    | 1,000,000                              | 10,000            |
| <b>Bank of Scotland + Lloyds (20% or £2.6m per fund)</b>                  |    | 2,500,000                              | 2,000,000         |
|   |    |  | <b>Combined £</b> |
|   |    |  | <b>%</b>          |
|   |    |  | 1,010,000         |
|   |    |  | 3.93              |
|   |    |  | 4,500,000         |
|   |    |  | 17.51             |

Total non-specified investments should be less than 60% of Core Funds 0.00%

[1] Return for previous month.

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## Tonbridge and Malling Borough Council Internal Lending List

| Checked against Capita Duration Matrix dated 31/07/15  |             |                      |                 |                  |                 |           |          |                     |
|--|-------------|----------------------|-----------------|------------------|-----------------|-----------|----------|---------------------|
| Minimum investment criteria is Capita Green (100 days) Duration Band<br>(entry point broadly equates to Fitch A-, F1, unless UK nationalised / semi-nationalised). |             |                      |                 |                  |                 |           |          |                     |
| Counterparty   | Sovereign   | Sovereign Rating [1] | Fitch Long Term | Fitch Short Term | Exposure Limits |           |          | Capita Duration [2] |
|  |             |                      |                 |                  | Cash Flow       | Core Fund | Combined |                     |
| ING Bank   | Netherlands | AA+                  | A               | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| Nordea Bank AB   | Sweden      | AAA                  | AA-             | F1+              | £2.6m           | £2.6m     | £5.2m    | 12 months           |
| Svenska Handelsbanken AB   | Sweden      | AAA                  | AA-             | F1+              | £2.6m           | £2.6m     | £5.2m    | 12 months           |
| Bank of Scotland plc<br>Group limit with BOS and Lloyds of £2.6m   | UK          | AA+                  | A+              | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| Barclays Bank  | UK          | AA+                  | A               | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| HSBC Bank plc  | UK          | AA+                  | AA-             | F1+              | £2.6m           | £2.6m     | £5.2m    | 12 months           |
| Lloyds Bank plc<br>Group limit with BOS and Lloyds of £2.6m  | UK          | AA+                  | A+              | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| Santander UK plc   | UK          | AA+                  | A               | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| Standard Chartered Bank  | UK          | AA+                  | AA-             | F1+              | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| Nationwide Building Society  | UK          | AA+                  | A               | F1               | £2.6m           | £2.6m     | £5.2m    | 6 months            |
| National Westminster Bank plc [3]<br>Group limit with Nat West and RBS of £3.3m  | UK          | AA+                  | BBB+            | F2               | £3.3m           | £3.3m     | £6.6m    | 12 Months           |
| The Royal Bank of Scotland plc [3]<br>Group limit with Nat West and RBS of £3.3m   | UK          | AA+                  | BBB+            | F2               | £3.3m           | £3.3m     | £6.6m    | 12 Months           |
| UK Debt Management Office inc Treasury Bills   | UK          | AA+                  | N/A             | N/A              | No limit        | No limit  | No limit | N/A                 |
| UK Treasury - Sovereign Bonds (Gilts)  | UK          | AA+                  | N/A             | N/A              | N/A             | £6.7m     | £6.7m    | N/A                 |
| UK Local Authorities   | UK          | AA+                  | N/A             | N/A              | £2.6m           | £2.6m     | £5.2m    | N/A                 |

[1] Reflects the lowest of the three rating agencies views (Fitch, Moody's and Standard and Poor's). Strategy requires sovereigns to be rated at least AA-.

[2] All deposits overnight unless otherwise approved by the Director of Finance and Transformation AND Chief Financial Services Officer. If other than overnight duration must not exceed Capita's suggested duration (Capita duration + 3 months for UK Entities up to a maximum of 12 months).

[3] UK nationalised / semi-nationalised.

| Money Market Funds  |        |       |      |                |           |          |
|---|--------|-------|------|----------------|-----------|----------|
| Minimum investment criteria one of AAA-mf, AAmmf or AAAm. |        |       |      |                |           |          |
| Fund Name   | Moody  | Fitch | S&P  | Exposure Limit |           |          |
|   |        |       |      | Cash Flow      | Core Fund | Combined |
| Blackrock   | AAA-mf | -     | AAAm | £2.6m          | £2.6m     | £5.2m    |
| BNP Paribas   | -      | -     | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Goldman Sachs   | AAA-mf | AAmmf | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Deutsche Fund   | AAA-mf | -     | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Standard Life (Ignis)                                     | -      | AAmmf | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Morgan Stanley  | AAA-mf | AAmmf | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Prime Rate  | -      | AAmmf | AAAm | £2.6m          | £2.6m     | £5.2m    |
| Insight   | -      | AAmmf | AAAm | £1.3m          | £1.3m     | £2.6m    |

| Enhanced Cash Funds              |       |       |          |                |           |          |
|----------------------------------|-------|-------|----------|----------------|-----------|----------|
| Minimum investment criteria AAA. |       |       |          |                |           |          |
| Fund Name                        | Moody | Fitch | S&P      | Exposure Limit |           |          |
|                                  |       |       |          | Cash Flow      | Core Fund | Combined |
| Insight Liquidity Plus           | -     | -     | AAAf /S1 | £1.3m          | £1.3m     | £2.6m    |

Approved by Director of  
Finance & Transformation  
3rd August 2015

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**Prudential and Treasury Indicators**

| <b>1 Prudential Indicators</b>                      | 2014/15<br>Actual<br>£'000 | 2015/16<br>Estimate<br>£'000 | 2016/17<br>Estimate<br>£'000 |
|---|----------------------------|------------------------------|------------------------------|
| Capital expenditure                                 | 2,341                      | 2,942                        | 2,411                        |
| Ratio of financing costs to net revenue stream      | -1.36%                     | -1.48%                       | -2.18%                       |
| Net borrowing requirement:                          |                            |                              |                              |
| Brought forward 1 April                             | nil                        | nil                          | nil                          |
| Carried forward 31 March                            | nil                        | nil                          | nil                          |
| In year borrowing requirement                       | nil                        | nil                          | nil                          |
| Capital financing requirement as at 31 March        | nil                        | nil                          | nil                          |
| Annual change in capital financing requirement      | nil                        | nil                          | nil                          |
| Incremental impact of capital investment decisions: |                            |                              |                              |
| Increase in Council Tax (Band D) per annum          | £0.30                      | £0.24                        | £0.18                        |

| <b>2 Treasury Management Indicators</b>                               | 2014/15<br>Actual<br>£'000 | 2015/16<br>Estimate<br>£'000 | 2016/17<br>Estimate<br>£'000 |
|---|----------------------------|------------------------------|------------------------------|
| Authorised limit for external debt:                                   |                            |                              |                              |
| Borrowing   | nil                        | 5,000                        | 5,000                        |
| Other long term liabilities   | nil                        | nil                          | nil                          |
| Total   | nil                        | 5,000                        | 5,000                        |
| Operational boundary for external debt:                               |                            |                              |                              |
| Borrowing   | nil                        | 2,000                        | 2,000                        |
| Other long term liabilities   | nil                        | nil                          | nil                          |
| Total   | nil                        | 2,000                        | 2,000                        |
| Actual external debt  | nil                        | nil                          | nil                          |
| Upper limit for fixed rate exposure over one year at year end         | nil                        | 0 – 60%                      | 0 – 60%                      |
| Upper limit for variable rate exposure under one year at the year end | 11,466<br>(58.9%)          | 40 – 100%                    | 40 – 100%                    |
| Upper limit for total principal sums invested for over 364 days       | nil<br>(0%)                | 60%                          | 60%                          |

| <b>3 Maturity structure of new fixed rate borrowing during 2015/16</b> | Upper limit<br>% | Lower limit<br>% |
|--|------------------|------------------|
| Under 12 months  | 100              | nil              |
| Over 12 months   | nil              | nil              |

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

23 September 2015

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Key Decision

### 1 FINANCIAL ARRANGEMENTS WITH PARISH COUNCILS

**This report gives details of the proposed allocations to individual parish councils under the Scheme of Financial Arrangements with Parish Councils for the financial year 2016/17.**

#### 1.1 Introduction

- 1.1.1 The Council has a Scheme of Financial Arrangements with Parish Councils to provide funding for local services under the provisions of the Local Government Act 1972. This Act allows payments by one council to another where both councils have powers to carry out a specific function. The Borough Council uses these powers to assist parishes with the cost of services they provide which are provided by the Borough Council in areas without a Parish.
- 1.1.2 In 2013, the Council, in liaison with the Parish Partnership Panel, agreed the budget for the Scheme of Financial Arrangements with Parish Councils would increase or decrease by the same percentage as the increase or decrease in the Borough Council's Local Government Finance Settlement including New Homes Bonus funding in the previous year. It was, however, acknowledged that when the New Homes Bonus scheme reaches its sixth year or is replaced by something else, the method of setting the budget described above could result in a significant decrease for the Parishes.
- 1.1.3 Applying the method described above for the forthcoming financial year, the rates used for calculating the allocations for the scheme increase by 0.4%.
- 1.1.4 As Members are aware, the Overview and Scrutiny (O&S) Committee are presently embarking on a work programme which includes a review of grants to the voluntary sector and other third parties (including funding for parish councils). Whilst the outcome of this review is yet unknown, it is appropriate to alert Parish Councils to the potential for change in the way any funding may be allocated in the future.

- 1.1.5 At the Parish Partnership Panel on 10 September, I advised representatives of the funding proposals for 2016/17, but also alerted them to the fact that, dependent upon the outcome of the O&S review, 2016/17 could be the last year that this methodology is employed. To ensure that all parish councils are aware of this review and the potential for change, I will include reference to the review in the notification letters to each parish council.
- 1.1.6 During 2014/15, the transition to individual elector registration temporarily decreased the number of electors on the register. As a result last year's Basic Allocation was increased by 1.3% instead of a rate per elector. The allocation for 2016/17 has returned to a rate per elector.
- 1.1.7 **[Annex 1]** sets out details of the allocations to individual parish councils in accordance with the above methodology.

## **1.2 Legal Implications**

- 1.2.1 The Financial Arrangements with Parish Councils are in accordance with Section 136 of the Local Government Act 1972 which says: "Two or more local authorities may make arrangements for defraying any expenditure by one of them in exercising any functions exercisable by both or all of them."

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 As set out above.

## **1.4 Risk Assessment**

- 1.4.1 There will always be a degree of risk associated with third party service delivery, however, our experiences with the Parish Councils lead us to believe this risk is very small.

## **1.5 Equality Impact Assessment**

- 1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Recommendations**

- 1.6.1 Members are asked to **RECOMMEND** to Cabinet that:
1. The methodology outlined above is adopted in calculating the allocations to parish councils under the Scheme of Financial Arrangements with Parish Councils for the year 2016/17.
  2. Parish Councils be notified of their allocations as set out in **[Annex 1]** and be advised that 2016/17 could potentially be the last year in which the current methodology is employed.



Background papers:

contact: Francis Gahan

Nil

Sharon Shelton  
Director of Finance and Transformation

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**Financial arrangements with parish councils**  
**2016/17**

| Parish / Town Council    | <sup>1</sup> Basic<br>Allocation<br>£ | <sup>2</sup> Cemeteries &<br>Churchyards<br>£ | <sup>3</sup> Footway<br>Lighting<br>£ | Total<br>£     |
|--------------------------|---------------------------------------|---|---------------------------------------|----------------|
| Addington                | 2,365                                 | 925   |                                       | 3,290          |
| Aylesford                | 15,800                                | 8,351   | 2,681                                 | 26,832         |
| Birling                  | 2,365                                 | 1,727   | 140                                   | 4,232          |
| Borough Green            | 5,345                                 |   | 1,349                                 | 6,694          |
| Burham                   | 2,365                                 | 1,443   | 193                                   | 4,001          |
| Ditton                   | 7,065                                 | 1,069   |                                       | 8,134          |
| East Malling & Larkfield | 19,664                                | 2,575   | 613                                   | 22,852         |
| East Peckham             | 4,917                                 | 3,439   | 1,157                                 | 9,513          |
| Hadlow                   | 5,833                                 | 9,756   | 35                                    | 15,624         |
| Hildenborough            | 7,273                                 | 2,207   | 105                                   | 9,585          |
| Ightham                  | 3,012                                 | 2,725   |                                       | 5,737          |
| Kings Hill               | 10,344                                |   |                                       | 10,344         |
| Leybourne                | 5,445                                 | 769   | 333                                   | 6,547          |
| Mereworth                | 2,365                                 | 2,164   |                                       | 4,529          |
| Offham                   | 2,365                                 | 774   |                                       | 3,139          |
| Platt                    | 2,461                                 | 2,111   | 368                                   | 4,940          |
| Plaxtol                  | 2,365                                 | 2,076   | 245                                   | 4,686          |
| Ryarsh                   | 2,365                                 | 841   | 421                                   | 3,627          |
| Shipbourne               | 2,365                                 | 1,343   |                                       | 3,708          |
| Snodland                 | 15,053                                | 12,081  | 2,436                                 | 29,570         |
| Stansted                 | 2,365                                 | 1,040   |                                       | 3,405          |
| Trottscliffe             | 2,365                                 | 452   |                                       | 2,817          |
| Wateringbury             | 2,967                                 | 4,703   | 701                                   | 8,371          |
| West Malling             | 3,932                                 | 3,682   | 1,647                                 | 9,261          |
| West Peckham             | 2,365                                 | 1,101   |                                       | 3,466          |
| Wouldham                 | 2,365                                 | 668   | 140                                   | 3,173          |
| Wrotham                  | 2,605                                 | 4,299   | 946                                   | 7,850          |
| <b>Total</b>             | <b>140,096</b>                        | <b>72,321</b>                                 | <b>13,510</b>                         | <b>225,927</b> |

<sup>1</sup> £1.88 per elector, assuming a notional minimum of 1,250

<sup>2</sup> Includes Hadlow cemetery extension.

<sup>3</sup> £17.45 per streetlight, excluding any, upgraded since 1994, that do not meet the Highways Authority's criteria for adoption.

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

07 October 2015

#### Report of the Management Team

#### Part 1- Public

#### Executive Non Key Decisions

#### **1 RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

**To receive recommendations from the meeting of Overview and Scrutiny Committee held on 15<sup>th</sup> September 2015**

#### **1.1 Peer Challenge Scrutiny Review**

1.1.1 The Overview and Scrutiny Committee was invited to investigate a number of outstanding issues related to the Council's Peer Challenge held in 2014. An informal scrutiny panel was formed to take this forward and their chosen focus was on the number and style of Council meetings and reviewing the Area Planning Committees.

1.1.2 At the meeting of the Overview and Scrutiny Committee on 15 September considerable discussion ensued on the Panel's recommendation that a single Planning Committee structure be developed. Some Members expressed serious concerns about replacing the current system and removing the voting rights of a majority of Councillors in the planning process. They remained to be convinced of the effectiveness of other councils, the majority of which had a single Planning Committee, given the quality of decision making and record of success in appeals in Tonbridge and Malling since its inception.

1.1.3 However, in support of the Panel's recommendations, other Members emphasised the changing planning environment, the challenges of being both a committee member and a community advocate in respect of planning applications, the importance of meeting the statutory determination period and opportunities for direct and indirect savings and service improvements offered by a single Planning Committee structure. In the event that this course of action was to be pursued, a number of issues were highlighted for further consideration. This included the size of the committee to ensure appropriate political balance, arrangements for call-in and speaking rights for Ward Members, improvements to site inspections and the venue for meetings.

- 1.1.4 Mindful of the considerable debate at Overview and Scrutiny Committee with regard to a single Planning Committee structure, Cabinet’s attention is drawn to the findings set out in the Peer Challenge report, which was one of the main drivers for the review. Of particular relevance is the following observation:

*“Given the very many positive aspects of the way the Council is operating and what is being achieved, the question ‘so why transform?’ arises. By way of an answer, what we would suggest is that given how significantly the context in which the Council is operating is altering the ‘Tonbridge and Malling way’ risks being compromised if the Council doesn’t drive change. In driving change, the Council would maximise the opportunity to determine the future in line with its values and what drives it. The alternative is to have the future dictated on different terms by others. By not acting imminently, there is a real risk that the strengths of the ‘Tonbridge and Malling way’ inadvertently come to hold the authority back or even translate into weakness.”*

The report goes on to comment on the changing financial climate:

*“There has been successful delivery of the financial savings challenge to date. A strategic approach to financial management is reflected in the Council’s medium term financial strategy which looks 10 years ahead and is focused on avoiding having to make ‘knee-jerk decisions’. The Council places an emphasis on delivering high quality services and uses its medium term financial strategy to shape the allocation of resources in order to maintain this. We see the current approach to the Council’s finances as a carefully managed and prudent one but we also see benefit in the authority looking to expedite its savings agenda. The funding gap projected by the Council through to 2019 means it is highly likely that the Council will need to review its ambitions and approach – within a more tightly defined set of priorities.”*

- 1.1.5 The above observations of the Peer Challenge should be considered alongside the significant changes made to the planning system by the current Government since 2010. In general terms there is a move away from the control of small developments, illustrated by the continuing extension of permitted development rights, and a focus on the effective delivery of major schemes. In particular, the Government publication “Fixing the Foundations: Creating a more prosperous nation” (July 2015) sets out the planning framework for the future in Chapter 9 – ‘Planning freedom and more houses to buy’. Nevertheless, although the push is towards reducing intervention, that initiative has brought with it many examples of increased complexity in the planning process and in the consideration of planning applications. The planning system is also under increasing scrutiny in terms of matters of procedure and probity. Consequently, training and updates for those Members involved in planning committees is becoming ever more important.

- 1.1.6 Notwithstanding the observations of the Peer Challenge report and the direction of national planning policy, some Members have raised very serious concerns with regard to the prospect of moving to a single Planning Committee structure. Mindful of these views an alternative approach for the Council at the moment would be to keep the existing Area Committee structure but in so doing review some of the existing procedures to ensure they accord with best practice, as set out in the Local Government Association/Planning Advisory document “Probity in Planning for Councillors and Officers” (April 2013, updated November 2013). Such a review could look, for example, at public speaking, Member site inspections and officer presentations and other operational matters.
- 1.1.7 The following recommendations to the Cabinet were agreed by the Overview and Scrutiny Committee:

#### **Number of Council Meetings**

A reduction in the number of Council meetings could best be achieved by:

- a) selectively reducing the number of non-essential meetings by identifying those specific Boards/Committees that perhaps do not need to meet so regularly which do not impact on regular Council business, and
- b) a protocol be developed which would enable any meeting likely to have insufficient decision items to be cancelled with the agreement of the Chairman.

#### **Style of Council Meetings**

The format of Council meetings be reviewed with a view to holding some programmed meetings in more informal settings where this is appropriate and to hold informal Member briefings either as a separate meeting, or preferably, in place of a programmed meeting. Council meetings in the first week of each month should be avoided if the annual meeting programme allows.

#### **Area Planning Committees**

A single planning committee structure should be developed to meet the particular needs of the Council

## **1.2 Next Steps**

- 1.2.1 It is envisaged that Cabinet will wish to consider the recommendations of the Overview and Scrutiny Committee part by part; first taking the more general matters and then, separately, the issues raised around the Area Planning Committee arrangements. More detailed work on the practical implementation of these recommendations would be needed if they are to be pursued. It is suggested that any such work should be undertaken by the Overview and Scrutiny

Committee and that a further report should be made following completion of that Committee's deliberations. In summary, the further work required is as follows:

1. Identifying those Council meetings which could potentially meet less frequently;
  2. Developing a detailed protocol to enable programmed meetings to be cancelled where there is judged to be insufficient business;
  3. Further work to explore how more informal Council meetings could be introduced;
  4. Should the proposition of a single Planning Committee be supported at any stage the following issues would need to be investigated:
    - (a) Size/composition of the Committee;
    - (b) Frequency of meetings and venues;
    - (c) Committee protocols including those for Member speaking; public and Parish Council speaking, site visits and officer presentations;
- 1.2.2 In the event that Cabinet was not minded to accept the recommendations of the Committee in so far as they relate to a single Planning Committee, it is suggested that, as an alternative way forward, a review of the Area Committee operational process is undertaken to ensure that it accords with best practice, including those issues outlined at paragraph 1.1.6 above. This could also be undertaken by the Overview and Scrutiny Committee.

### **1.3 Legal Implications**

- 1.3.1 As set out in the review papers

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 As above

### **1.5 Risk Assessment**

- 1.5.1 Not applicable

### **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.



## 1.7 Recommendations

1.7.1 The Overview and Scrutiny Committee **BE INVITED** to give further consideration to the detailed issues as set out at para 1.2.1 of this report, as far as the general matters of meeting arrangements are concerned.

1.7.2 Cabinet are asked to consider whether to agree the recommendations of the Overview and Scrutiny Committee in respect of Area Planning Committee arrangements and **INVITE** the Overview and Scrutiny Committee to undertake the appropriate further work in accordance with either paragraph 1.2.1 or 1.2.2

Background papers: Nil

contact: Mark Raymond

Julie Beilby  
Chief Executive  
On behalf of the Management Team

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

07 October 2015

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 MEDIUM TERM FINANCIAL STRATEGY

This report provides details of how we are updating the Medium Term Financial Strategy in terms of government grant funding. Members are also reminded of the significant financial challenges facing the Council and asked to reflect on how we plan the 'way forward'.

#### 1.1 Introduction

1.1.1 To recap, the Council's current Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets over a rolling ten-year period, and it is this Strategy that underpins the budget setting process each year and over the strategy period.

1.1.2 The aim of the Strategy is to give us a realistic and sustainable plan that reflects the Council's priorities. The MTFS sets out the high level objectives the Council wishes to fulfil over the agreed time span. These are:

- To achieve a **balanced revenue budget** that delivers the Council's priorities by the end of the strategy period.
- To retain a **minimum of £2.0m** in the General Revenue Reserve by the end of the strategy period.
- Seek to set **future increases in council tax having regard to the guidelines** issued by the Secretary of State.
- Over the strategy period, **continue to identify efficiency savings and opportunities for new or additional income sources** within the Council's budget to contribute towards the identified 'funding gap'; and, if necessary thereafter, **seek appropriate reductions in service costs** following consultation, as necessary, with taxpayers; and

- Set a **maximum 'annual capital allowance'** each year as part of the budget setting process for all new capital schemes (currently set at £200,000 from the Council's own resources) and give priority to those schemes that generate income or reduce costs.

1.1.3 The MTFS sets out, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans. Underneath the Strategy for the budget setting year sits detailed estimates formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures.

## **1.2 Managing the Financial Challenges**

1.2.1 Members are fully aware of the significant financial challenges facing the Council as a result of the Government's ongoing budget deficit reduction programme which has resulted in continuing reductions in the financial support it can offer to local government.

1.2.2 Over the past 4 to 5 years in response to those funding reductions, the Council has released £2.8 million in savings; £1 million of which has come from the Council's core staffing establishment.

1.2.3 Despite the breadth of savings already achieved, when setting the budget for 2015/16 in February 2015, projections at that time suggested that there was still a 'funding gap' between expenditure and income of circa £1.4 million.

1.2.4 Based on the above projection Members agreed that we break the £1.4 million savings target into three tranches:

- Tranche one £200,000 to be achieved by the start of the year 2016/17;
- Tranche two £700,000 to be achieved by the start of the year 2017/18; and
- Tranche three £500,000 to be achieved by the start of the year 2018/19.

1.2.5 In terms of tranche one, to date savings of £75,000 have been 'banked'. We are continuing to work on options to meet the imminent savings target 'balance' of £125,000.

## **1.3 Medium Term Financial Strategy Update**

1.3.1 The outcome of the Spending Review 2015 is due to be published on 25 November and will set out the intended reductions to be applied to departmental spending limits over the three-year period 2016/17 to 2018/19.

- 1.3.2 In the lead up to the Spending Review 2015 the Chancellor asked non-protected departments such as the Department for Communities and Local Government to work on a 25% and a 40% reduction in funding. What is difficult to determine is how the total available funding, whatever that might be, will then be 'shaken down' to individual local authorities.
- 1.3.3 As Members are aware, a critical component of our overall government grant funding is New Homes Bonus (NHB). By way of context, in 2015/16 we are due to receive a sum of £3.1 million in NHB compared to a sum of £1.6 million from Revenue Support Grant. As previously explained, all of the NHB we receive is used to underpin our revenue budget; and therefore the future of NHB is of particular interest and concern. Members may have read in the local government press about 'pitches' being made by county councils for a greater share of the NHB (currently districts receive 80% and counties 20%).
- 1.3.4 It may be the case that NHB in its current form continues for the duration of this parliament or for either a shorter or longer period. What we do need to recognise is that when changes are made to NHB, whenever that might be, the financial challenge faced by the Council could at best be difficult and at worst 'stark'.
- 1.3.5 Members will appreciate that with so much uncertainty over government grant funding, not least NHB, financial planning is becoming increasingly difficult with the increased risk of significant variances compared to projections. This can be demonstrated by way of potential **best and worst** case scenarios:-
- **'Best case'** – If NHB in its current form was to continue indefinitely the projected funding gap would be in the order of £50,000.
  - **'Worst case'** – If NHB ceases immediately the projected funding gap would be in the order of £3.5 million, in addition to £125,000 to be found over the coming months.
- 1.3.6 Irrespective of the uncertainty and scale of volatility attached to financial planning, as an organisation we do need to agree the principles and assumptions we will adopt to update the MTFS for the forthcoming budget setting process. In that regard the **preferred option** is to adopt what could be seen as a **'central case'** unless and until information becomes available that leads us to reconsider one or more of the assumptions that make up the proposed option.
- **'Central case'** – Nationally, NHB funding is halved from £2 billion to £1 billion over the two-year period 2017/18 to 2018/19 but then continues in its current form thereafter. For TMBC, the projected funding gap in our MTFS would be in the order of £1.4 million.

1.3.7 Members are reminded that there are factors not reflected in (or throughout the duration of) the MTFs, e.g:

- the shortfall to be met by the Council in respect of the Business Rates Retention scheme; and
- cost implications as a result of government initiatives to identify housing benefit overpayments and, in turn, reduce the ongoing benefit bill.

1.3.8 In addition, beyond 2016/17, the MTFs assumes a 3% increase in council tax year on year whereas the threshold above which a referendum is to be held has in recent years been set at 2%.

1.3.9 Unless other variables 'counteract' the impacts of the above, these factors could potentially increase the funding gap beyond the £1.4 million identified above.

## 1.4 Summary

1.4.1 For each of the scenarios set out above (best, worst and central case) it is also assumed that Revenue Support Grant will be phased out over the three-year period 2016/17 to 2018/19.

1.4.2 It can be seen from the above that financial planning is becoming increasingly difficult with the projected funding gap ranging from £50,000 to £3.5 million.

1.4.3 The proposed 'case' to be adopted in updating the MTFs gives a projected funding gap of £1.4 million which more by chance is the same as that identified when setting the budget for 2015/16 in February of this year. **This is a significant financial challenge given that £2.8 million has already been stripped out of the budget in recent years.**

## 1.5 The Way Forward?

1.5.1 The latest working version of the MTFs would suggest of this year's savings target of £200,000 there remains £125,000 to be identified as we move through the forthcoming budget setting process. As mentioned at paragraph 1.2.5, we are continuing to work on options to meet this imminent savings target 'balance'.

1.5.2 In terms of the substantive element of the projected £1.4 million funding gap, some radical 'options' may need to be explored. It goes without saying that we will continue to strive for efficiencies in all of the services we presently provide.

1.5.3 However, it is inevitable that we will need to revisit and re-evaluate the list of ('discretionary') services that the Council presently offers but is not mandated by law to provide.

1.5.4 Mandatory services should also be examined because it will be incumbent upon us to review the level of service we choose to provide, having regard to the cost of

that provision and the priorities that the Council wishes to afford to service areas within our emerging budgetary context.

- 1.5.5 To assist this work, Management Team will be examining broadly how services are delivered and aligned with each other and considering benchmarking data to provide some guidance and comparison. Importantly, this work should be developed alongside the production of our new Corporate Plan to clearly set out how the Council will work moving forward and what the key priorities will be where we will focus our reducing resources.
- 1.5.6 As part of this whole effort, Members are aware that the Overview & Scrutiny Committee has already embarked on a rigorous review programme of the Council's services and functions. An important element of that work is to examine potential opportunities for developing new areas of income generation and looking at the fees and charges made for Council services. It is envisaged that the 'pace' and breadth of the review programme will need to be maintained for some time in order to provide sufficient options for Cabinet and Council to consider.
- 1.5.7 **If the 'gap' is to be bridged, it is clear that some difficult, and potentially radical, choices will have to be made.**

## **1.6 Legal Implications**

- 1.6.1 There are a number of legislative requirements to consider in setting the Budget which will be addressed as we move through the budget cycle.
- 1.6.2 The Localism Act gives local communities the power to veto excessive council tax increases. The Secretary of State will determine a limit for council tax increases which has to be approved by the House of Commons. If an authority proposes to raise council tax above this limit they will have to hold a referendum to get approval for this from local voters who will be asked to approve or veto the rise.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 As set out above.

## **1.8 Risk Assessment**

- 1.8.1 The Local Government Act 2003 requires the Chief Financial Officer, when calculating the Council Tax Requirement, to report on the robustness of the estimates included in the budget and the adequacy of the reserves for which the budget provides. Consideration will and is given to the risks associated with any budget setting process where various financial and other assumptions have to be made. To mitigate the risks detailed estimates are formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures and external advice on assumptions obtained where appropriate.

- 1.8.2 The Medium Term Financial Strategy sets out the high level financial objectives the Council wishes to fulfil and underpins the budget setting process for the forthcoming year and over the Strategy period. As the Council's high level financial planning tool the Strategy needs to be reviewed and updated at least annually and in the current climate regularly reviewed by Management Team.
- 1.8.3 The increased uncertainty and volatility particularly in some of our major sources of income (business rates and New Homes Bonus) make financial planning that more difficult with the increased risk of significant variances compared to projections.
- 1.8.4 Any increase in council tax above the relevant threshold, even by a fraction of a percentage point, would require a referendum to be held.

## **1.9 Equality Impact Assessment**

- 1.9.1 The decisions recommended through this paper at this stage have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users at this stage, although as savings options emerge, equality impact assessments will need to be carried out.

## **1.10 Recommendations**

- 1.10.1 Members are asked to:

- 1) **ENDORSE** the proposed 'central case' option to be adopted in updating the Medium Term Financial Strategy; and
- 2) **RECOGNISE** the significant financial pressure that TMBC still faces over the next three year.

Background papers:

Nil

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Director of Finance and Transformation



## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

07 October 2015

#### Report of the Director of Central Services and Monitoring Officer

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 IMPLEMENTATION OF THE ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014

##### 1.1 Executive overview

- 1.1.1 The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) received Royal Assent on 13th March 2014
- 1.1.2 The Act replaces nineteen pre-existing measures with six new measures for tackling anti-social behaviour and introduces a new absolute ground for possession of secure and assured tenancies associated with anti-social behaviour or criminality.
- 1.1.3 The Anti-Social Behaviour, Police and Crime Act 2014 places new duties on the Council to tackle ASB, working co-operatively with the police, social landlords and other agencies.
- 1.1.4 The Government make it clear that their reforms are designed to put victims at the heart of the response to ASB and give professionals the flexibility they need to deal with any given situation.
- 1.1.5 In guidance issued by the Home Office in July 2014, it is made clear that the new powers are designed to be flexible, allowing professionals to adapt them to protect victims in a wide range of situations. There is also an expectation of increased partnership working, sharing of information and using early and informal interventions. *“Solutions need to be jointly developed by local agencies, bringing their own experience and expertise to work together with communities and victims.”*
- 1.1.6 At the weekly CSU meeting held with partner agencies, any anti-social activity, together with proposed use of any of the measures under the Act will be reviewed, discussed and recorded. Updates are given by agencies such as Kent Police, who have powers delegated under the Act to them alone (Dispersal power).

### Issues to be decided

1.1.7 That the Cabinet be asked to delegate authority to the Director of Central Services and Monitoring Officer:

- to exercise all functions of the Council under and in connection with the Anti-social Behaviour, Crime and Policing Act 2014, including any orders or regulations made thereunder
- to authorise injunction proceedings in respect of anti-social behaviour under section 2(1)(b) or (c) of the Anti-social Behaviour, Crime and Policing Act 2014,
- to make public spaces protection orders.

### Background

1.1.8 The Anti-social Behaviour, Crime and Policing Act received Royal Assent on 13 March 2014. The Home Office aim is that reforms within the Act will *'put victims at the heart of the response to anti-social behaviour and give professionals effective powers that are quick, practical and easy to use, providing better protection for victims and communities and a real deterrent to perpetrators'*.

1.1.9 The kind of anti-social behaviour the Act is aimed at is that which causes harassment, alarm, or distress. Such a wide range of behaviours means that responsibility for dealing with anti-social behaviour is shared between a number of agencies, particularly the police, councils and social landlords.

1.1.10 Victims can feel helpless, bounced from one agency to another and then back again. In many cases, the behaviour is targeted against the most vulnerable in our society and even what is perceived as 'low level' anti-social behaviour, when targeted and persistent, can have devastating effects on a victim's life. The Act also introduces two new measures that aim to give victims a greater say in the way their reports are dealt with via a new Community Remedy and the anti-social case reviews (the Community Trigger) process.

1.1.11 To assist frontline professionals the Home Office issued guidance on the Reform of Anti-social Behaviour Powers in October 2013 and further guidance was issued in July 2014.

1.1.12 The Act broadens existing powers to enable Police and Crime Commissioners to provide or commission support services for victims and witnesses of, and those affected by, crime and anti-social behaviour. The Act also covers a range of other matters relating to firearms; protection from sexual harm and violence; forced marriage; amends the Extradition Act 2003; introduces changes to criminal justice and court fees; and amends various policing provisions. These matters are listed for information purposes only.

### **New measures for tackling anti-social behaviour**

- 1.1.13 The Act replaces nineteen pre-existing measures with six new measures for tackling anti-social behaviour and introduces a new absolute ground for possession of secure and assured tenancies associated with anti-social behaviour or criminality. Each of the new measures is considered in turn below and further information is provided at in the appendices. A summary of the existing powers to be replaced is provided in **Annex 1**.

### **Civil Injunctions**

- 1.1.14 The injunction under Part 1 of the Act is a civil power which can be applied for to deal with anti-social individuals. The injunction is designed to be a fast and effective protection for victims and communities and set a clear standard of behaviour for perpetrators, stopping the person's behaviour from escalating.
- 1.1.15 Although the injunction is a civil power, it is still a formal sanction and it is expected professionals will want to consider informal approaches before resorting to court action, especially in the case of under 18s. However, where informal approaches have not worked or professionals decide that a formal response is needed more quickly, they should be free to do so. See **Annex 2** for more information.

### **Criminal Behaviour Order (CBO)**

- 1.1.16 The CBO is an additional sanction a court can impose during sentencing following a conviction for any criminal offence. The Council cannot make a CBO or apply to court for a CBO as it can apply for an injunction. A CBO can include prohibitions and requirements and it is a criminal offence to fail to comply with an order without reasonable excuse. Breaches of CBO by those aged under 18 will be dealt with in the youth court. In all other cases, the offence will be considered by the magistrates' court or Crown Court. See **Annex 3** for more information.

### **Example - CBO handed out for Tunbridge Wells and Tonbridge**

Mr A was handed a Criminal Behaviour Order after being convicted at Sevenoaks Magistrates Court on Thursday, July 23 2015 for a variety of offences relating to being drunk and disorderly. This follows a 120 day custodial sentence given on 17<sup>th</sup> July 2015.

Upon his release from prison he will be prohibited from being in possession of an open container of alcohol in any public place within the alcohol control zone, or within a one mile radius of Tonbridge Railway Station.

He will also be unable to be drunk or consume alcohol in any public place within the same zones.

A breach of the order, which in this case lasts for two years, can result in a prison term of up to five years.

### **Dispersal Power**

- 1.1.17 The dispersal power is a flexible power which the police can use in a range of situations to disperse anti-social individuals and provide immediate short-term respite to a local community. The Council is not able to use this power.
- 1.1.18 The power is preventative as it allows an officer to deal instantly with someone's behaviour and nip the problem in the bud before it escalates. In areas where there are regular problems, the police force is expected to work with the local council to find sustainable long-term solutions. In all instances, the impact on the local community should be considered before using the dispersal power. See **Annex 4** for more information.

### **Community Protection Notice (CPN)**

- 1.1.19 The CPN is intended to deal with particular, on-going problems, or nuisances that negatively affect the community's quality of life by targeting those responsible. CPNs can be used to tackle a wide range of problem behaviours including graffiti, rubbish and noise. It can be issued against any person over the age of 16 or a body, including a business. The Home Office notes that councils already take the lead in dealing with these kinds of issues. In addition to designated council officers, CPNs can also be issued by police officers and police community support officers. See **Annex 5** for more information

### **Public Spaces Protection Order (PSPO)**

- 1.1.20 The PSPO is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area which apply to everyone. This could include, but is not restricted to, placing restrictions on the use of parks, alleyways, or communal areas to prevent problems with misuse of alcohol, dogs or noise. Local authorities will be responsible for making a PSPO but police officers and police community support officers can also play a role in enforcing the orders. See **Annex 6** for more information.

### **Closure Power**

- 1.1.21 The closure power can be used by local authorities and the police to close premises that are causing nuisance or disorder. The power comes in two stages. The closure notice can be used to provide short term relief up to a maximum of 48 hours. The closure notice can be issued in the first instance for 48 hours or extended from 24 hours up to a maximum of 48 hours by the council's chief executive or designate thereof, or by a police superintendent.
- 1.1.22 The notice can then be extended upon application for a closure order to the magistrates' court for a period of up to three months. At any time before the expiry of the closure order, an application may be made to the court for an extension (or further extension) of the order up to a total of six months. See **Annex 7** for more information.

### **New Absolute Grounds for Possession**

- 1.1.23 The purpose of the new absolute ground for possession is to speed up the possession process in cases where anti-social behaviour or criminality has already been proven in another court. Landlords will no longer have to prove that it is reasonable to grant possession but, instead, courts must grant possession if the landlord followed the correct procedure and at least one of the specified conditions is met. See **Annex 8** for more information.

### **Other Measures**

- 1.1.24 The Act also introduces the power for the Secretary of State to make regulations under which the keeper of a vehicle may be required to pay a fixed penalty where litter has been thrown, dropped or otherwise deposited from the vehicle. Currently, a fixed penalty notice can only be issued when litter is thrown from a car if the person responsible for throwing the litter can be identified. This new provision would bring the legislation for littering offences in line with that for fly-tipping with the keeper of a vehicle being deemed responsible for any offences committed by those within the vehicle.
- 1.1.25 No such Regulations have been made as of the 17 September 2015.

### **Community Remedy**

- 1.1.26 The Act requires each local policing body (and therefore not the Council) to prepare a community remedy document for its area with a list of actions to be carried out by a person who has:
- a) engaged in anti-social behaviour or has committed an offence; and
  - b) is to be dealt with for that behaviour or offence without court proceedings.

- 1.1.27 The community remedy document will be used by the police as part of the existing process for delivering community resolutions. It is proposed that this will give victims of low-level crime and anti-social behaviour a say in the punishment of perpetrators out of court. The community remedy may also be used by the police when a conditional caution or youth conditional caution is given, as a means of consulting the victim about the possible conditions to be attached to the caution.
- 1.1.28 The Police and Crime Commissioner (PCC) have consulted with members of the public, community groups and local authorities on the options to be included in a community remedy menu. A community remedy allows victims to request how the perpetrator is dealt with when a community resolution is used. If the victim asks for a community remedy to be used, the offender must agree and the police officer has to agree it is proportionate and appropriate as well.
- 1.1.29 See **Annex 9** for more information.

### **Anti-social Behaviour Case Reviews (Community Trigger)**

- 1.1.30 The **Community Trigger** is a way of allowing the public to request a review of the actions taken around ASB complaints. The Community Trigger criteria is:

*“At least three separate incidents reported to the relevant bodies within the previous six months. The ASB must be a repeat of the same or similar incident which was reported within one month or the alleged incident taking place”.*

- 1.1.31 If someone feels that they have met the Trigger criteria then they will need to complete an application form which will ask for details about the reports that have been made. Members of the Community Safety Unit will then check to see if the evidence presented is correct and if it meets the threshold then a Panel will need to meet to review the case and look at the actions that were (or were not) taken. That panel can then make recommendations to other agencies (although those agencies will be under no obligation to accept them). The Panel must include representatives from the Borough Council, the Police, Clinical Commissioning Groups and Social Landlords who are co-opted onto the Panel.
- 1.1.32 The **Community Remedy** will give victims of low-level crime and anti-social behaviour a say in the punishment of offenders out of court. It will be a list of actions that the victim will be invited to choose from when a community resolution is to be used. The offender must have given an admission of guilt and it must be appropriate for a Community Remedy to be used. The Community Remedy is entirely voluntary.

### **Example – Community Trigger Review Panel**

- 1.1.33 TMBC received a Community Trigger 13 November 2014. On 18 November Community Safety and Kent Police met to review the application and decided that as three incidents had been reported, all within a month of the incidents taking place and all within a six month period that the threshold had been met. The

complaints mainly centred around excessive noise, as well as rubbish dumped on the door way

- 1.1.34 One of the incidents had been reported to Circle Housing Russet (dumped rubbish) and two to the Police (regarding noise issues).
- 1.1.35 The Panel met on the 2 December 2014 and agreed actions to take place. Actions were carried out and case closed.
- 1.1.36 This has been the only Community Trigger Panel held at TMBC.
- 1.1.37 See **Annex 10** for more information.

## **1.2 Legal Implications**

- 1.2.1 As the Council is a regulatory authority for the legislation given in the report there are no alternative options. Failure to update the Scheme of Delegations to reflect changes in legislation could mean that the Council may be subject to legal challenge if regulatory action is taken by unauthorised officers, or that any legal action taken under these regulations would be invalid.
- 1.2.2 The proposed revised scheme of delegations will ensure that officers continue to be authorised to undertake their duties and to ensure that statutory notices are signed by the appropriate competent person. These further delegations will ensure that any prosecution is undertaken with statutory authority and shall not fail for that reason alone.

## **1.3 Financial and Value for Money Considerations**

- 1.3.1 Liability for certain offences within the Act can be discharged by payment of a fixed penalty notice to the local authority. The local authority is likely to incur legal costs when applying for the new Injunction to Prevent Nuisance and Annoyance or for example if it prosecutes an individual, or body, for failure to comply with a notice, etc.
- 1.3.2 It is anticipated that the powers will be used by existing staff within current budget parameters.
- 1.3.3 While some training may be required for individual staff it is anticipated that these will come from within existing budgets.

## **1.4 Risk Assessment**

- 1.4.1 The vast majority of these powers are unlikely to be used frequently by the Council, as they are in many cases a last resort, when other options have been

tried and failed. However in some circumstances their use may be both proportionate and appropriate.

1.4.2 The appendices give more detail on which powers are relevant to which agency.

## **1.5 Equality Impact Assessment**

1.5.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.6 Recommendations**

- to exercise all functions of the Council under and in connection with the Anti-social Behaviour, Crime and Policing Act 2014, including any orders or regulations made thereunder to authorise injunction proceedings in respect of anti-social behaviour under section 2(1)(b) or (c) of the Anti-social Behaviour, Crime and Policing Act 2014,
- to make public spaces protection orders.

Background papers:

Nil

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### **Annexes:**

1. Powers to be replaced by the 2014 Act
2. Civil Injunctions
3. Criminal Behaviour Order (CBO)
4. Dispersal Power
5. Community Protection Notice (CPN)
6. Public Spaces Protection Order (PSPO)
7. Closure Power
8. New Absolute Ground for Possession
9. Community Remedy
10. Anti-Social Behaviour Case Reviews (Community Trigger)
11. Summary sheet of different actions that can be taken



## Annex 1:

### Summary of the existing powers to be replaced by the Anti-social Behaviour, Crime and Policing Act 2014

#### Alcohol

|    | Existing Power  | Replacement Power                       | Consequences   |
|----|---|---|--|
| 1. | Drinking banning orders on application (s. 3/4 Violent Crime Reduction Act 2006)                                      | Civil Injunctions (s. 1)                | Orders can continue to be applied for until section 1 comes into force. After that, existing orders and ones applied for before s. 1 came into force can continue to be enforced as now for 5 years after s. 1 came into force. After that, existing orders are treated as if they were anti-social behaviour injunctions (s. 21). |
| 2. | Drinking banning orders on conviction (s. 6 Violent Crime Reduction Act 2006)   | Criminal Behaviour Orders (s. 22)       | Orders can continue to be made in connection with criminal proceedings begun before section 22 came into force. After that, existing orders can continue to be enforced as now for 5 years after s. 22 came into force. After that, existing orders are treated as if they were criminal behaviour orders (s. 33).                 |
| 3. | Orders designating public places for restrictions on alcohol consumption (s. 13 Criminal Justice and Police Act 2001) | Public Spaces Protection Orders (s. 59) | Orders can continue to be made until section 59 comes into force (s. 75). See para 27 for enforcement.   |

#### Anti-social Behaviour

|    | Existing Power  | Replacement Power        | Consequences  |
|----|---|--------------------------|---|
| 4. | Anti-social behaviour orders on application (s. 1/1B Crime and Disorder Act 1998)   | Civil Injunctions (s. 1) | Orders can continue to be applied for until section 1 comes into force. After that, existing orders and ones applied for before s. 1 came into force can continue to be enforced as now for 5 years after s. 1 came into force. After that, existing orders are treated as if they were anti-social behaviour injunctions (s. 21).                              |
| 5. | Individual support orders (s. 1AA Crime and Disorder Act 1998) in connection with anti-social behaviour orders on application (s. 1/1B Crime and Disorder Act 1998) | Civil Injunctions (s. 1) | Any outstanding application for an individual support order will lapse when section 1 comes into force but the application for the ASBO will survive. After that, existing orders can continue to be enforced as now for 5 years after s. 1 came into force. After that, existing orders are treated as if they were anti-social behaviour injunctions (s. 21). |

|    | Existing Power   | Replacement Power                 | Consequences   |
|----|--|-----------------------------------|--|
| 6. | Intervention orders (s. 1G Crime and Disorder Act 1998) in connection with anti-social behaviour orders on application (s. 1/1B Crime and Disorder Act 1998)     | Civil Injunctions (s. 1)          | Orders can continue to be applied for until section 1 comes into force. After that, existing orders and ones applied for before s. 1 came into force can continue to be enforced as now for 5 years after s. 1 came into force. After that, existing orders are treated as if they were anti-social behaviour injunctions (s. 21). |
| 7. | Anti-social behaviour orders on conviction (s. 1C Crime and Disorder Act 1998)   | Criminal Behaviour Orders (s. 22) | Orders can continue to be made in connection with criminal proceedings begun before section 22 came into force. After that, existing orders can continue to be enforced as now for 5 years after s. 22 came into force. After that, existing orders are treated as if they were criminal behaviour orders (s. 33).                 |
| 8. | Individual support orders (s. 1AA Crime and Disorder Act 1998) in connection with anti-social behaviour orders on conviction (s. 1C Crime and Disorder Act 1998) | Criminal Behaviour Orders (s. 22) | Orders can continue to be made in connection with criminal proceedings begun before section 22 came into force. After that, existing orders can continue to be enforced as now for 5 years after s. 22 came into force. After that, existing orders are treated as if they were criminal behaviour orders (s. 33).                 |
| 9. | Parenting orders (s. 8 Crime and Disorder Act 1998)  | No change                         | Will apply in relation to anti-social behaviour injunctions as they currently apply to anti-social behaviour orders  |

### Littering

|     | Existing Power/<br>Offence   | Replacement Power                    | Consequences  |
|-----|--|--------------------------------------|---|
| 10. | Defacement removal notices for graffiti and fly-posting (s. 48 Anti-social Behaviour Act 1998)           | Community Protection Notices (s. 43) | Notices can continue to be served until section 43 comes into force. Notices made before but not served until after s. 43 comes into force will be of no effect. After s. 43 comes into force, existing notices can continue to be enforced as now (s. 58). |
| 11. | Depositing litter (s. 87/88 Environmental Protection Act 1990)   | No change                            | Can continue to issue fixed penalty notices as now  |
| 12. | Failure to comply with a waste receptacles notice (s. 46/47/47ZA/47ZB Environmental Protection Act 1990) | No change                            | Can continue to issue fixed penalty notices as now. Can also continue to issue waste receptacles notices as now.  |

|     | <b>Existing Power/<br/>Offence</b>  | <b>Replacement<br/>Power</b>         | <b>Consequences</b>   |
|-----|---|--------------------------------------|---|
| 13. | Failure to produce authority to transport waste (s. 5/5B Control of Pollution (Amendment) Act 1989) | No change                            | Can continue to issue fixed penalty notices as now  |
| 14. | Failure to produce waste documents (s. 34 Environmental Protection Act 1990 and regulations)        | No change                            | Can continue to issue fixed penalty notices as now  |
| 15. | Litter abatement notices (s. 92 Environmental Protection Act 1990)                                  | Community Protection Notices (s. 43) | Notices can continue to be served until section 43 comes into force. Notices made before but not served until after s. 43 comes into force will be of no effect. After s. 43 comes into force, existing notices can continue to be enforced as now (s. 58). |
| 16. | Litter clearing notices (s. 92A Environmental Protection Act 1990)                                  | Community Protection Notices (s. 43) | Notices can continue to be served until section 43 comes into force. Notices made before but not served until after s. 43 comes into force will be of no effect. After s. 43 comes into force, existing notices can continue to be enforced as now (s. 58). |
| 17. | Street litter control notices (s. 93 Environmental Protection Act 1990)                             | Community Protection Notices (s. 43) | Notices can continue to be served until section 43 comes into force. Notices made before but not served until after s. 43 comes into force will be of no effect. After s. 43 comes into force, existing notices can continue to be enforced as now (s. 58). |
| 18. | Unauthorised distribution of free printed matter (sch. 3A Environmental Protection Act 1990)        | No change                            | Can continue to issue fixed penalty notices as now  |

**Miscellaneous**

|     | <b>Existing Power</b>  | <b>Replacement Power</b>   | <b>Consequences</b>  |
|-----|--|--|--|
| 19. | Closure orders for noisy premises (s. 40 Anti-social Behaviour Order 2003) | Closure Notices/ Orders for Premises Associated with Nuisance or Disorder (s. 76/80) | Orders can continue to be made until sections 76/80 come into force. After that, existing orders can continue to be enforced as now indefinitely (s. 93).  |
| 20. | Dog control orders (s. 55 Clean Neighbourhoods and Environment Act 2005)   | Public Spaces Protection Orders (s. 59)  | Orders can continue to be made until section 59 comes into force. After that, existing orders can continue to be enforced as now for 3 years after s. 59 came into force. After that, existing orders are treated as if they were public spaces protection orders (s. 75). |
| 21. | Gating Orders (s. 129A Highways Act 1980)                                  | Public Spaces Protection Orders (s. 59)  | Orders can continue to be made until section 59 comes into force. After that, existing orders can continue to be enforced as now for 3 years after s. 59 came into force. After that, existing orders are treated as if they were public spaces protection orders (s. 75). |

**Police Powers**

|     | <b>Existing Power</b>  | <b>Replacement Power</b>   | <b>Consequences</b>   |
|-----|--|--|---|
| 22. | Closure notices/ orders for premises associated with persistent disorder or nuisance (s. 11A/11B Anti-social Behaviour Act 2003) | Closure Notices /Orders for Premises Associated with Nuisance or Disorder (s. 76/80) | Notices/orders can continue to be made until sections 76/80 come into force. After that, existing notices/orders can continue to be enforced as now indefinitely (s. 93).   |
| 23. | Closure notices/ orders for premises where drugs used unlawfully (s. 1/2 Anti-social Behaviour Act 2003)                         | Closure Notices/ Orders for Premises Associated with Nuisance or Disorder (s. 76/80) | Notices/orders can continue to be made until sections 76/80 come into force. After that, existing notices/orders can continue to be enforced as now indefinitely (s. 93).   |
| 24. | Closure orders for premises with premises licence or temporary events notice (s. 161/165 Licensing Act 2003)                     | Closure Notices/ Orders for Premises Associated with Nuisance or Disorder (s. 76/80) | Orders can continue to be made until sections 76/80 come into force. After that, existing orders can continue to be enforced as now indefinitely (s. 93).   |
| 25. | Directions to individuals who represent a risk of disorder (s. 27 Violent Crime Reduction Act 2006)                              | Dispersal Power (s. 34/35)   | Directions can continue to be given until sections 34/35 come into force. After that, existing directions can continue to be enforced as now (s. 42).   |
| 26. | Dispersing groups of young people (s. 30 Anti-social Behaviour Act 2003)   | Dispersal Power (s. 34/35)   | Authorisations can continue to be given until sections 34/35 come into force. After that, directions under an existing authorisation can continue to be given and enforced as now until the authorisation expires (s. 42).    |
| 27. | Enforcing orders designating public places for restrictions on alcohol consumption (s. 13 Criminal Justice and Police Act 2001)  | Public Spaces Protection Orders (s. 59)  | Orders existing when section 59 comes into force can continue to be enforced as now for 3 years after s. 59 came into force. After that, existing orders are treated as if they were public spaces protection orders (s. 75). |

**Tenants**

|     | <b>Existing Power</b>   | <b>Replacement Power</b> | <b>Consequences</b>  |
|-----|---|--------------------------|--|
| 28. | Anti-social behaviour injunctions (s. 153A Housing Act 1996)  | Civil Injunctions (s. 1) | Injunctions can continue to be applied for until section 1 comes into force. After that, existing injunctions and ones applied for before s.1 came into force can continue to be enforced as now for 5 years after s.1 came into force. After that, existing injunctions are treated as if they were anti-social behaviour injunctions (s.21).   |
| 29. | Injunctions against breach of tenancy agreement (s. 154D(1) Housing Act 1996)   | Civil Injunctions (s. 1) | Uncertain, but any outstanding application for an injunction is likely to lapse when section 1 comes into force. After that, existing injunctions are likely to continue to be enforceable as now and remain in existence indefinitely.  |
| 30. | Injunctions against breach of tenancy agreement (s. 154D(1) Housing Act 1996) which also prohibit being in or entering specified premises or areas (s. 154D(3) Housing Act 1996) and/or include a power of arrest (s. 154D(4) Housing Act 1996) | Civil Injunctions (s. 1) | Injunctions can continue to be applied for until section 1 comes into force. After that, existing injunctions and ones applied for before s.1 came into force can continue to be enforced as now for 5 years after s.1 came into force. After that, existing injunctions are only partially treated as if they were anti-social behaviour injunctions and any other elements fall away (s.21). |
| 31. | Injunctions against unlawful use of premises (s. 153B Housing Act 1996)   | Civil Injunctions (s. 1) | Injunctions can continue to be applied for until section 1 comes into force. After that, existing injunctions and ones applied for before s.1 came into force can continue to be enforced as now for 5 years after s.1 came into force. After that, existing orders are treated as if they were anti-social behaviour injunctions (s.21).  |

## Annex 2: Civil Injunction

|                                       |  |
|---------------------------------------|--|
| <b>Purpose</b>                        | To stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate.  |
| <b>Applicants</b>                     | <ul style="list-style-type: none"> <li>• Local councils;</li> <li>• Social landlords;</li> <li>• Police (including British Transport Police);</li> <li>• Transport for London;</li> <li>• Environment Agency and Natural Resources Wales; and</li> <li>• NHS Protect and NHS Protect (Wales)</li> </ul>  |
| <b>Test</b>                           | <ul style="list-style-type: none"> <li>• On the balance of probabilities;</li> <li>• Behaviour likely to cause harassment, alarm or distress (non-housing related anti-social behaviour); or</li> <li>• Conduct capable of causing nuisance or annoyance (housing-related anti-social behaviour); and</li> <li>• Just and convenient to grant the injunction to prevent anti-social behaviour.</li> </ul>                          |
| <b>Details</b>                        | <ul style="list-style-type: none"> <li>• Issued by the county court and High Court for over 18s and the youth court for under 18s.</li> <li>• Injunction will include prohibitions and can also include positive requirements to get the perpetrator to address the underlying causes of their anti-social behaviour.</li> <li>• Agencies must consult youth offending teams in applications against under 18s.</li> </ul>         |
| <b>Penalty on breach</b>              | <ul style="list-style-type: none"> <li>• Breach of the injunction is not a criminal offence, but breach must be proved to the criminal standard, that is, beyond reasonable doubt.</li> <li>• Over 18s: civil contempt of court with unlimited fine or up to two years in prison.</li> <li>• Under 18s: supervision order or, as a very last resort, a civil detention order of up to three months for 14-17 year olds.</li> </ul> |
| <b>Appeals</b>                        | <ul style="list-style-type: none"> <li>• Over 18s to the High Court; and</li> <li>• Under 18s to the Crown Court.</li> </ul>   |
| <b>Important changes/ differences</b> | <ul style="list-style-type: none"> <li>• Available to a wider range of agencies than Anti-Social Behaviour Injunctions.</li> <li>• Obtainable on a civil standard of proof unlike Anti-Social Behaviour Orders (ASBOs).</li> <li>• No need to prove "necessity" unlike ASBOs.</li> <li>• Breach is not a criminal offence.</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>                  |

## Annex 3: Criminal behaviour order

|                                      |   |
|--------------------------------------|---|
| <b>Purpose</b>                       | Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.   |
| <b>Applicants</b>                    | The prosecution, in most cases the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.   |
| <b>Test</b>                          | <ul style="list-style-type: none"> <li>• If the court is satisfied beyond reasonable doubt that the offender has engaged in behaviour that has caused or is likely to cause harassment, alarm or distress to any person; and</li> <li>• The court considers that making the order will help prevent the offender from engaging in such behaviour.</li> </ul>  |
| <b>Details</b>                       | <ul style="list-style-type: none"> <li>• Issued by any criminal court for any criminal offence.</li> <li>• The anti-social behaviour does not need to be part of the criminal offence.</li> <li>• Order will include prohibitions to stop the anti-social behaviour but it can also include positive requirements to get the offender to address the underlying causes of the offender's behaviour.</li> <li>• Agencies must find out the view of the youth offending team (YOT) for applications for under 18s.</li> </ul> |
| <b>Penalty on breach</b>             | <ul style="list-style-type: none"> <li>• Breach of the order is a criminal offence and must be proved to a criminal standard of proof, that is, beyond reasonable doubt.</li> <li>• For over 18s on summary conviction: up to six months imprisonment or a fine or both.</li> <li>• For over 18s on conviction on indictment: up to five years imprisonment or a fine or both.</li> <li>• For under 18s: the sentencing powers in the youth court apply.</li> </ul>   |
| <b>Appeals</b>                       | <ul style="list-style-type: none"> <li>• Appeals against orders made in the magistrates' court (which includes the youth court) lie to the Crown Court.</li> <li>• Appeals against orders made in the Crown Court lie to the Court of Appeal.</li> </ul>  |
| <b>Important changes/differences</b> | <ul style="list-style-type: none"> <li>• Consultation requirement with YOTs for under 18s.</li> <li>• No need to prove "necessity" unlike Anti-Social Behaviour Orders.</li> <li>• Scope for positive requirements to focus on long-term solutions.</li> </ul>  |



## Annex 4: Dispersal Power

|                                       |  |
|---------------------------------------|--|
| <b>Purpose</b>                        | Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.   |
| <b>Used by</b>                        | <ul style="list-style-type: none"> <li>• Police officers in uniform; and</li> <li>• Police Community Support Officers (if designated the power by their chief constable).</li> </ul>   |
| <b>Test</b>                           | <ul style="list-style-type: none"> <li>• Contributing or likely to contribute to members of the public in the locality being harassed, alarmed or distressed (or the occurrence of crime and disorder); and</li> <li>• Direction necessary to remove or reduce the likelihood of the anti-social behaviour, crime or disorder.</li> </ul>  |
| <b>Details</b>                        | <ul style="list-style-type: none"> <li>• Must specify the area to which it relates and can determine the time and the route to leave by.</li> <li>• Can confiscate any item that could be used to commit anti-social behaviour, crime or disorder.</li> <li>• Use in a specified locality must be authorised by a police inspector and can last for up to 48 hours.</li> <li>• A direction can be given to anyone who is, or appears to be, over the age of 10.</li> <li>• A person who is under 16 and given a direction can be taken home or to a place of safety.</li> </ul>                                  |
| <b>Penalty on breach</b>              | <ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• Failure to comply with a direction to leave: up to a level 4 fine and/or up to three months in prison although under 18s cannot be imprisoned.</li> <li>• Failure to hand over items: up to a level 2 fine.</li> </ul>   |
| <b>Appeals</b>                        | A person who is given a direction and feels they have been incorrectly dealt with should speak to the duty inspector at the local police station. Details should be given to the person on the written notice.   |
| <b>Important changes/ differences</b> | <ul style="list-style-type: none"> <li>• It is a more flexible power; it can be used to provide immediate respite to a community from anti-social behaviour, crime or disorder.</li> <li>• An area does not need to be designated as a dispersal zone in advance.</li> <li>• Although there is no requirement to consult the local council, the authorising officer may consider doing so in some circumstances before authorising use of the dispersal.</li> <li>• Police Community Support Officers may use all elements of the dispersal power (if designated the power by their chief constable).</li> </ul> |

## Annex 5: Community Protection Notice (CPN)

|                                       |   |
|---------------------------------------|---|
| <b>Purpose</b>                        | To stop a person aged 16 or over, business or organisation committing anti-social behaviour which spoils the community's quality of life.   |
| <b>Who can issue a CPN</b>            | <ul style="list-style-type: none"> <li>• Council officers;</li> <li>• Police officers;</li> <li>• Police community support officers (PCSOs) if designated; and</li> <li>• Social landlords (if designated by the council).</li> </ul>   |
| <b>Test</b>                           | Behaviour has to: <ul style="list-style-type: none"> <li>• have a detrimental effect on the quality of life of those in the locality;</li> <li>• be of a persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>  |
| <b>Details</b>                        | <ul style="list-style-type: none"> <li>• Written warning issued informing the perpetrator of problem behaviour, requesting them to stop, and the consequences of continuing.</li> <li>• Community protection notice (CPN) issued including requirement to stop things, do things or take reasonable steps to avoid further anti-social behaviour.</li> <li>• Can allow council to carry out works in default on behalf of a perpetrator.</li> </ul> |
| <b>Penalty on breach</b>              | <ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• A fixed penalty notice can be issued of up to £100 if appropriate.</li> <li>• A fine of up to level 4 (for individuals), or £20,000 for businesses.</li> </ul>  |
| <b>Appeals</b>                        | <ul style="list-style-type: none"> <li>• Terms of a CPN can be appealed by the perpetrator within 21 days of issue.</li> <li>• The cost of works undertaken on behalf of the perpetrator by the council can be challenged by the perpetrator if they think they are disproportionate.</li> </ul>  |
| <b>Important changes/ differences</b> | <ul style="list-style-type: none"> <li>• The CPN can deal with a wider range of behaviours for instance, it can deal with noise nuisance and litter on private land open to the air.</li> <li>• The CPN can be used against a wider range of perpetrators.</li> <li>• The CPN can include requirements to ensure that problems are rectified and that steps are taken to prevent the anti-social behaviour occurring again.</li> </ul>              |

## Annex 6: Public Spaces Protection Order (PSPO)

|                                       |   |
|---------------------------------------|---|
| <b>Purpose</b>                        | Designed to stop individuals or groups committing anti-social behaviour in a public space   |
| <b>Who can make a PSPO</b>            | <ul style="list-style-type: none"> <li>• Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.</li> </ul>   |
| <b>Test</b>                           | <p>Behaviour being restricted has to:</p> <ul style="list-style-type: none"> <li>• be having, or be likely to have, a detrimental effect on the quality of life of those in the locality;</li> <li>• be persistent or continuing nature; and</li> <li>• be unreasonable.</li> </ul>   |
| <b>Details</b>                        | <ul style="list-style-type: none"> <li>• Restrictions and requirements set by the council.</li> <li>• These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>• Can restrict access to public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.</li> <li>• Can be enforced by a police officer, police community support officers and council officers.</li> </ul> |
| <b>Penalty on breach</b>              | <ul style="list-style-type: none"> <li>• Breach is a criminal offence.</li> <li>• Enforcement officers can issue a fixed penalty notice of up to £100 if appropriate.</li> <li>• A fine of up to level 3 on prosecution.</li> </ul>   |
| <b>Appeals</b>                        | <ul style="list-style-type: none"> <li>• Anyone who lives in, or regularly works in or visits the area can appeal a PSPO in the High Court within six weeks of issue.</li> <li>• Further appeal is available each time the PSPO is varied by the council.</li> </ul>  |
| <b>Important changes/ differences</b> | <ul style="list-style-type: none"> <li>• More than one restriction can be added to the same PSPO, meaning that a single PSPO can deal with a wider range of behaviours than the orders it replaces.</li> </ul>  |

## Annex 7: Closure Power

|                                      |  |
|--------------------------------------|--|
| <b>Purpose</b>                       | To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder.   |
| <b>Applicants</b>                    | <ul style="list-style-type: none"> <li>• Local council.</li> <li>• Police.</li> </ul>  |
| <b>Test</b>                          | <p>The following has occurred, or will occur, if the closure power is not used:</p> <p>Closure notice (up to 48 hours):</p> <ul style="list-style-type: none"> <li>• Nuisance to the public; or</li> <li>• Disorder near those premises.</li> </ul> <p>Closure order (up to six months):</p> <ul style="list-style-type: none"> <li>• Disorderly, offensive or criminal behaviour;</li> <li>• Serious nuisance to the public; or</li> <li>• Disorder near the premises.</li> </ul>   |
| <b>Details</b>                       | <ul style="list-style-type: none"> <li>• A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts.</li> <li>• Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises.</li> <li>• Order: can close premises for up to six months and can restrict all access.</li> <li>• Both the notice and the order can cover any land or any other place, whether enclosed or not including residential, business, non-business and licensed premises.</li> </ul> |
| <b>Penalty on breach</b>             | <p>Breach is a criminal offence.</p> <ul style="list-style-type: none"> <li>• Notice: Up to three months in prison;</li> <li>• Order: Up to six months in prison;</li> <li>• Both: Up to an unlimited fine for residential and non-residential premises.</li> </ul>  |
| <b>Who can appeal</b>                | <ul style="list-style-type: none"> <li>• Any person who the closure notice was served on;</li> <li>• Any person who had not been served the closure notice but has an interest in the premises;</li> <li>• The council (where closure order was not made and they issued the notice);</li> <li>• The police (where closure order was not made and they issued the notice).</li> </ul>  |
| <b>Important changes/differences</b> | <ul style="list-style-type: none"> <li>• A single closure power covering a wider range of behaviour. Quick, flexible and can be used for up to 48 hours out of court.</li> </ul>   |

## Annex 8: New Absolute Ground for Possession

|  |  |
|--|--|
| <b>Overview</b>                                | The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.   |
| <b>Purpose</b>                                 | To expedite the eviction of landlords' most anti-social tenants to bring faster relief to victims.   |
| <b>Applicants / Who can use the new ground</b> | <ul style="list-style-type: none"> <li>• Social landlords (local authorities and housing associations).</li> <li>• Private rented sector landlords.</li> </ul>   |
| <b>Test</b>                                    | <p>The tenant, a member of the tenant's household, or a person visiting the property has met one of the following conditions:</p> <ul style="list-style-type: none"> <li>• convicted of a serious offence (specified in Schedule 2A to the Housing Act 1985);</li> <li>• found by a court to have breached a civil injunction;</li> <li>• convicted for breaching a criminal behaviour order (CBO);</li> <li>• convicted for breaching a noise abatement notice; or</li> <li>• the tenant's property has been closed for more than 48 hours under a closure order for anti-social behaviour.</li> </ul>  |
| <b>Details</b>                                 | <ul style="list-style-type: none"> <li>• Offence/breach needs to have occurred in the locality of the property or affected a person with a right to live in the locality or affected the landlord or his or her staff/ contractors;</li> <li>• Secure tenants of local housing authorities will have a statutory right to request a review of the landlord's decision to seek possession. Private registered providers are encouraged to adopt a similar practice.</li> </ul>  |
| <b>Result of action</b>                        | <ul style="list-style-type: none"> <li>• If the above test is met, the court must grant a possession order (subject to any available human rights defence raised by the tenant, including proportionality) where the correct procedure has been followed.</li> </ul>   |
| <b>Important changes/ differences</b>          | <ul style="list-style-type: none"> <li>• Unlike the existing discretionary grounds for possession, the landlord will not be required to prove to the court that it is reasonable to grant possession. This means the court will be more likely to determine cases in a single, short hearing;</li> <li>• This will offer better protection and faster relief for victims and witnesses of anti-social behaviour, save landlords costs, and free up court resources and time;</li> <li>• It will provide new flexibility for landlords to obtain possession through this faster route for persistently anti-social tenants;</li> <li>• The court will not be able to postpone possession to a date later than 14 days after the making of the order except in exceptional circumstances, and will not be able to postpone for later than six weeks in any event.</li> </ul> |

## Annex 9: Community Remedy



|  |   |
|--|---|
| <b>Purpose</b>                                       | The Community Remedy gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.  |
| <b>The Community Remedy document</b>                 | The Act places a duty on the Police and Crime Commissioner to consult with members of the public and community representatives on what punitive, reparative or rehabilitative actions they would consider appropriate to be on the Community Remedy document.   |
| <b>Applicants / who can use the Community Remedy</b> | <ul style="list-style-type: none"> <li>• Police officer;</li> <li>• An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable);</li> <li>• A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.</li> </ul>   |
| <b>Community resolutions</b>                         | When dealing with anti-social behaviour or low-level offences through a community resolution the police officer may use the Community Remedy document as a means to engage the victim in having a say in the punishment of the perpetrator.   |
| <b>Test</b>  | <ul style="list-style-type: none"> <li>• The officer must have evidence that the person has engaged in anti-social behaviour or committed an offence;</li> <li>• The person must admit to the behaviour or the offence (and agree to participate);</li> <li>• The officer must think that the evidence is enough for court proceedings including for a civil injunction, or impose a caution, but considers that a community resolution would be more appropriate.</li> </ul> |
| <b>Conditional cautions</b>                          | The Community Remedy document should be considered when it is proposed that a perpetrator be given a conditional caution or youth conditional caution as a means of consulting the victim about the possible conditions to be attached to the caution.  |
| <b>Failure to comply</b>                             | If the perpetrator fails to comply with a conditional caution or youth conditional caution they can face court action for the offence.  |
| <b>Important changes/ differences</b>                | The Community Remedy document is a list of actions which may be chosen by the victim for the perpetrator to undertake in consequence of their behaviour or offending.   |

## Annex 10: Community Trigger





|  |   |
|--|---|
| <b>Purpose</b>                                     | Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.   |
| <b>Relevant bodies and responsible authorities</b> | <ul style="list-style-type: none"> <li>• Councils;</li> <li>• Police;</li> <li>• Clinical Commissioning Groups in England and Local Health Boards in Wales;</li> <li>• Registered providers of social housing who are co-opted into this group.</li> </ul>  |
| <b>Threshold</b>                                   | <p>To be defined by the local agencies but not more than:</p> <ul style="list-style-type: none"> <li>• three complaints in the previous six month period.</li> </ul> <p>May also take account of:</p> <ul style="list-style-type: none"> <li>• the persistence of the anti-social behaviour;</li> <li>• the harm or potential harm caused by the anti-social behaviour;</li> <li>• the adequacy of response to the anti-social behaviour.</li> </ul>  |
| <b>Details</b>                                     | <ul style="list-style-type: none"> <li>• When a request to use the Community Trigger is received, agencies must decide whether the threshold has been met and communicate this to the victim;</li> <li>• If the threshold is met, a case review will be undertaken by the partner agencies. Agencies will share information related to the case, review what action has previously been taken and decide whether additional actions are possible. The local Community Trigger procedure should clearly state the timescales in which the review will be undertaken;</li> <li>• The review encourages a problem-solving approach aimed at dealing with some of the most persistent, complex cases of anti-social behaviour;</li> <li>• The victim is informed of the outcome of the review. Where further actions are necessary an action plan will be discussed with the victim, including timescales.</li> </ul> |
| <b>Who can use the Community Trigger?</b>          | <ul style="list-style-type: none"> <li>• A victim of anti-social behaviour or another person acting on behalf of the victim such as a carer or family member, Member of Parliament or councillor.</li> <li>• The victim can be an individual, a business or a community group.</li> </ul>   |



## Annex 11: Summary of different actions that can be taken


### The Anti-social Behaviour, Crime and Policing Act 2014




|  | Examples of “anti-social behaviour and Purpose   | Who can be served?   | Who can serve?  | Weekly Tuesday Meeting   |
|--|--|--|---|--|
| <p><b>Civil Injunction</b></p>   | <p>A civil Injunction is to stop or prevent individuals engaging in anti-social behaviour quickly, nipping problems in the bud before they escalate</p> <p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• Vandalism</li> <li>• Public drunkenness</li> <li>• Aggressive begging</li> <li>• Irresponsible dog ownership</li> <li>• Noisy or abusive behaviour towards neighbours</li> <li>• Bullying</li> </ul> | <ul style="list-style-type: none"> <li>• Over 18 years of age via County court or High Court</li> <li>• Under 18 years of age via Youth Court</li> </ul> | <ul style="list-style-type: none"> <li>• Local councils;</li> <li>• Social landlords;</li> <li>• Police (including British Transport Police);</li> <li>• Transport for London;</li> <li>• Environment Agency and Natural Resources Wales; and</li> <li>• NHS Protect and NHS Protect (Wales)</li> </ul> | <ul style="list-style-type: none"> <li>• Review issue</li> <li>• Understand case details</li> <li>• Injunction sought</li> <li>• Case heard in County Court or Youth Court</li> </ul>  |
| <p><b>Criminal behaviour order (CBO)</b></p>   | <p>Issued by any criminal court against a person who has been convicted of an offence to tackle the most persistently anti-social individuals who are also engaged in criminal activity.</p> <p><b>Examples</b></p> <ul style="list-style-type: none"> <li>• Criminal damage</li> <li>• Vandalism</li> <li>• Hate crimes</li> <li>• Assault</li> <li>• Verbal abuse</li> <li>• Or any other criminal offence</li> </ul>      | <ul style="list-style-type: none"> <li>• An individual who has been convicted for a criminal offence</li> </ul>  | <ul style="list-style-type: none"> <li>• The prosecution, in most case the Crown Prosecution Service (CPS), either at its own initiative or following a request from the police or council.</li> </ul>  | <ul style="list-style-type: none"> <li>• Review issue</li> <li>• Understand case details</li> <li>• Injunction sought</li> <li>• The prosecution applies for a CBO after the offender has been convicted of the criminal offence.</li> </ul> |



|   | Examples of “anti-social behaviour and Purpose  | Who can be served?   | Who can serve?   | Weekly Tuesday Meeting  |
|---|---|--|--|---|
| <b>Dispersal power</b><br>   | <p>Requires a person committing or likely to commit anti-social behaviour, crime or disorder to leave an area for up to 48 hours.</p> <p><b>Example</b></p> <ul style="list-style-type: none"> <li>There is likely to be ASB, crime or disorder in an area and it may be necessary to use the dispersal power.</li> </ul> | <ul style="list-style-type: none"> <li>Person committing or likely to commit anti-social behaviour, crime or disorder</li> </ul>   | <ul style="list-style-type: none"> <li>The dispersal power can be used by police officers in uniform; and Police Community Support Officers (if designated the power by their chief constable).</li> </ul>                   | <ul style="list-style-type: none"> <li>Briefing by Police on issue –</li> <li><b>There is no need for the Police to consult with partners before using Dispersal power</b></li> </ul> |
| <b>Community Protection Notice (CPN)</b><br>  | <p>The Community Protection Notice (CPN) is to deal with “ongoing problems” or “nuisances” that negatively affect the “Community Quality of Life” by targeting those responsible.</p> <p><b>Examples</b></p> <ul style="list-style-type: none"> <li>Graffiti</li> <li>Noise Nuisance</li> <li>Rubbish</li> </ul>          | <ul style="list-style-type: none"> <li>Individual who is 16 years of age or over</li> <li>Business</li> <li>Body</li> <li>Organisation</li> </ul>  | <ul style="list-style-type: none"> <li>Council officers;</li> <li>Police officers</li> <li>Police community support officers (PCSO’s) if designated; and</li> <li>Social landlords (if designated by the council)</li> </ul> | <ul style="list-style-type: none"> <li>Review issue</li> <li>Written warning issued</li> <li>Time given to address the conduct</li> <li>CPN Issued</li> </ul>                         |
| <b>Public Spaces Protection Orders (PSPO)</b><br>  | <p>The Public Spaces Protection Notice (PSPO) are intended to control and restrict anti-social behaviour or potential anti-social behaviour in public spaces</p> <p><b>Examples</b></p> <ul style="list-style-type: none"> <li>Drinking alcohol in public places</li> </ul>   | <ul style="list-style-type: none"> <li>Restrictions and requirements set by the council.</li> <li>These can be blanket restrictions or requirements or can be targeted against certain behaviours by certain groups at certain times.</li> <li>Can restrict access to</li> </ul> | <ul style="list-style-type: none"> <li>Councils issue a public spaces protection order (PSPO) after consultation with the police, Police and Crime Commissioner and other relevant bodies.</li> </ul>                        | <ul style="list-style-type: none"> <li>Review issue</li> <li>Before Issuing Notice – <b>Consultation</b></li> <li>Before Issuing Notice – <b>publicity</b></li> <li>Issue</li> </ul>  |

|  | Examples of “anti-social behaviour and Purpose   | Who can be served?  | Who can serve?   | Weekly Tuesday Meeting   |
|--|--|---|--|--|
|  | <ul style="list-style-type: none"> <li>Public access to public rights of way</li> <li>Dogs in public places</li> </ul>   | <p>public spaces (including certain types of highway) where that route is being used to commit anti-social behaviour.</p> <ul style="list-style-type: none"> <li>Can be enforced by a police officer, police community support officers and council officers.</li> </ul>  |  |  |
| <p><b>Closure power</b></p>   <p>www.tmbc.gov.uk</p> | <p>To allow the police or council to quickly close premises which are being used, or likely to be used, to commit nuisance or disorder</p> <p><b>Example</b></p> <ul style="list-style-type: none"> <li>That the use of particular premises has resulted, or is likely soon to result, in nuisance to members of the public; or that there has been, or is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.</li> </ul> | <ul style="list-style-type: none"> <li>A closure notice is issued out of court in the first instance. Flowing from this the closure order can be applied for through the courts.</li> <li>Notice: can close a premises for up to 48 hrs out of court but cannot stop owner or those who habitually live there accessing the premises.</li> <li>Order: can close premises for up to six months and can restrict all access.</li> <li>Both the notice and the order can cover any land or any other place, whether enclosed or</li> </ul> | <ul style="list-style-type: none"> <li>Local council - superintendent or designate of council CEO.</li> <li>Police. – Inspector and above</li> </ul> | <ul style="list-style-type: none"> <li>Review issue</li> <li>Nuisance – occurred or likely to occur</li> <li>Disorder – occurred or likely to occur Before Issuing Notice – publicity</li> <li>Issue</li> <li>Notice Issued - premises closed for up to 48 hours</li> <li>Magistrates Court - Within 48 hrs, notice goes to magistrates' court if a closure order of up to three months is required</li> </ul> |

|   | Examples of “anti-social behaviour and Purpose  | Who can be served?  | Who can serve?   | Weekly Tuesday Meeting   |
|---|---|---|--|--|
| <p><b>New absolute ground for possession</b></p>  <p>TONBRIDGE &amp; MALLING<br/>BOROUGH COUNCIL<br/>www.tmbc.gov.uk</p> | <p>The Act introduces a new absolute ground for possession of secure and assured tenancies where anti-social behaviour or criminality has already been proven by another court.</p> <p><b>Example</b></p> <ul style="list-style-type: none"> <li>To expedite the eviction of landlords' most antisocial tenants to bring faster relief to victims.</li> </ul> | <ul style="list-style-type: none"> <li>Tenants</li> </ul> | <ul style="list-style-type: none"> <li>Social landlords (local authorities and housing associations).</li> <li>Private rented sector landlords.</li> </ul> | <ul style="list-style-type: none"> <li>Review issue</li> <li>Tenant/member of their household or visitor has met one of the following conditions: <ol style="list-style-type: none"> <li>Convicted for serious criminal offence</li> <li>Found by a court to have breached a civil injunction</li> <li>Convicted for breach of CBO</li> <li>Convicted for breach of Noise Abatement Notice OR</li> <li>Tenant's property closed under Closure Order</li> </ol> </li> </ul> <p>Offences must have been committed in locality/affected other residents or landlords' staff anywhere.</p> <ul style="list-style-type: none"> <li>Serve Notice - Generally four week or one month notice period (depending on tenancy type) before landlord applies to court.</li> </ul> |

|   | Examples of “anti-social behaviour and Purpose   | Who can be served?  | Who can serve?  | Weekly Tuesday Meeting  |
|---|--|---|---|---|
| <p><b>Community Remedy</b></p>   | <ul style="list-style-type: none"> <li>The Community Remedy gives victims a say in the out-of-court punishment of perpetrators for low-level crime and anti-social behaviour.</li> <li>The Police and Crime Commissioner consults the local community about what actions should be included in the Community Remedy document.</li> </ul>   | <ul style="list-style-type: none"> <li>Perpetrators for low-level crime and anti-social behaviour.</li> </ul> | <ul style="list-style-type: none"> <li>Police officer;</li> <li>An investigating officer (which can include Police Community Support Officers for certain offences, if designated the power by their chief constable);</li> <li>A person authorised by a relevant prosecutor for conditional cautions or youth conditional cautions.</li> </ul> | <ul style="list-style-type: none"> <li>Review and update by Kent Police</li> <li>Offender admits to offence</li> <li>Police considers appropriate resolution</li> <li>Perpetrator agrees</li> <li>Police officer makes decision as to what appropriate action</li> <li>Perpetrator agrees action <ul style="list-style-type: none"> <li>Cleaning graffiti</li> <li>Written apology</li> <li>Acceptable Behaviour Contract</li> </ul> </li> </ul>  |
| <p><b>Community Trigger</b></p>   | <ul style="list-style-type: none"> <li>Gives victims and communities the right to request a review of their case and bring agencies together to take a joined up, problem-solving approach to find a solution.</li> <li>At least three incidents of anti-social behaviour reported to the relevant bodies within the previous six months.</li> <li>The anti-social behaviour must be a repeat of the same or similar incident which was reported within one month of the alleged incident taking place.</li> </ul> | N/A   | <ul style="list-style-type: none"> <li>Councils;</li> <li>Police;</li> <li>Clinical Commissioning Groups in England and Local Health Boards in Wales;</li> <li>Registered providers of social housing who are co-opted into this group.</li> </ul>  | <ul style="list-style-type: none"> <li>Application form received by CSU by Victim</li> <li>Community Trigger activated</li> <li>If evidence meets threshold then arrange a Panel (The Panel must include representatives from the Borough Council, the Police, Clinical Commissioning Groups and Social Landlords who are co-opted onto the Panel). This encourages a problem-solving approach.</li> <li>Action Plan</li> <li>Applicant requests a secondary review carried out by an independent panel.</li> </ul> |



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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

08 September 2015

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision

#### 1 TONBRIDGE AND MALLING LOCAL PLAN

This report provides an update for Members on important progress made towards the preparation of the Local Plan and specifically the initial outcome of the Call for Sites exercise, which closed on the 1<sup>st</sup> September. It also proposes revisions to the timetable to reflect the next stages of the Local Plan preparation, which will include a full assessment of potential sites to inform options for the development strategy and ultimately land allocations in the Plan. This is an important milestone in preparation of the Local Plan and a stage that will no doubt generate significant interest. Officers will provide a short presentation at the Board meeting to highlight the key issues.

#### 1.1 Local Plan Update since the last Board meeting

- 1.1.1 In June Members received an update on the Local Plan which noted that the Strategic Housing Market Assessment (SHMA) had been revised to take account of the DCLG Household Projections published in February. Although the final report was still awaited at the time of the meeting, the revised objectively assessed need of 673 new homes per annum was subsequently confirmed and the SHMA update report (June 2015) has now been uploaded to the evidence base pages on the Council's website.
- 1.1.2 The objectively assessed need figure will form an essential starting point for the consideration of the Local Plan development strategy and ultimately site allocations. It is very clear, from national policy guidance, key Government statements and the result of many other local plan public examinations that the expectation is that local planning authorities should strive to properly address such identified need in order to meet significant housing shortfalls and support local economic investment.

## **1.2 The Call for Sites Exercise and the Strategic Housing Land Availability Assessment (SHLAA).**

- 1.2.1 While the SHMA is a key part of the Local Plan evidence base setting out future housing needs, the SHLAA identifies potential sites for meeting those needs as well as sites for employment and other uses. To be included in the SHLAA, sites have to be suitable, available and achievable, or in other words, have a reasonable prospect of meeting identified needs over the Plan period (2011-31). Some sites may be suitable (i.e. would deliver the sort of development that is needed, meets market requirements and satisfies physical constraints such as flood risk) and achievable (i.e. be economically viable), but not be available, due to operational requirements, legal or ownership problems. Others may be available and suitable, but unviable and so on.
- 1.2.2 Once sites have been assessed and are considered to meet these requirements they can be included in the SHLAA and this will form part of the Local Plan evidence base. However, this in itself does not mean that all of these sites will be allocated or developed during the Plan period. Different strategies will be considered and proposed during the Issues and Options stage of the Plan making process and be subject to public consultations before preferred choices are made. Only those sites which are sufficient to meet the identified needs and best fit the chosen strategy will be included as development allocations in the draft Local Plan.
- 1.2.3 In addition to the Local Planning Authority itself considering and proposing future sites for inclusion in the SHLAA, National Planning Practice Guidance (NPPG) states that plan makers should issue a call for potential sites and broad locations for development. This is an important feature of the current approach to local plan preparation and enables any party to bring forward land and sites for consideration by the Borough Council. Our 'Call for Sites' exercise was launched in March last year and closed recently on the 1<sup>st</sup> September. Setting a closing date enables all of the sites submitted to be carefully considered and assessed before the SHLAA is published.
- 1.2.4 At the time of writing this report a total of 220 submissions had been received in response to the Call for Sites exercise, although some of these were duplicates meaning 212 separate sites have been proposed. In addition, there are 23 other sites identified for inclusion by officers to ensure that the Borough Council and its communities will have a comprehensive picture of the choices available in site selection when the time comes. It will immediately be noted that there are a diverse range of sites in terms of size and scale. The locations and outlines of all the submissions can be seen on the map appended to this report and will be displayed at the meeting. There will also be an update in the event of any further sites being proposed up to the deadline on the 1<sup>st</sup> September.
- 1.2.5 It is very important to note that the purpose of this map is for illustrative purposes only in order to inform and advise Members of the number, general scale and



distribution of the sites that are now coming forward and being assessed which, in turn, demonstrates the scale of the task in hand. Key to the assessment process will be consultations with external consultees such as Highways England, the Environment Agency, Kent Highways and Kent Education Services, which are currently in hand. These consultations will assist our own technical appraisal of the sites at this stage.

- 1.2.6 It seems likely that some of these sites will not meet the requirements set out in 1.2.1 above and may be taken no further. Many others will warrant further assessment of their policy, technical and practical suitability. When the final SHLAA is published next spring as a piece of evidence, it will be accompanied by a report explaining the results of the assessments. It is important to be very clear that the identification of sites at this evidence gathering stage is no indication of the ultimate inclusion in the local plan. It is simply part of the process leading to the examination of options which will be the task in the next phase of the Plan's production. However, bearing in mind the nature of the information now held following the 'Call for Sites', it is timely for Members to be apprised. It is also important to say that inclusion of a site as part of the 'Call for Sites' exercise does not represent a material consideration in the event of a planning application being made before the Local Plan is adopted. Applications received will be determined in accordance with the adopted planning policies in place at the time and any other relevant material planning considerations.

### **1.3 Revisions to the Local Plan Timetable**

- 1.3.1 The Local Plan timetable was last revised in November 2014 and currently proposes a Local Plan Issues and Options stage with accompanying public consultation this autumn. The purpose of the Issues and Options stage is to present the results of the evidence gathering, identify the challenges that the new Plan will have to address in managing future needs for development (the issues) and consider some alternative strategies and sites to address them (the options).
- 1.3.2 The SHLAA sites will be an important consideration in developing the options, but due to the number and scale of the sites being assessed, incorporating meetings with technical consultees, it is not now anticipated that this task will be completed before early next year. As Members will readily appreciate the nature and complexity of some of the sites will require careful examination, not only to test the suitability of sites that the Council may wish to consider including as options for consideration, but also in justifying why sites should not be advanced any further. The latter is particularly important bearing in mind that any sites not included are quite likely to be advanced at the Public Examination and the Council will have to demonstrate sound reasons for its decision making and choices. A revised timetable is appended to this report for approval.
- 1.3.3 On the basis of the revised timetable it is anticipated that the November meeting of the Board will receive a report that will begin to scope out the Issues and Options stage in some more detail. Approval of the documentation and community

engagement arrangements will then be sought at the following meeting enabling consultations to take place in the spring.

- 1.3.4 Following the General Elections in May the Treasury published a document entitled 'Fixing the Foundations – Creating a More Prosperous Nation' (July 2015), which, among other things, made reference to the Government's Planning reforms and that further proposals will be brought forward to further streamline the length and process of Local Plans. In a Ministerial Statement in July the Planning Minister Brandon Lewis noted that Local Planning Authorities will be expected to have produced a Local Plan by 'early 2017' and that failure to do so may result in a Government intervention to accelerate production.
- 1.3.5 There is some ambiguity over what is meant by 'produced' and what stage of plan making this may be, but it is unlikely that a Local Planning Authority that is working towards a Plan for submission by early 2017 would be a priority for such intervention. The streamlining referred to in the Treasury report may also mean that the process becomes shorter as a result and the Council would be well placed to respond positively to any changes. Not wishing to appear complacent, but the Council's track record in plan preparation (and indeed the soundness and reliability of our currently approved plan to date) puts us in a good place. In any event, it seems more important to ensure that adequate consideration by the Council and consultation with communities is programmed, bearing in mind the nature of decision making that will be required.

## **1.4 Legal Implications**

- 1.4.1 The Council as Local Planning Authority is required to prepare a Local Plan for its area and in so doing is bound to follow the process, policy and guidance contained in the Planning Acts, the National Planning Policy Framework and National Planning Policy Guidance. .

## **1.5 Financial and Value for Money Considerations**

- 1.5.1 Ensuring that the Local Plan is prepared in accordance with national planning policy and guidance and based on a robust, up to date and proportionate evidence base will reduce the risks associated with submitting an unsound Plan for examination.

## **1.6 Risk Assessment**

- 1.6.1 Failure to maintain an up to date Development Plan runs the risk of a lack of control in managing future development in the Borough and potentially increasing appeal costs, however this has to be balanced with making the best use of the Council's resources.

## **1.7 Recommendations**

- 1.7.1 That the contents of this report are noted and the revised Local Plan timetable at Appendix 2 is recommended to Cabinet for approval.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager

Louise Reid  
Head of Planning

Steve Humphrey  
Director of Planning, Housing and Environmental Health

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**Appendix 1**  
**(Map)**

Paper copies have been provided for the following:

- All Members of Planning and Transportation Advisory Board
- All Members of Cabinet

Hard copies of the map are available on request from Committee Services for all other Members. Early notification of this request is appreciated to ensure that sufficient copies are available for the meeting.

The map is also available to view on tablets as a supplementary paper to the main agenda.

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**Appendix 2**

**Timetable for the Local Plan to form the basis of a new Local Development Scheme – (Revised September 2015)**

| Year                    | 2015 |   |   |   |   |   |   |   |   |   | 2016 |   |   |   |   |   |   |   |   |   | 2017 |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
|-------------------------|------|---|---|---|---|---|---|---|---|---|------|---|---|---|---|---|---|---|---|---|------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Stage                   | J    | F | M | A | M | J | J | A | S | O | N    | D | J | F | M | A | M | J | J | A | S    | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D |   |   |
| Evidence Base           | █    | █ | █ | █ | █ | █ | █ | █ | █ | █ | █    | █ |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Issues & Options Reg 18 |      |   |   |   |   |   |   |   |   |   | █    | █ | █ | █ | █ | C | █ | █ | █ | █ | █    | █ | █ | █ | █ |   |   |   |   |   |   |   |   |   |   |   |   |   |
| Draft Plan Reg19/20     |      |   |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |      |   |   | █ | █ | C | █ | █ | █ | █ | █ | █ |   |   |   |   |   |   |
| Submission Exam Report  |      |   |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |   |   |   |   | S | P | E | █ |
| Adoption                |      |   |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |      |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |

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Notes: C = Consultations, S = Submission, P = Pre-examination meeting, E = Examination, R = Inspector’s Report received, A = Adoption

**Timetable for the Local Plan to form the basis of a new Local Development Scheme (Revised September 2015)**

|      |      |  |  |  |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |  |  |  |      |  |  |  |  |  |  |  |  |  |  |  |
|------|------|--|--|--|--|--|--|--|--|--|--|--|------|--|--|--|--|--|--|--|--|--|--|--|------|--|--|--|--|--|--|--|--|--|--|--|
| Year | 2018 |  |  |  |  |  |  |  |  |  |  |  | 2019 |  |  |  |  |  |  |  |  |  |  |  | 2020 |  |  |  |  |  |  |  |  |  |  |  |
|------|------|--|--|--|--|--|--|--|--|--|--|--|------|--|--|--|--|--|--|--|--|--|--|--|------|--|--|--|--|--|--|--|--|--|--|--|

| Stage                        | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D | J | F | M | A | M | J | J | A | S | O | N | D |  |
|------------------------------|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|--|
| Submission<br>Exam<br>Report |   | R |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |
| Adoption                     |   |   |   |   |   |   | A |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |   |  |

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# Call for Sites Exercise

## Frequently Asked Questions

### ***Why has this 'call for sites' exercise been undertaken?***

The Government requires us to undertake the exercise to feed into the preparation of the new Local Plan.

The new Local Plan must make land available to address needs for new housing and other development in the Borough up to 2031.

Details on the Local Plan are available online: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan).

### ***What is the purpose of this 'call for sites' exercise?***

The purpose of the exercise is to identify potential sites that can be technically assessed for their suitability, availability and achievability (including viability) for housing and economic development to meet the needs identified for the Borough.

Details on needs, including the **Strategic Housing Market Assessment**, are available online: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan).

### ***How were the sites that have come forward in the 'call for sites' identified?***

Sites can be put forward by anyone or any organisation and typically have been promoted by land owners, developers, agents, local businesses and individuals in the Borough.

### ***How was the exercise publicised?***

The exercise was publicised via the Council's website: <http://www.tmbc.gov.uk/callforsites>

Letters of invitation to take part were sent to a wide audience including parish councils, landowners, developers, businesses and some local interest groups.

### ***How long was the exercise open for?***

The exercise opened in April 2014 and concluded on the 1<sup>st</sup> September 2015.

### ***Where can I view more details about the sites?***

At this stage, prior to the technical assessment, only the outlines of the sites that were received are available to view. A map is available online where you can view the extent of the sites: [www.tmbc.gov.uk/callforsites](http://www.tmbc.gov.uk/callforsites)

## ***What will happen to these sites?***

The sites will be technically assessed in terms of their suitability, availability and achievability (including viability) for housing and economic uses of the period of the next Local Plan (up to 2031).

This technical assessment procedure will follow the requirements of Government policy: <http://planningguidance.planningportal.gov.uk/blog/guidance/housing-and-economic-land-availability-assessment/methodology-stage-2-sitebroad-location-assessment/>

Once this technical assessment is complete the outputs will be published in a document called a **Strategic Land Availability Assessment**. This is due to be completed and made available in **early 2016**.

The **Strategic Land Availability Assessment** will form a key component of the evidence base to inform policies and the choices for land for development in the new Local Plan.

Further details on the timetable for the new Local Plan are available online: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan).

## ***If sites are identified in the 'call for sites' exercise and are being assessed does it mean that they will be allocated for development in the Local Plan?***

No. The call for sites and the technical assessment of sites put forward is an important evidence source to inform plan-making but does not in itself determine whether a site should be allocated for development. This is because not all sites considered in the assessment will be suitable or ultimately acceptable for development.

Allocation of land for development will depend upon the extent of policy and practical constraints identified in the assessment and the choices ultimately made by the Borough Council following public consultation on the options available. The technical assessment provides information on the range of sites which are available to meet need, but it is for the Local Plan itself to determine which of those sites are the most suitable to meet those needs.

The approach taken ensures that all land is technically assessed together as part of Local Plan preparation to identify which sites or broad locations are the most suitable and deliverable for a particular use.

## ***When can I comment on the sites?***

The initial assessment is purely a technical exercise in accordance with Government policy (see above) which means the first opportunity to comment will be during the initial consultation on the Issues & Options for the new Local Plan.

This consultation is anticipated to take place during **Spring 2016** (please visit the Local Plan web page for more details: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan)).

The consultation will identify potential borough-wide strategies for addressing identified local needs and will feature, for consideration, those sites that are assessed as potentially

suitable, available and achievable, for housing and economic uses during the period up to 2031.

***How do I keep in touch with the progress of this project?***

Details of the project are available from the Council's website: [www.tmbc.gov.uk/callforsites](http://www.tmbc.gov.uk/callforsites).

Details of the Local Plan preparation process are available from the Council's website: [www.tmbc.gov.uk/localplan](http://www.tmbc.gov.uk/localplan).

If you are unable to find the answers to your questions on these pages, please do not hesitate to contact the Local Plan team: [localplan@tmbc.gov.uk](mailto:localplan@tmbc.gov.uk)

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

23 September 2015

#### Report of the Director of Finance and Transformation

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision

#### **1 BENEFITS UPDATE AND COUNCIL TAX REDUCTION SCHEME**

**A report advising Members of current issues arising in the benefits field, and seeking agreement to a 'refresh' of the existing Council Tax Reduction Scheme in preparation for the financial year 2016/17.**

#### **1.1 Performance and Workload of the Benefits Service**

- 1.1.1 The average number of days taken to process new claims for housing benefit over this financial year is 14.2 days. Changes in circumstances are taking an average of 7.1 days.
- 1.1.2 The number of households claiming housing benefit in the Borough has fallen by 26 since the beginning of the financial year; those claiming council tax support have reduced by 79.
- 1.1.3 Workload remains high, largely due to the continuation of the monthly Real Time Information (RTI) data-matching initiative. This national exercise compares data used in housing benefit calculations to that held by the tax office. Mismatches are electronically referred from the Department for Work and Pensions (DWP) to the Council. The data relates to differences in pay or pensions and some cases stretch back over many years generating large overpayments of benefit.

#### **1.2 Universal Credit**

- 1.2.1 Universal Credit is due to go live in the Tonbridge & Malling area with effect from 12 October 2015 when the new benefit will be rolled out for single working age claimants only. My officers are attending meetings with staff from Job Centre Plus to develop how the benefit will be introduced and work in the Borough.
- 1.2.2 The introduction of Universal Credit (UC) is to address complexity in the benefits system and ensure that 'work does pay'. It replaces a range of working age benefits (such as Working Tax Credit, Child Tax Credit, Income Support, Income related Jobseeker's Allowance, Income related Employment and Support Allowance and Housing Benefit). The Department for Work and Pensions will have overall responsibility for implementing Universal Credit.

1.2.3 We will continue to deliver housing benefit to pensioners and all other benefit recipients not currently in receipt of UC.

1.2.4 The timetable for the further rollout of UC has not yet been confirmed.

### **1.3 Welfare Reform Budget Changes**

1.3.1 At the last meeting of the Advisory Board, I advised Members of the key welfare reforms that were being brought forward following the Chancellor's Summer Budget and promised to provide a more detailed analysis.

1.3.2 Attached at **[Annex 1]** for Members' information is a table highlighting the main changes and the potential impact on claimants within Tonbridge & Malling.

### **1.4 Council Tax Reduction Scheme**

1.4.1 Council adopted, at its meeting on 21 November 2012, a council tax reduction scheme for the Tonbridge and Malling area which came into effect for the first time on 1 April 2013. The scheme has been 'refreshed' annually for data changes, but the core elements remain as were originally agreed.

1.4.2 The scheme is 'underpinned' by the Kent-wide agreement, which recognises that all the Kent districts will seek to have a common 'platform' for their reduction schemes. In return, the major precepting authorities (Fire, Police and the County) agreed to pay to each district council an 'administration fee' of £125,000 each year, for three years, to assist with the costs of delivering and managing the scheme.

1.4.3 Members will note that the three year agreement period will cease at the end of 2015/16. However, as a result of other national welfare changes taking place - as well as the significant consultation process and timescale that would be needed in order to review the scheme - it has been agreed with Kent County Council, Kent Police and Kent Fire & Rescue that the scheme will effectively 'roll on' for one more year (i.e. 2016/17).

1.4.4 By rolling the scheme on for one more year into 2016/17, this means that entitlement will continue to be calculated using the methodology of the former council tax benefit scheme with a final reduction of 18.5% being applied to the resultant entitlement.

1.4.5 In order to maintain the link to the former council tax benefit scheme, the Scheme will need to be 'refreshed' again to reflect data relevant to the new financial year. Members are advised that there are changes to the Housing Benefit regulations following national welfare reform announcements that I do not propose to mirror in our Council Tax Reduction Scheme as I believe these would require a consultation to be triggered before the end of the year. These changes include timescales for backdating of claims and the abolition of the family premium, which are being significantly changed in the Housing Benefit Regulations. The data



updating changes I propose to incorporate in our refreshed Scheme are relatively minor and do not require a consultation to be triggered.

1.4.6 The 'refreshed' Scheme for 2016/17 will be published again on our website.

1.4.7 However, it is appropriate that we review the scheme in the near future and, accordingly, my colleagues across Kent have agreed that a comprehensive review of the current Council Tax Reduction Scheme should take place for the 2017/18 financial year. This will require a consultation to take place during 2016.

## **1.5 Legal Implications**

1.5.1 The Council, in accordance with the provisions of Schedule 1A to the Local Government Finance Act 1992 (inserted by Schedule 4 to the Local Government Finance Act 2012), determined a council tax reduction scheme which came into effect from 1 April 2013.

1.5.2 The Scheme incorporates the core methodology of the Council Tax Reduction (Default Scheme) (England) Regulations 2012, applying similar criteria to the current Housing Benefit Regulations. Therefore the Scheme will be 'refreshed' for 2016/17 taking on board relevant adjustments to the Housing Benefit Regulations and the Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations and associated Statutory Instruments. The Statutory Instrument relevant to the financial year 2016/2017 is awaited.

## **1.6 Financial and Value for Money Considerations**

1.6.1 Resources and performance will continue to be monitored to ensure the service operates in an efficient and cost effective manner.

1.6.2 Costs of consultation in readiness for a 2017/18 scheme will be taken into account in preparing the Budget for 2016/17.

## **1.7 Risk Assessment**

1.7.1 It is not considered that there are risks in rolling forward the Scheme into 2016/17. I do not believe that the minor changes we propose to make to refresh the scheme trigger the need for a consultation.

1.7.2 A consultation will be required during 2016 if the council chooses to fundamentally review the Scheme, and this will be factored into the Service's work programme.

## **1.8 Equality Impact Assessment**

1.8.1 The decisions recommended through this paper regarding 2016/17 have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.9 Policy Considerations**

### 1.9.1 Customer Contact

## **1.10 Recommendations**

1.10.1 Members are **REQUESTED** to **RECOMMEND** to Cabinet that:

- 1) the existing Council Tax Reduction Scheme be refreshed in readiness for the financial year 2016/17 and published on the Council's website;
- 2) the Director of Finance & Transformation be authorised to enter into discussions with Kent County Council and Kent District Council colleagues regarding a fundamental review of the scheme for 2017/18.

Background papers:

Nil

contact: Andrew Rosevear  
Mike Bytheway

Sharon Shelton  
Director of Finance & Transformation

**Welfare Reform Steps Chancellor's Summer Budget - July 2015****Potential Impact in Tonbridge & Malling**

| Reform   | Effective from  | Potential Impact   |
|--|---|--|
| 4 year freeze to certain working age benefits including tax credits, local housing allowance rates and child benefit | April 2016<br>Applies to new and existing claims  | Widening income gap between non-working and working households. Gap will taper for claimants on in-work benefits. Provides incentive to move into work and increase earnings. Private rents will continue to increase as LHA rates are frozen, decreasing the number of affordable private rentals. Existing tenants will experience rent increases but housing benefit levels will not meet them. Increased demand on DHP fund.   |
| Lowering benefit cap from £26,000 to £20,000 for couples / lone parents and £13,400 for single claimants             | tba<br>Expected soon after the Welfare Reform and Work Bill 2015-16 receives royal assent | Increase in numbers having housing benefit capped. TMBC likely to increase from 17 to around 50 households. Those currently capped will have greater shortfalls. Increased demand on DHP fund. Couples with 2 or more children and single parents with 3 or more children in private rented accommodation or affordable housing will not be capped due to rent / LHA levels. Only social rents could be met in full by HB, although not all depending on composition of household. Clear incentive to move into work (16+ hours for single parents, 24+ hours for couples) |
| Housing benefit backdating restricted to a maximum of 4 weeks (currently 6 months)                                   | April 2016  | No housing benefit payable more than 4 weeks prior to claim even if good cause for not claiming at the time.   |
| Limit Child Tax Credits and housing benefit to account for a maximum of 2 children                                   | Children born after April 2017<br>New and existing claims                                 | Widening gap between household costs and income for family composition of 3+ children  |
| Reduce earnings level threshold for tax credit withdrawal  | April 2016<br>New and existing claims   | Reduction in tax credits awards. Average loss estimated at £20 per week. Estimated 10,000 – 12,000 households in Borough   |
|  |   |  |

|  |                                       |   |
|--|---------------------------------------|---|
| Family Premium removed from housing benefit  | April 2016<br>New claims              | Reduction in housing benefit for non-passported cases   |
| Parents with a youngest child of 3 or over will be expected to work / look for work in order to receive Universal Credit                 | April 2017<br>New and existing claims | More in-work claims enabled by additional childcare allowance below, relatively low numbers   |
| Free childcare entitlement doubled from 15 to 30 hours per week for working parents with children 3 to 4                                 | April 2017<br>New and existing claims | Allows for above condition  |
| New ESA claims placed in Work Related Activity Group to receive same rate as Jobseekers Allowance (and equivalent in UC) from April 2017 | April 2017                            | Removing financial incentive to stay on ESA   |
| Remove entitlement to housing support costs in Universal Credit for 18 -21 year olds (equivalent of housing benefit)                     | April 2017                            | Exemptions planned for vulnerable and those who may not be able to return home to live with parents. Those who have been in work for 6 months can receive support for 6 months while they look for work |
| Increase to Discretionary Housing Payment allocation   | April 2016                            | Mitigates some changes. Additional administration. Greater all round demand / pressure on budget.   |
| Social rents to decrease by 1% per year for the next 4 years   | April 2016                            | Curbs rising housing benefit budget. Very little local impact on HB. Housing associations face budget restrictions, ability to borrow for and develop housing stock                                     |
| Social sector tenants with incomes above £30,000 to pay near market rent   | April 2016                            | 'Pay to Stay' housing associations may keep additional revenue. Administrative issues. Possible rise in rent arrears, evictions etc   |

# Agenda Item 13

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 14

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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of the Local Government Act 1972.

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# Agenda Item 16

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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