

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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West Malling (01732) 844522

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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)

31 August 2016

To: MEMBERS OF THE PARISH PARTNERSHIP PANEL  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Parish Partnership Panel to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 8th September, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### Part 1 - Public

- |    |                       |        |
|----|-----------------------|--------|
| 1. | Apologies for absence | 5 - 6  |
| 2. | Minutes               | 7 - 12 |

To confirm as a correct record the Minutes of the meeting of the Parish Partnership Panel held on 18 May 2016

- |    |  |         |
|----|--|---------|
| 3. | Update on action identified in the last Minutes                          | 13 - 14 |
| 4. | Funding Arrangements with Parish Council - Update following Consultation | 15 - 16 |
| 5. | Local Plan - Update and Consultation                                     | 17 - 22 |

- Cabinet report of 6 September 2016 attached for information

(Please note the documents referred to within the report of the Director of Planning, Housing and Environmental Health (The Way Forward and A2 map) will be available on the website in due course and will form part of the public consultation process.)

- |    |                                  |         |
|----|----------------------------------|---------|
| 6. | Planning Enforcement Plan Update | 23 - 42 |
|----|----------------------------------|---------|

*(Requested by the Kent Association of Local Councils – Tonbridge and Malling)*

- |    |                    |         |
|----|--------------------|---------|
| 7. | Local Sewer system | 43 - 44 |
|----|--------------------|---------|

- Request for the Borough Council to contact Southern Water regarding issues arising from the failure to address problems associated with an ageing sewer system

*(Requested by Borough Green Parish Council and supported by the Kent Association of Local Councils – Tonbridge and Malling)*

- |    |                                     |         |
|----|-------------------------------------|---------|
| 8. | Community Safety Partnership Update | 45 - 48 |
|----|-------------------------------------|---------|

- |    |                             |         |
|----|-----------------------------|---------|
| 9. | Kent Police Services Update | 49 - 50 |
|----|-----------------------------|---------|

Representatives of Kent Police to be present to address:

- crime prevention issues, including those raised by the Panel;
- concerns in connection with Speedwatch (requested by KALC);
- the lack of community police liaison with parishes

- |     |                                     |         |
|-----|-------------------------------------|---------|
| 10. | Kent County Council Services Update | 51 - 54 |
|-----|-------------------------------------|---------|

- |     |   |         |
|-----|---|---------|
| 11. | Tonbridge and Malling Borough Council Services Update | 55 - 56 |
|-----|---|---------|

## DISTRIBUTION

### Borough Council Representatives

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 R W Dalton  
Cllr S M Hammond  
Cllr D Lettington  
Cllr B J Luker  
Cllr D Markham  
Cllr R V Roud  
Cllr T B Shaw

### Parish and Town Council Representatives

Addington  
Aylesford  
Birling  
Borough Green  
Burham  
Ditton  
East Malling and Larkfield  
East Peckham  
Hadlow  
Hildenborough  
Ightham  
Kings Hill  
Leybourne  
Mereworth  
Offham  
Platt  
Plaxtol  
Ryarsh  
Shipbourne  
Snodland  
Stansted  
Trottscliffe  
Wateringbury  
West Malling  
West Peckham  
Wouldham  
Wrotham

### County Councillors

Valerie Dagger, Malling West  
Trudy Dean, Malling Central  
Matthew Balfour, Malling Rural East  
Sarah Hohler, Malling North  
Peter Homewood, Malling Rural North East

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Apologies for absence

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

Wednesday, 18th May, 2016

**Present:** Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs J A Anderson, Cllr R P Betts, Cllr T I B Cannon, Cllr R V Roud, Cllr R W Dalton, Cllr S M Hammond, Cllr D Lettington, Cllr B J Luker, Cllr T B Shaw,

Together with Aylesford, Birling, Borough Green, Burham, East Malling and Larkfield, East Peckham, Hadlow, Ightham, Kings Hill, Leybourne, Mereworth, Offham, Platt, Plaxtol, Ryarsh, Snodland, Stansted, Trottiscliffe, Wateringbury, West Malling, Wouldham, Wrotham Parish and Town Councils and County Councillors Mrs T Dean, Mr M Balfour and Mrs S Hohler

Councillors O C Baldock, P F Bolt, P J Montague, H S Rogers, Miss S O Shrubsole and S C Perry were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Borough Councillor Mrs S M Barker and Hildenborough Parish Council.

Whilst not members of the Parish Partnership Panel apologies were also received from Councillors Mrs Hall and O'Toole.

### PART 1 - PUBLIC

#### **PPP 16/13 MINUTES**

**RESOLVED:** That the Minutes of the meeting held 18 February 2016 be approved as a correct record and signed by the Chairman.

#### **PPP 16/14 FUNDING ARRANGEMENTS WITH PARISH COUNCILS - OPTIONS AND CONSULTATION**

The Director of Finance and Transformation advised that a six week public consultation on 'fairer charging in Tonbridge and Malling' had started and residents, parish councils and other key stakeholders were invited to participate.

Members were shown a short video to explain the concept of fairer charging. This was followed by a presentation focusing on issues relevant to parish councils.

The Borough Council was considering changing the way it charged for the Tonbridge and Malling element of the council tax bill from 2017/18 onwards. The introduction of a local charge (technically called 'special

expenses') to pay for local facilities and services provided by the Borough Council, such as local parks, playgrounds, allotments, flower displays, events, cemeteries and churchyards, was being considered. This would promote fairness for all residents in different parts of the Borough when paying towards the cost of these services, generate savings to offset ongoing reduction in Government funding and protect services.

It was explained that residents living anywhere within the Borough, other than the town of Tonbridge, paid an extra parish precept for local services such as playgrounds and open spaces provided by the parish/town council. As Tonbridge was not parished services to these residents were provided and funded by the Borough Council. However, to provide some equity, the Borough Council paid grants, totalling just over £225,000 to parish councils to help them with the costs of the local services they provided.

Tonbridge and Malling continued to face significant financial challenges due to cuts in Government funding and needed to make savings of £1.8 million over the next four years, whilst protecting the services that the authority provided. The Council had adopted a Savings and Transformation Strategy to assist with the focusing and delivering of savings from a range of areas. It was noted that one of the areas being reviewed as part of this process were the grants made to the parish councils. The Director of Finance and Transformation explained that it would be unfair to simply remove the grants to the parish councils without considering the cost of the local services that the Borough Council provided in Tonbridge. Members were advised that the local services provided by the Borough Council in Tonbridge totalled some £800,000 and this could be converted into a local charge which, just like a parish precept, could be charged directly to Tonbridge households.

As part of this proposal, the Borough Council was seeking comments via a Public Consultation. Information could be found on the Borough Council's website, including the questionnaire, the short video shown at the meeting and other supporting information. All Members and parish councils were asked to spread the word and encourage residents to participate as all opinions were welcome. Copies of documents could be provided in a pdf format for placing on parish notice boards or websites.

It was emphasised that all figures used in the presentation were indicative and these would be clarified if the proposal went forward. The deadline for responses was **noon on Monday 20 June 2016**. Further information and a questionnaire to complete was available via: [www.tmbc.gov.uk/localcharge](http://www.tmbc.gov.uk/localcharge)

In addition, the Borough Council was undertaking a further consultation with parish councils only seeking views on the potential removal of the Council Tax Reduction Scheme (CTRS). Revenue Support Grant (RSG)



for Tonbridge and Malling continued to reduce and from next year (2017) the authority would no longer receive any of this grant funding. Members were advised that there was no obligation for borough/district councils to pass CTRS grant on to parish councils and many neighbouring authorities had already stopped doing so. The Borough Council recognised that parish councils were likely to increase precepts to compensate for the loss of CTRS grant.

**The deadline for responses was also noon on 20 June 2016** and all were encouraged to respond to the letter dated 6 May 2016 with regard to this matter from the Director of Finance and Transformation.

Following the six week consultation period for both of the consultations a Special Cabinet meeting would be held on 28 July 2016 to consider outcomes and options, with a draft policy drawn up in July/August (if appropriate). This revised policy could potentially be effective from next year.

The Director of Finance and Transformation recognised that this was a complex issue, and explained that she and her staff would happily talk through figures with individual parish councils. It was emphasised that the video that had been produced in-house, and could be accessed via the Borough Council's website, should assist in explaining the concept of fairer charging.

Reference was made to comments raised by parish councils in advance of the meeting around funding for Christmas lights and the likelihood of council tax capping for parish councils. The Chief Executive responded that the options for Christmas lights would be reviewed and carefully considered following the consultation and all comments would be taken into account. It was therefore important for all parish councils, and residents, to take part in the consultation.

With regard to Government applying capping to parish councils, the Chief Executive advised that extensive investigation did not suggest that this issue was likely to be revisited by central government at the present time. However, it could not be guaranteed that this proposal was ruled out. If the situation changed the Borough Council would have serious and proper discussions with parishes and attempt to identify a way forward. The Borough Council recognised the concerns around council tax capping and the potential implications.

To promote the public consultation in respect of 'fairer charging' there would be significant media coverage in the local press, a BBC Radio Kent interview to be transmitted in the near future and leaflets/posters distributed to local libraries and other public places for displaying. The use of social media was also confirmed, although it was recognised that regular posts and updates would be beneficial to keep the consultation at the top of 'news feeds'.

Members were broadly supportive of the proposals put forward given the Borough Council's difficult financial position and welcomed the concept of fairness for all residents and areas of the Borough. Parishes recognised the potential changes to funding for Christmas lighting and many were happy to explore options with their local retail centres. However, concern remained around the potential for Government to make a late decision regarding the introduction of council tax capping for parish councils.

The Kent Association of Local Councils (Tonbridge and Malling) asked that consideration be given to expressing these concerns around capping to the Department for Communities and Local Government at the earliest opportunity. The Chairman was happy to pursue this on behalf of the parishes, subject to further discussion with local Members of Parliament and in the context of the 4-year settlement.

Detailed discussion followed around the potential transfer of land and/or property assets, how the individual parish figures were estimated, maintaining a flexible approach in achieving savings targets set out in the Savings and Transformation Strategy and the overall difficult and challenging financial position faced by local government.

The Kent Association of Local Councils (Tonbridge and Malling) thanked the Borough Council for the honest approach taken with the consultation and the thoughtful timetabling. It was noted that Tonbridge and Malling had continued to support parish councils for as long as possible and that was greatly appreciated.

The County representative for Malling North also thanked the Borough Council for an intelligent and well-presented explanation of the proposals and appreciated the opportunity for residents to be involved.

The Chairman welcomed these comments and asked that these be submitted formally as part of a consultation response.

## **PPP 16/15 PLANNING ENFORCEMENT**

The report of the Director of Planning, Housing and Environmental Health (tabled at the end of the meeting) responded to an issue raised by the Kent Association of Local Councils (Tonbridge and Malling) regarding communications with parish councils over planning enforcement cases.

Members were advised that investigations into some enforcement cases involved complex evidential work, confidential matters in the context of potential legal actions and required thorough and lengthy investigation. However, the value of effective communication was recognised and a new update system for parish councils would be implemented by the Development Control Manager. The intention was to provide regular

(fortnightly) updates on enforcement cases where the parish was the 'complainant'.

For the moment these updates would focus on those investigations where the parish council had raised the issue. Members were advised that further questions about the detail of those investigations could be directed to Development Control. The new system would be monitored for effectiveness.

The meeting ended at 8.55 pm

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# Agenda Item 3

Update on action identified in the last Minutes

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# Agenda Item 4

Funding Arrangements with Parish Council - Update following Consultation

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### CABINET

06 September 2016

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Executive Non Key Decisions

#### 1 LOCAL PLAN – THE WAY FORWARD

**This report addresses the key points raised at the Planning and Transportation Advisory Board meeting on 5<sup>th</sup> July and updates the documents and arrangements that will form the basis of the Local Plan public consultation due to commence later this month.**

#### 1.1 Background

- 1.1.1 The Planning and Transportation Advisory Board at its meeting on the 5<sup>th</sup> July considered a report updating progress in respect of the Local Plan evidence base and setting out proposals and arrangements for the first major public consultation exercise as required by Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, anticipated to commence later this month.
- 1.1.2 Members requested that consideration be given to simplifying the consultation document in the form of an executive summary and providing better quality mapping to assist the intended audience.
- 1.1.3 Members also raised a number of issues it was hoped could be addressed through the Local Plan process including, delivering affordable housing provision (specifically the role of the private rented sector); planning for housing for older people; accommodating higher housing densities and the implications for infrastructure; the extent and role of the Metropolitan Green Belt; and also the future of the Strategic Gap policy.
- 1.1.4 To ensure that the Local Plan timetable is not delayed, it was agreed that Cabinet should consider any changes to the consultation documents arising from the Board meeting so that arrangements can be put in place to commence the consultation exercise towards the end of September.

#### 1.2 Summary of Revisions to the Consultation Documents

- 1.2.1 In response to the matters raised at Board, a succinct summary of the Way Forward has been prepared, which aims to raise awareness of the Local Plan

process, 'tell the story' to date and signpost the reader to the main consultation documents, which have also been edited to reflect Member's comments. The summary will be used as an introduction to the main consultation document but can also be read and used as a stand-alone explanatory note. There is also a section at the rear of the summary explaining how to respond in a number of different ways ranging from an electronic survey accessed via our website, through more traditional methods such as in writing or by email.

- 1.2.2 The most significant change to the main document entitled the Way Forward is in the form of a more informed explanation of the proposed strategy by highlighting the main elements and describes how they meet the guiding principles and deliver wider planning objectives.
- 1.2.3 The mapping will be created in such a way as to offer the maximum amount of detail available and appropriate at this stage. A larger scale, more detailed map has been prepared to illustrate the potential development strategy, which will be made available at A2 size to accompany the hard copies of the document. There will also be an electronic version of the map accessible via our website, which will have a zoom function similar to the map used for the Interim Sites Assessments. This will 'go live' as the consultation exercise gets underway. Within the Way Forward there will be some insert maps to illustrate the key areas of consideration. These measures should address the helpful issues raised regarding the quality of the map.
- 1.2.4 As noted at the Board meeting there have been some updating changes to parts of the evidence base, particularly in respect of the Interim Sites Assessments. These changes will be incorporated into a revised set of Sites Assessments and will be uploaded to the website. This has resulted in some amendments to the sites included in the potential development strategy. The two main changes are the removal of site 421 north of Tonbridge Road, Hildenborough as there remains uncertainty over the availability of the site and a revision to the site boundary of site 196 north of Dry Hill Park Road Tonbridge to reflect the fact that a portion of the site in the ownership of Tonbridge School was submitted in error. The revised map is included in the Way Forward appended to this report.
- 1.2.5 Minor amendments have also been made to the Scoping report for the Sustainability Appraisal to reflect this. No changes have been necessary for the Habitats Regulations Assessment document.
- 1.2.6 Other parts of the evidence base are in the process of being updated, which may require minor amendments to the consultation documents prior to the launch of the consultation exercise, but these are not expected to be significant.
- 1.2.7 The revised Way Forward document, including a new executive summary and larger scale map of the potential development strategy together with an 'infographic' summarising the key points are appended to this report for approval. These documents together with the Sustainability Appraisal Scoping report and

Habitat Regulations Assessment report, which were considered by the Board in July, will form the basis of the consultations due to commence later this month.

### **1.3 Consultation Arrangements**

- 1.3.1 Subject to Cabinet approval, the anticipated start of the consultation exercise will be Friday 30th September concluding eight weeks later on the 25th November, which is longer than the minimum statutory consultation period of six weeks.
- 1.3.2 The main focus of the consultation will be the documents appended to this report. The Way Forward document is structured in a way that enables the reader to fully understand the Local Plan process as prescribed by national planning guidance before summarising the main issues arising from the evidence and proposing a potential development strategy. Set questions are posed throughout to provide consultees with a structure for responding, although comments can be made in a variety of ways on any aspect of the emerging Local Plan.
- 1.3.3 The executive summary and infographic are simpler formats summarising the main points and raising awareness of the Local Plan and the importance of this consultation. With signposting to the fuller consultation documents and the evidence base and clear advice on how to respond, these consultation tools should enable as many people as possible to get involved with the Local Plan.
- 1.3.4 As the consultation opens all the documents will become available on the website along with an electronic survey setting out the 15 set questions in the Way Forward. There will be hardcopies at the two main Council Offices and all libraries and further copies will be made available to all of the Parish and Town Councils.
- 1.3.5 There will be media briefings arranged prior to the launch and further publicity in the form of social media and posters for public notice boards. The Parish Partnership Panel on the 8<sup>th</sup> September will be used as an opportunity to brief local councils of the consultation arrangements and encourage them to work with their local communities to raise awareness and respond. This follows a previous briefing for Parish Councils held at the end of June in the lead-in to the PTAB meeting. An update can also be given to the Tonbridge Forum on 12 September.
- 1.3.6 There will also be a small number of manned exhibitions around the Borough during the 8 week consultation exercise to enable residents to discuss their views face to face with a planning officer should they wish. The number and duration of the manned sessions will have to reflect the limited resources available to the Local Plans Team during this busy stage of plan making.
- 1.3.7 Similarly, requests for meetings will have to be managed proportionately to the resources available. In order to plan for this eventuality, it is proposed that there will be a small number of Local Plan events for Parish and Town Councils and other local amenity and community groups who have expressed an interest in the Local Plan process during the consultation period.

1.3.8 These events will be located as far as possible so that they are accessible by local councils and other local groups. It is envisaged that there will be one or two representatives from each invited organisation. This seems to be a practical way of managing this aspect of the consultation programme and while there may be some flexibility to enable additional officer attendances at meetings on request we must be realistic in controlling and managing our resources. This approach can be explained at the Parish Partnership Panel on 8 September. A progress report will be made to the November meeting of the Planning and Transportation Advisory Board with a full report responding to all of the responses received to follow the close of the consultation exercise. This will inform the next stage of the Local Plan and a further round of consultations currently timetabled for the spring of 2017.

## **1.4 Conclusions**

- 1.4.1 This report responds to the matters raised at the Planning and Transportation Advisory Board in July in respect of the documents and arrangements for the first major public consultation exercise for the Local Plan required by Regulation 18 of the Local Plan Regulations.
- 1.4.2 Subject to the approval by the Cabinet the consultations, as described in section 1.3 of this report, will commence on 30<sup>th</sup> September and run for eight weeks.

## **1.5 Legal Implications**

- 1.5.1 Local Planning Authorities are required to prepare and keep up to date a Local Plan for their area. Failure to do so puts the Council's ability to manage development and plan positively at risk.
- 1.5.2 National planning guidance and the Local Plan Regulations require Local Planning Authorities to consult on their Local Plans for soundness. The minimum statutory period for such consultations is six weeks, but the consultation planned for late September will run for eight, going beyond the minimum to assist those who would wish a little more time. This approach is in line with the emerging Parish Charter.

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

- 1.6.1 The costs of the consultations including printing, advertising, venue hire and staff time can be met from existing budgets.

## **1.7 Risk Assessment**

- 1.7.1 The Regulation 18 consultations for a Local Plan are an important part of the statutory process intended to allow as many people that are affected by the proposals to be involved. Failure to do so runs the risk of the Plan being found unsound.

## **1.8 Equality Impact Assessment**

- 1.8.1 The consultation arrangements have been prepared in a way that provide a range of opportunities to access the information and respond so that as many people as possible may have their say.

## **1.9 Policy Considerations**

- 1.9.1 When finalised, the Local Plan will replace the adopted Local Development Framework, which provides the local planning policy context for Tonbridge and Malling. The emerging Local Plan will gain weight as a material planning consideration as the process progresses.

## **1.10 Recommendations**

- 1.10.1 That the documents appended to this report form the basis of the Local Plan Regulation 18 public consultations as described in section 1.3.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager  
Louise Reid  
Head of Planning

Steve Humphrey  
Director of Planning, Housing  
and Environmental Services

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

08 September 2016

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Information

#### **1 PLANNING ENFORCEMENT**

- 1.1.1 On 18 May 2016 the matter of communications with Parish Councils over planning enforcement cases was discussed; in particular the desire for Parishes to receive updates on the progress of certain cases, particularly those raised by or through the Parish Council. The May report advised that Officers were in the process of drafting a local enforcement plan which would detail how we investigate alleged cases of unauthorised development, the circumstances where action might be taken (and those circumstances where cases will not be pursued) and the enforcement options we will consider. It was also explained that part of the plan would set out clearer parameters for ensuring effective communications at timely stages of investigations.
- 1.1.2 Since May, the Plan has been written and approved by the Planning and Transportation Advisory Board (PTAB). It sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how we should decide whether or not to pursue enforcement action, timetables for action and the process of enforcement. In doing this, the Plan complies with the contents of the Council's wider enforcement policy, together with national legislation and Government guidance.
- 1.1.3 In general terms, the Plan is intended to provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary enforcement powers, whilst seeking to deliver an effective service within a challenging environment where expectations are high.
- 1.1.4 The Plan has been written also with the intention to provide guidance to the Parish Councils in clarifying the processes around planning enforcement.
- 1.1.5 Additionally, we undertook to put in place an arrangement whereby Emma Keefe (Development Control Manager) would manage an update system for individual Parish Councils on a regular basis on enforcement cases where the Parish is the 'complainant'. These updates were intended to provide an up to date position to give some reassurance that investigations are progressing. The updates have

been limited to those investigations where the Parish Council is the complainant rather than more general matters.

- 1.1.6 This process will continue as the enforcement plan begins to be administered and its effectiveness monitored but I would like to take the opportunity to stress that live enforcement investigations are confidential because of the possibility of future legal action. As such, the amount of information that can be divulged is limited. Furthermore, we would ask that any updates provided to the Parish Councils are not discussed at public meetings or recorded in any public minutes.

## **1.2 Legal Implications**

- 1.2.1 There are no other notable legal implications other than those set out at paragraph 1.1.9.

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

- 1.3.1 The process of updating the individual Parish Councils does take a lot of officer time. However, the local enforcement plan has provided some much needed clarity on the level of service that can be provided going forward which should allow for more efficient and transparent ways of working.

## **1.4 Risk Assessment**

- 1.4.1 None identified

Background papers:

contact: Emma Keefe

Steve Humphrey  
Director of Planning, Housing and Environmental Health



**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**PLANNING and TRANSPORTATION ADVISORY BOARD**

**26 July 2016**

**Report of the Director of Planning Housing and Environmental Health**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 PLANNING ENFORCEMENT PLAN**

**Summary**

**This report provides an overview of the proposed planning enforcement plan which is intended to provide a clear and transparent structure in respect of how we will deal with planning enforcement matters, in particular how complaints will be managed and prioritised.**

**1.1 Introduction**

- 1.1.1 Planning enforcement is a statutory function of local government, although the power to take formal action is discretionary. The Council as Local Planning Authority has responsibility for the investigation of reported breaches of planning control. Unauthorised development can have harmful consequences and the enforcement regime exists to address and resolve such situations. Failure to investigate and enforce planning conditions or address unauthorised development can reduce the effectiveness of planning control and undermine public confidence in the planning system. Equally, it is important to manage expectations about what can be achieved and in which circumstances planning enforcement action can appropriately be used.
- 1.1.2 The basis for the planning system is to protect amenity, whether it is the quality of the environment in general, or the quality of life of people living close to development. Powers have been granted to the Local Planning Authority to ensure that action can be taken against unauthorised development or a breach of planning control which is causing demonstrable harm to the amenity of the area. Breaches of planning control impact on peoples' lives. Consequently, the delivery of effective planning enforcement is an important issue.
- 1.1.3 With this in mind, this Plan sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how we should decide whether or not to pursue enforcement action and the process of enforcement.

## **1.2 Relevant policies and guidance:**

1.2.1 The Council's objectives in producing a Planning Enforcement Plan are supported by the National Planning Policy Framework (2012) (NPPF).

1.2.2 Paragraph 207 of the NPPF relates to the enforcement of planning control and states:

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

1.2.3 The proposed planning enforcement plan complies with the contents of the Council's wider enforcement policy, together with national legislation and Government guidance.

## **1.3 The Planning Enforcement Plan:**

1.3.1 The Planning Enforcement Plan sets out the approach the Council will take in relation to breaches of planning control in the Borough. Where breaches take place planning law lays down strict requirements which must be followed before the Council can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.

1.3.2 The Council's commitment to publishing a Planning Enforcement Plan is borne out of a need to ensure planning enforcement is managed proactively and in a way that is appropriate for the Borough and its residents. It sets out the Council's approach to enforcement, including timescales for action, explaining in detail how the Council will respond to suspected breaches of planning control. The prioritisation of planning enforcement resources in terms of planning breaches also forms part of the document.

1.3.3 The plan is intended to provide greater transparency and accountability about how the Local Planning Authority will decide if it is expedient to exercise its discretionary enforcement powers, whilst seeking to deliver an effective service within a challenging environment where expectations are high.

1.3.4 The plan is also intended as a proactive tool for Members of the Council who are often the public face of the Council concerning issues which may require enforcement action. Having an adopted Planning Enforcement Plan to refer to

should provide Members with clarity and confidence in addressing such matters, as well as providing end users with more transparency and consistency.

- 1.3.5 In addition, the plan will also be helpful to the Parish Councils in clarifying the processes around planning enforcement. Engagement with the Parish Councils is important and, in recognition of this, steps have been taken to improve communication by providing regular updates on enforcement cases in their areas.

## **1.4 Legal Implications**

- 1.4.1 Without an up to date Planning Enforcement Plan in place the Council's decisions to take, or not to take, enforcement action (including prosecutions) may in future be subject to legal challenge through the Courts.

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

- 1.5.1 The Planning Enforcement Plan will utilise existing resources in a more effective way and there are no direct financial implications with regard to its implementation. the
- 1.5.2 The Planning Enforcement Plan will provide a framework that makes best use of resources and is in accordance with the recommendations of the NPPF.

## **1.6 Risk Assessment**

- 1.6.1 The Planning Enforcement Plan will reduce the risk at appeal or by judicial review as it clearly sets out the process and timescales by which enforcement complaints will be investigated and progressed.

## **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 It is recommended that Cabinet be asked to **Adopt** the Planning Enforcement Plan as attached at **[Annex 1]**.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

contact: Emma Keefe  
Development Control Manager  
Louise Reid  
Head of Planning

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# **Tonbridge and Malling Borough Council**

# **Planning Enforcement Plan**

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## PART 1: BACKGROUND CONTEXT

**A breach of planning control is defined in Section 171A of the Town and Country Planning Act 1990 as: the carrying out of development without the required planning permission; or failing to comply with any condition or limitation subject to which planning permission has been granted.**

### 1. Introduction and Context:

- 1.1 This document sets out the approach the Council will take in relation to breaches of planning control in the Borough. Where breaches take place planning law lays down strict requirements which must be followed before the Council can enforce against them. These requirements seek to balance the concerns of local people and the rights of owners against the need to secure proper planning control in the borough.
- 1.2 The Council understands that breaches of planning control impact on peoples' lives. Consequently, the delivery of effective planning enforcement is an important issue.
- 1.3 With this in mind, this Plan sets out how the Council's planning enforcement service will seek to address breaches of planning control and prioritise its work. It describes the range of powers available to the Council, how the Council will decide whether or not to pursue enforcement action and the process of enforcement.
- 1.4 The Council's objectives in producing a Planning Enforcement Plan are consistent with the National Planning Policy Framework 2012 (NPPF). The Framework states:

*“Effective enforcement is important as a means of maintaining public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control.*

*Local planning authorities should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where it is appropriate to do so.”*

- 1.5 Planning enforcement covers the areas of planning permission, advertisement consent, listed building consent, and conservation area consent and tree preservation orders. National legislation allows some minor and small-scale works

to be undertaken without the need for any further consent or approval. These works are known as “permitted development”. Any works carried out as permitted development cannot be subject to enforcement action.

- 1.6 In dealing with any enforcement issues the Council must take into account the Council’s adopted frameworks and strategies as well as the guidance contained within the National Planning Policy Framework (NPPF) and the associated Planning Practice Guidance (PPG).

## 2. The Scope of Planning Enforcement:

- 2.1 There are two key principles which underpin the planning enforcement system:

*A breach of planning control is **not** a criminal offence, **except for** unauthorised works to listed buildings, illegal advertisements, demolition without consent and unauthorised works to trees with Tree Preservation Orders or within Conservation Areas.*

*Other than in these cases, a criminal offence only arises when an Enforcement Notice or other formal notice has been served and has not been complied with upon the expiry of a specified time limit.*

- 2.2 There is a common misconception that breaches of planning control are a criminal offence and should automatically attract formal enforcement action. In fact, enforcement action is a discretionary power. It is for each local planning authority to decide the amount of resource to put into enforcement, how to determine when action is necessary and the type of action that is appropriate. In making these decisions the authority should be mindful of maintaining public confidence in the planning system but it should be recognised that in the majority of cases, formal enforcement action should be seen as a last resort.

*It is at the Council’s discretion whether action will be taken – any action proposed must be proportionate to the alleged breach.*

- 2.3 In investigating alleged breaches of planning control formally reported to it, the Council will make a reasoned decision whether the alleged breach merits further action. However, formal enforcement action will only be taken where it is fair and reasonable to do so. In making this judgement, we will assess all of the circumstances of the case and make reference to our adopted planning policies. In addition we must also consider central government enforcement policy and guidance which is currently set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG) which specifically references when Authorities should take enforcement action.



2.4 Importantly, the NPPF sets out that ***‘local planning authorities should act proportionately in responding to suspected breaches of planning control’***.

2.5 Formal enforcement action may only be taken in cases where

(i) there is a breach of planning control **and**;

(ii) it is expedient to take such action.

*What does expedient mean?*

*In general terms, this means where an unauthorised development is causing serious harm, rather than it being a minor or technical breach in control.*

*The matter of “expediency” covers a range of matters upon which a judgement needs to be based, a key issue is whether the breach would unacceptably affect public amenity or use of land that should be protected in the public interest.*

*Any enforcement action should be proportionate to the breach, so for example, it would be inappropriate to take formal action against a trivial or technical breach.*

*There will be cases where there is a breach of planning legislation but the breach or harm is so minor that action cannot be justified, i.e. it is not expedient or in the public interest to pursue the case.*

2.6 Examples of harm resulting from a breach of planning control *could* concern:

- Harm to amenity;
- Highway safety issues for example danger from increased traffic flows;
- Noise nuisance or;
- Loss of daylight or privacy.

2.7 This is not an exhaustive list of ‘harm’ but indicates that there must be recognisable planning harm.

2.8 Such harm would **not** include, for example:

- Loss of value to a neighbouring property;
- Competition to another business;
- An extension to a building that is slightly larger than permitted development rights allow but does not create any comparative harm;

- Private rights to a view.

2.9 As such, the planning enforcement team will **not** investigate the following:

- Neighbour disputes or other civil issues including boundary disputes or enforcement of covenants. In these matters, complainants need to contact their solicitor or local Citizens Advice office.
- The use of or development on adopted highways, pavements or highway grass verges. These matters should be addressed to Kent County Council as the Highways Authority;
- Dangerous structures. These matters should be addressed to the Council's Building Control team;
- Fly-tipping, litter and fly posting. These should be addressed to the Council's Waste and Street Scene Service.

### **3. The general approach to Enforcement – guiding principles:**

3.1 Government guidance on enforcement focuses not just on the impact of any breach on the complainant but on the rights of the owner or occupier where the alleged breach is occurring. With this in mind, the Council is committed to acting in a fair and consistent manner and has adopted this enforcement plan as part of this commitment. When exercising its enforcement functions the Council will act in a way that is:

- **Consistent and fair**
  - We will look at past cases and try to take a similar approach, for consistency, where this seems fair and reasonable. Cases will be investigated in accordance with the priorities set out within the plan.
- **Transparent and accountable**
  - Members, residents, existing and potential local businesses, complainants, alleged offenders and council staff should understand how we provide the service and the principles that guide it. We will provide an easy-to-access service, where the procedures, level of service provided and the rights of appeal for the alleged offenders are clearly explained and easy to understand.
- **Proportionate and targeted**
  - Any proposed action is in keeping with the scale of the alleged breach and the amount of harm caused. In each case we will decide on the most appropriate course of action to follow. Under the law we are only allowed to take enforcement action if it is expedient to do so having taken into

account government guidance, our own development plan policies and the specific circumstances of the case.

## **PART 2: INVOLVEMENT IN THE PROCESS**

### **4. Advising the Council of possible breaches:**

- 4.1 Reports of possible breaches of planning control should, whenever possible, be made in writing. This enables the Council to have a written record of the need for initiating investigation and possible action. Reports of suspected breaches can be made by:
- Completing an online enforcement investigations form which can be found on the Council's website at <http://www.tmbc.gov.uk/services/planning-and-development/planning/planning-enforcement>);
  - Emailing [planning.enforcement@tmbc.gov.uk](mailto:planning.enforcement@tmbc.gov.uk) or;
  - Sending a letter to the Planning Enforcement Team at the Council's Kings Hill Offices
- 4.2 When this is not possible reports should be made in person, for example, by telephone to enable Council officers to make a detailed written record.
- 4.3 Anonymous reports will **not** be investigated unless they concern a statutory listed building or a protected tree.
- 4.4 Vexatious or repeated complaints will **not** be investigated. The Development Control Manager and Senior Enforcement Officer will determine these on a case by case basis.
- 4.5 The name and address of those making complaints will not be repeated to the person or organisation involved in the alleged breach.

### **5. Investigating alleged breaches:**

- 5.1 When the Enforcement Team receives an allegation that a breach of planning control may be occurring, the Senior Enforcement Officer assigns this case to a member of the Enforcement Team.. An initial assessment of the nature of the breach is then carried out and the case is categorised according to what level of priority it should be accorded.
- 5.2 All allegations of planning control breaches will be prioritised and investigated thoroughly and accurately. Below are the priorities we have assigned to different types of alleged breaches, and the target times we have set to carry out an initial site visit.

**PLEASE BE AWARE: These are target timescales for the undertaking of an initial site inspection and will be adhered to as far as reasonably practicable in the prevailing circumstances. Following the initial inspection, a subsequent investigation will take place the length of which will be dependent on the complexities of the individual case.**

<b>Priority ranking</b>	<b>Case characteristics</b>	<b>Target for initial site inspection</b>	<b>Comments</b>
Top Priority	1. Work to Listed Buildings. 2. Work to protected trees. 3. Development likely to have a serious impact on health or public safety.	1 working day	Approach would be to inspect site as soon as possible to prevent irrevocable damage.
High Priority	1. Development causing significant harm the quality of life of a significant number of local residents. 2. Development with some (less serious or immediately threatening) impact on health or public safety. 3. Development causing potential harm to a Conservation Area or Site of Special Scientific Interest. 4. Development potentially causing significant harm to the landscape.	5 working days	Cases with these characteristics are inevitably themselves subject to assessment and judgement during triage – may require engagement with outside specialist bodies which may have more appropriate powers of control or enforcement (e.g. Environment Agency, Health and Safety Executive)
Medium Priority	1. Development which causes limited harm to individuals and/or local communities. 2. Development other than of a wholly minor nature not falling within any other category.	10 working days	
Other Priority	1. Minor developments such as sheds, fences.	As soon as resources allow,	

	<p>2. Most advertisements.</p> <p>3. Other minor breaches of planning conditions.</p> <p>4. Minor departures from approved plans.</p>	<p>bearing in mind other priorities</p>	
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- 5.3 This prioritisation reflects the perceived urgency and level of harm arising to amenity or to areas or features that benefit from special protection.
- 5.4 At this stage the complainant is informed of the case officer's name and contact details. The named Officer will act as the main point of contact and will advise all parties on progress and outcome of the case.
- 5.5 Additionally, Borough Council Members are informed of the receipt of allegations on a weekly basis.
- 5.6 The enforcement case officer will inspect the site within the given timescale to determine if a breach of planning control is occurring. This is an essential part of almost every case to establish the actual circumstances on the ground and will also involve research into the site planning history.
- 5.7 If there is no evidence of a breach occurring at this stage, a brief report is produced by the case officer and passed to the Development Control Manager for endorsement.
- 5.8 Should the first inspection prove inconclusive, the enforcement case officer will contact the site owner requesting a meeting on the site, or request further information as might be necessary, so that further investigations can be undertaken.
- 5.9 Whatever the assessment, the complainant will be informed and advised of the next course of action.

**If a breach is identified**

- 5.10 If a breach of planning control *is* found an assessment has to be made, on a case by case basis, as to whether:
- it is or is not appropriate to take any further action at all,
  - to proceed to try to resolve the breach informally through negotiation;
  - to seek to invite a retrospective planning application; we will only do this if there is some prospect of permission being granted, or

- to proceed directly towards formal action, such as the service of an enforcement notice.

5.11 The assessments are made by the Enforcement Officer in conjunction with either the Area Planning Officer or another Planning Officer from the appropriate Area Team and then these are endorsed by the Development Control Manager.

**No formal action:**

5.12 It is not automatically the case that the Local Planning Authority will take any action (whether formal or informal) in the event that a breach is discovered to seek to rectify matters. A judgement must be made in each and every case as to whether any action is expedient. This judgement will involve consideration of the seriousness of the breach, the level and nature of any harm that is being caused, and the proportionality of any contemplated remedial action. If the breach is relatively minor, inconsequential or of a purely technical nature, there will be some instances where no further action is appropriate.

**Negotiation:**

5.13 In some cases it may be possible to bring about a satisfactory resolution through informal action such as negotiations with those responsible. This may, for example, bring about the cessation of an unlawful activity, or reduce any harmful impacts so that they are within acceptable bounds.

5.14 Government guidance makes it clear that in all but the most serious cases we should initially seek to have planning breaches remedied through negotiation. In these events, the person carrying out the breach will be sent a letter confirming that the breach should be remedied in a specific timescale, or information should be provided to justify to us that no further action should be taken.

**Retrospective planning applications:**

5.15 A local planning authority can invite a retrospective application. In circumstances where they consider that an application is the appropriate way forward to regularise the situation, the owner or occupier of the land should be invited to submit their application (Section 73A of the Town and Country Planning Act 1990) without delay.

5.16 We will only do this where it is considered that there is a reasonable prospect of permission being granted. The invitation to submit an application is not, however, meant to imply that permission will necessarily be granted. But it does provide a formal process for consideration of the merits of the case including, importantly, public consultation. In many cases where we follow this course of action, we may eventually conclude that it is appropriate to grant permission subject to conditions that exercise control over the most significant and potentially harmful impacts.

## **When might it be appropriate to serve an Enforcement Notice?**

- 5.17 Wherever possible, we will try to resolve harmful activities through informal action or the planning application process. However, where it is felt that the breach is significantly harmful and is unlikely to be rectified by way of the submission of a planning application we will request that the breach is ceased/remedied within a specified timescale; this is determined on a case-by-case basis and will depend upon the seriousness of the breach and the nature of harm that is being caused. Should the owners fail to meet this request then enforcement action is required. A report is made to the appropriate Area Planning Committee if the necessary action is to serve an Enforcement Notice (other than in cases which are clearly urgent, bearing in mind the criteria set out above, when this may be done under powers delegated to the Director of Central Services).
- 5.18 Enforcement Notices are our main enforcement tool. Government guidance sets out that the power to issue an enforcement notice is discretionary (Section 172 of the Town and Country Planning Act 1990). An enforcement notice should only be issued where we are satisfied that it appears that there has been a breach of planning control and it is expedient to issue a notice, taking into account the provisions of the development plan and any other material considerations.
- 5.19 Enforcement notices are formal legal documents that will require the owner or occupier to take specific steps to remedy the planning breach in a specified time. If the notice is not complied with the planning breach will become a criminal offence which can be prosecuted in the Courts. However, the notice may be appealed to an independent, government- appointed Planning Inspector. In such cases the effect of the Enforcement Notice is suspended whilst the appeal is ongoing. Inspectors can decide to uphold the notice, amend it or have it quashed.
- 5.20 Alternatively, if the breach consists of a breach of conditions on an existing permission, a Breach of Conditions Notice can be issued. In this case, a continuing breach could lead to prosecution in the Magistrates' Court. There is no right of appeal against a Breach of Condition Notice. .
- 5.21 Where a planning application is invited but none is submitted within a reasonable period, consideration is given to taking further action. Where formal action is contemplated, we will take legal advice before commencing such action.

### **Other possible types of formal action:**

- Planning Contravention Notice (PCN)
- 5.22 This is a legal notice which allows us to bring the breach to the attention of the owner or occupier and requires the alleged offender to provide certain information. A planning contravention notice may be issued under Section 171C of the Town and Country Planning Act 1990 and can be used to do the following:

1. allow us to require any information for enforcement purposes about any operations being carried out, any use of or activities being carried out on the land, and;
2. can be used to invite its recipient to respond constructively to us about how any suspected breach of planning control may be satisfactorily remedied.

5.23 The issuing of a PCN is discretionary. We need not serve one before considering whether it is expedient to issue an enforcement notice or to take any other appropriate enforcement action.

- Section 215 notices

5.24 A Local Planning Authority has the power to issue a notice under s215 if the amenity of part of its area is adversely affected by the condition of a piece of land. The notice requires such steps as may be specified for remedying the condition of the land (includes buildings) and provides a minimum of 28 days before it takes effect. There is no right of appeal to a planning inspector, although before the notice takes effect an appeal may be made to the Magistrates Court by those served with the notice or any other person having an interest in the land.

- Stop Notices, Temporary Stop Notices and Court Injunctions

5.25 These can be used to bring a quick stop to development where a breach is causing serious or irreparable harm and immediate action is justified. They will therefore generally only be used in the most serious cases. The use of injunctions will be considered in appropriate cases, such as where a listed building is undergoing alterations without consent that affects its special historic and architectural interest or where the Council has evidence that a site will be developed without planning permission and in doing so will cause serious harm to particular planning interests.

- Prosecution

5.26 In most cases the Council cannot prosecute until we have taken formal enforcement action through the service of a formal notice, such as an Enforcement Notice or Breach of Conditions Notice, and any period specified in that notice has expired.

Prosecution does not bring about the remedying of a breach; rather it can be seen as the Courts “punishing” the person responsible, usually through a fine. Even though a successful prosecution may not remedy a planning breach on its own it can have an important deterrent effect.

We will not take a prosecution forward without first taking legal advice. As part of that advice, an assessment will be made as to whether there is sufficient evidence to take a prosecution forward and whether it is, in all the circumstances, in the



public interest to take a prosecution, in accordance with the Code for Crown Prosecutors.

## **6. Communication:**

6.1 If you draw our attention to a possible planning enforcement issue we will:

- write to acknowledge your complaint within the prescribed time period;
- write to let you know the priority it has been given and who is investigating it;
- contact you if we need further information;
- keep you informed on progress;
- let you know the final outcome of your complaint;
- treat your complaint confidentially;
- not consider anonymous enquiries or vexatious or repeated complaints

6.2 If we have been informed that you may be responsible for a planning breach we will:

- provide identification whenever we visit;
- provide the name of the officer carrying out the investigation;
- investigate the complaint thoroughly before making any decision on what action to take;
- write to you explaining our conclusions;
- explain what you need to do to put matters right, how long you have to do this and what the consequences might be if this does not happen;
- inform you if we decide to issue an Enforcement Notice or start legal action.

*It is important to understand that live enforcement investigations are confidential because of the possibility of future legal action and in accordance with the Data Protection Act 1998. This means that the amount of information that can be divulged about any particular case will be limited.*

6.3 If you feel that there is unreasonable delay, an error in the way in which an enforcement investigation is being carried out, or you are dissatisfied with the outcome of the Council's investigations, you should use the Council's formal

complaints procedure which can be found on the Council's website at <http://www.tmbc.gov.uk/services/council-and-democracy/complaints/complaints-procedure>

## **7. Parish and Town Council involvement:**

- 7.1 Effective community engagement is a key part of delivering a responsive and accountable planning enforcement service. Decisions on whether or not to take enforcement action are governed largely by the law and clearly defined material planning considerations and as a result cannot be unduly influenced merely by local perception. However it is important that the service is fully receptive to concerns raised by individual communities in addition to service improvement ideas that are generated from a community level.
- 7.2 The Council recognises that parish and town council members have an important role to play in this. Town and Parish Councils have a great deal of local knowledge and awareness of what is happening in their areas. Town and parish councils can inform the planning enforcement process and as such the Council encourages them to engage with officers over planning enforcement issues.

## **8. Scheme of delegation:**

- 8.1 The scheme of delegation to the Director of Planning, Housing and Environmental Health excludes the taking of formal enforcement action under delegated powers other than:
- The issuing of a Breach of Conditions Notice (BCN);
  - Where urgent action is required to commence enforcement proceedings consisting of the service of a Temporary Stop Notice, Stop Notice, Emergency Enforcement Notice or to commence injunction proceedings. In such instances, these proceedings can be instigated in consultation with the Planning Chairman, Vice Chairman and Ward Members;
- 8.2 Prosecution proceedings are delegated to the Director of Central Services.
- 8.3 In accordance with the scheme of delegation, formal enforcement action is otherwise authorised at the relevant Area Planning Committee.

# Agenda Item 7

- Request for the Borough Council to contact Southern Water regarding issues arising from the failure to address problems associated with an ageing sewer system

*(Requested by Borough Green Parish Council and supported by the Kent Association of Local Councils – Tonbridge and Malling)*

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

08 September 2016

#### Report of the Central Services Director

#### Part 1- Public

#### Matters for Information

#### **1 COMMUNITY SAFETY PARTNERSHIP UPDATE**

**To provide an update on the work of the Community Safety Partnership**

#### **1.1 The Community Safety Partnership and our priorities for 2016/17**

- 1.1.1 The Community Safety Partnership (CSP) is a body of organisations who work together to reduce crime and anti-social behaviour within the Borough. There is a CSP for each borough/district in the country. Organisations involved in our CSP include Tonbridge & Malling Borough Council, Kent Police, Kent Fire & Rescue Service, Kent County Council, the Clinical Commissioning Group and Kent Probation. Other members include Circle Russet (and other housing associations), Victim Support, Neighbourhood Watch and support services (such as Kenward Trust).
- 1.1.2 Funding for the CSP comes from a number of different sources including the Police and Crime Commissioner, Tonbridge & Malling Borough Council, Kent Fire & Rescue Service and Circle Housing Russet.
- 1.1.3 The Community Safety Unit (CSU) is the operational arm of the Community Safety Partnership and is based at the Borough Council offices in Kings Hill. As well as the Police based here (an Inspector, three Sergeants, three PCs, a Licencing Officer and a Joint Family Management Officer) two Borough Council staff are also based here and others hot desk including the KCC Community Warden Supervisor and the Safer Towns Co-ordinator. We hold a Weekly meeting with all partners to discuss key issues of concern and share information on a daily basis.
- 1.1.4 Each year the CSP reviews statistical data to decide on its key priorities for the year ahead and develops action plans to address key issues within these priorities. The priorities agreed for 2016/17 are Safeguarding (to incorporate domestic abuse, child sexual exploitation, counter terrorism and vulnerable people), Health and Wellbeing (to incorporate substance misuse and mental health) and Public Safety (to incorporate anti-social behaviour, environmental crime and road safety). We have developed Action Plans for each priority and

these are monitored throughout the year. We have also set up Working Groups which look at specific issues around these priorities and also monitor the actions.

- 1.1.5 Actions this year include supporting all victims of domestic abuse, running the domestic abuse Drop In Support Service in Tonbridge, holding training on counter terrorism, identifying perpetrators of anti-social behaviour and engaging with young people to warn them about the dangers of drugs and alcohol.
- 1.1.6 We also have some actions around road safety including actions to run three restorative justice operations targeting nuisance vehicles and aiming to increase the number of Speedwatch schemes in the borough. These are explained in further detail below.
- 1.1.7 Copies of the Partnership Plan (detailing our actions for 2016/17) are available to download on the CSP website – [www.tmcommunitysafety.org.uk](http://www.tmcommunitysafety.org.uk)

## **1.2 Restorative Justice road safety operations**

- 1.2.1 Kent Police and Kent Fire & Rescue Service are working together to run Restorative Justice Road safety operations in the borough. This involves enforcement activities around safe driving linked to restorative justice outcomes for anyone caught committing an offence. For example, someone caught speeding will be spoken to by officers about road safety as an alternative to receiving a penalty (if appropriate).
- 1.2.2 Two of these operations have now been held in the borough. The first (in January 2016) was held in Ditton, Kings Hill and Borough Green and 51 drivers were stopped. 35 drivers were stopped for excessive speed, 9 for mobile phone usage, 5 for no seat belt, 1 defective exhaust, 1 lady who was putting on her make up. On top of this there was also some other intelligence gathered and a drugs search carried out.
- 1.2.3 The second operation was held in July 2016 in Tonbridge and Hildenborough and a total of 75 vehicles were stopped. 39 people were stopped for speeding offences, with a further 32 stopped for not wearing a seatbelt. A further four were stopped for using a mobile phone at the wheel.
- 1.2.4 Further operations will be held during the year, although no dates have currently been booked in. The decision on where these operations will be held will be taken by the Police and Fire Service but Parish Council's can nominate areas for consideration (although please note that not all locations will be suitable for this type of operation). Please email any areas for consideration to [Alison.finch@tmbc.gov.uk](mailto:Alison.finch@tmbc.gov.uk).
- 1.2.5 We also have an action in the Action Plan to try and increase the number of Speedwatch schemes within the borough and we will be linking in with Kent Police to look at how we can promote the schemes to Parish Councils.

### **1.3 Crime Prevention Panel**

- 1.3.1 The Tonbridge & Malling Crime Prevention Panel was established over 10 years ago with the aim of reducing crime and generally improving the quality of life and reducing the fear of crime for residents in the borough. Over the years the Panel has been involved in a number of initiatives including litter picks, removing graffiti, arranging internet safety events, running a quiz for primary schools and attending events to distribute crime prevention events.
- 1.3.2 Earlier this year however the Crime Prevention Panel members took the decision to stop the Panel. This was due mainly to the increased working between the Police, Borough Council and other partners meaning that a lot of the work of the Panel was now being carried out through the Community Safety Unit and so the Panel found they were duplicating activities.
- 1.3.3 Members of the Community Safety Partnership do still attend events to distribute crime prevention events and if any Parish Council has an event that they would like us to consider attending they should email [Alison.finch@tmbc.gov.uk](mailto:Alison.finch@tmbc.gov.uk). Subject to availability of staff we will do our best to attend.

### **1.4 Communication with residents/Parish Councils**

- 1.4.1 The Community Safety Partnership produces a bi-monthly newsletter which is circulated to Parish Council clerks, residents and other interested parties via email. If you do not currently receive this newsletter but would like to receive this please email [Alison.finch@tmbc.gov.uk](mailto:Alison.finch@tmbc.gov.uk) and you will be added to the circulation list.
- 1.4.2 The CSP also has a website ([www.tmcommunitysafety.org.uk](http://www.tmcommunitysafety.org.uk)), Twitter account (@TM\_CSP) and a Facebook page where you can get information about the work of the CSP (Search for Tonbridge & Malling Community Safety Partnership.)
- 1.4.3 Crime statistics are available to download from the Kent Police website ([www.kent.police.uk](http://www.kent.police.uk)). Unfortunately due to Police resources they are no longer able to provide crime statistics to Parish Council meetings.

### **1.5 Legal Implications**

- 1.5.1 None

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

- 1.6.1 Any funding requirements are provided through the Community Safety Partnership

### **1.7 Risk Assessment**

- 1.7.1 All risk assessments are under taken as appropriate.

### **1.8 Policy Considerations**

1.8.1 Crime & Disorder Reduction

contact: Alison Finch

Adrian Stanfield  
Central Service Director



# Agenda Item 9

Representatives of Kent Police to be present to address:

- crime prevention issues, including those raised by the Panel;
- concerns in connection with Speedwatch (requested by KALC);
- the lack of community police liaison with parishes

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## **Tonbridge and Malling Parish Partnership Panel**

**Thursday, 8 September 2016**

### **Kent County Council Services Update**

#### **Key points from Report by Leader of the Council – Full Council May 2016**

- In relation to the proposed road repair blitz, Mr Carter announced that £4m was being allocated and works would start in mid-June. This was as a result of £1.4m from government, £1.5m planned KCC expenditure on road repair and pot holes and £1.1m from additional funding. The vast majority of these works would be carried out by small and medium sized civil engineering companies on a district by district basis.
- Mr Carter referred to the White Paper, 'Education Excellence Everywhere' and the small victory in the removal of the enforced academisation from the potential education bill referred to in the Queen's Speech. He stated that it was now necessary to find a way forward that made sure there was not a two-tier educational and financial system which favoured multi-academy trusts but penalised community schools. There was a need to ensure the Education Support Grant allowed KCC to continue to provide school improvement and support services to the nearly 400 schools that still remained in the community schools category.
- In relation to next year's budgetary problems, Mr Carter referred to the unidentified savings of some £50m. Good progress was being made and he suggested that, with the agreement of opposition leaders, there could be a mini budget session at the September County Council meeting (please note September's Full Council meeting has been cancelled and the next meeting will be held in October). If these savings are agreed they could potentially start to be taken in year rather than waiting until February 2017 to identify the savings.
- Mr Carter referred to a very good facilitated discussion on devolution with all district leaders and Medway which suggest there was agreement to progress what hopefully will be an ambitious devolution submission to government. He explained there was an acceptance by district leaders that in Kent and Medway, we did not want the imposition of a directly elected major. This view accorded with the vast majority of County Councils.
- Mr Carter talked about the Apprenticeship Levy. The County Council would have to contribute £4.5m into the levy and the Personnel Committee would consider how this could be used to ensure that there was a significant increase in the number of Kent County Council apprenticeships, including those in KCC's supply chain. This year Kent would have 3000 16-18 year olds in modern apprenticeships, which was one of the highest in the country.
- Mr Carter stated that it was important for health partners and social care to work closely together on community health and preventative services that reduce hospitalisation and get people out of hospital into step-down care and back behind their own front door as fast as possible. This could also save money.

- In response to a reference made to the Young Person's Travel Pass, Mr Carter stated that his was the most generously supported school transport system in this country outside of London. KCC has chosen to fund an additional £8m to help parents get their young people to and from school. Despite the state of the public finances of this country and the considerable part local government had to play to restore those public finances, he was still hoping to maintain the Young Person's Travel Pass at an affordable cost to parents.

## **Sign up to KCC's new mailing list and receive the latest council news in your mailbox**

By subscribing to KCC's free emailing service residents can receive important Kent County Council information and news as it becomes available. A valid email address is required and will be used only to provide information on topic preferences subscribed to. For more information visit: [www.kent.gov.uk](http://www.kent.gov.uk)

## **KCC Highways – report a problem on the road or pavement**

KCC Highways, Transportation and Waste welcomes feedback from its customers and has designed a fault reporting tool so that residents can quickly and easily let us know about any problems on the roads and footways or about any equipment such as streetlights, that may not be working.

**If you wish to report a fault visit:** [www.kent.gov.uk/highwayfaults](http://www.kent.gov.uk/highwayfaults)

From here can be viewed all known issues, any planned works, report multiple issues, upload photos as well as track any existing enquiries. KCC no longer offers a generic email service as the improved online fault reporting tool has been designed to ensure all of the information is captured so that faults are responded to quickly. Residents can still call to report any complex or urgent matters on 03000 418181 and speak to one of KCC's trained highway specialists.

## **KCC Combined Member Grant Scheme 2016/17**

KCC's Combined Member Grant scheme will open on 1 April 2016 with £20,000 available to every County Councillor to fund both community and highway projects in their electoral division. Tonbridge & Malling County Councillors have a total of £140,000 to allocate in 2016/17.

The County Councillors have used their grant allocations in past years to support a wide range of organisations and projects, from sports clubs and arts groups to charities and social enterprises to Parish and District Council projects. The feedback from applicants and local people has been universally positive and has helped a number of projects receive additional or match funding as a result.

For more information on the Combined Member Grant scheme, please contact your local County Councillor or Anne Charman, KCC Community Liaison Officer.

KCC also produces a monthly publication 'Inside Track' which provides information on funding opportunities at a county and national level. For a copy of Inside Track or information on other funding opportunities visit: <http://www.kent.gov.uk/leisure-and-community/community-grants-and-funding>.

## **Consultations - have your say, your views count**

You can view all KCC consultations online at: <http://consultations.kent.gov.uk/consult.ti>

**Signed up to the KCC Consultation Directory yet?** It only takes a few minutes to register and gives a full list of past, current and planned consultations and provides an opportunity to feedback on local services and policies. It enables KCC to contact residents when an activity is due to take place or to receive feedback for a particular consultation or involvement activity when it is published on KCC's website.

(Please note there are separate lists for **Traffic Regulation Orders** and **Start of Works Notices** and for **Public Rights of Way Notices**.)

### **Local Transport Plan 4 – Delivering Growth without Gridlock - 8<sup>th</sup> August to 30<sup>th</sup> October 2016**

Kent County Council (KCC) has a legal duty to produce a Local Transport Plan. This document demonstrates to Kent's residents and local businesses our strategies and priorities to make sure transport is playing its part in making Kent a great place to live, work and do business.

The Plan highlights our priority schemes that are nationally important, such as a new Lower Thames Crossing and a solution to Operation Stack, as well as priority local schemes across Kent. Investment in our infrastructure is vital to boost Kent's economy and support a growing population.

To find out more and to take part visit website [www.kent.gov.uk/localtransportplan](http://www.kent.gov.uk/localtransportplan) or visit KCC's County Hall, district council offices, Gateways and libraries which will have a reference copy of the LTP4 draft and consultation questionnaires.

## **KCC news**

To view the latest news and releases from KCC visit KCC's Media Hub at <https://kccmediahub.net/>

### **Recent media releases**

#### ***Your County Matters***

From investing £4.2bn into key infrastructure, to safeguarding more than 150,000 vulnerable young children, or covering 86% of England's landmass, counties matter.

County Council's Network (CCN) new campaign, Your County Matters, will ensure county authorities are at the forefront of the debate on devolution and public sector reform.

Launched as part of CCN's Future of County Public Services programme, the campaign will put forward a positive, solution-based case for our members, showcasing their ability to drive forward county devolution and public sector reform at size and scale.

It will emphasise how important the delivery of county services are economically and socially to our local communities, seeking in particular to demonstrate to the new Government, MPs, and national stakeholders that upper-tier authorities are the critical bodies for delivering devolution and service transformation in non-metropolitan areas.

Drawing on research commissioned as part of the future of county public services programme, CCN will produce a Your County Matters report later this summer ahead of the Party Conferences.

For more information on any of these subjects please contact:

**Anne Charman**, KCC Community Liaison Officer

[anne.charman@kent.gov.uk](mailto:anne.charman@kent.gov.uk) or 07717 665893

*KCC's **Community Liaison Team** covers all 12 district council areas in Kent supporting local County Councillors in their role as community leaders and administering their grants. The team works closely with partners from the public, private and voluntary sectors, to help ensure Kent's residents and local community groups are kept well informed about KCC's services and are given the opportunity to influence decisions.*



Tonbridge and Malling Borough Council Services Update

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