

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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
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12 October 2016

To: MEMBERS OF THE GENERAL PURPOSES COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the General Purposes Committee to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Thursday, 20th October, 2016 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To consider the Minutes of the meeting of the Electoral Review Working Group held on 19 July 2016 (associated report also attached)

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PART 2 - PRIVATE

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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

Cllr O C Baldock (Chairman)
Cllr L J O'Toole (Vice-Chairman)

Cllr M A C Balfour
Cllr Mrs S Bell
Cllr P F Bolt
Cllr M A Coffin
Cllr N J Heslop
Cllr B J Luker

Cllr D Markham
Cllr S C Perry
Cllr R V Roud
Cllr C P Smith
Cllr Ms S V Spence
Cllr M Taylor

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 27th June, 2016

Present: Cllr O C Baldock (Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M A Coffin, Cllr N J Heslop, Cllr B J Luker, Cllr S C Perry and Cllr C P Smith

Apologies for absence were received from Councillors L J O'Toole and Mrs S Bell

PART 1 - PUBLIC

GP 16/10 DECLARATIONS OF INTEREST

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

GP 16/11 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 1 February 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 16/12 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services presented an updated Human Resources Strategy which provided an overview of the Council's approach to managing its employees. Details were given of progress in achieving the improvement priorities in the Strategy for 2015/16 together with actions to be implemented in the period April 2016 – March 2017 (the Workforce Development Plan). The updated strategy also contained the statutory equality monitoring required by the Equality Act 2010.

RECOMMENDED: That the outcomes of the equality monitoring reported in Section 4 of the Human Resources Strategy, as set out in Annex 1 to the report, be noted and the actions listed in Section 5 thereof be commended to the Council.

* **Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE

GP 16/13 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

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

GP 16/14 ESTABLISHMENT CHANGES

(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The report of the Director of Central Services presented for approval a number of establishment changes recommended by the Management Team arising from the on-going operational management of the Council's services. It was noted that the proposals would result in net savings of £89,000.

Members recognised the cross-cutting nature of the various reviews that had been undertaken with the objective of ensuring that resources were in place at the right level to deliver services in accordance with the Savings and Transformation Strategy. They expressed appreciation of the flexibility, commitment and contribution of staff and requested that thanks be conveyed accordingly.

RESOLVED: That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the post of Customer Support Assistant - DB0005, 21 hours per week, scale 2/3 be deleted with effect from 30 June 2016;
- (2) the post of Services Administrator – DA0201, 20 hours per week, scale 4/5 be deleted with effect from 30 June 2016;
- (3) the two Mayors Assistant posts – DA1301 and DA1302, 19.5 hours per week, scale 4/5 be deleted with effect from 30 June 2016;
- (4) three new Administration Officer posts – scale 3/4 at 21 hours per week, 20 hours per week, and 19.5 hours per week be created and the incumbents of posts DB0005, DA0201 and DA1301 be transferred on their current hours into these newly created posts with effect from 1 July 2016. The individuals in posts DA0201 and DA1301 will receive 3 years of salary protection in accordance with Section J of the Council's Reorganisation, Redundancy and Redeployment Procedure;

- (5) post DA0213, currently scale 4/5 be redesignated from Administration Officer to Senior Administration Officer and regraded scale 6 with effect from 1 July 2016;
- (6) the existing post of Administrative Assistant (DA0204) be redesignated Administration Officer and regraded scale 3/4 with effect from 1 July 2016;
- (7) the posts of Electoral Services Officer numbers DC0402 and DC0403 be regraded from scale 2/3 to 3/4, with a bar at the top of scale 3, and the hours be formalised as 29.5 hours and 24 hours per week respectively with effect from 1 July 2016;
- (8) the post of Solicitor - DR0007 be regraded from grade M6 to M5 and redesignated Principal Litigation Solicitor with effect from 1 July 2016;
- (9) the post of Elections and Special Projects Manager - DC0498, scale M6, 37 hours per week be deleted with effect from 30 June 2016;
- (10) a new post of Head of Electoral and Democratic Services scale M5, 37 hours per week be created with effect from 1 July 2016;
- (11) a sum of £39,950 accruing from the reduction in hours of post DB0002 be ring-fenced pending a corporate review of the Customer Services function;
- (12) the post of Media and Communications Manager – DA1202, 18.5 hours per week, scale M8 be deleted with immediate effect;
- (13) a new post of Media and Communications Officer, 22 hours per week, scale 3/5 be created with immediate effect;
- (14) one new post of Licensing Officer, 37 hours per week, scale 4/5 be created with immediate effect;
- (15) the post of Community Safety Assistant – DR0702, 27.5 hours per week, scale 2/3 be deleted with immediate effect;
- (16) the post of Safer Towns Co-ordinator – DR0704, 28 hours per week, scale 5 be deleted with immediate effect;
- (17) the post of Housing Needs Manager - DV0701, 37 hours per week, scale M8 be deleted with effect from 17 July 2016 and on that date the contract of employment of Mrs Lynn Wilders be terminated on the grounds of redundancy and, in accordance with the Local Government Pension Scheme Regulations, she

- should commence receipt of her pension from 18 July 2016 and her redundancy payment should be calculated as set out in the Restructuring, Redundancy and Redeployment Procedure;
- (18) the post of Housing Options Team Manager - DV0718, 37 hours per week, scale SO be deleted with effect from 17 July 2016;
 - (19) the post of Home Choice Team Leader - DV0719, 37 hours per week, scale SO be deleted with effect from 17 July 2016;
 - (20) the post of Housing Options and Support Manager, 37 hours per week, scale M8 be created with effect from 18 July 2016;
 - (21) the post of Housing Services Improvement Manager, 37 hours per week, scale M9 be created with effect from 18 July 2016;
 - (22) the two currently vacant posts of Home Choice Officer - DV0720 and DV0721, 37 hours per week, scale 1/2 be deleted with effect from 17 July 2016;
 - (23) two Housing Support Assistant posts, 37 hours per week, scale 3 be created with effect from 18 July 2016;
 - (24) the post of Housing Assistant – DV0905, 17.5 hours per week, scale 1/2 be deleted with effect from 17 July 2016;
 - (25) the post of Housing Administration Assistant – DV0722, 18.5 hours per week, scale 1/2 be deleted with effect from 17 July 2016;
 - (26) the currently vacant post of Housing Support Assistant – DV0707, 37 hours per week, scale 2/3 be deleted with effect from 17 July 2016;
 - (27) the Housing Options Officer post numbers DV0710, DV0713, DV0714 and DV0717, 37 hours per week, scale 4/6 be redesignated to Housing Options and Support Officer, 37 hours per week, scale 5/6 with effect from 18 July 2016 and an additional Housing Options and Support Officer post, 37 hours per week, scale 5/6 be created with effect from 18 July 2016;
 - (28) the post of Chief Housing Officer, 37 hours per week, M5 be redesignated to Head of Housing Services with effect from 18 July 2016;
 - (29) a revenue budget of £30,000 be created for commissioning advice and work on transportation and infrastructure provision

- and be managed by the Planning Policy Manager in conjunction with the Head of Planning;
- (30) the post of Senior Engineer - DE0208, 37 hours per week be redesignated to Engineering Manager and re-graded from M9 to M8 with effect from 1 July 2016;
 - (31) a new Technical Support Officer post, 37 hours per week, scale 5 be created with effect from 1 July 2016;
 - (32) the vacant post of Senior Administration Assistant - DG3002, 33 hours per week, scale 3/4 be deleted with effect from 30 June 2016;
 - (33) the hours of the post of Administration Assistant – DG3004 be increased from 27.5 to 30.5 hours per week, scale 2/3 with effect from 1 July 2016;
 - (34) a new post of Administration Assistant, 18.5 hours per week, scale 2/3 be created with effect from 1 July 2016;
 - (35) the hours of the post of Administration Assistant - DG3009 be increased from 22 to 28 hours per week, scale 1/2 with effect from 1 July 2016;
 - (36) the post of Senior Parks Officer DG0101, 22 hours per week, grade SO be deleted on 20 October 2016;
 - (37) a new post of Parks Officer, 37 hours per week, scale 6 be created and appointment to this post be made on 24 October 2016;
 - (38) the existing post of Assistant Parks Officer, DG0102 37 hours per week, scale 3 be deleted with effect from 24 October 2016;
 - (39) a new post of Assistant Parks Officer, 22.5 hours per week, scale 4 be created with effect from 24 October 2016;
 - (40) the redesignation of the full time post DG0404 from Administration Assistant (scale 2/3) to Leisure Development Assistant scale 3/4 be extended until 31 October 2016;
 - (41) the extension of the hours of the temporary post of Youth & Play Development Officer, post DG0402 be continued at their current level of 37 hours per week until 31 August 2016 (at which point the hours will return to their established level of 22.5 hours per week);

- (42) post DV0202 be redesignated to Health Improvement Co-ordinator, re-graded from scale 5 to scale 6 and the hours be increased from 30 to 37 per week, all with effect from 1 July 2016 until 31 March 2017;
- (43) the hours of the post of Health Improvement Assistant – DV0203 be increased from 20 to 37 hours per week from 1 July 2016 until 31 March 2017; and
- (44) the temporary post DV0299 Health Improvement Administrative Assistant be extended until 31 March 2017.

The meeting ended at 8.22 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

ELECTORAL REVIEW WORKING GROUP

Tuesday, 19th July, 2016

Present: Cllr N J Heslop (Chairman), Cllr M A C Balfour (Vice-Chairman), Cllr O C Baldock and Cllr P J Montague

Councillor R V Roud was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A Coffin, Mrs T Dean, D Lettington and A K Sullivan

PART 2 - PRIVATE

ER 15/5 DECLARATIONS OF INTEREST

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

ER 15/6 MINUTES

RESOLVED: That the Minutes of the meeting of the Electoral Review Working Group held on 6 January 2016 be approved as a correct record and signed by the Chairman.

ER 15/7 COMMUNITY GOVERNANCE REVIEW 2016

Members considered the responses to the consultation concerning the Community Governance Review of the Kings Hill parish boundary, set out in the report of the Chief Executive, and determined the final proposal to be submitted for approval and publication by the General Purposes Committee.

Terms of Reference for the Community Governance Review (CGR) and Draft Proposals for the public consultation, which had commenced on 7 January, had been agreed at the previous meeting of the Electoral Review Working Group. These were attached as Annexes 1 and 2 to the report respectively.

An overview of the CGR process and timetable were outlined in the report at paragraph 1.2.

The three proposals consulted upon all regarded the boundaries of Kings Hill parish:

- Proposal A1: That the parish boundary between Kings Hill and East Malling and Larkfield parishes be amended to include the area marked A1 on the map at Annex 3
- Proposal A2: That the parish boundary between Kings Hill and East Malling and Larkfield parishes be amended such that the area marked A2 on the map at Annex 3 remained within East Malling and Larkfield parish
- Proposal B: That the parish boundary between Kings Hill and Wateringbury parishes marked B on the map at Annex 3 remained within Wateringbury

A summary of the responses received during the public consultation was attached as Annex 4 with detailed responses included at Annex 5 to the report.

It was reported that there had been a very strong response to the consultation and the responses, objections and concerns received had been taken into account in producing a Final Proposal for Member consideration:

- It was proposed that the parish boundary between Kings Hill and East Malling and Larkfield parishes be amended to include the area marked A1 on the map, set out in paragraph 1.7.1, within Kings Hill.
- In producing this Final Proposal Members noted that the Draft Proposals for Area A2 and Area B had been endorsed and that no change to those areas was proposed.

RECOMMENDED: That

- (1) the redrawing of the parish boundary such that Area A1 was transferred to Kings Hill be agreed;
- (2) the redrawing of the parish boundary such that Area A2 was not transferred to Kings Hill be agreed;
- (3) Area A3 be not transferred to Kings Hill; and
- (4) the Final Proposal set out at paragraph 1.7 of the report, and reproduced above, be agreed and presented to the General Purposes Committee for publication and adoption, such that the boundary be amended from the May 2019 elections.

The meeting ended at 7.45 pm

TONBRIDGE & MALLING BOROUGH COUNCIL
ELECTORAL REVIEW WORKING GROUP

19 July 2016

Report of the Chief Executive

Non Delegated

1 COMMUNITY GOVERNANCE REVIEW 2016

To consider the responses to the consultation concerning the Community Governance Review of the Kings Hill parish boundary, and to determine and agree the final proposal to be submitted for approval and publication by the General Purposes Committee.

1.1 Introduction

1.1.1 Members will recall that, at the meeting of 6 January 2016, the Terms of Reference (ToR) for the Community Governance Review were agreed. These were published the day after General Purposes (1 February, published 2 February), signifying the formal start of the Review. A copy of the ToR is attached at **Annex 1**.

1.1.2 At that same meeting, Members agreed the Draft Proposals on which a public consultation commenced on 2 February 2016. A copy of the Draft Proposals is attached at **Annex 2**.

1.2 Overview of the CGR process

1.2.1 The stages of the CGR are as follows;

- 1) The Council publishes its Terms of Reference. *Completed February 2016*
- 2) The Council publishes its Draft Proposals, and a formal consultation commences. *Consultation closed 9 May 2016*
- 3) The Council, taking into account the results of the consultation, makes a decision on the outcome of the CGR. *This meeting, and GP this autumn.*
- 4) The Council then publishes the Final Proposals.
- 5) The formal Re-organisation Order is then made.
- 6) Any changes to parish boundaries take effect at the next scheduled elections in May 2019.

1.3 Legislative Requirements for a CGR

1.3.1 The Local Government and Public Involvement in Health Act 2007 (LGPIH) and statutory guidance set out the requirements for a CGR. These include that the Council must;

- draw up Terms of Reference (ToR) for the review, specifying the area/s under review and any consequential matters that need to be considered.
- consult local government electors for the area under review and any other person or body (including a local authority) who appears to have an interest in the review.
- have regard to the need to secure that community governance within the area under review “reflects the identities and interests of the community in that area, and is effective and convenient”.
- take into account any representations received in connection with the review.
- publish recommendations as soon as practicable after making them and take steps to ensure that those who may be interested in the review are informed of those recommendations.

1.3.2 Subject to these duties, it is for the Council to decide how to undertake the review.

1.3.3 It is important to note that the two statutory criteria for determining a CGR are set out in the LGPIH. The LGPIH states (part 4, chapter 3, paragraph 93) that

“The principal council must have regard to the need to secure that community governance within the area under review —

(a) reflects the identities and interests of the community in that area, and

(b) is effective and convenient.”

1.4 Draft Proposals

1.4.1 As set out in **Annex 2**, there were three proposals set out for consultation, all regarding the boundaries of Kings Hill parish:

Proposal A1 – that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended to include the area marked A1 on the map at **Annex 3**.

Proposal A2 –that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended such that the area marked A2 on the map at **Annex 3** remain within East Malling & Larkfield parish.

Proposal B – that the parish boundary between Kings Hill and Wateringbury parishes marked B on the map at **Annex 3** remain within Wateringbury.

1.5 Consultees

1.5.1 The following organisations and individuals were sent a written copy of the proposal and invited to respond:

- all householders directly affected by the change – (none in this case).
- the three parish councils (Kings Hill, Wateringbury, and East Malling & Larkfield).
- local Borough Councillors for the affected wards.
- Kent County Council, and local County Councillors.
- local political parties.
- the Member of Parliament.
- the Electoral Commission.
- Liberty Property Trust.
- Kings Hill Golf Club.

1.6 Responses to the consultation

- 1.6.1 During the consultation period, a total of 22 responses were received, including several on behalf of households (rather than individuals) and a petition comprising 59 signatures. Members should note this level of response, compared to previous CGRs (Leybourne Chase in 2013, 11 respondents; all parishes in 2008, 17 respondents) particularly given that there are no residential properties contained within any of the areas under consideration.
- 1.6.2 A summary of the responses received can be found at **Annex 4** and the detailed responses are included at **Annex 5**. Members will note that these documents, in their redacted state, will be published after the conclusion of the Review.
- 1.6.3 It is a requirement of a CGR to consult. Members are therefore asked to read all of the responses to the consultation and give them due consideration.
- 1.6.4 Within the responses received, there were a number of recurring themes, as well as specific comments Members will need to be aware of. These are outlined below. For convenience, I have split responses down by the three proposal areas.
- 1.6.5 **Area A1**

- 1) In considering the Draft Proposals prior to the consultation, Members were advised:

Area A1 is currently part of East Malling & Larkfield parish (East Malling parish ward). This area includes the allotment site, the Kings Hill sports park and pitches, and land identified through the Kings Hill Phase 3 Masterplan as being allocated as 'Amenity Green Space'. Therefore this land is already, or very soon will be, used by residents of the parish of Kings Hill. It is accessible by road via Kings Hill parish, and is designed to serve the residents of that community. There are no residential properties in this area, and the only commercial properties are the Sports Park itself. KHPC have expressed a wish to use this as a facility for the Parish Council itself in future. I advise that area A1 does meet the two statutory criteria.

Representatives from Wateringbury parish council have expressed concern that a transfer of land from any parish to Kings Hill should not open up access routes that would add to traffic and congestion in surrounding roads. The planning application that formed the basis of the development of Kings Hill was approved subject to no vehicular access being granted through Wateringbury or East Malling, and the outcome of the CGR itself would not affect that. The western end of Teston Road is currently in Kings Hill, with the remainder in Wateringbury. That situation will not change as part of this CGR.

- 2) The consultation document stated:

The Borough Council proposes that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended to include the area marked A1 on the map within Kings Hill.

- 3) Of the 22 responses, five did not comment upon this proposal. Of the remainder, five supported the proposal, one supported it subject to clarifications, one raised concerns without expressing a final view, and ten were opposed to it. It is notable that East Malling & Larkfield Parish Council support this proposal, albeit with some reluctance, as they recognise that the statutory criteria have been met. Kings Hill Parish Council also support this proposal.

	Number of respondents	Notes
Support the proposal, such that area A1 becomes part of Kings Hill parish	5	Includes East Malling & Larkfield Parish Council, and Kings Hill Parish Council.
Object to this proposal, such that area A1 remains within East Malling & Larkfield	10	
Support subject to clarifications	1	
Raised concerns but no final view expressed	1	
No comment	5	
Total	22	

- 4) In more detail, the objections and concerns are as follows:

- (i) A number of residents were opposed to the draft proposal for this area, citing concerns about development that they consider will take place if the land is labelled as 'Kings Hill parish'. There is a strength of feeling amongst residents that the development of Kings Hill would continue into what is currently green open space, to the detriment of the local communities.

However, Members should note the two statutory criteria which must be used to adjudicate in a Community Governance Review: *“The principal council must have regard to the need to secure that community governance within the area under review — (a) reflects the identities and interests of the community in that area, and (b) is effective and convenient.”*

The possible future development of a plot of land is not a material concern of a CGR. In any case, this land is identified through the Kings Hill Phase 3 Masterplan as being allocated as 'Amenity Green Space' and not allocated for residential or commercial development.

Whilst residents may have concerns about future development in their local area, the crux of this part of the CGR is whether the possible redrawing of the boundary around Area A1 will meet the statutory criteria better than leaving them unchanged. Therefore I recommend that Members note these concerns, but consider that they of themselves cannot affect the decision about the future boundary of Kings Hill parish.

- (ii) Teston Parish Council submitted a detailed response to the consultation. Members are asked to read this (response 14 in **Annex 5**). Their main concern is thus:

We are strongly opposed to more vehicles being released onto Malling Road and Wateringbury Road via a re-opened Teston Road. This proposed boundary change must only increase the probability of such re-opening, as, presumably, Kings Hill Parish would press for a road link to the east of their Parish, rather than being restricted to Ashton Way / Malling Road along its western boundary.

As noted above, Members must consider only the statutory criteria when determining the outcome of a CGR – namely whether the possible redrawing of the boundary around Area A1 will meet the statutory criteria better than leaving them unchanged. The possible future re-opening of a road, which is opposed by a number of parish councils and local residents, is not a material concern. In addition, the revised boundary still leaves a portion of the Teston Road in East Malling & Larkfield Parish; it would be for the highways authority, in consultation with TMBC, to determine if a road is to be reopened not the local parish council; and the access routes to Kings Hill parish are subject to planning conditions. Therefore I recommend that Members note these concerns, but consider that they of themselves cannot affect the decision about the future boundary of Kings Hill parish.

Teston Parish Council have also raised issues with the consultation process and the Draft Proposals:

[a] "the Sports Ground is commercial. It is far from restricted to use by Kings Hill Parish residents..." This is correct. However, the area includes the allotment site, the Kings Hill sports park and pitches, and land identified through the Kings Hill Phase 3 Masterplan as

being allocated as 'Amenity Green Space'. It is accessible to vehicular traffic only via Kings Hill parish.

[b] "While...there are no residential properties within area A1, the nearby properties potentially most affected by activities at the Sports Park are in East Malling & Larkfield Parish." This is also correct. However, parish boundaries should reflect the identities and interests of the local community (as per the statutory criteria for the CGR). Any issues of noise or nuisance emanating from the Sports Park and affecting residents would be dealt with through the normal enforcement activities regardless of the parish in which the residents live. Planning decisions are made by the planning authority, not the parish councils, and the views of affected residents and concerned parish councils are considered when determining planning applications regardless of which side of a parish boundary line they live.

[c] "We are not aware that consultation has been as legislated", as Teston Parish Council were not directly contacted to engage in the consultation. The parish boundaries under consideration concern Kings Hill Parish Council and East Malling & Larkfield Parish Council. Teston Parish Council, in a neighbouring District, does not share this boundary under review. Therefore they were not identified as having an interest in the review. However, the consultation documents were sent to those named in paragraph 1.5, and copies published on our website where any interested party could view and download them. Until receiving their response to the consultation, Teston Parish Council did not contact us to raise any concern or to ask for further details or engage with Officers regarding this consultation in any way. I am therefore satisfied that the statutory consultees were contacted, and that Teston Parish Council, whilst not deliberately excluded from the initial consultee list, did not appear to have an interest in the review but nonetheless did have the opportunity to engage with it, and indeed did so by responding to the consultation. In my opinion, therefore, the consultation was conducted as per the requirements of the LGPIH Act 2007.

[d] "This proposal would fail on criterion 4(b) [the statutory criteria that community governance is effective and convenient]" because "the closest adjacent residential properties are in East Malling & Larkfield Parish." As noted above, the nearest residential properties are within East Malling & Larkfield. However, those properties are, and will remain, part of East Malling & Larkfield parish. The community governance for those properties is not changing, and the potential movement of a boundary to encompass Area A1 will not affect their governance arrangements. If the Borough Council were to use the suggestion that parish boundaries should include land

and developments based on the parish of the nearest residential properties, almost every parish boundary would be redrawn and revised on a regular basis. I am therefore satisfied that the proposal does not fail as suggested by Teston parish council.

- (iii) Wateringbury Parish Council submitted responses to the consultation (responses 3 and 9 in **Annex 5**). Their main concern is thus: “Wateringbury Parish Council is concerned to ensure that any change or transfer reiterates that the insubstantial gap between the southern boundary of area A1 and the highway within our parish boundary (Teston Road) cannot be breached, however inadvertently by any consequence of such transfer, as the same would nullify the conditions referred to above to the great concern of Wateringbury Parish Council for the reasons promulgated at the time the Kings Hill development was approved.”

As cited above in (i), these are planning matters. The possible future development of a plot of land is not a material concern of a CGR.

Whilst the parish council may have concerns about future development in their local area, the crux of this part of the CGR is whether the possible redrawing of the boundary around Area A1 will meet the statutory criteria better than leaving them unchanged. Therefore I recommend that Members note these concerns, but consider that they of themselves cannot affect the decision about the future boundary of Kings Hill parish. The planning conditions associated with the development of Kings Hill are not affected or cancelled by a change in parish boundary.

- (iv) East Malling & Larkfield Parish Council submitted a response following a public meeting about the consultation (response 10 in **Annex 5**). Within this they expressed the following three points:

[a] “There were some present who felt no change to the long standing boundary should be made on the grounds no houses were involved and that where the boundary ran made no difference to Kings Hill Parish Council’s management of the allotments and sports pitches and facilities.”

Members are invited to note that the statutory criteria require that the council has “regard to the need to secure that community governance within the area under review — (a) reflects the identities and interests of the community in that area”, and to consider whether the possible redrawing of the boundary around Area A1 will meet the statutory criteria better than leaving them unchanged. Given the land is accessed by vehicular traffic only from Kings Hill, and is used to accommodate the Sports Park and allotments, both

managed by Kings Hill, it would appear that the redrawing of the boundary will better meet the statutory criteria.

In addition, Members are invited to note that, in response 12 East Malling & Larkfield Parish Council state “we accept its transfer [of area A1] to Kings Hill.”

[b] “There was a query raised as to whether the eastern boundary of A1 is correctly confined to the sports area and should not include any of Corio Farm, which is on the “Call for Sites” map of the Local Plan Review.”

As noted above, whether a site is included in a possible future development or not is immaterial to the CGR. However, Corio Farm is excluded from the proposed area A1. It is accepted that the boundary line on the consultation map is relatively wide, which may have led to the question being posed.

[c] “The same applies to the re-developed Heath Farm where it was queried if the strip of land adjoining forms part of the sports area or not.” The area highlighted is identified as ‘Amenity Green Space’ in the area plans and is included in area A1.

(v) East Malling & Larkfield Parish Council submitted a parish council response (response 12 of **Annex 5**). In this they state that they “accept its [Area A1] transfer to Kings Hill.”

5) As noted above, a number of concerns and objections have been raised to the possible realignment of the boundary as proposed for Area A1. However, none of those concerns or objections have identified a matter that is material to a CGR. Therefore, the crux of this part of the CGR is whether the possible redrawing of the boundary around Area A1 will meet the statutory criteria better than leaving them unchanged.

6) On balance, it appears to me that the statutory criteria are better met by redrawing the boundaries. I therefore recommend that:

[a] Members consider the responses to the consultation; and

[b] Members agree to the redrawing of the parish boundary such that Area A1 is transferred to Kings Hill, in the final recommendations.

1.6.6 Area A2

- 1) In considering the Draft Proposals prior to the consultation, Members were advised:

Area A2 is land to the north of Area A1. It is owned by Liberty Property Trust (the developer of Kings Hill). It includes the country park, land identified through the Kings Hill Phase 3 Masterplan as being allocated as 'Natural Green Space', and other undeveloped open space and woodland. This land is served by footpaths and bridleways, which open it up for use by both Kings Hill and East Malling residents. There are no residential properties, nor commercial properties, within this area. KHPC have expressed that they wish for Area A2 to also be included within the parish boundary of Kings Hill. However, I do not consider that it meets the statutory criteria. This is because it is not used solely by Kings Hill residents and so cannot be considered to "reflect the identities and interests of the [Kings Hill] community." Ownership of the land does not in itself identify a community use, and therefore cannot be considered to be criteria enough to transfer the land to be included within Kings Hill parish.

If future in-fill development were to take place, along The Heath or Watlingbury Road, the properties would currently be within East Malling. They would be part of the East Malling community, neighboured by other East Malling properties. However, if the land were to move to Kings Hill as set out, future in-fill developments would be part of Kings Hill parish, which would not be reflective of their community identity or interests.

- 2) The consultation document stated:

The Borough Council proposes that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended such that the area marked A2 on the map below remain within East Malling & Larkfield parish.

- 3) Of the 22 responses, three did not comment upon this proposal. Of the remainder, 18 supported the proposal (either explicitly or through objecting to any change of the boundary), and one was opposed to it.

	Number of respondents	Notes
Support the proposal, such that area A2 remains within East Malling & Larkfield	18	
Object to this proposal, such that area A2 becomes part of Kings Hill parish	1	Kings Hill Parish Council
No comment	3	
Total	22	

- 4) In more detail, the objections and concerns are as follows:
- (i) Kings Hill Parish Council (response 8 of **Annex 5**) objected to the Borough Council's draft proposal. Their comments were:
- [a] "This area includes Warren Woods and other land at Heath Farm. The land at Warren Woods is specifically designed to serve the residents of Kings Hill and forms part of the Section 106 obligations of the developer as part of Phase 2 of Kings Hill."
- As noted above, planning conditions and concerns are not material to a Community Governance Review. As such, the use of Section 106 provision by a developer does not necessitate a change in parish boundary.
- [b] "It is also adjacent to Area A1 and directly accessible from the Sports Park in Area A1." It is correct that areas A1 and A2 are adjacent. However close proximity does not of itself create a necessity to move parish boundaries. The land in area A2 does not have vehicular access, but has pedestrian access from both Kings Hill and East Malling.
- 5) The points raised in the earlier paper about in-fill properties remain valid.
- 6) The key question for Members to consider in this part of the CGR is whether the possible redrawing of the boundary around Area A2 will meet the statutory criteria better than leaving them unchanged.
- 7) On balance, it appears to me that the statutory criteria are better met by leaving this boundary unchanged. I therefore recommend that:
- [a] Members consider the responses to the consultation, both the supporting arguments in **Annex 5** and the objections noted above; and
- [b] Members agree to the redrawing of the parish boundary such that Area A2 remains within East Malling & Larkfield.

1.6.7 Area B

- 1) In considering the Draft Proposals prior to the consultation, Members were advised:

Area B is currently part of Wateringbury. This area includes part of the Kings Hill Golf Club. Whilst users of the Golf Club are from a wider area than Kings Hill alone, it is accessible by road via Kings Hill parish. There are no residential properties in this area, and the only commercial properties are the facilities of the Golf Club itself.

However, if future in-fill development were to take place, along Canon Lane or the eastern edge of Danns Lane, the properties would currently be within Wateringbury. They would be part of the Wateringbury community, neighboured by other Wateringbury properties. However, if the land were to move to Kings Hill as set out, future in-fill developments would be part of Kings Hill parish, which would not be reflective of their community identity or interests.

- 2) The consultation document stated:

The Borough Council proposes that the parish boundary between Kings Hill and Wateringbury parishes marked B on the map below remain within Wateringbury.

- 3) Of the 22 responses, four did not comment upon this proposal. Of the remainder, 17 supported the proposal (either explicitly or through objecting to any change of the boundary), and one was opposed to it.

	Number of respondents	Notes
Support the proposal, such that area A2 remains within Wateringbury parish	17	
Object to this proposal, such that area A2 becomes part of Kings Hill parish	1	Kings Hill Parish Council
No comment	4	
Total	22	

- 4) In more detail, the objections and concerns are as follows:

- (ii) Kings Hill Parish Council (response 8 of **Annex 5**) objected to the Borough Council's draft proposal. Their comments were:

[a] "This area is a protected open space and therefore is extremely unlikely to be available to residential development as mentioned."

Whilst large-scale development is unlikely, in-fill development remains possible. Therefore, the arguments stated above remain true.

[b] “The Golf Club is only accessible from Kings Hill. It is not accessible from Wateringbury parish by vehicle at all. Pedestrian access is also extremely limited and is hard to access from Wateringbury parish.”

[c] “The current parish boundary cuts right through the Kings Hill Golf course and cannot be described as ‘effective and convenient’ as it currently stands.” The statutory criteria refer to local governance being ‘effective and convenient’. Kings Hill Parish Council does not have a controlling interest in the Golf Course, which also extends into a third parish not mentioned thus far in the CGR, and is not concerned with boundaries matching land ownership of private land per se.

[d] “It is adjacent to Kings Hill residential areas but a significant distance from the centre of Wateringbury village.” Whilst this is correct, there are houses immediately abutting the golf course, and these properties are part of Wateringbury parish. Close proximity does not of itself create a necessity to move parish boundaries. There are other areas within the Borough where houses are closer to a plot of land, whether in use or not, than the parish to which that land ‘belongs’, but there is no need to move the parish boundaries until they are equidistant from existing properties as noted above.

[e] “Therefore KHPC believe that Area B meets the statutory criteria as there are no residential properties in this area and it can only be accessed through Kings Hill so it would be effective and convenient to have the whole golf course within the boundary of Kings Hill rather than just a portion of it. This would ‘reflect the identities and interests of the community in that area’ as the round trip from Wateringbury is prohibitively onerous”.

There is no evidence that the only people who use Kings Hill Golf Course are residents of Kings Hill, and this is highly unlikely. The Golf Course were invited to respond to the consultation, but no response was received. Kings Hill Golf Course is currently split across three parishes, as part of the land is in Mereworth. However, there has to date been no suggestion to amend the parish boundary to include that part of the Golf Course within Kings Hill.

The statutory criteria refer to the identities and interests ‘of the community in that area’. The ‘area’ is the area subject to the review. As noted, there are no residential properties in Area B so no

identities or interests of residents themselves to consider. Instead, one must consider the identities and interests of the users of the Golf Course, and whether the course being wholly within Kings Hill will have a positive, negative or neutral effect on their identities and interests. It is worth noting, as other respondents to the consultation did, that many golf courses cross over local boundaries.

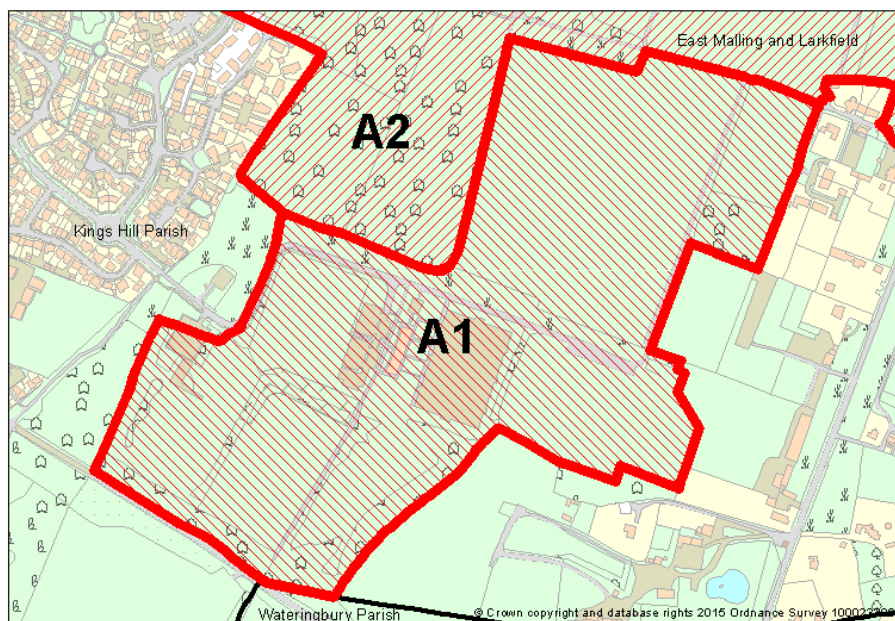
- 5) The key question for Members to consider in this part of the CGR is whether the possible redrawing of the boundary around Area B will meet the statutory criteria better than leaving them unchanged.
- 6) On balance, it appears to me that the statutory criteria are better met by leaving this boundary unchanged. I therefore recommend that:
 - [a] Members consider the responses to the consultation, both the supporting arguments in **Annex 5** and the objections noted above; and
 - [b] Members agree that the boundary in this area remain unchanged such that Area B remains in Wateringbury parish.

1.7 Final Proposal for General Purposes Committee

- 1.7.1 The responses received to the consultation have been taken into account in finalising the proposal as set out below. This Final Proposal will be published by General Purposes Committee and, subject to their approval, will be adopted and take effect from the May 2019 elections.

Proposal:

The parish boundary between Kings Hill and East Malling & Larkfield parishes be amended to include the area marked A1 on the map below within Kings Hill.



- 1.7.2 In producing this Final Proposal, Members will note that the draft Proposals for Area A2 and Area B have been endorsed, in that no change to those areas is proposed.

1.8 Legal Implications

- 1.8.1 The Council is required to keep parish electoral arrangements under review, and to undertake a CGR to consider and implement any necessary changes.

1.9 Financial and Value for Money Considerations

- 1.9.1 The financial cost of undertaking the CGR will include the costs of publishing notices and consulting with stakeholders. It is anticipated that these costs can be met from existing budgets.

1.10 Risk Assessment

- 1.10.1 Failing to undertake the review may lead to electoral arrangements that are less effective and less convenient.
- 1.10.2 Failure to comply with statutory guidance, or to make decisions contrary to the statutory criteria, could lead to a formal objection by certain interested parties. This could lead to a review of the decision-making process and outcome by the Electoral Commission.

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 It is recommended that Members:

- 1) Consider the responses to the consultation.
- 2) Agree to the redrawing of the parish boundary such that Area A1 is transferred to Kings Hill.
- 3) Agree to the redrawing of the parish boundary such that Area A2 is **not** transferred to Kings Hill.
- 4) Agree that Area B is **not** transferred to Kings Hill.
- 5) Agree that the Final Proposal be endorsed (paragraph 1.7) and presented to the General Purposes Committee for publication and adoption, such that the boundary be amended from the May 2019 elections.

contact: Richard Beesley

Julie Beilby
Chief Executive

A review of parish electoral arrangements under the
Local Government and Public Involvement in Health Act 2007

Introduction

Tonbridge & Malling Borough Council has resolved to undertake a Community Governance Review (CGR) pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007, to consider the parish boundaries between Kings Hill and East Malling & Larkfield, and Kings Hill and Wateringbury parishes.

Why undertake a Community Governance Review?

A CGR provides an opportunity for principal authorities to review and make changes to community governance within their area. Such reviews can be undertaken when there have been changes in population or in reaction to specific, or local, new issues to ensure that the community governance for the area continues to be effective and convenient and it reflects the identities and interests of the community.

The government has emphasised that ultimately, recommendations made in a CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Government guidance further states that it is good practice to conduct a [full] review at least every 10 – 15 years and keep the area under review in the interim. The most recent similar reviews were;

- Tonbridge and Malling (Parishes) Order 2000, coming into force on 1 April 2002.
- Tonbridge and Malling (Electoral Changes) Order 2001, coming into force 1 May 2003.
- The Tonbridge and Malling Borough Council (Reorganisation of Community Governance) Order 2009, coming into force 1 April 2010.
- The Tonbridge and Malling Borough Council (Reorganisation of Community Governance) Order 2014, coming into force 1 April 2015.

The parish of Kings Hill was created in 1999 through The Tonbridge and Malling (Parishes) Order 1999. Since then the community has grown considerably and new residential, commercial and recreational facilities have been and continue to be built. The majority of this development has taken place within the boundary of the parish. However, some recent development has extended beyond the current Kings Hill parish boundary.

KHPC have requested this review of boundaries to ensure the parish boundary reflects the interests and identities of the local communities. The ongoing development of Kings Hill has, until relatively recently, meant that clear boundaries of the extent of local development have not been available. Those boundaries are now clearer, allowing for a more definitive review to take place.

Score of the review

Tonbridge & Malling Borough Council has resolved to undertake a CGR to consider whether governance arrangements for the parish of Kings Hill are:

- a) reflective of the identities and interests of the community in that area; and
- b) effective and convenient to the community in that area.

In doing so the review is required to take into account:

- a) the impact of community governance arrangements on community cohesion; and
- b) the size, population and boundaries of the local community or parish.

Specifically, the review will consider the parish boundaries between Kings Hill and East Malling & Larkfield, and Kings Hill and Wateringbury parishes.

Who will undertake the community governance review

As the principal authority, the Borough Council are responsible for undertaking any CGR within its electoral area.

The committee responsible for overseeing this process is the “General Purposes Committee” (GP). The council’s “Electoral Review Working Group” (ERWG) will conduct the review and make recommendations to GP for adoption and creation of a Reorganisation of Community Governance Order.

A timetable for the review

A CGR must, by statute, be concluded within a twelve month period from the day on which the review commences. A CGR commences when the Borough Council publishes its Terms of Reference and it concludes when the Borough Council publishes the recommendations made in the review.

Action	Timetable	Outline of action
Terms of Reference (ToR) are published	Start Date 2 February 2016	Borough Council publishes ToR and notifies stakeholders, clearly defining extent of the review and consequential matters.
Publish Draft Proposals	2 February 2016	Borough Council publishes Draft Proposals and commences formal consultation upon them.
Consultation	2 February 2016 to 9 May 2016	Borough Council undertakes a full consultation requesting support for the Draft Proposals, or alternative proposals.
Final Proposals are prepared	During May 2016	Borough Council considers results of consultation and prepares Final Proposals.
Final Proposals are determined	June 2016	Borough Council (General Purposes Committee) determines Final Proposals
Council publishes the reorganisation order	thereafter	Borough Council publishes a reorganisation order concerning Parish matters.

PRINCIPLES GUIDING THE REVIEW

Relevant legislation

In undertaking a CGR, the Borough Council will apply the guiding principles as appropriate from the following legislation and guidance;

- The Local Government and Public Involvement in Health Act 2007
- The Local Government Act 1972
- Guidance on Community Governance Reviews (DCLG/EC)
- Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625)
- Local Government Finance (New Parishes) Regulations 2008 (SI2008/626)

Electorate forecasts for the borough

In considering the electoral arrangements of the parishes stated within these Terms of Reference the Borough Council is required to consider any change in the number or distribution of the electors which is likely to occur in the period of five years beginning with the day when the review starts. In the affected areas there are no registered electors and no residential properties. Electorate forecasting is therefore not relevant in this review.

Consultation

Before making or publishing Final Proposals, in line with legislative requirements, the Borough Council will take full account of the views of local people. The Borough Council will comply with legislative requirements by;

- a) consulting local government electors for areas under review;
- b) consulting any other person or body (including a local authority) which appears to the principal council to have an interest in the review;
- c) consulting the county council; and
- d) taking into account any representations received in connection with the review.

When taking account of written representations the Borough Council is bound to have regard to the need to secure that community governance within the area under review is;

- a) reflective of the identities and interests of the community in that area; and
- b) effective and convenient to the community in that area.

In order to ensure that this review is conducted transparently, as soon as practicable the Borough Council will publish its recommendations and take such steps as it considers sufficient to ensure that persons who may be interested in the review are informed of the recommendations and the reasons behind them.

The Borough Council will also notify each consultee and any other persons or bodies who have made written representations, of the outcome of the review.

LOCAL COUNCILS

The value of local councils

The Borough Council believes that local parish and town councils play an important role in terms of community empowerment at a local level and want to ensure that local governance in the areas subject to this review continue to be robust, representative and enabled to meet the challenges that lie before it.

The Parish Charter sets out a series of principles which characterise and underpin working relationships between the Borough Council and parish/town councils. The Charter recognises the importance of effective joint working between all tiers of local government including county, borough and parish and town councils as a fundamental part of local democracy.

Furthermore, it recognises that parish/town councils have a key role to play in representing the views, promoting the needs, of the borough's local communities and neighbourhoods and that every opportunity should be afforded to them to express such views to the Borough Council prior to any decisions taken which might affect local circumstances

Parish boundaries

The Borough Council considers that 'natural' settlements or settlements as they are defined in the Local Development Framework should not in normal circumstances be partitioned by parish boundaries.

The Borough Council considers that the boundaries between parishes should where possible either reflect the 'no-man's land' between communities represented by areas of low population or by pronounced physical barriers. Pronounced physical barriers might include natural boundaries such as rivers or man-made features such as railways or roads.

In reaching conclusions on the boundaries between parishes, the Borough Council will take into account community identity and interests in an area and will consider whether any particular ties or linkages might be broken by the drawing of particular boundaries. Equally, the Borough Council, during its consultations will be mindful that proposals which are intended to reflect community identity and local linkages should be justified in terms of sound and demonstrable evidence of those identities and linkages.

In any event the Borough Council will endeavour to select boundaries that are, and are likely to remain, easily identifiable as well as taking into account any local ties which might be broken by the fixing of any particular boundaries.

The Electoral Commission has suggested that a relevant consideration for the Borough Council when undertaking a CGR is that the borough wards / county electoral divisions should not spilt an unwarded parish and that no parish ward should be split by such a boundary.

Parish and Town Council level of membership

The Borough Council notes that legally the number of parish councillors for each parish council shall not be less than five and that there is no maximum number. In the instance of parish wards, any warded parish must have at least one parish councillor per ward. Furthermore, each area should be considered on its own merits, having regard to its population, geography and the pattern of communities.

The government has advised, and the Borough Council agrees, that it is an important democratic principle that each person's vote should be of equal weight so far as possible, having regard to other legitimate competing factors, when it comes to the election of councillors.

Whilst it will not be possible, nor desirable, to create absolute uniformity in councillor representation at a parish level it is the policy of the Borough Council to provide an equality of representation across the borough as far as possible.

To ensure that there is an equitable level of representation at parish level on a borough wide basis the Borough Council has adopted the general policy that;

The number of councillors for each parish council should be at least equal to the levels of representation specified within the National Association of Local Councils (NALC) Guidelines.

However, whilst the Borough Council is keen to ensure that the allocation of councillors to parish councils is equitable across the borough, it acknowledges that local circumstances may occasionally merit variation. Therefore, in exceptional circumstances, or in the case of parish warding, the Borough Council accepts that it may be appropriate to increase or decrease the allocation of councillors to a parish council to reflect local circumstances.

Whilst the Borough Council has discretion in this matter and will be mindful to apply the NALC guidelines it will, wherever possible, fully consider and take into account the wishes of the local area and the existing levels of representation which have stood the test of time before arriving at a decision.

How to contact us

If you would like to say how you view potential future arrangements under these Terms of Reference please submit your written comments to:

Julie Beilby
Chief Executive
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Alternatively, your submission may be emailed to voting@tmbc.gov.uk

Should you require any further information or need clarification on the review process please contact:

Richard Beesley
Elections & Special Projects Manager

Telephone 01732 876022
Email voting@tmbc.gov.uk

Publication of Terms of Reference

These Terms of Reference will be published on the Borough Council web site www.tmbc.gov.uk and will be available for public inspection at the offices in Kings Hill, West Malling and at Tonbridge Castle, Tonbridge.

Notices advertising this Community Governance Review and the availability of these Terms of Reference will also be posted within each relevant Parish.

Date of publication

2 February 2016

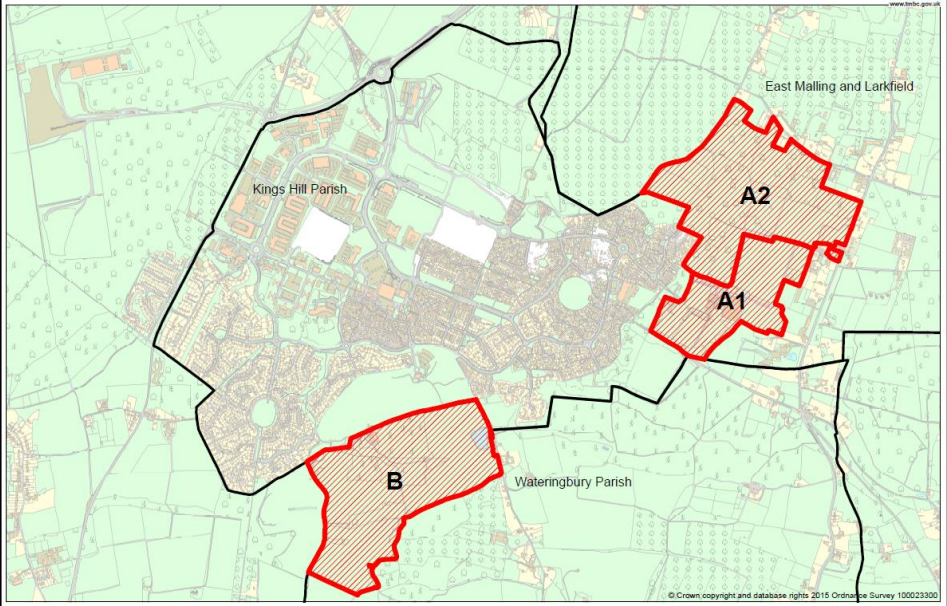
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Community Governance Review 2016

A review of parish electoral arrangements under the Local Government and Public Involvement in Health Act 2007

You are invited to comment on these proposals, and/or suggest alternative options by 9 May 2016.

Community Governance Review 2016



DRAFT PROPOSALS

For consultation



Summary

Tonbridge & Malling Borough Council commenced this Community Governance Review in February 2016. The Borough Council propose to:

1. Amend the parish boundary between the parishes of between Kings Hill and East Malling & Larkfield parishes.

Consultation

You are invited to comment on these proposals, and/or suggest alternative options by **9 May 2016**. Contact details are at the back of this document.

The Community Governance Review

In February 2016, Tonbridge & Malling Borough Council started a Community Governance Review¹ to consider the parish boundaries between Kings Hill and East Malling & Larkfield, and Kings Hill and Wateringbury parishes.

Why undertake a community governance review (CGR)?

This review is being conducted to ensure that the community governance within the borough continues to be effective and convenient, and that it reflects the identities and interests of the local community.

The parish of Kings Hill was created in 1999 through The Tonbridge and Malling (Parishes) Order 1999. Since then the community has grown considerably and new residential, commercial and recreational facilities have been and continue to be built. The majority of this development has taken place within the

¹ Pursuant to Part 4, Chapter 3 of the Local Government and Public Involvement in Health Act 2007.

boundary of the parish. However, some recent development has extended beyond the current Kings Hill parish boundary.

KHPC have requested this review of boundaries to ensure the parish boundary reflects the interests and identities of the local communities. The ongoing development of Kings Hill has, until relatively recently, meant that clear boundaries of the extent of local development have not been available. Those boundaries are now clearer, allowing for a more definitive review to take place.

Recommendations made through a CGR ought to bring about improved community engagement, more cohesive communities, better local democracy and result in more effective and convenient delivery of local services.

Scope of the review

The Borough Council resolved to undertake a CGR to consider whether governance arrangements within the above parishes are (a) reflective of the identities and interests of the community in that area; and (b) effective and convenient to the community in that area.

In doing so the review has taken into account (a) the impact of community governance arrangements on community cohesion; and (b) the size, population and boundaries of the local community or parish. Specifically, the review is considering:

PARISH BOUNDARIES

The parish boundaries between Kings Hill and East Malling & Larkfield parishes, and between Kings Hill and Wateringbury parishes.

Timetable for the review

The review formally started on 2 February 2016 with the publication of the Terms of Reference (available from www.tmbc.gov.uk/voting). The draft proposals in this document are now open to consultation until **9 May 2016**, after which Final Proposals will be prepared and presented to the General Purposes Committee of the Borough Council in June 2016.

After formal agreement, we will publish a reorganisation Order.

Please note that parish boundaries will not change until after the completion of the review.

Statutory criteria

It is important to note that the two statutory criteria for determining a Community Governance Review are set out in the Local Government & Public Involvement in Health Act 2007, which LGPIH states (part 4, chapter 3, paragraph 93) that

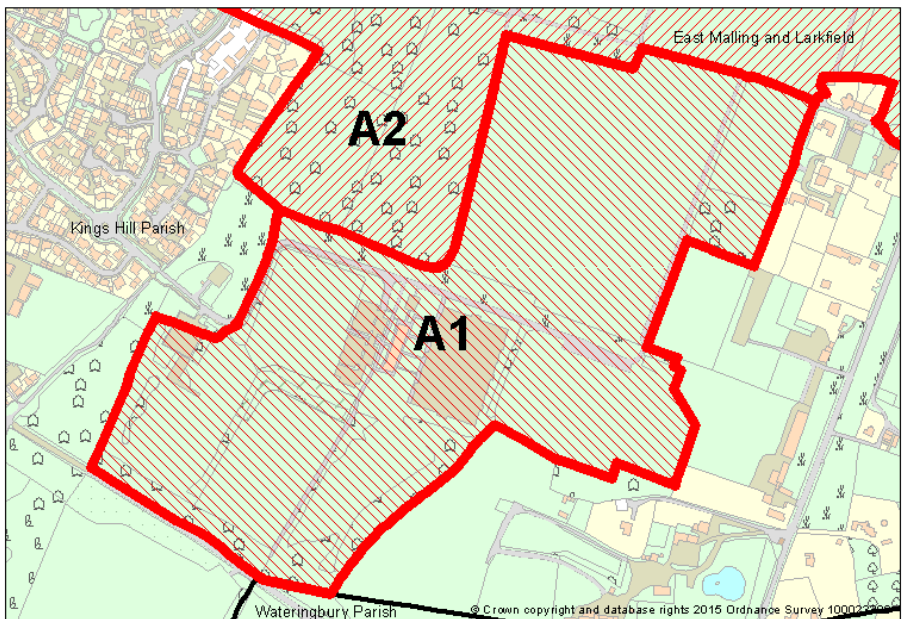
“The principal council must have regard to the need to secure that community governance within the area under review —

(a) reflects the identities and interests of the community in that area, and

(b) is effective and convenient.”

Parish boundary – Proposal A1

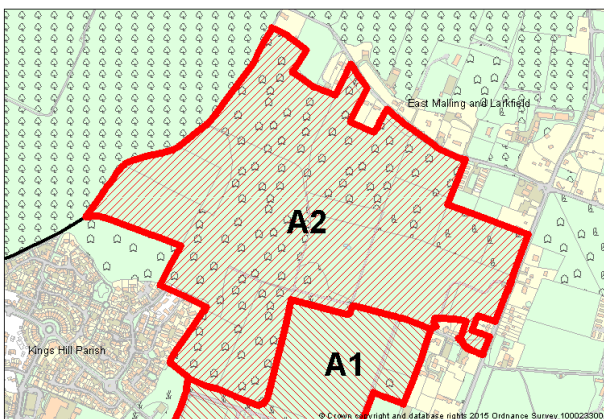
The Borough Council proposes that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended to include the area marked A1 on the map below within Kings Hill. This land is already, or very soon will be, used by residents of the parish of Kings Hill. It is accessible via Kings Hill parish, and is designed to serve the residents of that community. There are no residential properties in this area, and the only commercial properties are the Sports Park itself. KHPC have expressed a wish to use this as a facility for the Parish Council itself in future. Area A1 does meet the two statutory criteria.



Parish boundary – Proposal A2

The Borough Council proposes that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended such that the area marked A2 on the map below remain within East Malling & Larkfield parish. We have been asked to consider, and therefore consult, on the possible inclusion of Area A2 within Kings Hill parish. However, we do not consider that it meets the statutory criteria. This is because it is not used solely by Kings Hill residents and so cannot be considered to “reflect the identities and interests of the [Kings Hill] community.” Ownership of the land does not in itself identify a community use, and therefore cannot be considered to be criteria enough to transfer the land to be included within Kings Hill parish.

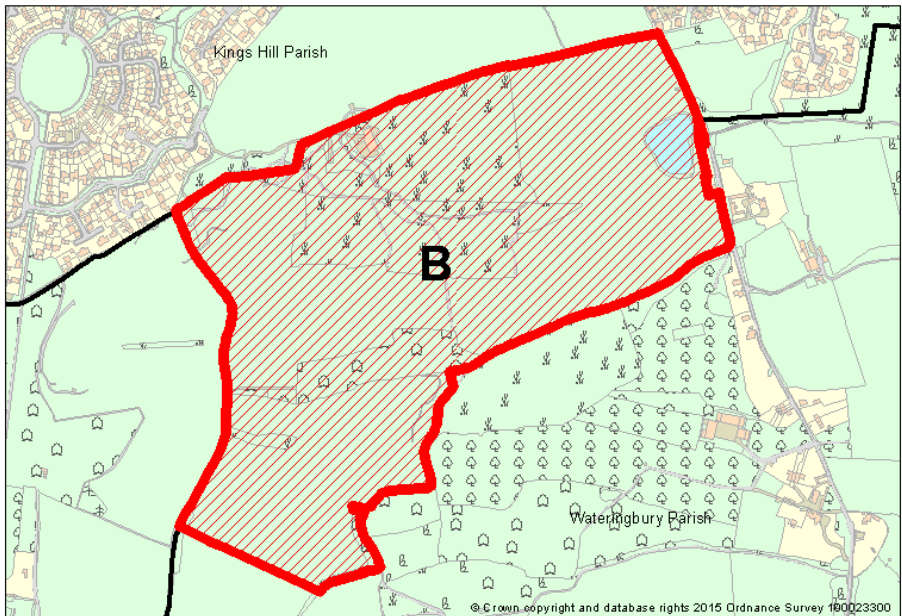
If future in-fill development were to take place, along The Heath or Watringbury Road, the properties would currently be within East Malling. They would be part of the East Malling community, neighboured by other East Malling properties. However, if the land were to move to Kings Hill, future in-fill developments would be part of Kings Hill parish, which would not be reflective of their community identity or interests. The land includes the country park, land identified through the Kings Hill Phase 3 Masterplan as being allocated as ‘Natural Green Space’, and other undeveloped open space and woodland. This land is served by footpaths and bridleways, which open it up for use by both Kings Hill and East Malling residents.



Parish boundary – Proposal B

The Borough Council proposes that the parish boundary between Kings Hill and Wateringbury parishes marked B on the map below remain within Wateringbury. This land is part of the Kings Hill Golf Club (much of the rest is already in Kings Hill parish). Whilst users of the Golf Club are from a wider area than Kings Hill alone, it is accessible via Kings Hill parish. There are no residential properties in this area, and the only commercial properties are the facilities of the Golf Club itself.

However, if future in-fill development were to take place, along Canon Lane or the eastern edge of Danns Lane, the properties would currently be within Wateringbury. They would be part of the Wateringbury community, neighboured by other Wateringbury properties. However, if the land were to move to Kings Hill as set out, future in-fill developments would be part of Kings Hill parish, which would not be reflective of their community identity or interests.



Contact Details

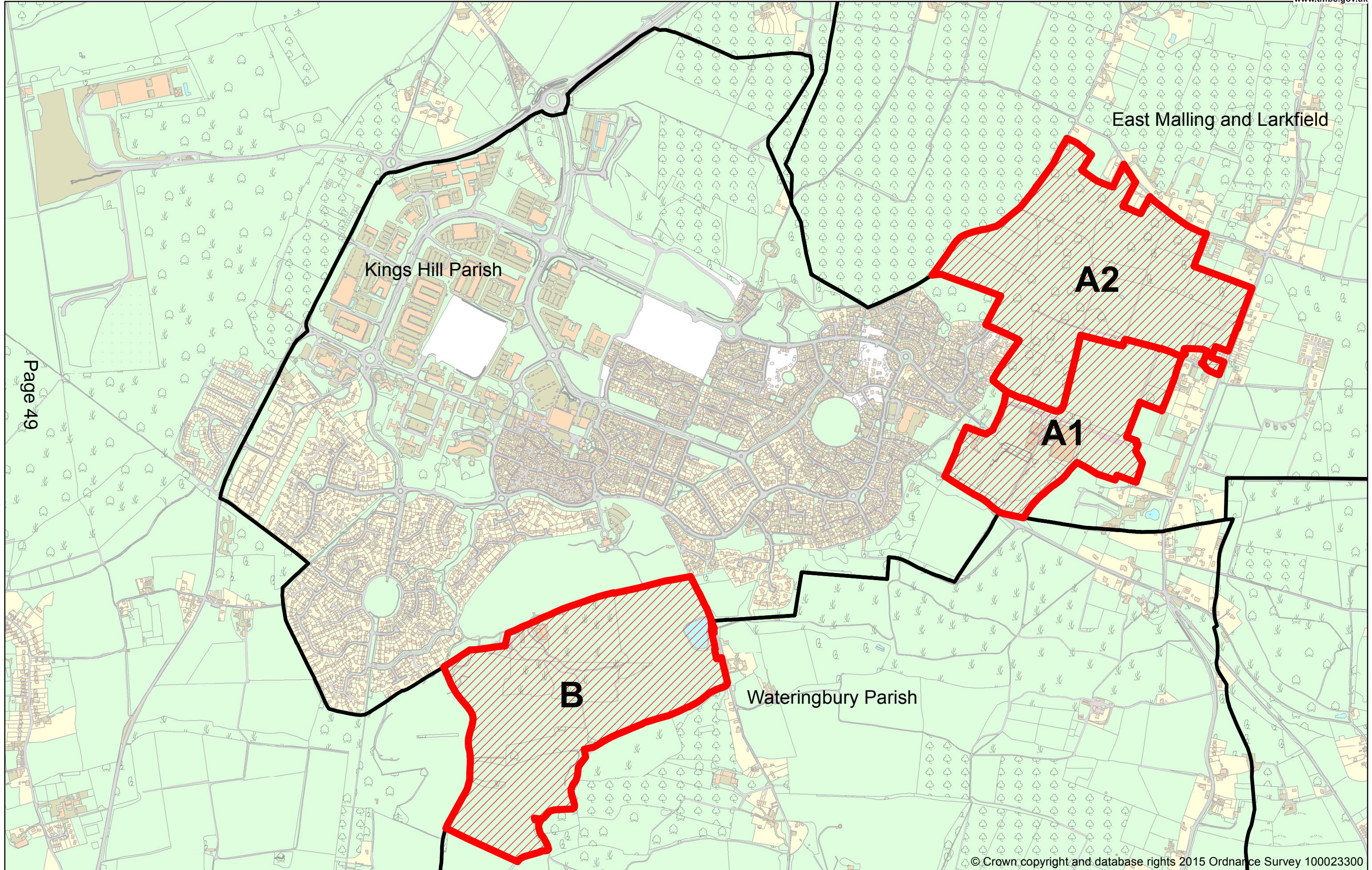
If you would like to comment on the proposals in this document, please submit your written comments no later than 9th May 2016 by email to voting@tmbc.gov.uk. Alternatively your submission may be sent to:

Julie Beilby
Chief Executive
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Should you require any further information or need clarification on the review process please contact:

Richard Beesley
Elections & Special Projects Manager

Telephone 01732 876022
Email voting@tmbc.gov.uk



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Ref#	Date	Stakeholder	Summary	Area A1	Area A2	Area B
1	2/2/16	Cllr Balfour	Agree with Borough Council proposals.	Support proposals	Support proposals	Support proposals
2	3/2/16	Electoral Commission	No comments. Deferred to LGBCE.	N/a	N/a	N/a
3	2/3/16	Wateringbury Parish Council	Support Borough Council proposal regarding Area B, remaining in Wateringbury.	N/a	N/a	Support proposals
4	15/3/16	Local residents Middle Mill Road East Malling	Oppose area A2 being included in Kings Hill (thereby supporting the Borough Council proposal for that area). Objecting as they do not wish the land to be developed in future.	N/a	Support proposals	N/a
5	16/3/16	Local resident	Object to all proposed amendments to the parish boundary (thus supporting the Borough Council's proposal for areas A2 and B): "There is clearly a bias towards new build develops and towns making life easy for governing bodies. However, there is an equally if not greater bias within local communities towards maintaining our green space, green fields and countryside from developments and new towns which damage the heritage and recreational space already used by the public and community."	Object	Support proposals	Support proposals
6	9/4/16	Local resident	Object to all proposed amendments to the parish boundary: "There are no guarantees that Kings Hill will not subsequently put buildings within the area A2 as they have done in A1 and then put in a further application to move the boundary because they are legitimately using the area, as they have done with area A1. This gradual creep of Kings Hill which is already impinging on surrounding local communities and is already causing problems with traffic and infrastructure needs to be firmly stopped as we will otherwise lose	Object	Support proposals	Support proposals

Ref#	Date	Stakeholder	Summary	Area A1	Area A2	Area B
			our community to the developers.”			
7	13/4/16	Tonbridge & Malling Labour Party	Support Borough Council proposals for Area A1 and Area A2, with no views on Area B.	Support proposals	Support proposals	N/a
8	15/4/16	Kings Hill Parish Council	Support Borough Council proposal for Area A1. Do not support proposal for Area A2, on the basis that it is “designed to serve the residents of Kings Hill and forms part of the Section 106 obligations of the developer as part of Phase 2 of Kings Hill” and is “directly accessible from the Sports Park”. Do not support the proposal for Area B, on the basis that the Golf Club is accessible from Kings Hill only, the parish boundary cuts through the site, and it is adjacent to the residential areas of Kings Hill.	Support proposals	Object	Object
9	16/4/16	Wateringbury Parish Council	Support Borough Council proposal for Area B. Concerns raised regarding Area A1 to ensure development does not take place that could lead to breach of planning conditions and the opening of Teston Road to vehicular access to Kings Hill.	Concerns raised	N/a	Support proposals
10	13/4/16	East Malling & Larkfield Parish Council, on behalf of residents at a public meeting and petition from residents	Support the Borough Council proposal for Area A1, subject to clarification on the revised boundary not including Corio Farm or Heath Farm. Support the Borough Council proposal for Area A2.	Support proposals subject to clarification on boundary	Support proposals	N/a
11	27/4/16	Local residents The Heath, East Malling	Object to realignment of parish boundaries, particularly areas A2 and B (thus supporting the Borough Council proposals for these areas.	No comments	Support proposals	Support proposals

Ref#	Date	Stakeholder	Summary	Area A1	Area A2	Area B
12	3/5/16	East Malling & Larkfield Parish Council	Support the Borough Council proposal for Area B. Accept transfer of Area A1 to Kings Hill (thus supporting the Borough Council proposal). Support the Borough Council proposal for area A2, retaining this area in East Malling.	Support proposals	Support proposals	Support proposals
13	4/5/16	Local resident Garner Drive, East Malling	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals
14	4/5/16	Teston Parish Council	Object to proposal to transfer land to Kings Hill on the basis of potential increased traffic via a re-opened Teston Road, which they consider likely if boundary changes take place. Concerns raised about the consultation process.	Object	Support proposals	Support proposals
15	5/5/16	Local resident The Rocks Road, East Malling	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals
16	3/5/16	Tonbridge & Malling Liberal Democrats	Accept transfer of Area A1 to Kings Hill (thus supporting the Borough Council proposal). Support the Borough Council proposals for Areas A2 and B.	Support proposals	Support proposals	Support proposals
17	8/5/16	Local resident	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals
18	8/5/16	Local resident	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals
19	8/5/16	Local resident The Rocks Road, East Malling	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green	Object	Support proposals	Support proposals

Page 53


Ref#	Date	Stakeholder	Summary	Area A1	Area A2	Area B
			space and the separate identities of the current communities.			
20	6/5/16	Local resident Rocks Close, East Malling	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals
21	9/5/16	Local resident The Heath, East Malling	Object to realignment of parish boundaries, particularly areas A2 and B (thus supporting the Borough Council proposals for these areas.	No comments	Support proposals	Support proposals
22	23/4/16	Local residents Lavenders Road, West Malling	Object to proposals that transfer land to Kings Hill, on the basis that they do not support development and wish to maintain green space.	Object	Support proposals	Support proposals

Richard Beesley

From: voting <voting@tmbc.gov.uk>
Sent: 03 February 2016 09:46
To: Richard Beesley
Subject: Fwd: Re: Community Governance Review (Kings Hill Parish)

>>> Matthew Balfour 02/02/2016 16:59 >>>
Dear Richard

I agree!

Regards - Matthew


>>> voting 02/02/16 1:46 PM >>>

Dear colleague

I am writing to advise you that Tonbridge & Malling Borough Council have commenced a review of parish electoral arrangements. This review, known as a Community Governance Review, has been requested by Kings Hill Parish Council due to recent and ongoing development that has extended beyond the current Kings Hill parish boundary.

Following informal discussions with representatives from the three potentially affected parish councils, Members of Tonbridge & Malling Borough Council have met and agreed (through General Purposes last night) to undertake this formal review. The enclosed booklet provides more details. In so doing, they have identified three distinct geographical areas (labelled as A1, A2 and B in the attached booklet) and made draft recommendations concerning each of these.

A formal consultation period has now commenced, ending on 9 May 2016. Local parish, Borough, County and Parliamentary representatives for the area concerned have been contacted and supplied with a copy of the attached booklet, as have a number of other statutory consultees.

Before the Borough Council arrives at a final decision about future arrangements, we want to give you the opportunity to put forward your views so that we can take them into account. We would welcome your written views by Monday 9 May 2016. Our contact details can be found at the back of the booklet. The Borough Council (via the Electoral Review Working Group and General Purposes) will consider all comments received before making a decision about future arrangements. If you have any questions about this review please contact me.

We welcome your comments whether you are in support of the recommendations or opposed to them. However, it would be useful if you could give your reasons for or against when you contact us. In particular, if you do not agree with any aspect of the draft recommendations, it would be very useful if you are able to suggest a suitable alternative, noting the statutory criteria below:

"The principal council must have regard to the need to secure that community governance within the area under review -

- (a) reflects the identities and interests of the community in that area, and
- (b) is effective and convenient."

Please note that we will not be making any changes to the parish electoral arrangements until the review is complete. Any changes that are made will, subject to agreement by other stakeholders, be changed with effect from

the next scheduled parish elections in 2019.

Thank you for taking the time to read this, I look forward to receiving your views.

Kind regards

Richard

Richard Beesley BSc(Hons) AEA(Cert)
Elections & Special Projects Manager, and
Deputy Returning Officer
Tonbridge & Malling Borough Council
Have you tried contacting us at www.tmbc.gov.uk/voting <<http://www.tmbc.gov.uk/voting>> ?

Richard Beesley

From: [REDACTED]@electoralcommission.org.uk>
Sent: 03 February 2016 16:46
To: Richard Beesley
Subject: RE: Community Governance Review (Kings Hill Parish)

Hi Richard

Thanks for your email. Given that the Boundary Committee, which was a statutory Committee of the Electoral Commission, separated from us several years ago, you should make contact with them directly on the subject of your review. They are now known as the Local Government Boundary Commission for England (LGBCE) . Here are their contact details:

<http://www.lgbce.org.uk/about-us/contact-us>

I hope that this make senses and guides you sufficiently!

Best wishes

Elizabeth Gorst
Regional Liaison Officer, South West
The Electoral Commission
South West of England Team

Advice and guidance line: 0333 103 1928
Advice and guidance email: infoengland@electoralcommission.org.uk

Direct Dial: [REDACTED]
Fax: 020 7271 0505
www.electoralcommission.org.uk
www.aboutmyvote.co.uk



You can now [register to vote online](#)

From: Richard Beesley [REDACTED]
Sent: 02 February 2016 13:30
To: infoengland
Subject: Community Governance Review (Kings Hill Parish)

Hello EC

We have today launched a consultation on proposed boundary changes for Kings Hill parish. As a statutory consultee, please find attached the consultation booklet and covering letter.

Kind regards

Richard

Richard Beesley BSc(Hons) AEA(Cert)
Elections & Special Projects Manager, and
Deputy Returning Officer
Tonbridge & Malling Borough Council



Have you tried contacting us at www.tmbc.gov.uk/voting ?

Have you tried contacting us at www.tmbc.gov.uk/do-it-online ?

This e-mail may contain information which is sensitive, confidential, or protectively marked up to OFFICIAL-SENSITIVE level and should be handled accordingly. If you are not the intended recipient of this e-mail or any part of it, please inform the sender immediately on receipt and do not copy it or disclose the contents to any other person. All e-mail traffic may be subject to recording and/or monitoring in accordance with relevant legislation.

Richard Beesley

From: voting
Sent: 02 March 2016 10:38
To: Richard Beesley
Subject: FW: Community Governance Review 2016

For you.
Carol

From: Susan Cockburn [REDACTED]
Sent: 02 March 2016 09:50
To: voting; voting@tmbc.gov.uk voting
Subject: Community Governance Review 2016

Good Morning

My Council refers to Richard Beesley's letter of the 2nd February with accompanying booklet.

They welcome and support the decision that the Parish Boundary - Proposal B remain within Wateringbury

Thank you

Regards

*Mrs Susan Cockburn
Clerk to Wateringbury Parish Council*

Richard Beesley

From: voting
Sent: 15 March 2016 09:02
To: Richard Beesley
Subject: FW: Change of Parish Boundaries

-----Original Message-----

From: Vivienne Meheux [REDACTED]
Sent: 15 March 2016 06:26
To: voting
Subject: Change of Parish Boundaries

We are opposed to A2 being included as part of Kings Hill Parish Council. There is no need as this land is a country park, undeveloped open space and woodland in East Malling and Larkfield and can be enjoyed by all who use it.

We do not want this land built on by Liberty in future years. Joining Kings Hill and East Malling as one!!!

Regards

[REDACTED]
Middle Mill Rd
East Malling
ME19 6PR

Sent from my iPad

Richard Beesley

From: voting
Sent: 16 March 2016 09:31
To: Richard Beesley
Subject: FW: **Richard Beesley** Parish Boundaries - proposed Amendment to the parish boundary between the parishes between Kings Hill - East Malling & Larkfield Parishes

From: Rob Wade [REDACTED]
Sent: 16 March 2016 09:20
To: voting
Subject: Fwd: **Richard Beesley** Parish Boundaries - proposed Amendment to the parish boundary between the parishes between Kings Hill - East Malling & Larkfield Parishes

FAO: Richard Beesley

I write to formally communicate my **objection** to the proposed amendments to the parish boundary between the parishes Kings Hill - East Malling & Larkfield Parishes (see drawing below)

There is no pressing justification that warrants the movement of the parish boundaries as identified and proposed by The Kings Hill Master Plan.

There are many many examples of cross parish boundary land lines/activity crossovers where residents and users from either parish are interlinked and overlap! Golf courses and playing fields for example.

There is clearly a bias towards new build develops and towns making life easy for governing bodies. However, there is an equally if not greater bias within local communities towards maintaining our green space, green fields and countryside from developments and new towns which damage the heritage and recreational space already used by the public and community.

Please take this as my formal objection to any proposals to change or alter the parish boundary as identified below.

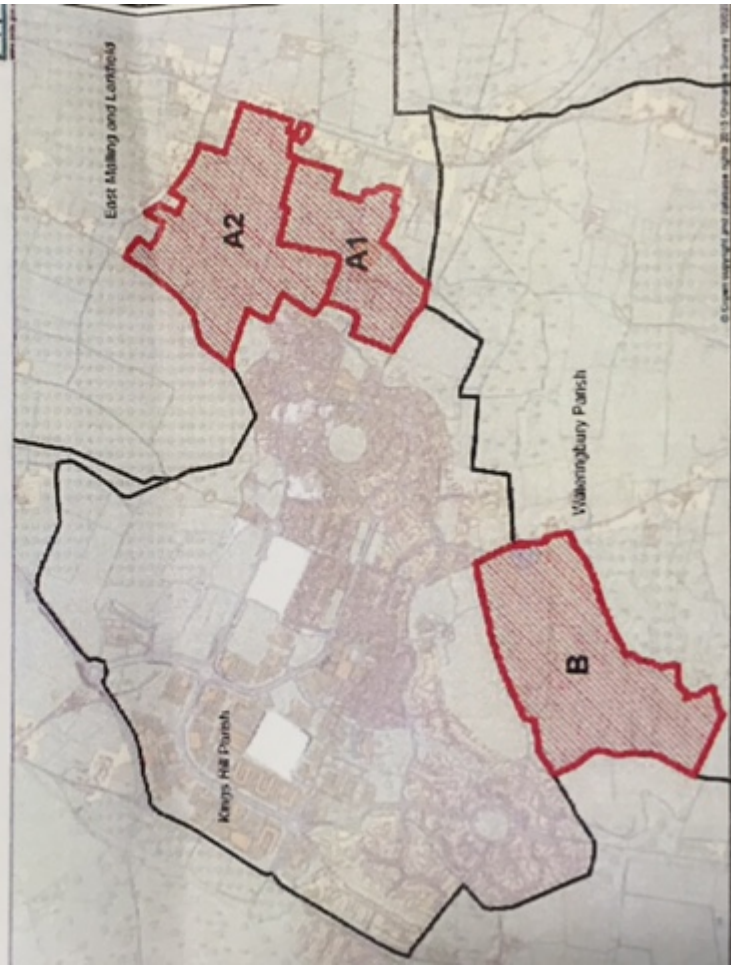
Please contact me directly on [REDACTED] if you wish to discuss further.

Robert Wade [REDACTED]
[REDACTED]

ment and Public Involvement in Health Act 200

invited to comment on these proposals, and/or suggest alternative options by 9 May 2016.

Review 2016



PROPOSALS

TONBRIDGE & MALLING

Richard Beesley

From: voting
Sent: 11 April 2016 09:52
To: Richard Beesley
Subject: FW: Proposed Extension of KHPC boundary

From: Viv Tanna [REDACTED]
Sent: 09 April 2016 13:23
To: voting; voting@tmbc.gov.uk voting
Subject: Proposed Extension of KHPC boundary

Dear Sir/Madam

I am a resident of The Heath and would like to object to the proposed extension of the boundary of KHPC covering the areas A1 and A2 and B. I agree with the proposals put forward by TMBC in refusing the application covered by the area A2 in that residents along the Heath have always been a part of East Malling community and have no connection with Kings Hill in any shape or form and area B as these two areas do not meet the required criteria for transfer.

Whilst I can see the logic of allowing Area A1 to be included in the parish of Kings Hill as the current boundaries stand, I am concerned that over time, with the possibility of land to the west of A2 (Broadwater Farm) being moved into Kings Hill, because it has been labelled as potential development land, that eventually it would appear logical to also include the area A2 as it lies between area A1 and Broadwater. I note that in the Local Development Plan the area of Broadwater Farm is already being listed as Kings Hill, which is incorrect as it has always been known as Broadwater Farm and has been formally marked as such since the very first ordnance survey was carried out, so I do not know by what authority its name has been changed. Perhaps someone at TMBC could enlighten me on this point.

There are no guarantees that Kings Hill will not subsequently put buildings within the area A2 as they have done in A1 and then put in a further application to move the boundary because they are legitimately using the area, as they have done with area A1. This gradual creep of Kings Hill which is already impinging on surrounding local communities and is already causing problems with traffic and infrastructure needs to be firmly stopped as we will otherwise lose our community to the developers.

Yours faithfully

Vivienne Tanna

Richard Beesley

From: voting
Sent: 12 April 2016 13:36
To: Richard Beesley
Subject: FW: Review of Parish electoral arrangements: Kings Hill; East Malling and Larkfield

From: Douglas Ramsay [REDACTED]
Sent: 12 April 2016 12:44
To: voting; voting@tmbc.gov.uk voting
Subject: Review of Parish electoral arrangements: Kings Hill; East Malling and Larkfield

Dear Julie

Please accept the following as the views of Tonbridge and Malling Labour Party on the proposals.

We support Proposal A1 on the grounds that the land proposed to transfer from E.Malling & Larkfield Parish to Kings Hill Parish is already in use by residents of Kings Hill.

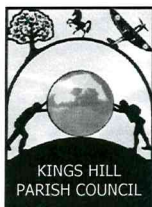
We support Proposal A2. We agree that A2 area should remain in E.Malling & Larkfield Parish since it is not solely used by Kings Hill and any further infilling development would continue to link the area with East Malling village.

We did not have any views on Proposal B.

Please could you acknowledge receipt of this email.

Regards

Douglas Ramsay
Secretary
Tonbridge and Malling CLP



Kings Hill Parish Council

Enhancing the lives of the Kings Hill Community

Kings Hill Community Centre, 70 Gibson Drive, Kings Hill, West Malling, Kent ME19 4LG
Phone: 01732-870382 Website: www.kingshillparish.gov.uk

Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
Kent
ME19 4LZ

15 April 2016

Dear Ms Beilby

Kings Hill Parish Council (KHPC) has considered the Community Governance Review draft proposals to amend the Kings Hill parish boundary and have the following comments:

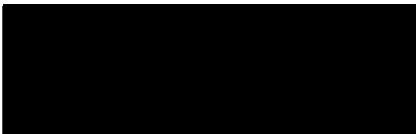
1. Area A1 – KHPC are pleased that this area is included in the draft proposal
2. Area A2 – KHPC are disappointed that this area has not been recommended for inclusion into the parish of Kings Hill.
 - a. This area includes Warren Woods and other land at Heath Farm. The land at Warren Woods is specifically designed to serve the residents of Kings Hill and forms part of the Section 106 obligations of the developer as part of Phase 2 of Kings Hill.
 - b. It is also adjacent to Area A1 and directly accessible from the Sports Park in Area A1.
 - c. Therefore KHPC believe that Area A2 meets the criteria on exactly the same basis as Area A1, namely that there are no residential properties in this area and it is designed to serve the residents of Kings Hill.
3. Area B – KHPC are similarly disappointed that Area B has not been recommended for inclusion into the parish of Kings Hill.
 - a. This area is a protected open space (as identified in the TMBC Open Space Strategy 2009) and therefore is extremely

unlikely to be available to residential development as mentioned.

- b. The Golf Club is only accessible from Kings Hill. It is not accessible from Wateringbury parish by vehicle at all. Pedestrian access is also extremely limited and is hard to access from Wateringbury parish.
- c. The current parish boundary cuts right through the Kings Hill Golf course and cannot be described as "effective and convenient" as it currently stands.
- d. It is adjacent to Kings Hill residential areas but a significant distance from the centre of Wateringbury village.
- e. Therefore KHPC believe that Area B meets the statutory criteria as there are no residential properties in this area and it can only be accessed through Kings Hill so it would be effective and convenient to have the whole golf course within the boundary of Kings Hill rather than just a portion of it. This would "reflect the identities and interests of the community in that area" as the round trip for Wateringbury residents is prohibitively onerous.

KHPC looks forward to receiving confirmation of the final decision taken by the Borough Council.

Yours sincerely



Helen Munro
Chief Executive Officer
On behalf of Kings Hill Parish Council

WATERINGBURY PARISH COUNCIL

Clerk to the Council - Mrs Susan J Cockburn

████████████████████ Wateringbury Maidstone Kent ME18 5LA

Tel: 01622 ██████████ email: clerk@wateringburypc.org.uk

www.wateringburypc.kentparishes.gov.uk

15th April 2016

Ms Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

Dear Ms Beilby

Community Governance Review 2016
Wateringbury Parish and East Malling & Larkfield Parish

Wateringbury Parish Council were pleased that the consultation draft of the proposals appeared to respect and reinforce the long standing wishes of the community as recently confirmed by Steve Humphrey of Tonbridge & Malling Borough Council governing access between the emerged Kings Hill development(s) and the Wateringbury parish (conditions 33 & 34 as the planning agreement between Kent County Council, Tonbridge & Malling Borough Council and Rouse Kent and the planning agreement re permission TM/10/02234/FL) The meeting between members of the Parish Council and Richard Beesley, the Special Works Projects Officer, appeared to cement the wishes of Wateringbury Parish Council by not proposing changes to Area B. Wateringbury Parish Council strongly supports no change to this proposal

Of concern are the proposed changes to area A1 as far as the detail of the change to the southern boundary thereof where it abuts part of the northern established Wateringbury boundary. Wateringbury Parish Council is concerned to ensure that any change or transfer reiterates that the insubstantial gap between the southern boundary of area A1 and the highway within our parish boundary (Teston Road) cannot be breached, however inadvertently by any consequence of such transfer, as the same would nullify the conditions referred to above to the great concern of Wateringbury Parish Council for the reasons promulgated at the time the Kings Hill development was approved.

Cont/-

We accordingly ask that any change considered or adopted to the parish boundary A1 ensure that our concerns as outlined above are taken fully into account. Wateringbury Parish Council also supports all comments made by Teston Parish Council

Thank you

Yours sincerely

Susan J Cockburn (Mrs)
Clerk to Wateringbury Parish Council

cc All Parish Councillors
Cllr Simon Jessel
Cllr Matthew Balfour
Richard Beesley
Teston Parish Council
East Malling & Larkfield Parish Council



East Malling & Larkfield Parish Council



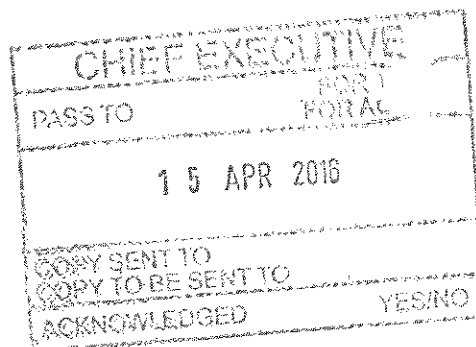
Church Farm, 198 New Hythe Lane, Larkfield, Kent ME20 6ST

Tel: 01732 844 546 Fax: 01732 875 857 Email: office@emandlpc.co.uk Website: emandlpc.co.uk

Clerk to the Council: Mrs Val Severn

13th April 2016

Julie Beilby
Chief Executive
Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent. ME19 4LZ



Dear Julie

Community Governance Review Kings Hill/East Malling Boundary

I refer to this process and the leaflet setting out draft proposals for consideration.

We have contacted Kings Hill Parish Council to see if any agreement was possible between the two parishes but so far a reply has not been received.

In the meantime the Parish Council did hold a well attended Public Meeting on 14th March 2016 when this item was discussed and copies of your draft proposals were handed out.

Some residents wanted to express their own views and email or write in themselves.

There were some present who felt no change to the long standing boundary should be made on the grounds no houses were involved and that where the boundary ran made no difference to Kings Hill Parish Council's management of the allotments and sports pitches and facilities.

There was however no one at the meeting who spoke in favour of transferring Area 2 to Kings Hill and especially those with houses fronting onto Wateringbury Road and The Heath, East Malling.

There was a query raised as to whether the eastern boundary of A1 is correctly confined to the sports area and should not include any of Corio Farm, which is on the "Call for Sites" map of the Locan Plan Review. It was felt if houses were built there access would be off Wateringbury Road and any houses should be in East Malling. Perhaps this could be checked on a larger scale map. We think it is excluded and would remain in this Parish?

The same applies to the re-developed Heath Farm where it was queried if the strip of land adjoining forms part of the sports area or not. This query is coloured pink on the attached plan.

It was promised the above 2 queries would be made.

It was indicated the Parish Council was inclined to agree to the transfer of Area A1 subject to the above queries, and on the basis of the legal position set out in the draft proposals booklet.

On this basis those present who wished, signed the attached petition which it was also promised we would submit.

The Parish Council will submit its own detailed response shortly but in the meantime please acknowledge receipt of this letter and petition.

Yours sincerely

A solid black rectangular box redacting the signature of the sender.

(Mrs.) Val Severn
Clerk to the Council

Enc.

To: Chief Executive
 Tonbridge and Malling Borough Council
 Gibson Building
 Gibson Drive
 West Malling
 Kent ME19 4LZ

PETITION

We the undersigned, residents of East Malling, **OBJECT** to the transfer of Area A2 on the Borough Council's community Governance Review 2016 booklet from East Malling to Kings Hill.

We consider this area of rural land, including Warren Wood Nature Park, and its public footpath connections to The Heath form part of East Malling and should remain within the Parish.

<u>NAME</u>	<u>ADDRESS</u>	<u>SIGNATURE</u>
Joel Doshie	Chapel St, ME19 6AP	[Redacted]
H. Doshie	" "	[Redacted]
JOHN HOWLING	THE GRANGE, EAST MALLING, ME19 6AH	[Redacted]
✓ CHAISEA	BLACKLANDS ME19 6DR	[Redacted]
V. FOX	BLACKLANDS ME19 6DR	[Redacted]
P. MILLS	160R CLOSE EAST MALLING	[Redacted]
G. MILLS	" " " "	[Redacted]
A. CORNELIUS	ROCKS CLOSE	[Redacted]
D. MOSS	ROCKS CLOSE	[Redacted]
J. ANDREWS	BLACKLANDS B.M.	[Redacted]
H. NIXON	MIDDLE MILL RD	[Redacted]
M. NIXON	MIDDLE HILL D	[Redacted]

NAME

ADDRESS

SIGNATURE

PAUL JONES

Mill St, ME19 6BU

WILLIAM STEWART

Rocks Close, ME19 6AR

YOUNG MOSS

HIGH ST. ME19 6AL

DAVID ANDREW

ROCKS CLOSE
EAST MALLING

HAZEL STEWART

ROCKS CLOSE
E. MALLING.

BEKIL PALMER.

WELL WAY
WELL STREET.

ADAM BELLS

||

MICHAEL CAMPBELL

CHAPEL ST. E. MALLING

JACKIE CHURCH

ROCKS CLOSE E. MALLING

STEVE CHURCH

" " " "

MARK STEWART

CLARE LANE E. MALLING

APRIL STEWART

|| || || ||

Francis Gordon

East Malling

MICHAEL MANSELL

The Rocks Rd, East Malling

STEPHEN LOCKETT

THE ROCKS RD, EAST MALLING

ALISON LOCKETT

||

ANN BAUMBER

THE ROCKS ROAD, East Malling

Mrs Mrs Harris

||

||

J. BLOUNT

Page 76
Broadwater D.B., ME19 6HX

NAME

ADDRESS

SIGNATURE

ROBERT WADE
FIONA REYNOLDS
VIVIANNE TAYNA
Stuart Reynolds
SIMON SLATER

Well Street East Malling
CHapel STREET EAST MALLING
THE HEATH, EAST MALLING
Chapel St east Malling
BROADWATER RD.
ME19 6HU

[Redacted Signature Area]

Deborah Hunt

Broadwater Rd.
WEST MALLING.

VIN NEHEUX
TERENCE DOBSON

Middle Mill Rd
ME19 6PR

Jane Simmonds

Well St
ME19 6JP

Kirk TARRANT

Lucia POKŠAROVA

well str
ME19 6JP

ANTHONY SCOTT

well str.

IRIS HUMPHREY.

The Heath
ME19.6SN.

[Redacted Signature Area]

MRS Webb

stickens lane
East Malling
ME19 6BT

[Redacted Signature Area]

HR Peacock

MIDDLE MILL RD
EAST MALLING ME19 6PR

[Redacted Signature Area]

C.A. Peacock

Middle Mill Rd
E, Malling

[Redacted Signature Area]

NAME

ADDRESS

SIGNATURE

BECKY COLLINS

[REDACTED] HIGH ST
E. MALLING.

[REDACTED]

FRYER MAVERLEY

[REDACTED] WATERINGBURY
RD. EAST MALLING
ME19 6TS

[REDACTED]

PHILIP MOSS

[REDACTED] HIGH ST
EAST MALLING
ME19 6AL

[REDACTED]

LYONNE BROWN

[REDACTED]
LADENOES ROAD
WEST MALLING
ME19 6HR.

[REDACTED]

MAW BROWN

11

[REDACTED]

Sarah Howling

[REDACTED] The Grange
East Malling.
Kent ME19 6AU

[REDACTED]

TREVOR WOODGER

[REDACTED] WELL STREET
EAST MALLING
KENT ME19 6JW.

[REDACTED]

MART ANNE & TIM
MATHEWS

[REDACTED]
Lavenders Rd,
New Barns
ME19 6HR

[REDACTED]

NICOLA MASTERS

[REDACTED]
Lavenders Rd
ME19 6HR

[REDACTED]

CHRISTINE
WOODGER

[REDACTED] WELL ST
EAST MALLING.

[REDACTED]

NAME

ADDRESS

SIGNATURE

M. BERNARD



CLARE WOOD DRIVE

M. TATTON



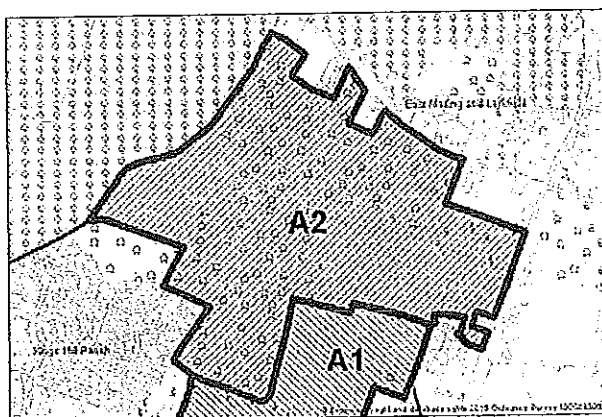
CLARE WOOD DRIVE



Parish boundary – Proposal A2

The Borough Council proposes that the parish boundary between Kings Hill and East Malling & Larkfield parishes be amended such that the area marked A2 on the map below remain within East Malling & Larkfield parish. We have been asked to consider, and therefore consult, on the possible inclusion of Area A2 within Kings Hill parish. However, we do not consider that it meets the statutory criteria. This is because it is not used solely by Kings Hill residents and so cannot be considered to “reflect the identities and interests of the [Kings Hill] community.” Ownership of the land does not in itself identify a community use, and therefore cannot be considered to be criteria enough to transfer the land to be included within Kings Hill parish.

If future in-fill development were to take place, along The Heath or Wateringbury Road, the properties would currently be within East Malling. They would be part of the East Malling community, neighboured by other East Malling properties. However, if the land were to move to Kings Hill, future in-fill developments would be part of Kings Hill parish, which would not be reflective of their community identity or interests. The land includes the country park, land identified through the Kings Hill Phase 3 Masterplan as being allocated as ‘Natural Green Space’, and other undeveloped open space and woodland. This land is served by footpaths and bridleways, which open it up for use by both Kings Hill and East Malling residents.



Area queried if in sports area?

Richard Beesley

From: voting
Sent: 27 April 2016 14:19
To: Richard Beesley
Subject: FW: Community Governance Review 2016 - Parish Boundaries - East Malling and Larkfield / Wateringbury / Kings Hill

From: Mike Barlow [REDACTED]
Sent: 27 April 2016 14:18
To: voting
Cc: [REDACTED] office@emandlpc.co.uk
Subject: Community Governance Review 2016 - Parish Boundaries - East Malling and Larkfield / Wateringbury / Kings Hill

Dear Ms Beilby,

We strongly object to the realignment of the parish boundaries as proposed by Kings Hill Parish Council, most particularly as depicted bordering areas A2 and B in the plans which accompany the Community Governance Review 2016 consultation.

The fact that a change in parish boundaries has been proposed suggests that Kings Hill Parish Council has plans to change the way in which the underlying land is managed and used. This is neither welcome nor desirable.

It is important to preserve the separate identities and residential environments offered by urban Kings Hill and the more rural surrounding villages. Doing so gives people a choice of housing and community type in which to live, in line with Government policy. Constancy in management and usage of the land adjoining the Kings Hill development is highly beneficial in achieving this urban/rural balance and is thus greatly valued.

It should be remembered that the parish boundaries as they currently exist have been accepted by all residents moving into the area including those living in Kings Hill. There has never been any public expectation that the boundaries would be amended or that the management of and use to which the land shown in areas A2 and B would be changed.

To preserve the important residential environmental balance, therefore, it is essential that the parish boundaries, as they relate to areas A2 and B in particular, remain as they are. In this case, preserving the status quo will best facilitate the broader needs of existing and future local residents by preserving the choices of housing and locale available to them.

Mike and Sue Barlow

[REDACTED] The Heath East Malling ME19 6JL

Richard Beesley

From: voting
Sent: 03 May 2016 11:39
To: Richard Beesley
Subject: FW: Community Governance Review 2016 - Kings Hill/East Malling and Wateringbury Boundaries

From: EM&L Parish Council Valerie Severn [REDACTED]
Sent: 03 May 2016 10:34
To: voting; voting@tmbc.gov.uk voting
Cc: [REDACTED]
Subject: Community Governance Review 2016 - Kings Hill/East Malling and Wateringbury Boundaries

Hi

I refer to the Consultation document issued in this matter setting out the draft proposals by the Borough Council in response to a request to change the Parish boundaries by Kings Hill Parish Council.

I also refer to the Petition we have submitted signed by local residents at a public meeting we held.

Also to the comments submitted by Wateringbury and Teston Parish Councils.

The Parish Council is aware from the public meeting that some residents feel the boundaries should remain unchanged as they represent a long standing historic feature.

There is also a strong concern that incorporating additional land within Kings Hill could pave the way for its future development and expansion.

There is also a fear that Teston Road from its junction at The North Pole Public House could be opened up for public vehicular traffic which since the inception of the Kings Hill Development has been ruled out.

The Parish Council understands these fears and also the case for keeping long standing boundaries particularly as in this case there are no properties involved such as where a new development is bisected by a Parish boundary.

The Council however, has looked to the terms of the Statutory criteria set out in the consultation and is responding on that basis.

As far as Area B, being part of Kings Hill Golf Course, is concerned we can see no case for transferring the land from Wateringbury to Kings Hill. As recorded there no properties involved; the course is not owned or managed by Kings Hill Parish Council; and we agree the statutory criteria have not been met.

Indeed there are many golf courses which are crossed by parish boundaries and for example the Cobtree Golf Course area is partly in Aylesford and partly in Boxley so is crossed by a Borough boundary too.

This Parish therefore supports the Borough's draft proposal that Area B should remain within Wateringbury Parish.

Turning to **Areas A1 and A2** currently within this Parish, these together from what was Heath Farm, East Malling.

The Parish Council accepts that in respect of **Area 1** this area includes the relatively new allotments managed by Kings Hill parish Council and the sports pitches and pavilion which are all accessed by vehicles from within Kings Hill which they were designed to serve although others from outside the Parish may use them.

There are no properties within Area 1 and although there is no rule that, for example, one Parish cannot have allotment land in another we note the Borough's view the statutory criteria have been met.

Although the wording of the 2007 Act is rather wide on the basis Kings Hill Parish Council is managing these facilities primarily for its residents, we accept its transfer to Kings Hill.

With regard to **Area 2** this comprises undeveloped land including open space and woodland. It includes the Warren Wood Nature Park and is crossed and accessible by public footpaths MR114 and MR115 from The Heath, East Malling plus the permissive paths that have been created. It acts as a green buffer between East Malling and Kings Hill being used for recreation by residents of both Parishes and the wider area.

The map of Area A2 has been drawn to exclude the existing properties in both Wateringbury Road and The Heath which are all in East Malling.

However, if any development of the undeveloped areas fronting either road took place those properties would end up in Kings Hill Parish creating a "pepper box" effect.

While views at the public meeting as to Area A1 were mixed but no one spoke in favour of transferring Area A2 to Kings Hill Parish and the lodged Petition reflects that view.

Area A2 is allocated as "Natural Green Space" in respect of the nature park plus the other undeveloped open space and woodland as recorded by the Borough Council in the consultation document.

The Parish Council shares the Borough's view that the transfer of this land would not meet the statutory criteria. The area continues to be part and parcel of East Malling.

We therefore conclude that neither Area A2 nor B do not meet the statutory criteria so should remain in East Malling and Wateringbury respectively.

Though we regret changing an historic boundary we do accept there is a case for transferring Area A1 to Kings Hill.

Please acknowledge safe receipt of this email and advise when this matter will be coming before members please.

We have copies this to Wateringbury and Teston Parish Councils.

Regards

Val Severn
Clerk to East Malling and Larkfield Parish Council

01732 844546

East Malling & Larkfield Parish Council

Richard Beesley

From: voting
Sent: 04 May 2016 09:05
To: Richard Beesley
Subject: FW: Boundary changes

-----Original Message-----

From: Sharon Root [REDACTED]
Sent: 04 May 2016 00:49
To: voting
Subject: Boundary changes

To whom it may concern,

I am very concerned about the proposed boundary changes, Kingshill seems to be taking over the area, you cant possibly have houses with a kingshill address in East Malling! I also hate the thought that we will be losing valuable green spaces between our villages, its just becoming an urban sprawl.

Please, dont agree to these proposals, I know there is a need to build houses, but why should heavily built up areas have to provide the same land provision as less built up areas.

Maidstone borough council has ensured there is no green space left this side of maidstone, we have a responsibility to help maintain some green space between here and London, just for the sake of one or two generations, like we are the only people that matter! In a hundred years the same problems will exist, save some land for future generations.

Once that land has gone it can never ever be returned to what it is now.

with Kind Regards,

Sharon Root
[REDACTED] Garner drive
East Malling
Kent
ME19 6 RT

Teston Parish Council

Ms Julie Beilby
Chief Executive
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling ME19 4LZ

4th May 2016

Dear Ms Beilby,

Community Governance Review 2016 - East Malling & Larkfield, Kings Hill and Wateringbury Parishes

We have become aware of the above review and we are concerned that Tonbridge & Malling Borough Council will exercise its powers to effect changes to boundaries that are outlined within the Draft Proposals.

Background

It is evident that Kings Hill Parish Council has pressed the review and we are concerned about the possible long-term implications for Teston, Wateringbury and East Malling & Larkfield Parishes. To be specific, we refer you to Teston Road. This runs from the junction of Malling Road and Wateringbury Road roughly westwards until it comes to a dead-end, created when the airfield that is now Kings Hill was established in 1940. In the Community Governance Review, area A1 abuts the western end of this current cul-de-sac. The various development phases at Kings Hill have, on occasion, raised the prospect of this cul-de-sac being opened to some vehicles, if only emergency vehicles or buses. Should that happen at any time, it would presumably not be too long before there was pressure to open it up for all vehicles.

Malling Road and Wateringbury Road through Teston, Wateringbury and East Malling & Larkfield Parishes are already heavily used, particularly during rush-hours, even though these roads are narrow, winding in places and with limited or no pavements for much of their length. We have traffic surveys that demonstrate a considerable speeding problem on the Malling Road at the northern end of Teston and we suspect that Wateringbury Road has similar issues.

Our concern

We are strongly opposed to more vehicles being released onto Malling Road and Wateringbury Road via a re-opened Teston Road. This proposed boundary change must only increase the probability of such re-opening, as, presumably, Kings Hill Parish would press for a road link to the east of their Parish, rather than being restricted to Ashton Way / Malling Road along its western boundary.

Issues with Draft Proposal

We must also point to factual inaccuracies in the Draft Proposals:

On page 6 it states: " the area marked A1 is already, or very soon will be, used by residents of the parish of Kings Hill. It is accessible via Kings Hill parish, and is designed to serve the

Clerk: Michelle Tatton

■ Clarewood Drive, East Malling, Kent ME19 6PA
Telephone: (01732) ■■■■■ E-mail: testonparish@aol.com

residents of that community.". That does not accord with the fact that, as the review itself states, the Sports Ground is commercial. It is far from restricted to use by Kings Hill Parish residents; users come from far afield to use the five football pitches, substantial car parking and other facilities. Its scale was clearly designed not just to serve Kings Hill.

On page 6 it also states: "There are no residential properties in this area, and the only commercial properties are the Sports Park itself". While, as is stated in the Draft Proposals, there are no residential properties within area A1, the nearby properties potentially most affected by activities at the Sports Park are in East Malling & Larkfield Parish.

The process that must be followed and, as noted in the Draft Proposals, criteria that must be applied are set out in the Local Government & Public Involvement in Health Act 2007, part 4, chapter 3, paragraph 93 i.e.:

- (3) *The principal council must consult the following—*
 - (a) *the local government electors for the area under review;*
 - (b) *any other person or body (including a local authority) which appears to the principal council to have an interest in the review.*
- (4) *The principal council must have regard to the need to secure that community governance within the area under review—*
 - (a) *reflects the identities and interests of the community in that area, and*
 - (b) *is effective and convenient.*
- (5) *In deciding what recommendations to make, the principal council must take into account any other arrangements (apart from those relating to parishes and their institutions)—*
 - (a) *that have already been made, or*
 - (b) *that could be made,**for the purposes of community representation or community engagement in respect of the area under review.*
- (6) *The principal council must take into account any representations received in connection with the review.*
- (7) *As soon as practicable after making any recommendations, the principal council must—*
 - (a) *publish the recommendations; and*
 - (b) *take such steps as it considers sufficient to secure that persons who may be interested in the review are informed of those recommendations.*

We are not aware that consultation has been as legislated. We have made known our interest in Kings Hill matters for several years, but only heard about this matter through local links.

While there are no residential properties within the area A1, the closest adjacent residential properties are in East Malling & Larkfield Parish and, if this proposal is accepted, would remain so. This proposal would therefore fail on criterion 4(b) above. As for the other criterion, as the sports facilities are a commercial enterprise (not restricted to use by Kings Hill), we do not understand why Parish boundaries have to be re-drawn to match their estate, as otherwise Parish boundaries would be in perpetual flux all over the country.

Summary

We do not believe that the Draft Proposals reflect the reality of the situation and, as such, do not meet the requirements of the above Act. We therefore request that the Draft Proposals are not carried forward and that Parish boundaries remain as they now are.

Yours sincerely,

Mrs Michelle Tatton
Clerk

Copy: East Malling & Larkfield Parish Council, Watlingbury Parish Council
Cllr Fay Gooch (Maidstone)

Richard Beesley

From: voting
Sent: 05 May 2016 16:26
To: Richard Beesley
Subject: FW: CGR review 2016 Kings Hill expansion.

-----Original Message-----

From: Stephen Lockett [REDACTED]
Sent: 05 May 2016 15:35
To: voting
Subject: CGR review 2016 Kings Hill expansion.

Dear Mr Beesley,

Thank you for the opportunity to comment on the proposed boundary changes and expansion of Kings Hill. If the A1 and A2 boundary changes happen it would change the nature of East and West Malling forever, by renaming the area Kings Hill it will be destined to become a large extension of the development to a level that cannot be supported by local infrastructure.

It will remove the green boundary and amenity shared by all neighbouring parish residents.

It will damage heritage assets and conservation areas.

It will not protect the identities of East, West Malling and Wateringbury.

Just because Heath farm is owned by a new landowner who wishes to maximise its development potential why should it be renamed. This will assist in the transformation of green open spaces into sprawling urban development.

Although it will not help Rouse Kent I feel it is much better to develop on Brown field sites such as Aylesford newsprint with more affordable housing to assist our existing local communities.

On Google maps show the outline of roundabouts with exits to nowhere are already present, so it seems the developer is confident to get permission, this should not happen.

Thank you for taking my comments into consideration.

Yours sincerely
Stephen Lockett

[REDACTED]
East Malling
ME19 6AU

Sent from my iPad

Tonbridge and Malling Liberal Democrats



Julie Beilby
 Chief Executive
 Tonbridge and Malling Borough Council
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling
 Kent ME19 4LZ

3rd May 2016

Dear Sirs,

Community Governance Review – affecting East Malling & Larkfield, Kings Hill and Wateringbury Parishes

Thank you for consulting with us upon the above.

We agree with the proposal to transfer area A1 from East Malling to Kings Hill Parish. The area does not contain any residential properties and the allotments are clearly intended to be used by Kings Hill residents. While the sports facilities are used by residents from outside Kings Hill the only access by road is from within Kings Hill itself. In the circumstances, while we are reluctant to see an historic boundary changed, we agree that it would be consistent with effective and convenient community governance to transfer area A1 to Kings Hill.

We agree with you that areas A2 should remain within East Malling and B within Wateringbury. Area A2, with its areas of open space, public footpaths, bridleways and the Warren Wood Nature Reserve, is an area that is not used solely by Kings Hill residents. Furthermore, we agree that if further infill development occurs on Wateringbury Road or The Heath this would present difficulties with existing properties being in East Malling while new properties would be within Kings Hill. This, in our view, would not be a good reflection of the community identity or interests of any the residents. The same would apply in relation to area B should that area be transferred and later infill development takes place in Danns Lane or Canon Lane.

In summary, therefore, we agree with the proposals as presented.

Yours faithfully,

David Thornewell

Chairman

CHIEF EXECUTIVE	
PASS TO	FOR / FORAL
5 MAY 2016	
COPY SENT TO	
COPY TO BE SENT TO	
ACKNOWLEDGED	YES/NO

Chairman: Mr David Thornewell, [REDACTED] Larkfield, Kent, ME20 6TQ

Richard Beesley

From: voting
Sent: 09 May 2016 08:42
To: Richard Beesley
Subject: FW: Objection to proposed boundary change for East Malling & Larkfield / Kings Hill

From: Gordon Taylor [REDACTED]
Sent: 08 May 2016 20:13
To: voting
Subject: Objection to proposed boundary change for East Malling & Larkfield / Kings Hill

Dear Sir,

I wish to register my opinion that there should be no changes to the existing parish boundary between East Malling & Larkfield / Kings Hill.

There seems to be no valid reason to change this historical division and I think the parish boundary should remain as it stands. The Kings Hill development has already extended far beyond the original proposals and if the clear area of open space is lost between the two areas, the unique character of this as yet unspoilt area will be lost forever.

Yours faithfully,

Gordon Taylor

Richard Beesley

From: voting
Sent: 09 May 2016 08:43
To: Richard Beesley
Subject: FW: Proposed Boundary Change East Malling & Larkfield and King's Hill

From: Susan Taylor [REDACTED]
Sent: 08 May 2016 19:18
To: voting
Subject: Proposed Boundary Change East Malling & Larkfield and King's Hill

Dear Sir,

I strongly believe that there should be no changes to the existing parish boundary between East Malling & Larkfield and King's Hill. I can see no strong reason to change this historical division and believe the parish boundary should remain as it stands. King's Hill has already developed far beyond the original proposals and it is important that a clear area of open space is maintained between the two to ensure that each retains its unique character.

Yours faithfully,

Mrs Sue Taylor

The Rocks
[REDACTED] The Rocks Road
East Malling
Kent
ME19 6AX

8th May 2016

Ms Beilby
Chief Executive
Tonbridge & Malling Council
Gibson Building
Kings Hill
West Malling
Kent
ME19 4LZ

Dear Ms Beilby,

Review of parish electoral arrangements under the Local government
Involvement in Public Health Act 2007:

**Proposal to amend the parish boundary between the parishes of between
Kings Hill and East Malling and Larkfield parishes.**

We are writing to express our grave concern and objections regarding the above
proposed planning arrangements by TMBC.

First of all we wish to object to the manner in which these changes are being
proposed with insufficient consideration of the negative impact upon residents
of East Malling. For example, the Broadwater farm maps do not show
designated conservation areas and the fact that these should be protected.

Secondly, the statutory criteria state that:

*"The principal council must have regard to the need to secure that community
governance within the area under review - (a) reflects the identities and
interests of the community in that area and (b) is effective and convenient".*

The proposal to change the boundary A1 and A2 would lead to a blurring of the
identities of East Malling and West Malling. The conservation areas and historic
and heritage assets of East Malling and West Malling would be irrevocably lost
for all future generations.

Furthermore by renaming the area Kings Hill, it will inevitably lead to an extension of Kings Hill. Unlike the original Kings Hill development, which had planned infrastructure and was on a Brown Field site, this will cut into the countryside, changing green spaces to a conglomeration of buildings with no carefully planned infrastructure. There are many Brown Field sites in TMBC and a more responsible approach to the identity and interest of East Malling and the area as a whole would be to proactively search and identify these sites. The proposed change of boundaries is simply a *smokescreen* to permit landowners to maximise development for personal financial gain. It had no merit in terms of abiding by the principle of reflecting the identities and interests of the community.

East Malling is currently a village with its own identity, community activities and neighbourhood. WE consider that TMBC should protect the separation of village identities. This should include protecting conservation areas and the open countryside. Historically East Malling is of considerable interest and the current proposal would damage the whole village forever. The proposal will lead to a quiet, peaceful village being subsumed within a sprawl of buildings with no corridor without housing and little community life and inadequate infrastructure. The impact on East Malling will be very damaging. It would not be effective or convenient. It would blur identities and lead to unnecessary complications at local level, thereby leading to inefficiency and ineffective governance.

There is some evidence to suggest that planning permission in principle is being considered for developments and that these proposed boundary changes are being proposed to accommodate these proposed planning developments from landowners. This is against the interests of the local community and raises serious questions about the motivation and purpose of these proposed changes in local governance. The principles should be for the community and not for prospective developers to make personal profit. As indicated above, Brown Field sites should be the priority for developments and these would go some way to ensuring towns and villages maintain their identities and that we do not end up with a sprawling mass of urbanisation across the Kent countryside.

To conclude, we urge TMBC to abolish this proposal.

Yours sincerely,

Ann Baumber and Michael Mansell

cc Richard Beesley

Richard Beesley

From: voting
Sent: 09 May 2016 08:44
To: Richard Beesley
Subject: FW: CGR 2016 Proposed boundary change Kings Hill and East Malling & Larkfield Parish

From: [REDACTED]
Sent: 06 May 2016 21:02
To: voting
Subject: CGR 2016 Proposed boundary change Kings Hill and East Malling & Larkfield Parish

Mr & Mrs Church
 [REDACTED] Rocks Close
 East Malling
 Kent ME19 6AE

5th May 2016

Dear Julie Beilby

Re:Community Governance Review 2016 - Boundary between Kings Hill and East Malling & Larkfield Parish

With regards to the above proposal we are writing to advise that our family are very much against the alteration to the boundary between Kings Hill and the East Malling and Larkfield parish.

As there are currently no residential properties on the area which Kings Hill wishes to obtain why is a Community Governance Review (CGR) taking place at all ? The area in question does not currently have any residents and therefore no interests and identities of individuals need to be considered and there would not be any beneficial gain for the boundary to be altered.

We are very fortunate as residents of East Malling to still have natural beauty and conservation within our parish. We should protect this for the sake of the community and for our future generations so that they can have the same enjoyment as we currently get from our surroundings.

It is our understanding that some of the land in question is 'Grade A' farmland and that Broadwater farmland houses a listed building.

Many of the local residents have chosen to live in the East Malling village and immediate vicinity because it has retained much of its heritage. Once taken this will be gone forever which will be tragic.

It is obvious that by changing the boundary as requested by Kings Hill Parish Council we will one day see the concrete jungle which consumes Kings Hill invading closer to East

making suffocating and diminishing the natural beauty, paths, walks and landscape which have traditionally stood within the parish for many years.

It is extremely apparent to differentiate the hardcore physicality's of Kings Hill compared to the traditional East Malling parish. It may be at a whim that these boundaries could possibly be altered but there will be a long term devastation to nature. If this boundary were to change where would the limits end. Would Kings Hill continue to grow and dominate the landscape like a cancer through the neighbouring parishes?

We strongly oppose this change.

Yours sincerely

Mr S Church

Mrs J Church

Miss L Church

Mr B Church

Mr S Church

Richard Beesley

From: voting
Sent: 09 May 2016 10:48
To: Richard Beesley
Subject: FW: Community Governance Review 2016 - Parish Boundaries - East Malling and Larkfield/Wateringbury

From: paul sharp [REDACTED]
Sent: 09 May 2016 09:24
To: voting
Cc: Gel Sharp
Subject: Community Governance Review 2016 - Parish Boundaries - East Malling and Larkfield/Wateringbury

Dear Mr Beesley/Ms Beilby

I write to express my concern and strong objection to the potential realignment of the parish boundaries and in particular areas A2 and B as depicted on the draft proposals.

The fact that Kings Hill Parish Council has sought to realign these boundaries encapsulating additional land would suggest they have intent to develop this land further in line with Kings Hill expansion plans.

Having lived on Kings Hill for three years upon moving out of London, I can appreciate the environment created is ideal for a number of families with housing and amenities to hand, but not for everyone. The estate is of significant size already and future development will impact on the adjacent land and usage of that space along with the overall aesthetics of the rural environment.

I chose to move my family from Kings Hill onto The Heath in East Malling as the road is surrounded by farm land, woodland and rural areas giving a fantastic, quiet environment for a family to grow with nature on the door step, the Kings Hill environment wasn't for us as we appreciate and enjoy a more peaceful way of life.

By realigning the boundaries I feel this would have a direct impact on both the environment and my family's existing way of life will be compromised should future development be proposed.

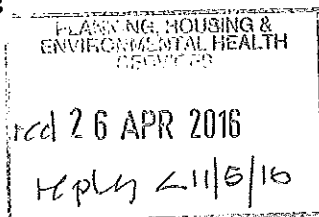
I do hope mine and other resident's in the area's concerns will be taken under consideration and these plans be rejected.

I shall be watching the outcome with anticipation.

With best regards,

Paul Sharp
[REDACTED] The Heath
East Malling
West Malling
ME19 6JL

Director of Planning, Housing and Environmental Health
 Tonbridge and Malling Council
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling
 ME19 4LZ



RECEIVED 26 APR 2016

[REDACTED]
 Lavenders Road
 West Malling
 Kent
 ME19 6HR

23rd April, 2016

Dear Mr Humphrey

We Strongly Object to Development in the Proposed Development in the Broadwater and East Malling Area, and to changes in the Parish Boundary, on the following grounds :

Development Sites

We are all familiar now with threats visited on irreplaceable rural landscape by easy and profitable development on greenfield sites, irrespective of the impact on local communities and the overburdened infrastructure and services they depend on.

There are many and sufficient brownfield sites in our area to address sensible development, and a way must be found to enable such solutions. Surely the time is with us urgently to look at ways to equalise incentive for proposed development on brownfield sites as opposed to precious greenfield landscape.

We look to our elected parliamentary and local representatives to recognise and protect the quintessential character of Kentish landscape with its spirit and sense of place, and all the benefits that these entail.

Two areas in which we have a particular interest :

- The Research Station – this is a worldwide contributor to food crop production, with its innovative rootstocks and fruit development programmes. Along with all the standard arguments in favour of scientific work, Kent should be proud and supportive of this important institution.
- Residents in the existing TMBC designated 'New Barns and Broadwater Farm Conservation Area' wonder why this area is even included in the list of proposed sites, bearing in mind that the Conservation Area has already been recognised as important both visually and historically.

Parish Boundary

The growth of Kings Hill – already a small town – has inevitably led to pressure in the surrounding towns and villages, owing to wholly inadequate essential amenities within its own boundaries. The character of Town Malling in recent years has increasingly been compromised by inaccessibility and damaging pressure on facilities and infrastructure.

We very much object to the proposed Parish Boundary change, and the consequential further extension of this very different community, overwhelming and urbanising rural hamlets and farmland.

Yours sincerely

[REDACTED]

[REDACTED]

Anthony and Sue Drake
 MR AND MRS A. R. DRAKE

Cc : Sasha Luck, Sophie Shrubsole, Brian Luker, Roger Roud, Daniel Markham, Trudy Dean, David Thornewell, Tom Tugendhat

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

20 October 2016

Report of the Chief Executive

Part 1- Public

Delegated

1 2018 REVIEW OF PARLIAMENTARY CONSTITUENCIES

To grant delegated authority to allow the Chief Executive to respond to the current consultation on the initial proposals for Parliamentary Constituencies, following discussion at the Council's Electoral Review Working Group

1.1 Background

1.1.1 The Boundary Commission for England (BCE) are an independent body with responsibility to review the current Parliamentary Constituency boundaries. Under the Parliamentary Voting System and Constituencies Act 2011 they are required to complete their current review ahead of the 2020 General Election. This review, known as the 2018 Review, includes a reduction in the number of MPs from 650 to 600 across the UK and equalises the number of registered electors per MP across the country.

1.1.2 On Tuesday 13 September the BCE published their initial proposals for Parliamentary Constituencies in England. Similar bodies are developing proposals for other parts of the UK. These initial proposals are open to public consultation, with the deadline for responses of 5 December 2016.

1.2 TMBC response to the consultation

1.2.1 The TMBC Electoral Review Working Group (ERWG) is due to meet to discuss the initial proposals, and to formulate a response to the BCE in response to them. The timing of the publication of the initial proposals, in relation to the pre-arranged meeting of General Purposes, mean that it is not possible for ERWG to prepare a response to present to GP for approval in time for the close of the public consultation.

1.2.2 Therefore, Members are invited to agree that the Chief Executive, in consultation with the Leader, Deputy Leader and Chair of General Purposes, may finalise the response to the consultation following the meeting of the ERWG, on behalf of TMBC.

1.2.3 Individual Members, and political groups and associations may submit their own response to the consultation direct to the BCE.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 None.

1.5 Risk Assessment

1.5.1 If delegated authority is not given, it will not be possible to submit a TMBC response to the consultation within the timeframe specified.

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.
Policy Considerations

1.7 Recommendations

1.7.1 It is recommended that Members:

- 1) Agree that the Chief Executive, in consultation with the Leader, Deputy Leader and Chair of General Purposes, may finalise the response to the BCE consultation on the initial proposals for Parliamentary Constituencies following the meeting of the ERWG, on behalf of TMBC.

Background papers:

contact: Richard Beesley

Nil

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

20 October 2016

Report of the Director of Central Services & Monitoring Officer

Part 1- Public

For decision

1 REQUEST FOR DISPENSATION – CODE OF CONDUCT

1.1 Introduction

1.1.1 This report asks Members to consider a request for a dispensation under section 33 of the Localism Act 2011 to enable Councillor Mark Davis to participate in meetings of the Planning and Transportation Advisory Board and other meetings where the Local Plan is under consideration.

1.2 DISPENSATIONS UNDER THE LOCALISM ACT 2011

1.2.1 Members will be familiar with the requirements of the Localism Act 2011 and supporting regulations concerning Disclosable Pecuniary Interests (DPI). In addition to the requirement to disclose to the Monitoring Officer the existence of any DPI, Members must also comply with specified requirements where they are present at a meeting of the Council and have a DPI in any matter to be considered, or being considered at the meeting. Specifically, a Member must not

(1) participate, or participate further, in any discussion of the matter at the meeting, or

(2) participate in any vote, or further vote, taken on the matter at the meeting.

1.2.2 The Council's adopted Code of Conduct imposes identical requirements in relation to Members with an Other Significant Interest (OSI). The Code further requires that Members with a DPI/ OSI in a matter under consideration must withdraw from the meeting room whenever it becomes apparent that the business is being considered and not seek to improperly seek to influence a decision about that business.

1.2.3 Under section 33 of the Localism Act, the Council may, on receipt of a written request to the Monitoring Officer, grant a dispensation to councillors and co-opted members relieving them from restrictions on participating, or participating further, or voting or further voting in meetings where consideration is being given to an item of business in which they have a Disclosable Pecuniary Interest.

- 1.2.4 The Borough Council may grant a dispensation only if, having regard to all relevant circumstances, it considers that
- (a) without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business; or
 - (b) without the dispensation, the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business; or
 - (c) granting the dispensation is in the interests of persons living in the Authority's area; or
 - (d) without the dispensation each member of the Authority's executive would be prohibited from participating in any particular business to be transacted by the Authority's executive; or
 - (e) it is otherwise appropriate to grant a dispensation.
- 1.2.5 -A dispensation must specify the period for which it has effect, and the period specified may not exceed four years
- 1.2.6 Under the Council's constitution, dispensations under paragraphs (a) and (d) above may be granted by the Monitoring Officer, in consultation with the Chairman and Vice-Chairmen of the Joint Standards Committee and the Independent Persons. Dispensations under paragraphs (b), (c) and (e) may only be granted by the General Purposes Committee, in consultation with the Independent Persons. The present request does not fall within paragraphs (a) or (d) and the matter is therefore referred to the General Purposes Committee for consideration.

1.3 Request from Councillor Davis

- 1.3.1 Councillor Davis is Chairman of the Street Scene and Environment Services Advisory Board, and a member of the Area 1 Planning Committee, Planning & Transportation Advisory Board, Finance, Innovation & Property Advisory Board and the Housing Associations Liaison Panel.
- 1.3.2 As many Members will be aware, Councillor Davis is a Solicitor and a partner in the local firm Warners Solicitors. His firm acts for a number of landowners in the Borough and Councillor Davis has regularly declared an interest at previous meetings of the Council when an item of business has either related to, or had the potential to relate to land in the ownership of one of their clients. Such interests have not been DPIs but in certain circumstances have been capable of amounting to an OSI. Ultimately, the existence or otherwise of an interest has been fact specific on each occasion and will depend upon the content of the report in question.
- 1.3.3 The emerging local plan has presented particular challenges to Councillor Davis in that the potential exists for clients of his firm to have an interest in land which may or may not come forward for designation through the local plan process. However, by taking the cautious approach and declaring an interest Councillor Davis has

then been precluded from discussing the local plan and furthermore has been required to leave the room. Councillor Davis does not seek a dispensation to vote on any such reports, but does seek the permission of this Committee to allow him to remain in the room and contribute to the discussions.

- 1.3.4 Reports on the local plan have been considered by the Planning & Transportation Advisory Board (of which Councillor Davis is a member) or by Cabinet, so it would be appropriate for any dispensation to be limited to meetings of these Committees.
- 1.3.5 The grounds for Councillor Davis' request for the dispensation are set out in his letter at **Annex 1**.
- 1.3.6 Consultation will take place with the 2 Independent Persons (David Ashton and John Gledhill) in advance of the meeting of the Committee. Any comments will be reported at the meeting.

1.4 Legal Implications

- 1.4.1 As set out above.

1.5 Financial and Value for Money Implications

- 1.5.1 None arising out of this report.

1.6 Recommendations

- 1.6.1 Members are requested to consider Councillor Davis' request for a dispensation. If approved, it is suggested that the dispensation remain in effect until the next local elections in May 2019.

contact: Adrian Stanfield

Adrian Stanfield
Director of Central Services & Monitoring Officer

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TONBRIDGE & MALLING

Cllr Mark Davis

Borough Councillor for Cage Green Ward

BOROUGH COUNCIL

38 Old Hadlow Road
Tonbridge
Kent TN10 4EY

Tel: 01732 360412
E-mail: mark.davis@tmbc.gov.uk

Mr Adrian Stanfield
Director of Central Services and Monitoring Officer
Tonbridge & Malling Borough Council
Gibson Building, Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

6 October 2016

Dear Adrian

General Purposes Committee 20 October 2016 Request for Dispensation – Code of Conduct

You have requested that I write to you as Monitoring Officer in support of the application for dispensation to enable me to participate in Council meetings, particularly meetings of the Planning and Transportation Advisory Board and Planning Committee Meetings where I would otherwise have to withdraw from the meeting entirely by virtue of my potentially having an Other Significant Interest.

As a Partner in Warners Solicitors I have hitherto taken the view that I should not participate in proceedings at meetings which involve clients of my firm in case there is a suggestion that I have influenced the decision of the committee for my client's benefit. I accept that there are a number of considerations which would determine whether or not I have an Other Significant Interest in each case but I have tended to take the cautious approach and withdraw when I know a client of my firm to be involved. Although I have on occasion exercised my right to speak before the application is debated by members of the committee and then withdraw.

Originally I simply retired to the public seats during the relevant agenda items and observed the proceedings of the committee from there. But it was brought to my attention that the Code of Conduct required me to withdraw from the meeting completely. As I have discussed with you on occasion in the past, I take the view that this puts me in a worse position than other members of the public and on occasion inhibits my duty to act in the best interests of my client by preventing me from observing the proceedings of the committee and the debate which has led to the decision taken. For example, if the decision is to refuse a planning application submitted by my client I would like to be able to understand the reasons for the decision by listening to the debate with a view to advising my client as to the implications thereof which I would be perfectly entitled to do if I were not a member of the Council.

This has been brought into sharper focus recently relation to agenda items of the Planning and Transportation Advisory Board regarding the Local Plan. I attended and participated in the initial discussion of that board concerning the consultation document but it occurred to

me at that meeting that there may be clients of Warners whose land holdings are affected by the consultation document one way or another and I have subsequently discovered that to be the case. I have therefore not attended subsequent meetings of the Cabinet where the Local Plan has been discussed although I would have liked to have done so. Indeed my specialist field of law is commercial property work which includes advising on development sites, and I believe that my qualifications and experience may well be beneficial to other members who might find my contribution to debate useful.

I therefore seek dispensation from the requirement to leave the room on these occasions and if the General Purposes Committee deems it appropriate to allow me to participate in the debate, although not to take part in any vote.

With kind regards

Yours sincerely

A handwritten signature in black ink that reads "Mark" with a stylized underline.

M O Davis

TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

20 October 2016

Report of the Director of Central Services

Part 1- Public

Delegated

1 UPDATE OF THE FLEXIBLE RETIREMENT POLICY

The Flexible Retirement Policy is set out in Annex 1 to this report. This policy was last updated in October 2013. All of the Council's Personnel policies are periodically reviewed to ensure that they are fit for purpose and continue to be legally compliant. This report recommends a couple of minor amendments to the Policy and proposes the updated policy in Annex 2 to this report (the amendments are highlighted in italics).

1.1 Recommended changes

- 1.1.1 It is **RECOMMENDED** that a new Section 2, entitled "Principles", is added to the existing policy. This gives a more detailed overview than the current policy of the considerations taken into account when considering requests for flexible retirement. Furthermore it provides a contingency for any future changes to the Local Government Pension Scheme Regulations that may become effective between scheduled meetings of this Committee. The recommended new section also reinforces the Council's ongoing commitment to equality issues.
- 1.1.2 Section 2:3 of the current Flexible Retirement Policy states that one of the criteria for agreeing to a request for flexible retirement will be that there is "no cost to the Council". Successive legislative changes to the Local Government Pension Scheme entitlements over a number of years mean that such a blanket requirement would now constitute age discrimination (as in all likelihood only those who reached their 60 birthday on 1 April 2016 could meet the "no cost" criterion). It is therefore **RECOMMENDED** that the phrase "where there is no cost to the Council" is replaced by "where there are clear financial or operational advantages".
- 1.1.3 Members will have noted that the updated Policy no longer stipulates a requirement to pro rata the Essential Car User allowance for those who are flexibly retiring. This amendment is **RECOMMENDED** to align the entitlement to this allowance with other categories of part time workers within the Council, and thus avoid potential age discrimination.

1.2 Legal Implications

- 1.2.1 The recommended amendments to the Flexible Retirement Policy are compliant with the Local Government Pension Scheme Regulations 2007 and 2014, and the Equality Act 2010.

1.3 Financial and Value for Money Considerations

- 1.3.1 It is imperative that the Council has HR policies that are transparent and fair not only in the interests of natural justice, but also in order to avoid costly legal challenge.

1.4 Risk Assessment

- 1.4.1 The recommendations outlined in Sections 1:1:2 and 1:1:3 above mitigate against challenges of age discrimination.

1.5 Equality Impact Assessment

- 1.5.1 The recommendations outlined in this report make a positive contribution to promoting equality.

1.6 Recommendations

- 1.6.1 Members are **RECOMMENDED** to adopt the updated Flexible Retirement Policy as set out in Annex 2 to this report.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield
Director of Central services and Monitoring Officer

ANNEX 1

Flexible Retirement Policy

1 Introduction - The retirement routes for members of the Local Government Pension Scheme

- 1:1 There are various retirement routes available to employees who have contributed to the Local Government Pension Scheme (the LGPS). The Normal Retirement Age when employees can retire and receive full pension benefits from the LGPS is their state pension age, or age 65, whichever is later.
- 1:2 Voluntary retirement is permitted from the LGPS at any point between age 55 and 75. However, unless they are protected by the “Rule of 85 years” those who retire before their Normal Retirement Age will receive a reduced pension to fund the “cost” to the LGPS of their early retirement. Likewise, their pension will increase if they retire later.
- 1:3 The LGPS rules require pension benefits to be drawn by the age of 75.
- 1:4 Flexible retirement enables employees to draw their pension benefits and to continue working for the Council and receiving a salary in accordance with Regulation 30(6) of the Local Government Pension Scheme Regulations 2013. Flexible retirement can enable an employee to phase into retirement by:
- reducing their working hours and/or
 - moving to a job on a lower salary.

Employees who have been a member of the Local Government Pension Scheme for at least 3 months (or have transferred in previous pension benefits), and have attained at least age 55, have the right to make a formal request for flexible retirement. The procedure for making and considering such requests is set out in Section 2 below.

- 1:5 Requests for a reduction in working hours from employees who are not members of the LGPS will be considered in accordance with the Flexible Working, Home Working and Time Off Policy.

2 Flexible Retirement Procedure

- 2:1 Individual circumstances are very different and actual pension benefits will be based on entitlements built up over a period of time, and, in some cases, will include pension “pots” that have been transferred into the LGPS. Therefore, employees

considering applying for flexible retirement should contact Personnel Services who will obtain an estimate of their pension benefits. This will include details of any reductions to these benefits if drawn before Normal Pension Age, and will specify any pension fund cost that there would be to the Council if it agreed to the request for flexible retirement.

- 2:2 Only one request per individual per annum may be made for an estimate of pension benefits. It is also recommended that once the estimate has been obtained those considering applying for flexible retirement should seek independent financial advice concerning the potential long term impact of “early retirement” upon their overall income levels.
- 2:3 Requests for flexible retirement will normally be agreed to only where the reduction in hours and/or grade achieves an immediate overall reduction in salary of 40% and where there is no cost to the Council.
- 2:4 If an individual decides to make a request for flexible retirement it should be in writing to the Service’s relevant Chief Officer and should address the following points:
- What is your proposed flexible retirement working pattern – i.e. do you propose to transfer to an identified lower graded position within the Council , or to reduce the number of hours that you work? How will this new working pattern, reduction in hours etc, benefit both yourself and the service?
 - When would you like this new arrangement to begin?
 - Bearing in mind that there is no longer an age for compulsory retirement, how do you intend to “phase” your retirement – i.e. how long do you envisage working the requested pattern and when do you intend to fully retire?

You should attach the estimate obtained by Personnel Services (referred to in Section 2:1 above) to the request to enable the Chief Officer to assess whether there will be a pension fund cost to the Council.

- 2:5 The relevant Chief Officer, in consultation with the Personnel Manager, will consider requests on business grounds in accordance with the needs of the service and based on the case put forward. This consideration will include an assessment of whether the flexible retirement would have a detrimental effect on the Council, its service recipients or other employees; it would also identify and consider any arrangements that might need to be made to ensure continuity of service.
- 2:6 In very exceptional circumstances there may be a cost to the Council, incurred by waiving the pension reduction for those who retire before Normal Pension Age because the Council may need to make an upfront lump sum payment to the pension fund to “pay for” the retirement. In such rare situations, the decision as to

whether or not to agree to the flexible retirement will need to be authorised by the Chairman of the General Purposes Committee and the Cabinet Member for Finance and Health (agreed by the General Purposes Committee September 2006).

- 2:7 Once a decision has finally been reached, the Chief Officer will advise the employee in writing on the outcome of their request for flexible retirement.
- 2:8 There is no trial period for flexible retirement because once it has been agreed, the decision cannot be reversed due to the direct impact upon the pension benefits.
- 2:9 Employees may raise any complaint they may have about the operation of this policy through the Council's Grievance Procedure.
- 2:10 Use of Tonbridge & Malling's Flexible Retirement Policy will be subject to equalities monitoring. Any data gathered for this purpose will not identify individual employees and will be anonymous.

3 Implications of Flexible Retirement to the employee

- 3:1 The annual pension and lump sum retirement grant are paid with effect from the date of flexible retirement Additional Voluntary Contributions (AVCs) may be drawn if the employee so chooses.
- 3:2 Employees taking flexible retirement may contribute to the LGPS in the new or part time job in the form of an additional pension that will be drawn when they finally retire. This "new" pension will be a separate pension accrual.
- 3:3 If the employee reduces hours in the same job, or if there is no break in service and they start a new job, they will retain the recognition of continuous service for purposes of annual leave and sick pay, and for employment rights such as protection against unfair dismissal. The annual leave allowance will be based on the entitlement of the post in which the flexible retiree is working, and will be reduced pro rata for the number of hours worked.
- 3:4 Employees granted flexible retirement on the basis of reduced hours, and who have an entitlement to a leased car under the Council's scheme, will have their "Limit of Three Year Cost" in the scheme reduced pro rata to their reduction in hours. This reduction will take place on the same date as the reduction in hours takes effect.

Similarly a pro rata reduction in allowance will apply to flexibly retiring employees who have opted into the Leased Car Cash Alternative Scheme. (Agreed by MT 15/1/2008).

- 3:5 Any allowances such as that for telephones and essential car user status will also be reduced pro rata to the reduction in hours. In cases where the individual starts a new job, the entitlement to various allowances will be that pertaining to the new job. The changes in entitlement will take place on the same date that the reduction in hours or new job takes effect.
- 3:6 The amended terms and conditions will be specified in a variation to contract document to be signed by the employee and retained on their personnel file.

April 2014

Annex 2 – draft updated policy

Flexible Retirement Policy

1 Introduction - The retirement routes for members of the Local Government Pension Scheme

- 1:1 There are various retirement routes available to employees who have contributed to the Local Government Pension Scheme (the LGPS). The Normal Retirement Age when employees can retire and receive full pension benefits from the LGPS is their state pension age.
- 1:2 Voluntary retirement is permitted from the LGPS at any point between age 55 and 75. However, unless they are protected by the “Rule of 85 years” those who retire before their Normal Retirement Age will receive a reduced pension to fund the “cost” to the LGPS of their early retirement. Likewise, their pension will increase if they retire later.
- 1:3 The LGPS rules require pension benefits to be drawn by the age of 75.
- 1:4 Flexible retirement enables employees to draw their pension benefits and to continue working for the Council and receiving a salary in accordance with Regulation 30(6) of the Local Government Pension Scheme Regulations 2013. Flexible retirement can enable an employee to phase into retirement by:
- reducing their working hours and/or
 - moving to a job on a lower salary.

Employees who have been a member of the Local Government Pension Scheme for at least 3 months (or have transferred in previous pension benefits), and have attained at least age 55, have the right to make a formal request for flexible retirement. The procedure for making and considering such requests is set out in Section 2 below.

- 1:5 Requests for a reduction in working hours from employees who are not members of the LGPS will be considered in accordance with the Flexible Working, Home Working and Time Off Policy.

2 Principles

- 2:1 *The Council will consider all requests for flexible retirement, and will reach a decision by taking into account a range of factors including; the financial implications, impact on service delivery, skills and skills retention, and employment law.*
- 2:2 *Each decision will be made free from discrimination on the grounds of any protected characteristic – age, disability, gender reassignment, marriage or*

civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation.

- 2:3 *Decisions relating to flexible retirement and the release of pension benefits will be in line with the current pension regulations. These regulations may be updated from time to time and the Council will default to the regulations if the policy is not explicit on any current or future regulation.*

3 Flexible Retirement Procedure

- 3:1 Individual circumstances are very different and actual pension benefits will be based on entitlements built up over a period of time, and, in some cases, will include pension “pots” that have been transferred into the LGPS. Therefore, employees considering applying for flexible retirement should contact Personnel Services who will obtain *a full estimate* of their pension benefits. This will include details of any reductions to these benefits if drawn before Normal Pension Age, and will specify any pension fund cost that there would be to the Council if it agreed to the request for flexible retirement.
- 3:2 Only one request per individual per annum may be made for an estimate of pension benefits. It is also recommended that once the estimate has been obtained those considering applying for flexible retirement should seek independent financial advice concerning the potential long term impact of “early retirement” upon their overall income levels.
- 3:3 Requests for flexible retirement will normally be agreed to only where the reduction in hours and/or grade achieves an immediate overall reduction in salary of 40% and where there *are clear financial or operational advantages*.
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 - When would you like this new arrangement to begin?
 - Bearing in mind that there is no longer an age for compulsory retirement, how do you intend to “phase” your retirement – i.e. how long do you envisage working the requested pattern and when do you intend to fully retire?

You should attach the *full* estimate obtained by Personnel Services (referred to in Section 3:1 above) to the request to enable the Chief Officer to assess whether there will be a pension fund cost to the Council.

- 3:5 The relevant Chief Officer, in consultation with the Personnel Manager, will consider requests on business grounds in accordance with the needs of the service and based on the case put forward. This consideration will include an assessment of whether the flexible retirement would have a detrimental effect on the Council, its service recipients or other employees; it would also identify and consider any arrangements that might need to be made to ensure continuity of service.
- 3:6 In circumstances where there is a cost to the Council, incurred by waiving the pension reduction for those who retire before Normal Pension Age (because the Council may need to make an upfront lump sum payment to the pension fund to “pay for” the retirement), the decision as to whether or not to agree to the flexible retirement will need to be authorised by the Chairman of the General Purposes Committee and the Cabinet Member for Finance, Innovation and Property.
- 3:7 Once a decision has finally been reached, the Chief Officer will advise the employee in writing on the outcome of their request for flexible retirement.
- 3:8 There is no trial period for flexible retirement because once it has been agreed; the decision cannot be reversed due to the direct impact upon the pension benefits.
- 3:9 Employees may raise any complaint they may have about the operation of this policy through the Council’s Grievance Procedure.
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- 4:3 If the employee reduces hours in the same job, or if there is no break in service and they start a new job, they will retain the recognition of continuous service for purposes of annual leave and sick pay, and for employment rights such as protection against unfair dismissal. The annual leave allowance will be based on the entitlement of the post in which the flexible retiree is working, and will be reduced pro rata for the number of hours worked.

4:4 Employees granted flexible retirement on the basis of reduced hours, and who have an entitlement to a leased car under the Council's scheme, will have their "Limit of Three Year Cost" in the scheme reduced pro rata to their reduction in hours. This reduction will take place on the same date as the reduction in hours takes effect.

Similarly a pro rata reduction in allowance will apply to flexibly retiring employees who have opted into the Leased Car Cash Alternative Scheme, and who are eligible for a telephone allowance. (Agreed by MT 15/1/2008).

4:5 In cases where the individual starts a new job, the entitlement to various allowances will be that pertaining to the new job. The changes in entitlement will take place on the same date that the reduction in hours or new job takes effect.

4:6 The amended terms and conditions will be specified in a variation to contract document to be signed by the employee and retained on their personnel file.

April 2014

Updated October 2016

Agenda Item 8

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 9

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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Agenda Item 10

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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