

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

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

Contact: Committee Services
committee.services@tmbc.gov.uk

17 March 2014

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 25th March, 2014 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

1. Apologies for absence
2. Declarations of interest

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| 3. | Minutes | 7 - 14 |
| | To confirm as a correct record the Minutes of the meeting of the Cabinet held on Tuesday, 4 February 2014 | |
| 4. | Minutes | 15 - 18 |
| | To confirm as a correct record the Minutes of the meeting of the Cabinet held on Thursday, 13 February 2014 | |
| 5. | Matters Referred from Advisory Boards | 19 - 50 |
| | The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated. | |
| 6. | Matters Referred from Advisory Panels and Other Groups | 51 - 66 |
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| 7. | Petition Regarding Haydens Mews and the White House Conservation Status | 67 - 70 |
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| | Item referred from Strategic Housing Advisory Board of 24 February 2014 | |
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| 13. | Local Retail Centres - Engagement | 137 - 140 |

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14. Kent Minerals and Waste Local Plan Response to Consultation 141 - 154

Item referred from Planning and Transportation Advisory Board of 11 March 2014

Matters submitted for Information

15. Medium Term Financial Strategy 155 - 162

16. Local Indicators 2013/14 163 - 168

17. Urgent Items

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

Matters for consideration in Private

18. Exclusion of Press and Public

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.

PART 2 - PRIVATE

Executive Non-Key Decisions

19. Debts for Write Off 169 - 174

(Reason: LGA 1972 Sch 12A Para 2 – Information likely to reveal information about an individual)

20. Urgent Items

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

MEMBERSHIP

Councillor N J Heslop, (Leader)
Councillor Mrs J A Anderson, (Housing)
Councillor J A L Balcombe, (Economic Regeneration)
Councillor O C Baldock, (Environmental Services)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor Mrs M F Heslop, (Leisure, Youth and Arts)
Councillor B J Luker, (Communities and Health)
Councillor Mrs S Murray, (Planning and Transportation)
Councillor M R Rhodes, (Community Safety)

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

TONBRIDGE AND MALLING BOROUGH COUNCIL
DRAFT MINUTES
CABINET

Tuesday, 4th February, 2014

Present: Cllr N J Heslop (Leader), Cllr Mrs J A Anderson, Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A Coffin, Cllr B J Luker and Cllr Mrs S M Murray.

Councillors Bolt, Mrs Luck, Miss Moloney, Ms Spence, Sullivan and R Taylor were also present pursuant to Access to Information Rule No 22.

Apologies for absence were received from Councillors Mrs M Heslop and Rhodes.

PART 1 - PUBLIC

**CB
14/001 DECLARATIONS OF INTEREST**

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

**CB
14/002 MINUTES**

RESOLVED: That the Minutes of the meeting of the Cabinet held on 9 October 2013 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

**CB
14/003 TREASURY MANAGEMENT STRATEGY STATEMENT AND
ANNUAL INVESTMENT STRATEGY FOR 2014/15**

The report of the Director of Finance and Transformation provided details of investments undertaken and returns achieved in the first nine months of the current financial year. Members were invited to consider amending the current split of investment responsibilities for in-house and externally managed funds. It was noted that the size of the core fund had diminished to the extent that its investment could now be managed with in-house resources. The report concluded with a recommendation to adopt the Treasury Management Strategy Statement and Annual Investment Strategy for 2014/15.

The Cabinet was advised that the Audit Committee had reviewed the matters covered by the report at its meeting on 27 January 2014 and the revised arrangements had been commended for adoption.

The Director of Finance and Transformation reported that, following a sale by auction of the Landsbanki claim, the Council had now received the final tranche of monies due and the matter was now closed. She advised that Tonbridge and Malling Borough Council had recovered 95% of the £1million that was deposited in 2008.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2013 be noted;
- (2) the current minimum counterparty credit ratings and the current maximum sovereign/counterparty exposure limits be retained;
- (3) all cash flow funds in 2014/15 be managed in-house with no requirement to transfer funds to the external fund manager;
- (4) the transfer of responsibility for the Council's core fund investments from the external fund manager to in-house management during 2014/15 be approved;
- (5) some flexibility over the duration of investments placed with UK financial institutions be allowed as outlined in paragraph 1.3.12 of the report; and
- (6) the Treasury Management Strategy Statement and Annual Investment Strategy for 2014/15, as set out at Annex 3 to the report, be adopted.

**CB
14/004**

SETTING THE BUDGET FOR 2014/15

This matter was deferred to a special Budget meeting of the Cabinet to be held on 13 February 2014.

**CB
14/005**


SETTING THE COUNCIL TAX FOR 2014/15

This matter was deferred to a special Budget meeting of the Cabinet to be held on 13 February 2014.

**CB
14/006**

UPDATE OF ANTI FRAUD POLICIES

The report of the Director of Finance and Transformation gave details of the outcome of the review of the Anti-Fraud Policies of the Council. A number of changes had been identified which were commended for adoption following consideration by the Audit Committee at its meeting on 27 January 2014. It was noted that the Audit Committee had also recommended that the General Purposes Committee approve the Whistleblowing Charter (Confidential Reporting Policy).

RECOMMENDED: That the Council approve the following draft policies: 

Anti-Fraud and Corruption Policy as set out at Annex 1 to the report to the Audit Committee;

Housing and Council Tax Benefit Anti-Fraud Policy as set out at Annex 2 to the report to the Audit Committee;

Council Tax Reduction, Discount and Exemption Anti-Fraud Policy as set out at Annex 3 to the report to the Audit Committee.

**CB
14/007**

**RESPONSE TO DRAFT HIGH WEALD AND KENT DOWNS AONB
DRAFT MANAGEMENT PLANS AND ADOPTION OF FINAL PLANS**

Item PE 13/028 referred from Planning and Transportation Advisory Board minutes of 19th November, 2013

The Cabinet received the recommendations of the Planning and Transportation Advisory Board at its meeting on 19 November 2013 regarding adoption of Management Plans for the High Weald and Kent Downs Areas of Outstanding Natural Beauty.

RECOMMENDED: That 

(1) the third edition of the Management Plan for the High Weald AONB be adopted by 1 April 2014; and

(2) in respect of the Kent Downs AONB Management Plan, confirmation be given to the action taken in delegating authority to the Director of Planning, Housing and Environmental Health to ensure that the Plan does not conflict with, or appear to conflict with, the NPPF/Draft NPPG/Local Plan and agree any further amendments following which the Management Plan for the Kent Downs AONB be adopted by 1 April 2014.

**CB
14/008**

REVENUE ESTIMATES 2014/15

Item FIP 14/003 referred from Finance, Innovation and Property Advisory Board minutes of 8th January, 2014

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2014 in relation to the formulation of initial draft proposals in respect of the Budget. It was agreed that all budgetary matters would be considered in detail at the subsequent Budget meeting of the Cabinet on 13 February 2014.

RECOMMENDED: That confirmation be given to the action taken in endorsing the following for consideration by the Overview and Scrutiny Committee

(1) the Draft Revenue Estimates contained in the booklet be endorsed; and

(2) within the context of the financial pressures outlined in the report, the Overview and Scrutiny Committee be requested to consider the Draft Revenue Estimates contained in the booklet and make appropriate recommendations to the Cabinet for its Budget meeting.

**CB
14/009**

CAPITAL PLAN REVIEW

Item FIP 14/004 referred from Finance, Innovation and Property Advisory Board minutes of 8th January, 2014

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 8 January 2014 in relation to the initial stage of the Capital Plan Review process. It was agreed that all budgetary matters would be considered in detail at the subsequent Budget meeting of the Cabinet on 13 February 2014.

RECOMMENDED: That confirmation be given to the action taken in endorsing the following for consideration by the Overview and Scrutiny Committee:

(1) the Capital Plan (List A) position as shown in Annex 2 to the report;

(2) the amendment of List C as detailed in paragraph 1.5.1 of the report;

(3) the selection for evaluation of those List C schemes shown in paragraph 1.6.3 of the report;

(4) the transfer of the schemes listed in paragraph 1.7.3 of the report from List C to List B and in the case of the river wall, Wouldham scheme a specific earmarked reserve be established in the sum of £700,000 and this scheme sit outside the annual allowance of £320,000 with an implementation date for Capital Plan purposes of 2015/16; and

(5) endorsement of the draft Capital Strategy, as set out at Annex 5 to the report, for adoption and publication on the Council's website.

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

**CB
14/010 REVIEW OF ENVIRONMENTAL HEALTH SERVICES FEES AND
 CHARGES**

Item LEM 13/052 referred from Local Environmental Management
Advisory Board minutes of 26th November, 2013

Decision Notice D140009CAB

**CB
14/011 LEISURE FACILITIES - ESTABLISHMENT OF NEW TRUST**

Item LAA 13/048 referred from Leisure and Arts Advisory Board
minutes of 9th December, 2013

Decision Notice D140010CAB

**CB
14/012 LEISURE SERVICES - REVIEW OF CHARGES 2014/15**

Item LAA 13/049 referred from Leisure and Arts Advisory Board
minutes of 9th December, 2013

Decision Notice D140011CAB

**CB
14/013 REVIEW OF FEES AND CHARGES 2014/15**

Item FIP 14/006 referred from Finance, Innovation and Property
Advisory Board minutes of 8th January, 2014

Decision Notice D140012CAB

**CB
14/014 REVIEW OF FEES FOR STREET NAMING AND NUMBERING
 SERVICES**

Item FIP 14/007 referred from Finance, Innovation and Property
Advisory Board minutes of 8th January, 2014

Decision Notice D140013CAB

**CB
14/015 BUILDING REGULATIONS FEES**

Item PE 14/002 referred from Planning and Transportation Advisory
Board minutes of 20th January, 2014

Decision Notice D140014CAB

**CB
14/016 CAR PARKING FEES, CHARGES AND OPERATIONS**

Item PE 14/003 referred from Planning and Transportation Advisory Board minutes of 20th January, 2014

Decision Notice D140015CAB

**CB
14/017 OVERVIEW AND SCRUTINY REVIEW OF CONCESSIONARY FEES AND CHARGES FOR BENEFIT CLAIMANTS**

Decision Notice D140016CAB

**CB
14/018 OVERVIEW AND SCRUTINY REVIEW OF DISABLED FACILITIES GRANT CONTRIBUTIONS AND HOUSING ASSISTANCE FUNDING**

Decision Notice D140017CAB

**CB
14/019 RECENT FLOODING EMERGENCY**

Decision Notice D140018CAB

**CB
14/020 WEST KENT CLINICAL COMMISSIONING GROUP HEALTH AND WELLBEING BOARD**

Item CH 13/014 referred from Communities and Health Advisory Board minutes of 18th November, 2013

Decision Notice D140019CAB

MATTERS SUBMITTED FOR INFORMATION**CB
14/021 MATTERS REFERRED FROM ADVISORY BOARDS**

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

Strategic Housing Advisory Board of 11 November 2013
Economic Regeneration Advisory Board of 12 November 2013
Communities and Health Advisory Board of 18 November 2013
Planning and Transportation Advisory Board of 19 November 2013
Local Environmental Management Advisory Board of 26 November 2013
Leisure and Arts Advisory Board of 9 December 2013
Finance, Innovation and Property Advisory Board of 8 January 2014
Planning and Transportation Advisory Board of 20 January 2013

RESOLVED: That the report be received and noted.

**CB
14/022 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER
GROUPS**

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

Parish Partnership Panel of 14 November 2013
Tonbridge Forum of 25 November 2013
Joint Transportation Board of 2 December 2013

RESOLVED: That the report be received and noted.

**CB
14/023 LOCAL INDICATORS - 2013/14**

The Director of Central Services presented the results for the first half of the current financial year for those local indicators that were monitored regularly.

RESOLVED: The report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE**CB
14/024 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 2034 hours

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 13th February, 2014

Present: Cllr N J Heslop (Chairman), Cllr Mrs J A Anderson,
Cllr J A L Balcombe, Cllr O C Baldock, Cllr M A Coffin,
Cllr Mrs M F Heslop, Cllr B J Luker, Cllr Mrs S Murray and
Cllr M R Rhodes

Councillors P F Bolt, D J Cure, R D Lancaster, Miss A Moloney,
A G Sayer, Mrs E A Simpson and A K Sullivan were also present
pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 14/25 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 14/26 SETTING THE BUDGET FOR 2014/15

The joint report of the Chief Executive and Director of Finance and Transformation updated the Cabinet on issues relating to the setting of the Budget for 2014/15 together with the outcome of the examination of the draft Revenue Estimates and the Capital Plan review process undertaken by the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee. It was noted that the Revenue Estimates as presented had been endorsed.

A more detailed supplementary report prepared in liaison with the Leader and Cabinet Member for Finance, Innovation and Property was circulated in advance of the meeting. It highlighted adjustments made to the 2013/14 revised estimates in respect of small business rate relief under the Business Rates Retention scheme and to the Capital Plan in respect of the funding of Disabled Facilities Grants and Housing Assistance. The report examined the situation in relation to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2014/15.

The report explained the components of the funding allocation in the final local government settlement published on 5 February 2014. The Director of Finance and Transformation updated the position arising from the Government's offer of a council tax 'freeze' grant in 2014/15

(equivalent to a 1% increase in council tax) and the way in which the approach appeared to differ from that in previous years by building the funding into the spending review base line.

Members were advised of the Secretary of State's announcement that the referendum threshold had been set at 2% (including levies) for 2014/15 resulting in a 'trigger point' of 1.99%. It was noted that the summary total for the 2014/15 estimates would be affected by the Council's decision on whether or not to accept the 'freeze' grant and thus the level of overall savings needing to be made.

Attention was drawn to recommendations from Advisory Boards regarding the levels of fees and charges to be implemented from 1 April 2014 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2014/15 and calculating the council tax. Consideration was given to the updated MTFS based on a council tax increase of 1.99% (the upper limit for referendum purposes) and a council tax freeze. The Cabinet also deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFS for the next ten year period and setting the council tax for 2014/15. Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made.

Members recorded their thanks to the Director of Finance and Transformation and colleagues for all their work in bringing forward the budget in the current challenging circumstances and against the backdrop of the flooding emergency.

RECOMMENDED: That

(1) the Capital Plan be updated as set out in paragraph 1.5.12 of the report as follows and adopted accordingly:

(i) the position of the existing Capital Plan (List A) as summarised in Annex 3 to the report be approved;

(ii) the schemes detailed in Annex 4 to the report be added to List C or deleted from List C as indicated;

(iii) the selection of those schemes listed in Annex 5 to the report for evaluation over the coming year be approved;

(iv) the transfer to the Capital Plan (List A) of the schemes detailed in Annex 6 to the report be approved and in the case of the river wall, Wouldham scheme a specific earmarked reserve be established in the

sum of £700,000 and this scheme sit outside the annual allowance for £320,000 with an implementation date for capital plan purposes of 2015/16;

(v) in the current year 2013/14 the sum of £60,000 be added to the Disabled Facilities Grant budget and be funded by way of an equivalent decrease in the Housing Assistance budget;

(vi) the updated Capital Plan (List A) as summarised in Annex 7 of the report be approved;

(2) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 8 January and the Overview and Scrutiny Committee on 28 January 2014 be endorsed and adopted by the Council;

(3) the prudential indicators listed in paragraphs 1.6.4 and 1.6.8 of the report be adopted;

(4) for the financial year 2014/15 the Council's Minimum Revenue Provision be endorsed as nil, as set out at paragraph 1.6.11 of the report;

(5) the updates to the Medium Term Financial Strategy, as set out at Annexes 11a and 11b to the report, based on a council tax increase of 1.99% and council tax freeze respectively be noted;

(6) the third objective in the Medium Term Financial Strategy be amended to read: "Seek to set future levels of council tax having regard to the guidelines issued by the Secretary of State";


(7) the Council be recommended to approve a council tax increase of 1.99% as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2014/15; and

(8) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed.

CB 14/27 SETTING THE COUNCIL TAX FOR 2014/15

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2014/15 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to be undertaken in arriving at the levels of council tax applicable to each part of the Borough. Reference was made to the debate that needed to take place regarding the relative merits of a freeze in council tax as opposed to an increase. Accordingly, the resolution and information regarding the precepts of the other authorities would be reported to the full Council on 18 February 2014.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 1.99% increase in council tax for 2014/15. 

CB 14/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.39 pm

Agenda Item 5

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

Strategic Housing Advisory Board of 24 February 2014

Economic Regeneration Advisory Board of 26 February 2014

Local Environmental Management Advisory Board of 3 March 2014

Communities and Health Advisory Board of 4 March 2014

Planning and Transportation Advisory Board of 11 March 2014 – to follow

Leisure and Arts Advisory Board of 12 March 2014 – to follow

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

Monday, 24th February, 2014

Present: Cllr A G Sayer (Chairman), Cllr D J Trice (Vice-Chairman), Cllr Ms J A Atkinson, Cllr Mrs B A Brown, Cllr C Brown, Cllr D J Cure, Cllr Mrs S Luck, Cllr M Parry-Waller, Cllr Miss S O Shrubsole and Cllr Mrs C J Woodger

Councillors O C Baldock, Mrs P Bates, P F Bolt, N J Heslop, B J Luker, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J M Bellamy, D W Smith and Ms S V Spence and from Cllr Mrs J A Anderson (Cabinet Member for Housing).

PART 1 - PUBLIC

SH 14/1 DECLARATIONS OF INTEREST

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

SH 14/2 MINUTES

RESOLVED: That the notes of the meeting of the Strategic Housing Advisory Board held on 11 November 2013 be approved as a correct record and signed by the Chairman.

SH 14/3 GLOSSARY

The Director of Planning, Housing and Environmental Health submitted a glossary of terms used within the reports to the Advisory Board.

MATTERS FOR RECOMMENDATION TO THE CABINET

SH 14/4 HOUSING ASSISTANCE POLICY 2014-2016

The joint report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Housing set out details of proposed changes to the Housing Assistance Policy to reflect the recent Overview and Scrutiny Committee review of the Policy. The Board was reminded that the Policy allowed the Borough Council to encourage home owners to improve their homes while providing financial support for the most

vulnerable and most in need and particular reference was made to Home Improvements funding, the Warm Homes scheme and Home Safety Assistance. Members noted that the proposed changes aimed to target the available assistance to reflect the Council's key strategic priorities.

RECOMMENDED: That the revised Housing Assistance Policy, as detailed at Annex 1 to the report, be commended to Cabinet for approval.

SH 14/5 PREFERRED PARTNER STATUS FOR GOLDING HOMES

Decision Notice D140020MEM

The joint report of the Director of Planning, Housing and Environmental Health and the Cabinet Member for Housing set out details of a proposal to include Golding Homes in the list of Preferred Registered Provider Partners operated by the Borough Council.

RECOMMENDED: That the inclusion of Golding Homes as a Preferred Registered Provider Partner to Tonbridge and Malling Borough Council be endorsed.

MATTERS SUBMITTED FOR INFORMATION

SH 14/6 HOUSING ALLOCATIONS SUPPLEMENTARY STATUTORY GUIDANCE DECEMBER 2013

The report set out details of the provisions of "Providing social housing for local people: Statutory guidance on social housing allocations for local authorities in England" which had been published by the Department for Communities and Local Government on 31 December 2013.

SH 14/7 THINK HOUSING FIRST: KENT-WIDE HEALTH INEQUALITIES ACTION PLAN FOR HOUSING

The report provided an update on the recently launched health inequalities action plan "Think Housing First" which had been developed by the Joint Policy and Planning Board (Housing) and the Kent Housing Group to set out the role of the housing sector in reducing health inequalities across Kent. The Board noted that "Think Housing First" aimed to raise the profile of housing in addressing health inequalities in Kent and welcomed the key objectives of the Action Plan set out at Annex 1 to the report.

SH 14/8 PRIVATE SECTOR HOUSING UPDATE

The report provided updates on the Disabled Facilities Grant funding and Better Care Fund, the Energy Company Obligation Programme, the

Coldbusters Scheme and the Better Homes: accessible housing framework. Attention was drawn to a number of key changes to the Energy Company Obligation Programme arising from the Chancellor's Autumn Statement and the probable adverse impact on funding available for the Kent and Medway Warm Homes scheme.

SH 14/9 STRATEGY AND ENABLING UPDATE

The report provided an update on progress made by the Council's Registered Provider (RP) Partners to provide new affordable homes within the Borough and described the progress on various housing strategy initiatives. Particular reference was made to the Homes and Communities Agency's Prospectus for the new Affordable Homes Programme bidding round 2015-18 and the possible effect of the proposed affordable rent at 80 per cent of market rent on affordability and accessibility for those households in housing need.

SH 14/10 HOUSING NEEDS UPDATE

The report provided an update on the activity of the Housing Options team. It was noted that the number of households seeking housing advice remained significantly high as a result of the economic downturn.

SH 14/11 EXTERNAL CONSULTATIONS

The report of the Director of Planning, Housing and Environmental Health set out details of external consultations responded to since the last meeting of the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

SH 14/12 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS SUBMITTED FOR INFORMATION

SH 14/13 SERVICE OF STATUTORY NOTICES

(Reason: LGA 1972 Sch 12A Para 3 – Financial or business affairs of any particular person)

The report of the Director of Planning, Housing and Environmental Health set out details of statutory notices served since the last meeting of the Advisory Board.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

ECONOMIC REGENERATION ADVISORY BOARD

Wednesday, 26th February, 2014

Present: Cllr C P Smith (Chairman), Cllr Miss S O Shrubsole (Vice-Chairman), Cllr M O Davis, Cllr S M King, Cllr Mrs S Luck, Cllr M Parry-Waller, Cllr A G Sayer, Cllr Miss J L Sergison, Cllr Mrs E A Simpson and Cllr R Taylor

Councillors J A L Balcombe, O C Baldock, M A C Balfour, P F Bolt, D J Cure, N J Heslop, B J Luker, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor R D Lancaster

ERG 14/1 DECLARATIONS OF INTEREST

Councillor Mrs Luck advised that in connection with the item on Local Retail Centres - Engagement she had a business in West Malling and was a member of the Chamber of Commerce.

ERG 14/2 MINUTES

RESOLVED: That the Notes of the meeting of the Economic Regeneration Advisory Board held on 12 November 2013 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO CABINET

ERG 14/3 SELEP STRATEGIC ECONOMIC PLAN, KENT AND MEDWAY UNLOCKING THE POTENTIAL AND WEST KENT PRIORITIES FOR GROWTH

Decision Notice D140021MEM

The report provided an update on the development of growth plans for the South East, for Kent and Medway and for West Kent. It also set out proposals for the development of a local commissioning plan to draw future funding into Kent and Medway from the Local Enterprise Partnership (LEP) to support local economic priorities.

Members were reminded that funding from both Government and European sources for local infrastructure projects and to support economic initiatives was now being channelled via Local Enterprise Partnerships across the country.

In addition, proposals regarding a Kent and Medway Commissioning plan were outlined and specific priorities for Tonbridge and Malling, along with indicative funding, were set out in the report. Further work on

the commissioning process would continue over the rest of the year and it remained crucial that West Kent set out a strong case for local investment over this period to ensure the area received its fair share of support relative to other needs across Kent and Medway. It was noted that there was no guarantee that funding would be allocated to Tonbridge and Malling individually as it was anticipated that distribution would be on a county wide basis.

Members were encouraged by the priorities put forward and were grateful to Kent County Council for their response. However, whilst uncertainty remained regarding funding allocation it was important to maintain appropriate pressure and continue to lobby for important projects to be included. It was also commented that recent events had highlighted the importance of flood protection measures, which should be funded by Government and not Local Enterprise Partnerships.

RECOMMENDED: That

- (1) the comments submitted by the West Kent Partnership on the draft Kent and Medway Growth Plan and the Strategic Economic Plan be endorsed;
- (2) the draft priority list of local economic projects, as set out in paragraph 1.6.3 of the report, be endorsed; and
- (3) the Chairman of the South East Local Enterprise Partnership be informed of the Borough Council's strong support for Government funding to support growth being devolved to the Kent and Medway Partnership.

ERG 14/4 LOCAL RETAIL CENTRES - ENGAGEMENT

The report of the Chief Executive provided an update on the engagement with traders from the Borough's local retail centres and sought agreement for a revised process for approving applications for grant support.

Members were pleased to note that all meetings held to date had resulted in positive and productive discussions. The main issues arising from these meetings were summarised in the report.

In addition, the offer of grant funding had been welcomed by local traders. However, an extension to the original deadline had been requested due to the tight timescales involved for some groups. To enable grant decisions to be made quickly it was proposed that Cabinet grant delegated authority to the Cabinet Members for Economic Regeneration and for Finance, Innovation and Property to determine grant applications and for those decisions to be reported to a further meeting of the Advisory Board for information.

RECOMMENDED: That

- (1) the outcome of discussions with local traders held to date be noted; and
- (2) authority be delegated to the Cabinet Members for Economic Regeneration and for Finance, Innovation and Property to make decisions regarding applications for grant support from local traders groups.

ERG 14/5 DRAFT ECONOMIC REGENERATION ANNUAL ACTION PLAN 2014/15

Decision Notice D140022MEM

The report presented for consideration a draft annual action plan for 2014/15. Officers noted the request to include reference to developing better regulatory delivery to promote better business for all under corporate initiatives if it was considered appropriate.

Particular reference was made to a Tonbridge and Malling Peer Challenge review arranged from 28-30 April, which would focus on economic regeneration, together with a number of wider corporate issues. Adoption of a short and concise action plan would assist with the peer review and enable the Borough Council to more clearly articulate what specific actions needed to be undertaken to fulfil its obligations to deliver against one of its key priorities.

RECOMMENDED: That the draft Economic Regeneration Annual Action Plan 2014/15 be endorsed.

ERG 14/6 A LOCAL PARTNERSHIP BETWEEN BUSINESSES, SOUTH EAST LEP (LOCAL ENTERPRISE PARTNERSHIP) AND REGULATORY SERVICES

Decision Notice D140023MEM

The report considered how local authority regulators in the South East might work with the Local Enterprise Partnership to help regulatory services work more effectively with business, with the aim of supporting economic regeneration, and set out proposals to develop a Better Business for All Partnership model in the South East LEP area.

Members were advised that the Better Business for All Partnership model was intended to promote co-operation between local regulators and businesses to deliver specific support and improvements to assist businesses comply with the law quickly, easily and economically. It was important that through co-ordinated corporate working across the Borough Council the culture of regulatory services adding value to business in a positive way would continue to be developed.

The Borough Council's proposal to the LEP was set out in the report and included a single point of contact that could be developed with their support and the support of local business organisations. An application for grant funding to aid in the delivery of this would be need to be considered.

Members were supportive of the initiative but queried whether charging for advice in some instances would be appropriate. After careful consideration it was felt that charging could impede a business's ability to succeed given the already difficult and costly legal framework they were required to operate in. On balance, this initiative was to help business grow and it met the Borough Council's aspiration on economic strategy.

RECOMMENDED: That the Borough Council's involvement in this initiative and the approach to be taken, as set out in the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

ERG 14/7 ESCALATE BUSINESS LOAN FUND - UPDATE

The report of the Chief Executive provided an update on the Escalate loan fund scheme and the level of interest generated to date. A copy of the guidance for the scheme was attached as Annex 1 to the report.

It was reported that the recent launch of the programme at K College had been well attended. Members expressed an interest in seeing similar events in the Malling area of the borough and, although there were no current plans, it would be suggested to Kent County Council.

Members were advised that there appeared to be considerable early interest already generated and it was anticipated that the fund might be taken up very quickly once the approval process started. There was strong evidence of local demand which demonstrated a future need for additional loan funding for West Kent businesses in excess of the £5.5M currently allocated.

ERG 14/8 WEST KENT PARTNERSHIP - MINUTES

Members received the minutes of the meeting of the West Kent Partnership held on 24 February 2014, which had focused on the SELEP and the various strategies for growth.

The level of public sector attendees at these meetings was noted and Members were advised of a potential reconfiguration of the Partnership to address a lack of business representation.

MATTERS FOR CONSIDERATION IN PRIVATE

ERG 14/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LOCAL ENVIRONMENTAL MANAGEMENT ADVISORY BOARD

Monday, 3rd March, 2014

Present: Cllr M O Davis (Chairman), Cllr S M King (Vice-Chairman),
Cllr Ms J A Atkinson, Cllr Ms V M C Branson, Cllr C Brown,
Cllr R W Dalton, Cllr Mrs E M Holland, Cllr Mrs F A Kemp,
Cllr Miss A Moloney and Cllr Mrs A S Oakley

Councillors O C Baldock, Mrs P Bates, P F Bolt, N J Heslop,
B J Luker, M R Rhodes and Ms S V Spence were also present
pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D J Trice

PART 1 - PUBLIC

LEM 14/1 DECLARATIONS OF INTEREST

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

LEM 14/2 MINUTES

RESOLVED: That the notes of the meeting of the Local Environmental
Management Advisory Board held on 26 November 2013 be approved
as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

**LEM 14/3 WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE)
RECYCLING**

Decision Notice D140024MEM

The joint report of the Director of Street Scene and Leisure and Cabinet
Member for Environmental Services gave an update on the Council's
WEEE recycling pilot and recommended that the initiative be extended
to the end of June 2014 to permit evaluation of new collection
arrangements.

RECOMMENDED: That

- (1) the changes to the WEEE Recycling Pilot as detailed in the report
be noted;
- (2) the appointment of Veolia as the provider of the WEEE recycling
service to 28 June 2014 be endorsed; and

- (3) the Director of Street Scene and Leisure report the findings of his review of the WEEE Recycling Pilot to the next meeting of the Advisory Board.

LEM 14/4 STREET SCENE ACTION PLAN 2014/15

Decision Notice D140025MEM

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Environmental Services provided details of proposed street scene initiatives planned for 2014/15.

RECOMMENDED: That approval be given to the Street Scene Action Plan 2014/15 as detailed in Annex 1 of the report.

LEM 14/5 TONBRIDGE ODOUR UPDATE

Decision Notice D140026MEM

The report of the Director of Planning, Housing and Environmental Health provided an update on the continuing issue of odour emissions in Tonbridge with particular reference to progress made since establishment of the multi-agency liaison group and introduction of a firm timetable of improvement works (Decision No D130141MEM).

A copy of the minutes of the first liaison group meeting held on 5 February were annexed to the report which highlighted a number of actions agreed at the meeting, most significantly the company's firm commitment to installing bespoke odour abatement equipment in the form of a Regenerative Thermal Oxidiser. It was noted that specialist consultants would be used to make a detailed assessment of the suitability of this plant in abating the odour emissions.

Members were particularly concerned that Drytec should keep the Borough Council informed of progress in meeting the timetable for the improvement works. Concern was expressed at continued reports of odours at evenings and weekends although the company had undertaken to review their production schedules to try and minimise odour emissions during these periods.

RECOMMENDED: That

- (1) the minutes of the liaison group be endorsed; and
- (2) the on-going approach of officers to the ultimate resolution of the current situation be endorsed.

MATTERS SUBMITTED FOR INFORMATION

LEM 14/6 WHERE DOES OUR RECYCLING GO?

The report of the Director of Street Scene and Leisure referred to recently published information by the Kent Resource Partnership (KRP) relating to the end destination of waste and recyclate collected by Kent authorities. It was noted that 82% of the waste collected by the Borough Council was dealt with in Kent with only 0.6% treated abroad. In addition nearly 90% of material collected was turned into a resource. Members were advised that the document 'KRP Materials End Destination 2012/13' would be published on the Council's website where it would assist in answering enquiries from the public.

LEM 14/7 WASTE SERVICES UPDATE

The report provided an update on a number of Waste Service initiatives. Details were given of the impact of flooding on the Christmas period collections and the redeployment of resources to assist in the emergency response. Members recorded thanks to the Veolia crews and all others involved for maintaining their usual high standard of service despite the additional demands placed upon them.

The report also referred to the commencement of the new Dog Warden contract, preparations for the new plastic collection contract, the outcome of green waste quality monitoring reports in respect of Blaise Farm and the range of activities undertaken in the context of the Love Where You Live campaign.

LEM 14/8 ENVIRONMENTAL PROTECTION TEAM UPDATE

The report provided an update on a range of Environmental Protection issues including air quality review and assessment process, mitigation measures at Blaise Farm and the annual return in respect of private water supplies.

LEM 14/9 FOOD AND SAFETY TEAM UPDATE

The report updated Members on the work of the Food and Safety Team and gave details of food hygiene training for a number of cuisine businesses, publication of Food Standards Agency inspection data for 2012/13 and participation in a pilot project to improve display of food hygiene ratings.

LEM 14/10 EXTERNAL CONSULTATIONS

Members noted the consultation documents responded to since the last meeting of the Advisory Board.

LEM 14/11 SERVICE OF STATUTORY NOTICES

The report outlined the statutory notices served since the last meeting of the Advisory Board.

LEM 14/12 PROSECUTIONS

The report of the Director of Central Services gave details of prosecutions undertaken and simple cautions issued since the last meeting of the Advisory Board.

MATTERS FOR CONSIDERATION IN PRIVATE

LEM 14/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.41 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HEALTH ADVISORY BOARD

Tuesday, 4th March, 2014

Present: Cllr Ms S V Spence (Chairman), Cllr Mrs C M Gale (Vice-Chairman), Cllr A W Allison, Cllr T Bishop, Cllr Mrs E M Holland, Cllr D Keeley, Cllr Miss J L Sergison, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor and Cllr R Taylor

D J Cure, N J Heslop, B J Luker and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D J Trice.

PART 1 - PUBLIC

CH 14/1 DECLARATIONS OF INTEREST

Councillor Mrs Gale declared an Other Significant Interest in the item concerning the Key Voluntary Sector Bodies – Grant Support on the grounds of being a member of the Maidstone Mediation Scheme and she withdrew from the meeting during consideration of this item.

CH 14/2 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Health Advisory Board held on 18 November 2013 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

CH 14/3 KEY VOLUNTARY SECTOR BODIES - GRANT SUPPORT

Decision Notice D140027MEM

The report of the Chief Executive reviewed the work of voluntary sector bodies which received grant support from the Borough Council and set out details of proposed grants for 2014/15. Presentations were received from each of the applicant organisations and the Board commended them for the work undertaken within the community.

RECOMMENDED: That, subject to the services provided being of an appropriate standard, grants to the following organisations be confirmed for 2014/15:

Tonbridge and Malling CAB - £111,000
Voluntary Action within Kent - £5,000
Voluntary Action Maidstone - £5,000
Age UK Sevenoaks and Tonbridge - £10,000

Age Concern Malling/West Kent Community Care - £10,000
Maidstone and West Kent Mediation Services - £6,000

CH 14/4 COMMUNITY-LED LOCAL DEVELOPMENT (CLLD)

Decision Notice D140028MEM

The report of the Chief Executive set out details of an opportunity to establish a Community-Led Local Development (CLLD) which could provide funding for local projects addressing a range of community issues and needs within Tonbridge and Malling. The report outlined the bidding process and suggested that a Tonbridge and Malling CLLD could focus on addressing the needs of the more deprived communities within the Borough.

RECOMMENDED: That an expression of interest for a Community-Led Local Development initiative, focused on addressing the Borough's community development objectives, be submitted to the South East Local Enterprise Partnership (SELEP).

CH 14/5 HEALTH ACTION TEAM

Decision Notice D140029MEM

The report of the Director of Planning, Housing and Environmental Health provided a summary of the work of the Council's Health Action Team (HAT) which focused on co-ordinating health improvement work across the Borough in association with public, private and voluntary sector groups. The minutes of the meeting of the group, held on 11 December 2013, were attached at Annex 1 to the report.

RECOMMENDED: That the work of the Housing Action Team and the minutes of the meeting held on 11 December 2014 be endorsed.

MATTERS SUBMITTED FOR INFORMATION

CH 14/6 MINUTES OF THE LOCAL STRATEGIC PARTNERSHIP

The minutes of the meeting of the Local Strategic Partnership held on 6 December 2013 were presented for Members' information.

CH 14/7 WEST KENT HEALTH AND WELL BEING BOARD

The minutes of the meeting of the West Kent Health and Well Being Board held on 21 January 2014 were presented for Members' information.

MATTERS FOR CONSIDERATION IN PRIVATE

CH 14/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 11th March, 2014

Present: Cllr M Parry-Waller (Vice-Chairman in the Chair), Cllr J Atkins, Cllr Mrs J M Bellamy, Cllr Ms V M C Branson, Cllr D J Cure, Cllr M O Davis, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D W Smith, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, J A L Balcombe, O C Baldock, M A C Balfour, B J Luker, Miss A Moloney, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D A S Davis (Chairman).

PE 14/6 DECLARATIONS OF INTEREST

Councillor Cure declared an Other Significant Interest on the Kent Minerals and Waste Local Plan Response to Consultation on the grounds that his wife was employed by a waste contractor and withdrew from the meeting during consideration of this item.

PE 14/7 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory held on 19 November 2013 be approved as a correct record and signed by the Chairman.

RESOLVED: That the notes of the extraordinary meeting of the Planning and Transportation Advisory Board held on 20 January 2014 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 14/8 KENT MINERALS AND WASTE LOCAL PLAN RESPONSE TO CONSULTATION

The report of the Director of Planning, Housing and Environmental Health recommended a response to the Kent County Council pre-submission version of the Kent Minerals and Waste Local Plan which was out for consultation.

After careful consideration Members supported the proposed responses set out and recognised that further discussion with Kent County Council on the issues raised would be constructive.

RECOMMENDED: That the proposed responses in the report be used as the basis for ongoing discussion with Kent County Council and inform the Borough Council's formal response to the consultation on the Kent Minerals and Waste Local Plan (Pre-Submission, January 2014).

***Referred to Cabinet**

PE 14/9 LOCAL PLAN UPDATE

Decision Notice D140030MEM

The report provided an update on progress towards the new Local Plan, including the preparation of evidence, community engagement arrangements and proposed revisions to the timetable. Consideration was given to outcomes from the final version of the Strategic Housing Market Assessment, arrangements for the forthcoming 'Call for Sites' exercise and revisions to the Local Plan timetable.

The figure for Maidstone's adopted housing target at paragraph 1.2.8 of the report was corrected at the meeting to read "17,100".

It was reported that the 'objectively assessed need' for Tonbridge and Malling for the period 2011 to 2031 was for 13,000 new homes, or 650 per annum. This represented a growth in the existing housing stock of 1.4% per year.

Members expressed concern regarding risks associated with flooding and urged that flood risk was investigated, particularly the impact on neighbouring properties as a result of flood mitigation measures. The Director of Planning, Housing and Environmental Health advised that the housing figures provided in the report were based on a demographic analysis. Constraints, including areas of outstanding natural beauty and flood plains, needed to be taken into account in addressing how to meet those objectively assessed housing needs.

RECOMMENDED: That

- (1) the progress towards preparing the Local Plan, including the proposed Call for Sites exercise be noted;
- (2) the final version of the Tonbridge and Malling Strategic Housing Market Assessment, including the Objectively Assessed Housing Need for the Borough to 2013, be acknowledged and accepted as forming part of the Local Plan evidence base; and
- (3) the revised Local Plan timetable, set out in Annex 1 to the report, be used as a basis of a revised Local Development Scheme.

**PE 14/10 PETITION REGARDING HAYDENS MEWS AND THE WHITE
HOUSE CONSERVATION STATUS**

The report advised that the Borough Council had received a petition from residents of Haydens Mews (36 signatories) requesting that the Tonbridge Conservation Area boundary be revised to include this area.

It was reported that the previous removal of Haydens Mews from the Tonbridge Conservation Area had been subject to a public consultation exercise, along with all other alterations to the boundary that were proposed at the time. Objections to the proposed exclusion had been carefully considered but the Borough Council had remained of the view that the area should not form part of the Conservation Area and adopted the revised boundary accordingly. (Minute Number C 09/063 refers).

However, reference was made to changes in permitted development rights during the intervening period and it was considered that a review of the boundary could be justified on these grounds.

RECOMMENDED: The Tonbridge Conservation Area boundary in the vicinity of Haydens Mews be reviewed in the light of changes in permitted development rights since the conservation area status was removed.

***Referred to Cabinet**

PE 14/11 TOWN LOCK CAPITAL PROJECT

Decision Notice D140031MEM

The report provided an update on progress and set out a programme for the implementation of the scheme.

Members noted that a start date on site was now anticipated for July 2014, which allowed the majority of the work to be completed during the summer months when working conditions were most favourable. Completion of the project would be around October/November dependent upon the contractor's approved construction programme.

In addition, the Advisory Board had every confidence that the objectives of officers were the same as local Members in getting the Town Lock area reinvigorated.

RECOMMENDED: That the progress made towards implementing the Town Lock capital project be noted and the programme as set out in the report be approved.

PE 14/12 KCC CYCLING STRATEGY

Decision Notice D140032MEM

At the request of the Joint Transportation Board the Director of Planning, Housing and Environmental Health presented the KCC Cycling Strategy for consideration.

It was reported that the Strategy should form part of the context for considering planning applications and in the production of the forthcoming Local Plan.

RECOMMENDED: That the Kent and Tonbridge and Malling Cycling Strategy 2014-2019 be adopted as a material consideration in decisions on planning applications and in the production of the Local Plan.

MATTERS SUBMITTED FOR INFORMATION

PE 14/13 TRANSPORT ISSUES AND PROJECTS

The report provided an update on a range of current transportation issues affecting the Borough.

Reference was made to the Lower Thames Crossing and Members were advised that Option B, connecting the A2 Swanscombe Peninsula with the A1089, had been discarded and that further work would be done to choose between Options A and C.

In addition, Members were reminded of the unsuccessful bid to the Department for Transport's Pinch Point Funding for widening the eastern overbridge at Junction 4 of the M20. However, Kent County Council was submitting the scheme to the Local Enterprise Partnership for Local Growth Funding and, given the strong business case, hoped that the necessary contribution could be secured.

PE 14/14 LETTER TO PLANNING MINISTER NICK BOLES

Members were informed of a letter prepared by the Cabinet Member for Planning and Transportation to the Planning Minister, Nick Boles MP, on 28 January 2014 raising a number of issues relating to the Government's ongoing planning reforms.

A copy of the letter, drawing attention to some of the new requirements on Local Planning Authorities and the challenges they presented when preparing Local Plans, was attached at Annex 1 to the report. The recent response from the Planning Minister was attached at Annex 2 to the report.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 14/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LEISURE AND ARTS ADVISORY BOARD

Wednesday, 12th March, 2014

Present: Cllr Mrs E M Holland (Vice-Chairman - in the Chair), Cllr T Bishop, Cllr Mrs B A Brown, Cllr S R J Jessel, Cllr D Keeley, Cllr R D Lancaster, Cllr Miss S O Shrubsole, Cllr R Taylor and Cllr D J Trice

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, Mrs M F Heslop, N J Heslop, B J Luker, Mrs S Murray and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Representative: Mr A Nicholl (Tonbridge Sports Association)

Apologies for absence were received from Councillors Mrs J M Bellamy (Chairman), Miss J R L Elks and Ms S V Spence

PART 1 - PUBLIC

LAA 14/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, Councillor Coffin referred to a potential interest in the 2014 Events Update as a provider of fireworks at events.

LAA 14/2 MINUTES

RESOLVED: That the notes of the meeting of the Leisure and Arts Advisory Board held on 9 December 2013 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

LAA 14/3 LEISURE FACILITIES - LEISURE TRUST UPDATE

Decision Notice D140033MEM

The report of the Director of Street Scene and Leisure provided an update on the management and operation of the Council's leisure facilities through the agreement with the Tonbridge and Malling Leisure Trust. The first Annual Service Delivery Plan and quarterly monitoring report produced by the Trust were presented together with the results from recent shopper visits and progress on reinstatement works for Tonbridge Swimming Pool following flooding over the Christmas period.

RECOMMENDED: That

- (1) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan for 1 November 2013 to 31 March 2015 be approved;
- (2) the results of the mystery shopper reports for all sites be noted; and
- (3) the progress and work to reinstate Tonbridge Swimming Pool in liaison with the Council's insurers and the Leisure Trust continue with the facility reopening to the public in mid March 2014.

LAA 14/4 POULT WOOD GOLF CENTRE - CHARGES

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Leisure, Youth and Arts outlined charging proposals brought forward by the Tonbridge and Malling Leisure Trust in respect of Poulton Wood Golf Centre together with details of proposed membership options and booking privileges.

RECOMMENDED: That

- (1) the proposed core charges for Poulton Wood Golf Centre set out at Annex 1 to the report be approved and implemented by the Leisure Trust from 1 April 2014; and
- (2) the Leisure Trust's proposed new membership options be supported and the proposed new membership priority booking status with a 48 hour advanced window for tee time bookings for Poulton Wood Golf Centre be agreed.

*** Referred to Cabinet**

LAA 14/5 TONBRIDGE MEMORIAL GARDENS

Decision Notice D140034MEM

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Leisure, Youth and Arts gave details of progress with the refurbishment of Tonbridge Memorial Gardens including an update on the procurement process and an amended timeframe for the project. Details of the outcome of the tendering process were presented in a supplementary report containing exempt information.

RECOMMENDED: That

- (1) the revised timescale for the refurbishment of the Tonbridge Memorial Gardens, as highlighted at Annex 1 to the report, be noted and approved; and

- (2) the revised procurement process for the project be noted together with the award of the contract as set out in the supplementary report.

LAA 14/6 HAYSDEN COUNTRY PARK - USER SURVEY RESULTS

Decision Notice D140035MEM

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Leisure, Youth and Arts presented the results of the 2013 user survey carried out at Haysden Country Park and brought forward potential improvements for consideration. It was noted that the results indicated that the facility continued to be appreciated by the local community with a 97% level of satisfaction.

RECOMMENDED: That

- (1) the 2013 market survey results for Haysden Country Park user survey be noted; and
- (2) improvements be progressed in accordance with the approach outlined at paragraph 1.2.8 of the report.

LAA 14/7 CAPITAL PROJECTS - POST IMPLEMENTATION REVIEWS

Decision Notice D140036MEM

The joint report of the Director of Street Scene and Leisure and Cabinet Member for Leisure, Youth and Arts brought forward for consideration Capital Plan post implementation reviews in respect of Larkfield Leisure Centre energy saving measures, enhancement of fitness suites at Larkfield and Angel Leisure Centres and bridge repairs at Haysden Country Park.

RECOMMENDED: That the Post Implementation Reviews for Larkfield Leisure Centre – Energy Saving Measures Phase 2, Larkfield and Angel Leisure Centres – Enhancement to Fitness Suites and Haysden Country Park – Bridge Repairs be endorsed.

MATTERS SUBMITTED FOR INFORMATION

LAA 14/8 MEDWAY VALLEY COUNTRYSIDE PARTNERSHIP

The report provided an introduction to the Medway Valley Countryside Partnership, outlined the Borough Council's financial support and gave details of progress with work undertaken by the Partnership in 2013/14. The Partnership Manager, Caroline Drewett, attended the meeting to present the update of activities undertaken within the Borough and answered Members' questions.

LAA 14/9 COMMONWEALTH CELEBRATIONS

Members were advised of two key Commonwealth celebration dates in 2014 and related activities within the Borough. These included the 'Fly a Flag' initiative to celebrate Commonwealth Day on 10 March 2014. Members were also updated on arrangements for welcoming the Commonwealth Baton to Kent on 5 June including the hosting of an event at Tonbridge Castle.

LAA 14/10 TONBRIDGE RACECOURSE SPORTSGROUND PROJECTS

The Advisory Board was updated on a number of projects taking place within and adjacent to Tonbridge Racecourse Sportsground. Reference was made to works to Bewley's Weir and Avebury Avenue bridge, the planned installation of two additional wells on Tonbridge Racecourse Sportsground by South East Water and the refurbishment of Tonbridge Memorial Gardens.

LAA 14/11 CAPITAL PLAN SCHEMES

The report updated progress with schemes contained in the Leisure Services section of the Capital Plan

LAA 14/12 CHILDREN AND YOUNG PEOPLE UPDATE

The report updated progress on key areas of the Children and Young People work programme including Activate, the Summer Playscheme, the Y2 Crew programme, the Children's Operational Group, KCC Children's Centres and the Youth Forum.

LAA 14/13 2014 EVENTS UPDATE

The report gave details of the forthcoming programme of events across the Borough, some delivered directly and others by community groups with the assistance of the Council.

MATTERS FOR CONSIDERATION IN PRIVATE**LAA 14/14 EXCLUSION OF PRESS AND PUBLIC**

The Chairman moved, it was seconded and

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

LAA 14/15 TONBRIDGE MEMORIAL GARDENS – OUTCOME OF TENDERS

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

The report provided details of the outcome of the tendering process for the refurbishment of Tonbridge Memorial Gardens (Minute LAA 14/5 refers).

The meeting ended at 8.55 pm

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Agenda Item 6

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

Tonbridge Forum of 17 February 2014

Parish Partnership Panel of 20 February 2014 – to follow

Joint Transportation Board of 17 March 2014 – to follow

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TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE FORUM

Monday, 17th February, 2014

Present: Cllr O C Baldock (Chairman), Cllr N J Heslop (Vice-Chairman), Cllr A W Allison, Cllr Mrs J A Anderson, Cllr Ms J A Atkinson, Cllr P F Bolt, Cllr Ms V M C Branson, Cllr R D Lancaster and Cllr Ms S V Spence

Councillors Mrs P Bates, D J Cure, M O Davis, B J Luker, Mrs S Murray, M R Rhodes and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Members of the Forum: Kent County Councillors Long and Smith, Kent Police, The Skinners Company, Society of Friends, St John Ambulance, Tonbridge Civic Society, Tonbridge District Scouts, Tonbridge Line Commuters, Tonbridge Lions Club, Tonbridge Music Club, Tonbridge Rotary Club, Tonbridge Sports Association, Tonbridge Theatre and Arts Club, Tonbridge Town Team, University of the Third Age and the Women's Institute.

Together with representatives from the Environment Agency, Kent County Council and Southern Water Services and Sir John Stanley MP.

Apologies for absence were received from Councillors Mrs M F Heslop and D J Trice

PART 1 - PUBLIC

TF 14/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 25 November 2013 be approved as a correct record and signed by the Chairman.

TF 14/2 EMERGENCY RESPONSE TO FLOODING

The Chairman welcomed everyone to the meeting and introduced representatives from the Environment Agency, Southern Water Services, Kent County Council Highways and Transportation and Kent Police, together with Sir John Stanley MP and officers from Tonbridge and Malling Borough Council.

It was explained that the meeting would focus on the multi-agency response to the recent flooding in and around Tonbridge. Members were advised of the Borough Council's commitment to identify practical incidents from those events and, in particular, to learn from them. The process of finding answers had already started with the Borough Council

coordinating responses following comments at other local residents meetings.

The participation and attendance of the other agencies highlighted the multi-agency nature of addressing flooding and demonstrated the commitment to constructively move forward together to make practical progress.

Members received a presentation from the Environmental Agency (EA) Area Manager (Mr Andrew Pearce) and his technical adviser (Mr Neil Gunn) which set out the context of the flooding event, the role and responsibilities of the EA and the procedures involved in co-ordinating a multi-agency response. It was reported that there appeared to be three main contributing factors to the flooding:

- (1) Intense rainfall
- (2) Overflowing drains
- (3) River Medway bursting its banks

The EA apologised to the communities affected by flooding and promised to identify problems and potential solutions to prevent future occurrences by meeting with local residents. In addition, the EA committed to closer engagement with communities by hosting a number of small surgeries and working groups. Residents were encouraged to participate to enable as much information as possible to be collected, which in turn would inform potential answers.

Actions already identified by the EA included:

- A river bank survey
- Sandbag wall along Avebury Avenue/Barden Road
- Trialling of new warning and informing procedure
- Updated flood warning procedure with the threshold changed with immediate effect
- Revised procedure for operation of the flood storage area to account for blockages and loss of storage/capacity

With regard to the new warning and informing procedure it was explained that warnings would only be issued in daylight hours if possible and the anticipated list would be shared with co-ordinating agencies who would then attempt to resource communication to residents. It was reported that the warning system was for river flooding only and not for surface water or foul flooding.

Short term measures identified for action by the EA included:

- Setting up a technical group. Residents and community groups/representatives were encouraged to participate.
- Removing trees
- Stabilising Buleys Weir

- Reinstating Avebury/Barden high ground
- Investigating the potential and demonstrating value for money for a scheme at Hildenborough
- Publishing a flood report highlighting lessons learnt from recent events.

Medium term measures identified for action by the EA included:

- A flood warden scheme: This would improve understanding of local flood risk and communication
- Increase capacity in the Leigh Flood Storage Area
- Seeking funding from DEFRA for Capital Schemes, such as Hildenborough

Tonbridge and Malling Borough Council summarised the emergency response of the authority and advised of the following immediate actions to be progressed:

- The use of Tonbridge Castle as a multi-agency base for use in emergencies
- Immediate and continuing restocking of sand bags
- Increased core stock of sand bags
- Train additional Incident Liaison Officers
- Lobby for further increase in capacity for flood water storage at Leigh
- Local agreement with Kent County Council for Tonbridge and Malling Borough Council to implement road closures during a flooding emergency

The Chief Executive of the Borough Council reported that officers were currently identifying and 'mapping' the properties affected by flooding and superimposing causes of the flooding to identify specific problems. The intention was then to inform and liaise with relevant parties including Kent County Council, EA, Internal Drainage Boards and private landowners on these issues.

Questions were invited from the Members of the Forum and it was reported that full responses to those concerns raised by residents at previous public meetings, together with additional issues raised this evening, would be shared via the Borough Council's website and email circulation where possible. Residents were encouraged to ask specific questions at the community surgery events.

Serious discussion was given to a range of issues and concerns, including improvements to the warning alert system; calls for a co-ordinated flood warning system to take account of surface and river water; improved river maintenance, particularly along the River Bourne; improved maintenance of ditches, funding allocations for maintenance and capital scheme investment; implications for businesses and residents regarding insurance claims and premiums; the operation and

management of the flood storage area; planning development and the reassurance that the Borough Council consulted the EA as appropriate and followed national policy and guidelines in determining applications; improvements to the cleansing programme for drains; the operation of the Southern Water Services pumping station and the reassurance that at no time had the operation been any different to normal.

The EA reiterated that any improvement schemes needed to demonstrate value for money to secure appropriate funding from Government. However, every effort would be made to actively pursue funding opportunities and the Agency was working with Kent County Council to identify flood priorities.

The Leader of the Borough Council was pleased to announce that Tonbridge and Malling would work with the EA and local communities to establish a Flood Warden Scheme in Tonbridge. Reference was made to the successful scheme operating in East Peckham and the Borough Council was keen to learn from that example of best practice before launching anything borough wide.

In addition, the Borough Council would strongly lobby Government for improvements to flood protection measures and the flood storage area.

Sir John Stanley MP welcomed the Borough Council's commitment to the Flood Warden Scheme and outlined his priority actions for Tonbridge:

- Flood warning/alerts should be adapted to cover both river and surface water flooding. He remained unconvinced by the EA's argument that it would be too costly and this would be pressed with the Chairman of the EA. If the outcome remained unsatisfactory the question would be posed to the Minister for the Environment and then the Prime Minister.
- The height of the existing flood defence wall should be increased.
- The length of the flood defence wall should be increased.
- The EA would be pressed as to whether the existing controls at the Leigh Flood Storage Area were sophisticated enough to ensure water was let out sufficiently early.
- Urgent and immediate action to increase the capacity of the flood storage area and waiting until 2035 was not acceptable.

Finally, residents remained frustrated, disappointed and angry at the lack of effective communication, support, assistance and guidance offered during the flooding. The Chairman encouraged residents to participate in the Working Groups being arranged by the EA to identify key areas of improvement. Information regarding both the Working

Groups and Flood Warden Scheme would be available on the Borough Council's website for those residents wishing to express an interest to be involved.

The Chairman thanked everyone for attending and hoped that some progress had been made in addressing and acknowledging issues.

**TF 14/3 MINUTES OF PUBLIC MEETING: HILDENBOROUGH –
4 FEBRUARY 2014**

**TF 14/4 MINUTES OF PUBLIC MEETING: DANVERS ROAD RESIDENTS -
5 FEBRUARY 2014**

TF 14/5 RESPONSES ARISING FROM PUBLIC MEETINGS

The meeting ended at 10.45 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

Thursday, 20th February, 2014

Present: Cllr N J Heslop (Chairman), Cllr B J Luker (Vice-Chairman), Cllr J Atkins, Cllr J A L Balcombe, Cllr M A C Balfour, Cllr Mrs J M Bellamy, Cllr Miss A Moloney, Cllr M Parry-Waller, Cllr A G Sayer and Cllr Mrs C J Woodger

Councillors O C Baldock, R W Dalton, D A S Davis, Mrs S Murray, Miss J L Sergison, Mrs E A Simpson and A K Sullivan were also in attendance.

Together with Kent County Councillor Homewood (Malling Rural North East) and representatives from Kent Police, Addington, Borough Green, Burham, East Malling and Larkfield, Hadlow, Hildenborough, Kings Hill, Platt, Plaxtol, Stansted, Trottiscliffe and Wrotham Parish Councils; Snodland Town Council and the Kent Association of Local Councils.

Apologies for absence were received from Councillors Mrs J A Anderson and H S Rogers

PART 1 - PUBLIC

PPP 14/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 14 November 2013 be approved as a correct record and signed by the Chairman.

PPP 14/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified.

PPP 14/3 KENT POLICE SERVICES UPDATE

Chief Inspector Kirby, Borough Commander for Tonbridge and Malling, provided an overview of the achievements made in performance and the neighbourhood policing agenda. Members were advised of a current reduction in all victim based crime for the period April 2013 – February 2014. It was reported that Tonbridge and Malling was the only location in West Kent that was demonstrating a reduction.

Currently, the trend for burglary from a dwelling was upward although an improving figure was anticipated by the end of the year.

In addition, it was noted that the figures represented 'live data' and should be treated as provisional.

Reference was made to the reorganisation within the police force and the continuing need to make savings. To achieve these savings Kent Police hoped to reduce demand by using technology, better partnership integration and crime attendance. For example, a pilot scheme was currently operating with mental health professionals providing support to police officers in assessing and assisting individuals with suspected mental health issues. Police attendance at crime scenes had been reviewed and it was proposed that for non-serious incidents and where no further investigation was possible or necessary officers would no longer attend. This created a potential saving of 25-40% of resource time, which could be used to solve more serious crime. However, it was emphasised that for serious crime police officers would continue to attend.

Chief Inspector Kirby also reported on changes to police contact points as from 22 April 2014 and advised that 5 police community support officers had been employed specifically to staff them. These would operate Monday to Friday during the hours 1200-1300, 1345-1445 and 1630-1730. If any parish councils were unhappy with the time slots allocated they were invited to contact Kent Police to discuss alternative arrangements. The use of police contact points continued to be kept under review and further details would be circulated with the Minutes.

Snodland Town Council welcomed the return to community activity by Kent Police and the better usage of mobile police stations (police contact points).

In response to a query regarding the reduction in anti-social behaviour, Chief Inspector Kirby commented that joint working with Community Safety Partnerships, registered providers of social housing and communities themselves had proved beneficial in identifying 'hotspots' and tackling repeat offenders.

Finally, Chief Inspector Kirby noted the request for appropriate traffic management planning, and attendance if possible, on the commencement of road works along the A20 Seven Mile Lane junction.

PPP 14/4 RECENT FLOODING EMERGENCY

The Chief Executive referred to the recent flooding emergency that had affected many communities within Tonbridge and Malling, particularly Aylesford, Hildenborough, East Peckham and Tonbridge and outlined the actions taken by the Borough Council. A formal emergency response structure remained in place although this was now moving into a recovery phase.

Tonbridge and Malling Borough Council had been actively involved in a multi-agency approach and was responsible for opening and staffing rest

centres, securing emergency accommodation and providing Incident Liaison Officers to inspect and report back from flooded areas.

Event review was always important and lessons had been learnt from the experience and areas identified where all agencies could make further improvements to emergency plans and support to residents and businesses. The Borough Council would continue to work with communities and partner agencies to deliver a responsive approach in such circumstances.

A mapping exercise was being undertaken to identify all premises flooded and to attempt to identify the source of flooding involved, as there were many contributing factors in the borough such as coastal, river, surface water and fluvial flooding.

In addition, the Borough Council was committed to establishing Flood Warden Schemes and the Chief Executive referred to the East Peckham model as an example of good practice.

Parish councils and Local Community Forums were encouraged to work with the Borough Council and other agencies to develop and review local flood plans and identify local Flood Wardens. On behalf of the Borough Council, the Chief Executive thanked parish councils for supporting their communities during this difficult time.

The Chairman (and Leader of the Borough Council) acknowledged the significant emotional impact for all those affected and reiterated Tonbridge and Malling's commitment to reviewing the emergency response and identifying, with other agencies, where improvements to resilience against future flooding could be made. Multi-agency public meetings had been held recently with residents of Hildenborough and Tonbridge affected by flooding to enable concerns to be voiced and improvement actions to be identified and noted. The meeting of the Tonbridge Forum on Monday 17 February had also focused on flooding issues.

In addition, the Borough Council would strongly lobby Government and the Kent and Medway Economic Partnership for improvements to flood prevention measures.

Hildenborough Parish Council shared their experience and commented that the level of flooding and the number of agencies involved in co-ordinating a response highlighted the insufficient funding available to secure flooding prevention measures. The support of the Borough Council during the response was greatly appreciated.

Wrotham Parish Council and the Kent Association of Local Councils (Tonbridge and Malling branch) welcomed the willingness of the Borough Council to work with parish councils in identifying improvements and local problems.

Members also expressed concern and disappointment at the level of response provided by Southern Water Services and referred to problems with generators at the pumping stations.

PPP 14/5 SAFETY ADVISORY GROUP

The presentation of the Licensing and Community Safety Manager outlined the role and responsibilities of a Safety Advisory Group (SAG). It was reported that the main purpose was to offer guidance and independent advice to organisers of public events to promote, and ensure, the health and safety and welfare of all those involved. Particular reference was made to the role of the local authority in event management and the significant number of other organisations that also offered advice. This approach meant that the necessary expertise was always available via SAG to provide appropriate guidance.

Members were advised that the Hop Farm Music Festival and the Tonbridge Passion Plays were two upcoming significant events where the SAG would offer guidance and assistance to organisers.

In response to queries regarding road closures, it was confirmed that SAG did not have authority to issue road closures signs and legally could only advise and consult. Detailed information on the process surrounding road closures could be provided on request. However, the Licensing and Community Safety Manager was happy to discuss specific issues surrounding events in detail with organisers as long as sufficient time was allowed in advance.

Generally larger events had a well-developed and successful SAG operating in a collaborative partnership with a number of other responsible bodies and agencies. It was hoped that this multi-agency approach would reduce bureaucracy.

In summary, the role of a Safety Advisory Group was to scrutinize, review and advise to ensure compliance with safety requirements of the event and to share best practice. An ineffective SAG could create potential difficulties and financial risks together with negative publicity.

The Chairman asked that the contact details for SAG be circulated with the Minutes.

[Subsequent to the meeting the following was provided:

Contact: Licensing and Community Safety Manager

Telephone: 01732 876 151

Email: sag@tmbc.gov.uk

]

PPP 14/6 PARISH COUNCILS ROLE AND CONTRIBUTION TO PLANNING APPLICATIONS AND PLANNING COMMITTEES

Borough Green Parish Council referred to the briefing paper circulated on behalf of the Kent Association of Local Councils (Tonbridge and Malling) prior to the meeting and urged that measures be considered to enable parishes greater involvement in planning decisions that affected their communities.

The Director of Planning, Housing and Environmental Health reminded Members how planning applications were determined by the Borough Council and advised of local authorities' statutory duty under the Town and Country Planning Act. It was reported that the Borough Council needed to be very cautious in enabling other parties to exercise or influence that responsibility. It was noted that different practices might exist elsewhere.

Any planning applications of an unusually complex or controversial nature were dealt with by the Area Planning Committees rather than under the Director's delegated powers. Local ward members were also able to ask for applications to be considered by the committee. Often the views of parish councils reflected those of local councillors and in these circumstances local members could be asked to call the application to committee if there were strong objections.

Public speaking was available at planning committees and parish councils had the same rights as other organisations, consultees and members of the public. No speaker could participate in the Committee debate which could give rise to issues of unfairness and ultimately legal challenge of decisions made. In addition, it was pointed out that planning decisions needed to be based on an assessment against the National Planning Policy Frameworks, current Development Plans and other material planning matters.

The Director of Planning, Housing and Environmental Health commented on the good relationship between the Borough and parish councils and it was important to ensure this continued.

Many of the parish representatives present felt that any objections they had on applications and requests for referring to committee were taken seriously.

Whilst the Chairman welcomed the in-depth and serious nature of the discussion, the Parish Partnership Panel was not the right place to take any decisions. Further investigation and consultation seemed a suitable way forward in the first instance.

Borough Green Parish Council thanked all Members for the full and frank discussion and welcomed any further consideration for a way

forward and suggested that advice also be sought from other local authorities on their processes.

Finally, the Chairman was pleased to report that all parish councils had now committed to meeting with Borough Council planners to discuss the local plan.

PPP 14/7 BOTTLE BANKS

The Chairman of the Kent Association of Local Councils (Tonbridge and Malling) commented that during the Christmas period many locations experienced overflowing bottle banks and asked if the Borough Council would appreciate assistance from parish councils on monitoring issues and if so, what services should be covered and by what method or to whom should the problem be reported. It was possible that smarter ways of working could be identified, together with value for money opportunities.

The Borough Council recognised that parish councils were a key partner and there were many advantages to closer working relationships. The Chief Executive thanked KALC for the offer of assistance and suggested that the current Street Monitors Scheme, which worked closely with communities to ensure that local street scene problems were identified and corrected as soon as possible, could be adapted for parish council monitoring. In light of recent events this initiative could also be extended to monitoring flooding issues.

The current street monitoring web forms were being reviewed and this gave an opportunity to look at and develop further participation of parishes. The forms would be shared with parish councils and their comments invited.

In addition, the 'my account' section of the Borough Council's website could be adapted for parish council monitoring and reporting.

PPP 14/8 KENT COUNTY COUNCIL SERVICES UPDATE

The Kent County Council Community Engagement Manager reported on the key points regarding the Transformation programme and budget. It was noted that County would move to a new organisational structure on 1 April 2014 and that a 1.99% increase in council tax had been agreed. This equated to an average of £18.56 for a Band D house.

Particular reference was made to the roll out of the part night lighting scheme which was nearly complete in Tonbridge and Malling. There were also new proposals for the Freedom Pass and these were currently out for consultation. It was proposed to increase the cost of the Pass to £200 and journeys would be limited between 6am to 7pm from Monday to Friday.

[Subsequent, to the meeting details of the consultation, which had started on 24 February 2014, had been circulated to all Members of the Parish Partnership Panel].

In response to a question raised by East Malling and Larkfield Parish Council it was confirmed that there were no further developments on the library service review other than market testing was on going.

Finally, new Member Grant funding for 2014/15 had been agreed with each Member allocated £25k per year.

PPP 14/9 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

The Chief Executive and the Director of Planning, Housing and Environmental Health provided an update on key points relevant to Tonbridge and Malling. The headline messages included:

- Budget:

The Chief Executive was pleased to announce that parish funding streams had been protected and that the Borough Council had achieved £1.2M worth of savings. This meant that front line services continued to be protected.

In addition, a council tax increase of 7p for Band D properties had been agreed.

- Local Plan:

The Director of Planning, Housing and Environmental Health thanked all parish councils for their involvement and/or commitment to meetings regarding the local plan. Arrangements were now in place to have discussions with all twenty seven parishes. All meetings held to date had been constructive and worthwhile. A report would be presented to the Planning and Transportation Advisory Board in March setting out further details on the process.

The meeting ended at 9.39 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

11 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

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

1 PETITION REGARDING HAYDENS MEWS AND WHITE HOUSE CONSERVATION STATUS

The Council has received a petition from residents of Haydens Mews (36 signatories) requesting that the Council revise the Tonbridge Conservation Area boundary to include this area. The area had previously been part of the Conservation Area until a comprehensive review was carried out in 2008 and subsequently adopted by the Council in July 2009. The petitioners are of the view that inclusion within the Conservation Area will stop the dilution of the character and ambience of the area through the control of minor amendments to individual properties such as the installation of replacement windows.

1.1 Background

- 1.1.1 Tonbridge Conservation Area was first designated in November 1969 by Kent County Council who was the designating authority at that time. The boundary was later reviewed by the Borough Council in 1981, 1985, 1990 and most recently in 2009. The revisions made in October 1985 extended the conservation area to include the playing fields in the vicinity of Yardley Park and Elm Lane, namely the area that is now Haydens Mews and The Haydens.
- 1.1.2 Planning permission for the residential development in The Haydens and Haydens Mews was granted by appeal in 1988. Proposals were subsequently resubmitted and granted planning permission in 1992. The development included the provision of informal open space facing onto Yardley Park Road.
- 1.1.3 The Council appointed an independent specialist to review Tonbridge Conservation Area and it was concluded that despite the attractive character of The Haydens and Haydens Mews, it did not possess the necessary historic or architectural character to justify inclusion with the conservation area and it was removed in July 2009.

- 1.1.4 The concerns raised in the petition relate to the loss of character and ambience of the area due to alterations made to individual properties and the petitioners consider the best way to address this dilution is to re-instate conservation area status.

1.2 Tonbridge Conservation Area

- 1.2.1 In 2008, the Council appointed independent specialist consultants to assess the boundary of Tonbridge Conservation Area and to prepare a conservation area appraisal. This work concluded that Haydens Mews, attractive as it is, did not merit inclusion within the conservation area. Areas that are included with conservation areas should be of special architectural or historic importance to justify that status.
- 1.2.2 The justification for the deletion of The Haydens and Haydens Mews was reported as follows: *“When this area was first designated it comprised open space. It is now a modern housing development (The Haydens) which means that the original character has substantially changed. Whilst what has replaced the open space is an attractive development in its own way, its character is not of architectural or historic importance. For these reasons, this area no longer merits inclusion within the conservation area”*.
- 1.2.3 The deletion was subject to a public consultation exercise, to which objections were raised. Nevertheless, the Council remained unconvinced of the special historic and architectural character of the area, and Members approved the recommendations to delete it from the Conservation Area following a report to the Planning and Transportation Advisory Board on 20 October 2008. The Conservation Area Appraisal and revised boundary was subsequently adopted by Council in July 2009.

1.3 Loss of Character and Ambience of Haydens Mews

- 1.3.1 The covering letter to the petition states that residents of Haydens Mews are concerned that the character and ambience of the development is being eroded due to the loss of common features, such as style and material of windows.
- 1.3.2 Conservation area status would not address these concerns due to permitted development rights that exist in all areas, including designated conservation areas.
- 1.3.3 The Council recognises that the area does have a character that is unique and this is recognised in the Tonbridge Character Area supplementary planning document which seeks to maintain, protect and enhance the character of the area and is a material consideration for development management purposes. That document was adopted in February 2011 and supplements a sound policy in the adopted Local Development Framework (Managing Development and The Environment DPD –Policy SQ1)

- 1.3.4 The area is described as “a development of substantial detached and terraced mews houses. The properties are set at angles along curving roads and culs-de-sac and clustered around shared driveways. Accessed via a pillared entrance off Yardley Park Road, the development is connected with Portman Park and Hadlow Road via Bourne Lane through a series of footpaths.”

1.4 Conclusions and Recommendations

- 1.4.1 The removal of Haydens Mews from Tonbridge Conservation Area was subject to a public consultation exercise along with all other alterations to the boundary that were proposed at that time. That followed a detailed analysis of the area. Objections were raised to the proposed exclusion and reported to Members of the Planning and Transportation Advisory Board on 20 October 2008. Although the objections were carefully considered, the Council remained of the view that the area should not form part of the Conservation Area. The Conservation Area Appraisal and revised boundary was subsequently adopted by full Council in July 2009.
- 1.4.2 There have been no changes in circumstances, legislation or other considerations since the review of Tonbridge Conservation in 2009, and consequently there is no justification for a further review of the boundary.
- 1.4.3 The petition points to minor changes to properties that have occurred but these are generally matters that have the benefit of permission granted by Parliament (permitted development) which applies even in conservation areas.

1.5 Legal Implications

- 1.5.1 Conservation Area boundaries are prepared and reviewed under the Planning (Listed Buildings and Conservation Areas) Act 1990, and as such any review must be prepared within the legislative framework.

1.6 Financial and Value for Money Considerations

- 1.6.1 There are no significant financial considerations arising directly from the report.

1.7 Risk Assessment

- 1.7.1 None identified.

1.8 Equality Impact Assessment

- 1.8.1 See 'Screening for equality impacts' table at end of report.

1.9 Recommendations

It is recommended that the Tonbridge Conservation Area boundary is not reviewed and the petitioners be advised of the reasons outlined in this report.

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

Background papers:

contact: Jill Peet

Nil

Steve Humphrey

Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	No changes are proposed.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	No changes are proposed.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		No impacts are identified as no changes are proposed.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

TONBRIDGE & MALLING BOROUGH COUNCIL

STRATEGIC HOUSING ADVISORY BOARD

24 February 2014

Joint Report of the Director of Planning, Housing and Environmental Health and Cabinet Member for Housing

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 HOUSING ASSISTANCE POLICY 2014-2016

Summary

This report proposes changes to the Housing Assistance policy to reflect the recent Overview and Scrutiny Committee review of the policy in light of the medium term financial strategy. The changes also aim to target the available assistance to reflect the Council's key strategic priorities.

1.1 Background

- 1.1.1 The Council has supported improvements in the private housing sector for many years. However, there continue to be homes in a poor state of repair and people living in homes which are of poor quality. Through our Housing Assistance Policy the Borough Council aims to focus resources to encourage home owners to improve their homes while providing financial support for the most vulnerable and most in need.
- 1.1.2 Recent developments such as welfare reform changes, local authorities being able to discharge homeless duty into the private rented sector, increased fuel prices and the developing links between public health and housing, has raised the importance of housing assistance more than ever.
- 1.1.3 As such, Housing Assistance plays an important role in meeting some of the Council's key strategic priorities:
- Health and Well Being;
 - Children and Young People;
 - Community Safety; and
 - Housing
- 1.1.4 The quality of the home has a significant impact on health. A warm, dry and secure home is associated with better health. Housing-related hazards that

increase the risk of illness include damp, mould, excess cold and structural defects that increase the risk of an accident (such as poor lighting, or lack of stair handrails).

- 1.1.5 In addition to basic housing requirements, other factors that help to improve well-being include the neighbourhood, security of tenure and modifications for those with disabilities. The Building Research Establishment (BRE) has calculated that nationally poor housing costs the NHS at least £600 million per year.
- 1.1.6 The over arching aim of the Council's "Mind the Gap" initiative is that it will help us focus on addressing the root causes of ill health in areas where the Borough Council has a remit, either directly or with our partners, for providing services and support to our residents, based around the wider determinants of health. Examples of the areas of service that have a health dimension are:
- Housing – homelessness, affordable housing, housing options, housing standards and conditions in the private sector; and
 - Advice and support – welfare reform, benefits, targeted interventions, e.g. fuel poverty, troubled families programme.
- 1.1.7 It is recognised that the primary responsibility for repairing and maintaining a property rests with the owner. However, the Council has certain statutory responsibilities to fulfil and should take steps to protect and assist vulnerable members of the community whilst also providing advice to all residents to help them maintain their own homes.
- 1.1.8 Through the Housing Assistance policy the Council will help improve the health, safety and wellbeing of residents in private sector housing within the borough that are affected by poor housing standards or disadvantaged through social deprivation, disability and vulnerability. To achieve these aims, three areas of assistance have been identified as priorities for the use and targetting of resources: Home Improvements, Warm Homes, and Home Safety Checks.

1.2 Home Improvements

- 1.2.1 It is well established that the condition of a person's home can have a negative impact on their health. Deficiencies in the home can lead to health problems, which in turn can influence community stability, crime, environmental issues and increase costs for health providers.
- 1.2.2 If a category 1 hazard is identified in a private sector property the Council has a duty to take action under the Housing Act 2004. The most common hazards found are excess cold and the potential for falls. The indirect health impacts of cold housing are widely documented. Dexterity can be negatively affected resulting in an increased risk of injury through falls. The average cost to the state of a fractured hip is £28,665. In many cases the cause of a fractured hip is a fall in the home. The recent BRE Housing Stock Modelling exercise commissioned by

the Council indicated 8 per cent of properties contain serious fall hazards. Once an older person has had a fall it can impact on their self confidence and can result in social isolation, an increased fear of falling again, depression and reduced quality of life.

- 1.2.3 The ability to access Housing Assistance funding to reduce the hazard of a fall in the home through improved lighting or an additional handrail helps to prevent the high cost to the state and helps the resident live a safer, independent life in their own home. The Localism Act enables the Council to discharge its duty to house homeless households by an offer of accommodation in the private rented sector. With the high level of demand for social housing the private rented sector plays an ever more important role in meeting housing need. Clearly we need to ensure that the properties we are using to discharge our duty, as well as ones where we are helping priority need clients to access via the Council's rent deposit bond scheme, are a good standard. The private sector housing team plays a key role in ensuring these properties are safe and warm. The Housing Options team have a limited number of agents/landlords who will work with the Council in taking clients who are in receipt of Local Housing Allowance and this partnership needs to be encouraged and protected. The ability to access funding (which is repayable by the landlord on sale of property) to assist a landlord to improve his property can help to ensure that potential lettings do not fall through and ensure families are moved out of bed and breakfast accommodation as quickly as possible.
- 1.2.4 Furthermore, homes that are currently empty are an important resource to help meet housing need at a time when the demand for social housing far exceeds the supply. Advice, assistance and incentives will be offered to owners of properties to help bring properties back into use. Conditions of assistance will require that homes brought back into use are used to both prevent homelessness and discharge the Council's homeless duties
- 1.2.5 The Council has a responsibility to improve the standard and quality of private sector housing so that it meets the current statutory minimum standards for housing in accordance with Housing Act 2004. This assistance will help the Council achieve these aims.

1.3 Warm Homes

- 1.3.1 Living in a cold home can affect an occupant's mental health. For example, the anticipation of a high fuel bill can increase stress not only for the bill payer, but for all members of a household who "go without" in order to maintain energy payments. The reality for many households can be "heat or eat". The level of a home's energy efficiency can affect a person's life chances, children's motivation and educational attainment. Having to choose to spend the family budget on heating or food has an effect on nutrition and maintaining a healthy diet.
- 1.3.2 Fuel poverty continues to be an issue for residents within Tonbridge & Malling. The recent BRE Housing Stock Modelling exercise commissioned by the Council

indicated 10 per cent of households are fuel poor. The ability to ensure that homes are adequately heated and insulated through provision of efficient heating systems and appropriate insulation remain an important part of the Housing Assistance policy particularly in the case of vulnerable households. Wherever possible residents are and will continue to be referred to other funding schemes where they exist for heating and insulation. However we have recent experience that schemes under the Government's new flagship scheme for energy efficiency – the Energy Company Obligation – are not fully funding measures, even for vulnerable residents dependent on benefits. The ability of the Council to be able to pay the contributions on behalf of the residents ensures the installation of an efficient heating system is achieved.

1.4 Home Safety Assistance

- 1.4.1 Home safety assistance protects the occupier's health, safety and security. Health inequalities arise from differences in the social and economic conditions in which people are born and live. Poor housing conditions, overcrowding and affordability will have an adverse affect on public health and well being and exacerbate health inequalities. Making modifications to improve home safety, can lead to enhanced health that not only benefits the individual but also brings wider social and economic benefits.
- 1.4.2 A key driver for this assistance is to reduce the rate of emergency hospital admissions caused by unintentional and deliberate injuries to children and young people and older people. Vulnerable families and older people will be provided with a home safety risk assessment, advice and support and the installation of equipment including child safety gates, fireguards, window restrictors, bathmats, cupboard locks, and will also involve checking smoke alarms, electrical safety, carbon monoxide detectors and fire escape advice.
- 1.4.3 This assistance through the provision of safety measures will also enable victims of domestic abuse to remain in their own home where it is safe for them to do so and where it is their choice and prevent homelessness. Security equipment will be installed such as door chains, viewers, window locks and personal safety alarms.

1.5 Review of the Housing Assistance Policy

- 1.5.1 The matters outlined in this report provided a focus of the recent Scrutiny Review. Consequently, it is proposed to amend the existing Housing Assistance policy to reflect the three key areas identified in 1.2, 1.3 and 1.4, and a copy of the draft Housing Assistance policy is included at **[Annex 1]**.

1.6 Legal Implications

- 1.6.1 The Council is not under a statutory requirement to provide financial assistance for private sector renewal but if the Council is to provide financial assistance it is required to publish a policy on how it intends to use the powers under the

Regulatory Reform (Housing Assistance)(England and Wales) Order 2002 to provide housing assistance.

1.7 Financial and Value for Money Considerations

- 1.7.1 The Home Improvements assistance and Warm Homes assistance funding will be repayable to the Council when the property is sold. The amount of repaid funding coming back to the Council varies from year to year but when this occurs, the repaid funding is then available for reinvestment into the Housing Assistance budget.
- 1.7.2 At the 28 January 2014 meeting of the Overview and Scrutiny Committee the appropriate level for the Housing Assistance budget was considered to be £90,000. The annual net cost to the Council within the Capital Plan will be £60,000 as £30,000 of the budget will be made up of assumed grant repayments. This provides a saving of £46,000 per year compared to the existing base allocation and still enables the delivery of the three key areas of Home Improvements, Warm Homes and Home Safety Checks as discussed earlier.
- 1.7.3 Any shortfall in repaid funding will come from the Housing Assistance Reserve, similarly any excess or under spend on the annual budget will be transferred to the Housing Assistance Reserve. The Housing Assistance Reserve will be capped and once this is exceeded the difference will be retained in general reserves.
- 1.7.4 The Housing Assistance policy will be reviewed in 2016 in line with the capital plan budget and it is hoped that once the new policy has had the opportunity to bed in, the benefits to health and well being can be demonstrated to enable future alternative sources of funding to be found.

1.8 Risk Assessment

- 1.8.1 As a statutory Housing Authority the Council has a duty to review and report on the housing conditions in the area. It is important that where funding is offered to improve housing conditions it is spent wisely and to best effect to achieve the desired outcomes.
- 1.8.2 Failure to provide housing assistance to private sector homeowners may contribute to rising levels of poor quality private sector housing and result in households with limited incomes exposed to risks to their health and safety.

1.9 Equality Impact Assessment

- 1.9.1 See 'Screening for equality impacts' table at end of report

1.10 Policy Considerations

- 1.10.1 The Housing Assistance Policy changes will make a positive contribution to targeting financial assistance to those most in need to improve their living

conditions, thereby impacting the policy agenda in relation to housing, healthy lifestyles, safeguarding children and sustainability.

- 1.10.2 The changes will also contribute to achieving the desired outcomes in the Council's health inequalities action plan 2012 – 2015 contained in "Mind the Gap" and the Council's key corporate priorities.

1.11 Recommendations

- 1.11.1 **CABINET** is **RECOMMENDED** to **AGREE** the Council's revised Housing Assistance Policy as detailed in this report.

Background papers:

Nil

contact: Linda Hibbs/Hazel
Skinner

Steve Humphrey
Director of Planning, Housing and
Environmental Health

Jill Anderson
Cabinet Member for Housing

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The funding is available to all customers who apply, providing they meet the eligibility criteria therefore we do not believe it will have potential to cause adverse impact or discriminate against different groups in the community.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	Yes	The potential outcome for all equality groups, often vulnerable, is the chance to improve their home and give them the opportunity to stay in their home much longer than may be achievable without the help of this funding, therefore improving the quality of life and well being.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		N/A

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

**REGULATORY REFORM (HOUSING
ASSISTANCE) (ENGLAND AND WALES) ORDER
2002**

**HOUSING ASSISTANCE
POLICY 2014-16**

Housing Assistance Policy 2014-2016

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Housing Assistance Policy 2014-2016

1 Introduction

- 1.1 This document details how Tonbridge and Malling Borough Council (“the Council”) intends to use its power under the Regulatory Reform (Housing Assistance) (England and Wales) Order 2002 to improve the quality of privately owned homes for those most in need.
- 1.2 In addition it includes the provision of mandatory Disabled Facilities Grants under the Housing Grants, Construction and Regeneration Act 1996 (as amended).
- 1.3 It sets out the range of financial assistance that the Council will make available, together with the eligibility criteria and conditions that will be applied to each form of assistance.

2 Key Priorities and Aims of the Policy

- 2.1 Through the policy the Council will help improve the health, safety and wellbeing of residents in private sector housing within the Borough that are affected by poor housing standards or disadvantaged through social deprivation, disability and vulnerability.

The aims of the policy are:

- To help residents maintain their independence
- Help residents achieve better housing and living conditions
- Help address housing need through better use of the private sector

3 Achieving the aims

- 3.1 The primary responsibility for maintaining private sector housing rests with the owners of individual properties. However, the Council recognises that some owners will not have the necessary resources to fully carry out this responsibility.

Accordingly the Council through the work of its Private Sector Housing Team will offer practical, professional and impartial advice to ensure that the aims of the policy are met.

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Assistance will be offered under four headings:

1. Disabled Facilities Grants
2. Home Improvements
3. Warm Homes
4. Home Safety

4 Links to the Council's Strategic Priorities

4.1 The Council's vision is of "An organisation that provides excellent public services, good value for money and effective community leadership". This Housing Assistance Policy plays an important role in meeting some of the Council's key priorities, namely:

- Health and Well Being
- Children and Young People
- Community Safety
- Housing

4.2 The Housing Strategy action plan sets out priorities and actions to tackle identified housing needs in the Borough. Some of these priorities will be delivered in part by this policy. These are:

- Private sector renewal and energy efficiency
- Assisting vulnerable households
- Addressing crime reduction

5 Funding and Resources to Implement the Policy

5.1 The net capital budget for funding works under the policy is set out in the Council's Capital Plan. It is anticipated that monies recovered under repayment conditions or any breach of conditions will be repaid into the Housing Assistance capital reserve budget thus allowing money to be "recycled". The promotion of this policy and assistance available will be proportionate to the available capital budget.

Housing Assistance Policy 2014-2016

With the exception of Disabled Facilities Grants, the amount of assistance given each year will be dependent upon the level of capital resources available for housing interventions through the Council's Capital Programme.

6 Policy Review and Monitoring

- 6.1 This policy will commence on the 1st April 2014 and be reviewed on an annual basis. Outcomes from the Housing Assistance policy will be monitored on a quarterly basis.

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7 Types of Assistance Available

7.1 Mandatory Disabled Facilities Grant

Type of Assistance	Disabled Facilities Grant
Purpose/Key outcomes	A mandatory grant to enable people with a disability to continue to live independently in their own homes by funding adaptations needed to facilitate access to the property or its amenities; or to assist people to move to more suitable accommodation to meet their needs.
Eligibility Criteria (Applicant)	Applicant must be over 18 years of age with a 'qualifying' interest in the property as defined in the Housing Grants, Construction and Regeneration Act 1996. Applicant subject to a statutory test of resources unless the DFG is to meet the needs of a child with a disability.
Eligibility Criteria (Property)	The adaptation works need to be 'reasonable' and 'practicable' as defined in the Housing Grants, Construction and Regeneration Act 1996.
Conditions	If the applicant is an owner occupier and their grant is over £5,000, the amount over £5,000 is repayable up to a maximum of £10,000 if the property is sold within 10 years of grant completion.
Maximum Assistance	Maximum £30,000 for adapting existing home or maximum £5,000 if providing funding to assist person to move to more suitable accommodation.

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7.2 Discretionary Home Improvements Assistance

Type of Assistance	Home Improvements Assistance
Purpose/Key outcomes	A discretionary assistance to reduce the risk of a fall in the home of a vulnerable person; prevent hospitalisation or re-housing by carrying out repairs or improvements to deal with significant risks to health or safety to allow a vulnerable occupant to remain in their home. To fund improvements to rental properties to prevent homelessness and allow the Council to discharge its homeless duties. To bring long term empty properties (empty longer than six months) back into use.
Eligibility Criteria (Applicant)	<p>Applicant must be over 18 years of age.</p> <p>For owner occupiers or tenants with a repairing obligation in receipt of a means tested benefit, private sector landlords or empty home owners.</p> <p>Other forms of funding have been fully investigated and exhausted.</p> <p>Applicant not in Council Tax arrears.</p>
Eligibility Criteria (Property)	<p>The dwelling house must be at least ten years old.</p> <p>Where the Private Sector Housing officer considers essential works are necessary to eliminate significant risks to current occupiers health and safety or considers improvements are necessary to facilitate occupation to prevent homelessness.</p>
Conditions	Repayable on sale of the property.
Maximum Assistance	Maximum £10,000

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7.3 Discretionary Warm Homes Assistance

Type of Assistance	Warm Homes Assistance
Purpose/Key outcomes	A discretionary assistance to ensure that homes are adequately heated and insulated through provision of efficient heating systems and appropriate insulation.
Eligibility Criteria (Applicant)	<p>Applicant must be over 18 years of age.</p> <ul style="list-style-type: none"> • Owner occupiers or tenants with a repairing obligation in receipt of a means tested benefit, OR • Owner occupiers or tenants with a repairing obligation who live within an area being targeted by the Council for insulation improvements under Energy Company Obligation funding, OR • a private sector landlord working with the Council by accepting nominated tenants. <p>Other forms of funding have been fully investigated and exhausted.</p> <p>Applicant not in Council Tax arrears.</p>
Eligibility Criteria (Property)	<p>The dwelling house must be at least ten years old.</p> <p>Property fails to provide a reasonable degree of thermal comfort as defined under the Decent Homes Standard.</p>
Conditions	Repayable on sale of the property.
Maximum Assistance	Maximum £10,000

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7.4 Discretionary Home Safety Assistance

Type of Assistance	Home Safety Assistance
Purpose/Key outcomes	A discretionary assistance to reduce accidents, improve security and enable victims of domestic abuse to remain in their own home where it is safe to do so by providing advice, support and the installation of child safety and security equipment.
Eligibility Criteria (Applicant)	<p>Applicant must be over 18 years of age.</p> <p>For owner occupier or private sector tenant who is vulnerable; or has been referred by crime prevention or health professional; or referred by a health visitor where property occupied by a child under the age of 5.</p> <p>Other forms of funding have been fully investigated.</p>
Eligibility Criteria (Property)	Property identified as a risk by a trained assessor, health professional, Police, Crime Reduction Unit or health visitor.
Conditions	Not repayable
Maximum Assistance	Maximum £1,000

The definition of a means tested benefit is that used for the Government's Energy Company Obligation funding, which includes State Pension Credit, Child Tax Credit, Income Related Employment and Support Allowance, Income Based Job Seekers Allowance, Income Support and Working Tax Credit.

7.5 Assistance is not available for the following:

- a) Those dwellings that fall outside the definition of residential premises in accordance with the Housing Act 2004 Chapter 1 paragraph 1 (4) or those dwellings that fall outside of the Housing Grants, Construction and Regeneration Act 1996.
- b) Cosmetic repairs such as redecoration or cleaning

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- c) Finishing DIY jobs started by the owner or others, unless there are extenuating circumstances
- d) Works which would normally be covered by a household insurance policy regardless of whether you have a policy or not
- e) Works which have already been completed.

7.6 The Council retains the right to apply a maximum amount payable in respect of individual approvals for assistance. The Council retains the right at any time to introduce a mechanism for further prioritisation of assistance under this policy to reflect budgetary requirements at the time.

7.7 Should any loan scheme cease and loans are no longer paid or are called in then any assistance towards those schemes will cease.

8 Process for Applying for Housing Assistance under this Policy

8.1 The Council will provide all the relevant forms to be completed to apply for assistance under this policy. These forms should be submitted, as a complete application, to the Council when all the information required as detailed in the eligibility criteria is available. If all the information required is not provided the application will not be treated as complete and will not be considered for approval.

8.2 The Council will notify an applicant for assistance whether their application is approved or refused. The notification will be in writing as soon as reasonably practicable and in any event, no later than three months after a complete application is received. Financial assistance will be approved by officers authorised by the Director of Planning, Housing and Environmental Health.

8.3 If the application is approved, the notification will also specify the works, which are eligible for assistance, the value of the assistance and the form that the assistance will take.

8.4 If the application is refused, the Council will explain the reasons for the refusal and the procedure for appealing against the decision.

Housing Assistance Policy 2014-2016**9 Conditions Attached to Assistance under the Policy****9.1 Eligibility conditions**

9.1.2 To make an application for housing assistance the eligibility criteria for the assistance must be met.

9.1.3 An application for assistance shall be in a form prescribed by the Council and shall include ALL of the following:

- a) A completed application form including details of the applicant, the property, financial information (where necessary) and a signed declaration by the applicant. Where the applicant has an owner's interest all other persons with an owner's interest are required to sign the declaration also.
- b) Full particulars including, where relevant, plans and specifications, of the works for which assistance is sought ("the eligible works").
- c) At least two estimates from different contractors showing a breakdown of the cost of carrying out the eligible works, unless the Council otherwise agrees to only one estimate, in any particular case. Please note that estimates from contractors with a known connection to the applicant are not acceptable.
- d) Full particulars of any professional fees and other charges/expenses which relate to the preparation for and carrying out of the eligible works.
- e) Consent in writing from all the owners of the dwelling and any tenant, to the carrying out of the eligible works.
- f) A declaration to be signed confirming agreement to the housing assistance conditions and to repay the assistance if the conditions are breached.
- g) A declaration to be signed confirming the property is to be used as a dwelling.
- h) If the applicant is a landlord, a written agreement to make available for letting the dwelling as a residence throughout the period referred to in the detailed housing assistance scheme following the date of completion of works or such other period of time as may be agreed between the applicant and the Council.

9.1.4 Where the dwelling to which an application relates is a shared ownership property, the applicant should, unless extenuating circumstances apply, have lived in the

Housing Assistance Policy 2014-2016

property for at least five years before the date of application for assistance. This does not apply to a disabled facilities grant.

9.1.5 Where the dwelling to which an application relates is a mobile home/caravan or houseboat, the following eligibility criteria will apply:

- the applicant should, unless extenuating circumstances apply, for example if the applicant is deemed as vulnerable because of health risks and/or age, have lived in the mobile home/caravan or houseboat for at least five years before the date of application for financial assistance. This does not apply to any assistance provided to adapt a property to meet the needs of a disabled person; and
- the mobile home/caravan or houseboat should be on an authorised site or mooring which is for permanent residential use; and
- financial assistance will not be provided where the works required are to meet the requirements of a caravan site licence under the Caravan Sites and Control of Development Act 1960.

9.1.6 Cases that fall outside of this policy but which exhibit special extenuating circumstances will be reported to the Director of Planning, Housing and Environmental Health for a decision.

9.2 Payment conditions

9.2.1 Loan payments will be paid in accordance with the conditions detailed in any agreement with the Council and any loan provider.

9.2.2 The following conditions apply to ALL applications for assistance under this policy.

The assistance will only be paid if:

- a) Other sources of funding have been fully investigated, such as by Government funded schemes.
- b) The housing assistance works are completed within twelve months from the date of approval or such further period extended as agreed by the Council following notification in writing

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- c) The works are carried out in accordance with such specifications as the Council determines
- d) The contractor, on whose estimate the assistance was based, unless the Council agrees otherwise in writing, carries out the associated works
- e) The works are executed to the satisfaction of the Council
- f) The Council is provided with an acceptable invoice, demand or receipt for payment of works and any other professional fees and other charges. An invoice, demand or receipt from the applicant or a member of his/her family is not acceptable.

9.3 Repayment conditions

9.3.1 Where indicated, those types of housing assistance that require repayment will be registered as a local land charge on completion of works. No interest on the original assistance will be charged. This will ensure that assistance is recycled to fund future assistance.

9.3.2 The following conditions apply to applications for assistance under this policy:

- a) If the Council becomes aware that the applicant(s) was not actually entitled to the assistance at the time when the assistance was agreed then no further payments of assistance shall be paid. The Council may demand re-payment of the assistance already paid together with interest, at a reasonable rate determined by the Council.
- b) If an owner of the dwelling to which an application relates ceases to be the owner before the works are completed he or she shall repay to the Council on demand the amount of assistance that has been paid.
- c) If an owner of the dwelling to which an application relates ceases to be the owner within the specified condition period the Council may demand repayment of the relevant amount of assistance that has been paid to the applicant.

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- d) If the owner of the dwelling to which the application relates ceases to be the owner within the required condition period due to their death the condition period will continue to be in force, if the property is occupied by one of the beneficiaries.
- e) For landlord assistance if the owner of the dwelling to which the application relates ceases to let the dwelling in accordance with the agreed period the Council may demand repayment of the amount of assistance that has been paid.
- f) Where the assistance is to fund an interest payment on a loan scheme agreed by the Council, should the applicant default on a loan payment the Director of Planning, Housing and Environmental Health in consultation with the Director of Finance and the loan provider will determine whether to demand the repayment of the interest; as specified in the agreement between the Council and the loan provider.

9.3.3 Where the Council has the right to demand repayment but there are extenuating circumstances, for example where the financial circumstances of the applicant are such that chasing the debt would cause severe hardship, they may determine not to demand repayment or to demand a lesser amount. This decision will be made by the Director of Planning, Housing and Environmental Health in consultation with the Director of Finance.

9.4 Other Conditions

9.4.1 The following conditions apply to applications for assistance under this policy

- a) If the Council is satisfied that owing to circumstances beyond the control of the applicant, the cost of the assisted works has increased or decreased the amount of assistance may be re-determined and the applicant notified accordingly.

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- b) If the Council is satisfied that unforeseen works are necessary *to* complete the works to a satisfactory standard after work has commenced, the amount of assistance may be re-determined and the applicant notified accordingly.
- c) The responsibility for instructing the contractor and supervision of the works rests with the applicant or their agent, if appointed.

Where the Council approve an application for assistance, it may impose additional conditions. These may include:

- a) The applicant to make a contribution towards the cost of the assisted works
- b) The right of the Council to nominate tenants to the accommodation
- c) The right of the Council to recover specialised equipment when it is no longer needed
- d) The appointment of managing agents to let the living accommodation
- e) The living accommodation is to be maintained in good order after the assisted works have been completed.
- f) The energy efficiency of the property is to be improved to the latest recommendations, which may go beyond that required under the Decent Homes Standard.

9.4.2 Breach of any of these additional conditions, where imposed, shall give the Council the right to demand repayment of assistance in full.

9.4.3 Any assistance provided under this policy which is repayable on breach of condition will be a local land charge.

10 Advice available under the Policy

10.1 Advice on all aspects of this policy and assistance scheme will be available from Officers of the Council. Advice will be available verbally, in writing and via home visits, as appropriate.

10.2 In addition, the Council works with a Home Improvement Agency service that can provide advice and assistance on improving/adapting homes to people aged over

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55 and/or who are disabled. For more information please contact the Private Sector Housing team at the Council.

11 Appeals and Complaints

- 11.1 Where housing assistance is refused the applicant can appeal against the decision, in writing, to the Private Sector Housing Manager. Appeals should be received within 28 days of a decision being issued. Appeals will be determined within a further 28 working days.
- 11.2 Any complaints regarding any aspects of this policy should be directed in the first instance to the Private Sector Housing Manager within the Housing Service.
- 11.3 If a satisfactory response is not obtained or the issue involves the Private Sector Housing Manager, the complaint should be referred to the Chief Housing Officer.
- 11.4 In addition, if a satisfactory response is still not obtained following 11.1 to 11.3, a complaint can be made using the Council's formal complaints procedure.

12 Applications outside of the Policy

- 12.1 Applications that fall outside of this policy, and where extenuating circumstances are exhibited, for example the applicant was determined by the Private Sector Housing Manager to be incorrectly advised, will be reported to the Director of Planning, Housing and Environmental Health for his consideration and determination.

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13 Key Service Standards Related to the Policy

13.1 The following table outlines the key service standards that relate to this policy

Service Area	Target
Initial enquiry regarding housing assistance	To respond to applicants within 5 working days
Calculation of initial Test of Resources	To advise applicants of any contribution they may have to make towards the cost of work (where appropriate) within 5 working days of receiving a completed enquiry form.
Provision of specifications with details of eligible works	To advise applicants of any eligible works with specifications within 10 working days of the first visit.
Comments on proposals for work provided by agents	When an agent sends plans and specifications for comment a response will be provided within 10 working days either supporting the scheme or giving reasons for refusing it.
Approvals of housing assistance	When all the necessary information has been provided, to approve the application within 28 working days of receipt.
Payments	When the work has been satisfactorily completed and an appropriate invoice received payments will be processed within 10 working days.

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TONBRIDGE & MALLING BOROUGH COUNCIL

LEISURE and ARTS ADVISORY BOARD

12 March 2014

Report of the Director of Street Scene & Leisure and the Cabinet Member for Leisure, Youth & Arts

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 POULT WOOD GOLF CENTRE – CHARGES

Summary

This report outlines charging proposals brought forward by the Tonbridge and Malling Leisure Trust in respect of Poulton Wood Golf Centre, together with details of proposed membership options and booking privileges.

1.1 Charges Review

- 1.1.1 At the last meeting of this Board Members agreed the proposed charges to the Leisure Trust's core charges. The charges for Poulton Wood were not considered as the Trust was considering the introduction of a membership option. It was, therefore, agreed that the charges for Poulton Wood would be considered at this meeting.
- 1.1.2 Within the Management Agreement the Trust is required to comply with the charges for the leisure facilities set out in the Core Pricing Schedule. It is agreed that the charges can be reviewed annually for implementation from 1 April each year. The Trust is entitled to increase the core prices provided that the average increase is not greater than CPI, and for any increases in core prices in excess of CPI the Trust requires the Council's consent. In determining fees and charges the Trust is required to have regard to:
- the Trust's charitable objectives
 - the needs of the local community
 - developing a balanced programme
 - the Council's key priorities
 - the Council's policy for pitch hire charges
 - the viability of the Trust
 - the prevailing market conditions

- pricing of other leisure facilities in the area

1.1.3 Attached at **[Annex 1]** is a schedule of the existing core charges for Poult Wood Golf Centre, together with the Trust's proposals for 2014/15. The percentage increase for each charge is also shown. The overall average proposed increase is 2.27%, compared to CPI of 2.1%. The proposals are felt to be acceptable.

1.2 Membership Options

1.2.1 Poult Wood Golf Centre has earned a deserved reputation as one of the best municipal pay and play courses in the South East. This has been sustained by ongoing investment in the course and facilities, as well as the dedication and skill of the experienced staff.

1.2.2 In more recent times, especially since the economic downturn in 2008, golf attendances have been down at the majority of golf courses, and Poult Wood has been no exception with an overall reduction in rounds played. This was especially stark in 2012 with poor weather and major events including the Diamond Jubilee and the London Olympics creating a further adverse impact on the market.

1.2.3 There has also been a significant reduction in the number of members of the Poult Wood Golf Club over recent years. The Club operates independently but in partnership with the management of the Centre, and provides the 'backbone' of regular users. Current membership is around 200, down from a peak of close to 500.

1.2.4 Whilst the pay and play tariff has a number of advantages it can also limit the attractiveness of the facility to golfers. Key issues include:

- the very regular golfer is now able to find competitive financial advantage in switching to a club, either private or municipal, that offers an annual membership with no consequent green fees. This applies particularly to the adult weekend market.
- income is reduced, sometimes to zero, during spells of bad weather, especially snow in winter.
- income is unpredictable and volatile. High dependence is placed on the summer months.
- golfers tend to display less loyalty in their behaviour.

1.2.5 Recent research has demonstrated that the majority of public courses, often owned by the local authority but operated by a trust or private operator now have a membership option.

1.2.6 The Trust is proposing to introduce the following Membership packages for a full year commencing on 1 April 2014:

- 7 Day - £780
- 5 Day - £510
- Junior - £120

1.2.7 Each of the options will be payable as a lump sum which would attract a 5% discount or by monthly direct debit based upon a 12 month contract renewable annually. Local comparisons are shown at **(Annex 2)**.

1.2.8 All categories of membership will apply to the use of both courses. The proposals are supported by the Poult Wood Golf Club and the Golf Professional. Tonbridge Sports Association has been consulted and is supportive of the proposals.

1.2.9 The Trust is seeking approval from the Council to offer members priority booking status with a suggested 48 hour advanced window for tee time bookings. This is consistent with the membership approach at the leisure centres.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 All income from fees and charges at Poult Wood Golf Centre is retained by the Trust as part of the Management Agreement. The charging proposals outlined in this report will continue to ensure Poult Wood offers good value for money.

1.5 Risk Assessment

1.5.1 The introduction of membership packages at Poult Wood will provide an attractive option to golfers who wish to play regularly at the facility. Pay and Play will continue to be available, ensuring the facility is available to all.

1.6 Equality Impact Assessment

1.6.1 See screening for equality impacts later in this report.

1.7 Policy Considerations

1.7.1 Community, Healthy Lifestyles, Young People.

1.8 Recommendations

1.8.1 It is **RECOMMENDED TO CABINET** that:

- 1) the proposed core charges for Poulton Wood Golf Centre outlined in **[Annex 1]** be approved and be implemented by the Leisure Trust from 1 April 2014, and
- 2) the Leisure Trust's proposed new membership options be supported, and the proposed new membership priority booking status with a 48 hour advanced window for tee time bookings for Poulton Wood Golf Centre be agreed.

Background papers:

contact: Stephen Gregg

Nil

Robert Styles

Director of Street Scene & Leisure

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The needs of different groups in the community are protected within the core charges.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	See above.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

Poult Wood Golf Centre – Core Charges

Activity	Current Charge 2013/14	Proposed Charge 2014/15	Percentage Increase
18 Hole, Weekend/Bank Holiday			
Adult, Discount Cardholder	20.50	21.00	2.4%
Adult, Visitor	25.00	25.50	2.0%
Junior/Student, Discount Cardholder	8.70	8.90	2.3%
Junior/Student, Visitor	9.80	10.00	2.0%
18 Hole, Weekday			
Adult, Discount Cardholder	14.70	15.00	2.0%
Adult, Visitor	18.00	18.50	2.8%
Junior/Student, Discount Cardholder	8.20	8.40	2.4%
Junior/Student, Visitor	9.80	10.00	2.0%
OAP/Leisure Pass, Discount Cardholder	10.00	10.20	2.0%
OAP/Leisure Pass, Visitor	11.50	11.80	2.6%
Discount Card			
Adult, Resident	26.00	26.50	1.9%
Adult, Non Resident	36.00	37.00	2.8%
Junior/Student, Resident	10.00	10.20	2.0%
Junior/Student, Non Resident	15.00	15.30	2.0%
9 Hole Short Course, Weekend/Bank Holiday			
Adult, One Round	9.00	9.20	2.2%
Junior, One Round	6.00	6.10	1.7%
OAP/Leisure Pass, One Round	7.00	7.20	2.8%
9 Hole Short Course, Weekday			
Adult, One Round	7.00	7.20	2.8%
Junior, One Round	4.10	4.20	2.4%
OAP/Leisure Pass, One Round	4.30	4.40	2.3%
	Average Increase		2.27%

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POULT WOOD GOLF CENTRE

COMPARISON OF CHARGES AND MEMBERSHIP OPTIONS 2013/14

18 Holes		Poult Wood	Lullingstone Sevenoaks	Cobtree Maidstone	High Elms Bromley	Weald of Kent Headcorn	Darenth Valley Shoreham
		£	£	£	£	£	£
Weekday	Adult	18.00	20.50	23.00	23.00	24.00	21.50
	Senior Citizen	11.50	15.50	N/A	15.00	16.00	15.50
	Junior	9.80	13.00	10.00	10.00	11.00	15.50
Weekend	Adult	25.00	27.50	29.00	29.00	31.00	28.00
	Senior Citizen	25.00	18.50	N/A	18.50	25.00	28.00
	Junior	9.80	16.00	14.00	14.00	16.00	15.50
Memberships		Proposed					
	7-Day	780.00	799.00	895.00	895.00	850.00	850.00
	7-Day Senior	780.00	799.00	895.00	895.00	850.00	755.00
	5-Day	510.00	499.00	595.00	595.00	585.00	690.00
	5-Day Senior	510.00	499.00	595.00	595.00	585.00	595.00
	Junior (8 - 12)	120.00	99.00	65.00	65.00	150.00	320.00
Teen (13 - 18)	120.00	99.00	95.00	95.00	150.00	320.00	

- 1 Cobtree Manor and High Elms both charge a £1 premium on their weekday rate on a Friday.
- 2 Cobtree does not offer Senior Citizen discount on standard green fees.
- 3 Darenth Valley is the only course that offers a reduced price for Senior Citizen memberships.
- 4 Poult Wood and High Elms both offer a one off annual loyalty card that reduces green fee cost.
- 5 Lullingstone GC has reduced membership charges on 1 January 2014 from £835/£535/£120 to £799/£499/£99 as shown in the table.
- 6 A range of other offers and discounts are applicable at most courses including green fee reduction for twilight rounds.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 March 2014

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 PEER CHALLENGE

To set out proposed arrangements for the forthcoming Peer Challenge.

1.1 Background

1.1.1 A corporate peer challenge, led by a team organised by the Local Government Association, is to take place over a three day period between Monday 28th April and Wednesday 30th April 2014.

1.1.2 The peer challenge will focus on economic regeneration as one core theme but will also cover the following corporate issues:

- Understanding of local context and priority setting: Does the council understand its local context and has it established a clear set of priorities?
- Financial planning and viability: Does the council have a financial plan in place to ensure long term viability and is there evidence that it is being implemented successfully?
- Political and managerial leadership: Does the council have effective political and managerial leadership and is it a constructive partnership?
- Governance and decision-making: Are effective governance and decision-making arrangements in place to respond to key challenges and manage change, transformation and disinvestment?
- Organisational capacity: Are organisational capacity and resources focused in the right areas in order to deliver the agreed priorities?

1.1.3 The review process will involve the following:

- The submission, 2 weeks prior to the challenge, of a short self-assessment addressing the above issues, supported, as necessary by any background reading eg corporate plan, budget statement, agendas and minutes etc.

- The first two days of the challenge will involve the review team in a series of meetings with Members, Management Team and other relevant staff, and with agencies external to the Council.
- The final day of the challenge will involve the team preparing the feedback from the review and delivering this to the Council.

1.2 The Peer Challenge Team

1.2.1 The independent team undertaking the review will comprise of the following:

Council Leader – Tony Jackson, East Herts BC

Chief Executive – Janet Waggott, Ryedale DC

Senior Officer - Matt Prosser, Strategic Director at South Oxfordshire and Vale of White Horse councils

Senior Officer - David Green, Director of Sustainable Communities, Chelmsford City Council

LGA Lead – Chris Bowron (Programme Manager) also supported by a member of the National Graduate Development Programme.

1.3 Arrangements for the Review

1.3.1 A detailed programme for the review has been drawn up in consultation with the LGA. This is attached as Annex A to this report. There will be a range of interviews and discussions over the first two days of the review including one to one interviews with the Leader, the Cabinet Members for Finance, Innovation and Property, and for Economic Regeneration, the Leader of the Liberal Democrats Group, the Chief Executive and Directors. Round table meetings will also be held with other Cabinet Members, senior staff, front-line staff, and non-executive Members.

1.3.2 In terms of external groups, the Peer Challenge will involve meetings with the CEs from Sevenoaks and Tunbridge Wells Councils, and focus group meetings with economic partners, with members of the Local Strategic Partnership including voluntary sector representation, and with nominated parish and town councils.

1.3.3 Copies of the self-assessment will be circulated to all parties in advance of the review.

1.3.4 It is intended that the outcome of the review, including any specific recommendations from the peer challenge team, will be reported to the next Cabinet meeting being held on 25th June 2014.

1.4 Legal Implications

1.4.1 None

1.5 Financial and Value for Money Considerations

1.5.1 To be addressed as part of the Peer Challenge.

1.6 Risk Assessment

1.6.1 N/A

1.7 Equality Impact Assessment

1.7.1 See 'Screening for equality impacts' table at end of report

1.8 Recommendations

1.8.1 That the arrangements for the forthcoming Peer Challenge, as set out in this report, **BE ENDORSED**.

Background papers:

contact: Mark Raymond

Nil

Julie Beilby
Chief Executive

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	n/a	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Monday 28th April

Time	Peer Challenge Team 1	Time	Peer Challenge Team 2
8.00 – 9.00	Team arrive, Introduction to Committee Room and Facilities – Mark Raymond		
9.00 – 9.45	Introductory meeting with Leader (Cllr Nicolas Heslop) and Chief Executive (Julie Beilby) – Venue: Mayor’s Parlour		
9:50 – 10.55	Interview – Chief Executive, Julie Beilby Venue: Chief Executive’s Office	9:50 – 10.55	Interview – Leader of the Council, Nicolas Heslop Venue: Mayor’s Parlour
11.00 – 12.00	Interview – Director of Central Services and Monitoring Officer (Adrian Stanfield) Venue: Adrian Stanfield’s Office	11.00 – 12.00	Interview – Director of Finance and Transformation (Sharon Shelton) and (Adrian Stanfield) Venue: Mayor’s Parlour
12:05 – 13:05	Interview - Director of Planning, Housing and Environmental Health (Steve Humphrey) Venue: Steve Humphrey’s Office	12:05 – 13:05	Interview - Director of Street Scene and Leisure (Robert Styles) Venue: Mayor’s Parlour
13:05 – 14:00	PEER CHALLENGE TEAM LUNCH – Committee Room		
14:00 – 14:55	Interview – Economic Regeneration Issues: Cabinet Member for Economic Regeneration (Cllr John Balcombe) Venue: Room D	14:00 – 14:55	Interview – Cabinet Member for Finance , innovation and Property (Cllr Martin Coffin) Venue: Mayor’s Parlour
15:00 – 16:00	Interview – Economic Regeneration Issues: Chief Corporate Policy Officer (Mark Raymond) Venue: Room D	15:00 -16:30	Round Table Meeting – Other Cabinet Members (Cllrs Jill Anderson, Owen Baldock, Maria Heslop, Brian Luker, Sue Murray, Mark Rhodes) Venue: Council Chamber
16:00:16:30	Break		
16:55 – 18:00	PEER CHALLENGE TEAM WORKING TIME – Committee Room		
18:00 – 19:30	Interview – Leader of the Liberal Democrats Group (Cllr Liz Simpson) Venue: Mayor’s Parlour	18:00 – 19.30	Round Table – Non-Executive Members Venue: Council Chamber

Tuesday 29th April

Time	Peer Challenge Team 1	Time	Peer Challenge Team 2
8.30 – 8.45	Team Arrival and Preparation		
8:45 – 9:30	Interim Feedback – Peer Challenge Team Leader/TMBC Leader Venue – Mayor’s Parlour	8:45 – 9.30	Interim Feedback – Peer Challenge Team CE/TMBC CE Venue CE’s Office
9:30 – 11.25	Visit and Observation: Management Team Meeting at Tonbridge Castle (10am start) and visit to Gateway Offices (30 minutes driving time each way)	9.30 – 11:00	Venue: Council Chamber Focus Group – Second Tier Staff
		11:05 – 12:30	Focus Group with Front-line staff Venue: Council Chamber
11:30 – 12:30	Interview – Pav Rameval (CE, Sevenoaks District Council)		
12:30 – 13:55	PEER CHALLENGE TEAM WORKING TIME/LUNCH – Committee Room		
14:00 – 15:30	Focus Group with LSP Members Venue: Council Chamber	14.00 – 14.55	Interview – Senior Director, KCC (TBC) Venue – Mayor’s Parlour
		15:00 – 15:55	Interview - William Benson (CE, Tunbridge Wells Borough Council) Venue: Mayors Parlour
15.30 – 17:00	Focus Group with West Kent Economic Development Partners Venue: Mayor’s Parlour	16:00 – 17:30	Focus Group with Parish/Town Council/Voluntary Sector Representatives (TBC) Venue: Council Chamber
17.00 – 18.30	PEER CHALLENGE TEAM WORKING TIME – Committee Room	17:30- 18:30	PEER CHALLENGE TEAM WORKING TIME – Committee Room

Wednesday 30th April

Time	Peer Challenge Team
8:00 – 10.15	PREPARATION OF FEEDBACK (Council Officers available to meet Team as required)
10:15 – 11:00	INFORMAL 'Dry Run' PRESENTATION OF FEEDBACK TO THE CABINET AND MANAGEMENT TEAM (Venue: Council Chamber)
11:00 – 11:30	Peer Challenge Team working time
11:30 - 13:00	FORMAL PRESENTATION OF FEEBACK TO CABINET AND MANAGEMENT TEAM followed by discussion/buffet lunch – Council Chamber
13:00	Team Departs

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 March 2014

Report of the Management Team

Part 1- Public

Executive Non Key Decisions

1 FLOOD SUPPORT SCHEMES

The report provides details of those flood support schemes to be administered by local authorities and the approach to be taken in administering each of the schemes by this Council.

1.1 Introduction

1.1.1 The Government have recently announced a number of schemes to support businesses and homeowners recover from the impacts of flooding between December 2013 and March 2014.

1.1.2 The costs of the schemes are to be funded by Government. Of these, the following four schemes are to be administered by the local council and further information on these schemes can be found in the Government's Flood Support Schemes Guidance Note.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/284174/Flood-Support-Schemes-guidance.pdf

1.2 Support for Businesses

100% Business Rate Relief for three months

1.2.1 The eligibility criteria is as follows:

- The property has been flooded in whole or in part; and
- as a result of the flooding the business activity undertaken at the property was adversely affected; and
- the rateable value on that day was less than £10 million.

1.2.2 Three months rate relief to start on the day the property first met the criteria. The scheme does not cover relief for any property which was empty at the time it was flooded as there was no business activity on the premises at the time. The

Government will reimburse local authorities that use their discretionary relief powers under section 47 of the Local Government Finance Act 1988 (as amended by the Localism Act) in line with the eligibility criteria set out above. In calculating the cost of the relief to be refunded it is assumed that all other reliefs have first been applied. Councils may use their discretionary powers to offer further discounts outside this scheme, but must meet their share of the cost of doing so under the Business Rates Retention scheme.

- 1.2.3 It will be for the local authority to adopt a local scheme and decide in each case when to grant relief under section 47. The Government anticipates local authorities will wish to move quickly to support those businesses affected. The approach has been to adopt the scheme as set out above for Members subsequent endorsement.

Business Support Scheme

- 1.2.4 Scheme to support small and medium sized businesses. Eligible businesses will be able to claim for support towards costs over and above that which would normally be covered by insurance. Eligible businesses are those whose premises flooded and other businesses in the affected area that suffered a significant loss of trade. Local authorities are to keep a record of the businesses assisted through this fund.
- 1.2.5 The Government have commented that they deliberately want to keep the scheme simple to encourage councils to provide support to affected businesses quickly and with the minimum of bureaucracy. Taking into account the above the approach taken for Members subsequent endorsement has been to adopt a two-tier flat rate grant aid regime.
- 1.2.6 A higher flat rate grant for those businesses whose premises flooded and a lesser sum for other businesses in the affected area that suffered a significant loss of trade. The first category is to be written to asking them to confirm they were flooded and, in turn, the business activity at the premises was adversely affected and where this was the case to complete a tear of slip and return by the date specified if they wish to claim the grant aid. The second category is to be administered by way of an application and assessment process. The flat rate grant amount in each case has yet to be determined.
- 1.2.7 The Council has received a grant allocation of £185,000 for the Business Support Scheme.

1.3 Support for Homeowners

Council Tax Discount for three months

- 1.3.1 The eligibility criterion is as follows:
- People whose homes have been flooded.

- 1.3.2 Local authorities can use powers under section 13A of the Local Government Finance Act 1992 to grant council tax discounts on properties affected by flooding. The Government will reimburse local authorities that grant council tax discounts in line with the eligibility criterion set out above upon application through grant funding. Ordinarily the cost of these discounts is met in full by the billing authority.
- 1.3.3 It will be for the local authority to adopt a local scheme. The approach has been to adopt the scheme as set out above for Members subsequent endorsement. Homeowners known to the Council to be eligible will be automatically awarded a council tax discount for three months and advised of the action taken in writing.

1.4 Support for Businesses and Homeowners

Repair and Renew Grant Scheme

- 1.4.1 Financial support to businesses and homeowners that had been flooded to pay for work that improves a property's ability to withstand future flooding over and above repairs that would normally be covered by insurance. Grants of up to £5,000 available. The Government will reimburse local authorities grants paid out in line with the eligibility criteria set out above.
- 1.4.2 It will be for the local authority to adopt a local scheme and decide whether to provide a grant and at what level (subject to the production of evidence that the agreed measures have been appropriately installed). The approach taken for Members subsequent endorsement is to:
- Where the measure/s undertaken are recommended by the DEFRA funded Property Protection Adviser website report for that property or included in Annex B of the Government's Flood Support Schemes Guidance Note entitlement to grant-aid is satisfied.
 - An application and assessment process to apply for all other cases.

1.5 State Aid

- 1.5.1 The de minimis regulations allow an undertaking to receive up to €200,000 of cumulative de minimis aid in a three-year period (current financial year and the two previous financial years). Local authorities are asked to note the terms of this State Aid exemption and should keep records of all undertakings who receive flooding relief aid.

1.6 Communication

- 1.6.1 The existence of these flood support schemes for businesses will be included in a 'flyer' to be sent out with the 2014/15 business rates bills and those businesses directly affected by the floods are to be written to about the Business Support Scheme. Homeowners known to the Council to be eligible will be automatically awarded a council tax discount for three months and advised of the action taken in

writing, but not those homeowners already awarded a discount/exemption for a period of at least three months. Information on each of the four flood support schemes can also be found on the Council's website at the following link:

<http://www.tmbc.gov.uk/landing/flooding-alert/flood-support-schemes>

1.7 Legal Implications

- 1.7.1 There are a number of legislative requirements to consider in respect of one or more of the flood support schemes detailed above which will be addressed as appropriate.

1.8 Financial and Value for Money Considerations

- 1.8.1 As set out above. It should be noted that some of the schemes bring with them cash flow implications the extent of which will depend largely on the promptness of reimbursement by Government of sums foregone or paid out.

1.9 Risk Assessment

- 1.9.1 Risk of adverse cash flow implications the extent of which will depend largely on the promptness of reimbursement by Government of sums foregone or paid out.

1.10 Equality Impact Assessment

- 1.10.1 See 'Screening for equality impacts' table at end of report

1.11 Policy Considerations

- 1.11.1 Community

1.12 Recommendations

- 1.12.1 Cabinet is **RECOMMENDED** to agree to:

- 1) grant discretionary rate relief after all other reliefs have first been applied for those businesses which meet the eligibility criteria set out at paragraph 1.2.1;
- 2) administer the Business Support Scheme as detailed at paragraph 1.2.6.
- 3) award a council tax discount for the three-month period April to June 2014 for those homeowners who meet the eligibility criteria set out at paragraph 1.3.1.
- 4) administer the Repair & Renew Grant Scheme as detailed at paragraph 1.4.2.

Background papers:
Nil

contact: Neil Lawley

For and on behalf of Management Team

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Approach adopted will be consistently applied to those businesses and homeowners that meet the criteria.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Approach adopted will be consistently applied to those businesses and homeowners that meet the criteria.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		See responses above.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 March 2014

Report of the Director of Finance and Transformation

Part 1- Public

Executive Non Key Decisions

1 RETAIL RATE RELIEF

A report advising Members of the Government's retail rate relief scheme and requesting Members to approve the policy for granting relief.

1.1 Introduction

1.1.1 In his autumn statement last December, the Chancellor of the Exchequer stated that the retail sector was changing and that high streets were experiencing challenges as they adapted to changing customer preferences.

1.1.2 To support the retail sector, the Government would *"introduce a discount of up to £1,000 against business rates bills for retail premises (including pubs, cafes, restaurants and charity shops) with a rateable value of up to £50,000 in 2014-15 and 2015-16, and will bring forward guidance on how the discount will be applied"*

1.2 Guidance

1.2.1 The Government has now issued the guidance, a copy of which is attached at [ANNEX 1]. The points to note in the guidance are:

- To benefit from the relief, the property must be occupied and wholly or mainly used as a shop, restaurant, café or drinking establishment.
- The property must have a rateable value of no greater than £50,000.
- The maximum relief that may be granted, in each of the years 2014/15 and 2015/16, is £1,000 per retail property. The relief is deducted from the amount that would otherwise be payable in respect of the property. If the amount otherwise payable is less than £1,000, then the relief is capped at the lesser amount.

1.2.2 Unlike other rate reliefs available to businesses, such as small business rate relief and charitable rate relief, retail rate relief will not be incorporated into the legislation governing business rates. Instead, the Government is expecting local authorities to grant the relief using their discretionary powers under section 47 of

the Local Government Finance Act 1988. This is the same section under which we grant discretionary rate relief to charities and other non profit-making bodies.

- 1.2.3 Assuming that a local authority uses its discretionary powers under section 47 to grant relief, the Government has stated that it will fully reimburse the cost of the retail rate relief to the local authority. However, to qualify for full reimbursement, the authority will have to demonstrate that it has granted the relief in accordance with the Government's guidance.
- 1.2.4 I have already outlined at paragraph 1.2 (above) the main features of the scheme. However, when considering if a property should benefit from retail rate relief, an authority must ensure that the retail outlet falls within one of the categories of property in the Government's guidance. If it does not, then the ability to claim back the relief from the Government would be lost. The categories are:
- Properties used for the sale of goods to visiting members of the public, for example opticians; bakers; grocers; newsagents; garden centres; charity shops; and off-licences.
 - Properties used for the provision of services to visiting members of the public, for example travel agents; dry cleaners; funeral directors; and hairdressers.
 - Properties used for the sale of food and/or drink to visiting members of the public, for example sandwich shops and coffee shops.
- 1.2.5 The Government does not consider that the following properties come within the scope of the retail rate relief scheme:
- A property being used for the provision of financial services to the public, for example a bank; betting shop or building society.
 - A property used for the provision of services such as an estate agency or employment agency.
 - A property used to provide medical services, such as a dentists or doctors, or professional services, such a solicitors or accountants.
- 1.2.6 There is nothing to prohibit a local authority from granting relief, under its discretionary powers, to a business that would not qualify for funding under the Government's scheme. However, if it were to do so, it would have to bear a proportion of the cost along with the other bodies participating in the business rates retention scheme. Likewise, an authority could grant a greater amount of relief to a qualifying property than that announced by the Government, but the additional relief would have to be shared by the bodies participating in the business rates retention scheme.

1.2.7 My approach has been to implement the scheme as set out above for Members' subsequent endorsement, as I was keen to update the rate accounts of those businesses entitled to the relief as quickly as possible and issue amended bills to those businesses. Having said the foregoing, there could be cases where I believe a business is not eligible but the ratepayer believes that it is. In those cases I shall take the applications to Members of the Finance, Innovation and Property Advisory Board for determination.

1.2.8 Finally, I would draw to Members' attention paragraph 13 of the Government's guidance. The paragraph states:

"As the grant of relief is discretionary, authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would go against the authority's wider objective for the local area."

1.2.9 In respect of the above, there are a couple of matters on which I would ask for Members' guidance:

- 1) As Members will be aware, it has been our practice not to grant discretionary rate relief to charity shops in cases where the shops are run by national charities. Thus, those charity shops have 80% of their rate bills remitted because they are registered charities but remain liable to pay the remaining 20% of their bills. Would Members wish me to allow the retail rate relief against their 20% liability?

The Government's guidance specifically refers to charity shops being eligible for the relief and it would cost the Council nothing to grant the relief. However, Members might feel that they do not wish to give any further encouragement, by way of reduced rates, to such shops. Alternatively, Members might consider that it is preferable to have the charity shops occupying the premises instead of empty units. Of course, bearing in mind the already generous reduction in the rates bills occasioned by mandatory rate relief, it could be argued that the refusal of retail rate relief would not be a significant factor in their decision whether to remain in the premises.

- 2) In the autumn statement the Chancellor referred to **high streets** facing challenges. In addition, the guidance refers to 'high streets' in paragraph 4. However, in the same paragraph it refers to support for 'town centres'. It is therefore unclear whether the Government is willing to fully fund retail rate relief given to a business in a village shopping street.

In much the same vein, the funding position in respect of 'one-off' retail units not in a town or village remains unclear. Whilst not in a village or town location, the business will face much the same challenges as a high street business, for example competition from large out-of-town retailers and competition from internet sales. Would we be able to claim Government funding if we gave retail rate relief to such businesses?

I have sought clarification of the above from the Department for Communities and Local Government but, at the time of writing, a response has not been received.

1.3 **Legal Implications**

- 1.3.1 To avoid the risk of challenge it is considered that Members should approve the policy to be adopted for the granting of retail rate relief.

1.4 **Financial and Value for Money Considerations**

- 1.4.1 There will be no financial implication for the Council if relief is granted in accordance with the guidelines issued by the Government. Should Members approve a scheme of retail rate relief that is more generous than that anticipated by the Government, then the Council, along with the other bodies participating in the business rates retention scheme, will have to bear the cost of the excess relief.

1.5 **Risk Assessment**

- 1.5.1 There is no risk to the Council other than the financial risk mentioned above.

1.6 **Equality Impact Assessment**

- 1.6.1 See 'Screening for equality impacts' table at end of report

1.7 **Recommendations**

- 1.7.1 Members are **REQUESTED** to **DETERMINE**:

- 1) the approach that should be taken in respect of charity shops: paragraph 1.8 (1) above refers;
- 2) subject to any response that might be received from the Department for Communities and Local Government by the date of Cabinet, whether they wish to grant retail rate relief to retail premises not in town centres and retail premises of a 'one-off' nature, for example retail premises located on farms;
- 3) a scheme of retail rate relief as set out in paragraphs 1.2 and 1.5 above; and
- 4) that I be given delegated authority to grant relief in accordance with the adopted scheme, subject to any disputed entitlement to relief being referred to the Finance, Innovation and Property Advisory Board.

Background papers:

contact: Paul Griffin

Nil

Sharon Shelton

Director of Finance and Transformation.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	The decision relates purely to commercial premises.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	The decision relates purely to commercial premises.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		Not applicable.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Department for
Communities and
Local Government

Business Rates

Retail Relief – Guidance

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Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU
Telephone: 030 3444 0000

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Business Rates Retail Relief – Guidance

About this guidance

1. This guidance is intended to support local authorities in administering the “Retail Relief” announced in the Autumn Statement on 5 December 2013. This Guidance applies to England only.
2. This guidance sets out the detailed criteria which central Government will use to determine funding relief for retail properties. The Guidance does not replace existing legislation on retail properties or any other relief.
3. Enquiries on this measure should be addressed to:
ndr@communities.gsi.gov.uk

Introduction

4. The retail sector is changing, particularly due to internet shopping, and many high streets are experiencing challenges as they look to adapt to changing consumer preferences in how people shop. The Government wishes to support town centres in their response by providing particular support to retailers.
5. The Government announced in the Autumn Statement on 5 December 2013 that it will provide a relief of up to £1,000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16.
6. This document provides guidance to authorities about the operation and delivery of the policy. Government anticipates that local authorities will include details of the relief to be provided to eligible ratepayers for 2014-15 in their bills for the beginning of that year.

Section 1:

Retail Relief

How will the relief be provided?

7. As this is a measure for 2014-15 and 2015-16 only, the Government is not changing the legislation around the reliefs available to properties. Instead the Government will, in line with the eligibility criteria set out in this guidance, reimburse local authorities that use their discretionary relief powers, introduced by the Localism Act (under section 47 of the Local Government Finance Act 1988, as amended) to grant relief. It will be for individual local billing authorities to adopt a local scheme and decide in each individual case when to grant relief under section 47. Central government will fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003). The Government expects local government to grant relief to qualifying ratepayers.
8. Central government will reimburse billing authorities and those major precepting authorities within the rates retention system for the actual cost to them under the rates retention scheme of the relief that falls within the definitions in this guidance. Local authorities will be asked to provide an estimate of their likely total cost for providing the relief in their National Non Domestic Rate Return 1 (NNDR1) for 2014-15 and 2015-16. Central government will provide payments of the local authorities' share to authorities over the course of the relevant years.

Which properties will benefit from relief?

9. Properties that will benefit from the relief will be occupied hereditaments with a rateable value of £50,000 or less, that are wholly or mainly being used as shops, restaurants, cafes and drinking establishments.
10. We consider shops, restaurants, cafes and drinking establishments to mean:
 - i. **Hereditaments that are being used for the sale of goods to visiting members of the public:**
 - Shops (such as: florist, bakers, butchers, grocers, greengrocers, jewellers, stationers, off licence, chemists, newsagents, hardware stores, supermarkets, etc)
 - Charity shops
 - Opticians
 - Post offices
 - Furnishing shops/ display rooms (such as: carpet shops, double glazing, garage doors)
 - Car/ caravan show rooms
 - Second hand car lots

- Markets
- Petrol stations
- Garden centres
- Art galleries (where art is for sale/hire)

ii. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Hair and beauty services (such as: hair dressers, nail bars, beauty salons, tanning shops, etc)
- Shoe repairs/ key cutting
- Travel agents
- Ticket offices e.g. for theatre
- Dry cleaners
- Launderettes
- PC/ TV/ domestic appliance repair
- Funeral directors
- Photo processing
- DVD/ video rentals
- Tool hire
- Car hire

iii. Hereditaments that are being used for the sale of food and/ or drink to visiting members of the public:

- Restaurants
- Takeaways
- Sandwich shops
- Coffee shops
- Pubs
- Bars

11. To qualify for the relief the hereditament should be wholly or mainly being used as a shop, restaurant, cafe or drinking establishment. In a similar way to other reliefs (such as charity relief), this is a test on use rather than occupation. Therefore, hereditaments which are occupied but not wholly or mainly used for the qualifying purpose will not qualify for the relief.
12. The list set out above is not intended to be exhaustive as it would be impossible to list the many and varied retail uses that exist. There will also be mixed uses. However, it is intended to be a guide for authorities as to the types of uses that government considers for this purpose to be retail. Authorities should determine for themselves whether particular properties not listed are broadly similar in nature to those above and, if so, to consider them eligible for the relief. Conversely, properties that are not broadly similar in nature to those listed above should not be eligible for the relief.
13. As the grant of the relief is discretionary, authorities may choose not to grant the relief if they consider that appropriate, for example where granting the relief would

go against the authority's wider objectives for the local area. We would encourage councillors to be consulted on the final scheme that the local authority adopts, so there is a clear line of accountability in case of a dispute on the final local scheme that is adopted.

14. The list below sets out the types of uses that government does not consider to be retail use for the purpose of this relief. Again, it is for local authorities to determine for themselves whether particular properties are broadly similar in nature to those below and, if so, to consider them not eligible for the relief under their local scheme.

i. Hereditaments that are being used for the provision of the following services to visiting members of the public:

- Financial services (e.g. banks, building societies, cash points, bureau de change, payday lenders, betting shops, pawn brokers)
- Other services (e.g. estate agents, letting agents, employment agencies)
- Medical services (e.g. vets, dentists, doctors, osteopaths, chiropractors)
- Professional services (e.g. solicitors, accountants, insurance agents/ financial advisers, tutors)
- Post office sorting office

ii. Hereditaments that are not reasonably accessible to visiting members of the public

How much relief will be available?

15. The total amount of government-funded relief available for each property for each of the years under this scheme is £1,000. The amount does not vary with rateable value and there is no taper. There is no relief available under this scheme for properties with a rateable value of more than £50,000. Of course, councils may use their discretionary powers to offer further discounts outside this scheme (and under local rate retention, 50 per cent of the cost would be locally funded and 50 per cent funded by central government).
16. The eligibility for the relief and the relief itself will be assessed and calculated on a daily basis. The following formula should be used to determine the amount of relief to be granted for a particular hereditament in the financial year:

$$\text{Amount of relief to be granted} = \text{£}1000 \times \frac{A}{B}$$

Where:

A is the number of days in the financial year that the hereditament is eligible for relief; and

B is the number of days in the financial year

17. The relief will be applied against the net bill after all other reliefs.

18. Where the net rate liability for the day after all other reliefs but before retail relief is less than the retail relief, the maximum amount of this relief will be no more than the value of the net rate liability. This should be calculated ignoring any prior year adjustments in liabilities which fall to be liable on the day.
19. Ratepayers that occupy more than one property will be entitled to relief for each of their eligible properties, subject to State Aid de minimis limits.

State Aid

20. State Aid law is the means by which the European Union regulates state funded support to businesses. Providing discretionary relief to ratepayers is likely to amount to State Aid. However Retail Relief will be State Aid compliant where it is provided in accordance with the De Minimis Regulations (1407/2013)¹.
21. The De Minimis Regulations allow an undertaking to receive up to €200,000 of De Minimis aid in a three year period (consisting of the current financial year and the two previous financial years). Local authorities should familiarise themselves with the terms of this State Aid exemption, in particular the types of undertaking that are excluded from receiving De Minimis aid (Article 1), the relevant definition of undertaking (Article 2(2)²) and the requirement to convert the aid into Euros³.
22. To administer De Minimis it is necessary for the local authority to establish that the award of aid will not result in the undertaking having received more than €200,000 of De Minimis aid. Note that the threshold only relates to aid provided under the De Minimis Regulations (aid under other exemptions or outside the scope of State Aid is not relevant to the De Minimis calculation). Section 3 of this guidance contains a sample De Minimis declaration which local authorities may wish to use. Where local authorities have further questions about De Minimis or other aspects of State Aid law, they should seek advice from their legal department in the first instance⁴.

Splits, mergers, and changes to existing hereditaments

23. The relief should be applied on a day to day basis using the formula set out above. A new hereditament created as a result of a split or merger during the financial year, or where there is a change of use, should be considered afresh for the relief on that day.

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>

² The 'New SME Definition user guide and model declaration' provides further guidance: http://ec.europa.eu/enterprise/policies/sme/files/sme_definition/sme_user_guide_en.pdf

³ http://ec.europa.eu/budget/contracts_grants/info_contracts/infoeuro/infoeuro_en.cfm

⁴ Detailed State Aid guidance can also be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/15277/National_State_Aid_Law_Requirements.pdf

How will the relief work in Enterprise Zones?

24. Where a property is eligible for Enterprise Zone relief, that relief should be granted and this will be funded under the rates retention scheme by a deduction from the central share. If a property in an Enterprise Zone is not eligible for Enterprise Zone relief, or that relief has ended, Retail Relief may be granted in the normal way, and this would be reimbursed by grant under section 31 of the Local Government Act 2003. Local authorities should not claim funding for retail relief on properties which would otherwise qualify for Enterprise Zone government funded relief.

Section 2 – Calculation examples for 2014-15

Example 1 – An occupied shoe shop with a rateable value of £40,000

Rateable Value = £40,000

Rates due (excluding any reliefs) = £40,000 x 0.482 = £19,280

Minus 12 months retail relief = £19,280 - £1,000 = £18,280

Rates due (including retail relief) = **£18,280**

Example 2 – A shoe shop with a rateable value of £40,000 that is unoccupied between 1 April 2014 and 30 September 2014 and is then occupied until 31 March 2015.

Rateable Value = £40,000

Rates due (excluding any reliefs) = £40,000 x 0.482 = £19,280

Minus 3 months (no empty rates payable) = £40,000 x 0.482 x $\frac{91}{365}$ = £4,806.79

Minus 6 months retail relief (01/10/14-31/03/15) = £1,000 x $\frac{182}{365}$ = £498.63

Total due for year = **£13,974.58**

Example 3 – An occupied shoe shop with a rateable value of £10,000 that is in receipt of small business rate relief of £1,554 per year.

Rateable Value = £10,000

Rates due (excluding any reliefs) = £10,000 x 0.471 = £4,710

Minus small business rate relief of 33% = £4,710 - £1,554 = £3,156

Minus 12 months retail relief = £3,156 - £1,000 = £2,156

Rates due (including all reliefs) = **£2,156**

Example 4 – An occupied charity shop with a rateable value of £10,000 that is in receipt of mandatory charitable rate relief

Rateable Value = £10,000

Rates due (excluding any reliefs) = £10,000 x 0.471 = £4,710

Minus charitable rate relief of 80% = £4,710 - £3,768 = £942

Minus 12 months retail relief = £942 - £942 (max relief allowable) = £0

Rates due (including all reliefs) = **£0**

Example 5 – A shoe shop with a rateable value of £30,000 that has occupied premises previously used as a jewellers shop that was empty for more than 12 months immediately prior to occupation.

Rateable Value = £30,000

Rates due (excluding any reliefs) = £30,000 x 0.482 = £14,460

Minus reoccupation relief of 50% = £14,460 - £7,230 = £7,230

Minus 12 months retail relief = £7,230 - £1,000 = £6,230

Rates due (including all reliefs) = **£6,230**

Section 3 – State Aid

Sample paragraphs that could be included in letters to ratepayers for 2014-15 about Retail Relief

The Government announced in the Autumn Statement on 5 December 2013 that it will provide a relief of up to £1000 to all occupied retail properties with a rateable value of £50,000 or less in each of the years 2014-15 and 2015-16. Your current rates bill includes this Retail Relief for 2014-15.

Awards such as Retail Relief are required to comply with the EU law on State Aid⁵. In this case, this involves returning the attached declaration to this authority if you have received any other De Minimis State Aid, including any other Retail Relief you are being granted for premises other than the one to which this bill and letter relates, and confirming that the award of Retail Relief does not exceed the €200,000 an undertaking⁶ can receive under the De Minimis Regulations EC 1407/2013.

Please complete the declaration and return it to the address above. In terms of declaring previous De Minimis aid, we are only interested in public support which is De Minimis aid (State Aid received under other exemptions or public support which is not State Aid does not need to be declared).

If you have not received any other De Minimis State Aid, including any other Retail Relief you are being granted for premises other than the one to which this bill and letter relates, you do not need to complete or return the declaration.

If you wish to refuse to receive the Retail Relief granted in relation to the premises to which this bill and letter relates, please complete the attached form and return it to the address above. You do not need to complete the declaration. This may be particularly relevant to those premises that are part of a large retail chain, where the cumulative total of Retail Relief received could exceed €200,000.

Under the European Commission rules, you must retain this letter for 3 years from the date on this letter and produce it on any request by the UK public authorities or the European Commission. (You may need to keep this letter longer than 3 years for other purposes). Furthermore, information on this aid must be supplied to any other public authority or agency asking for information on 'De Minimis' aid for the next three years.

⁵.Further information on State Aid law can be found at <https://www.gov.uk/state-aid>

⁶ An undertaking is an entity which is engaged in economic activity. This means that it puts goods or services on a given market. The important thing is what the entity does, not its status. Thus a charity or not for profit company can be undertakings if they are involved in economic activities. A single undertaking will normally encompass the business group rather than a single company within a group. Article 2.2 of the de minimis Regulations (Commission Regulation EC/ 1407/2013) defines the meaning of 'single undertaking'.

'DE MINIMIS' DECLARATION

Dear []

BUSINESS RATES ACCOUNT NUMBER: _____

The value of the business rates retail relief to be provided to [name of undertaking] by [name of local authority] is £ [] (Euros []).

This award shall comply with the EU law on State Aid on the basis that, including this award, [name of undertaking] shall not receive more than €200,000 in total of De Minimis aid within the current financial year or the previous two financial years). The De Minimis Regulations 1407/2013(as published in the Official Journal of the European Union L352 24.12.2013) can be downloaded at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2013:352:0001:0008:EN:PDF>.

Please list all previously received De Minimis aid below, including the total amount of this and any other Retail Relief you are being granted.

Amount of De Minimis aid	Date of aid	Organisation providing aid	Nature of aid
€	1 April 2014 – 31 March 2015	Local authorities (for the Retail Relief total you do not need to specify the names of individual authorities)	Retail Relief

I confirm that:

- 1) I am authorised to sign on behalf of _____[name of undertaking]; and
- 2) _____[name of undertaking] shall not exceed its De Minimis threshold by accepting this Retail Relief.

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

REFUSAL OF RETAIL RELIEF FORM

Name and address of premises	Business rates account number	Amount of Retail Relief

I confirm that I wish to refuse Retail Relief in relation to the above premises.

I confirm that I am authorised to sign on behalf of _____ [name of undertaking].

SIGNATURE:

NAME:

POSITION:

BUSINESS:

ADDRESS:

DATE:

**TONBRIDGE & MALLING BOROUGH COUNCIL
ECONOMIC REGENERATION ADVISORY BOARD**

26 February 2014

Report of the Chief Executive

Part 1- Public

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

1 LOCAL RETAIL CENTRES – ENGAGEMENT

To provide an update on the engagement with traders from the Borough's local retail centres and to agree a revised process for approving applications for grant support.

1.1 Background

- 1.1.1 A process of engaging with traders from the Borough's local retail centres was agreed at the meeting of this Board in July 2013. The intention was to seek views from traders and other interested parties, including Parish Councils, about the strengths and weaknesses of each centre and to explore how the Borough Council might assist with the offer of some grant support.

1.2 Update

- 1.2.1 Meetings have now been held with West Malling Chamber of Commerce, Snodland Chamber of Commerce, Martin Square Traders Association, and informal traders groups in Borough Green, Wrotham, Hadlow, and Aylesford. Two further meetings are being arranged with East Peckham and Kings Hill traders.

- 1.2.2 All meetings held to date have resulted in positive and productive discussions. The main issues arising for each centre can be summarised below:

West Malling – parking issues, need to help promote independent traders, need for wider marketing/advertising for the centre, some concerns about anti-social behaviour.

Snodland – need to upgrade street furniture, organise a wider range of markets to attract more trade, more marketing of the centre, road signage from the bypass, possible interest in a local loyalty scheme.

Martin Square – concern about long term parking in the square, need to link with traders on the A20, concern about potential loss of library which helps generate trade, disabled access to shops, street lighting issues.

Borough Green – need to form new traders group possibly to include Wrotham, organise local events eg wedding fair, interested in loyalty card scheme, local marketing/business directory.

Wrotham – additional local events such as a Farmers' Market, improved shop signage, signage to the village from main roads and the Pilgrims' Way, new bus shelter with local information.

Hadlow – lack of short stay parking reducing passing trade, need for additional car parking spaces, loss of local shops, need for better parking enforcement.

Aylesford – need to promote village to local residents via marketing, re-launch of annual events eg annual festival, develop a website, better signage to the centre, street cleaning issues, need for a formal traders group.

1.3 Grant Funding

1.3.1 As agreed at the meeting of this Board in November 2013, local traders groups have been advised that grant support of up to £7,500 is available for them to bid for. This offer of support had been well received by local traders and each group engaged with to date are now working on applications. Feedback, however, suggests that the original deadline of the 31st March to receive grant applications may be difficult to achieve for some groups, particularly where meetings have only just taken place. In the light of this, it is suggested that late applications beyond the original deadline should now be accepted. To enable grant decisions to be made quickly and funds released to local groups without further delay, it is suggested that authority be delegated to the Cabinet Members for Economic Regeneration and for Finance, Innovation and Property to determine grant applications and for those decisions to be reported to a future meeting of this Board for information.

1.4 Legal Implications

1.4.1 None

1.5 Financial and Value for Money Considerations

1.5.1 Assessed when grant support to local centres was agreed.

1.6 Risk Assessment

1.6.1 n/a

1.7 Equality Impact Assessment

1.7.1 See 'Screening for equality impacts' table at end of report

1.8 Recommendations

- 1.8.1 That the outcome of discussions with local traders held to date **BE NOTED** and that authority **BE DELEGATED** to the Cabinet Members for Economic Regeneration and for Finance and Transformation to make decisions regarding applications for grant support from local traders groups.

The Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Mark Raymond

Nil

Julie Beilby
Chief Executive

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Not relevant to the subject of this report.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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TONBRIDGE & MALLING BOROUGH COUNCIL

PLANNING and TRANSPORTATION ADVISORY BOARD

11 March 2014

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

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

1 KENT MINERALS AND WASTE LOCAL PLAN – RESPONSE TO CONSULTATION

Summary

Kent County Council (KCC) is consulting on the pre-submission version of the Kent Minerals and Waste Local Plan (MWLP). This report recommends a response to KCC on the consultation document.

1.1 Background to the Consultation

- 1.1.1 Kent County Council is the Minerals and Waste Planning Authority and has a responsibility to prepare a suite of plans setting out policies and sites for mineral extraction, importation and recycling as well as waste management. The Kent Minerals and Waste Local Plan (MWLP) sets out the overarching strategy. In addition there are the Site Plans (the Mineral Sites Plan and the Waste Sites Plan) which will allocate specific locations and sites for minerals and waste developments. These Sites Plans are not being consulted upon at the moment. The pre-submission consultation will take place after the Inspector's Report into the soundness of the MWLP has been received (estimated: April 2015). All of the Plans cover the period 2013-2030.
- 1.1.2 The pre-submission consultation for the MWLP is the third and final consultation stage. The first consultation at the 'Issues' stage ran between 24 September and 19 November 2010. The Council submitted a response to KCC during this first stage. The second consultation was the 'Strategy and Policy Directions' stage which ran between 21 May and 9 August 2011. The Council made formal representations on this last document. These comments were reported to this Board on 17 November 2010.
- 1.1.3 The version of the MWLP that is currently available for consultation is the one that KCC intends to submit for examination later this year. When adopted, the policies within the MWLP will replace the existing suite of saved Kent minerals and waste policies.

- 1.1.4 The new Plans will be used as the policy framework for the determination of applications for minerals and waste developments in Kent until the end of 2030. The MWLP is the overarching strategic document and the two Sites Plans will have to be in conformity with it. It sets out KCC's long-term spatial vision for the county in relation to minerals and waste. It also outlines the strategic objectives for the county. It sets out a delivery strategy which identifies how the objectives will be achieved in the plan period. It identifies two areas where key (strategic) mineral and waste development is likely to take place. It also provides the development management policy framework against which minerals and waste applications will be considered.
- 1.1.5 The MWLP (once adopted) will form part of the Council's Development Plan which means that the policies contained within it will need to be used alongside the planning policies in the Council's adopted Development Plan Documents to assess local planning applications. For this reason alone it is important that the Council responds to this current consultation because there will be direct implications for future decision-making locally once the MWLP is adopted.

1.2 Consultation Matters

Local Development Scheme

- 1.2.1 The Local Development Scheme (LDS) is the project plan for the MWLP; it sets out the timetable for the production of the documents including the examination and adoption dates. The latest published version of the LDS (December 2012). It indicates that the MWLP should have been submitted in October 2013 and examined in March 2014. Furthermore, it indicates that the pre-submission version of the Sites Plans will be consulted on in September 2014, yet the website states that this is not likely to take place until April 2015 after the Inspector's Report for the MWLP has been received.
- 1.2.2 **Proposed Response** – The Local Development Scheme is not up-to-date and does not correspond with the timetables displayed on the website. The LDS indicates that the MWLP was submitted in October 2013 and that the pre-submission version of the Sites Plans will be published for consultation in September 2014. This is inconsistent with the information on the website and should be corrected so that stakeholders have a clear idea of the key milestones for the production of the MWLP, the Mineral Sites Plan and Waste Sites Plan.

Supplies of Land-won Minerals: Silica Sand – for information

- 1.2.3 Silica sand is considered to be a mineral of national importance, due to its limited distribution. The Folkestone Beds, west of Maidstone is the traditional extraction area for silica sand in Kent. National policy requires Mineral Planning Authorities to plan for a steady and adequate supply of silica sand by providing a stock of permitted reserves. There are three existing silica sand quarries in Kent. Whilst two of the three quarries have sufficient reserves to last for the entire plan period,

one site (Wrotham Quarry (Addington Sand Pit)) does not. In response to this situation, the MWLP states that a site allocation will, therefore, be required in the Mineral Sites Plan to identify sufficient reserves to meet national requirements for silica sand. Whilst the Sites Plan will not be published for consultation until April 2015 at the earliest, this matter is being drawn to the attention of the Board because not only does the Pit fall within Tonbridge and Malling but the site and its future extension area lie in the Kent Downs Areas of Outstanding National Beauty (AONB). The AONB is a nationally important designation and so developments within it or its setting have to have regard to the particularly sensitive nature of the environment. The exact extent of the allocation will not be known until the Sites Plan is published next year.

Strategic Site for Minerals – Medway Cement Works, Holborough

- 1.2.4 The site of the proposed Medway Cement Works, Holborough and its permitted mineral reserves are together identified as the Strategic Site for Minerals in Kent (Policy CSM3). The policy states: ‘...*Mineral working and processing at the Strategic Site for Cement Minerals will be permitted subject to meeting the requirements of relevant development management policies...*’. The supporting text to the policy states: ‘...*there are likely to be significant changes agreed to the approved layout and design, which would require a fresh planning application being approved prior to the development of the site...*’. The most relevant development management policy is Policy DM10: Health and Amenity. This states:

Minerals and waste development will be permitted if it can be demonstrated that they are unlikely to generate significant adverse impacts from noise, dust, vibration, odour, emissions, bioaerosols, illumination, visual intrusion, traffic or exposure to health risks and associated damage to the qualities of life and wellbeing to communities and the environment

- 1.2.5 **Proposed Response** – There are no objections, in principle, to Medway Cement Works, Holborough being identified as a strategic site for minerals in the MWLP because it enjoys the benefit of an extant planning permission. However, to assure the local community that their health and amenity will not be harmed as a result of a revised scheme, either Policy CSM3 or DM10 should be amended. It should be clearly stated that the local impacts of the revised proposal on the environment and local community must be equal to or less than those of the permitted scheme. This would include matters such as the impact on the landscape in terms of the scale and massing of the development and the impact on the highways network, as well as impacts from noise, dust, vibration, odour emissions etc. As an alternative to additional wording to this effect at the end of CSM3, the following wording could feature at the end of Policy DM10:

In the case of a revised proposal to an existing permitted scheme, the changes should generate impacts that are less than or, at worse, equal to

those from the existing permission.

Land-Won Mineral Safeguarding

- 1.2.6 At the meeting of the Board on the 12 March 2013, a topic paper on Mineral Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs) prepared by KCC was reported. This topic paper was prepared to help improve the understanding of these policies.
- 1.2.7 The purpose of MSAs is to ensure that mineral resources are adequately and effectively considered in land-use planning decisions, so that they are not needlessly sterilised, compromising the ability of future generations to meet their own needs. The designated MSAs are illustrated on the Key Proposal Map at the back on the MWLP which is based upon the British Geological Society data. Ubiquitous minerals, namely chalk and clay, are not being safeguarded. The minerals that are safeguarded are: brickearth, sharp sand and gravel, soft sand (including silica sand), ragstone and building stone. Defining MSAs carries no presumption for extraction and there is no presumption that any areas within MSAs will ultimately be acceptable for mineral extraction (specific sites are designated for that purpose). Equally there is no presumption that non-mineral development within a MSA is automatically precluded.
- 1.2.8 MCA designation is a mechanism that aims to ensure that consultation takes place between KCC and district planning authorities when mineral interests could be compromised by non-mineral development, especially in close proximity to a known mineral resource. An MCA has been established around the safeguarded mineral reserves at Holborough **[Annex 1]**.
- 1.2.9 There are two policies in the MWLP relating to mineral safeguarding: CSM5 and DM7. Policy CSM5 is the strategic policy that states that minerals resources will be safeguarded. It also states that a MSA and a MCA have been identified for Medway Works, Holborough. Policy DM7 **[Annex 2]** is the development management policy that sets out in more detail how to treat non-mineral developments which are incompatible with safeguarding the mineral within a Mineral Safeguarding Area. The aim of the policy is to facilitate prior extraction of the mineral wherever possible before non-mineral development occurs.
- 1.2.10 **Proposed Response** - It makes sense to prevent the sterilisation of potentially economic viable minerals resources that are important to the delivery of sustainable economic growth. However, the MWLP does not adequately set this policy within the wider national planning policy context. The National Planning Policy Framework (NPPF) clearly has a growth agenda at its heart. Para.14 requires local planning authorities through the making of Local Plans to positively seek opportunities to meet the development needs of their area. Furthermore it states that Local Plans should meet objectively assessed needs. In addition para.173 in the NPPF states: '*...the sites and the scale of development identified*

in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened...' In light of this National Policy - which should underpin all local planning policies - the MSA policies (CSM5 and DM7) and the supporting text need to state:

Safeguarding should not put at risk the deliverability of sustainable growth identified in Local Plans in response to local evidence of need.

Local planning authorities are required to respond to local evidence of need for housing and cannot afford to have their strategies to respond to this need sterilised by restrictive safeguarding policy. It should be noted that Mineral Safeguarding Areas are not listed as one of the specific policies in the NPPF which indicate that development should be restricted (please see footnote 9 to para.14 in the NPPF).

- 1.2.11 Policy DM7 needs to be reworded to accurately reflect the responsibilities and powers of Kent County Council as the Minerals and Waste Planning Authority for Kent. The policy opening sentence states: '*...Planning permission will only be granted for non-mineral developments which are incompatible with safeguarding...*'. KCC is not the local planning authority for non-mineral and non-waste development; this is the responsibility of the Kent districts. The policy should accurately reflect this and be reworded to:

'...Kent County Council, as Minerals and Waste Planning Authority, will not be supportive of non-mineral developments which are incompatible with safeguarding the mineral...'

- 1.2.12 The aim of the safeguarding policy needs to reflect the risks that it poses to the viability and therefore deliverability of non-mineral development overlying the safeguarded minerals. Policy DM7 states that one of the conditions for allowing non-mineral development is if the mineral can be extracted satisfactorily prior to the incompatible development taking place. This is an over-simplification. The condition should recognise that the mineral should be extracted where it can be done so in a timely way that does not put at risk the deliverability of the non-mineral development overlying it. The policy should better reflect the policy in the NPPF (para.143, bullet point 5, p.33) which states that prior extraction should be encouraged, where practicable and environmentally feasible. The first bullet point in Policy DM7 should be reworded to:

'...it is practicable, environmentally feasible and economically viable for the mineral to be extracted in a timely way that does not put at risk the deliverability of the incompatible development taking place...'

Oil, Gas and Coal Bed Methane

- 1.2.13 Policy CSM8 [**Annex 3**] covers proposals for hydraulic fracking for shale gas. This process involves water (plus additives) being pumped under pressure into productive shale rocks via a drilled bore to open up pore spaces and allow the shale gas to be pumped to the surface for collection. Given the relative infancy of this form of mineral extraction, particularly in the UK, a precautionary approach should be adopted to dealing with such proposals. This approach could include seeking evidence of the proposed process being proven to work safely (within the UK) with no unacceptable harmful adverse impacts on water courses, biodiversity, properties and the local environment and communities.
- 1.2.14 **Proposed Response** – Given the nature of shale gas extraction by hydraulic fracking, Policy CSM8 should take a precautionary approach. Insert a bullet point after the first paragraph that reads:

evidence being supplied demonstrating that the extraction process has been tested and proven, within the UK, to be safe with no harmful adverse impacts on water courses (groundwater, water bodies and wetland habitats) biodiversity, properties and the local environment and communities.

The detailed wording of the Policy should also be amended to be consistent with the National Planning Policy Framework and I will ensure KCC are advised accordingly on all such policy wording.

Waste Reduction

- 1.2.15 The MWLP includes a policy on waste reduction, CSW3 [**Annex 4**]. This is focussed on reducing waste during all forms of new development and integrating space within new developments to allow for the storage of segregated waste to facilitate recycling. Whilst the essence of this Policy is welcomed, it is questionable whether it should feature in a strategic policy document such as the MWLP because it relates to detailed development matters. These are more appropriately dealt with by the districts in Kent.
- 1.2.16 **Proposed Response** – Delete Policy CSW3 (Waste Reduction) from the MWLP. The Policy contains detailed matters relating to non-waste development which is not appropriate for a strategic policy document such as the MWLP. These matters are best dealt with through the Local Plans prepared by the districts in Kent who have the responsibility for assessing and determining applications for non-waste development proposals.

Location of Non-Strategic Waste Sites

- 1.2.17 This policy sets out locational criteria for determining applications for non-strategic waste sites. As with previous policies addressing impacts of permitted operations, the terminology in the Policy is not consistent with the requirement of the policy in the NPPF. The policy should recognise that any proposal for a non-strategic waste site as part of a new major development for employment or on land within industrial estates would also need to demonstrate conformity with the adopted Local Plan prepared by the district authority.
- 1.2.18 **Proposed Response** – Amend the opening paragraph of Policy CSW6 so that it is consistent with the National Planning Policy Framework (para.143). It should read: ‘...*providing that there is no unacceptable adverse impact on sensitive receptors...*’.
- 1.2.19 The policy does not reflect the need for proposals for non-strategic waste sites to demonstrate conformity with relevant policies in other documents that make up the Development Plan for the local area, i.e. the Local Plan, for permission to be granted. Amend the text in the opening sentence of the policy to read:

‘...Permission will be granted at sites for non strategic waste facilities in the following locations, providing that there is no significant adverse impact on sensitive receptors and the proposal is consistent with the policies in the adopted Local Plan prepared by the district planning authority...’

Identifying Sites for Municipal Solid Waste – Tonbridge & Malling

- 1.2.20 This section of the MWLP identifies that in the short to medium term, the Allington Waste Management Facility will need to be expanded to include a new Household Waste Recycling Centre to serve Tonbridge and Malling. The MWLP does not identify the site for development because this is a matter for the Waste Sites Plan consultation. Instead, the MWLP includes a high-level policy framing this proposal. Policy CSW7 states: ‘...*A site will be identified in the Waste Sites Plan for a Household Waste Recycling Centre to serve the Borough of Tonbridge and Malling...*’.
- 1.2.21 **Proposed Response** – The Borough Council is supportive of this approach and Policy CSW 7. The identification of the site for a Household Waste Recycling Centre to serve Tonbridge and Malling must be informed and be consistent with the policies in the NPPF and the Local Plan prepared by the Borough Council. In particular, the environmental criteria should ensure that the permitted operations do not have unacceptable adverse impacts on the natural and historic environment or human health, including from noise, dust, visual intrusion, traffic and take into account the cumulative effects of multiple impacts from individual sites in the locality.

Energy from Waste (EfW) Facilities

- 1.2.22 One of the fundamental aims of the MWLP is to reduce the amount of waste being sent to landfill. The Plan identifies that there will need to be a substantial increase in the number of EfW plants during the plan period if a rapid shift away from landfill is to occur. The identification of sites is not a matter for the MWLP. Sites for additional EfW facilities will be identified in the consultation document for the Waste Sites Plan (not yet undertaken).

Safeguarding Permitted Waste Sites

- 1.2.23 The purpose of this Policy (CSW17) is to protect the current stock of waste management facilities. The policy seeks to safeguard permitted waste sites by refusing planning permission for the redevelopment of these sites to non-waste management uses unless alternative waste management capacity is provided elsewhere. Neither the policy nor the supporting text recognises that KCC does not have powers to determine non-waste development proposals.
- 1.2.24 **Proposed Response** – Decision-making on non-waste development proposals rests with the local planning authorities, i.e. the Kent districts, not KCC and such proposals will be assessed against the policies in the Local Plan which, along with the Minerals and Waste Local Plan, the Mineral Sites Plan and the Waste Sites Plan forms part of the Development Plan. Amend the Policy to reflect this distribution of authority:

Planning permission will not be supported by Kent County Council for development of sites which have permanent planning permission for waste management or which are identified in the Waste Sites Plan unless this does not reduce the existing waste management capacity of the site or an equivalent annual capacity can be provided at an alternative site within Kent.

1.3 Legal Implications

- 1.3.1 The Minerals and Waste Local Plan, once adopted, will form part of the statutory Development Plan for Tonbridge and Malling Borough. Decisions on planning applications in the borough have to be made in accordance with the Development Plan unless material considerations indicate otherwise. The Mineral Safeguarding Areas and the Mineral Consultation Areas will need to be illustrated on the Proposals Map for the Development Plan.

1.4 Financial and Value for Money Considerations

- 1.4.1 At this stage in the consultation process on the MWLP there are no financial or value for money considerations.

1.5 Risk Assessment

1.5.1 As highlighted above, the Minerals and Waste Local Plan, once adopted, will form part of the statutory Development Plan for Tonbridge and Malling Borough. If a representation is not made at this stage, there is the risk that the concerns and priorities of this Council and the potential impact on local communities will not be fully addressed.

1.6 Equality Impact Assessment

1.6.1 See 'Screening for equality impacts' table at end of report.

1.7 Recommendations

1.7.1 The proposed responses in this report be transmitted to KCC as the Council's formal response to the consultation on the Kent Minerals and Waste Local Plan (Pre-Submission, January 2014).

Background papers:

Kent Minerals and Waste Local Plan 2013-30
Pre-submission Consultation (January 2014)

contact: Nigel De Wit
Lindsay Pearson

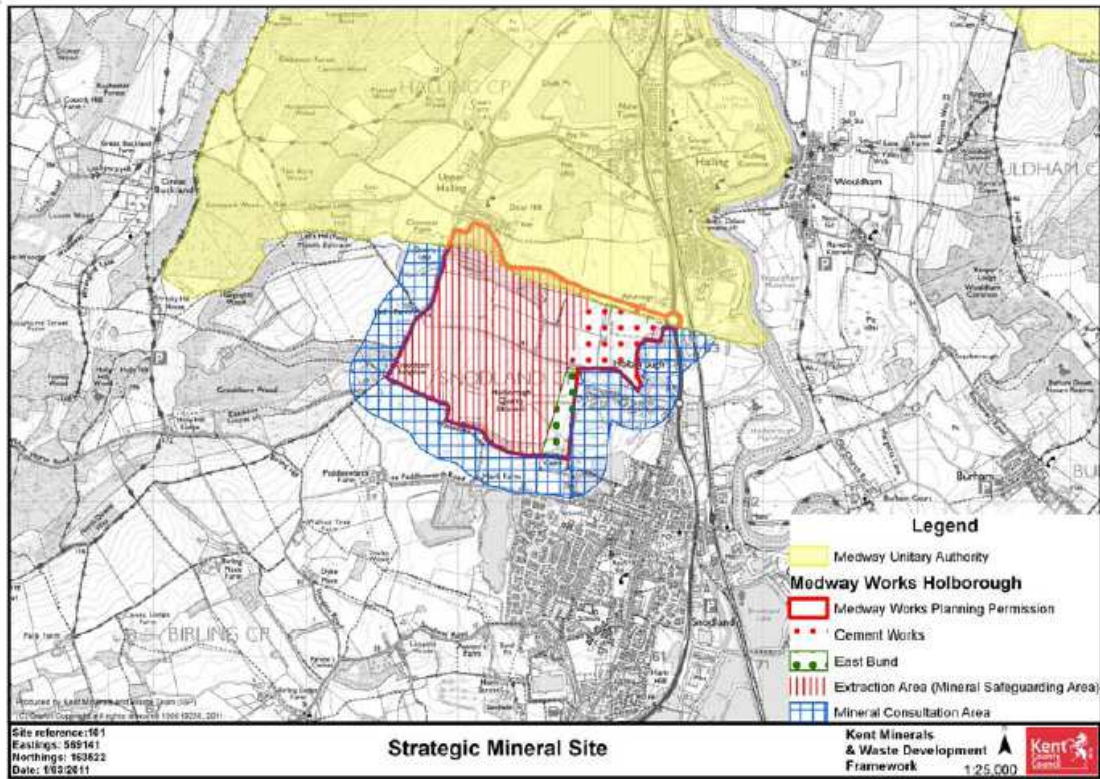
Steve Humphrey
Director of Planning, Housing and Environmental Health

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Figure 16 Medway Works, Holborough



Policy DM 7

Safeguarding Mineral Resources and Importation Infrastructure

Planning permission will only be granted for non mineral developments which are incompatible with safeguarding the mineral within a Mineral Safeguarding Area and/or importation infrastructure within a Safeguarded Wharf or Railhead identified on the Key Diagram in Appendix D where:

- the mineral can be extracted satisfactorily prior to the incompatible development taking place; or
- the applicant can demonstrate to the satisfaction of the Mineral Planning Authority that the mineral is either not of economic value or does not exist; or
- the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit mineral extraction within the timescale that the mineral is likely to be needed; or
- In the case of a wharf or railhead the applicant can demonstrate that additional/replacement capacity at another wharf or railhead is available in Kent which is similar to or better than the facility that it is replacing in terms of accessibility, location in relation to the market, suitability and size of the berth for dredgers, barges or ships, suitability/size of adjacent available land for processing and stockpiling of minerals and there are no incompatible developments in close proximity which could jeopardise the operation of the replacement site; or
- it constitutes development which is exempt from mineral safeguarding policy, namely householder applications or it is infill development of a minor nature in existing built up areas.

Policy CSM 8

Oil, Gas and Coal Bed Methane

Planning permission will be granted for proposals associated with the exploration, appraisal and development of oil, gas (including shale gas and natural gas), coal-bed methane, abandoned mine methane and underground coal seam gasification subject to:

- development taking place in appropriate locations where the proposals do not have significant adverse impacts on amenity or the environment; and
- there being no significant impact upon sensitive water receptors including groundwater, water bodies and wetland habitats; and
- all other environmental impacts being mitigated to ensure that there is not a significant adverse impact upon the local environment or communities; and
- exploration and appraisal operations are for an agreed, temporary length of time; and
- the drilling site and any associated land being restored to a high quality standard and appropriate after-use which supports the local landscape character.

Policy CSW 3

Waste Reduction

All new development should minimise the production of construction, demolition and excavation waste and manage any waste sustainably. New development should incorporate into its design adequate space for the occupiers of the proposed buildings to store waste separately from recyclable and compostable materials prior to their collection. The following details shall be submitted with the planning application, except for householder applications:

- (a) The measures to be taken to show compliance with this policy on waste reduction; and
- (b) A site Waste Plan detailing the nature and quantity of any construction, demolition and excavation waste to be sent off site and the destinations.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 March 2014

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 MEDIUM TERM FINANCIAL STRATEGY

The purpose of this report is to confirm the latest published iteration of the Medium Term Financial Strategy following the 2014/15 budget setting process and the projected 'funding gap' identified as a result.

1.1 Medium Term Financial Strategy

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

1.1.2 The Strategy sets out the high level financial objectives the Council wishes to fulfil over the agreed time span. The Strategy also sets out, based on current financial information, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans.

1.1.3 The MTFS spans a rolling ten-year period with two fundamental objectives: to achieve a balanced revenue budget and to retain a minimum of £2.0m in the general revenue reserve by the end of the strategy period. All of the key objectives currently set out in the MTFS are set out below.

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

thereafter, seek appropriate reductions in service costs following consultation, as necessary, with taxpayers.

- Set a maximum 'annual capital allowance' each year as part of the budget setting process for all new capital schemes (set at £320,000 from the Council's own resources) and give priority to those schemes that generate income or reduce costs.

- 1.1.4 Members will recall that following an assessment of the impact of the 2013 Spending Review announced in June on the Council's finances and, in turn, MTFs the savings target set for the 2014/15 budget cycle increased by £200,000 to £1.1 million; and in preparing the 2014/15 Budget I was pleased to report that in total net savings in excess of £1.1 million had been achieved. **[Annex 1]** provides details of the savings identified and implemented as part of the 2014/15 budget setting process.
- 1.1.5 Beyond March 2014 it is estimated further savings of circa **£1.875m** need to be identified and implemented over the medium term. Based on the above projection it was our initial intention to breakdown the savings target into three tranches (tranche one £650,000, tranche two £700,000 and tranche three £525,000 to be achieved by the start of the year 2016/17, 2017/18 and 2019/20). However, in order to maintain momentum and focus a savings target has been set for 2015/16 by breaking out the first savings tranche into two parts, i.e. £200,000 followed by £450,000. The latest published iteration of the MTFs following the 2014/15 budget setting process is attached at **[Annex 2]**.
- 1.1.6 It is important that attention is now directed at not only how we might deliver the next tranche of savings of £200,000 this financial year, but also give thought to options to deliver at least the next savings tranche of £450,000 recognising the 'lead in time' that might be required for one or more of the options identified. Management Team are due to consider areas for potential savings in the next few weeks, and monitoring reports will be brought forward to Members so that good management of the process can be maintained.
- 1.1.7 Clearly, the Council continues to face a significant financial challenge, but remains determined that the negative impact on service delivery and council tax increases are minimised, albeit recognising that some difficult choices will have to be made.

1.2 Legal Implications

- 1.2.1 None.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out above.

1.4 Risk Assessment

- 1.4.1 The Medium Term Financial Strategy sets out the high level financial objectives the Council wishes to fulfil and underpins the budget setting process for the forthcoming year and over the Strategy period. As the Council's high level financial planning tool the Strategy needs to be reviewed and updated at least annually and in the current climate regularly reviewed by Management Team.
- 1.4.2 There is so much uncertainty and volatility particularly in some of our major sources of income that financial planning is becoming increasingly difficult with the increased risk of significant variances compared to projections.
- 1.4.3 In addition, not identifying and implementing the requisite savings will put at risk the integrity of the Medium Term Financial Strategy.

1.5 Equality Impact Assessment

- 1.5.1 See 'Screening for equality impacts' table at end of report

Background papers:

contact: Sharon Shelton
Neil Lawley

Nil

Sharon Shelton
Director of Finance and Transformation

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	Report provides an update on the projected 'funding gap' between expenditure and income following the 2014/15 budget setting process.
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	Report provides an update on the projected 'funding gap' between expenditure and income following the 2014/15 budget setting process.
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		See responses above.

In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above.

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Revenue Savings 2014/15

£

Savings

Tonbridge & Malling Leisure Trust	(454,896)
Salaries	(187,176)
Refuse, Recycling & Street Cleansing Contract	(54,947)
Here & Now / Information & Publicity	(51,240)
Public Conveniences	(48,572)
Members Allowances	(47,135)
Home Improvement Agency	(45,900)
Pest Control	(40,278)
Information Technology	(33,855)
Gibson Building Rates & Energy	(29,125)
Planning Applications	(27,635)
Car & Travelling Allowances	(27,158)
Electoral Registration Grant	(25,000)
Training	(22,000)
Homelessness Bad Debt Provision	(20,800)
Printing	(20,003)
Payment to Principals / Ticket Refunds	(20,000)
Senior Management Restructure Phase 2	(18,500)
Summons Costs Recovered	(15,800)
Additional Annual Pension Contributions	(14,060)
Parish Councils - Financial Arrangements / Council Tax Reduction Support	(14,051)
Superannuation Backfunding Lump Sum	(11,500)
Telephones	(11,294)
Winter Maintenance	(10,500)
Housing Survey Reserve Contribution	(10,000)
Other	(92,107)
Total Savings	<u>(1,353,532)</u>

Growth

Legal Expenses	10,627
Applications & Appeals	14,400
Community Safety	20,000
Benefits Administration Grant	35,204
Penalty Charge Notices	50,000
Recycling Income	75,398
Total Growth	<u>205,629</u>

Net Savings

(1,147,903)

less One-off items included within 2014/15 estimates

Benefits / Revenues Temporary Staff	(114,500)
Finance Supernumerary Post	(25,000)

Ongoing Net Savings

(1,287,403)

Savings Target (excluding 2014/15 Pay Award)	(1,037,000)
2014/15 Pay Award Savings	(97,000)
Total Savings Required	<u>(1,134,000)</u>

Savings in Excess of Target

(153,403)

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Medium Term Financial Strategy

	Estimate	Projection								
	2014/15 £000	2015/16 £000	2016/17 £000	2017/18 £000	2018/19 £000	2019/20 £000	2020/21 £000	2021/22 £000	2022/23 £000	2023/24 £000
EXPENDITURE										
Employees	11,207	11,230	11,447	11,670	11,950	12,184	12,470	12,760	13,059	13,370
Transfer Payments	33,935	23,002	7,334	36	0	0	0	0	0	0
Other Expenditure	11,446	11,158	11,523	11,657	11,894	12,268	12,502	12,790	13,082	13,380
Capital Charges	3,196	3,260	3,325	3,392	3,460	3,529	3,600	3,672	3,745	3,820
Total Expenditure	59,784	48,650	33,629	26,755	27,304	27,981	28,572	29,222	29,886	30,570
INCOME										
Fees & Charges	(6,638)	(6,737)	(6,951)	(7,054)	(7,308)	(7,416)	(7,676)	(7,787)	(8,051)	(8,168)
Other Specific Grants & Misc	(34,808)	(23,784)	(8,015)	(649)	(625)	(637)	(649)	(662)	(675)	(689)
Investment Income	(175)	(157)	(309)	(448)	(573)	(618)	(625)	(630)	(640)	(635)
Total Income	(41,621)	(30,678)	(15,275)	(8,151)	(8,506)	(8,671)	(8,950)	(9,079)	(9,366)	(9,492)
Appropriations										
Capital Renewals	0	0	0	0	1,299	1,316	1,334	1,352	1,370	1,370
Provision for new Capital Schemes	350	350	350	350	0	0	0	0	0	0
Other Appropriations	(2,682)	(3,132)	(3,324)	(3,280)	(3,330)	(3,510)	(3,523)	(3,608)	(3,693)	(3,781)
SAVINGS TARGET	0	(200)	(204)	(208)	(212)	(216)	(220)	(224)	(228)	(233)
SAVINGS TARGET	0	0	(450)	(459)	(468)	(477)	(487)	(497)	(507)	(517)
SAVINGS TARGET	0	0	0	(700)	(714)	(728)	(743)	(758)	(773)	(788)
SAVINGS TARGET	0	0	0	0	0	(525)	(536)	(547)	(558)	(569)
NET BUDGETED SPEND	15,831	14,990	14,726	14,307	15,373	15,170	15,447	15,861	16,131	16,560
FUNDING										
Revenue Reserves	1,077	(311)	(250)	(432)	808	218	105	125	(25)	(19)
Government Grant	6,769	6,628	5,965	5,368	4,831	4,831	4,831	4,831	4,831	4,831
Council Tax	8,421	8,673	9,011	9,371	9,734	10,121	10,511	10,905	11,325	11,748
Collection Fund Adjustment	(436)	0	0	0	0	0	0	0	0	0
Total Funding	15,831	14,990	14,726	14,307	15,373	15,170	15,447	15,861	16,131	16,560
Council Tax Level at Band D Increase on Previous Year	£183.85 1.99%	£187.51 1.99%	£193.14 3.00%	£198.93 3.00%	£204.90 3.00%	£211.05 3.00%	£217.38 3.00%	£223.90 3.00%	£230.62 3.00%	£237.54 3.00%
RESERVES BALANCE CARRIED FORWARD	4,611	4,922	5,172	5,604	4,796	4,578	4,473	4,348	4,373	4,392

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

25 March 2014

Report of Director of Central Services

Part 1- Public

Matters for Information

1 Local indicators - 2013/14

This report presents the results for the third quarter, and cumulatively for the first three-quarters, of the current financial year for those local indicators that are monitored regularly.

1.1 Indicators

1.1.1 Types of indicator:

- KPIs are key performance indicators - these are related to key priorities and have targets.
- KIs are key indicators - these are the same as KPIs but without targets.
- PIs - performance indicators - these are not related to key priorities but they do have targets.

1.2 Results

1.2.1 This report presents the indicator results for the third quarter, and cumulatively for the first three-quarters of 2013/14, from 1 April to 31 December 2013. It reviews the long term trends in performance, compares results against targets for the current financial year to date and identifies any unusually positive or negative results based on the latest figures.

1.2.2 The results are presented in Annex 1, an A3 colour document circulated along with the main papers as a separate document:

- Longer term performance based on colour coding is shown in the "Trend" column. Green shows improving performance and red shows deteriorating performance. The numbers in this column show the rate of change based on the trend.
- A numerical index and colour coding are used to compare the result and target in the "On target?" column. The higher the index number the better.

An index of 100 or more with a green background shows target achieved. An index of less than 100 with a red background shows target not achieved. Where performance is affected by a seasonal or other profile, no index value is calculated and the colour coding is determined by the service manager.

1.2.3 In overall terms, we:

- Achieved an improving/positive trend for 20 out of the 35 indicators for which trend information is available.
- Met our targets for 17 of the 25 indicators monitored in the first three-quarters of 2013/14.
- Identified two indicators showing an unusually positive result and three indicators showing an unusually negative result in the third quarter of 2013/14.

1.3 Legal Implications

1.3.1 None

1.4 Financial and Value for Money Considerations

1.4.1 Quarterly reporting and review of local indicators provides a significant opportunity to influence and improve performance thereby achieving our targets and a positive trend and, in the process, also improving value for money.

1.5 Risk Assessment

1.5.1 The targets for the local indicators are designed to 'stretch' the organisation and they are extremely challenging. Hence, although each individual target is realistic, collectively there is therefore a real risk that some targets will not be achieved. Quarterly reporting enables managers and Members to influence performance regularly during the year and reduce this risk.

Background papers:
Nil

contact: Bruce Hill

Adrian Stanfield
Director of Central Services

2013/14 Q3 quarterly indicator report (Oct-Dec 2013)

Cells shaded grey identify contextual data for information and any PIs not applicable/not required this quarter.

Cells shaded turquoise identify data required from lead officer.

Trend - straight-line fit of up to five most recent years' quarterly results:

- Improving (and by how much)
- Flat
- Deteriorating (and by how much)

On Target? - compares performance to date against target, using an index, or against a seasonal or other profile.

- Target being achieved/on profile
- Target not being achieved/not on profile

Latest performance - this quarter's result in the context of previous performance:

- Unusually positive
- In line
- Unusually negative

Number	Description	Lead officer	2013/14 target	2013/14 Q3 Oct-Dec	2013/14 3/4-year Apr-Dec	Trend	On target?	Latest performance in context	Comments about performance	Comments about profiles/ patterns of results and any further contextual data
Central/Corporate										
KI-103	Number of other interactions via web forms.	Bruce Hill (co-ordinates)	Not set	1,866	5,565	49/Q	Not applicable			Additional to KI-514 and KI-515 (see under Finance). Trend data since Q1 2009/10.
PI-202	Percentage of telephone calls to our MacFarlane handling system negatively abandoned.	Charlie Steel	6.5	7.6	8.4	0.5/Q	77			Negatively abandoned calls are calls with a wait time longer than 10 seconds and the caller ends the call without hearing a message that provides the required information or being diverted to a payment line. Trend data since Q1 2012/13.
Executive										
KPI-219	Total number of crimes recorded by the police.	Alison Finch	5,453	1,281	3,810	12/Q				Trend data since Q1 2009/10.
KPI-220	Number of incidents of anti-social behaviour recorded by the police.		3,220	541	1,935	29/Q				Trend data since Q1 2011/12.
KPI-221	Number of repeat victims of domestic abuse within past year.		303	65	262	14/Y		Not applicable		Insufficient data available to establish a trend.
KPI-222	Number of drug offences recorded by the police.		273	105	274	0.2/Q			Increase in drug offences recorded could be due to proactive policing (e.g. more drug dealers/users being caught)	Trend data since Q1 2009/10.
Finance										
KPI-502	Percentage of council tax collected by the authority in the year.	Glen Pritchard	98.50	29.16	84.20	0.01/Q				Seasonal pattern with collection concentrated in Q1-Q3. Trend data since Q1 2009/10.
KPI-503	Percentage of non-domestic rates collected by the authority in the year.		99.60	26.94	89.46	0.06/Q				Seasonal pattern with collection concentrated in Q1-Q3. Trend data since Q1 2009/10.
KI-516	Number of new homes (including affordable housing).		Not set	71	375	2/Q	Not applicable			Trend data since Q1 2012/13.
KPI-510	Average number of days to process all new housing and council tax benefit claims.	Andrew Rosevear	28.0	37.3	39.6	0.6/Q	71		Performance went into sharp decline following the introduction of welfare reform changes in April '13. Steps were taken to address the difficulties resulting in continuous gradual improvement since October '13. The monthly result for February stands at 31.6 days.	Deteriorating since Q1 2012/13. Trend data since Q1 2009/10.
KPI-511	Average number of days to process changes in claimants' circumstance.		7.0	12.8	11.1	0.2/Q	63		As above. The monthly result for February stands at 6.9 days.	Results volatile. Trend data since Q1 2009/10.
KPI-513	Reducing the funding gap (£000s)	Neil Lawley	£900	550	1,200	Not applicable		Not applicable	The savings target was increased by £200,000 to £1.1m following the 2013 Spending Review.	Savings depend on circumstances and do not fit a trend.
KI-514	Number of one-off payments made via the Automated Telephone Payment (ATP) system.	Brian Courtney	Not set	4,059	12,570	136/Q	Not applicable			Trend data since Q4 2010/11.
KI-515	Number of one-off payments made online.		Not set	5,215	17,020	321/Q	Not applicable		Leisure Trust one-off WorldPay payments excluded from Q3 onwards. These totalled 504 in quarters 1+2.	Trend data since Q4 2010/11.

2013/14 Q3 quarterly indicator report (Oct-Dec 2013)

Cells shaded grey identify contextual data for information and any PIs not applicable/not required this quarter.

Cells shaded turquoise identify data required from lead officer.

Trend - straight-line fit of up to five most recent years' quarterly results:

- Improving (and by how much)

- Flat

- Deteriorating (and by how much)

On Target? - compares performance to date against target, using an index, or against a seasonal or other profile.

- Target being achieved/on profile

- Target not being achieved/not on profile

Latest performance - this quarter's result in the context of previous performance:

- Unusually positive

- In line

- Unusually negative

Number	Description	Lead officer	2013/14 target	2013/14 Q3 Oct-Dec	2013/14 3/4-year Apr-Dec	Trend	On target?	Latest performance in context	Comments about performance	Comments about profiles/ patterns of results and any further contextual data
Planning, Housing & Environmental Health										
KPI-313	Percentage of complaints about environmental pollution and other requests for service responded to within 5 working days.	Jane Heeley	100	100	97	0.1/Q	97			Trend data since Q1 2009/10.
KPI-326	Number of overweight adult referrals onto the weight management programme.		400	74	348	7/Q			Ahead of target to end of Q3.	Total enrolled to end of quarter. Trend data since Q1 2012/13.
KPI-327	Number of adults who receive information and brief advice about their alcohol intake.		300	101	271	1/Q				Trend data since Q1 2012/13.
KPI-328	Number of referrals to the NHS "Stop Smoking" service.		50	5	16	2.1/Q				Trend data since Q1 2012/13.
KPI-329	Number of food businesses signed up to the Healthy Eating Award.		25	23	23	3.4/Q			Total number of premises currently holding the award.	Upward trend based on businesses signing up to this new award in 2012/13. Trend data since Q1 2012/13.
KPI-330	Percentage of food establishments which are broadly compliant with food hygiene law.		90.0	90.0	90.0	1.1/Q	100			Trend data since Q1 2012/13.
KPI-402	Number of households becoming sole or part owners of existing properties through low cost home ownership initiatives.	Satnam Kaur	10	5	19	0.3/Q			Q3 - 1 resale, 4 "Help To Buy". Q2 total was 11. Q1 total was 3.	Trend data since Q1 2009/10.
KPI-409	Number of households living in temporary accommodation.		15	7	7	1.1/Q	214			Figure is a 'snapshot' at the end of the quarter and is variable on a daily basis. Trend data since Q1 2009/10.
KPI-410	Number of new affordable housing completions to buy or rent.		150	28	149	1.3/Q			Q3 completions - 9 Coldharbour, 2 Leybourne Grange, 17 TOGS. Q2 total was 107 units. Q1 total was 14 units.	Trend data since Q1 2009/10.
PI-603	Percentage of appeals allowed against the authority's decision to refuse planning applications.	Neil Hewett	25.0	0.0	27.3	0.3/Q	92			Results volatile. Trend data since Q1 2009/10.
PI-611 -other	Percentage of other planning applications determined within 8 weeks.		86.00	81.68	79.15	1/Q	92			Trend data since Q1 2009/10.

2013/14 Q3 quarterly indicator report (Oct-Dec 2013)

Cells shaded grey identify contextual data for information and any PIs not applicable/not required this quarter.

Cells shaded turquoise identify data required from lead officer.

Trend - straight-line fit of up to five most recent years' quarterly results:	On Target? - compares performance to date against target, using an index, or against a seasonal or other profile.	Latest performance - this quarter's result in the context of previous performance:
- Improving (and by how much)	- Target being achieved/on profile	- Unusually positive
- Flat	- Target not being achieved/not on profile	- In line
- Deteriorating (and by how much)		- Unusually negative

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Number	Description	Lead officer	2013/14 target	2013/14 Q3 Oct-Dec	2013/14 3/4-year Apr-Dec	Trend	On target?	Latest performance in context	Comments about performance	Comments about profiles/ patterns of results and any further contextual data
Street Scene & Leisure										
KPI-309	Percentage of reported high priority fly-tips collected within 24 hours.	Phil Beddoes	100	100	100	0.2/Q	100			Trend data since Q1 2009/10.
PI-311	Number of household waste collections missed per week and not rectified within 24 hours, apart from collections missed for reasons outside our control, such as severe weather.		3.00	2.90	2.85	0.03/Q	105			Trend data since Q1 2009/10.
PI-319 (context)	Kilograms of residual household waste per household.		540 (contextual)	152	439	0.5/Q	Not applicable			Seasonal pattern sometimes with Q4 peaks. Trend data since Q1 2009/10.
KPI-320	Percentage of household waste sent for reuse, recycling and composting.		43.00	41.00	44.00	0.2/Q			Part estimated - KCC disposal tonnages Nov & Dec unavailable at time of entry	Seasonal pattern generally with Q4 dips. Trend data since Q1 2009/10.
KPI-322	Cleanliness of roads and pavements.		7.0	7.1	7.0	0.02/Q	100			This LPI provides a measure of the average cleanliness of highways in the borough. A score of 6.7 is a "Good" result where roads are predominantly free of both litter & detritus in channels. Trend data since Q1 2011/12.
PI-832	Percentage of customers satisfied with our leisure centres.	Stephen Gregg	80.0	85.0		0.8/Q	No data			
KPI-833	Percentage of Lifestyles (gym) customers at high risk of leaving who are encouraged to stay and do stay.		70.0	82.8		1.5/Q	No data			
KPI-834	Number of leisure pass holders.		900	777		12/Q	Profile			
KPI-835	Average number of Excel members age 11-18.		300	540		55/Q	No data			
KPI-836	Average number of Kick Start members age 0-10.		400	357		2/Q	No data			
KPI-840	Average number of customers enrolled in swim school.	1,850	1,796		0.4/Q	No data				

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