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# TONBRIDGE & MALLING BOROUGH COUNCIL

#### **EXECUTIVE SERVICES**

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

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

13 March 2017

To: <u>MEMBERS OF THE CABINET</u>

(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, 21st March, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

#### AGENDA

#### **PART 1 - PUBLIC**

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To confirm as a correct record the Minutes of the meeting of the Cabinet held on 31 January 2017

4. Minutes 15 - 20

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 9 February 2017

5. Matters Referred from Advisory Boards

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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

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

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#### **Matters for Recommendation to the Council**

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#### **Executive Non-Key Decisions**

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#### **Matters for consideration in Private**

#### 12. Exclusion of Press and Public

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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**

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

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16. Urgent Items

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

#### **MEMBERSHIP**

Councillor N J Heslop, (Leader) and (Economic Regeneration)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor Mrs M F Heslop, (Community Services)
Councillor D Lettington, (Street Scene and Environment Services)
Councillor H S Rogers, (Strategic Planning and Infrastructure)
Councillor Miss S O Shrubsole, (Housing)

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.

### Agenda Item 1

Apologies for absence



### Agenda Item 2

Declarations of interest



#### **TONBRIDGE AND MALLING BOROUGH COUNCIL**

#### **CABINET**

#### Tuesday, 31st January, 2017

#### Present:

Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, P F Bolt, D J Cure, S M Hammond, D Markham, Mrs A S Oakley, M Parry-Waller, R V Roud, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

#### **PART 1 - PUBLIC**

#### CB 17/1 DECLARATIONS OF INTEREST

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

#### CB 17/2 MINUTES

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 12 October 2016 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### CB 17/3 APPOINTMENT OF EXTERNAL AUDITORS

The report of the Director of Finance and Transformation referred to the identification of the opt-in to a sector led body as the preferred option for the appointment of external auditors when the transitional arrangements came to an end on 31 March 2018 (Minute AU 16/18). Members were advised that the formal invitation to opt-in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) was received on 27 October 2016 with a closing date of 9 March 2017. A copy of the PSAA prospectus and FAQs were annexed to the report and it was noted that the Audit Committee at its meeting on 23 January 2016 had recommended that the Council opt in to the arrangements.

**RECOMMENDED:** That the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

\*Referred to Council

#### CB 17/4 RISK MANAGEMENT STRATEGY

The joint report of the Chief Executive and Director of Finance and Transformation presented an updated Risk Management Strategy which had been fully reviewed together with the Risk Management Guidance. Details were given of the main changes to the risk management process which involved identified risks falling in the "red zone" being subject to "escalation" to the relevant service management team, corporate Management Team and subsequently Members as appropriate.

It was noted that the Corporate Risk Register was being updated to align with the recently approved Corporate Strategy and would be presented in due course. The updated Risk Management Strategy had been considered by the Audit Committee at its meeting on 23 January 2017 and commended for adoption.

#### **RECOMMENDED:** That

- (1) the proposed change to the risk management process detailed at paragraph 1.2.2 of the report be endorsed; and
- (2) the Risk Management Strategy set out at Annex 1 to the report be adopted by the Council.

\*Referred to Council

### CB 17/5 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18

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 together with an introduction to the Treasury Management and Annual Investment Strategy for 2017/18.

It was noted that investment income at the end of December was £22,900 above budget for the same period although the pattern of income generation had changed significantly following the August Bank Rate cut which resulted in lower returns going forward. Nevertheless it was expected that income for the year as a whole would still be in line with the original budget.

Reference was made to a review of investment duration and additional flexibility, subject to appropriate safeguards, was sought. The report explored the use of property funds for long term investment and recommended their inclusion in the 2017/18 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 23 January 2017 and commended the Strategy for adoption.

#### **RECOMMENDED:** That

(1) the treasury management position as at 31 December 2016 be noted;

- (2) the use of property funds for long term investment be endorsed;
- (3) subject to the caveats identified in paragraph 1.3.14 of the report, the Council allow up to six months to be added to Capita's suggested duration for UK institutions, subject to overall duration not exceeding 12 months; and
- (4) the Annual Investment Strategy for 2017/18, as set out at Annex 4 to the report, be adopted.

  \*Referred to Council

### CB 17/6 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW

Item SSE 16/12 referred from Street Scene and Environment Services Advisory Board minutes of 7 November 2016

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting on 7 November 2016 in relation to the review of the Council's bulky refuse collection and WEEE recycling service undertaken in partnership with Veolia.

#### **RECOMMENDED:** That

- (1) the revised schedule for the collection of bulky refuse and waste electrical and electronic equipment (WEEE) from locations across the Borough be approved;
- (2) the revised arrangements commence in February 2017 for a period of two years; and
- (3) the bulky refuse and WEEE service be reviewed further as part of the retender of the Council's Refuse and Street Cleansing Contract.

\*Referred to Council

#### CB 17/7 REVENUE ESTIMATES 2017/18

Item FIP 17/3 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the formulation of initial draft proposals in respect of the Budget. All

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budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

#### CB 17/8 CAPITAL PLAN REVIEW 2016/17

Item FIP 17/4 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the initial stage of the Capital Plan review process. All budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

### <u>DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,</u> PART 3 OF THE CONSTITUTION

#### CB 17/9 OPEN CHURCHYARDS

Decision Notice D170006CAB

### CB 17/10 OVERVIEW AND SCRUTINY REVIEW - CHRISTMAS LIGHTING AND HANGING BASKET DISPLAYS

Decision Notice D170007CAB

#### **CB 17/11 HIVE LOTTO - COMMERCIALISATION OF BRAND**

Decision Notice D170008CAB

#### CB 17/12 PUBLIC OPEN SPACES PROTECTION ORDER

Decision Notice D170009CAB

#### MATTERS SUBMITTED FOR INFORMATION

#### CB 17/13 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. A number of recommendations in respect of budgetary matters and fees and charges were referred to the subsequent Budget meeting of the Cabinet.

Street Scene and Environment Services Advisory Board of 7 November 2016

Communities and Housing Advisory Board of 14 November 2016 Planning and Transportation Advisory Board of 15 November 2016 Finance, Innovation and Property Advisory Board of 4 January 2017

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

### CB 17/14 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 17 November 2016

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

### CB 17/15 TONBRIDGE POOL ROOF REPAIRS: WAIVER UNDER CONTRACTS PROCEDURE RULE 13

The report of the Director of Central Services gave details of the circumstances in which a waiver under Contracts Procedure Rule 13 had been approved in respect of unexpected costs arising following the commencement of roof repairs at Tonbridge Swimming Pool.

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

#### CB 17/16 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

#### PART 2 - PRIVATE

#### CB 17/17 HIVE LOTTO - COMMERCIALISATION OF BRAND

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

Annex 3 containing exempt information in respect of item at Decision Notice D170008CAB.

The meeting ended at 8.26 pm



#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### **CABINET**

#### Thursday, 9th February, 2017

#### Present:

Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, Mrs S M Barker, T Bishop, D J Cure, D Markham, Mrs A S Oakley, Ms S V Spence and A K Sullivan were also present pursuant to Access to Information Rule No 22.

#### PART 1 - PUBLIC

#### CB 17/18 DECLARATIONS OF INTEREST

Councillor N Heslop declared an Other Significant Interest in the item on Review of Fees and Charges in respect of charges for concessionary users of Tonbridge Castle Chamber on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during consideration of this matter and the chair was taken by Councillor Coffin.

#### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 17/19 SETTING THE BUDGET 2017/18**

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2017/18. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee.

The Director of Finance and Transformation explained that the final local government settlement would not be received until after being debated by Parliament on 22 February but was not expected to be significantly different from the provisional settlement. However, this meant that the recommended budget was based on provisional figures and the council tax would also need to be set on that basis. Reference was made to the Council's decision to accept the four year funding settlement offered by the Government and to the referendum threshold for 2017/18 which had been set at the higher of 2% or £5 (subject to ratification of the final settlement). Illustrative allocations up to 2019/20 were presented and a comparison of the Council's Settlement Funding Assessment for the

period 2017/18 to 2019/20 with those of the other Kent district councils demonstrated that Tonbridge and Malling continued to receive one of the lowest, if not the lowest, Assessment both in total and per head.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2017 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 2017/18 and calculating the council tax. Consideration was given to the updated MTFS based on a council tax increase of £5 (the upper limit for referendum purposes) for the remainder of the four year settlement period. 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 2017/18. Members were advised of the implications of the special expenses scheme for the way in which the council tax was expressed.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected "funding gap". 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, including an understanding that the savings target based on latest projections of £1.6m would be delivered.

#### **RECOMMENDED:** That

- (1) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D170010CAB to D170015CAB);
- the Capital Plan be updated as set out in paragraph 1.5.14 to 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 as detailed in Annex 4 to the report be added to List C or deleted from List C;
  - (iii) the selection of those schemes listed in Annex 5 to the report for evaluation over the coming year be approved including two for fast-track evaluation:

(iv) the transfer of the schemes detailed in Annex 6 to the report to List A be approved;

- (v) the updated Capital Plan (List A) as summarised in Annex 7 to the report be approved;
- (3) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 4 January and the Overview and Scrutiny Committee on 24 January 2017 be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.6.5 and 1.6.9 of the report be endorsed and adopted;
- (5) for the financial year 2017/18 the Council's Minimum Revenue Provision, as set out at paragraph 1.6.12 of the report, be noted as nil:
- (6) the high level objectives of the Medium Term Financial Strategy be reaffirmed as set out in paragraph 1.8.4 of the report;
- (7) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, including the proposed scale and timing of each of the savings tranches indicated in paragraph 1.8.9 of the report, be noted and endorsed;
- (8) the Council be recommended to approve a council tax increase of £5 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2017/18;
- (9) the updates made to the Savings and Transformation Strategy be endorsed and adopted by the Council as part of the Budget setting process;
- (10) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed; and
- (11) 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.

#### \*Referred to Council

#### CB 17/20 SETTING THE COUNCIL TAX 2017/18

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 2017/18 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. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 14 February 2017. The Director of Finance and Transformation explained that there would be a basic level of council tax to which any charges under the special expenses scheme would be added, giving a notional "average" Band D charge for official reporting purposes. An explanatory leaflet regarding the introduction of special expenses would be included with council tax bills together with usual financial information on the website.

**RECOMMENDED:** That the resolution be noted and the Council be recommended to approve a £5 per annum increase in the Borough Council's element of the council tax for 2017/18, representing an annual charge at Band D of £181.61 plus special expenses where applicable (giving a notional "average" charge of £197.51).

\*Referred to Council

### <u>DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4, PART 3 OF THE CONSTITUTION</u>

#### CB 17/21 REVIEW OF FEES AND CHARGES

Decision Notice D170010CAB

### CB 17/22 HOUSES IN MULTIPLE OCCUPATION (HMO) AND CARAVAN SITE LICENSING

Decision Notice D170011CAB

#### CB 17/23 REVIEW OF CEMETERY CHARGES 2017/18

Decision Notice D170012CAB

#### CB 17/24 REVIEW OF FEES AND CHARGES 2017/18

Decision Notice D170013CAB

#### **CB 17/25 BUILDING REGULATION FEES**

Decision Notice D170014CAB

#### CB 17/26 REVIEW OF PRE-APPLICATION PLANNING CHARGING REGIME

Decision Notice D170015CAB

#### CB 17/27 TONBRIDGE TOWN CENTRE - STRATEGIC ASSET REVIEW

Decision Notice D170016CAB

#### CB 17/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

#### PART 2 - PRIVATE

### CB 17/29 TONBRIDGE TOWN CENTRE - STRATEGIC ASSET REVIEW - ANNEXES

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

Supplementary report and Annexes 2, 3(i) - (iv), 4, 6 and 7 containing exempt information in respect of item at Decision Notice D170016CAB.

The meeting ended at 9.00 pm



### Agenda Item 5

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.



#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### **ECONOMIC REGENERATION ADVISORY BOARD**

#### Wednesday, 22nd February, 2017

#### Present:

Cllr B J Luker (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr M C Base, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr T I B Cannon, Cllr Mrs S L Luck, Cllr Miss J L Sergison, Cllr C P Smith, Cllr B W Walker and Cllr T C Walker

Councillors Mrs J A Anderson, O C Baldock, P F Bolt, D J Cure, N J Heslop, D Lettington and Mrs A S Oakley were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S M King, R D Lancaster and L J O'Toole

#### **ERG 17/1 DECLARATIONS OF INTEREST**

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

However, with regard to the Skills and Work Readiness item and in the interests of transparency Councillor Heslop advised Members that he was employed by the Edge Foundation, which was an organisation dedicated to improving practical and vocational learning. This was not considered to represent either a Disclosable Pecuniary Interest or an Other Significant Interest and Councillor Heslop remained in the meeting.

#### **ERG 17/2 MINUTES**

**RESOLVED:** That the notes of the meeting of the Economic Regeneration Advisory Board held on 7 September 2016 be approved as a correct record and signed by the Chairman.

#### **ERG 17/3 PRESENTATION FROM NIAB/EMR**

The Operations Manager (Mr Ross Newham) of East Malling Research (EMR) and Dr Roger Carline of the National Institute of Agricultural Botany (NIAB) attended the meeting to provide an update on latest developments regarding the site

EMR was a horticultural and agricultural research institute specialising in fruit production. Following challenging financial pressures the facility was threatened with closure and administration in 2016 but became part of NIAB at that time, which was a plant science research company based in Cambridge primarily specialising in agriculture.

Since the integration with NIAB economies of scale and robust cuts had been introduced and although income continued to climb significant challenges remained. It was reported that the vast majority of contracts successfully won only attracted 80-100% of full economic recovery, which meant that the site potentially operated at a loss; glasshouse facilities were outdated and infrastructure equipment required to solve future technical challenges related to the industry were necessary. Alternative solutions and opportunities for use of the current site buildings would also be explored.

New initiatives such as Water Efficient Technologies (WET), a PhD Studentship Programme from October 2017 to September 2023 and industry training were being developed and promoted to support the next generation of scientists, productivity and new technologies.

In July 2016, EMR had submitted a Local Growth Fund Round 3 bid, supported by the Borough Council, which had been unsuccessful due to the lack of housing provision included in the submission. This had led to the conclusion that any future bid for investment on behalf of the East Malling estate would need to include housing. These proposals were now being considered. Members were reassured that any housing development would not adversely impact on EMR's current work as it was possible for this to continue on a much smaller area due to the intensive growing now adopted. In addition, a portion of the research work could be done offsite and in collaboration with other organisations.

Finally, Members were advised that there was huge potential for the site and EMR although the position remained challenging due to a number of external factors, such as the lack of Government support and the need to secure its own funding. The support from Tonbridge and Malling and Kent County Council were greatly appreciated.

Reference was made to engagement with the local community and although there were no current plans for the traditional Open Day (last held in 2013 to celebrate the site's centenary) EMR remained committed to effective communication with local residents. Members of the Advisory Board were offered an opportunity to tour the site during the summer and the invitation would be considered for either June or September.

The excellent work of NIAB EMR was recognised and Members were proud that such an asset was within the borough of Tonbridge and Malling.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

### ERG 17/4 ECONOMIC REGENERATION STRATEGY ACTION PLAN - REVIEW AND UPDATE

Decision Notice D170017MEM

The report provided a detailed overview of the progress made in delivering the Economic Regeneration Strategy Action Plan during 2016. Overall, good progress was being made on a wide range of initiatives and these were set out in Annex 1 to the report.

It was indicated that 'business advice and support' would also offer guidance regarding the changes to business rates and the Borough Council would continue to lobby Government on behalf of local businesses. Business rates represented a significant impact to many businesses and this approach was supported.

In addition, it was confirmed that the business support workshops would be held in Kings Hill on 28 February 2017.

Reference was made to the three year survival rates, set out in Annex 2 to the report, and it was suggested that comparisons throughout Kent and the United Kingdom be included in future to provide context.

The award of £4.64m of Local Growth Fund Round 3 funding towards the Leigh Flood Storage Area, including Hildenborough, and East Peckham was reported and welcomed by Members.

#### **RECOMMENDED:** That

- (1) the Borough Council Economic Regeneration Strategy Action Plan update, as set out in Annex 1 to the report, be endorsed;
- (2) the amendments to the targets relating to certain indicators reflecting 'previous performance', as set out in paragraph 1.2.7 of the report, be agreed; and
- (3) the priorities for 2017/18, as set out in paragraph 1.3.1 of the report, be agreed.

#### **ERG 17/5 SKILLS AND WORK READINESS**

Decision Notice D170018MEM

The report provided feedback on the findings of the Skills Panel held in November 2016. A series of actions intended to contribute towards improving skills attainment and careers guidance were also set out.

In addition, proposals for new initiatives were outlined and included the establishment of an Enterprise Adviser Network, taster days and Make It Work and Speed Networking events.

Members recognised the value in encouraging young people to learn and gain skills in order to increase their potential and opportunity in gaining employment and being ready for work.

#### **RECOMMENDED:** That

- (1) the feedback from the Skills Panel be noted; and
- (2) the proposed next steps and initiatives set out in paragraphs 1.3.1 1.3.7 of the report, and summarised above, be supported and endorsed.

#### MATTERS FOR CONSIDERATION IN PRIVATE

#### **ERG 17/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 pm

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### COMMUNITIES AND HOUSING ADVISORY BOARD

#### Tuesday, 28th February, 2017

#### Present:

Cllr P J Montague (Chairman), Cllr Mrs B A Brown (Vice-Chairman), Clir Mrs J A Anderson, Clir O C Baldock, Clir Mrs S M Barker, V M C Branson. Cllr S M Hammond. Cllr Mrs S Bell. Cllr Mrs S L Luck, Cllr D Keelev. Cllr Cllr Mrs A S Oakley. M Parry-Waller, Cllr L J O'Toole, Cllr Cllr T B Shaw, Cllr Ms S V Spence and Cllr Miss G E Thomas

Councillors Mrs P A Bates, M A Coffin, D J Cure, Mrs M F Heslop, N J Heslop, D Lettington, D Markham and Miss S O Shrubsole were also present pursuant to Council Procedure Rule No 15.21.

Representative: Mr A Nicholl (Tonbridge Sports Association)

#### PART 1 - PUBLIC

#### CH 17/1 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interests of transparency, 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 and Councillor Mrs S Bell advised that she worked for four hours per week at Larkfield Leisure Centre.

#### CH 17/2 MINUTES

**RESOLVED:** That the notes of the meeting of the Communities and Housing Advisory Board held on 14 November 2016 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

#### CH 17/3 PLAYSCHEME - REVIEW OF EQUALITY IMPACT ASSESSMENT

Decision Notice D170019MEM

Further to Decision No D160084MEM, the report of the Chief Executive reviewed the Equality Impact Assessment (EQIA) in relation to the provision of Playscheme Plus for children with additional needs in the light of experience gained from the 2016 play scheme programme. This was an outstanding recommendation of the Overview and Scrutiny Committee review of delivery of the Council's Summer Playscheme and details were given of the uptake of Playscheme Plus in 2016.

**RECOMMENDED**: That sufficient publicity be given to Playscheme Plus in 2017 and future years to ensure potential attendees are fully aware of the additional support being offered.

#### CH 17/4 HOMELESSNESS REDUCTION BILL

Decision Notice D170020MEM

The report of the Director of Planning, Housing and Environmental Health gave details of proposed changes to homelessness legislation and provided an overview of the implications and potential risks to the Council. Reference was made to a new duty to prevent homelessness for all eligible applicants irrespective of priority need status and the extension of the period of the prevention duty from 28 to 56 days. It was anticipated that the changes would increase both in-house workloads and the use of temporary accommodation.

Concern was also expressed about the growing issue of out of London placements in Kent and its impact on the local housing market. A copy of a briefing note presented to Kent MPs on behalf of Kent Leaders and the Kent Housing Group was annexed to the report and Members would be updated in due course on the outcome of the resulting representations to be made to the Housing and Planning Minister.

**RECOMMENDED:** That the Homelessness Reduction Bill be noted and actions taken by officers to date be endorsed together with the representations made to Kent MPs on out of London placements.

#### CH 17/5 HOUSING RELATED SUPPORT UPDATE

Decision Notice D170021MEM

The report of the Director of Planning, Housing and Environmental Health provided an update on the former supporting people programme together with details of progress on development of opportunities for devolution and collaborative working within west Kent on housing related support. It also sought endorsement of a response to the Government's consultation on the Funding of Supported Housing which had been submitted by the 13 February 2017 deadline.

**RECOMMENDED:** That the response to the Government's "Funding for Supported Housing" consultation set out at Annex 1 to the report be endorsed.

#### CH 17/6 LEISURE FACILITIES - LEISURE TRUST UPDATE

Decision Notice D170022MEM

The report of the Director of Street Scene, Leisure and Technical Services reviewed the recent performance of the Tonbridge and Malling

Leisure Trust as contained within the Annual Service Delivery Plan – Cumulative Quarterly Monitoring Report for the period 1 July to 30 September 2016 and provided an update on a number of key issues including the review of the existing Service Fee.

#### **RECOMMENDED:** That

- (1) the Trust's performance over the second quarter of the Annual Service Delivery Plan be noted; and
- (2) the proposed Service Fee and Business Plan for the next five years of the Management Agreement be reported for consideration at the next meeting of the Advisory Board.

### CH 17/7 LEISURE TRUST - REVIEW OF CHARGES AND ANNUAL SERVICE DELIVERY

Decision Notice D170023MEM

The report of the Director of Street Scene, Leisure and Technical Services brought forward for consideration proposed core charges for facilities managed on the Council's behalf by the Tonbridge and Malling Leisure Trust together with the Trust's proposed Annual Service Delivery Plan for 2017/18.

#### **RECOMMENDED:** That

- (1) the proposed Tonbridge and Malling Leisure Trust Core Charges set out at Annex 1 to the report be approved and implemented from 1 April 2017;
- (2) the Tonbridge and Malling Leisure Trust draft Annual Service Delivery Plan for 2017/18 shown at Annex 2 to the report be approved; and
- (3) pitch hire charges at Tonbridge Sportsground be increased as outlined in the report for implementation from 1 April 2017.

#### CH 17/8 LEYBOURNE LAKES COUNTRY PARK - FACILITY PROVISION

Decision Notice D170024MEM

The report of the Director of Street Scene, Leisure and Technical Services gave an update on progress with the Capital Plan scheme for improved facility provision at Leybourne Lakes Country Park and sought approval for the way forward. Reference was also made to the development of a new Management Plan for the site and the onsite Water Sports Concession.

**RECOMMENDED:** That

- (1) the opportunity to generate appropriate new/additional income at Leybourne Lakes Country Park be endorsed and reflected in any future facility improvements;
- (2) Oaks Consultancy be appointed in accordance with its proposal set out at Annex 2 to the report to assist the Council in the business/financial appraisal of options linked to potential capital investment;
- (3) the approach to the production, consultation and approval of the new Leybourne Lakes Country Park Management Plan be endorsed with a report to a future meeting of the Advisory Board; and
- (4) liaison continue with identified individuals for the continuation of water sports activities in the short/medium term.

#### MATTERS SUBMITTED FOR INFORMATION

#### CH 17/9 PUBLIC SPACES PROTECTION ORDER

Further to Decision No D170009CAB, the report of the Director of Central Services gave details of the consultation on the proposed Public Spaces Protection Order (PSPO) for Tonbridge and Malling, including Borough-wide restrictions and those for particular geographical areas. The requirements of a PSPO were described together with the enforcement process and penalties for infringements. It was noted that responses to the consultation, which was due to end on 15 March 2017, would be reported to the Cabinet and Council in the next cycle of meetings.

#### CH 17/10 HOUSING SERVICES UPDATE

The report of the Director of Planning, Housing and Environmental Health gave an update on changes in housing policy and various initiatives being undertaken by the Housing Service. Particular attention was drawn to the Housing and Planning Minister's response to concerns raised by the Leader and Cabinet Member for Housing via the local MPs in respect of the impact of national welfare and housing policy changes on the Council's ability to meet the needs of residents unable to access home ownership.

Members were advised that as part of the Autumn Spending Review 2016 an injection of an additional £1.4bn was made into the Affordable Homes programme, including greater flexibility to build homes for all tenures although it was expected that affordable rents would still be set at 80 percent of market rents.

The report also outlined the provisions of the Housing White Paper, "Fixing our Broken Housing Market". Since many of the measures had a strong planning focus and would influence the Council's approach to future plan making and housing allocation, a detailed report would be presented to the Planning and Transportation Advisory Board on 7 March.

#### CH 17/11 'IN BLOOM'

The report of the Director of Street Scene, Leisure and Technical Services gave details of the establishment of a local "In Bloom" competition with an initial trial in Tonbridge and potential future expansion to other areas in the Borough. The Kent based garden centre, Coolings, would lead on the competition with support from the Council in the form of assistance in promotion and involvement in the judging process.

#### CH 17/12 COMMUNITY SAFETY PARTNERSHIP UPDATE

The report of the Director of Central Services provided an update on the recent work of the Community Safety Partnership. It was noted that its priorities for 2017/18 had been agreed and actions were being developed for inclusion in the Partnership Plan which would be reported to the Advisory Board for information in due course. Details were given of the commissioning of the Domestic Abuse Volunteer Support Service (DAVSS) to provide support for all domestic abuse victims in the Borough. Attention was also drawn to an initiative to identify and support individuals at risk of self-neglect.

#### CH 17/13 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

#### PART 2 - PRIVATE

#### MATTERS FOR RECOMMENDATION TO THE CABINET

### CH 17/14 PROPOSED ACTION ON A LONG TERM EMPTY PROPERTY IN BURHAM

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

Consideration was given to the joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services which sought approval in principle to the proposed compulsory purchase of a long term empty property in Rochester Road, Burham.

**RECOMMENDED:** That in the event of the owner of the property refusing to take steps to bring the property back into use by way of occupation or voluntary sale to another party for occupation, the Cabinet approve the making of a Compulsory Purchase Order, subject to the Director of Central Services and Director of Planning, Housing and Environmental Health being satisfied of the results of the surveys and valuations described in the report.

\*Referred to Cabinet

The meeting ended at 9.19 pm

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### PLANNING AND TRANSPORTATION ADVISORY BOARD

#### Tuesday, 7th March, 2017

#### Present:

Cllr D A S Davis (Chairman), Cllr T Edmondston-Low (Vice-Chairman), Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr P F Bolt, Cllr V M C Branson, Cllr M O Davis, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr Mrs F A Kemp, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, R P Betts, M A Coffin, D J Cure, N J Heslop, B J Luker, D Markham, Mrs A S Oakley, H S Rogers and Miss S O Shrubsole were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor R D Lancaster

#### PE 17/1 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in items on the agenda, particularly the Local Plan Update, on the grounds of his status as partner of Warners Solicitors. In accordance with the dispensation granted at Minute GP 16/19 (meeting of 20 October 2016), he remained in the meeting and addressed the Advisory Board but took no further part in the discussion or voting.

In the interests of transparency Councillor M Balfour indicated that he was the Cabinet Member for Environment and Transport at Kent County Council.

#### PE 17/2 MINUTES

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 15 November 2016 be approved as a correct record and signed by the Chairman; subject to noting that Councillor M Davis was a partner at Warners Solicitors and not Wards as recorded.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

#### PE 17/3 NATIONAL POLICY STATEMENT ON AIRPORTS

Decision Notice D170025MEM

The report advised on the publication of the Government's National Policy Statement (NPS) on Airports, drawing on key issues of interest to the Borough.

Members noted concerns that the mitigation measures in respect of Heathrow could be challenging without further intervention by Government, either financially or otherwise. It was also noted that the NPS recognised that the Gatwick option had less overall adverse environmental impact and impacted on fewer people. However, due to the wider economic boost, the benefit to passengers and better connectivity the NPS recommended that the Heathrow Northwest Runway should be the Government's preferred option.

#### **RECOMMENDED**: That

- the Borough Council's support for meeting need for additional airport capacity at Heathrow and the Government's preferred option of the northwest runway be reaffirmed; and
- (2) the overall approach towards environmental mitigation measures in respect of the preferred option be supported by the Borough Council but the risks to deliverability as outlined in the report be noted.

### PE 17/4 KENT COUNTY COUNCIL FREIGHT ACTION PLAN FOR KENT - CONSULTATION (DRAFT)

Decision Notice D170026MEM

A consultation draft Freight Action Plan for Kent setting out five specific actions on how the County Council and partners planned to reduce the impact of road freight on local communities had been produced by Kent County Council. Views on the draft document were sought by 12 March 2017. It was reported that the Freight Action Plan (FAP) acted as a 'daughter' document to the KCC Local Transport Plan 4.

Consideration was given to a proposed response to the consultation questionnaire, attached as Annex 1 to the report, which was generally supportive of the actions set out.

It was indicated that funding to proceed with the actions identified in the Plan had been agreed, although there was no clear timetable set out.

Concern was expressed regarding a number of issues including air quality/pollution in Kent, the importance of the proposed M25/M26 east facing slips at Sevenoaks, ongoing congestion at junction 4 of the M20, the need for improvements along the A20 to ease traffic related problems and the prospect of an additional junction on the M20. Members were assured that all options continued to be explored and raised as priorities with Kent County Council, Kent Highway Services and Highways England.

Finally, reference was made to a joint project between Kent County Council and Kent Police where local residents were empowered to record details of large vehicles using unsuitable routes or routing through areas with a weight, height or width restriction. It was suggested that details of this Lorry Watch scheme be shared with the Parish Partnership Panel to promote the initiative.

#### **RECOMMENDED**: That

- (1) the content of the report be endorsed; and
- (2) the Borough Council's proposed response to the consultation, as set out in Annex 1 to the report, be endorsed.

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution Councillor M Taylor asked that his vote against the recommendation to endorse the proposed response be recorded.]

## PE 17/5 KENT MINERALS AND WASTE LOCAL PLAN: SAFEGUARDING SUPPLEMENTARY PLANNING DOCUMENT (DRAFT - SEPTEMBER 2016)

Decision Notice D170027MEM

The report sought endorsement of officer-level comments made in response to a draft mineral and waste infrastructure safeguarding Supplementary Planning Document (SPD) consultation held between 5 December 2016 and 30 January 2017. These were set out in Annex 1 to the report.

In addition, the principal Safeguarding Mineral Resources policy in the Kent Minerals and Waste Local Plan (Policy DM7) was set out for information in Annex 2 of the report.

Members were advised that the response underpinned the objective of ensuring that the requirements were reasonable and proportionate in the light of safeguarding policies.

**RECOMMENDED**: That the officer-level comments made in response to the consultation on the County mineral and waste infrastructure safeguarding Supplementary Planning Document, set out in Annex 1 to the report, be endorsed.

#### PE 17/6 THE HOUSING WHITE PAPER

Decision Notice D170028MEM

The report summarised the main points arising from the recently published Housing White Paper 'Fixing Our Broken Housing Market' and highlighted those matters which might potentially have significant implications for the Local Plan and housing delivery through the planning

system generally. The report also set out comments that could form the basis for a formal response to the Government which could be made up to 2 May 2017.

Particular reference was made to a number of examples representing those actions and proposals with potentially the most significant impacts on the Local Plan and these were summarised in paragraphs 1.3.4 to 1.3.47 of the report. A full list of the proposals was attached at Annex 1 for information.

The Cabinet Member for Housing recognised that there remained a lot of detail to be understood and clarified, but expressed concerns regarding the deliverability of real affordable housing and the lack of provision for older people.

Members also expressed a number of concerns around the lack of infrastructure funding, which was not addressed as part of the Housing White Paper; the rate of development and potential implications for the Green Belt; insufficient provision of infrastructure for new developments; the increasing and ongoing impact on roads leading to regular congestion and proposals to introduce new standardised methodology to identify housing need, which had potential impacts for the Local Plan going forward. In addition, Members felt that the circumstances prevalent to Kent were not fully recognised as local housing allowance was set at a level that was insufficient to cover housing costs. Private rent in the area was also too high for the majority of local people to afford and affordable rented accommodation at 80% of market value was equally inaccessible for many households.

However, Members welcomed the proposed changes to planning fees which meant that any additional income raised could be reinvested in planning services.

#### **RECOMMENDED**: That

- (1) the summary of the Housing White Paper be noted; and
- (2) the comments in respect of the key points set out at paragraph 1.3 of the report form the basis of a response to Government by the consultation deadline of 2 May 2017.

#### PE 17/7 LOCAL PLAN UPDATE

Decision Notice D170029MEM

The report provided an update on the preparation of the Local Plan, including an overview of the responses to the Regulation 18 consultations that closed in November 2016 and looked forward to the

next stages of Plan making. Potential implications arising from the Housing White Paper were also reported.

A revised timetable for the Local Plan was attached for information and approval at Annex 1 to the report.

Members were advised that 1,300 responses to the consultation had been received so far and any further evidence provided in support of or against any proposed site would be considered as part of the usual assessment process.

#### **RECOMMENDED**: That:

- (1) the progress made on the Local Plan be noted; and
- (2) the revised timetable, set out at Annex 1 to the report, be agreed.

## MATTERS FOR CONSIDERATION IN PRIVATE

## PE 17/8 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.55 pm



# Agenda Item 6

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



## TONBRIDGE AND MALLING BOROUGH COUNCIL

## PARISH PARTNERSHIP PANEL

## Thursday, 16th February, 2017

#### Present:

Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr T I B Cannon, Cllr R W Dalton, Cllr S M Hammond, Cllr D Lettington, Cllr B J Luker, Cllr D Markham, Cllr R V Roud, Borough Green, Burham, East Malling and Larkfield, Hadlow, Kings Hill, Leybourne, Platt, Plaxtol, Shipbourne, Snodland, Trottiscliffe, Wateringbury, West Malling, West Peckham, Wouldham, Wrotham Parish Councils and County Councillor Mr P Homewood

Councillors O C Baldock, T Bishop and S C Perry were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, Addington, Hildenborough Parish Councils and County Councillors Mr M Balfour and Mrs S Hohler

## **PART 1 - PUBLIC**

#### PPP 17//1 MINUTES

**RESOLVED:** That the Minutes of the meeting held on 17 November 2017 be approved as a correct record and signed by the Chairman.

#### PPP 17//2 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified.

#### PPP 17//3 LOCAL SEWER SYSTEM

Representatives of Southern Water (Sarah Feasey, Stakeholder Engagement Manager and Jean-Paul Collett, County Manger) were in attendance to answer concerns raised by parish councils.

A number of issues had been raised by Borough Green and Plaxtol Parish Councils and shared in detail with Southern Water in advance of the meeting. These included concerns around a potential lack of maintenance at the Maidstone Road pumping station; localised flooding and sewerage overspill in Hillview Close, the problem of raw sewage overflowing outside the houses on the footpath alongside the River Bourne, near to the Pumping Station at the bottom of Plough Hill, Basted and the need to upgrade the old Victorian sewer which residents believed was inadequate with the ageing pumps unable to cope with the through flow.

In response, the Panel was advised that the generator fault at the Pumping Station had been rectified and the facility was now operating at full capacity. It was also indicated that the third pump was a standby for emergencies and was extremely reliable.

Significant investment had been made by Southern Water to put flood mitigation measures in place. However, before any measures were implemented the potential implications for other properties were fully assessed and would not be put in place if there was the potential for diverse impacts. With regard to Hillview Close, the installation of anti-backup valves had been the appropriate way forward for the affected properties and the gravity managed system should have no impact on houses further up the network.

The main sewer adjacent to the pumping station had been replaced several years ago and was expected to last approximately seventy-five years. Therefore, Southern Water did not anticipate any significant problems related to general wear and tear in the near future.

Southern Water recognised concerns around the potential for pollution to rivers and waterways and assured the Panel that maintenance was undertaken regularly to prevent problems.

Work on Sevenoaks Road, including a large scale sewer rehabilitation scheme, had been recently completed and the structural condition of the public sewer was reasonably sound. High pressure jetting had been undertaken to clear the pipes and it was important to educate and raise awareness around proper waste disposal on a much wider scale.

The local Member for Borough Green asked that the following actions be considered:

- A single point of contact for local parishes with a senior engineer who would listen to local concerns and have the power to implement actions in a reasonable timescale; and
- Provide an emergency number for parishes to contact rather than rely on a call centre that had no local knowledge or authority to take action when required.

It was explained that Southern Water did not operate on an area catchment basis and there was one sewerage engineer for the whole County who provided support on specific issues. In addition, a single point of contact had the potential to create delays in responding to problems if that individual was uncontactable for any reason. The advantage of a call centre was that it was manned twenty fours a day, every day of the week. However, if parish councils were disappointed with the way a call was handled or the length of time it took to resolve a problem these could be raised with Sarah Feasey who would investigate the reasons for the delay. Long standing issues that had not yet been

resolved could also be forwarded on to Sarah Feasey, for further investigation.

The emergency call out number would be provided to parish councils for information.

Whilst Borough Green and Plaxtol Parish Councils appreciated Southern Water's attendance at the meeting and their technical knowledge regarding the sewer network, concern was expressed about the poor communication and customer service received.

In response, Southern Water advised that an improved communication strategy was in place and the organisation was committed to improving customer service. It was reported that written and escalated complaints had reduced by 80% since the adoption of the new strategy.

Members referred to new housing developments and asked whether Southern Water ever expressed concern about the impact of these additional properties on sewers. It was clarified that Southern Water was a statutory consultee on Local Plan proposals but not on individual applications. It was explained that Southern Water had a legal obligation to provide services to new properties if planning was approved. However, the Local Planning Authority had been asked to consult with Southern Water for developments over 20 properties, as the organisation had a duty to ensure that existing customers were not adversely impacted. Drainage Strategies were being developed in collaboration with other organisations and it was hoped that adequate planning would identify any problems going forward. The importance of having conditions related to water services applied to any planning permissions was also noted.

Southern Water was attempting to be more pro-active around development and growth and was asked to provide an update around any sites of concern. This would be circulated with the Minutes if available.

Finally, it was reiterated that Sarah Feasey, the Stakeholder Engagement Manager, was the point of contact within Southern Water to escalate outstanding issues.

Email: Sarah.Feasey@southernwater.co.uk

#### PPP 17//4 KENT POLICE SERVICES UPDATE

The Chairman referred to a question raised by the Kent Association of Local Councils (Tonbridge and Malling) in advance of the meeting asking if the 'lack of public engagement would improve if the proposed increase in the police precept was agreed'. This would be put to the Police and Crime Commissioner (Matthew Scott) and he would be

invited to attend a future meeting of the Parish Partnership Panel to address this concern.

Police Sergeant Jo Mott provided a verbal update on the achievements made in performance and the neighbourhood policing agenda. The main priorities for Kent Police remained safeguarding, human trafficking, child sex exploitation and modern day slavery.

Current and recent police initiatives included:

- Op Cactus: Offering advice and/or enforcement around dangerous parking at schools
- Op Milan: Tackling untaxed and illegal vehicles on the road
- Measures to deal with nuisance vehicles in Bellingham Way, New Hythe Lane, Larkfield
- Targeting criminal damage
- Targeting items thrown off bridges
- Successful use of dispersal orders during Summer 2016

Reference was made to the Community Policing unit, based at Kings Hill, which had four police officers, four Police Community Support Officers (PCSOs) and one sergeant who were available to implement local issues. Community policing remained an important focus for Kent Police.

Further restructuring of Kent Police was to take place although it was not envisaged that the public would see much difference. PCSOs would remain but were likely to have a greater role and responsibilities.

In response to a question about parking on pavements which forced pedestrians, pushchairs and mobility scooters into the road, it was indicated that Kent Police had insufficient resource to tackle this issue on a regular basis. Although it was recognised as a major irritant for the public it was extremely difficult to enforce and prosecute. However, specific concerns/problems could be addressed if raised as a complaint.

## PPP 17//5 PUBLIC SPACES PROTECTION ORDERS

The Licensing and Community Safety Partnership Manager referred to the Cabinet report of the Director of Central Services and Monitoring Officer which gave details of the proposed Public Spaces Protection Orders (PSPOs). Details of the borough wide restrictions, as well as restrictions for particular geographical areas were included.

It was reported that PSPOs were intended to deal with a particular nuisance or problem in a particular area that was detrimental to the local communities' quality of life. They were designed to ensure that the law abiding majority could use and enjoy public spaces and reduce antisocial behaviour. PSPOs would replace dog control orders, designated

public place orders and gating orders and were being put in place to replace existing powers that were disappearing.

The definition of public space included any place to which the public or any section of the public had access, on payment or otherwise, as of right or by virtue of express or implied permission.

After consultation with Borough Council and Kent Police officers it was recommended that a PSPO containing multiple restrictions should be progressed, details of which were set out in Annex 1 to the report. Some of the restrictions were borough wide, such as deterring dog fouling and dogs on lead by direction, and some were specific to particular locations like Leybourne Lakes Country Park.

The introduction of PSPOs meant that anyone failing to comply with the restrictions could be issued with a Fixed Penalty Notice.

Cabinet of 31 January 2017 had agreed to undertake public consultation on the proposals. This consultation period would end on 15 March 2017 and all Parish Councils were encouraged to submit a response, especially to highlight any potential concerns or sites that were not included in the proposals. However, it was explained that any potential suggestions for additional orders required sufficient evidence to demonstrate a need.

Reference was made to measures in place to address traveller incursions and the Licensing and Community Safety Manager advised that the Borough Council had an effective process in operation, which meant that these were dealt with quickly and efficiently. It was important to recognise that traveller incursion was not covered by the Public Spaces Protection Orders as different legislation was in place to address these.

Finally, the Chairman reiterated the importance of Parish Councils responding to the consultation outlining any concerns and specific sites and reminded that the deadline was 15 March 2017.

## PPP 17//6 PARISH CHARTER UPDATE

The Chairman advised that, in his role as Leader of the Council, he had met with representatives from the Kent Association of Local Councils (KALC) to discuss the Parish Charter. A further meeting to discuss a number of options would be held in advance of the next Parish Partnership Panel, scheduled for June, where it was hoped to present a draft document for comment.

The newly appointed Chairman of KALC (Kent) advised that the next meeting of Local Councils was arranged for May and a draft document to review then would be appreciated. It was recognised that there was confusion around the status of the current Parish Charter which had never been formally adopted. However, it had previously been agreed that this version of the Charter was no longer fit for purpose and it was recommended that both the Borough and Parish Councils would be best served by moving forward and creating a better framework to work with.

The Chairman indicated the Borough Council's willingness to take examples of best practice throughout the County into consideration and to create a new Charter for the benefit of Tonbridge and Malling and its parish councils.

#### PPP 17//7 MEMBERS' SITE INSPECTIONS - UPDATE ON LATEST POSITION

The Panel noted the arrangements in place for Planning Committee site inspections. These had been circulated with the agenda and explained that the purpose of a site inspection was for Planning Committee Members to view the site to provide context for the application proposals.

East Malling and Larkfield Parish Council expressed deep concern that the rights of parish councils, neighbours and other third parties had been diminished and felt it was wholly unacceptable that there had been no formal consultation with parish councils. In addition, the Parish Council queried whether the Borough Council was acting in a fair and reasonable way and challenged the decision making process. Reference was made to a recent request for information which had yet to receive a reply. It was requested that this now be treated as a formal FOI.

There was serious and in-depth discussion regarding these arrangements and it was observed that site inspections were not occasions for any debate, comment or the expression of views by any party. Members felt it was important that the Planning Committee were allowed to simply view the site. Any queries arising could be put to planning officers who would answer them or note for further investigation. Members of the public or other third parties had no 'right' to attend such site inspections as they had an appropriate right to make written representations and speak at a Planning Committee meeting when decisions were made.

It was emphasised that the new procedure made provision for a relevant Parish Council representative to attend as an observer and their position as a statutory consultee was not affected nor was their right to speak at Planning Committees removed.

Finally, it was reported that the changes were ones of clarity for the benefit of Planning Committee Members, the proper conduct of site inspections and to ensure the robustness of decisions ultimately made by the Planning Committees. It was not a change that affected how the

Borough Council would look at planning applications and engagement with members of the public would continue through appropriate consultation.

Many Members welcomed the clarification of the protocols around site inspections and felt they represented a sensible approach with a fair compromise reached. Previous arrangements had created the potential for undue influence to be exerted in an uncontrolled environment.

The Kent Association of Local Councils (Tonbridge and Malling) believed that an appropriate position had been reached regarding the attendance of parish councils at site inspections, with their position protected. Other organisations had the ability to make representations and speak at planning committees in the normal way.

The value in the public attending site inspections, although thought beneficial by some in highlighting concerns about impact to neighbouring properties, was not appropriate as these views could be expressed by speaking at a Planning Committee. It was also observed that local Members had a detailed knowledge of their wards and an understanding of potential impacts on residents.

In summing up the discussions, the Chairman, as Leader of the Council, was not persuaded to change position as extensive research had been undertaken by Officers, the comments raised by KALC regarding parish council attendance had been taken into account and the arrangements were sound and took account of best practice and guidance.

#### PPP 17//8 KENT COUNTY COUNCIL SERVICES UPDATE

The Kent County Council Community Liaison Officer (Anne Charman) reported on a number of County initiatives and consultations. Further detail was set out in the Kent County Council Services update report attached to the agenda.

Particular reference was made to the key points made by the Leader of Kent County Council (Paul Carter) to Full Council on 8 December 2016 regarding the budget pressures being faced and the impacts of providing adult social care. Further to this, the County Council had set the budget on Tuesday 9 February and a Council Tax increase of 3.99% had been agreed, 2% of which was the social care levy.

Current consultation(s) included the Freight Action Plan for Kent (16 January – 12 March 2017) and the recently announced Mental Health Services. All Kent County Council consultations could be viewed online at:

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

The Apprenticeships for All was an ongoing campaign offering the opportunity to find rewarding jobs and careers through apprenticeships. An apprenticeship levy would be introduced from 6 April 2017.

As a result of the successful pilot it was planned to offer a full Volunteer Support Warden Scheme to all councils from April 2017, with costs shared between participating councils and KCC. The Chairman of the Kent Association of Local Councils (Kent) indicated that 26 councils within Kent had already applied. A recruitment date was arranged for 7 March 2017 in Tenterden.

Members welcomed the news that multi-million pound funding had been given to the Leigh Flood Storage Area and Hildenborough and East Peckham flood defences. The award was as a result of extensive work been Kent County Council, the Environment Agency and Tonbridge and Malling Borough Council.

It was reported that the County Council had received an award for Britain's most improved road for the A227 between Tonbridge High Street and Borough Green.

Finally, the Community Engagement Manager reminded the Panel that she was happy to assist in addressing any issues and liaising with County Members.

## PPP 17//9 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

The Chief Executive provided an update on key points relevant to Tonbridge and Malling. The headline messages included:

Setting the Budget and Council Tax 2017/18:

Full Council at its meeting on Tuesday 14 February 2017 had approved the budget and council tax for 2017/18. The Chairman reminded the Panel that the 'special expenses' levy would be introduced to replace the financial arrangements with parish councils and this would be in place by April 2017.

Press statements around the budget, council tax and e-billing had been circulated to all parish councils and these contained further detail.

The meeting ended at 9.40 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

## **TONBRIDGE FORUM**

## Monday, 27th February, 2017

#### Present:

Cllr N J Heslop (Chairman), Cllr C P Smith (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt. Cllr V M C Branson and Cllr F G Tombolis

Together with representatives from:

The Bridge Trust Tonbridge Line Commuters. Kent Police (Tonbridge) Tonbridge Lions Club, St John's Ambulance Tonbridge Music Club, Tonbridge Rotary Club. Society of Friends **Tonbridge and Malling Seniors** Tonbridge Sports Association. Tonbridge Art Group Tonbridge Theatre and Arts Club, Tonbridge Civic Society Tonbridge Town Team, Tonbridge District Scout Council University of the Third Age Women's Institute Tonbridge Historical Society,

Councillor H S Rogers was also present pursuant to Council Procedure Rule No 15.21.

#### TF 17/1 MINUTES

**RESOLVED:** That the Minutes of the meeting held on 12 September 2016 be approved as a correct record and signed by the Chairman.

## TF 17/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

There were no updates or actions identified that were not covered elsewhere on the agenda.

## TF 17/3 KENT COMMUNITY RAIL PARTNERSHIP

Representatives of the Kent Community Rail Partnership (Guy Schofield – Project Officer and Sue Murray – Chairman) explained that the organisation 'existed to bring together widely varied partners in order to bring social, economic and environmental benefits to the communities served by rural and secondary rail services'.

There was particular focus on the Medway Valley Line, which ran between Strood and Maidstone West and recently extended to include Tonbridge, and Swale Rail, which was the Sittingbourne to Sheerness branch line. Neither of these lines attracted significant investment from the rail companies, although funding contributions were received from South Eastern, Kent County Council and some local authorities and parish councils served by the route.

The aim of the Partnership was to promote and encourage strong relationships with local communities and to engage with new users of all ages. Recent initiatives included 'pop up hubs' and exhibitions at local business and shopping centres to educate and inform commuters and international travellers; guided walks called Rail Trails which suggested local walks and were available for download; adoption for unmanned stations which encouraged volunteers to keep their local stations tidy and well presented. Borough Green was a good example of an adopted station.

Reference was made to the number of listed signalling boxes along the Medway Valley Line, including Aylesford, Snodland and Wateringbury, which were now at risk due to the introduction of new technologies. Options on how these could be reused and preserved for the future were being considered and any suggestions were welcomed. Given the listed status of these buildings all options would be carefully scrutinised. It was also hoped that the signalling equipment could be retained.

The Partnership was also actively involved in educating young people about the benefits of railway travel and highlighting the dangers of railway lines and trespassing. It was indicated that the manager at Tonbridge station was actively engaged with local residents and committed to making the station a more attractive place. Pictures from local school children were often displayed on the platform as part of this exercise.

Members were reminded that the rail franchise was due to be renewed in 2018 and the Kent Community Rail Partnership was a formal consultee and all were encouraged to contact the organisation with comments about the future of railway provision in the area. As part of their effort to improve services the Partnership were actively seeking the introduction of a half hourly service from Maidstone West to Tonbridge. This request had the support of Kent County Council and the benefits to the community were recognised. In addition, the Department for Transport appeared receptive to the request.

Any suggestions for future events or comments regarding services or renewal of the rail franchise could be passed to the Kent Community Rail Partnership by using the quick enquiry form found on the website at:

## http://www.kentcrp.org.uk/

In response to a question regarding promotion of the ease of reaching Rochester via Strood, it was confirmed that this was publicised and that many cultural events such as the Sweeps Festival and the Dickens Christmas Festival were just a ten minute walk from Strood station.

The representative from Tonbridge Line Commuters fully supported the work of the Kent Community Rail Partnership and commented that the

frequency of service, particularly from Maidstone West to Tonbridge, affected use of the railway and passenger numbers.

The Chairman advised that the Borough and County Councils remained committed to arguing for a service from Tonbridge to Gatwick and this case would be reiterated during the rail franchise consultation. It was noted that there would be public consultation meetings regarding the renewal of the rail franchise, which would be promoted widely, and everyone was encouraged to participate.

Tonbridge Town Team observed that there were huge opportunities for economic development and linkages to Tonbridge and areas further afield via the Medway Valley Line and these were being explored with the Kent Community Rail Partnership.

Finally, the Chairman thanked Mr Guy Schofield and Mrs Sue Murray for their valuable contribution to the meeting and wished the Kent Community Rail Partnership every success for the future.

#### TF 17/4 PUBLIC SPACES PROTECTION ORDER

The Licensing and Community Safety Partnership Manager referred to the Cabinet report of the Director of Central Services and Monitoring Officer which gave details of the proposed Public Spaces Protection Orders (PSPOs). Details of the borough wide restrictions, as well as restrictions for particular geographical areas were included.

It was reported that PSPOs were intended to deal with a particular nuisance or problem in a particular area that was detrimental to the local communities' quality of life. They were designed to ensure that the law abiding majority could use and enjoy public spaces and reduce antisocial behaviour. PSPOs would replace dog control orders, designated public place orders and gating orders and were being put in place to replace existing powers that were disappearing.

The definition of public space included any place to which the public or any section of the public had access, on payment or otherwise, as of right or by virtue of express or implied permission.

After consultation with Borough Council and Kent Police officers it was recommended that a PSPO containing multiple restrictions should be progressed, details of which were set out in Annex 1 to the report. Some of the restrictions were borough wide, such as deterring dog fouling and dogs on lead by direction, and some were specific to particular locations like Haysden Country Park.

The introduction of PSPOs meant that anyone failing to comply with the restrictions could be issued with a Fixed Penalty Notice. It was confirmed that the same charges in place now would still apply and these were £80, reduced to £50 on early payment.

Cabinet of 31 January 2017 had agreed to undertake public consultation on the proposals. This consultation period would end on 15 March 2017 and everyone was encouraged to submit a response, especially to highlight any potential concerns or sites that were not included in the proposals. However, it was explained that any potential suggestions for additional orders required sufficient evidence to demonstrate a need. It was reported that the responses to the consultation received so far were favourable and these would be reviewed by Cabinet on 21 March 2017 before final proposals were presented to Council for consideration.

In summary, the measures proposed were to replace orders already in existence borough wide with the new PSPOs.

Finally, the Chairman reiterated the importance of responding to the consultation outlining any concerns and specific sites and reminded that the deadline was 15 March 2017.

In response to a question regarding enforcement, the Forum was advised that it was not realistic to expect 24 hours a day seven days a week cover as the Borough Council nor Kent Police had sufficient capacity to do this. Powers could be passed to designated officers such as park rangers or environmental enforcement officers but no additional staff would be provided for enforcement. However, if evidence was provided action would be taken and whilst Kent Police would not treat PSPOs as a priority there was a good working relationship between them and the Borough Council. Targeted enforcement activity would be arranged when necessary and key measures would be discussed with partners.

Any known areas of concern should be identified via the consultation process and if there was sufficient evidence that a problem existed an additional PSPO would be considered. It was emphasised that evidence of a problem needed to be provided and not just a request from local communities.

## TF 17/5 KENT POLICE UPDATE

Sergeant M Ginsberg provided a verbal update of the achievements made in performance and neighbourhood policing. It was reported that Tonbridge and Malling had seen a slight increase in all crime of 10.5% based on a rolling year, although figures for burglary dwelling had reduced slightly. However, crime had risen at both national and local levels and should not be a significant concern. Partnership working continued to be successful in addressing crime.

Police officer numbers remained stable with healthy recruitment. Police Community Support Officers (PCSOs) numbers were stabilising and a recruitment drive was ongoing.

The position regarding the following local issues was updated:

- Night Time Economy: Remained quiet police wise
- Gathering in town centres (nuisance vehicles): a mix of engagement, dispersal and road traffic orders had been used to resolve the problem and the current situation was relatively quiet
- Repeat anti-social behaviour associated with McDonalds: Kent Police were working closely with the franchise holder to address and deter youths from loitering. However, it was recognised that this type of business attracted young people. It was noted that the High Street premises was due to close for refurbishment shortly.
- Traveller's unauthorised encampment: Prior to Christmas 2016 travellers had set up an unauthorised encampment in Sovereign Way. This had been swiftly resolved using Section 61 powers.

Kent Police were also looking to restructure some of their officer resource and reallocate them to potential differing roles within the organisation. There was particular focus on creating a Safeguarding Hub resourced by local community support officers. There would be no visible change noticed by the general public but it was hoped that those suffering from mental health and other safeguarding issues would be benefited.

In response to question, the Forum was advised that the highest level of increase (34%) related to violent crime. However, this now included harassment, of which social media contributed 10% to the increase, and domestic abuse. Sergeant Ginsberg was also able to report that there had been no increase in racial abuse and the Borough was seen as a low hate crime area.

Regarding the concerns raised at the last meeting it was confirmed that speeding enforcement checks had taken place in The Ridgeway and Yardley Park. Unfortunately, due to the volume of parked vehicles it was not so easy to conduct speeds checks along Barden Road. However, it was confirmed that Kent Police would not enforce 20 mph limit along Shipbourne Road and this was mainly self-enforcing due to the design of the road.

Reference was made to speeding along the A245 from Hilden Manor which had recently changed to a 30 mph limit and Kent Police were asked whether there was any merit in looking at this further. In response, Sergeant Ginsberg advised that speed checks had been carried out recently in collaboration with Kent Fire and Rescue Services. A number of fines had been issued and it was noted that the majority of these were local people.

## TF 17/6 KENT FIRE AND RESCUE SERVICES UPDATE

The Chairman advised that Kent Fire and Rescue Services had recently undergone changes in their management structure and Group Manager Colin King had moved to a new area of responsibility. Mr David Escudier was the new Group Manager for Tonbridge and he would be invited to participate in the Forum if operational activity allowed.

However, owing to the short notice around these changes there was no Kent Fire and Rescue Service representative present at this meeting and this item was WITHDRAWN from the agenda.

## TF 17/7 KENT COUNTY COUNCIL SERVICES UPDATE

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

Particular reference was made to the key points made by the Leader of Kent County Council (Paul Carter) to Full Council on 8 December 2016 regarding the budget pressures being faced and the impacts of providing adult social care. Further to this, the County Council had set the budget on Tuesday 9 February and a Council Tax increase of 3.99% had been agreed, 2% of which was the social care levy.

Current consultation(s) included the Freight Action Plan for Kent (16 January – 12 March 2017) and the recently announced Mental Health Service: Promoting Independence (10 February – 24 March 2017). All Kent County Council consultations could be viewed online at:

## http://consultations.kent.gov.uk/consult.ti

The Apprenticeships for All was an ongoing campaign offering the opportunity to find rewarding jobs and careers through apprenticeships. An apprenticeship levy would be introduced from 6 April 2017.

Reference was made to the Kent and Medway Business Fund which offered 0% loans between £50,000 and £500,000 to small and medium sized businesses. Further detail was available from: <a href="http://www.kent.gov.uk/business/business-loans-and-funding/kent-and-medway-business-fund">http://www.kent.gov.uk/business/business-loans-and-funding/kent-and-medway-business-fund</a>

Members welcomed the news that multi-million pound funding had been given to the Leigh Flood Storage Area and Hildenborough flood defences. The award was as a result of extensive work between Kent County Council, the Environment Agency and Tonbridge and Malling Borough Council.

It was reported that the County Council had received an award for Britain's most improved road for the A227 between Tonbridge High Street and Borough Green.

Finally, the Community Engagement Manager reminded the Panel that she was happy to assist in addressing any issues and liaising with County Members.

The Society of Friends expressed concern at the removal of street lights along the foot/cycle path from the Weir to the entrance to the Memorial Gardens and hoped these would be reinstated as a matter of public safety. The Community Liaison Officer was asked to contact relevant officers within the County Council and/or Kent Highway Services and their response would be shared with the Forum in due course.

## TF 17/8 TONBRIDGE AND MALLING SERVICES UPDATE

The Chief Executive provided an update on key points relevant to Tonbridge and these included:

Leigh Flood Storage Area:

It was reiterated that both the LFSA and Hildenborough schemes were fully funded and flood defence measures would be implemented. This was as a result of bid submitted by the Borough Council, the Environment Agency and Kent County Council.

Budget and Council Tax 2017/18

Full Council had approved and set the budget and council tax for 2017/18 on 14 February 2017. A 5% increase in council tax had been agreed and this was in line with neighbouring authorities.

It was noted that Tonbridge residents would be paying a special expenses levy from April 2017, following the decision to introduce fairer charging as a result of public consultation and as discussed at the last meeting of the Forum. This represented a figure of £50.45 identified as 'special expenses' on the council tax bill and was in line with figures for parish councils. Figures for local charges (special expenses) were in line with services received. It was also reiterated that the General Charge element of the council tax bill had reduced.

River Walk enhancements:

In principle, proposals for a new and improved medical centre on the Teen and Twenty site had been agreed by the Borough Council. The medical practice would be consulting with their patients in due course. Any planning application coming forward as a result would follow the usual consultation process.

## Local Plan update:

The consultation on the 'options strategy' had received a large number of responses and these were currently being assessed. The outcomes would be reported in due course. It was also noted that the recently introduced Housing White Paper had implications for the Local Plan.

Finally, the Chairman referred to the Tonbridge Half Marathon and the Christmas Festival both of which had been hugely successful and would be repeated again this year.

The meeting ended at 9.00 pm

Joint Transportation Board of 13 March 2017 – minutes to follow



#### TONBRIDGE & MALLING BOROUGH COUNCIL

### **CABINET**

#### 21 March 2017

## **Report of the Central Services Director**

Part 1- Public

**Matters for Recommendation to Council** 

## 1 PUBLIC SPACE PROTECTION ORDER - CONSULTATION RESPONSES

To provide feedback on the responses received on the Public Space Protection Order consultation

- 1.1 Background to the Public Space Protection Order (PSPO)
- 1.1.1 A Public Space Protection Order (PSPO) is one of a number of new tools contained within The Anti-social Behaviour, Crime and Policing Act 2014 which gives the Borough Council the ability to deal with a particular nuisance or problem in a public area.
- 1.1.2 The Borough Council is proposing to enact a PSPO which has multiple restrictions contained within it. Some of these are around specific locations, and others are aimed at restrictions for the whole of the borough. The proposed PSPO has been discussed at a number of different meetings including the Communities and Housing Advisory Board, the Parish Partnership Panel, Tonbridge Forum and Cabinet.
- 1.1.3 It should be noted that the borough wide measures to tackle dog issues replace the current Dog Control Orders (DCOs). The restrictions are not new, but a number have been extended to areas other than those covered by the current DCOs The current Dog Control Orders are being phased out from October 2017 and we therefore need to ensure that we have new restrictions in place before this time.

## 1.2 Consultation responses

1.2.1 The formal consultation ended on 15 March (after the print deadline for this paper). Further responses that are received will be reported to Members at the meeting. To 7 March (when this paper was produced) 33 online surveys had been completed. Of these 28 were from residents of the borough, 5 from Parish Council's and the rest from interested parties (including people who work in the

borough). We also received 8 comments/questions via email. A summary of the responses received to 7 March is attached at **Annex 1**.

## 1.2.2 A summary of the responses received is given below:

- The majority of respondents agreed with the proposed restrictions, although there appeared to be some confusion with the meaning of some of the restrictions.
- The restriction that generated the most comments/discussion was around 'ensuring dogs are on a lead by direction'. Mainly respondents seemed to be confused around what this restriction was aiming to do with many of the respondents suggesting that this restriction was trying to stop dogs from running off the lead or being able to be walked without a lead. This is not the aim of this restriction and we will need to ensure that this is explained so that people can understand the meaning of this restriction once the Order is granted.
- There were also concerns raised about how the PSPO will be enforced with some respondents querying who the authorising officers would be. The Borough Council is already looking into this issue to ensure that appropriate Borough Council authorised staff will be trained on how to issue appropriate Fixed Penalty Notices.
- With regard to the proposed PSPO for Tonbridge Memorial Gardens and Tonbridge Cemetery there were some suggestions made for additional restrictions that could be included. These will therefore be considered by a Working Group within the Council to see if it would be appropriate to make an additional PSPO to include these suggestions.
- The council can make a PSPO on any public space in its own area. The definition
  of public space is wide and includes any place to which the public or any section
  of the public has access, on payment or otherwise, as of right or by virtue of
  express or implied permission, for example a shopping centre.

## 1.3 The next steps

- 1.3.1 Following the consultation responses (and subject to any further comments being received) we believe that the Borough Council should grant the Order as initially specified.
- 1.3.2 We do feel that further clarification will be needed to inform residents, Parish Councils and others about the restrictions included in the Order and where they will apply to. We are looking at this currently and will be producing a leaflet (as well as any other appropriate communications) to ensure that everyone is aware of what these new restrictions will include.

1.3.3 Any additional items to be considered (which have been raised through the consultation) will now be considered by a Working Group within the Council. If appropriate an additional PSPO will be developed and brought back to an appropriate Board.

## 1.4 Legal Implications

- 1.4.1 As the PSPO is governed by the ASB legislation, we will be receiving legal guidance to ensure that we meet the criteria. Once the final PSPO measures are agreed the PSPO will need to be published in accordance with the regulations made by the Secretary of State.
- 1.4.2 Currently TMBC enforce against dog fouling using the Dog (Fouling of Land) Act 1996. It was repealed by Clean Neighbourhoods and Environment Act 2005 section 65, and replaced by similar legislation in the same act, namely Dog Control Orders (DCOs). However, as TMBC did not adopt a DCO for fouling across the whole borough, we were still able to enforce under the Dog (FoL) Act. The introduction of the PSPO for dog fouling borough-wide will supersede this legislation and enforcement for such offences will then only be possible using the PSPO. This means that every three years, Tonbridge & Malling Borough Council will have to renew the PSPO.

## 1.5 Financial and Value for Money Considerations

1.5.1 Although there are no direct costs associated with the establishment of the PSPO, there will be a resource implication for the Borough Council for issuing Fixed Penalty Notices and the work associated with this.

## 1.6 Risk Assessment

1.6.1 All appropriate risk assessments will be undertaken as required

## 1.7 Equality Impact Assessment

1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people.

## 1.8 Policy Considerations

1.8.1 Community, Community Safety

## 1.9 Recommendations

1.9.1 That the Public Space Protection Order for Tonbridge & Malling BE GRANTED.

Background papers:

Nil

contact: Anthony Garnett, Licensing and Community Safety Manager

Adrian Stanfield Director of Central Services and Monitoring Officer

## **Consultation responses to 7/3/17**

These comments have been taken from the online survey and emails returned by 7 March 2017. They have not been altered in anyway (and therefore include spelling mistakes etc.).

| -      | agree wit | h the<br>dog fouling | Comments   |
|--------|-----------|----------------------|--|
| Yes 22 | No 9      | Don't<br>know        | Leybourne parish council have banned dogs completely off one of the largest green areas in leybourne. Totally agree with people picking up after their Dog. But a total ban is not fair to the hundreds of dog owners who live in Leybourne. TMBC have put up no fouling in other areas and this seems to work fine. The non elected parish council has imposed a no dog zone on 100% of the land they control.  |
|        |           |                      | I don't see why all dogs need to be on a lead. Most dogs have responsible owners. I walk. A dog in the sports ground and the dogI walk is well behaved and loves to play with other dogs. Older people who do not drive cannot go out to the likes of Hayesden Park's dog exercise area to let their dogs off the lead. Who is going to patrol the Raceground from 7 a.m. Until 9 p.m. There are better ways to spend money in this borough than employ dog wardens especially as you are moaning about the lack of cash |
|        |           |                      | I'm a responsible dog owner and if these bans come into place - I won't frequent Tonbridge at weekends at all with my dog. The restrictions apply to places that offer most stimulation for a dog to explore. I usually buy food and drink from local shops during these walks which will now miss out on my trade due to these restrictions.  |
|        |           |                      | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.  |
|        |           |                      | Burham as many of the villages do suffer with dog fouling. Many of the pavements are very narrow and are a direct school route for those walking   |
|        |           |                      | Maximum number of dogs per person should be reduced to 3 as its impossible for a (professional) dog walker to successfully control 6 dogs, find and remove all faeces.   |
|        |           |                      | Provide more dog bins  |
|        |           |                      | I think most dog owners are responsible and clear up after their pets However, to help them continue dog bins need to be more numerous and emptied frequently, especially at weekends. Has anyone ever been fined for letting their dog foul a public place?   |
|        |           |                      | Tonbridge has a good dog community, most owners do pickup after their dogs. Perhaps better use of your time is spent on the rubbish that is left in these areas by groups and family's. far more of this   |

| then dog fowling quick frankly and food companies should be held far more responsible.  |
|---|
| While dog fouling is to be discouraged and owners should be responsible, doing this by expecting dogs to be kept on a lead is taking a sledgehammer to crack a nut. |

| Do you agree with the proposal to exclude dogs from children's play areas |    |       | Comments   |  |
|---|----|-------|--|--|
| Yes   | No | Don't | it will work, however clear definitions will need to be made as to   |  |
|   |    | know  | what is a children's play area. Ditton Community Centre for example  |  |
| 23  | 6  | 4     | has a gated area, but also a football field and interactive games and gym equipment. would the dogs be free to roam on the field, but not within the gated areas? or just the nature reserve? the areas are not clearly reserved for their individual functionality.   |  |
|   |    |       | Play areas can be fenced off and dog's not allowed in. Open space should not be banned   |  |
|   |    |       | Many children do not like dogs or are apprehensive near them so excluding them from children's play area is a good idea and appears to work well in Tonbridge.   |  |
|   |    |       | Should also include parish maintained children's play areas.   |  |
|   |    |       | Thought it was already in place.   |  |
|   |    |       | I'd imagine most people already know dogs are not allowed in children's play areas. This is already signposted and the case.   |  |
|   |    |       | I agree dogs should be kept out of of children's play areas.   |  |
|   |    |       | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.  |  |
|   |    |       | No evidence has been given to justify this measure. "A number of complaints have been received" does not constitute evidence. Please specify the number of documented complaints and a date range during which the alleged incidents occurred.   |  |
|   |    |       | There are already several designated "play areas" which dogs are excluded from, there is no need to restrict dogs even more. Keep the children in their area if it is that much of an issue.   |  |
|   |    |       | it will work, however clear definitions will need to be made as to what is a children's play area. Ditton Community Centre for example has a gated area, but also a football field and interactive games and gym equipment. would the dogs be free to roam on the field, but not within the gated areas? or just the nature reserve? the areas are |  |

not clearly reserved for their individual functionality.

Play areas can be fenced off and dog's not allowed in. Open space should not be banned

Many children do not like dogs or are apprehensive near them so excluding them from children's play area is a good idea and appears to work well in Tonbridge.

It would appear that this measure applies to TMBC owned and maintained areas, Leybourne Parish Council (LPC) has similar areas from which dogs are excluded for the reasons documented in the measure. LPC requires these areas to be continued to be exclusion areas, will this measure be amended to include Parish owned and maintained areas or will separate measures be required.

| Do you agree with the proposal to ensure dogs are on a lead by direction? |  |           | Comments  |
|---|--|-----------|---|
| Yes   |  | Don't     | As a dog owner, I think this guidance can be clearer. I have found  |
| 14  |  | know<br>5 | that signs are very poor for when areas with leads are required which can lead to confusion. If I have my dogs without a lead it is through poor signage, not ignorance or defiance. If the changes were clearly viable this would work.  |
|   |  |           | My dog walks to heel and is well trained. Why should I be forced to have him on a lead. how do you train you dog to come back if he's never allowed off the lead. The council is imposing horrible rules on the residents, and I would move away from the area to find a better place to live rather than put up with these type of rules.  |
|   |  |           | If you mean a dog that is running wild without apparently having an owner or the owner is riding a bicycle on the pathways in te park then they need to be directed to look after their dogs properly and pick up their dog's excrement. Why should good dogs be penalised and who is going to enforce this?  |
|   |  |           | As long as these are individual directions to individual dog owners and not used a s blanket ban on dogs off the lead   |
|   |  |           | This proposal is an infringement upon the rights of dog owners to exercise their animals as nature intended. It is akin to clipping the wings of a bird. I accept that not all dogs enjoy running of the lead but most do and my dog in particular does. I moved from London to this area in 2012 to enjoy a cleaner greener countryside lifestyle similar to that which i grew up with. Part of that lifestyle was having a suitable environment to make having a dog possible. My wife and I cannot have children so our dog is our child. I work long ours and enjoy walking my dog in Tonbridge at the weekend. The best part of these walks is seeing her in her element running freely across the park. Please do not stop us from doing what we love. We pay our |

council tax to receive services not to have our freedom restricted or be dictated to.

There may be certain limited areas where this might be applicable to but a borough wide ban is too extreme.

How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.

Except in wide open spaces

particularly in tonbridge cemetery ,as i see dogs of the lead there a lot

The dogs need to be able to run around, that is part of being in park!

No evidence has been provided by the council that this is an issue.

This seems to be a rather ridiculous measure. There is no guide on when an authorised person can direct someone to do this. The result is that a responsible owner who has a well trained and under control dog walking to heel could be criminalised not by the law but by the direction of an enforcing officer - it will clearly lead to disagreements between officers and the public. A dog is under control or it is not. If it is in any way dangerous then there is primary legislation to deal with this. If it is under control then why does the owner need to be told to put it on a lead?

It will be essential for the borough to have the resources to implement these new orders

I agree that in car parks and around food outlets loose dogs can be dangerous or a nuisance but I would not want to see them restricted in other areas. Perhaps if there are persistent complaints about a particular dog then the owner and dog should be sent on a compulsory training course (speeding drivers are sent on training courses) and if they agree the fine can be waived.

I want the opportunity to allow my dogs to get proper exercise and interact with other dogs. Owners of aggressive dogs should be dealt with on a one to one basis based on a set amount of complaints and investigation.

The Racecourse Sportsground has always been an area where people go to allow their dogs to exercise and run around. Restricting them to being on a lead is one of the stupidest ideas that even this dumb council has come up with. More stupid even than the High St fiasco.

| Do you agree with the proposal to restrict the number of dogs to six dogs? |    |               | Comments   |
|--|----|---------------|--|
| Yes  | No | Don't<br>know | six is far too many for one person   |
| 20   | 10 | 3             | Dogs in a pack are intimidating to other dogs  |
|  |    |               | Should be less than 6 and propose 3.   |
|  |    |               | I have 4 dogs myself and totally agree that any more than 6 would be very difficult to manage.   |
|  |    |               | Personally I think the limit should be fewer dogs.   |
|  |    |               | The number should be less than 6   |
|  |    |               | The maximum number of dogs per person should be reduced to 3 as its impossible for a (professional) dog walker to successfully control 6 dogs, find and remove all faeces.   |
|  |    |               | Just have something that says you have to control your dog(s) I have seen someone with many dogs and total control, one person with one dog, no control at all.  |
|  |    |               | It's not about the number of dogs you have, it is the control you have of them. Having 7 dogs well under control is no issue. Having one dog out of control is - any order should be exclusively directed at those who do not have control of their dog.   |
|  |    |               | Six dogs are too many and cannot be controlled by one person. It is intimidating for other people, especially children. So many dogs act in a pack. MORE THAN 2 DOGS TOGETHER SHOULD ALL BE ON A LEAD  |
|  |    |               | I don't think one person can be fully in control of six dogs at once.  |
|  |    |               | Is this even an issue. Maybe the council should focus on getting general visitors to pick up their rubbish after them and use the bins provided. Or how about stopping people parking all over double yellow lines or with wheels on the pavement. These are issues that could do with addressing. |

| proposal<br>borough | Do you agree with the proposal to introduce a borough wide controlled alcohol zone |               | Comments   |
|---------------------|--|---------------|--|
| Yes                 | No   | Don't<br>know | Is there really a problem with this in Tonbridge?                  |
| 24                  | 5  | 4             | There is an obvious issue regarding how this will be policed. Kent |

Police already have powers to implement alcohol control zones, but they don't have the manpower to monitor these. Additionally TMBC will not be able to assist with monitoring this as they already refuse to monitor antisocial behabviour, noise complaints or dangerous parking after hours.

If you introduce this ban it will not be possible to have a picnic in the park with a beer/glass of wine etc I am NOT in favour of blanket bans, all they do is deter/punish those who are law abiding and the yobs ignore them

No evidence has been given to justify this measure. "There have been many incidents" does not constitute evidence. Please specify the number of documented incidents and a date range during which the alleged incidents occurred.

This is a very wide ranging power and has very little, if any restriction on it's use. It should be targeted in areas where consumption of alcohol AND antisocial behaviour are linked and prevalent. Otherwise it is the "sledgehammer to crack a nut" approach. The previous ACZ's were much more tightly focused and the PSPO should also be - anything else without direct evidence of need is an unwarranted (and therefore possibly illegal) extension of powers.

Maybe make The Racecourse Sportsground an alcohol controlled zone, it would cut down on the amount of rubbish left strewn around particularly in the summer. The amount of empty beer cans and bottles is a far greater problem than dogs. When did a dog leave a box of beers lying around?

LPC has an alcohol control zone already in place, it is assumed that the TMBC measure will supercede that of LPC.

| proposa | agree wit<br>Il to detei<br>n/defeca | public        | Comments  |
|---------|--------------------------------------|---------------|---|
| Yes     | No                                   | Don't<br>know | But will it be enforced when the travellers come to visit?  |
| 26      | 3                                    | 4             | Please remember that when issuing an order there must be public loos  |
|         |                                      |               | Don't suppose it will make any difference. People can be arrested now anyway can't they for public indecency or antisocial behaviour?                             |
|         |                                      |               | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent. |
|         |                                      |               | Isn't this against the law anyway? Why do you need another law?   |

| No evidence has been given to justify this measure. "There are complaints" does not constitute evidence. Please specify the number of documented incidents and a date range during which the alleged incidents occurred. |
|--|
| You need a comment for this? Seriously? Who do these people think they are? Paula Radcliffe?   |
| Could the wording about public toilets exclusion make it clear defecating public within the toilet is not allowed.   |

| PSPO fo | Do you agree with proposed PSPO for Leybourne Lakes Country Park* |    | Comments  |
|---------|---|----|---|
| Yes     | Yes No Don't know   |    | Don't know the area well enough   |
| 12      | 7   | 10 | No evidence has been given to justify these measures. Please specify the number of documented incidents and a date range during which the alleged incidents occurred. |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Memorial Gardens * |    |               | Comments  |
|--|----|---------------|---|
| Yes  | No | Don't<br>know | I live next to the Memorial Gardens and it is often used as a skateboard play area  |
| 18   | 8  | 3             | My grandfathers name is on the wall for- 1914-1918 I regard this as his grave.  |
|  |    |               | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent. |
|  |    |               | If you must ban things then have the time after 18:00. If/when the drinkers congregate tell them to move on.  |
|  |    |               | Measures to control drinking/music/bbq's etcetera should also be included.  |
|  |    |               | In this particular space there should be no ball games as well as no skateboards, scooters, bikes and roller skates.  |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Moorings* |                   |   | Comments   |
|---|-------------------|---|--|
| Yes   | Yes No Don't know |   | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is |
| 14  | 9                 | 6 | intended to prevent.   |

|  |  | Don't know where that is. |
|--|--|---------------------------|
|  |  |                           |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Haysden Country Park?* |    |               | Comments   |
|--|----|---------------|--|
| Yes  | No | Don't<br>know | Dogs should not be allowed in the lake or to antagonise water birds.   |
| 15   | 11 | 3             | I don't want anything added to the ban. Make the cycle path go all around the whole of Barden Lake. The children can then legally cycle all the way around. Just as a thought about bans, the NO CYCLING is ignored on that part of the lake. Have a large dumpster at the entrance so people can put rubbish in it. Use some of the money you are taking in parking fees!!!! Put in benches & tables that have provision for BBQ's. Educate people what they are meant to do, how they should behave. Banning is the lazy way out.  No evidence has been given to justify these measures. Please specify the number of documented incidents for each proposed measure and a date range during which the alleged incidents occurred. |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Racecourse Sports Ground and Tonbridge Castle?* |    |               | Comments  |
|---|----|---------------|---|
| Yes   | No | Don't<br>know | Just Tonbridge Castle not the Racecourse Sports Ground  |
| 11  | 13 | 4             | This proposal is an infringement upon the rights of dog owners to exercise their animals as nature intended. It is akin to clipping the wings of a bird. I accept that not all dogs enjoy running of the lead but most do and my dog in particular does. I moved from London to this area in 2012 to enjoy a cleaner greener countryside lifestyle similar to that which i grew up with. Part of that lifestyle was having a suitable environment to make having a dog possible. My wife and I cannot have children so our dog is our child. I work long ours and enjoy walking my dog in Tonbridge at the weekend. The best part of these walks is seeing her in her element running freely across the park. Please do not stop us from doing what we love. We pay our council tax to receive services not to have our freedom restricted or be dictated to. |
|   |    |               | Banning BBQs is going too far   |
|   |    |               | Have a large dumpster at the entrance so people can put rubbish in it. Use some of the money you are taking in parking fees!!!! Put in benches & tables that have provision for BBQ's. Educate people what they are meant to do, how they should behave. Banning is the lazy way out. The idea is to make it more of a fun place not YOU CAN'T DO THAT  |

| No evidence has been given to justify these measures. Please specify the number of documented incidents for each proposed measure and a date range during which the alleged incidents occurred. |
|---|
| Deal with rubbish left by people.   |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Farm Sports Ground?* |    |               | Comments  |
|--|----|---------------|---|
| Yes  | No | Don't<br>know | Banning BBQs is going too far   |
| 12   | 12 | 5             | Don't go there  |
|  |    |               | No evidence has been given to justify these measures. Please specify the number of documented incidents for each proposed measure and a date range during which the alleged incidents occurred. |

<sup>\*</sup>Not everyone responded to this question

| Do you agree with the proposed PSPO for Tonbridge Cemetery?* |    |               | Comments   |
|--|----|---------------|--|
| Yes  | No | Don't<br>know | How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is   |
| 18   | 6  | 5             | rest there is and am glad this includes the cemetry. there are two lockable gates, one in the top of welland road and one in derwent drive , which are fine but want to bring to your attention that the small unlockable gate at the bottom of welland road is unsuitable as many people enter through this small gate when the cemerty is closed and the other gates are locked!. i feel a new high fence is needed their with a new lockable gate. there is i very low wall which people very easily climb over ive seen lots of people do this made of stone this needs to be made more substantial as is very inadequate. there are quite a few people in the cemetery at night drinking alchohol dogs off leads at night after closing and people with torches shining them into peoples houses which i did report to the police .you need to do something about this regarding what you propose .there has also been interfernce with graves which is very distressing for people visting lost ones at the cemetery.  Measures to control drinking/music/bbq's etcetera should also be included.  More clarity about the impact on other recreation/open space land especially if Parish Councils do not agree with any aspect of these |
|  |    |               | new orders, especially the number of dogs to be taken onto a public place  |

<sup>\*</sup>Not everyone responded to this question

| Is there anything else that you would like to see included or any other comments? | Comments  |
|---|---|
|   | Where is the money coming from for enforcing these proposals  |
|   | As a Dog Owner who extensively uses our local recreation areas I just wanted to voice my support for the new proposals you have outlined in the PSPO consultation. They would appear to me to be very balanced and fair between the needs of dog owners and the needs of non-dog owners. I think it is essential we maintain many public spaces where dogs can be exercised off of the lead, many breeds need this, and if there is no-where in the borough then people will drive to other places, causing pollution and potentially loss of business for dog friendly businesses in town. However I also agree that it is essential that safe areas are provided for families and individuals who don't want the company of dogs to have recreation areas where they too can enjoy our open spaces. As regards the other aspects of the order regarding littering, dog fouling, ASB, out of control dogs, you have my complete support. |
|   | As much green space as is possible. The proposed development of the green off Avebury Avenue is ridiculous this is one of the first areas to flood.   |
|   | The monitoring and policing of existing law regarding licensed premises, licensed private hire vehicles, littering, noisy neighbours, antisocial behaviour (in town centres) and dangerous parking is already completely inadequate to achieve the purposes of existing legislation - due to TMBC's incompetence to carry out its obligations in relation to these matters (especially outside of the hours of 10am-4pm Monday to Friday). How will this be policed/monitored? These measures will surely be a deterrent only, and won't affect the feckless/selfish actions of those who it is intended to prevent.  |
|   | Wrotham Parish Council evoked a Dog Order that excluded dogs from the following areas. Wrotham Cricket Ground Wrotham Burial Ground The Children's Play Area The Multicourt in the Recreation ground Wrotham Parish Council would ask Tonbridge and Malling to include these measures in their PSPO. I shall email the original Dor Order which includes a schedule map of the areas.   |
|   | Yes please put a new fence along welland road with a new lockable gate at the bottom of welland road as this makes the other lockable gates a farce   |
|   | It is noted that the PSPOs replaces the Dog control orders and alcohol control zones. Within the existing Dog Control Orders (therefore an existing restriction) dogs should be on leads in St Stephens Churchyard and St Peters and St Paul's Churchyard. This has been missed on the proposed PSPO but can could cause the public distress if dogs are running off leads in this area, much the   |

same as Tonbridge Cemetery. Please could these be added to the PSPOs as they are an existing restriction.

Heavy fines for persons driving motorbikes within the controlled area. The use of the car parks by people NOT taking exercise or legitimately visiting the open spaces. Fines for littering / picnic littering / leaving behind babies nappies / packaging from burgers / KFC Fines for using Bicycles / Horses / Motorbikes in areas restricted to walking or on the grass. Fines for Fishermen staying over 12 hours per occasion. Fines for kids throwing stones at the wildlife.

Banning things is the lazy way out. You need to educate citizens how they are meant to behave. If you must have these banning orders for alcohol etc then do it after 18:00. Stop making it difficult for the average person just because a few can't/won't don't know

\_\_\_\_\_

how to behave

Please ensure that all proposed measures that are based on 'incidents' have documentary evidence of the number, dates and nature of the incidents easily accessible to all the people of Tonbridge and Malling so that we may make an informed decision as to whether the proposed measures are both necessary and proportionate. Please also include the dates and details of any previous measures introduced so that we may judge their efficacy. At present there is insufficient data for me to make an informed decision in such cases.

The consultation document raises more questions than answers. In particular there is NO EVIDENCE AT ALL to justify any measure such statistics on the number of complaints or ASB, damage caused or other lawful activities that have been impeded as a result. The restrictions on dog fouling, dogs in play areas, & urination and defecation seem sensible and would be difficult to argue against indeed I support them - but even these have no real evidence to support them. The document suggests that council enforcement and Police officers will enforce the PSPO but it also suggests that powers could be delegated to others but gives no guidance on who this might be and what powers they may be able to use. This could include private security or other groups which I consider to be a dangerous extension of the role of enforcement outside of those trained and employed by the state. TMBC MUST give guidance on who will be able to enforce these powers and offer further consultation before that was changed. The dogs on leads, maximum number of dogs and ACZ whole borough powers appear to be ridiculous and potentially criminalise normal members of the public who are going about normal daily business without negatively impacting anyone - they must be re-thought and either targeted in areas where there is a problem or withdrawn. FOR ALL PARKS ORDERS The restrictions on BBQ's may be sensible but is it really necessary to criminalise this behaviour? Swimming - why is it OK to swim as part of an organised activity but not without an organised

activity? This seems to be targeted at wider ASB problems (such as drunken parties) but it will do nothing to deal with those. Again, is it really necessary to criminalise this? Dogs - Having dogs on a lead in a specified area can be a good thing to ensure appropriate mixed uses for all - no issues. Camping - There is no evidence of who is camping in these areas and why. I strongly suspect that many of these people will be the most vulnerable of our society - for example the homeless. It is not appropriate to criminalise those people and moving them from these areas will only export the issue to others. I believe this could be in breech of Article 8 HRA. Lastly.... The order relating to prohibition of wheeled sports within the Memorial Gardens. I agree that these gardens should be kept as a place of remembrance and quiet contemplation. However, the order as worded does not prohibit wheeled sports, only the failure to stop when directed. It also does not address anyone who wants to play music or do anything else regarded as ASB in this area. In the absence of an enforcement officer there all the time, people will take part in these sports until someone arrives to tell them to move. They will leave and come back as soon as the enforcement officer has gone and in the absence of guidance on how long after the warning someone can return and be warned again rather than being prosecuted. Could this be five minutes??? Bearing in mind that the majority of those participating will be young people, all this order will do is risk criminalising potentially otherwise law abiding children. TMBC should take a different approach that includes hard landscaping to prevent wheeled sports as well as offering diversionary activities. If these things have already been trialled then the consultation should explain this and why it has become necessary to impose this measure - criminalisation should be the last step!

I have some doubt that any of these orders could be effectively enforced given the chaotic nature of car parking and rare presence of traffic wardens in this part of he Borough. You could promise the moon, but it is all hot air unless you can deliver.

#### TONBRIDGE & MALLING BOROUGH COUNCIL

#### **CABINET**

#### 21 March 2017

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

Part 1- Public

**Executive Non Key Decisions** 

#### 1 REVENUES AND BENEFITS – POTENTIAL SHARED SERVICE

This report describes progress towards a proposed shared Revenue and Benefits service between Gravesham Borough Council and ourselves and recommends that a fully shared service be developed. The proposal offers a number of service and efficiency benefits, contributing to the Council's Savings and Transformation Strategy. Cabinet is recommended to approve the establishment of a fully shared service with a target implementation date of July 2018.

#### 1.1 Introduction

- 1.1.1 Cabinet is aware that, for some time now, we have been operating our Revenue and Benefits service alongside Gravesham Borough Council through the sharing of two senior officers. Those two officers are the Revenue & Benefits Manager (employed by GBC) and the Principal Revenues Officer (employed by TMBC); and Members are aware that the sharing of the posts has led to cost savings for both authorities.
- 1.1.2 In June 2015, the Management Team reported to General Purposes Committee seeking to extend the arrangement to share the Revenue & Benefits Manager and, at the same time, seeking authority to investigate with GBC the wider opportunities for more integrated shared working within this service area.
- 1.1.3 The objective was to derive further cost savings to assist towards delivery of the targets set out in the Savings & Transformation Strategy (STS), but also to increase resilience. It was acknowledged at the time that there are a range of different service models that could be implemented, and the timescale for 'delivery' would depend on the model chosen.
- 1.1.4 It was envisaged that further consideration of potential shared service delivery models would be reported via the Finance, Innovation & Property Advisory Board (FIPAB). However, due to the need to 'tie in' reports to both authorities ensuring that Members and staff at each authority receive the same information at the same time, this report is brought to Cabinet direct on this occasion. Future reports can be taken via the FIPAB or General Purposes Committee (GPC), as appropriate.

#### 1.2 Progress

- 1.2.1 Since the report to GPC in June 2015, officers have been working together to investigate this opportunity more widely, with a view to identifying potential working arrangements which would support a fully shared service between the two local authorities.
- 1.2.2 In addition, officers have been aligning working practices and procedures across the two authorities to prepare the 'ground' for any future shared service arrangement. Members might also note that the recent revisions to the local Council Tax Reduction (CTR) Schemes to come into effect in April 2017 are identical in both authorities. Whilst the caseload and demographics of the two authorities are different, we do share a similar ethos and culture towards delivery of service and this ethos has been strengthened during the period of sharing the head of service, the Revenue & Benefits Manager. The majority of the interactions of revenue and benefits staff with TMBC customers are by telephone or on-line. Customer services staff provide face to face contact where necessary, although in more complex cases arrangements can be made for revenue and benefits staff to meet customers directly.
- 1.2.3 Members are advised that, across Kent, the majority of districts councils have already moved substantially towards shared service arrangements. For example, Sevenoaks and Dartford have a shared service; the East Kent Services Partnership covers the revenue and benefits work for Thanet, Dover and Canterbury; and the Mid Kent Partnership covers the work for Maidstone and Tunbridge Wells.
- 1.2.4 Different arrangements inevitably apply within these partnerships, but in all cases all have moved towards a scenario whereby staff are located together to form a fully shared service and take advantage of economies of scale. In each case, the partners continue to review and fine-tune the operation of the partnerships to ensure smooth running of services to the public.
- 1.2.5 On a smaller scale, Members are, of course, aware that we have a Building Control Partnership with Sevenoaks District Council, with the administrative hub for both councils being located at Sevenoaks. As a result, therefore, some of our own staff moved location to work from the Sevenoaks council offices. This is a model that is becoming increasingly common as councils work together to share services, make efficiencies and generally reduce costs.
- 1.2.6 GBC has already progressed a number of shared service opportunities with other partners in other disciplines, and has expressed a strong desire to maximise the savings potential in respect of Revenue & Benefits by moving to the fully shared service model immediately, rather than progressing incrementally. Having spoken to other Kent councils who have already embraced and moved forward with shared services for Revenue & Benefits, this is a recommendation they would make.

- 1.2.7 Whilst we have already embarked on a journey towards shared services at TMBC, our journey should perhaps be described as 'incremental' so far. Moving towards a fully shared service located on one site is a bolder step, but will undoubtedly deliver greater savings and provide the opportunity for greater resilience. During the investigatory work, officers have effectively dismissed other 'solutions' such as simply sharing more managers as being either unworkable, or indeed non-desirable, given the limited scope for generating efficiencies.
- 1.2.8 A list of the potential 'pros and cons' of a shared service for Revenue and Benefits is set out at [Annex 1].
- 1.2.9 Indicative work so far suggests that a partnership for Revenue & Benefits based on a fully shared service model could deliver <u>establishment</u> based savings of between £100k and £150k per authority. There are potentially other savings that could be delivered from some of the options (e.g. letting out empty floor space where applicable, or running software from one server); but there are also some costs to be taken into account in procuring 'front end' software to enhance the digital offer to customers.
- 1.2.10 In this regard, it is important to stress that both authorities will need to invest in digital customer platforms to assist with the transformation of service delivery and offer taxpayers a more modern service. Gross savings would therefore be 'netted down', but it is important to recognise that whether we move to a shared service or not, this investment in technology will be required to accord with public expectations in an on-line and 24/7 'world'. This is explored further in paragraph 1.5.
- 1.2.11 More detailed work needs to be set in progress if this is a route Members are willing to 'sign up' to. We will need to decide, for example, at which primary location the service should be sited, and therefore, by default, which Council becomes the lead authority. In addition, what level of service (if any) needs to be maintained at the alternative site?

#### 1.3 Accommodation

- 1.3.1 Early indications are that either GBC or TMBC offices could <u>currently</u> offer sufficient physical accommodation for a shared team (with some reconfiguration of space) and allow a significant amount of space to be freed up at the alternate site and be commercially 'let'.
- 1.3.2 There is a slight complicating factor in terms of accommodation in that the Overview & Scrutiny Committee are currently undertaking a scrutiny review of the Gibson Building. A report from an external consultant is due to be considered by the Committee in the next few months. Even though we believe there is physical capacity at the present time to accommodate a shared service (assuming that TMBC was selected as the 'site'), decisions taken in respect of the accommodation review could change matters. That said, as the outcome of any accommodation decisions could take some years to implement, Management

Team have agreed that decisions about the potential shared service should take first priority.

1.3.3 If Members decide that they wish to progress a fully shared service in order to release efficiency savings in line with our Savings & Transformation Strategy, it may be appropriate to decide "up front" whether TMBC wishes to be considered as the lead authority/site for a shared service. Naturally any ultimate decision would need to be taken with our shared service partner, but any early indication to the O&S Panel considering the accommodation report will help to shape any options.

#### 1.4 IT Platforms and Digital Transformation

- 1.4.1 Both councils operate 'Northgate' software for Revenues and Benefits caseload, including the same document information systems (information@work). A more formal shared service arrangement may well open up opportunities to reduce software costs and/or hardware, and this will be explored in greater detail should Members at GBC and TMBC collectively decide to agree to move forward with shared service arrangements.
- 1.4.2 In terms of the digital agenda, Members may already be aware that the Capital Plan List C includes a potential scheme for evaluation entitled "Revenue and Benefits Citizen's Access". The List C scheme notes that this is an:
  - "upgrade to the existing Council Tax, Business Rates and Housing Benefit IT systems to enable customers to self-serve. The upgrade will enable customers to access their account information and submit applications via the T&MBC website improving the quality of service whilst reducing staff costs".
- 1.4.3 Members agreed that this scheme could be evaluated back in February 2015; however the evaluation has been deliberately deferred to 2017/18 pending the outcome of the shared service investigations. This position was noted through the Capital Plan Review report at the meeting of FIPAB on 4 January 2017.
- 1.4.4 Whether the Council chooses to move forward with a shared service or not, the introduction of a digital customer platform is essential to transform service delivery and offer taxpayers a more modern service to accord with their expectations in an on-line and 24/7 'world'. If it is decided that a shared service should be pursued as recommended through this report, it will be essential to work with GBC as our partner to deliver the same digital solution. Currently, a 'market' assessment of potential systems is being undertaken in liaison with GBC and a matrix being drawn up to set out the specification.
- 1.4.5 If Members decide not to pursue a shared service, the decision regarding the digital solution will rest solely with TMBC. Whatever happens, I would stress that it is essential to introduce a customer 'self-serve' portal to address customer expectations. Funding is available by way of an earmarked reserve established for this purpose.

- 1.4.6 Any procurement of a digital IT solution will, of course, need to follow appropriate procurement requirements and legal colleagues are engaged in providing advice in this regard. If a full EU tendering process is required, the timescales for implementation will be more extensive.
- 1.4.7 Our Budget and Policy Framework requires that any decision to approve a new capital plan scheme is made ultimately by Full Council. Bearing in mind the proposed implementation date for a shared service of July 2018 and the potential timescales for undertaking procurement, if Members support the proposal to progress the full shared service model, I shall need to report back in the short term with an evaluation and seek agreement from Council to moving forward with a procurement exercise.

#### 1.5 Next Steps / Way Forward

- 1.5.1 As outlined in the past, the delivery of revenue and benefit services (i.e. council tax, business rates, housing benefits and council tax reduction) is, by and large, a standard service nationally, with relatively small 'nuances' operating within individual authorities. These services, therefore, are good candidates for shared working arrangements; as has been demonstrated through numerous such arrangements countywide and nationally.
- 1.5.2 The purpose of this report is, therefore, to seek Cabinet Members' agreement to a fully shared service for Revenue and Benefits.
- 1.5.3 Without a formal agreement from Members to this proposal, it will not be possible to move forward with the plethora of detailed work that will need to be carried out in advance of an implementation date. Working groups will need to be coordinated by the two authorities consisting of officers from a variety of disciplines legal, personnel, finance, IT and property and will commit resources from both authorities. Formal discussions need to be programmed with staff.
- 1.5.4 As indicated at paragraph 1.1.4, if Members can make this decision at this point, the detailed work can commence and further reports can be brought back to FIPAB, GPC or indeed Cabinet as appropriate. If this proposal were supported, we envisage a **target 'start date' of July 2018**, giving some 15 months to carry out the detailed work and consultations that would be required.
- 1.5.5 In addition, Members should note that a number of issues are 'on hold' at both authorities pending the decision regarding the shared service. Most importantly, because a new shared structure could reduce in the longer-term the number of posts on the (future) establishment, we have jointly taken the decision not to fill a number of staff vacancies on a permanent basis at both authorities pending this decision. To avoid a reduction in performance, some vacancies are being covered by the use of agency staff which can be costly. However, doing this will assist in minimising any 'disruption' for permanent staff in the longer-term.

  Therefore, a decision is extremely important in setting the pathway for both authorities at this time.

- 1.5.6 One key issue would be a decision regarding which site would offer the best place for a fully shared team. Early indications are that either site could presently accommodate a shared team (with some reformatting of space) and allow a significant amount of space to be freed up at the alternate site and be commercially 'let'. However, there is a complication in respect of the O&S Committee's review of the Gibson accommodation. It is suggested that Members need to decide whether or not they would wish the TMBC offices to be the prime location for the shared service or not (subject to GBC's agreement); and feed this into the O&S review.
- 1.5.7 Members are advised that, following the decision of GPC in June 2015 to progress further investigations with regard to a shared service, staff have been briefed and kept up to date with progress. A meeting with staff to share the content of this report will be arranged as this report is published. If Members agree to move forward as outlined in this report staff consultation will be launched including liaison with Unison as the firmer details are confirmed.

#### 1.6 Legal Implications

- 1.6.1 The Local Government Finance Act 1992 places a duty on billing authorities to levy and collect council tax, payable in respect of dwellings situated in its area. This is supported by other various Statutory Instruments which provide legislation for the administration and enforcement of council tax.
- 1.6.2 Schedule 10 of the Local Government Finance Act 1992 amends the previous legislation (Local Government Act 1988) with regards to the administration of national non-domestic rates.
- 1.6.3 The primary legislation governing Housing Benefit is The Social Security Contributions and Benefits Act 1992. Operationally, the governing Regulations are statutory instruments arising from that Act.
- 1.6.4 Section 113 of the Local Government Act 1972, which allows a local authority to place any of its officers, who consent to the arrangement, at the disposal of another local authority on such terms as may be agreed between the parties.
- 1.6.5 A legal agreement between the two Council's would need to be drawn up and would include all financial and governance arrangements for the proposed partnership, safeguarding both parties.
- 1.6.6 In terms of IT procurement, if the value of the IT supply/services over the life of the contract is over £164k then there is a requirement to carry out an EU procurement. One way of satisfying such rules is to purchase from an existing Framework for IT Services provided that the product/services can be accommodated from the framework specification. If this is not possible then a full bespoke EU procurement will need to be undertaken which will need to be carried out in accordance with EU procurement rules. The requirements of the two authorities will need to be identified before this process can be carried out. It is

- likely that the authority will need to carry out an open tendering procedure if a suitable framework contract is not available to meet the authority's needs.
- 1.6.7 Staff will be involved in the development of these proposals before the detailed recommendations for the model are reported to Members.

#### 1.7 Financial and Value for Money Considerations

- 1.7.1 The 'ball-park' estimate of shared service establishment costs indicate that there is potential for both authorities to benefit financially; and at TMBC this would help to achieve targets set within the Savings and Transformation Strategy.
- 1.7.2 The absolute size of the savings needs to be reviewed in much more detail and reported back to Members. However, early indications are that future establishment savings could be between £100,000 and £150,000 per authority per annum.
- 1.7.3 I need to stress that these figures are based upon establishment savings only and do not take account of any other potential saving from shared software, premises costs etc. Equally they do not take account of any additional set-up costs or ongoing software costs, beyond the initial purchase price, for the digital platform; but as I have indicated within the report I believe this level of investment is required whether or not we go into a shared service in order to meet customer expectations and provide resilience to our services.
- 1.7.4 Members should also note that, inevitably, there are some fixed costs in the first few years of any new arrangement that in time will reduce (e.g. short term staff relocation costs). In addition, immediately after the inception of a fully shared service, there may be 'jagged edge' costs to be borne by the partnership.
- 1.7.5 A more detailed financial analysis of all of these elements will be undertaken once Members at both authorities have agreed to progress work towards a fully shared service.

#### 1.8 Risk Assessment

- 1.8.1 The risks associated with our current arrangements include lack of service resilience and drop in performance (i.e. council tax/business rates are not being collected and benefit claims are not being processed on time). Implementing a shared service based on the option 1 model will mitigate some of these risks, and provide a secure shared service environment controlled through the governance arrangements and agreements between the two authorities.
- 1.8.2 The long lead-in time proposed for this shared service is deliberate in order to ensure that staff can be consulted appropriately and all relevant IT issues (as well as other non-IT related issues) are dealt with prior to the shared service going live.
- 1.8.3 There is the potential for 'bedding-in' problems with any new arrangement and, as a result, a contingency budget would be retained in the short term from the overall

- savings to ensure that there is scope to employ agency staff to assist in processing of claims or the recovery of council tax/business rates. In this way, the impact on the customer, and the two authorities, is as minimal as possible.
- 1.8.4 The majority of Kent districts have already 'partnered' up in order to deliver shared services in this area. This is an opportunity for TMBC to move forward with a partner, designing the detail of a shared service as we go. Whilst it may be possible as an alternative to join an existing shared service with different partners subject to receiving such an invitation, clearly we would not be involved in 'design' detail as those shared services are up and running now. In addition, partnering with alternative authorities may bring potential compatibility issues regarding software platforms, along with operational working procedures and policies. As highlighted at paragraph 1.2.2, a lot of work has already been committed with GBC in aligning our working practices. In many respects, therefore, GBC is a "ready-made" partner for a shared service.

#### 1.9 Equality Impact Assessment

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

#### 1.10 Policy Considerations

1.10.1 Business Continuity/Resilience; Human Resources; Customer Contact; Procurement

#### 1.11 Recommendations

#### 1.11.1 Cabinet is **RECOMMENDED** to:

- 1) Approve the establishment of a Shared Service for Revenue and Benefits between Tonbridge and Malling Borough Council and Gravesham Borough Council as set out in the report;
- 2) Authorise the Director of Finance & Transformation, in liaison with the Cabinet Member for Finance, Innovation & Property and Leader, to progress detailed negotiations with GBC accordingly;
- 3) Decide whether TMBC would wish to be considered as the lead authority (and site provider) for the Shared Service and advise Overview & Scrutiny Committee accordingly for the purposes of the accommodation review;
- 4) Authorise the Director of Finance & Transformation to commence consultation and discussion with staff as appropriate;
- 5) Note the target implementation date of July 2018; and

Agree that further progress reports setting out detailed proposals for the implementation of the shared service be presented to either FIPAB, GPC or directly to Cabinet as appropriate.

Background papers: contact: Sharon Shelton

Nil

Sharon Shelton
Director of Finance & Transformation



#### **Revenues and Benefits Shared Service**

| Pros |  | Cons |  |
|------|--|------|--|
| -    | Savings in establishment of between £100k to £150k per authority   | -    | Only a limited presence at the site that will not host the shared service.   |
| -    | Majority of staff at one site therefore making the role of the manager(s) easier in terms of coordination and face to face liaison with staff.           | -    | There may be a need for staff to travel between sites, to ensure that sufficient cover is at the site with the 'hub', although this is likely to be                    |
| -    | Better resilience across the service – officers able to work on the delivery of  |      | minimal.   |
|      | the revenues and benefits service of either authority.   |      | Relocation into one shared team at one site could result (depending on<br>the model) in staff on different terms and conditions but working on the<br>same activities. |
| -    | Opportunity to review and adopt 'lean' processing for each service covering the customer interface (e.g. single phone number to contact centre) and back |      |  |
|      | office processing.   | - ;  | Some staff would need to relocate to a new workplace and may see this as a disadvantage  |
| -    | Space saving in one of the premises with the option to rent out the space –  | as   |  |
|      | additional shared saving opportunity.  | -    | Staff needing to learn and adopt new policies which may be unfamiliar to   |
| -    | Potential additional savings from sharing IT server(s)   |      | them; although much work has already been done in streamlining   |
| -    | Economies of scale with regards to certain core functions such as printing,  | p    | procedures and policies.   |
|      | photocopying, mailing out of correspondence, receipt of correspondence at one site and the aligning of the Scanning & Indexing functionality.            |      | Need to ensure security access at the site renting out the space is appropriate which may incur additional costs.  |

The table provides a summary of the 'Pros and Cons' of that has been analysed in respect of the shared service. An indicative establishment savings figure has been provided but it should be noted that this is purely an estimate of potential savings from the combined establishment and does not take account of any other potential savings from software, shared premises etc or any initial set-up costs; these will be analysed in more detail once Members have approved the development of the shared service.

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#### TONBRIDGE & MALLING BOROUGH COUNCIL

#### **CABINET**

#### 21 March 2017

#### **Report of the Director of Central Services & Monitoring Officer**

Part 1 - Public

**Executive Non Key Decisions** 

#### 1 POLICY ON MANAGING UNREASONABLE COMPLAINANT BEHAVIOUR

#### Summary

This report proposes revisions to the existing policy adopted by the Borough Council in relation to unreasonable or unreasonably persistent complainants

#### 1.1 Introduction

- 1.1.1 The Council's policy in relation to unreasonable or unreasonably persistent complainants was last reviewed by Cabinet in March 2010. A copy of the existing policy is attached as **Annex 1**. This was based upon the guidance of the Local Government Ombudsman (guidance dated April 2009).
- 1.1.2 While cases involving unreasonable complainants are rare, they can be very disruptive and resource intensive, as well as being distressing for those staff involved. It is therefore important that the Council adopts a consistent and fair approach to dealing with such cases.
- 1.1.3 In 2016 the Local Government Ombudsman reviewed its own guidance, on managing unreasonable complainant behaviour. A copy of the guidance is attached as **Annex 2**.

#### 1.2 The Policy

- 1.2.1 A revised policy for Tonbridge & Malling Borough Council has been prepared, again based upon the guidance of the Local Government Ombudsman. This will ensure that our policy is applied consistently in practice, while providing the flexibility to enable officers to take a proportionate and fair approach.
- 1.2.2 A copy of the revised policy is attached as **Annex 3**.

#### 1.3 Financial and Value for Money Considerations

1.3.1 There are no significant financial or value for money considerations arising from this report.

#### 1.4 Legal Implications

1.4.1 There is no legal requirement to have a policy on unreasonable or unreasonably persistent complainants. However the adoption of a policy provides a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being overturned by the Local Government Ombudsman.

#### 1.5 Risk Assessment

- 1.5.1 Adoption of the revised policy will reduce the risks of:
  - Short term disruption to services to other customers that unreasonable complainants may cause;
  - Unreasonable complainants being treated inconsistently or unfairly;
  - The Local Government Ombudsman disagreeing with the Council's approach

#### 1.6 Equality Impact Assessment

1.6.1 None arising from this report.

#### 1.7 Recommendation

1.7.1 Members are requested to adopt the revised policy at **Annex 3**.

contact: Adrian Stanfield

Background Papers:

None

Adrian Stanfield
Director of Central Services & Monitoring Officer

#### **Tonbridge & Malling Borough Council**

#### Draft policy on unreasonable or unreasonably persistent complainants

Tonbridge & Malling Borough Council recognises that sometimes things can go wrong and someone may have cause to complain. Complaints are important as we can learn from them and improve our services. We deal with complaints fairly, impartially, objectively, professionally and in confidence. We do our best to solve problems and make sure they don't happen again. Where a complaint is justified we apologise and take corrective action.

We are also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for all residents of the borough, including complainants. We have therefore adopted a clearly defined complaints procedure. In order to respond professionally and with high quality customer care to the full range of complaints, our complaints procedure has three stages:

- Stage 1 covers the entirely, or reasonably, straightforward complaints.
- **Stage 2** covers those complaints where the complainant remains dissatisfied after Stage 1 or where the complaint concerns a very complex matter.
- Stage 3 covers those complaints where the complainant remains dissatisfied after Stage 2 or where the complaint concerns a very serious matter.

If still not satisfied after stage 3, complainants may take their complaint to the Local Government Ombudsman, an independent national service that investigates complaints against councils. However, the Ombudsman requires that complainants first try to solve their complaint through the Council's own complaints procedure. As part of this service, we do not normally limit the contact complainants have with our offices.

However, there are a small number of complainants who, because of the frequency of their contact with our offices, or for some other reason, hinder our consideration of their or other people's complaints. We refer to such complainants as 'unreasonable or unreasonably persistent complainants'. Operation of this policy will be guided by the Ombudsman's own guidance note, which is included as Annex 1. Examples of actions and behaviours of unreasonable or unreasonably persistent complainants that might activate this policy are shown on pages 2-3 of Annex 1. The decision to categorise someone as an unreasonable or unreasonably persistent complainant will be taken by the Chief Executive or, in his absence, by the Duty Director. This will normally follow a prior warning to the complainant

The options we are most likely to consider are:

- requesting contact in a particular form (for example, letters only)
- requiring contact to take place only with a named officer
- restricting telephone calls to specified days and times
- asking the complainant to enter into an agreement about their future contacts with us. Exceptionally, we will take legal action to restrict their access to Council premises.

In all cases where we decide to treat someone as an unreasonable or unreasonably persistent complainant, we will write to tell them why we believe their behaviour falls into that category, what action we are taking and the duration of that action. If we decide to carry on treating someone as an unreasonable or unreasonably persistent complainant and we are still investigating their complaint six months later, we will carry out a review and decide if restrictions will continue.

Where a complainant whose case is closed persists in communicating with us about it, we may decide to terminate contact with that complainant. In such cases, we will read all correspondence from that complainant, but unless there is fresh evidence which affects our decision on the complaint, we will simply acknowledge it or place it on file without acknowledgement.

New complaints from people who have come under the unreasonable or unreasonably persistent complainants' policy in the past will be treated on their own merits.

The Council's identification and management of each unreasonable or unreasonably persistent complainant will be recorded having close regard to the Ombudsman's guidance and using the report template in Annex 2.

#### Annex 1

## Local Government OMBUDSMAN

# Guidance note on 'unreasonably persistent' complainants and 'unreasonable complainant behaviour'

#### Contents

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January 2007 Revised April 2009

#### Introduction

Generally, dealing with a complaint is a straight-forward process, but in a minority of cases people pursue their complaints in a way which can either impede the investigation of their complaint or can have significant resource issues for authorities. These actions can occur either while their complaint is being investigated, or once an authority has concluded the complaint investigation.

This guidance note aims to help local authorities formulate policies on unreasonably persistent complainants and unreasonable complainant behaviour based on what the Ombudsmen would regard as good practice in dealing with these complainants. We hope it will be helpful to both officers and councillors when addressing such complaints.

It should be read in conjunction with our general guidance on Running a complaints system.

#### Definition

We use the terms 'unreasonable complainant behaviour' and 'unreasonably persistent complainants'.

For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the frequency or nature of their contacts with an authority, hinder the authority's consideration of their, or other people's, complaints.

It is important to differentiate between 'persistent' complainants and 'unreasonably persistent' complainants. Arguably, many of the people who submit complaints to the Ombudsmen are 'persistent' on the entirely reasonable basis that they feel the authority has not dealt with their complaint properly and are not prepared to leave the matter there. The fact that approximately 26% of the complaints we investigate conclude either by report or by local settlement indicates that this persistence is frequently justified. And almost all complainants see themselves as pursuing justified complaints.

Unreasonable and unreasonably persistent complainants may have justified complaints or grievances but be pursuing them in inappropriate ways, or they may be intent on pursuing complaints which appear to have no substance or which have already been investigated and determined. Their contacts with authorities may be amicable but still place very heavy demands on staff time, or they may be very emotionally charged and distressing for all involved.

Sometimes the situation between a local authority and a complainant can escalate and the behaviour moves from being unreasonable and unreasonably persistent to behaviour which is unacceptable, for example, abusive, offensive or threatening. Such complainants are in a very small minority, but sometimes an authority finds itself in the position of having to restrict access to council premises or even having to resort to legal action to address such behaviour, for example, in the form of anti-social behaviour orders or injunctions. Authorities will have their own policies and procedures for dealing with unacceptable behaviour and protecting their staff from harassment and harm. These are well established. This guidance does not address these issues of health and safety, but sits alongside existing policies as a means of addressing the full spectrum of behaviours which an authority might have to address.

This guidance covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually an accumulation of incidents or behaviour over a longer period.

Raising legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled unreasonably persistent. If complaints procedures are operating properly, then responding to expressions of dissatisfaction and requests for information should not cause authorities particular problems.

#### Why have a policy?

Having a policy on unreasonably persistent complainants and unreasonable complainant behaviour and corresponding guidance for staff on procedure should help authorities deal with complainants in ways which are demonstrably consistent and fair. It also helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. In the absence of such guidance staff are likely to have greater problems with unreasonable and unreasonably persistent complainants. In addition, it provides a yardstick against which performance can be assessed for monitoring purposes.

## Actions and behaviours of unreasonable and unreasonably persistent complainants

These are some of the actions and behaviours of unreasonable and unreasonably persistent complainants which authorities often find problematic. It is by no means an exhaustive list and local factors will vary, but they are examples that frequently come to our attention.

- Refusing to specify the grounds of a complaint, despite offers of assistance with this from the authority's staff.
- Refusing to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refusing to accept that issues are not within the remit of a complaints procedure despite having been provided with information about the procedure's scope.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making what appear to be groundless complaints about the staff dealing with the complaints, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds and/or denying statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information which the complainant expects to be taken into account and commented on, or raising large numbers of detailed but unimportant questions and insisting they are all fully answered.
- Electronically recording meetings and conversations without the prior knowledge and consent of the other persons involved.
- Adopting a 'scattergun' approach: pursuing a complaint or complaints with the authority and, at the same time, with a Member of Parliament/a councillor/the authority's independent auditor/the Standards Board/local police/solicitors/the Ombudsman.

- Making unnecessarily excessive demands on the time and resources of staff whilst a
  complaint is being looked into, by for example excessive telephoning or sending emails
  to numerous council staff, writing lengthy complex letters every few days and expecting
  immediate responses.
- Submitting repeat complaints, after complaints processes have been completed, essentially about the same issues, with additions/variations which the complainant insists make these 'new' complaints which should be put through the full complaints procedure.
- Refusing to accept the decision repeatedly arguing the point and complaining about the decision.
- · Combinations of some or all of these.

## Elements of a policy/procedure on unreasonable and unreasonably persistent complainants

A policy document or procedural note issued with it could include:

- examples of the main kinds of 'trigger' actions/behaviours which may cause the policy to be invoked (see above);
- a list of the options for action open to the authority;
- information about the decision-making process: who decides
  - whether the policy will be applied to a complainant
  - what restrictions will be placed on contacts and for how long
  - whether restrictions can be lifted or should continue:
- details of complainants' rights of review/appeal against
  - a decision to invoke the policy and/or
  - any particular restrictions applied;
- guidance on the nature of the records to be kept;
- details of the information to be given to complainants to whom it has been decided the policy should apply;
- advice about which officers/members of the authority are to be informed that contact
  with a named complainant is being restricted and why, and who will have access to that
  information on request;
- details of when and by whom such a decision should be reviewed; and
- guidance on how the policy may link in with other authority policies and procedures (for example equal opportunities, health and safety, staff welfare, harassment, codes of conduct for staff, disciplinary procedures, as well as the authority's complaints policy, Freedom of Information requests), and how it should be monitored.

Authorities could also consider producing annual returns showing the numbers of complainants to whom such a policy has been applied in that year and the kinds of restrictions which have been imposed.

#### Considerations prior to taking action under the policy

Different considerations will apply depending on whether the investigation of the complaint is ongoing or whether it has been concluded. To some extent the latter is easier to deal with. It is in effect the complainant simply refusing to take no for an answer, and the authority has the option of ending all communication with the complainant, and where appropriate referring the complainant to the Ombudsman. However, where the complaint is ongoing there needs to be some continuing contact with the complainant.

The decision to designate someone as an unreasonable or unreasonably persistent complainant is onerous and could have serious consequences for the individual. Before deciding whether the policy should be applied authorities should be satisfied that:

- the complaint is being or has been investigated properly;
- any decision reached on it is the right one;
- · communications with the complainant have been adequate; and
- the complainant is not now providing any significant new information that might affect the authority's view on the complaint.

If the authority is satisfied on these points it should consider whether further action is necessary prior to taking the decision to designate the complainant as unreasonable or unreasonably persistent. Examples might be:

- If no meeting has taken place between the complainant and an officer/officers, and
  provided that the authority knows nothing about the complainant which would make this
  unadvisable, consider offering the complainant a meeting with an officer of appropriate
  seniority. Sometimes such meetings can dispel misunderstandings and move matters
  towards a resolution.
- If more than one department is being contacted by an unreasonably persistent complainant, consider:
  - setting up a strategy meeting to agree a cross-departmental approach; and
  - designating a key officer to co-ordinate the authority's response(s).
- If the complainant has special needs, an advocate might be helpful to both parties: consider offering to help the complainant find an independent one.
- Before applying any restrictions give the complainant a warning that if his/her actions
  continue the authority may decide to treat him/her as a unreasonably persistent
  complainant, and explain why.

#### **Options for action**

The precise nature of the action an authority decides to take in relation to an unreasonable or unreasonably persistent complainant should be appropriate and proportionate to the nature and frequency of the complainant's contacts with the authority at that time. The following list is a 'menu' of possible options for managing a complainant's involvement with an authority from which one or more might be chosen and applied, **if warranted**. It is not exhaustive and often local factors will be relevant in deciding what might be appropriate action.

• Placing time limits on telephone conversations and personal contacts.

- Restricting the number of telephone calls that will be taken (for example, one call on one specified morning/afternoon of any week).
- Limiting the complainant to one medium of contact (telephone, letter, email etc) and/or requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness.
- Refusing to register and process further complaints about the same matter.
- Where a decision on the complaint has been made, providing the complainant with acknowledgements only of letters, faxes, or emails, or ultimately informing the complainant that future correspondence will be read and placed on the file but not acknowledged. A designated officer should be identified who will read future correspondence.

#### Operating the policy

If a decision is taken to apply the policy, write to inform the complainant that:

- · the decision has been taken;
- · what it means for his or her contacts with the authority;
- · how long any restrictions will last; and
- what the complainant can do to have the decision reviewed.

Enclose with the letter a copy of the policy.

Keep adequate records of all contacts with unreasonable and unreasonably persistent complainants, for example:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or to make an exception to the policy once it has been applied; or
- when a decision is taken not to put a further complaint from such a complainant through its complaints procedure for any reason; or
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

When unreasonable and unreasonably persistent complainants make complaints about new issues these should be treated on their merits, and decisions will need to be taken on whether any restrictions which have been applied before are still appropriate and necessary.

Reviews of decisions to restrict a complainant's contacts or the authority's responses to them should be taken by an officer senior to the person who made the original decision. When reviews are carried out, the authority should write to advise the complainant of the outcome and, if restrictions are to continue to be applied, when these will next be reviewed.

Keep any restrictions under review. Arrangements should be put in place for a check to be made in, say, six months on whether there has been any further contact from the complainant. If a complainant to whom the authority has decided the policy will apply has no

contact with the authority within that period, the position should be reviewed and a decision taken on whether any restrictions placed on the complainant's contacts should be cancelled. The outcome of this review should be noted on the authority's records. If the restrictions are cancelled, urgent consideration should be given to re-introducing the restrictions if the behaviour which led to the original decision re-commences.

## Referring unreasonable and unreasonably persistent complainants to the Local Government Ombudsmen

In some cases, relations between authorities and unreasonable and unreasonably persistent complainants break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there is often little purpose in following through all stages of the council's complaints procedure and where this occurs the Ombudsmen may be prepared to consider complaints before complaints procedures have been exhausted. This is the case even in respect of statutory complaints procedures. Decisions by councils to refer such cases to the Ombudsmen should be confirmed in writing by the Chief Executive.

A complainant who has been designated an unreasonably persistent complainant may make a complaint to the Ombudsman about the way in which he or she has been treated. The Ombudsman is unlikely to be critical of the council's action if it can show that its policy has been operated properly and fairly.

Our own internal policies on 'unacceptable behaviour' and on 'unreasonably persistent complainants' are available separately.

## Application of Tonbridge & Malling Borough Council's policy on unreasonable or unreasonably persistent complainants

#### Report template

- 1 Identification of complainant
- 1.1 <Enter details>
- 2 Considerations prior to taking action under this policy
- 2.1 <Enter details>
- 3 Operating the policy
- 3.1 <Enter details>
- 4 Referring the case to Local Government Ombudsman
- 4.1 <Enter details>





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Guidance on managing unreasonable complainant behaviour

## Guidance on managing unreasonable complainant behaviour

### Introduction

In a minority of cases people pursue their complaints in a way that is unreasonable. They may behave unacceptably, or be unreasonably persistent in their contacts and submission of information. This can impede investigating their complaint (or complaints by others) and can have significant resource issues for organisations. These actions can occur either while their complaint is being investigated, or once an organisation has finished the complaint investigation.

This guidance note aims to help local authorities and other bodies within LGO's jurisdiction develop a proportionate approach when responding to unreasonable complainant behaviour, based on LGO's view of good practice in dealing with these complainants.

We hope it will be helpful to both officers and councillors. It should be read with our general guidance on Running a complaints system.

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### **Definition**

This guidance covers 'unreasonable complainant behaviour', which may include one or two isolated incidents, as well as 'unreasonably persistent behaviour', which is usually a build-up of incidents or behaviour over a longer period.

For us, unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.

We distinguish between 'persistent' complainants and 'unreasonably persistent' complainants. People bringing complaints to the LGO are 'persistent' because they feel the organisation has not dealt with their complaint properly and are not prepared to leave the matter there. Around 46% of the complaints we investigate in detail are upheld signalling that this persistence is frequently justified. And almost all complainants see themselves as pursuing justified complaints.

For example, criticising a complaints procedure when the standards set out are not met is not unreasonable. If complaints procedures are working properly, then responding to expressions of dissatisfaction and requests for information should not cause organisations particular problems.

However, some complainants may have justified complaints but may pursue them in inappropriate ways. Others may pursue complaints which appear to have no substance or which have already been investigated and determined. Their contacts with organisations may

be amicable but still place heavy demands on staff time, or they may be emotionally charged and distressing for all involved.

Situations can escalate, and sometimes complainants become abusive, offensive, threatening or otherwise behave unacceptably. In response an organisation may have to restrict access to its premises or staff, or accordance with its own procedures protecting their staff from harassment and harm.

This guidance covers behaviour which is unreasonable, which may include one or two isolated incidents, as well as unreasonably persistent behaviour, which is usually a build-up of incidents or behaviour over a longer period.

## Why have a policy?

Organisations want to deal with complainants in ways that are open, fair and proportionate. A considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. A policy that can be shared with complainants if they start to behave unreasonably can help in managing their expectations and their behaviour, as far as possible, while the substance of their complaint is addressed.

## **Examples of unreasonable actions and** behaviours

These are some of the actions and behaviours which organisations often find problematic, which have come to the LGO's attention. Single incidents may be unacceptable, but more often the difficulty is

caused by unreasonably persistent behaviour that is time consuming to manage and interferes with proper consideration of the complaint.

- Refusing to specify the grounds of a complaint, despite offers of help.
- · Refusing to cooperate with the complaints investigation process.
- · Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

## Your policy on managing unreasonable complainant behaviour

This could include:

- · examples of the main kinds of 'trigger' actions/behaviours which may cause the policy to be invoked (see above)
- a list of the options for action open to the organisation
- information about the decision-making process: who decides
  - whether the policy will be applied to a complainant
  - what limits will be placed on contacts and for how long
  - whether limits can be lifted or should continue
- details of complainants' rights of review/appeal against
  - a decision to invoke the policy and/or
  - any particular restrictions applied
- guidance on the nature of the records to be kept
- what information is given to complainants when the policy is applied
- advice about who in your organisation is to be informed that contact with a named complainant is being restricted and why
- links with other organisational policies.

Consider whether your policy in this area properly aligns with your policies on such matters as equal opportunities, health and safety, staff welfare, harassment, codes of conduct for staff, disciplinary procedures, complaints policy, Freedom of Information requests, and so on.

## Considerations prior to taking action under the policy

If your consideration of the complaint is ended you have the option of ending all communication with the complainant on the issue and, where appropriate, referring the complainant to the Ombudsman.

If the complaint is still under consideration steps may be necessary to manage the complainant's behaviour.

The decision to designate someone's behaviour as unreasonable, and restrict their access to you, could have serious consequences for the individual. So, you should be satisfied that:

- the complaint is being or has been investigated properly
- any decision reached on it is the right one
- · communications with the complainant have been adequate, and
- the complainant is not now providing any significant new information that might affect the organisation's view on the complaint.

When it is necessary to designate the complainant as behaving unreasonably, some of following steps may assist.

- Offering the complainant a meeting with an officer of appropriate seniority to explore scope for a resolution of the complaint and explain why their current behaviour is seen as unreasonable.
- Sharing your policy with the complainant and warning them that restrictive actions
- may need to be applied if their behaviour continues.
- Setting up a strategy meeting to agree a cross-departmental approach.
- Appointing a key officer to coordinate the organisation's response(s).

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 Helping the complainant to find a suitable independent advocate especially if the complainant has different needs.

## **Options for action**

Any actions taken should be proportionate to the nature and frequency of the complainant's current contacts. The following options may be suitable, taking the complainant's behaviour and circumstances into account. The objective is to manage the complainant's unreasonable behaviour in such a way that their complaint can be concluded quickly, without further distractions. Options include:

- Placing limits on the number and duration of contacts with staff per week or month.
- · Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).
- Requiring the complainant to communicate only with one named member of staff.
- Requiring any personal contacts to take place in the presence of a witness and in a suitable location.
- Refusing to register and process further complaints about the same matter.

Where a decision on the complaint has been made, you can tell the complainant that future correspondence will be read and placed on the file but not acknowledged, unless it contains material new information. A designated officer should be identified who will read future correspondence.

## Operating the policy

If a decision is taken to apply restricted access, write to the complainant with a copy of the policy to explain:

- · why the decision has been taken
- · what it means for his or her contacts with the organisation
- · how long any limits will last, and
- what the complainant can do to have the decision reviewed.

Keep adequate records to show:

- when a decision is taken not to apply the policy when a member of staff asks for this to be done, or
- when a decision is taken to make an exception to the policy once it has been applied, or
- when a decision is taken not to put a further complaint from this complainant through your complaints procedure for any reason, and
- when a decision is taken not to respond to further correspondence, make sure any further letters, faxes or emails from the complainant are checked to pick up any significant new information.

When complaints about new issues are made, these should be treated on their merits. You should consider whether any restrictions previously applied are still appropriate and necessary.

## Reviewing decisions to restrict access

When imposing a restriction on access, you should have a specified review date. Limits should be lifted and relationships returned to normal unless there are good grounds to extend them.

You should tell the complainant of the outcome of your review. If limits

are to continue, explain your reasons and state when the limits will next be reviewed.

# Referring complainants to the LGO

Relations between organisations and complainants sometimes break down badly while complaints are under investigation and there is little prospect of achieving a satisfactory outcome. In such circumstances there may be nothing to gain from following through all stages of the organisation's complaints procedure. In these circumstances, the LGO may, exceptionally, be prepared to consider complaints before complaints procedures have been exhausted.

A complainant who has been treated as behaving unreasonably may make a complaint to the LGO about it. The LGO is unlikely to be critical of the organisation's action if it can show that it acted proportionately and in accordance with its adopted policy.

Our own internal policy on managing unreasonable complainant behaviour is available separately.

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#### **TONBRIDGE & MALLING BOROUGH COUNCIL**

#### POLICY ON MANAGING UNREASONABLE BEHAVIOUR

Tonbridge & Malling Borough Council recognises that sometimes things can go wrong and someone may have cause to complain. Complaints are important as we can learn from them and improve our services. We deal with complaints fairly, impartially, objectively, professionally and in confidence. We do our best to solve problems and make sure they don't happen again. Where a complaint is justified we apologise and take corrective action.

We are also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for all residents of the Borough, including complainants. We have therefore adopted a clearly defined complaints procedure.

In order to respond professionally and with high quality customer care to the full range of complaints, our complaints procedure has 3 stages:

- Stage 1 covers the entirely, or reasonably, straightforward complaints;
- **Stage 2** covers those complaints where the complainant remains dissatisfied after Stage 1 or where the complaint concerns a very complex matter;
- **Stage 3** covers those complaints where the complainant remains dissatisfied after Stage 2 or where the complaint concerns a very serious matter.

If still not satisfied after Stage 3, complainants may take their complaint to the Local Government Ombudsman (LGO), an independent national service that investigates complaints against councils and other public service providers. However, the LGO requires that complainants first complain to the organisation concerned so as to give them a chance to put things right. Complainants should usually therefore go through all stages of the Council's complaints procedure before referring the matter to the LGO.

However, in a minority of cases people pursue their complaints in a way that is unreasonable. This behaviour may include one or two isolated incidents, as well as 'unreasonably persistent behaviour' which is usually a build-up of incidents or behaviour over a longer period. This can impede investigating their complaint (or complaints by others) and can have significant resource implications for the Council.

This policy covers 'unreasonable complainant behaviour'. It uses the definition contained within the guidance of the LGO (attached) as follows

'unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.'

Examples of the actions and behaviour that might activate this policy are shown below -

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

This list is not exclusive and other actions and behaviour may lead to activation of the policy in a given case.

The decision to categorise someone as unreasonable or unreasonably persistent will be taken either by the Chief Executive or by a Director with responsibility for the service in question.

The options we are most likely to consider include:

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls;
- Limiting the complainant to one medium of contact (telephone, email, letter etc);
- Requiring the complainant to communicate only with one named member of staff;

- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Refusing to register and process further complaints about the same matter.

In all cases where we decide to treat someone as an unreasonable or unreasonably persistent complainant, we will write to them to tell them why we believe their behaviour falls into that category, what it means for his or her contacts with the organisation, how long any limits will last and what they can do to have the decision reviewed. A copy of this policy will be supplied to complainants in such cases.

In appropriate cases, we may take the following steps

- Offer the complainant a meeting with an officer of appropriate seniority to explore steps for resolution of the complaint and explain why their current behaviour is seen as unreasonable;
- Helping the complainant to find a suitable independent advocate e.g. if the complainant has different needs

When imposing a restriction on access, this will ordinarily be reviewed after a period of 3 months. This period may be shorter or longer depending upon the particular circumstances that led to the restriction but the complainant will be advised of the review period and the outcome of any review in each case.

A complainant wishing to appeal against a decision to categorise them as unreasonable or unreasonably persistent and/ or any particular restrictions applied may appeal to the Chief Executive.

Records will be kept of the following:-

- When a decision has been taken to apply this policy;
- When a decision has been taken not to apply the policy when a member of staff asks for this to be done;
- When a decision is made to make an exception to the policy once it has been applied;
- When a decision is taken not to put a further complaint from a complainant through the Council's complaints procedure for any reason;
- When a decision is taken not to respond to any further correspondence, copies of any further letters or emails have been checked to pick up any significant new information.

Records will normally be retained for a period of 2 years.



#### TONBRIDGE & MALLING BOROUGH COUNCIL

#### **CABINET**

#### 21 March 2017

### **Report of the Management Team**

### **Executive Non Key Decisions**

# 1 PLANNING APPLICATION FEES: THE GOVERNMENT'S OFFER

A report advising Members of a proposal from government regarding planning fees and seeking retrospective approval for a decision taken on behalf of the Council in liaison with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to accept the offer.

#### 1.1 Introduction

- 1.1.1 On 21 February, the Chief Executive received an emailed letter from the Director of Planning at the Department for Communities and Local Government (DCLG) regarding planning fees (**Annex 1**).
- 1.1.2 This followed the recent publication of the Housing White Paper: 'Fixing our broken housing market' which amongst a wide range of initiatives designed to increase housing delivery, includes proposals for improving the efficiency and performance of planning departments. The White Paper has been reported to the Planning and Transportation Advisory Board and also referenced in a report to the Communities and Housing Advisory Board at the last meetings. The document can be found at:
  - https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/590 464/Fixing our broken housing market print ready version.pdf
- 1.1.3 In order to boost local authority capacity and capability to deliver, the Government is offering to increase nationally set planning fees.
- 1.1.4 The letter states that (quote) "local authorities will be able to increase fees from 20% from July 2017 if they commit to invest the additional income in their planning department".
- 1.1.5 It also appears from the letter that there may be an opportunity to increase fees by a further 20% linked to performance, although the detail of this is unclear.
- 1.1.6 In accepting the offer, the S151 Officer (Director of Finance & Transformation) is required to certify that Tonbridge and Malling Borough Council has determined to

- accept the proposed increase as well as confirming that the funds received through these higher fees will be spent entirely on planning functions.
- 1.1.7 The response date is Monday 13 March (2 weeks after the letter was received).

## 1.2 Response

- 1.2.1 As Members will appreciate, the extremely short deadline has given us little opportunity to consult with Members or indeed bring together any proposals.
- 1.2.2 The Director of Planning, Housing and Environmental Health has commenced a review of the planning service with a view to ensuring that we have the right mix of resources and skills to meet the increasing and significant challenges over the coming years. This will need to reflect the agenda set out in the White Paper, but in any event will focus on the continuing delivery of good quality development with an eye on the increasing scale and complexity of schemes that are likely to come forward, not least as a result of our emerging local plan work. In short it will seek to ensure our planning service stays fit for purpose and moves and improves with the changes in the business that we are currently seeing.
- 1.2.3 That said, this review has not been completed and at this point it is not possible to say what the outcome will be. It is clear though that there will be further resource pressures and the proposal to raise fees is opportune.
- 1.2.4 Members are aware that planning fees have not increased for more than four years and with the impact of inflation over this time, are covering less and less of the costs of processing planning applications. At the same time the complexity of the planning system has increased which has undoubtedly had an impact on the use of resources. Members will note from the budget book for 2017/18, that the net cost to the council taxpayer of the Development Control function is some £1.158m.
- 1.2.5 Urgent discussions have therefore taken place with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to determine whether the Council should accept the offer in the very short timescale available.
- 1.2.6 The three Cabinet Members all agreed that it would be appropriate, on behalf of the Council, to accept the DCLG's offer to increase planning fees by 20% in the first instance.
- 1.2.7 The Director of Finance and Transformation therefore certified the required template and returned this to the DCLG prior to the deadline of 13 March.

## 1.3 Legal Implications

1.3.1 Fees for planning applications are currently prescribed nationally in England by Regulation and it is assumed that amendments to those Regulations will be required before any such fee increase can be implemented.

# 1.4 Financial and Value for Money Considerations

- 1.4.1 The impact of a 20% increase in fees in a full year would be circa £132k, depending on how any changes to the Fees Regulations are actually structured.
- 1.4.2 The Director of Finance and Transformation will be required to provide information, as requested, to demonstrate that the additional funding is being spent on development management.

#### 1.5 Risk Assessment

- 1.5.1 If the offer is not taken at this stage, it is unclear how or when the Council would be able to increase its fees given that they are nationally set. The existing fee structure would remain in place.
- 1.5.2 If the Council does not comply with the assurances it has provided, the Secretary of State will consider reducing the fee level for that authority back to the original level.

### 1.6 Equality Impact Assessment

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

### 1.7 Policy Considerations

1.7.1 Community

#### 1.7.2 Cabinet is **RECOMMENDED** to:

- retrospectively APPROVE the urgent decision taken by the Management Team in liaison with the Leader, Cabinet Member for Finance Innovation & Property and the Cabinet Member for Strategic Planning and Infrastructure to accept the offer from DCLG to increase planning fees by 20% from July 2017; and
- 2) **NOTE** that the Director of Finance & Transformation submitted the required certified return to the DCLG prior to the deadline of 13 March.

Background papers:

contact:SblaconSbletton Sbever-Humphhey

Housing White Paper: Fixing Our Broken Housing Market , DCLG February 2017 Letter from Director of Planning DCLG 21 February 2017

Julie Beilby Chief Executive on behalf of Management Team



Chief Executives of Local Planning Authorities in England
[Via Email]

Dear Chief Executive,

# Simon Gallagher Director of Planning

**Department for Communities and Local Government** 

Third Floor, Fry Building 2 Marsham Street London, SW1P 4DF

www.communities.gov.uk

21 February 2017

# Planning application fees: the Government's offer

'Fixing our broken housing market' was published on 7 February 2017. It includes proposals for boosting local authority capacity and capability to deliver, improving the speed and quality with which planning cases are handled, while deterring unnecessary appeals.

As set out paragraph 2.13 of the White Paper, developers consistently tell us that the lack of capacity and capability in planning departments is restricting their ability to get on site and build. Alongside funding, local authorities also report difficulties in recruiting and retaining planners and others with specialist skills. There may also be wider capacity and skills issues for local authorities. To boost local authority capacity and capability to deliver, paragraph 2.15 explained that the Government will **increase nationally set planning fees**. Local authorities will be able to increase fees from 20% from July 2017 if they commit to invest the additional fee income in their planning department.

This letter invites you confirm your intention in relation to the fee increase. It is intended that the additional revenue should be retained by planning departments and that existing baseline and income assumptions will not be adjusted down as a result during this Parliament. This is an opportunity for all authorities to make improvements to their resourcing, leading to better services, improved performance, and greater capacity to deliver growth as set out in 'Fixing our broken housing market'.

'Fixing our broken housing market' proposes a further increase of 20% for those authorities who are delivering the homes their communities need. This would also be on the understanding that the additional fee income generated will be invested exclusively in planning services. We will consult further on the detail of this proposal and the timing on it being brought forward.

For your authority to benefit from the higher planning application fees, we require your section 151 officers, under s230 of the Local Government Act 1972, to provide a commitment and submit information of the 2017/18 budget that demonstrates the additional fee income being spent on planning services. Annex A sets out details the information required.

Should your authority not wish to charge the increased fee, the existing fee structure will remain in place. Where authorities do accept, but do not comply with the assurances it has

provided, the Secretary of State will consider reducing the fee level for that authority back to the original fee level through a change in regulations.

Annex B includes a template for section 151 officers to sign and return. Replies should be sent to planningresources2@communities.gsi.gov.uk by Monday 13<sup>th</sup> March. It is important that a response is received from all local authorities; indicating whether or not the increased fee offer is to be accepted. You are also asked to confirm the correct legal name of your authority at Annex C, and return this with the template in Annex B. This will be used in the statutory instrument bringing forward the fee increase.

I would be grateful if you could forward a copy of this letter to s151 officers and the officer with lead responsibility for planning services within your authority.

Yours Sincerely,

Simon Gallagher

## Annex A: Information section 151 officers should commit to providing

Alongside the condition to spend the additional income generated on planning, we are asking section 151 officers to provide DCLG with certain information to demonstrate that the additional funding is being spent on development management.

We therefore ask that authorities submit the following information, on the basis that your budget has been set, and on the assumption that regulations are in place by July 2017.

- Estimate of final income from planning application fees in 2016/17.
  - Estimate of final expenditure on planning/development management in 2016/17.
  - Estimated income from planning application fees in 2017/18.
  - Estimated additional income generated from higher fees.
  - Estimated expenditure on planning/development management in 2017/18.

The letter in Annex B includes a table in which to provide this information.

# Annex B: Template letter for s151 officers to sign

| Dear Simon Gallagher,   |
|---|
| In reply to your letter of 21 <sup>st</sup> February 2017 I am writing to certify that <b>[Insert name of authority]</b> has determined to: |
| Accept the proposed 20% increase in planning application fees   |
| Reject the proposed 20% increase in planning application fees   |
| If accepting: I confirm that the amount raised through these higher fees will be spent entirely on planning functions.                      |
| I can also confirm that the full legal name for this authority to be used in regulations is   |
|   |
| Please also confirm this legal name in the table in Annex C, and return to  |

I submit the following information, as requested.

|                          | 2016/17 | 2017/18 |
|--------------------------|---------|---------|
| Estimated expenditure on |         |         |
| development management   |         |         |
| Estimated income         |         |         |
| generated from planning  |         |         |
| application fees         |         |         |
| Estimated additional     | N/A     |         |
| income generated from    |         |         |
| higher planning fees     |         |         |

Yours sincerely

[S151 officer]

# **Annex C: Correct Legal Name of Authority**

Please check the table below and confirm, in writing, the legal name for your authority. Please return this with the letter in Annex B to planningresources2@communities.gsi.gov.uk.

| Name                    | Official Name                         | Please confirm correct Legal Name of authority |
|-------------------------|---------------------------------------|--|
|                         |                                       |  |
| Greater London          | Greater London Authority              |  |
| City of London          | City of London Corporation            |  |
| Worthing                | Worthing Borough Council              |  |
| Mid Sussex              | Mid Sussex District Council           |  |
| Horsham                 | Horsham District Council              |  |
| Crawley                 | Crawley Borough Council               |  |
| C <del>hj</del> chester | Chichester District Council           |  |
| Ægun                    | Arun District Council                 |  |
| Ä <b>cc</b> ur          | Adur District Council                 |  |
| West Sussex             | West Sussex County Council            |  |
| ₩yre Forest             | Wyre Forest District Council          |  |
| Wychavon                | Wychavon District Council             |  |
| Worcester               | Worcester City Council                |  |
| Redditch                | Redditch Borough Council              |  |
| Malvern Hills           | Malvern Hills District Council        |  |
| Bromsgrove              | Bromsgrove District Council           |  |
| Worcestershire          | Worcestershire County Council         |  |
| Warwick                 | Warwick District Council              |  |
| Stratford-on-Avon       | Stratford-on-Avon District Council    |  |
| Rugby                   | Rugby Borough Council                 |  |
| Nuneaton and Bedworth   | Nuneaton and Bedworth Borough Council |  |
| North Warwickshire      | North Warwickshire Borough Council    |  |
| Warwickshire            | Warwickshire County Council           |  |

| Name                    | Official Name                            | Please confirm correct Legal Name of authority |
|-------------------------|--|--|
| Tamworth                | Tamworth Borough Council                 |  |
| Staffordshire Moorlands | Staffordshire Moorlands District Council |  |
| Stafford                | Stafford Borough Council                 |  |
| South Staffordshire     | South Staffordshire Council              |  |
| Newcastle-under-Lyme    | Newcastle-under-Lyme Borough Council     |  |
| Lichfield               | Lichfield District Council               |  |
| East Staffordshire      | East Staffordshire Borough Council       |  |
| Cannock Chase           | Cannock Chase District Council           |  |
| Staffordshire           | Staffordshire County Council             |  |
| Woking                  | Woking Borough Council                   |  |
| V <del>√a</del> verley  | Waverley Borough Council                 |  |
| T <b>a</b> ndridge      | Tandridge District Council               |  |
| Storrey Heath           | Surrey Heath Borough Council             |  |
| Spelthorne              | Spelthorne Borough Council               |  |
| REnnymede               | Runnymede Borough Council                |  |
| Reigate and Banstead    | Reigate and Banstead Borough Council     |  |
| Mole Valley             | Mole Valley District Council             |  |
| Guildford               | Guildford Borough Council                |  |
| Epsom and Ewell         | Epsom and Ewell Borough Council          |  |
| Elmbridge               | Elmbridge Borough Council                |  |
| Surrey                  | Surrey County Council                    |  |
| West Somerset           | West Somerset District Council           |  |
| Taunton Deane           | Taunton Deane Borough Council            |  |
| South Somerset          | South Somerset District Council          |  |
| Sedgemoor               | Sedgemoor District Council               |  |
| Mendip                  | Mendip District Council                  |  |
| Somerset                | Somerset County Council                  |  |
| Waveney                 | Waveney District Council                 |  |

| Name                | Official Name                        | Please confirm correct Legal Name of authority |
|---------------------|--------------------------------------|--|
| Suffolk Coastal     | Suffolk Coastal District Council     |  |
| St Edmundsbury      | St Edmundsbury Borough Council       |  |
| Mid Suffolk         | Mid Suffolk District Council         |  |
| Ipswich             | Ipswich Borough Council              |  |
| Forest Heath        | Forest Heath District Council        |  |
| Babergh             | Babergh District Council             |  |
| Suffolk             | Suffolk County Council               |  |
| West Oxfordshire    | West Oxfordshire District Council    |  |
| Vale of White Horse | Vale of White Horse District Council |  |
| South Oxfordshire   | South Oxfordshire District Council   |  |
| Oxford              | Oxford City Council                  |  |
| C <u>h</u> erwell   | Cherwell District Council            |  |
| Cyfordshire         | Oxfordshire County Council           |  |
| <b>\$</b> lby       | Selby District Council               |  |
| Scarborough         | Scarborough Borough Council          |  |
| Ry⊋dale             | Ryedale District Council             |  |
| Richmondshire       | Richmondshire District Council       |  |
| Harrogate           | Harrogate Borough Council            |  |
| Hambleton           | Hambleton District Council           |  |
| Craven              | Craven District Council              |  |
| North Yorkshire     | North Yorkshire County Council       |  |
| Rushcliffe          | Rushcliffe Borough Council           |  |
| Newark and Sherwood | Newark and Sherwood District Council |  |
| Mansfield           | Mansfield District Council           |  |
| Gedling             | Gedling Borough Council              |  |
| Broxtowe            | Broxtowe Borough Council             |  |
| Bassetlaw           | Bassetlaw District Council           |  |
| Ashfield            | Ashfield District Council            |  |

| Name  | Official Name                                  | Please confirm correct Legal Name of authority |
|---|--|--|
| Nottinghamshire                             | Nottinghamshire County Council                 |  |
| Wellingborough                              | Wellingborough Borough Council                 |  |
| South Northamptonshire                      | South Northamptonshire Council                 |  |
| Northampton                                 | Northampton Borough Council                    |  |
| Kettering                                   | Kettering Borough Council                      |  |
| East Northamptonshire                       | East Northamptonshire Council                  |  |
| Daventry                                    | Daventry District Council                      |  |
| Corby                                       | Corby Borough Council                          |  |
| Northamptonshire                            | Northamptonshire County Council                |  |
| South Norfolk                               | South Norfolk District Council                 |  |
| N <del>o</del> rwich                        | Norwich City Council                           |  |
| <b>№</b> rth Norfolk                        | North Norfolk District Council                 |  |
| k∰ngs Lynn and West<br>N <del>g</del> rfolk | Borough Council of Kings Lynn and West Norfolk |  |
| Norfolk<br>Coneat Yarmouth                  | Great Yarmouth Borough Council                 |  |
| Broadland                                   | Broadland District Council                     |  |
| Breckland                                   | Breckland District Council                     |  |
| Norfolk                                     | Norfolk County Council                         |  |
| West Lindsey                                | West Lindsey District Council                  |  |
| South Kesteven                              | South Kesteven District Council                |  |
| South Holland                               | South Holland District Council                 |  |
| North Kesteven                              | North Kesteven District Council                |  |
| City of Lincoln                             | City of Lincoln Council                        |  |
| East Lindsey                                | East Lindsey District Council                  |  |
| Boston                                      | Boston Borough Council                         |  |
| Lincolnshire                                | Lincolnshire County Council                    |  |
| Oadby and Wigston                           | Oadby and Wigston Borough Council              |  |

| Name                  | Official Name                              | Please confirm correct Legal Name of authority |
|-----------------------|--|--|
|                       |  |  |
| North West            |  |  |
| Leicestershire        | North West Leicestershire District Council |  |
| Melton                | Melton Borough Council                     |  |
| Hinckley and Bosworth | Hinckley and Bosworth Borough Council      |  |
| Harborough            | Harborough District Council                |  |
| Charnwood             | Charnwood Borough Council                  |  |
| Blaby                 | Blaby District Council                     |  |
| Leicestershire        | Leicestershire County Council              |  |
| Wyre                  | Wyre Borough Council                       |  |
| West Lancashire       | West Lancashire Borough Council            |  |
| South Ribble          | South Ribble Borough Council               |  |
| Rossendale            | Rossendale Borough Council                 |  |
| Ripble Valley         | Ribble Valley Borough Council              |  |
| eston                 | Preston City Council                       |  |
| P <u>e</u> ndle       | Pendle Borough Council                     |  |
| Lencaster Lencaster   | Lancaster City Council                     |  |
| Hyndburn              | Hyndburn Borough Council                   |  |
| Fylde                 | Fylde Borough Council                      |  |
| Chorley               | Chorley Borough Council                    |  |
| Burnley               | Burnley Borough Council                    |  |
| Lancashire            | Lancashire County Council                  |  |
| Tunbridge Wells       | Tunbridge Wells Borough Council            |  |
| Tonbridge and Malling | Tonbridge and Malling Borough Council      |  |
| Thanet                | Thanet District Council                    |  |
| Swale                 | Swale Borough Council                      |  |
| Shepway               | Shepway District Council                   |  |
| Sevenoaks             | Sevenoaks District Council                 |  |
| Maidstone             | Maidstone Borough Council                  |  |

| Name                   | Official Name                         | Please confirm correct Legal Name of authority |
|------------------------|---------------------------------------|--|
| Gravesham              | Gravesham Borough Council             |  |
| Dover                  | Dover District Council                |  |
| Dartford               | Dartford Borough Council              |  |
| Canterbury             | Canterbury City Council               |  |
| Ashford                | Ashford Borough Council               |  |
| Kent                   | Kent County Council                   |  |
| Welwyn Hatfield        | Welwyn Hatfield Borough Council       |  |
| Watford                | Watford Borough Council               |  |
| Three Rivers           | Three Rivers District Council         |  |
| Stevenage              | Stevenage Borough Council             |  |
| S <del>t A</del> lbans | St Albans City and District Council   |  |
| Nerth Hertfordshire    | North Hertfordshire District Council  |  |
| H <b>©</b> rtsmere     | Hertsmere Borough Council             |  |
| East Hertfordshire     | East Hertfordshire District Council   |  |
| D <b>C</b> acorum      | Dacorum Borough Council               |  |
| Broxbourne             | Broxbourne Borough Council            |  |
| Hertfordshire          | Hertfordshire County Council          |  |
| Winchester             | Winchester City Council               |  |
| Test Valley            | Test Valley Borough Council           |  |
| Rushmoor               | Rushmoor Borough Council              |  |
| New Forest             | New Forest District Council           |  |
| Havant                 | Havant Borough Council                |  |
| Hart                   | Hart District Council                 |  |
| Gosport                | Gosport Borough Council               |  |
| Fareham                | Fareham Borough Council               |  |
| Eastleigh              | Eastleigh Borough Council             |  |
| East Hampshire         | East Hampshire District Council       |  |
| Basingstoke and Deane  | Basingstoke and Deane Borough Council |  |

| Name                   | Official Name                         | Please confirm correct Legal Name of authority |
|------------------------|---------------------------------------|--|
| Hampshire              | Hampshire County Council              |  |
| Tewkesbury             | Tewkesbury Borough Council            |  |
| Stroud                 | Stroud District Council               |  |
| Gloucester             | Gloucester City Council               |  |
| Forest of Dean         | Forest of Dean District Council       |  |
| Cotswold               | Cotswold District Council             |  |
| Cheltenham             | Cheltenham Borough Council            |  |
| Gloucestershire        | Gloucestershire County Council        |  |
| Westminster            | City of Westminster                   |  |
| Wandsworth             | London Borough of Wandsworth          |  |
| Waltham Forest         | London Borough of Waltham Forest      |  |
| Tower Hamlets          | London Borough of Tower Hamlets       |  |
| Southwark              | London Borough of Southwark           |  |
| <b>S</b> tton          | London Borough of Sutton              |  |
| <u> </u>               | London Borough of Richmond upon       |  |
| Rehmond upon Thames    | Thames                                |  |
| Redbridge              | London Borough of Redbridge           |  |
| Newham                 | London Borough of Newham              |  |
| Merton                 | London Borough of Merton              |  |
| Lewisham               | London Borough of Lewisham            |  |
| Lambeth                | London Borough of Lambeth             |  |
| Kingston upon Thames   | Royal Borough of Kingston upon Thames |  |
|                        | Royal Borough of Kensington and       |  |
| Kensington and Chelsea | Chelsea                               |  |
| Islington              | London Borough of Islington           |  |
| Haringey               | London Borough of Haringey            |  |
| Harrow                 | London Borough of Harrow              |  |
| Hounslow               | London Borough of Hounslow            |  |

| Name                 | Official Name                   | Please confirm correct Legal Name of authority |
|----------------------|---------------------------------|--|
| Hammersmith and      | London Borough of Hammersmith & |  |
| Fulham               | Fulham                          |  |
| Hillingdon           | London Borough of Hillingdon    |  |
| Hackney              | London Borough of Hackney       |  |
| Havering             | London Borough of Havering      |  |
| Greenwich            | Royal Borough of Greenwich      |  |
| Enfield              | London Borough of Enfield       |  |
| Ealing               | London Borough of Ealing        |  |
| Croydon              | London Borough of Croydon       |  |
| Camden               | London Borough of Camden        |  |
| B <del>ro</del> mley | London Borough of Bromley       |  |
| Bernet .             | London Borough of Barnet        |  |
| Bexley               | London Borough of Bexley        |  |
| B <del>rè</del> nt   | London Borough of Brent         |  |
| 80                   | London Borough of Barking and   |  |
| Barking and Dagenham | Dagenham                        |  |
| Wealden              | Wealden District Council        |  |
| Rother               | Rother District Council         |  |
| Lewes                | Lewes District Council          |  |
| Hastings             | Hastings Borough Council        |  |
| Eastbourne           | Eastbourne Borough Council      |  |
| East Sussex          | East Sussex County Council      |  |
| Uttlesford           | Uttlesford District Council     |  |
| Tendring             | Tendring District Council       |  |
| Rochford             | Rochford District Council       |  |
| Maldon               | Maldon District Council         |  |
| Harlow               | Harlow District Council         |  |
| Epping Forest        | Epping Forest District Council  |  |

| Name                  | Official Name                          | Please confirm correct Legal Name of authority |
|-----------------------|--|--|
| Colchester            | Colchester Borough Council             |  |
| Chelmsford            | Chelmsford City Council                |  |
| Castle Point          | Castle Point Borough Council           |  |
| Brentwood             | Brentwood Borough Council              |  |
| Braintree             | Braintree District Council             |  |
| Basildon              | Basildon Borough Council               |  |
| Essex                 | Essex County Council                   |  |
| Weymouth and Portland | Weymouth and Portland Borough Council  |  |
| West Dorset           | West Dorset District Council           |  |
| Purbeck               | Purbeck District Council               |  |
| North Dorset          | North Dorset District Council          |  |
| East Dorset           | East Dorset District Council           |  |
| Christchurch          | Christchurch Borough Council           |  |
| <b>l</b> S rset       | Dorset County Council                  |  |
| West Devon            | West Devon Borough Council             |  |
| T <u>∰</u> ridge      | Torridge District Council              |  |
| Teignbridge           | Teignbridge District Council           |  |
| South Hams            | South Hams District Council            |  |
| North Devon           | North Devon District Council           |  |
| Mid Devon             | Mid Devon District Council             |  |
| Exeter                | Exeter City Council                    |  |
| East Devon            | East Devon District Council            |  |
| Devon                 | Devon County Council                   |  |
| South Derbyshire      | South Derbyshire District Council      |  |
| North East Derbyshire | North East Derbyshire District Council |  |
| High Peak             | High Peak Borough Council              |  |
| Erewash               | Erewash Borough Council                |  |
| Derbyshire Dales      | Derbyshire Dales District Council      |  |

| Name                         | Official Name                         | Please confirm correct Legal Name of authority |
|------------------------------|---------------------------------------|--|
| Chesterfield                 | Chesterfield Borough Council          |  |
| Bolsover                     | Bolsover District Council             |  |
| Amber Valley                 | Amber Valley Borough Council          |  |
| Derbyshire                   | Derbyshire County Council             |  |
| Derby                        | Derby City Council                    |  |
| South Lakeland               | South Lakeland District Council       |  |
| Eden                         | Eden District Council                 |  |
| Copeland                     | Copeland Borough Council              |  |
| Carlisle                     | Carlisle City Council                 |  |
| Barrow-in-Furness            | Barrow-in-Furness Borough Council     |  |
| A <del>lle</del> rdale       | Allerdale Borough Council             |  |
| (A)mbria                     | Cumbria County Council                |  |
| <b>So</b> uth Cambridgeshire | South Cambridgeshire District Council |  |
| H <del>u</del> ntingdonshire | Huntingdonshire District Council      |  |
| Renland                      | Fenland District Council              |  |
| East Cambridgeshire          | East Cambridgeshire District Council  |  |
| Cambridge                    | Cambridge City Council                |  |
| Cambridgeshire               | Cambridgeshire County Council         |  |
| Wycombe                      | Wycombe District Council              |  |
| South Bucks                  | South Bucks District Council          |  |
| Chiltern                     | Chiltern District Council             |  |
| Aylesbury Vale               | Aylesbury Vale District Council       |  |
| Buckinghamshire              | Buckinghamshire County Council        |  |
| York                         | City of York Council                  |  |
| Warrington                   | Warrington Borough Council            |  |
| Wirral                       | Wirral Borough Council                |  |
| Wokingham                    | Wokingham Borough Council             |  |

| Name                  | Official Name                           | Please confirm correct Legal Name of authority |
|-----------------------|---|--|
|                       |   |  |
| Windsor and           | Royal Borough of Windsor and            |  |
| Maidenhead            | Maidenhead                              |  |
| Wolverhampton         | City of Wolverhampton Council           |  |
| Walsall               | Walsall Metropolitan Borough Council    |  |
| Wakefield             | Wakefield Metropolitan District Council |  |
| Wiltshire             | Wiltshire Council                       |  |
| Wigan                 | Wigan Metropolitan Borough Council      |  |
| West Berkshire        | West Berkshire Council                  |  |
| Trafford              | Trafford Metropolitan Borough Council   |  |
| Torbay                | Torbay Council                          |  |
| Thurrock              | Thurrock Council                        |  |
| Telford and Wrekin    | Telford & Wrekin Council                |  |
| Temeside              | Tameside Metropolitan Borough Council   |  |
| ∰vindon               | Swindon Borough Council                 |  |
| South Tyneside        | South Tyneside Council                  |  |
| Steeckton-on-Tees     | Stockton-on-Tees Borough Council        |  |
| Southampton           | Southampton City Council                |  |
| Stoke-on-Trent        | Stoke-on-Trent City Council             |  |
| Southend-on-Sea       | Southend-on-Sea Borough Council         |  |
| Solihull              | Solihull Metropolitan Borough Council   |  |
| Sunderland            | Sunderland City Council                 |  |
| Slough                | Slough Borough Council                  |  |
| Salford               | Salford City Council                    |  |
| Stockport             | Stockport Metropolitan Borough Council  |  |
| Shropshire            | Shropshire Council                      |  |
| St. Helens            | St Helens Council                       |  |
| Sheffield             | Sheffield City Council                  |  |
| South Gloucestershire | South Gloucestershire Council           |  |

| Name                    | Official Name                          | Please confirm correct Legal Name of authority |
|-------------------------|--|--|
| Sefton                  | Sefton Metropolitan Borough Council    |  |
| Sandwell                | Sandwell Metropolitan Borough Council  |  |
| Rutland                 | Rutland County Council                 |  |
| Rotherham               | Rotherham Metropolitan Borough Council |  |
| Reading                 | Reading Borough Council                |  |
| Rochdale                | Rochdale Metropolitan Borough Council  |  |
| Redcar and Cleveland    | Redcar and Cleveland Borough Council   |  |
| Peterborough            | Peterborough City Council              |  |
| Portsmouth              | Portsmouth City Council                |  |
| Poole                   | Borough of Poole                       |  |
| P <del>ly</del> mouth   | Plymouth City Council                  |  |
| (A)dham                 | Oldham Metropolitan Borough Council    |  |
| North Tyneside          | North Tyneside Council                 |  |
| Nerth Somerset          | North Somerset Council                 |  |
| Nerth Lincolnshire      | North Lincolnshire Council             |  |
| Nottingham              | Nottingham City Council                |  |
| Newcastle upon Tyne     | Newcastle City Council                 |  |
| North East Lincolnshire | North East Lincolnshire Council        |  |
| Northumberland          | Northumberland County Council          |  |
| Milton Keynes           | Milton Keynes Council                  |  |
| Medway                  | Medway Council                         |  |
| Middlesbrough           | Middlesbrough Borough Council          |  |
| Manchester              | Manchester City Council                |  |
| Luton                   | Luton Borough Council                  |  |
| Liverpool               | Liverpool City Council                 |  |
| Leeds                   | Leeds City Council                     |  |
| Leicester               | Leicester City Council                 |  |
| Knowsley                | Knowsley Metropolitan Borough Council  |  |

| Name                     | Official Name                           | Please confirm correct Legal Name of authority |
|--------------------------|---|--|
| Kirklees                 | Kirklees Council                        |  |
| Kingston upon Hull       | Hull City Council                       |  |
| Isle of Wight            | Isle of Wight Council                   |  |
| Isles of Scilly          | Council of the Isles of Scilly          |  |
| Hartlepool               | Hartlepool Borough Council              |  |
| Herefordshire            | Herefordshire Council                   |  |
| Halton                   | Halton Borough Council                  |  |
| Gateshead                | Gateshead Metropolitan Borough Council  |  |
| East Riding of Yorkshire | East Riding of Yorkshire Council        |  |
| County Durham            | Durham County Council                   |  |
| Dudley                   | Dudley Metropolitan Borough Council     |  |
| D <u>o</u> ncaster       | Doncaster Metropolitan Borough Council  |  |
| Darlington               | Darlington Borough Council              |  |
| <b>%</b> ventry          | Coventry City Council                   |  |
| Cornwall                 | Cornwall Council                        |  |
| රකුderdale               | Calderdale Metropolitan Borough Council |  |
| Cheshire West and        |   |  |
| Chester                  | Cheshire West and Chester Council       |  |
| Cheshire East            | Cheshire East Council                   |  |
| Central Bedfordshire     | Central Bedfordshire Council            |  |
| Bury                     | Bury Metropolitan Borough Council       |  |
| City of Bristol          | Bristol City Council                    |  |
|                          | City of Bradford Metropolitan District  |  |
| Bradford                 | Council                                 |  |
| Bracknell Forest         | Bracknell Forest Council                |  |
| Blackpool                | Blackpool Borough Council               |  |
| Bolton                   | Bolton Metropolitan Borough Council     |  |
| Barnsley                 | Barnsley Metropolitan Borough Council   |  |

| Name                                  | Official Name                            | Please confirm correct Legal Name of authority |
|---------------------------------------|--|--|
| Brighton and Hove                     | Brighton and Hove City Council           |  |
| Bournemouth                           | Bournemouth Borough Council              |  |
| Birmingham                            | Birmingham City Council                  |  |
| Bedford                               | Bedford Borough Council                  |  |
| Blackburn with Darwen                 | Blackburn with Darwen Borough Council    |  |
| Bath and North East<br>Somerset       | Bath and North East Somerset Council     |  |
| The Broads                            | Broads Authority                         |  |
| Dartmoor National Park                | Dartmoor National Park Authority         |  |
| Exmoor National Park                  | Exmoor National Park Authority           |  |
| Lake District National<br>Park        | Lake District National Park Authority    |  |
| New Forest National<br>Park           | New Forest National Park Authority       |  |
| Nerth York Moors<br>National Park     | North York Moors National Park Authority |  |
| Northumberland<br>National Park       | Northumberland National Park Authority   |  |
| Peak District National Park           | Peak District National Park Authority    |  |
| South Downs National Park             | South Downs National Park Authority      |  |
| Yorkshire Dales<br>National Park      | Yorkshire Dales National Park Authority  |  |
| Ebbsfleet Development Corporation     | Ebbsfleet Development Corporation        |  |
| London Legacy Development Corporation | London Legacy Development Corporation    |  |

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| Name                                  | Official Name                      | Please confirm correct Legal Name of authority |
|---------------------------------------|------------------------------------|--|
| Old Oak and Park Royal<br>Development | Old Oak and Park Royal Development |  |
| Corporation                           | Corporation                        |  |

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# Agenda Item 11

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



# Agenda Item 12

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

ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT INFORMATION



# Agenda Item 13

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.



## Agenda Item 14

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.



By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.



Item CH 17/14 referred from Communities and Housing Advisory Board minutes of 28 February 2017

## CH 17/14 PROPOSED ACTION ON A LONG TERM EMPTY PROPERTY IN BURHAM

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

Consideration was given to the joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services which sought approval in principle to the proposed compulsory purchase of a long term empty property in Rochester Road, Burham.

**RECOMMENDED:** That in the event of the owner of the property refusing to take steps to bring the property back into use by way of occupation or voluntary sale to another party for occupation, the Cabinet approve the making of a Compulsory Purchase Order, subject to the Director of Central Services and Director of Planning, Housing and Environmental Health being satisfied of the results of the surveys and valuations described in the report.

\*Referred to Cabinet



By virtue of paragraph(s) 1 of Part 1 of Schedule 12A of the Local Government Act 1972.



## Agenda Item 16

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

