

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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12 March 2018

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th March, 2018 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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3. Minutes 11 - 18

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 8 February 2018

4. Matters Referred from Advisory Boards 19 - 36

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.

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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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6. General Data Protection Regulation Software 49 - 56

The report explores the use of software to enable the authority to comply with new data protection legislation.

7. Purchase of Temporary Accommodation 57 - 62

The report sets out the need for access to additional temporary accommodation to address both housing management and cost issues together with a preferred way of moving forward in the short term utilising funds from planning obligations.

Executive Key Decisions

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9. Car Parking Fees and Charges - Outcome of Public Consultation 79 - 90

Item SSE 18/5 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018

Executive Non-Key Decisions

10. Leybourne Lakes Country Park - Development Opportunities 91 - 112

The report provides an update on proposals for the potential outsourcing of the management of Leybourne Lakes Country Park, brings forward Heads of Terms for consideration and approval and advises on the procurement route, timeframe and evaluation criteria.

11. On-Street Parking Fees and Charges

Item referred from Joint Transportation Board of 12 March 2018 – to follow

12. Parking Action Plan - Phase 9

Item referred from Joint Transportation Board of 12 March 2018 – to follow

Matters submitted for Information

13. Strategic Risk Register 113 - 118

An information report to advise Cabinet of the current strategic risks and how they are being managed.

14. Fair Funding Review 119 - 132

Alongside the 2018/19 Provisional Local Government Finance Settlement, the then Department for Communities and Local Government published a technical consultation paper entitled 'Fair funding review: a review of relative needs and resources'. The report provides an overview of the paper, comments, observations and the Council's response.

15. Business Rates - Discretionary Fund Relief Scheme Policy 133 - 134

The report provides information on changes made to the Discretionary Fund Relief Scheme Policy

16. Urgent Items 135 - 136

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

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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 2 – Information likely to reveal information about an individual

Approval is sought for the writing-off of debts that are considered to be irrecoverable.

19. Urgent Items 143 - 144

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 P J Montague, (Housing)
Councillor H S Rogers, (Strategic Planning and Infrastructure)

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.

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 8th February, 2018

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr P J Montague and Cllr H S Rogers

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

PART 1 - PUBLIC

CB 18/1 DECLARATIONS OF INTEREST

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

CB 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 October 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. Attention was drawn to the resourcing pressures in respect of 'Emergency Planning' and the addition of a new strategic risk in relation to potentially contaminated land.

It was noted that the Audit Committee at its meeting on 22 January 2018 had endorsed the updated strategy.

The Director of Finance and Transformation referred to the recent collapse of Carillion which, whilst not directly affecting the Borough Council, highlighted the risk associated with the failure of major partners.

The Strategic Risk Register had been updated to reflect this situation and would be reported back to the Audit Committee in due course.

RECOMMENDED: That 

- (1) the updated Risk Management Strategy be adopted by the Council;
- (2) the impact of ongoing resourcing pressures to respond in respect of the identified risk 'Emergency Planning' and the subsequent report to the 29 January meeting of the General Purposes Committee on resourcing requirements be noted; and
- (3) the emergence of a new strategic risk in respect of the monitoring of potentially contaminated land, which is being added to the Strategic Risk Register, be noted.

***Referred to Council**

CB 18/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine months of the current financial year. The report explored the use of diversified income funds for medium term investment and recommended their inclusion in the 2018/19 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 22 January 2018 and commended the strategy for adoption.

The Cabinet requested that its appreciation be conveyed to the Principal Accountant for his work in treasury management during the year.

RECOMMENDED: That 

- (1) the treasury management position as at 31 December 2017 and the higher level of income incorporated in the 2017/18 revised estimates be noted;
- (2) the Council's exposure to property funds in 2018/19 be increased as additional long term funds become available, for example from selling property;
- (3) the limited use of diversified income funds for medium term investment be endorsed; and
- (4) the Annual Investment Strategy for 2018/19, as set out at Annex 4 to the report, be adopted.

***Referred to Council**

CB 18/5 SETTING THE BUDGET 2018/19

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 2018/19. 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 had now been received and did not differ significantly from the provisional settlement so the figures within the report would stand. Reference was made to the Council's previous decision to accept the four year funding settlement to 2019/20 offered by the Government and to the referendum threshold for 2018/19 which had been set at the higher of 3% or £5.

The favourable position regarding New Homes Bonus funding in 2018/19 was explained and reference made to the successful outcome of the Kent and Medway authorities' bid for pilot status in respect of 100% business rates retention. However, illustrative allocations up to 2019/20 were presented and a comparison of the Council's Settlement Funding Assessment for the period 2018/19 to 2019/20 with those of the other Kent district councils demonstrated that Tonbridge and Malling continued to receive the lowest or one of the lowest Assessments both in total and per head.

The report also suggested a mechanism for responding to the technical consultation on the Fair Funding Review and referred to a forthcoming consultation on "Negative RSG" announced by the Secretary of State.

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 2018 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 2018/19 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of around 3% in 2018/19 had been assumed, followed by an increase of £5 each year up to 2026/27 and 3% in 2027/28. The Cabinet 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 2018/19. Members were advised of details of special expenses

for 2018/19.

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 £1.0m would be delivered. A revised calculation of the council tax requirement for 2018/19 (Annex 18) was circulated in advance of the meeting.

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 D18007CAB to D180013CAB);
- (2) the Capital Plan be updated as set out in paragraph 1.6.14 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 and the contribution to the savings target as a result of the reassessment of Disabled Facilities Grant funding be noted;
 - (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 the scheme at Annex 5 to the report for fast-track evaluation over the coming year be approved;
 - (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 3 January and the Overview and Scrutiny Committee on 23 January 2018 be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.7.5 and 1.7.9 of the report be endorsed and adopted;
- (5) for the financial year 2018/19 the Council’s Minimum Revenue Provision, as set out at paragraph 1.7.12 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 1.9.4 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 1.9.10 of the report, be noted and endorsed;
- (8) the Council be recommended to approve a council tax increase of 2.99% or £5.91 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 2018/19;
- (9) the updates made to the Savings and Transformation Strategy, as set out at Annex 11c to the report, 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;
- (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; and
- (12) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to respond to the technical consultation entitled "Fair funding review: a review of relative needs and resources".

***Referred to Council**

CB 18/6 SETTING THE COUNCIL TAX 2018/19

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 2018/19 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 to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 20 February 2018.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.99% or £5.91 per annum increase in the Borough Council's element of the council tax for 2018/19, representing a notional "average" charge at Band D of £203.42.

***Referred to Council**

CB 18/7 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

Consideration was given to the report of the Director of Finance and Transformation regarding the draft Local Council Tax Reduction Scheme for 2018/19. It was noted that several changes had been made to the 2017/18 Scheme following public consultation and the draft Scheme for 2018/19 showed little change from the previous year.

RECOMMENDED: That the draft Scheme for 2018/19 be approved and adopted from 1 April 2018 as the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2018/19.

***Referred to Council**

CB 18/8 REVENUE ESTIMATES 2018/19

Item FIP 18/3 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the formulation of initial draft proposals in respect of the Budget. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

CB 18/9 CAPITAL PLAN REVIEW 2017/18

Item FIP 18/4 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

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

CB 18/10 WASTE SERVICES CONTRACT RETENDER

Decision Notice D180007CAB

CB 18/11 REVIEW OF CAR PARKING FEES AND CHARGES

Decision Notice D180008CAB

CB 18/12 REVIEW OF FEES AND CHARGES

Decision Notice D180009CAB

CB 18/13 REVIEW OF CEMETERY CHARGES 2018/19

Decision Notice D180010CAB

CB 18/14 PRE-APPLICATION PLANNING ADVICE CHARGING REGIME AND BUILDING CONTROL APPLICATION FEES

Decision Notice D180011CAB

CB 18/15 REVIEW OF FEES AND CHARGES 2018/2019

Decision Notice D180012CAB

CB 18/16 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D180013CAB

CB 18/17 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

Decision Notice D180014CAB

CB 18/18 PARISH CHARTER

Decision Notice D180015CAB

MATTERS SUBMITTED FOR INFORMATION**CB 18/19 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.

Street Scene and Environment Services Advisory Board of 6 November 2017

Communities and Housing Advisory Board of 13 November 2017

Planning and Transportation Advisory Board of 5 December 2017

Finance, Innovation and Property Advisory Board of 3 January 2018

RESOLVED: That the report be received and noted.

CB 18/20 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 19 November 2017
Joint Transportation Board of 27 November 2017
Tonbridge Forum of 4 December 2017

RESOLVED: That the report be received and noted.

CB 18/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

Agenda Item 4

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Tuesday, 13th February, 2018

Present: Cllr M O Davis (Chairman), Cllr D Keeley (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr S M Hammond, Cllr D Keers, Cllr D Markham, Cllr L J O'Toole, Cllr S C Perry, Cllr M R Rhodes, Cllr T B Shaw, Cllr Ms S V Spence and Cllr T C Walker

Councillors P F Bolt, M A Coffin, D J Cure, N J Heslop, D Lettington, Mrs S L Luck, B J Luker, P J Montague, Mrs A S Oakley, M Parry-Waller, R V Roud and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Miss G E Thomas

PART 1 - PUBLIC

SSE 18/1 DECLARATIONS OF INTEREST

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

SSE 18/2 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 6 November 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 18/3 WASTE SERVICES CONTRACT RE-TENDER

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the key issues associated with the procurement process and partnership arrangements for the new waste services contract.

Since the last meeting of the Advisory Board, Tunbridge Wells Borough Council had formally approved the principles of adopting the collection methods outlined in paragraph 1.1.2 of the report. Unfortunately, Dartford Borough Council had decided to review their current service provision and had withdrawn from the joint procurement and partnership arrangement.

Key project milestones detailed in Annex 1 to the report and summarised in paragraph 1.3.2 were noted by Members and included the closing date for tender submissions (30 April) and the conclusion of the tender evaluation period (10 June). The changes to the original timetable were as a result of the withdrawal of Dartford Borough Council and the necessity to further revise the contract specification and conditions.

Particular reference was made to proposed changes to the length of contract and it was reported that a period of eight years plus a two year or eight year extension, with a potential for a further two year extension if an initial eight year extension was agreed, would be offered to contractors. It was anticipated that these options for extension would offer greater flexibility in terms of aligning contracts, taking advantage of future opportunities, disposal facility options and legislative changes.

Finally, reference was made to communication with residents and the intention was to develop a detailed marketing plan which would include traditional and newer forms of reaching the public. In recognition of Members requests for an effective communication strategy and the need for a proactive approach to marketing the new service an informal Member Liaison Group had been established to discuss the issue. It was noted that Councillor Robin Betts and Councillor Mark Davis were also members of this Liaison Group although their names had been omitted from the membership set out in the report.

In response to a question regarding the continuation of the bulky waste collection service, Members were advised that this element was included in the tender specification and that a final decision would be made as part of the tender evaluation process. The positive feedback from residents regarding the bulky waste collection service and its potential contribution towards reducing fly tipping was noted.

Members also referred to the potential to reduce the number of waste vehicles due to the proposed changes for recycling and refuse collection, which included weekly food waste collection, fortnightly collection of residual waste and alternate fortnightly collection of plastics, metals, cartons and glass (mixed dry recyclate). However, Officers advised that it was up to the contractor to decide how waste was collected and how many vehicles were used.

RECOMMENDED: That

- (1) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale approved;
- (2) subject to Member comment on the draft Equality Impact Assessment, a final Equality Impact Assessment be presented to the next meeting of the Advisory Board for approval;

- (3) the modification to the length of the contract outlined in the report be noted; and
- (4) the approach to resident communication and the development of a marketing plan in liaison with the Council Members be agreed.

***Referred to Cabinet**

SSE 18/4 ENVIRONMENTAL HEALTH SERVICES ENFORCEMENT POLICY

Decision Notice D180016MEM

The report presented an updated Environmental Health Services Enforcement Policy, which took into account revisions to the Code for Crown Prosecutors and Regulator's Compliance Code and reflected the need to liaise with the Primary Authority when enforcement action was proposed.

Currently, cost recovery for repeat offenders was not included in the Policy due to the large number of enforcement issues included under environment health. However, Members were advised that there might be opportunity to reconsider cost recovery in the future.

RECOMMENDED: That the updated version of the Environmental Health Services Enforcement Policy (attached at Annex 1 to the report), be endorsed.

SSE 18/5 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION

Members considered objections and comments received during the statutory consultation period related to proposed off-street car parking charges. Responses to the consultation were set out in Annex 1 to the report.

It was reported that the proposed increases in parking charges were considered realistic and took into account the nature of each town or village and no changes were recommended as a result of the consultation responses.

A further comment had been received from Borough Green Parish Council after the consultation deadline reiterating the point raised by Platt Parish Council that every effort should be made to ensure that it was not financially attractive for commuters to use the Western Road car park rather than the railway car park.

Notice of the proposed changes to car parking fees and charges had been advertised in the Kent Messenger as it had a significant circulation

across the whole Borough. In addition, site notices had been displayed in all the car parks.

The Cabinet Member for Street Scene and Environment Services reminded Members of the significant financial implications of placing adverts in newspapers and that the Borough Council had a responsibility to consider costs as part of the Savings and Transformation Strategy and the Medium Term Financial Strategy to avoid any impact on services. Regular users of the car parks would have seen the notices displayed and should have been aware of the proposed changes to fees and charges.

RECOMMENDED: That car parking charges should come into effect from 1 April 2018; subject to the following actions being taken in advance of this date:

- (i) the objections to the increase in off-street parking charges, as detailed in the report, be set aside; and
- (ii) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges

***Referred to Cabinet**

SSE 18/6 FORMER JOCO PIT - LANDFILL GAS INVESTIGATION

Decision Notice D180017MEM

The report outlined the process being taken to investigate landfill gas levels at the former Joco pit in Borough Green. It was noted that increased gas levels at one borehole, recorded in mid-2017, had not stabilised and further investigation was necessary to identify the level of potential risk.

An external consultant had been commissioned to advise the Borough Council and carry out works, which included the drilling and monitoring of 8 additional boreholes. These would be installed with continuous gas analysers to provide data for 1 month. The site would then be spot monitored weekly for a further 2 months and the data used to produce an up to date and adequate risk assessment for the site. It was anticipated that monitoring would commence by the end of February for a period of 3 months.

Members were pleased to note that following positive drop-in sessions with residents a sufficient number of homeowners had volunteered to have boreholes placed on their properties.

It was also noted that the Audit Committee of 22 January 2018 had recommended that the emergence of a new strategic risk in respect of

contaminated land be noted and considered for inclusion in the Strategic Risk Register. (Minute Number AU 18/3 refers)

RECOMMENDED: That the approach set out in the report, and summarised above, be endorsed to enable further investigation and risk assessment to be undertaken immediately.

MATTERS SUBMITTED FOR INFORMATION

SSE 18/7 'REGULATING OUR FUTURE'

The Director of Planning, Housing and Environmental Health advised that since February 2016 the Food Standards Agency (FSA) had been consulting with consumers, food businesses and other stakeholders to develop their future approach to food regulation in England. The plan was to deliver a new regulatory model for food safety by 2020.

The new proposals as outlined in the report were noted by Members.

SSE 18/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

ECONOMIC REGENERATION ADVISORY BOARD

Wednesday, 21st February, 2018

Present: Cllr B J Luker (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr R P Betts, Cllr T Bishop, Cllr T I B Cannon, Cllr L J O'Toole, Cllr Miss J L Sergison, Cllr C P Smith and Cllr T C Walker

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

Apologies for absence were received from Councillors M C Base, J L Botten, S R J Jessel, S M King, R D Lancaster, Mrs S L Luck and B W Walker

ERG 18/1 DECLARATIONS OF INTEREST

Councillor Coffin declared a Disclosable Pecuniary Interest on the Update on the Borough Economic Regeneration Strategy Action Plan for 2017/18 and Priorities for 2018/19 on the grounds that his business had applied for LEADER funding which was referenced in the report. He withdrew from the meeting during discussion of this item to avoid any potential conflict.

ERG 18/2 MINUTES

RESOLVED: That the notes of the meeting of the Economic Regeneration Advisory Board held on 6 September 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

ERG 18/3 UPDATE ON THE BOROUGH ECONOMIC REGENERATION STRATEGY ACTION PLAN FOR 2017/18 AND PRIORITIES FOR 2018/19

Decision Notice D180018MEM

A detailed overview of the progress made in delivering the Economic Regeneration Strategy Action Plan during 2017/18 was provided in the report of the Chief Executive. It was reported that overall good progress was being made across a wide range of initiatives.

A number of targets had proved challenging and particular reference was made to the Kent and Medway Business Fund where only four Tonbridge and Malling businesses had accessed loans to date. It was

hoped that further promotion would encourage more businesses to apply for funding.

It was reported that four local rural businesses had secured West Kent LEADER funding, with a further eight pending. There was still time to meet the target of 25 local rural businesses before the closure of the programme, which was now anticipated at the end of 2019. However, Members indicated that it was important to retain flexibility regarding the process to ensure that businesses were viable and were able to pay back loans. It was felt that targets should not be rigorously adhered to where it was not appropriate to do so.

Finally, the potential reasons for the increase in the number of VAT de-registrations would be explored further. It was noted that this trend was reflected in other parts of Kent and nationally.

The proposed priorities for 2018/19 were also set out and these were influenced by progress made in specific areas, as well as the level of future financial resources. Actions key to the effective delivery of the Economic Regeneration Strategy were detailed at 1.3.1 of the report.

Members asked whether the new Cannon Lane shop development in Tonbridge had affected trade in the High Street. It was noted that at the planning application stage no negative impact had been identified and there was no awareness of reduced footfall in the town centre.

In addition, Members referred to the value of social media as a promotional tool and suggested that consideration be given to developing the use of LinkedIn and targeted hashtags on Twitter aimed specifically at businesses.

RECOMMENDED: That

- (1) the Economic Regeneration Strategy Action Plan, as set out in Appendix 1 to the report, be endorsed; and
- (2) the priorities for 2018/19, as set out at paragraph 1.3.1 of the report, be agreed.

ERG 18/4 SKILLS AND WORK READINESS UPDATE

Decision Notice D180019MEM

The report provided an update on added value activities that the Borough Council had been delivering under the 'skills and work readiness' agenda and proposed future activity for 2018/19.

Members were pleased to note the good progress being made in a number of areas and particularly welcomed the positive outcomes related to the West Kent Enterprise Adviser Network. It was suggested

that a future meeting of the Advisory Board should focus on this initiative and consideration be given to inviting the local co-ordinator, employers, the Federation of Small Businesses, West Kent College and users of the course to share their experiences.

A Jobs and Training Fair had been held in Aylesford in November 2017 and the event had been well attended by employers, training providers and job seekers.

The Employment Street Pilot was an intensive one-week course focused on eight residents with challenging barriers to employment and included confidence building, lifestyle advice and practical support. Members welcomed this partnership approach between the Borough Council, Royal British Legion Industries and 360 Recruitment in delivering an excellent project. It was hoped that projects of this kind continued as they offered support and encouragement to hard to reach people.

Finally, Members recognised the importance of creating links between education, skills and job development and many of the initiatives identified in the report supported this ambition.

RECOMMENDED: That the proposals for 2018/19, as detailed in paragraph 1.4.1 of the report, be endorsed

ERG 18/5 TONBRIDGE FAIRTRADE TOWN - PROPOSAL

Decision Notice D180020MEM

The report set out proposals aimed at making Tonbridge a Fairtrade town and the Borough Council's support of the initiative was sought. In addition, a local Fairtrade Steering Group, with a nominated Borough Council representative, was required to ensure continued development and support.

A draft resolution in support of the Fairtrade town initiative was set out at paragraph 1.4.1 of the report. For clarity, whilst the draft resolution encouraged the supply of Fairtrade products in the Borough Council offices it was noted that the organisation no longer had canteen facilities on site.

Members were supportive of the proposals for a Fairtrade Town and strongly encouraged balanced representation of the business community on the Steering Group. It was important that local businesses and products were not disadvantaged as a result of the proposals.

In addition, Members recognised the local and national benefits related to Fairtrade and hoped that the Borough Council could offer Fairtrade products where possible. It was also suggested that consideration be given to supporting 'Direct Trade' which was often viewed as complementary to Fairtrade certification.

RECOMMENDED: That

- (1) the resolution set out in paragraph 1.4.1 of the report be supported; and
- (2) a representative from Tonbridge and Malling Borough Council be appointed to the Tonbridge Fairtrade Steering Group.

MATTERS SUBMITTED FOR INFORMATION**ERG 18/6 INDUSTRIAL STRATEGY WHITE PAPER**

The report of the Chief Executive set out an overview of the Government's Industrial Strategy White Paper, launched in November 2017, and aimed to boost productivity and competitiveness.

Key policies highlighted within the Industrial Strategy were detailed in paragraph 1.3.1 of the report.

Particular reference was made to local industrial strategies and, in the case of Tonbridge and Malling this would be led by the South East Local Enterprise Partnership. These local strategies required strong public and private partnerships if the aims and objectives set out in the Industrial Strategy were to be met. The involvement of universities, colleges and local institutions would be important to identify priorities to improve skills, increase innovation and enhance infrastructure and business growth.

ERG 18/7 WEST KENT PARTNERSHIP

The Minutes of the West Kent Partnership held on 18 January 2018 were presented for information and these were noted by Members.

Of particular reference for Tonbridge and Malling was the recently issued invitation to tender for the new South East Rail franchise. This had indicated that current fast speed services via Snodland station could be reduced to two peak hour trains instead of three or, as an alternative, the entire fast speed service from Maidstone West could be removed entirely and replaced by a non-high speed service from Maidstone West to Abbey Wood.

The West Kent Partnership had expressed concern regarding the potential diminution of important services which served many settlements in the Medway Valley. It was also noted that new housing developments at Holborough and Peters Village, along with potential new development in the areas arising from the Local Plan, would mean demand for these services would significantly increase in the near future. These concerns had been raised with the three bidders for the franchise and other partners, including MPs.

In addition, the new Maidstone East train service to Blackfriars had been delayed until 2019 to the detriment of residents and businesses.

The Cabinet Member for Economic Regeneration advised Members that both cases outlined above would be robustly challenged and lobbied against.

MATTERS FOR CONSIDERATION IN PRIVATE

ERG 18/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.25 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 6th March, 2018

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 Mrs F A Kemp, Cllr M Parry-Waller, Cllr S C Perry, Cllr A K Sullivan and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, D J Cure, N J Heslop, D Lettington, B J Luker, P J Montague, M R Rhodes, H S Rogers and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers and R D Lancaster

PE 18/1 DECLARATIONS OF INTEREST

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

PE 18/2 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 5 December 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 18/3 LOCAL PLAN

Decision Notice D180021MEM

The report set out a revised timetable for preparing the Local Plan following the publication of 'Building the Right Homes in the Right Places' by the Government for consultation in September 2017. In addition, an update in respect of the most recent elements of the Local Plan evidence base that had been finalised or updated was provided.

Subsequent to the preparation of the report, Members were advised that a draft version of the revised National Planning Policy Framework (NPPF) had been published and was out for consultation until 10 May

2018, along with various other documents including one dealing with developer contributions.

Particular reference was made to the transitional arrangements proposed which provided for Local Plans submitted to the Secretary of State within 6 months of the final NPPF being published to be assessed under the current NPPF, rather than the proposed new standardised methodology for calculating housing need which would be a significantly higher figure for many local authorities.

For Tonbridge and Malling this meant that Objectively Assessed Needs of 696 new homes per year and associated evidence already prepared could continue to form the basis for the Borough's Local Plan.

It was proposed that every effort should be made to submit the Borough's Local Plan to the Secretary of State within the 6 month transitional period which was anticipated to be December 2018 at the latest.

Members welcomed the proposals related to transitional arrangements and committed to fully support the revised timetable and decision making process so that the ambition to submit the final Local Plan during this six month period was achievable.

A number of issues were discussed and Members expressed concern around infrastructure, the risks associated with Government imposing housing figures on local planning authorities, the shortfall in the five year supply of housing and proposals related to the green belt and level of density.

In response, the Advisory Board was reassured that the Borough Council recognised that appropriate infrastructure was vital and a viability study and infrastructure delivery plan would be under taken to inform the process. In addition, there was ongoing communication with a number of partners and infrastructure providers. A modelling exercise for the A20 corridor had been completed and published to the Borough Council's website.

Members also recognised the significant challenges around balancing and meeting housing need with the wishes of residents.

RECOMMENDED: That:

- (1) the progress on the Local Plan evidence base be noted;
- (2) the revised timetable for preparing the Local Plan, as summarised in the report and set out in Annex 1 be agreed, subject to:

every effort being made to submit the Local Plan to the Secretary of State by end of December 2018 to take advantage of the transitional arrangements proposed in the draft National Planning Policy Framework; and

- (3) the proposed new Local Plan be brought forward for consideration at the next two meetings of the Advisory Board and subsequently reported to Cabinet and Council in September 2018.

PE 18/4 NEW LONDON PLAN CONSULTATION

Decision Notice D180022MEM

The report summarised progress and next stages in the preparation of the new London Plan; highlighted some of the key issues for Tonbridge and Malling and the wider south east and sought endorsement of the officer level comments returned by the deadline of 2 March 2018.

Concerns raised in the officer level response related to the potential for any unmet housing need putting additional pressure on surrounding local planning authorities and the inability of London Boroughs to release Green Belt land.

Members supported the concerns submitted in the consultation response and were pleased to note that the 'duty to co-operate' did not extend to London boroughs, which removed the potential for housing numbers being exported to surrounding authorities.

RECOMMENDED: That:

- (1) the progress made in respect of preparing the draft London Plan be noted; and
- (2) the officer level responses (set out in Annex 1 to the report) be endorsed.

PE 18/5 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.40 pm

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Agenda Item 5

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

Thursday, 15th February, 2018

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

Together with Addington, Aylesford, Birling, Borough Green, Burham, Ditton, East Malling and Larkfield, Hadlow, Kings Hill, Leybourne, Offham, Platt, Plaxtol, Shipbourne, Snodland, Stansted, Wateringbury, West Malling, Wouldham and Wrotham Parish/Town Councils and County Councillor Mr H Rayner.

Councillors Mrs S Bell, Mrs A S Oakley, D A S Davis, O C Baldock, M R Rhodes and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T I B Cannon, R W Dalton, D Lettington, B J Luker, Hildenborough, Trottscliffe and Mrs S Hohler.

PART 1 - PUBLIC

PPP 18/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 16 November 2017 be approved as a correct record and signed by the Chairman.

PPP 18/2 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

The Chairman referred to Minute Number PPP 17/7 (Parish Charter) and as the final version of the Parish Charter had been approved by Cabinet on 8 February 2018, it was formally signed by the Leader of the Borough Council (Councillor N Heslop) and the Chairman of the Kent Association of Local Councils (Tonbridge and Malling branch) (Patrick Thomas) on behalf of the parish councils.

PPP 18/3 KENT POLICE AND CRIME COMMISSIONER

The Kent Police and Crime Commissioner (Mr Matthew Scott) set out future aspirations and priorities for Kent Police and advised of a number of new initiatives planned to recruit additional officers.

Members were reminded that the Police and Crime Commissioner (PCC) was an elected representative who set policing priorities for the county; created a Police and Crime Plan in consultation with the public; held Kent Police to account and had overall responsibility for the policing

budget, including setting the council tax precept for policing. In addition, services for victims of crime were commissioned and community safety projects funded. The overarching guiding principles of the Police and Crime Plan was safer communities, ensuring people got the right care from the right people; protection of vulnerable people; putting victims first and tackling all forms of abuse and exploitation.

Particular reference was made to initiatives supporting vulnerable people and one of Mr Scott's priorities was to make sure that those with mental health issues who came into contact with the police had access to the right support. Funding had been allocated within the commissioning budget to enable schemes or projects directly related to this priority to be supported.

Future priorities were summarised and included continuing discussion and liaison with communities, parish councils and the Kent Association of Local Councils, with visible and accessible policing remaining the primary focus.

Particular reference was made to the financial challenges around the policing budget which had resulted in a £12 increase to the police element of Council Tax. However, this increase represented a significant commitment and investment in neighbourhood policing as £1 per month funded 200 additional police officers. This also enabled a further 80 call operators to be recruited to improve the 999 and 101 call handling. Government funding for local policing remained unchanged and Mr Scott would continue to press and lobby for increased funding.

There was a commitment to maintain and protect Police Community Support Officer (PCSOs) numbers at 300; increase the size of rural and road policing and maintain a visible police presence.

In-depth discussion followed on a range of issues as summarised below:

Speeding on rural roads: Wouldham Parish Council asked whether it was possible to undertake 'speed traps' to enforce speed limits in the village and change road priorities. Mr Scott reiterated that road safety remained a policing priority and that many organisations could offer assistance. Acting Chief Inspector Martin advised that many options were available to address speeding on rural roads and parish councils were encouraged to contact Kent Police direct to discuss the Speed Watch initiative.

On-line reporting: In response to a query raised by Aylesford Parish Council, Mr Scott confirmed that on-line reporting of some offences was currently being piloted. Unfortunately, it was not possible to upload attachments, such as photographs, at the current time but this would be introduced in the future. However, if photographs were available individuals could be contacted by officers for further information.

Police Community Support Officers: Burham Parish Council thanked Mr Scott for successfully getting PSCOs 'powers' to address certain issues.

Visible policing in communities: Snodland Town Council asked that local police officers consider patrolling side roads in communities to be more visible. Reference was made to incidents of anti-social behaviour at allotments and the difficulties in contacting 101 to report these offences. Acting Chief Inspector Martin asked that any local intelligence regarding anti-social behaviours be shared with local PCSOs to follow up. Police operations could then be considered for those areas or wards where problems had been identified.

Helping vulnerable people: Reference was made to the number of cases where police were offering support to vulnerable people in Accident and Emergency, especially those with mental health issues. It was observed that this reduced the number of visible police officers available to deal with crime. As this was recognised as a significant problem, Members asked what steps were being considered to alleviate this and whether there was a risk that the additional officers being recruited would be diverted away from policing to support vulnerable people.

Mr Scott referred to an initiative called Street Triage being piloted in Medway and which aimed to improve assistance to those in mental health crisis. This involved one mental health nurse supporting police officers to help people get into the right health based place of safety quicker by identifying what the issues were. There was potential for this pilot to be rolled out further across Kent.

In addition, it was noted that Mind based in Tonbridge operated a well-being café that offered support to vulnerable people.

Increase of pavement parking: Several parish councils expressed frustration at the increase of pavement parking which created obstructions for both pedestrians and motorists. Mr Scott recognised these frustrations and would encourage the Road Policing Unit to include guidance on considerate parking as part of their road safety campaign. Acting Chief Inspector Martin advised that local PCSOs were pro-actively tackling inconsiderate parking in their areas by speaking to individuals where possible. Referrals could also be made to the Road Policing Unit who could contact Kent County Council to see if it was possible for road traffic orders to be amended and double yellow lines introduced.

If the obstruction was in a dangerous place, such as a junction, and concerns were raised, Kent Police would look into the matter.

Investment in additional police officers: In response to a question raised regarding increased police visibility on streets as a result of the

announced recruitment, Mr Scott confirmed that investment in 200 extra officers would mean more would be allocated to community policing. Demand on policing was significantly higher than in previous years and represented significant challenges when handling resources. It was reported that police officers were busier than in the past due in part to increased anti-social behaviour and support of those in a mental health crisis. However, Members were assured that Kent Police continued to investigate all crimes.

Community Police Volunteering Scheme: Kings Hill Parish Council asked for an update regarding the volunteering scheme for community policing and whether there were any volunteers from the Tonbridge and Malling area. In response, Mr Scott explained that volunteers would be available to provide 16 hours per week of visible policing and work with communities. The volunteers would be in addition to PCSOs. There had been a positive response and once the pilot scheme was implemented further details would be shared.

Attendance at parish council meetings: A lack of police attendance at some parish council meetings was reported. Acting Chief Inspector Martin reminded Members that police resources needed to be managed carefully and it was important to use officers to deal with service priorities. However, Members were assured that Kent Police would try and attend a parish meeting once a quarter and if it was not possible to attend in person due to ongoing operations, then a written report would be provided.

Neighbourhood Watch: Kent Police were supportive of local neighbourhood watch schemes and details of the local co-ordinator (David Spitter) were available on the following link:

<https://www.kent.police.uk/advice/community-support/neighbourhood-watch/>

Youth Education Officer: A Youth Education Officer was working with local schools to educate and improve relationships with young people. The Chairman suggested that Kent Police liaise with the Advisor Network which was an initiative that aimed to strengthen links between education and businesses for the benefit of young people.

In closing, Mr Scott advised that attending this type of forum and discussing issues with community representatives was beneficial. Parish councils were also encouraged to promote the fact that Kent Police was actively recruiting and there were good career opportunities for the right candidates.

The Chairman thanked Mr Scott for attending the meeting and participating in such a detailed discussion. An open invitation to attend a future meeting of the Parish Partnership Panel was also extended.

PPP 18/4 KENT POLICE SERVICES UPDATE

As any significant items of business had been discussed as part of the Kent Police and Crime Commissioner debate, Acting Chief Inspector Martin provided a brief update on current police operations and initiatives.

Particular reference was made to a spate of thefts from motor vehicles, primarily BMWs, in the Aylesford and Ditton area. This was part of a national crime series and media releases had been produced to encourage and offer crime prevention. Unfortunately, no perpetrators had yet been apprehended.

There had also been recent operations to tackle drug offences.

Acting Chief Inspector Martin emphasised that Tonbridge and Malling remained a low crime area and that Kent Police had a good working relationship with partners, especially the Borough Council.

PPP 18/5 PUBLIC SPACE PROTECTION ORDERS

The Kent Association of Local Councils requested further advice in respect of Public Space Protection Orders (PSPOs) and the consequential position of parish councils with Dog Control Orders.

In response, the Head of Service for Licensing, Community Safety, Customer Services and Tonbridge Castle advised that a number of documents giving further guidance were available on the website, together with some Frequently Asked Questions.

<https://www.tmbc.gov.uk/services/community-and-living/community-advice/community-safety/pspo-consultation>

A briefing paper had also been prepared which attempted to answer further questions raised and this would be circulated with the Minutes for information.

The current PSPO would end in April 2020 and in order to ensure continuity the process of reviewing its operation had already begun. It was reported that the Borough Council would start looking at evidence for either continuing the existing Order or whether any new provisions should be included to address recurring issues of anti-social behaviour.

The points to consider when gathering evidence for this process was to understand if there had been any continuous behaviours which were having an adverse effect on the quality of life of residents.

In addition, during 2018 the Borough Council would review how parish councils could provide evidence of breaches of existing PSPOs.

Particular reference was made to bye-laws and Dog Control Orders (DCO) and it was noted that where bye-laws were already in place these would remain. However, this was only to the extent that they regulated activities covered by the PSPO and the bye-law would be of no effect for the duration of the Order. From April 2020, existing bye-laws would come back into effect unless a further PSPO had been granted.

In summary, any existing Dog Control Orders had been superseded by the Public Spaces Protection Order so enforcement fell to the Borough Council.

The Head of Service reiterated that the Borough Council enforced PSPOs and if sufficient evidence was provided this would be progressed. A number of authorised officers within the authority were being trained on how to identify a breach of the PSPO and this would involve not only the current Enforcement Officers, but other officers who travelled around the borough during their day to day work. At the current time, it was difficult to predict the number of officers that would be used for enforcement.

In response to a question raised about using parish council volunteers, the Head of Service advised that an initiative to train and empower parish council representatives for the future could be considered as part of the ongoing review.

Members expressed frustration about enforcement of dog fouling and any support offered by the Borough Council was welcomed, although the pressure on already stretched resources was recognised. Specific issues would be raised and discussed at the next PSPO Review meeting. In the meantime, Members were reminded that Environmental Health Services could be contacted for advice and assistance.

Kings Hill Parish Council highly recommended contacting the Environmental Projects Co-Ordinator who had implemented a series of educational events, including 'flag and bag', which had been a great success.

PPP 18/6 BOROUGH COUNCIL BUDGET 2018/19

The Cabinet Member for Finance, Innovation and Property presented the report of the Director of Finance and Transformation, which set out information on the Borough Council's budget preparations for 2018/19.

It was reported that the Borough Council was due to see a further reduction in its Settlement Funding Assessment (SFA) cumulating into a decrease by 2018/19 of some 23% since the start of the 4 year settlement. Fortunately, the New Homes Bonus allocation for the year would be better than expected due to the exceptional delivery of new homes, so the additional funding over expectation negated some of the loss in the SFA.

Particular reference was made to the recent announcement of the Secretary of State that for shire district councils, a referendum would be triggered when council tax was increased by 3%, or more than 3% and more than £5. Proposals for setting the Borough Councils budget assumed that the option to levy a council tax increase of up to 3% would be taken up. This represented an increase of £5.91 per annum on last year's council tax.

The continued need to deliver savings was reiterated and further detail was set out in paragraph 1.3 of the report. However, in summary it was anticipated that the focus for any potential future savings would be around the themes of 'contracts' and 'service change and reduction'.

Parish Councils were advised that Full Council was due to meet on 20 February to set the Borough Council's budget and council tax.

The Cabinet Member for Finance, Innovation and Property emphasised that the Borough Council's financial position remained challenging, especially against a continuing reduction in Government funding.

[Subsequent to the meeting, Full Council on 20 February had agreed the proposals summarised at the Parish Partnership Panel and the full detail would be set out in the Council Minutes in due course].

PPP 18/7 KENT COUNTY COUNCIL SERVICES UPDATE

Members noted the report of the Kent County Council Community Liaison Officer (Anne Charman), which set out details of a number of County initiatives and consultations.

All Kent County Council consultations could be viewed online at:

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

PPP 18/8 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

The Chairman, in his role as Leader of the Borough Council, advised that there were no significant issues to report that had not already been raised earlier in the meeting.

However, reference was made to a commitment made at a previous Parish Partnership Panel regarding the creation of a 'directory' that would provide information on points of contact for areas of relevance to parish councils, such as development control, licensing and street scene.

It was anticipated that a draft 'directory' would be circulated in advance of the next meeting (June 2018), either attached to these Minutes or as soon as possible thereafter, for comment.

The meeting ended at 9.10 pm

Joint Transportation Board of 12 March 2018 – minutes to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Director of Central Services & Director of Finance & Transformation

Part 1- Public

Matters for Recommendation to Council

1 GENERAL DATA PROTECTION REGULATION SOFTWARE

This report explores the use of software to enable the authority to comply with new data protection legislation.

1.1 Introduction

1.1.1 In May 2018 the General Data Protection Regulation (GDPR) will come into effect.

1.1.2 Under the GDPR, the Information Commissioners Office (ICO) can impose fines of up to 20 million Euros (circa £18 million) or 4% of group worldwide turnover (whichever is greater) for non-compliance.

1.1.3 The GDPR requires data protection by design and by default. In practice, this means that the protection of personal data and data security should be embedded into our processes, not as an afterthought. Importantly, one of the new requirements under GDPR is that the Council must be able to demonstrate compliance with the various data protection principles, which means keeping detailed records / documentation that may need to be presented to the regulator (the Information Commissioner) on request.

1.1.4 One of the requirements of GDPR is to understand what data you hold and who has access to it.

1.1.5 We should also, by default, limit the processing of personal data to that which is necessary for each specific processing purpose and not allow it to be accessible to an indefinite number of people.

1.1.6 Structured data (such as that which is found in databases) is the most straightforward to understand since there will be a database schema containing a description of what data is stored, along with access controls and audit logs maintained by the systems administrators within departments.

1.1.7 Updates to access controls in databases can be administered from a central location by the departmental system administrators using the tools within the relevant system (e.g. IDOX Uniform and Northgate iWorld).

- 1.1.8 Unstructured data (files and documents on network shares) prove more of a challenge. Locations such as the shared drives staff use in their day to day business contain folders that have various permutations of permissions allocated to them. Some can only be accessed by individuals, others by departmental teams, and some by the whole council.
- 1.1.9 There is no overview of what the files on these folders contain. Some may be benign whilst others may contain sensitive personal information. Without manually inspecting each file individually it is not possible to catalogue the files to determine whether they pose a risk with regard to GDPR or other regulatory compliance regimes such as PCI-DSS.
- 1.1.10 Using the standard tools available with Windows Server it is not possible to get an overview of access permissions across folders without manually inspecting each one. There are thousands of folders which would need to be inspected to obtain this information making manual inspection near to impossible.
- 1.1.11 Member training on data protection and the GDPR has been arranged for 27 March.

1.2 Software Solution

- 1.2.1 Automated software tools are available which can identify the contents of files, categorise them on sensitivity, audit access permissions, audit file access and be able to report on its findings in an easily digestible form which can then be used by the software to update permissions automatically.
- 1.2.2 Automated software can also assist with the management of users network accounts, identifying those that haven't been used for a long time, have expired passwords and those that have exceptions to the normal security profile / policy.
- 1.2.3 An automated software solution can meet a number of key business objectives, including:
- Alignment of GDPR compliance and data security policies.
 - Mitigation of risk around data loss through preventative controls.
 - Greater control and visibility of user access to data.
 - Reduced storage costs through the identification of inactive data that can be removed.
 - Improved efficiency gains within the helpdesk for maintaining user access controls.
- 1.2.4 A Capital Plan evaluation [**Annex 1**] has been conducted for the purchase of an automated software solution which can reduce the risks under GDPR in this area.

1.3 Legal Implications

- 1.3.1 The GDPR is implemented on 25 May 2018. The Council will need to demonstrate data governance processes and procedures in order to mitigate the risk of substantial fines by the ICO should a data breach occur.

1.4 Financial and Value for Money Considerations

- 1.4.1 The one-off purchase and implementation costs associated with an appropriate GDPR software package are estimated at £66,000 with on-going annual support and maintenance costs estimated at £23,000 per annum. The one-off costs can be met from the Invest to Save reserve. Use of the Council's resources implies a loss of investment income of £3,000 per annum. Revenue growth of £26,000 per annum (support and maintenance and loss of investment income) adding to the Council's savings target/s.
- 1.4.2 The market for this type of software is limited with only a small number of suppliers having a product which can provide the functionality required. Quotations will be obtained from the suppliers we are aware of who can meet the system requirements. If the number of quotes to be obtained is less than three a waiver will be sought in accordance with Contracts Procedure Rules.

1.5 Risk Assessment

- 1.5.1 Risks around compliance with the GDPR are detailed on the corporate Strategic Risk Register. Implementation of automated software in this report can help mitigate this risk.

1.6 Equality Impact Assessment

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

1.7 Recommendations

- 1.7.1 Cabinet are asked to **recommend** to Council that an automated software solution for GDPR purposes be added to the Capital Plan funded from the Invest to Save reserve.

Background papers:

contact: Darren Everden

Nil

Adrian Stanfield
Director of Central Services

Sharon Shelton
Director of Finance and Transformation

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Capital Plan Evaluation

Corporate : Information Technology Initiatives : General Data Protection Regulation (GDPR) Software			
1	Specification:		
	(i)	Purpose of the scheme	Software required to reduce risks under GDPR associated with the storage and access to unstructured data on Council IT Systems.
	(ii)	Relevance to National / Council's Objectives	<p>(a) National: EU General Data Protection Regulation (GDPR) 2018.</p> <p>(b) Council:</p> <ul style="list-style-type: none"> • Alignment of GDPR compliance and data security policies. • Mitigation of risk around data loss through preventative controls. • Greater control and visibility of user access to data. • Reduced storage costs through the identification of inactive data that can be removed. • Improved efficiency gains within the helpdesk for maintaining user access controls.
	(iii)	Targets for judging success	<p>(a) Within the first three months:</p> <ul style="list-style-type: none"> • Identification of sensitive GDPR and PCI-DSS data across files shares. • Identification of specific approved folders where sensitive data is permitted to be stored. • Identify sensitive data outside of the approved folders, quarantine folders that are over 14 month old, monitor access to these areas and contact users who are accessing them. • Understand who has access to the approved folders where sensitive data is permitted, and remove access for any users that are not permitted. • Monitor for any new sensitive data being saved outside of the approved folders by scheduling and running regular reports. <p>(b) Milestones set at three month intervals to further refine and review the control of sensitive data.</p>

Capital Plan Evaluation

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2	<p>Description of Project / Design Issues:</p> <ul style="list-style-type: none"> • One of the requirements of GDPR is to understand what data you hold and who has access to it. • Structured data (such as that which is found in databases) is the most straightforward to understand since there will be a database schema containing a description of what data is stored, along with access controls and audit logs maintained by the systems administrators within departments. • Updates to access controls in databases can be administered from a central location by the departmental system administrators using the tools within the relevant system (e.g. IDOX Uniform, Northgate iWorld, Capita Housing). • Unstructured data (files and documents on network shares) prove more of a challenge. Locations such as the H and I drive contain folders that have various permutations of permissions allocated to them. Some can only be accessed by individuals, others by departmental teams, and some by the whole council. • There is no overview of what the files on these folders contain. Some may be benign whilst others may contain sensitive personal information. Without manually inspecting each file individually it is not possible to catalogue the files to determine whether they pose a risk with regard to GDPR or other regulatory compliance regimes such as PCI-DSS. • Using the standard tools available with Windows Server it is not possible to get an overview of access permissions across folders without manually inspecting each folder individually and noting the security permissions associated with it. • Automated software is available which has the ability to identify the contents of files, categorise them on sensitivity, audit access permissions, audit file access and be able to report on its findings in an easily digestible form which can then be used by the software to update permissions automatically. • This software can also assist with the management of users network accounts, identifying those that haven't been used for a long time, have expired passwords and those that have exceptions to the normal security profile / policy.
3	<p>Milestones:</p> <p>The first three months after implementation establish a baseline of information stored, who has access to the data, and any risks associated with this information. Milestones are set at three month intervals to monitor the quarantine and removal of sensitive data from at risk locations.</p> <p>Risks:</p> <p>The use of this software assists with the mitigation of risk under GDPR under which the Information Commissioners Office (ICO) can impose fines of up to 20 million Euros or 4% of group worldwide turnover (whichever is greater) for non-compliance, breaches and incidents.</p>

Capital Plan Evaluation

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4	<p>Consultation:</p> <ul style="list-style-type: none"> Members of the IT Services team have been consulted on the effectiveness of the product during a trial of the software conducted in February & March 2018. The Information Governance Officer Study Group has been consulted on the effectiveness of the software in assisting with the corporate GDPR delivery programme. Management Team have been consulted on how use of the software can mitigate risks associated with GDPR breaches and incidents. 																	
5	<p>Capital Cost:</p> <p>The estimated capital cost of software is £66,000.</p>																	
6	<p>Profiling of Expenditure:</p> <table border="1" data-bbox="304 708 2098 812"> <thead> <tr> <th data-bbox="304 708 622 743">2018/19 (£'000)</th> <th data-bbox="622 708 925 743">2019/20 (£'000)</th> <th data-bbox="925 708 1245 743">2020/21 (£'000)</th> <th data-bbox="1245 708 1547 743">2021/22 (£'000)</th> <th data-bbox="1547 708 1830 743">2022/23 (£'000)</th> <th data-bbox="1830 708 2098 743">2023/24 (£'000)</th> </tr> </thead> <tbody> <tr> <td data-bbox="304 743 622 812">50</td> <td data-bbox="622 743 925 812">16</td> <td data-bbox="925 743 1245 812"></td> <td data-bbox="1245 743 1547 812"></td> <td data-bbox="1547 743 1830 812"></td> <td data-bbox="1830 743 2098 812"></td> </tr> </tbody> </table>						2018/19 (£'000)	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)	2023/24 (£'000)	50	16				
2018/19 (£'000)	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)	2023/24 (£'000)													
50	16																	
7	<p>Capital Renewals Impact:</p> <p>There is no impact on Capital Renewals. The annual support and maintenance agreement includes provision to keep the software up to date.</p>																	
8	<p>Revenue Impact:</p> <p>Loss of investment Income at £3,000 per annum (based on £66,000 at 4%). Annual support and maintenance for Year 1 at £20,000 and for year 2 and beyond £23,000 per annum.</p>																	
9	<p>Partnership Funding:</p> <p>Not applicable.</p>																	

Capital Plan Evaluation

Page 56

10	<p>Project Monitoring / Post Implementation Review:</p> <p>Scheme to be implemented by IT Services Manager. Progress against the regular three monthly milestones will be provided to Management Team via the Information Governance OSG and reported to the Finance, Innovation and Property Advisory Board. Post Implementation Review due 12 months after project completion.</p>														
11	<p>Screening for equality impacts:</p> <table border="1" data-bbox="309 432 2098 711"> <thead> <tr> <th data-bbox="309 432 1285 472">Question</th> <th data-bbox="1285 432 1453 472">Answer</th> <th data-bbox="1453 432 2098 472">Explanation of impacts</th> </tr> </thead> <tbody> <tr> <td data-bbox="309 472 1285 572">a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?</td> <td data-bbox="1285 472 1453 572">No</td> <td data-bbox="1453 472 2098 572"></td> </tr> <tr> <td data-bbox="309 572 1285 644">b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?</td> <td data-bbox="1285 572 1453 644">No</td> <td data-bbox="1453 572 2098 644"></td> </tr> <tr> <td data-bbox="309 644 1285 711">c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?</td> <td data-bbox="1285 644 1453 711"></td> <td data-bbox="1453 644 2098 711"></td> </tr> </tbody> </table>			Question	Answer	Explanation of impacts	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No		b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No		c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
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c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?															
12	<p>Recommendation:</p> <p>Scheme recommended for inclusion in the Capital Plan List A.</p>														

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Director of Planning, Housing and Environmental Health and Director of Central Services

Part 1- Public

Recommendation to Council

1 PURCHASE OF TEMPORARY ACCOMMODATION

Summary

This report sets out the need for access to additional temporary accommodation in order to address both housing management and cost issues and sets out a preferred way of moving forward in the short term utilising funds from planning obligations.

1.1 Background

- 1.1.1 There is a requirement for the Council's Housing Service to use Temporary Accommodation (TA) when people make a homeless application and there is reason to believe we may have a duty to assist them under homelessness legislation. Currently we have 24 households placed in TA. Numbers vary, but have tended to range between 20 and 30 households in recent years. The length of stay varies from a few nights to several months. With the introduction of the Homelessness Reduction Act (HRA), which has been previously reported to Members, we believe this demand will potentially increase by as much as 50%.
- 1.1.2 We currently rely predominantly on nightly paid provision from private providers, i.e. the Riverhill Motel in Hildenborough and out of borough provision through Paramount Independent Properties. Additionally, we have agreed the use of five homes with Clarion housing association for use as TA at Local Housing Allowance (LHA) rates.
- 1.1.3 The average monthly cost for TA provision during 2017/18 is £32,902 to date (gross spend). The total annual cost for 2016/17 was £461,560 (gross spend) with a net cost of £156,713 to the Council. The total cost for 2017/18 is anticipated to be £400,000 (gross spend), with a net cost of £227,798 to the Council. The difference between gross and net cost, reflects the amount of rental that can be covered by housing benefit subsidy, which is significantly lower for nightly paid accommodation.
- 1.1.4 Our ambition is to reach a position where we are able to have tighter control and accessibility to TA and provide more units within the Borough, either which we

own and have control over or by working with our partners. An objective is also to save on the current cost of TA provision by achieving access to a more reliable supply and a lesser dependency on nightly paid.

- 1.1.5 There are section 106 funds obtained in lieu of on-site provision in new development that are available to the Council for the purchase of property for TA purposes. A Capital Plan evaluation [**Annex 1**] for the purchase of property for TA purposes is attached.

1.2 Future TA Strategy

- 1.2.1 There are a range of options for providing TA, both in and out of Borough, which we are currently exploring to develop short and medium term options. They include:

- Purchasing property directly using Section 106 funds accrued for affordable housing provision. A sum of up to circa £1.6m is currently available for this purpose.
- Working in partnership with Registered Providers using existing units – including conversion or redevelopment
- Working with private providers using lease agreements to secure use of privately owned homes (landlord offer)
- making an arrangement to use a set number of units at existing sources (for example, the Riverhill Motel)

- 1.2.2 A combination of these sources of TA provision would enable us to meet two objectives. Firstly, to be more confidently placed to discharge our duties and manage homeless provision across a wider portfolio of property types. Secondly, the option of direct purchase would enable us to address the costs issue and in fact generate a modest income, albeit there would be management and maintenance cost which will need to be carefully considered and specified.

- 1.2.3 Whilst all options are subject of further investigation there is an imperative to determine how some £220,000 of Section 106 money will be spent by August this year, which is a cut-off date in the legal agreement after which time the funds would need to be repaid. Specifically we need to determine whether we spend this money in isolation on the purchase of an individual unit or pool it with the remaining funds enabling the purchase of a number of units or indeed on a rather more substantial building which could be converted into a number of units suitable for TA. The response to this will depend in large measure what the market has to offer in the very near future. Consequently we are asking Cabinet to delegate authority to enable us to respond to opportunities that fall within these parameters in our efforts to advance the appropriate supply of TA.

1.3 Legal Implications

- 1.3.1 The funds available for this project wholly arise from payments made by developers in accordance with legal planning obligations and consequently the monies can only be used for affordable housing, which includes TA provision. In using the section 106 money to purchase property, the Council is bound by its statutory duty to achieve value for money.

1.4 Financial and Value for Money Considerations

- 1.4.1 The aim of purchasing property for TA is to manage and potentially reduce the costs to the Council of TA, in particular by reducing the amount of nightly paid accommodation we require.

1.5 Risk Assessment

- 1.5.1 A full and detailed risk assessment on options for purchasing property will inform the final decision.

1.6 Equality Impact Assessment

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

1.7 Recommendations

- 1.7.1 Cabinet are asked to **recommend** to Council that:

- i) The sum of up to £1.6m be added to the Capital Plan for the purchase of property for TA purposes funded from s.106 monies.
- ii) Delegated authority be granted to the Director of Planning, Housing and Environmental Health and Director of Central Services in consultation with the Cabinet Member for Housing and Cabinet Member for Finance to progress the purchase of property for TA purposes as set out in the report.

Background papers:

Nil

contact: Jane Heeley
Steve Humphrey

Steve Humphrey
Director of Planning, Housing and Environmental Health

Adrian Stanfield
Director of Central Services

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CAPITAL PLAN LIST C – EVALUATIONS

	Project	Planning, Housing and Environmental Health: Purchase of property for Temporary Accommodation (TA) purposes				
1	Specification:					
	(i)	Purpose of the scheme	Purchase of property for TA purposes to be more confidently placed to discharge our duties and manage homeless provision and deliver a cost saving to the Council.			
	(ii)	Relevance to National / Council's Objectives	(a)	National:	Homelessness Reduction Act.	
			(b)	Council:	A continuing supply of homes, including affordable housing to buy and rent, and prevention of homelessness.	
	(iii)	Targets for judging success	(a)	Reduction in use of nightly paid accommodation.		
			(b)	Reduction in costs to Council.		
2	Description of Project / Design Issues:	Purchase of property for TA purposes.				
		There are a range of options for providing Temporary Accommodation which we are currently exploring to develop short and medium term options. They include: working in partnership with Registered Providers using existing units – including conversion or redevelopment; working with private providers using lease agreements to secure use of privately owned homes (landlord offer); making an arrangement to use a set number of units at existing sources (for example, the Riverhill Motel); and purchasing property using Section 106 funds accrued for affordable housing provision.				
3	Risks	Sourcing suitable property; void periods and potential damage to property.				
4	Consultation:					
5	Capital Cost:	A sum of up to £1.6m funded from s.106 monies.				
6	Profiling of Expenditure	Expenditure profile dependent on scale and timing of purchase of property.				
		2018/19 (£'000)	2019/20 (£'000)	2020/21 (£'000)	2021/22 (£'000)	2022/23 (£'000)
		1,600				
7	Capital Renewals Impact:	None				
8	Revenue Impact:	There will be both a rental income and running costs associated with the property with the expectation of a net income stream.				
9	Partnership Funding:	None.				

CAPITAL PLAN LIST C – EVALUATIONS

10	Post Implementation Review: Twelve months from date of first occupancy.		
11	Screening for equality impacts:		
	Question	Answer	Explanation of impacts
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	<i>[Please explain your answer]</i>
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	<i>[Please explain your answer]</i>
	c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		
12	Recommendation: Scheme recommended for inclusion in the Capital Plan List A.		

Item SSE 18/3 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018

SSE 18/3 WASTE SERVICES CONTRACT RE-TENDER

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the key issues associated with the procurement process and partnership arrangements for the new waste services contract.

Since the last meeting of the Advisory Board, Tunbridge Wells Borough Council had formally approved the principles of adopting the collection methods outlined in paragraph 1.1.2 of the report. Unfortunately, Dartford Borough Council had decided to review their current service provision and had withdrawn from the joint procurement and partnership arrangement.

Key project milestones detailed in Annex 1 to the report and summarised in paragraph 1.3.2 were noted by Members and included the closing date for tender submissions (30 April) and the conclusion of the tender evaluation period (10 June). The changes to the original timetable were as a result of the withdrawal of Dartford Borough Council and the necessity to further revise the contract specification and conditions.

Particular reference was made to proposed changes to the length of contract and it was reported that a period of eight years plus a two year or eight year extension, with a potential for a further two year extension if an initial eight year extension was agreed, would be offered to contractors. It was anticipated that these options for extension would offer greater flexibility in terms of aligning contracts, taking advantage of future opportunities, disposal facility options and legislative changes.

Finally, reference was made to communication with residents and the intention was to develop a detailed marketing plan which would include traditional and newer forms of reaching the public. In recognition of Members requests for an effective communication strategy and the need for a proactive approach to marketing the new service an informal Member Liaison Group had been established to discuss the issue. It was noted that Councillor Robin Betts and Councillor Mark Davis were also members of this Liaison Group although their names had been omitted from the membership set out in the report.

In response to a question regarding the continuation of the bulky waste collection service, Members were advised that this element was included in the tender specification and that a final decision would be made as part of the tender evaluation process. The positive feedback from residents regarding the bulky waste collection service and its potential contribution towards reducing fly tipping was noted.

Members also referred to the potential to reduce the number of waste vehicles due to the proposed changes for recycling and refuse collection, which included weekly food waste collection, fortnightly collection of residual waste and alternate fortnightly collection of plastics, metals, cartons and glass (mixed dry recycle). However, Officers advised that it was up to the contractor to decide how waste was collected and how many vehicles were used.

RECOMMENDED: That

- (1) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale approved;
- (2) subject to Member comment on the draft Equality Impact Assessment, a final Equality Impact Assessment be presented to the next meeting of the Advisory Board for approval;
- (3) the modification to the length of the contract outlined in the report be noted; and
- (4) the approach to resident communication and the development of a marketing plan in liaison with the Council Members be agreed.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 WASTE SERVICES CONTRACT RETENDER

Summary

The current waste services contract for refuse, recycling & street cleansing is due to end in February 2019 and is being retendered on a partnership basis with other West Kent local authorities and Kent County Council.

This report provides an update on key issues associated with the procurement process and partnership arrangements for the new contract.

1.1 Background

1.1.1 Further to previous reports to this Board, Members will be aware that the Council's Waste Services Contract is due to expire in February 2019 and that Officers are currently working with West Kent colleagues, as well as Kent County Council, to work in partnership on the future delivery of these services. The value of this Council's existing contract for refuse, recycling and street cleansing services is around £3.8m per annum, and provides a refuse and recycling collection service to over 52,000 households and a street cleansing service across the whole Borough.

1.1.2 At the June 2017 meeting of this Board, Officers provided an overview of the tendering process and outlined the proposed recycling & refuse collection arrangements for an enhanced service, known as the "NOM" (Nominal Optimal Method), which include:

- Weekly Food Waste Collection;
- Fortnightly Collection of Residual Waste;
- Alternate Fortnightly Collection of Mixed Dry Recyclate (plastics, metals, cartons and glass) in a wheeled bin with a separate container for paper and card; and
- The separate fortnightly collection of garden waste (as an "opt in" charged service).

1.1.3 The retendering of the Waste Services Contract together with West Kent partners presents a real opportunity to improve current arrangements, with an overall aim of providing:

- service improvements and efficiencies;
- greater consistency across partner authorities;
- increased recycling performance; and
- financial savings.

1.1.4 At the last meeting of this Board Members considered and agreed in principle the proposed Inter Authority Agreement and financial disaggregation arrangements between the partners, and approved the evaluation criteria for the award of the contract. In addition, Members also agreed that the meeting of this Board would receive an update on progress to date, including delivery against the project timetable; communication plans for the new service; and the development of the Equality Impact Assessment associated with the proposed new services.

1.2 Partnership Update

1.2.1 Since the last meeting of this Board Members at Tunbridge Wells Borough Council formally approved the principles of adopting the collection methods outlined in 1.1.2 above. However, Dartford Borough Council has decided to review their current service provision. As such, Dartford will now be conducting a single procurement for their Waste Services and have confirmed their withdrawal from the joint procurement and partnership.

1.2.2 Whilst this decision is disappointing both in terms of its timing and the significant amount of work undertaken to date, at least the position is now clear and both this authority and Tunbridge Wells Borough Council can now proceed. It is felt that whilst the financial savings would have benefitted from all the original partners being involved, the financial impact of Dartford's withdrawal on the joint savings will not be significant. The expected economies of scale to be achieved operationally through shared resources, depots, cross-boundary rounds, etc., were expected to be achieved primarily between this Council and Tunbridge Wells Borough Council, and at this stage it is not felt necessary to amend the estimated disposal savings previously reported to Members.

1.2.3 On a more positive note, Dartford Borough Council has confirmed that its procurement team can continue to deliver the administrative aspects of the procurement process through its ProContract system, which has been used successfully by this authority for a number of other contract tenders. The Officer Project Group has renamed the project as the South West Kent Waste Project. The procedure to be followed for the project will remain an open tendering procedure for the entire Service in Tunbridge Wells and this authority being awarded to a single Contractor commencing with an OJEU notice.

1.3 Project Timetable

1.3.1 Originally the tender documents and associated OJEU Notice were due to be available to tenderers from early January. However, due to Dartford Borough Council withdrawing from the project, the contract specification & conditions of contract had to be further revised to reflect the changes to the partnership arrangements. As a result, the final documents are expected to go out to contractors in the week commencing Monday 29th January. This short delay has been absorbed within the original timescale, which had allowed additional time to the minimum periods stipulated by the relevant EU regulations for the tender and evaluation processes.

1.3.2 Although the revised timetable is attached in full at **Annex 1**, a summary of the key project milestones are provided below for information:

- w/c 29 January 2018 Publication of OJEU Notice & Tender Documents
- 30 April 2018 Closing Date for Tender Submissions
- 10 June 2018 Conclusion of Tender Evaluation Period
- June/July 2018 SSEAB/Cabinet Approval of Contract Award
- 6 August 2018 Publication of Contract Award (+10 day standstill)
- 20 August 2018 Initial Meeting with successful Contractor
- 1 March 2019 Contract Start Date (TMBC)
- 31 March 2019 Contract Start Date (TWBC)

1.3.3 The appointment of the successful contractor, together with final versions of associated partnership management documents will be reported to this Board for agreement in June/July 2018. The documents will include the Inter-Authority Agreement between the two Districts and KCC; the Partnership Agreement between this authority & Tunbridge Wells Borough Council regarding the management of the contract and also the final Equality Impact Assessment relating to the proposed new services.

1.4 Equality Impact Assessment

1.4.1 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.

- 1.4.2 There are a number of individual specification and service elements associated with a contract of this size which will deal with protected characteristics under the Equality Act to ensure that the Service adequately caters for those person who are affected e.g. a pull out service for those who require assistance such as disabled residents or those who are frail and elderly. Although it is not envisaged that any particular group will be disadvantaged by the new contract, a detailed Equality Impact Assessment is being carried out with the assistance of Tunbridge Wells Borough Council's legal team.
- 1.4.3 One of the main considerations of the Group was whether or not there should be a concessionary reduction for the proposed garden waste charge for those in receipt of Council Tax Reduction. Research was carried out both in Kent districts and further afield. Although a number of waste collection authorities do have a reduced charge for garden waste collections, the only district in Kent to do so is Canterbury City Council. It is also considered that being in receipt of Council Tax Reduction is not in itself a protected characteristic under the Equality Act. Whereas a pull out service may be the only option for certain residents to ensure they receive a refuse collection service, there are alternative methods of disposing of garden waste, such as home composting and using the Household Waste Recycling Centres. As such, the Officer Project Group does not consider that such a reduction is appropriate under the EQIA.

1.5 Length of Contract

- 1.5.1 Members will be aware from previous reports that it was the intention for the contract to be for an eight year period with a possible extension for a further eight years based on satisfactory performance by the contractor.
- 1.5.2 Having given the matter careful consideration, a slight amendment has been made. Contractors will be offered the contract for a period of eight years, plus a two year **OR** eight year extension, with a potential further two year extension if an eight year extension is agreed. These greater options for extension gives more flexibility in terms of aligning contracts; taking advantage of future opportunities; disposal facility options; and legislative changes; all of which will be dependent on contract performance & financial benefits.
- 1.5.3 Due to the different termination dates of the existing contracts for the partner authorities there will be a need for staggered service commencement dates. This authority's contract will commence on 1st March 2019 and Tunbridge Wells Borough Council on 31st March 2019. However, we have taken this opportunity to align the end of the new contract for both authorities to 31st March in whichever year it ends.

1.6 Communications

- 1.6.1 At previous meetings of this Board Members have stressed the importance of future communication with residents, and explained the need for a proactive approach to marketing the new Service. As a result it was felt appropriate to set

up a small Member group to discuss this issue, which is likely to meet informally on 2 or 3 occasions. In liaison with the Group Leaders, Councillors Lettington, Keers, Bishop, Roud and Thomas were nominated to join the group and the first meeting took place on 8th February 2018. Feedback from this first meeting will be shared with Members of the Board.

1.6.2 In terms of resident communication, it is the intention to develop a detailed marketing plan which will include traditional and newer forms of reaching the public. We will continue liaison arrangements with established forums such as the Parish Partnership Panel and Tonbridge Forum and also incorporate lessons from other local authorities which have implemented similar new arrangements. It is essential that residents are fully informed of the reasons behind the proposed changes and information is shared as early as possible.

1.6.3 Due to the partnership approach to the contract, and to reflect the different commencement dates of the two authorities, the mobilisation of the new contract arrangements has required careful consideration. A table showing the contract start dates and the new collection service mobilisation period is shown below:

Authority	Contract Start Date	New Collection Service Mobilisation Period
Tonbridge & Malling Borough Council	1st March 2019	Start 1 st July 2019 (complete by 30 th November, 2019)
Tunbridge Wells Borough Council	31st March 2019	Start 1 st July 2019 (complete by 30 th November, 2019)

1.6.4 The existing refuse and recycling service will be maintained until the new collection service is fully implemented. The contractors will be required to submit details of their mobilisation plans and method statements for transition to the new collection service, which will form part of the contract tender evaluation. This issue will be the subject of further discussion with Members at the next meeting of this Board.

1.7 Legal Implications

1.7.1 The Council has a legal duty to provide waste and street cleansing services. Due to the contractual and partnership aspects of this project, regular and timely legal services guidance is essential in taking this forward. The Procurement will be carried out in accordance with all current legislation, including the Public Contract Regulations 2015.

1.7.2 A number of legal considerations have been highlighted, and are captured on the project timetable which are being led by Tunbridge Wells Borough Council. This includes specific involvement with the Inter Authority Agreement, the Conditions of

Contract and the procurement process. Our own Legal Services Officers are represented at the Officer Project Group and are also included in the South West Kent Waste Project Group Legal Services sub-group and the South West Kent Waste Project Group Procurement sub-group and have been involved in the production of the legal documents.

1.8 Financial and Value for Money Considerations

- 1.8.1 As outlined in sub-section 1.2.2, it is not anticipated that Dartford BC's withdrawal from the project will have a significant impact on either the operational efficiencies of scale or the savings associated with reduced disposal costs by adopting the "NOM". However, it is worth reminding Members that without the formal tender prices and experience 'on the ground' following implementation of the new arrangements, it is still not possible to predict the overall net savings that might be achieved, and it is therefore very important to stress that figures set out in previous reports are indicative only. Nevertheless, it is apparent that the financial analysis supports the expectation that the retender of the waste services contract will make a significant contribution to the contract savings target reflected in the Savings and Transformation Strategy. It is also worthy of note that the level of the new 'opt-in' garden waste charge will not be considered by Members until the tender submissions have been received and evaluated.

1.9 Risk Assessment

- 1.9.1 The Council has a duty to provide waste and street cleansing services within the borough. The value, the type of work and the high profile nature of the service give rise to a number of potential risks (financial, health & safety and reputational risks). In addition, there are further potential risks associated with delivering a joint contract in partnership with other authorities.
- 1.9.2 The South West Kent Waste Project Group has recognised the need to assess risks and has been working in accordance with a risk management register for the overall delivery of the project. The key elements will continue to be regularly monitored and reviewed to ensure that the project stays on track.
- 1.9.3 In addition, our Internal Audit Team (also represented on the Officer Project Group) has highlighted the Waste Services Contract Retender as a key area for focus.

1.10 Equality Impact Assessment

- 1.10.1 Covered in sub-section 1.4.

1.11 Policy Considerations

- 1.11.1 Communications

- 1.11.2 Community

1.11.3 Customer Contact

1.11.4 Procurement

1.12 Recommendations

1.12.1 It is **RECOMMENDED** to Cabinet that:

- i) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale be approved;
- ii) subject to Member comment on the draft EQIA, a final Equality Impact Assessment be presented to the next meeting of the Board for approval;
- iii) the modification to the length of contract outlined in the report be noted, and;
- iv) the approach to resident communication and the development of a marketing plan in liaison with Council Members be agreed.

Background papers:

contact: Dennis Gardner

Nil

Robert Styles
Director of Street Scene, Leisure
and Technical Services

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WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V1)

	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19
Sat										
Sun										
Mon		1								1 DARTFORD START
Tue		2				1				2
Wed		3				2				3
Thu		4				3				4
Fri	1	5	1	1		4	1		1 T&M START	5
Sat	2	6	2	2		5	2		2	6
Sun	3	7	3	3	1	6	3	1	3	7
Mon	4 OJEU NOTICE	8	4	4	2	7	4	2	4	8
Tue	5	9	5	5	3 INTERVIEWS x3	8	5	3	5	9
Wed	6	10	6	6	4	9	6	4	6	10
Thu	7	11	7	7	5	10	7	5	7	11
Fri	8	12	8	8	6	11	8	6	8	12
Sat	9	13	9	9	7	12	9	7	9	13
Sun	10	14	10	10	8	13	10	8	10	14
Mon	11	15	11	11	9	14	11	9	11	15
Tue	12	16	12	12	10	15	12	10	12	16
Wed	13	17	13	13	11	16	13	11	13	17
Thu	14	18	14	14	12	17	14	12	14	18
Fri	15	19	15	15	13	18	15	13	15	19
Sat	16	20	16	16	14	19	16	14	16	20
Sun	17	21	17	17	15	20	17	15	17	21
Mon	18	22	18	18	16	21	18	16	18	22
Tue	19	23	19	19	17	22	19	17	19	23
Wed	20	24	20	20	18	23	20	18	20	24
Thu	21	25	21	21	19	24	21	19	21	25
Fri	22	26	22	22	20	25	22	20	22	26
Sat	23	27	23	23	21	26	23	21	23	27
Sun	24	28	24	24	22	27	24	22	24	28
Mon	25	29	25	25	23	28	25	23	25	29
Tue	26	30	26	26	24	29	26	24	26	30
Wed	27	31	27	27	25	30	27	25	27	31
Thu	28		28	28	26	31	28	26	28	
Fri	29		29	29	27		29	27	29	
Sat	30		30	30	28		30	28	30	
Sun	31		31	31	29		31	29	31	
Mon					30			30		
Tue								31		

tender period - 15 weeks

evaluation period - 6 weeks

approvals period - 8 weeks

standstill period - 2 weeks

WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V2)

	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19
Sat										
Sun										
Mon		1								1 DARTFORD START
Tue		2				1				2
Wed		3				2				3
Thu		4				3				4
Fri	1	5	2	1		4	1			5
Sat	2	6	3	2		5	2		1 T&M START	6
Sun	3	7	4	3	1	6	3		2	7
Mon	4	8	OJEU NOTICE	5	2	7	4	2	3	8
Tue	5	9		6	3	INTERVIEWS x3	5	3	4	9
Wed	6	10		7	4		6	4	5	10
Thu	7	11		8	5		7	5	6	11
Fri	8	12		9	6		8	6	7	12
Sat	9	13		10	7		9	7	8	13
Sun	10	14		11	8		10	8	9	14
Mon	11	15		12	9		11	9	10	15
Tue	12	16		13	10		12	10	11	16
Wed	13	17		14	11		13	11	12	17
Thu	14	18		15	12		14	12	13	18
Fri	15	19		16	13		15	13	14	19
Sat	16	20		17	14		16	14	15	20
Sun	17	21		18	15		17	15	16	21
Mon	18	22		19	16		18	16	17	22
Tue	19	23		20	17		19	17	18	23
Wed	20	24		21	18		20	18	19	24
Thu	21	25		22	19		21	19	20	25
Fri	22	26		23	20		22	20	21	26
Sat	23	27		24	21		23	21	22	27
Sun	24	28		25	22		24	22	23	28
Mon	25	29		26	23		25	23	24	29
Tue	26	30		27	24		26	24	25	30
Wed	27	31		28	25		27	25	26	31
Thu	28			29	26		28	26	27	
Fri	29			30	27		29	27	28	
Sat	30			31	28		30	28	29	
Sun	31				29			29	30	31 TWELLS START
Mon					30			30		
Tue								31		

- tender period - 10 weeks
- evaluation period - 6 weeks
- approvals period - 8 weeks
- standstill period - 2 weeks

WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE - 2017 - 2018 - 2019 (V3)													
	Dec-17	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Mar-19	Jul-19			
Sat													tender period - 12 weeks
Sun													
Mon		1	B/H								1	DARTFORD START	evaluation period - 6 weeks
Tue		2					1				2		
Wed		3					2				3		approvals period - 9 weeks
Thu		4		1	1		3				4		
Fri	1	5		2	2		4	1			5	T&M START	standstill period - 2 weeks
Sat	2	6		3	3		5	2			6		
Sun	3	7		4	4	1	6	3			7		
Mon	4	8	OJEU NOTICE	5	5	2	B/H	7	B/H	4	2		
Tue	5	9		6	6	3		8		5	3		
Wed	6	10		7	7	4		9		6	4		
Thu	7	11		8	8	5		10		7	5		
Fri	8	12		9	9	6		11		8	6		
Sat	9	13		10	10	7		12		9	7		
Sun	10	14		11	11	8		13		10	8		
Mon	11	15		12	12	9		14		11	9		
Tue	12	16		13	13	10		15		12	10		
Wed	13	17		14	14	11		16		13	11		
Thu	14	18		15	15	12		17		14	12		
Fri	15	19		16	16	13		18		15	13		
Sat	16	20		17	17	14		19		16	14		
Sun	17	21		18	18	15		20		17	15		
Mon	18	22		19	19	16		21		18	16	CONTRACT AWARD	
Tue	19	23		20	20	17		22		19	17		
Wed	20	24		21	21	18		23		20	18		
Thu	21	25		22	22	19		24		21	19		
Fri	22	26		23	23	20		25		22	20		
Sat	23	27		24	24	21		26		23	21		
Sun	24	28		25	25	22		27		24	22		
Mon	25	29		26	26	23		28	B/H	25	23		
Tue	26	30		27	27	24		29		26	24		
Wed	27	31		28	28	25	INTERVIEWS x3	30		27	25		
Thu	28				29	26	INTERVIEWS x?	31		28	26		
Fri	29				30	B/H	27			29	27		
Sat	30				31					30	28		
Sun	31					29					29	TWELLS START	
Mon					30						30		
Tue											31	INITIAL MEETING	

SOUTH WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE 2018 - V7 (dated 26.1.18)													
	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Mar-19	Apr-19			
Sat													
Sun													
Mon	1	B/H									1	TWELLS START	
Tue	2	School Hols				1					2		
Wed	3	School Hols				2					3		
Thu	4		1	1		3					4		
Fri	5		2	2		4	1	School Hols			5	T&M START	Tender period 12 weeks
Sat	6		3	3		5	2				6		
Sun	7		4	4	1	6	3	School Hols			7		Evaluation period 6 weeks
Mon	8		5	5	2	B/H	7	B/H	4		8	CONTRACT AWARD	
Tue	9		6	6	3	School Hols	8	Evaluation Group	5		9		Approvals period 9 weeks
Wed	10		7	7	4	School Hols	9	Evaluation Group	6		10		
Thu	11		8	8	5	School Hols	10	Evaluation Group	7		11		Standstill period 10 days
Fri	12		9	9	6	School Hols	11	Evaluation Group	8		12		
Sat	13		10	10	7		12	Evaluation Group	9		13		
Sun	14		11	11	8		13	Evaluation Group	10		14		
Mon	15		12	12	9	School Hols	14	Evaluation Group	11		15		
Tue	16		13	13	10	School Hols	15	Evaluation Group	12		16		
Wed	17		14	14	11	Question Deadline	16	Interviews	13		17		
Thu	18		15	15	12	School Hols	17	Interviews	14		18		
Fri	19		16	16	13	School Hols	18	Interviews	15		19		
Sat	20		17	17	14		19		16		20		
Sun	21		18	18	15		20		17		21		
Mon	22		19	19	16		21	Interviews	18		22	INITIAL MEETING	
Tue	23		20	20	17		22	Interviews	19		23		
Wed	24		21	21	18	All questions to be answered by	23		20		24		
Thu	25		22	22	19		24		21		25		
Fri	26		23	23	20		25		22		26		
Sat	27		24	24	21		26		23		27		
Sun	28		25	25	22		27		24		28		
Mon	29		26	26	23		28	B/H	25		29		
Tue	30		27	27	24		29	School Hols	26		30		
Wed	31	OJEU NOTICE	28	28	25		30	School Hols	27		31		
Thu			29	29	26		31	School Hols	28				
Fri			30	B/H	27				29		31	B/H	
Sat			31		28				30				
Sun					29				31				
Mon					30	TENDER RETURN			30	School Hols			
Tue									31				

SOUTH WEST KENT WASTE PROJECT - PROCUREMENT TIMETABLE 2018 - V7 (dated 26.1.18)											
	Jan-18	Feb-18	Mar-18	Apr-18	May-18	Jun-18	Jul-18	Aug-18	Mar-19	Apr-19	
Sat											
Sun											
Mon	1	B/H								1	TWELLS START
Tue	2	School Hols			1					2	
Wed	3	School Hols			2			1		3	
Thu	4		1	1	3			2		4	
Fri	5		2	2	4	1	School Hols	3	1	T&M START	5
Sat	6		3	3	5	2		4	School Hols	2	6
Sun	7		4	4	6	3	1	5	School Hols	3	7
Mon	8		5	5	2	B/H	7	B/H	4	CONTRACT AWARD	8
Tue	9		6	6	3	School Hols	8	Evaluation Group	5	3	9
Wed	10		7	7	4	School Hols	9	Evaluation Group	6	4	10
Thu	11		8	8	5	School Hols	10	Evaluation Group	7	5	11
Fri	12		9	9	6	School Hols	11	Evaluation Group	8	6	12
Sat	13		10	10	7		12	Evaluation Group	9	7	13
Sun	14		11	11	8		13	Evaluation Group	10	8	14
Mon	15		12	School Hols	12	9	School Hols	14	Evaluation Group	11	15
Tue	16		13	School Hols	13	10	School Hols	15	Evaluation Group	12	16
Wed	17		14	School Hols	14	11	Question Deadline	16	Interviews	13	17
Thu	18		15	School Hols	15	12	School Hols	17	Interviews	14	18
Fri	19		16	School Hols	16	13	School Hols	18	Interviews	15	19
Sat	20		17		14	14	19	16	14	18	20
Sun	21		18		15	15	20	17	15	19	21
Mon	22		19		16	16	21	18	16	20	INITIAL MEETING
Tue	23		20		17	17	22	19	17	21	School Hols
Wed	24		21		18	All questions to be answered by	23	20	18	22	School Hols
Thu	25		22		19	19	24	21	19	23	School Hols
Fri	26		23		20	20	25	22	20	24	School Hols
Sat	27		24		21	21	26	23	21	25	School Hols
Sun	28		25		22	22	27	24	22	26	School Hols
Mon	29		26		23	23	28	25	23	27	School Hols
Tue	30		27		24	24	29	26	24	28	School Hols
Wed	31	OJEU NOTICE	28		25	25	30	27	25	29	School Hols
Thu			29		26	26	31	28	26	30	School Hols
Fri			30	B/H	27	27		29	27	31	B/H
Sat			31		28	28		30	28		30
Sun					29	29			29		31
Mon					30	TENDER RETURN		30	School Hols		
Tue								31			

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Item SSE 18/5 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018

SSE 18/5 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION

Members considered objections and comments received during the statutory consultation period related to proposed off-street car parking charges. Responses to the consultation were set out in Annex 1 to the report.

It was reported that the proposed increases in parking charges were considered realistic and took into account the nature of each town or village and no changes were recommended as a result of the consultation responses.

A further comment had been received from Borough Green Parish Council after the consultation deadline reiterating the point raised by Platt Parish Council that every effort should be made to ensure that it was not financially attractive for commuters to use the Western Road car park rather than the railway car park.

Notice of the proposed changes to car parking fees and charges had been advertised in the Kent Messenger as it had a significant circulation across the whole Borough. In addition, site notices had been displayed in all the car parks.

The Cabinet Member for Street Scene and Environment Services reminded Members of the significant financial implications of placing adverts in newspapers and that the Borough Council had a responsibility to consider costs as part of the Savings and Transformation Strategy and the Medium Term Financial Strategy to avoid any impact on services. Regular users of the car parks would have seen the notices displayed and should have been aware of the proposed changes to fees and charges.

RECOMMENDED: That car parking charges should come into effect from 1 April 2018; subject to the following actions being taken in advance of this date:

- (1) the objections to the increase in off-street parking charges, as detailed in the report, be set aside; and
- (2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

13 February 2018

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

CAR PARKING FEES AND CHARGES – OUTCOME OF PUBLIC CONSULTATION

Summary

This report considers objections and comments received during the statutory consultation period relating to the proposed off-street parking charges.

Introduction

- 1.1.1 At the November 2018 meeting of this Board, Members considered and approved a number of proposals to alter the parking charges. To enable the charges to be introduced a new off-street Traffic Regulation Order is required.
- 1.1.2 The statutory processes for making a Traffic Regulation Order require that the Council undertake a formal consultation on the proposed changes. The consultation was carried out between 5th January and 28th January 2018.

1.2 Consultation

- 1.2.1 As part of the consultation process, the following actions were progressed, inviting comments or objection;
- Notices were placed in each car park by each pay and display machine
 - Adverts were placed in the local media
 - Letters were send to every Parish Council and to each Member of this Council
 - Letters were sent to all statutory consultees (Police, Fire, Bus operators etc.)

1.2.2 During the consultation period three responses were received.

- One from Platt Parish Council, commenting that increasing short-stay parking charges in the West Malling and Borough Green car parks would be to the disadvantage of their residents who had to travel to either town/village as the nearest shopping venue. The Parish Council also commented that it understood the need to balance the parking management of the car park and that consideration should be given to increasing parking charges as a deterrent to rail commuter parking
- One from a resident of West Malling, objecting to the increase and suggesting that the charges be reduced, and that a “1 hour free parking” period be introduced. The objector commented that he supported the extension of stay to allow parking for up to 4 hours.
- One from a person who runs a business in West Malling, indicating that increased charges would cause difficulties.

The redacted responses are attached at **Annex 1**.

1.2.3 After the consultation period ended, further correspondence was received from West Malling Parish Council. For completeness this also is included in **Annex 1**.

This correspondence included specific comments on the following areas;

- Opposed to the 10 pence an hour increase.
- Supports the introduction of the 4 hour stay for the short stay car park
- Opposed to the increase on the season tickets to the Ryarsh Lane car park

1.3 Consideration of objections

1.3.1 The Board considered the reasons and principles for the introduction of new charges at its November meeting, including the amendment of the charges in both Borough Green and West Malling.

1.3.2 The introduction and management of parking charges have proven effective in maintaining accessible short-stay parking in both the Borough Green and West Malling car parks, which in turn assists in improving the availability of spaces for short-stay shopping visits. The proposed increases in parking charges were considered to be realistic, took into account the nature of each town/village, and it was noted that parking charges had not been increased the previous year.

1.3.3 Taking the above into account, it is proposed that no changes are made to the proposed charges, and Members note and set aside the objections.

1.4 Risk Assessment

- 1.4.1 The estimated additional income for car parking is modelled on predicted future parking patterns and demand matching what currently takes place. It does not reflect any potential adverse customer reaction or the possibility of increased take up of the dual ticketing arrangement in Angel and Botany car parks.

1.5 Equality Impact Assessment

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

1.6 Policy Considerations

- 1.6.1 Asset Management
- 1.6.2 Community
- 1.6.3 Customer Contact

1.7 Recommendations

- 1.7.1 It is recommended to Cabinet that it **APPROVE** the following actions to be taken prior to the parking charges coming into effect from 1st April 2018;
- 1) the objections to the increase in off-street parking charges, as detailed in the report be set aside.
 - 2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

Background papers:

Annex 1 – Redacted consultation responses

contact: Andy Bracey
Parking Manager

Robert Styles

Director of Street Scene, Leisure & Technical Services

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Andy Bracey

From: Parking Office
Sent: 29 January 2018 09:27
To: Andy Bracey
Subject: FW: The Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2018

From: Pat Darby [REDACTED]
Sent: 27 January 2018 10:28
To: Parking Office <parking.Office@tmbc.gov.uk>
Cc: clerkplattpc@gmail.com
Subject: The Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2018

Dear Sirs,

Platt has no shops and the nearest shopping area is Borough Green and, to a certain extent West Malling. The bus services are so infrequent that residents have no choice but to use their cars and they are penalised by having to pay parking charges. It is important that people can shop for fresh food and that our local shops are supported, without them we have no local community. As these parking charges continue to rise more people take up free deliveries offered by the large supermarkets and these only add more traffic, often speeding and blocking of rural lanes for other traffic, and more pollution. For older residents, and those living on their own, visiting local facilities is a social event and very important. Whilst it is acknowledged that there is need to control the use of car parks it is important that we do not lose our local facilities which also means loss of employment and can also affect the independence of older residents. It should be borne in mind that our local facilities not only include a range of food shops including a butcher (rare these days) but a chemist, post office, dry cleaners, shoe repairers gift shop, hairdressers, chiroprapist, newsagent, pet store, hardware store (also rare), opticians, funeral directors, travel agents, carpet shop, car showroom, garden machinery outlet with repairs, takeaway facilities and coffee shops.

I am therefore writing to object to the increase in charges for short stay parking for at least up to two hours for the reasons above. However, the Parish Council appreciate that these facilities are abused by people, especially those using the train, and that every effort should be made to ensure that it is not financially beneficial for them to do this even to the point of charging more than the railway car park.

Yours faithfully,

Patricia A Darby
Chairman, Platt Parish Council

Andy Bracey

From: Parking Office
Sent: 29 January 2018 09:26
To: Andy Bracey
Subject: FW: TMBC (Off-Street Parking Places) Order 2018

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

From: [REDACTED]
Sent: 28 January 2018 23:49
To: Parking Office <parking.Office@tmbc.gov.uk>
Subject: TMBC (Off-Street Parking Places) Order 2018

Dear Sir,

I wish to comment on the proposals for West Malling.

When Tonbridge and Malling decided to introduce charges in 2016, Cllr Nicholas Heslop was interviewed on Radio Kent when he said that the modest charges were needed to cover the costs of the car parks in West Malling, which he said amounted to £80,000 per year.

Information received from the Borough suggests that the income received from charging in the car park behind Tesco amounts to over £150,000 per year - far in excess of that needed. The result has been a reduction of about 25% in the number of cars using the car park and a reduced footfall and revenue for most of the shops in West Malling, making it more difficult to sustain our important market town. The West Malling GP's have described the introduction of charges as being disastrous for their patients and are in the process of selling their surgery premises and requiring some patients to go to Kings Hill or Leybourne for their medical services which will have a further detrimental effect on the town. Government policy is that market towns should enjoy free parking to enable them to remain viable.

I therefore feel that there is no case to increase charges, but they should instead be reduced to the level whereby the revenue so obtained equals the running costs as suggested by Cllr Heslop. Indeed, it is illegal to use revenue from car parking charges to support other services.

I welcome the proposal to enable a maximum length of stay of 4 hours, but only at the same rate per hour as stays for 2 and 3 hours. I would also request that a free period of up to 1 hour be included. I understand that the Borough have said that this is impractical as it would require constant attendance of traffic wardens. I would suggest that, as used to be the case, all drivers wishing to park be required to obtain and display a ticket, (on which is printed the expiry date and time) which would be free for those wishing to park for up to an hour, and at the agreed rate for stays up to 4 hours. It will then be a simple matter for traffic wardens to see if anyone has exceeded their stay without needing to be constantly in attendance.

Yours sincerely,

[REDACTED]

Sent from my iPad

Andy Bracey

From: West Malling Parish Council Clerk <clerk@westmallingspc.org>
Sent: 29 January 2018 13:10
To: Parking Office
Cc: Andy Bracey
Subject: FW: Parking charges

Good Afternoon,

Please find below a response to the parking charge consultation - I am not sure if it was also sent to yourselves directly? Apologies that it is late - it was sitting in my junk file.

Kind regards

Claire

Claire Christmas
Clerk to West Malling Parish Council
tel: 01732 870872
www.westmallingspc.org

Kent Rural Community of the Year

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

From: [REDACTED]
Sent: 28 January 2018 10:59
To: clerk@westmallingspc.org
Subject: Parking charges

Dear Councillors, To increase the charges again is outrageous. To park for four hours it will be cheaper to drive to Bluewater. We are struggling so much in the high street for you to put the prices up again is suicide for us.

You need to come and talk to the people of west malling.

The long term parking has had a huge jump from £50 a year to £175. Still I have been on the list for 5 years for a permit and still not got one which seems hard. I have to park where I can and walking back late in the dark is not a nice thing for a woman to have to do.

Regards [REDACTED]
[REDACTED]

Claire Twinn

From: West Malling Parish Council Clerk <clerk@westmallingspc.org>
Sent: 29 January 2018 10:21
To: Parking Office
Cc: Andy Bracey
Subject: Off -street parking fees & charges consultation
Attachments: Off street parking fees consultation.doc

Dear Andy,

Please find attached WMPC comments regarding changes to the off –street parking fees & charges.

Kind regards

Claire

Claire Christmas
Clerk to West Malling Parish Council
tel: 01732 870872
www.westmallingspc.org

Kent Rural Community of the Year

WEST MALLING PARISH COUNCIL

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

email: clerk@westmallingpc.org

website: www.westmallingpc.org

Clerk to the Parish Council: Claire Christmas

Andy Bracey
Parking Manager
Tonbridge & Malling BC
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

28th January 2018

Dear Andy,

RESPONSE TO TMBC PARKING CHARGES CONSULTATION.

In the town of West Malling, High Street car park

- an increase of 10 pence per hour (or part of) on each existing parking tariff

The Parish Council notes that in West Malling this is a higher rate of increase than CPI, RPI or average wage level increases and so opposes the level of increase.

- the introduction of a new £3.20 for a 4 hour tariff

The Council supports the reintroduction of a 4 hour parking period but remains concerned that it may be abused by workers in the town who are struggling to find alternative parking. We therefore urge the council to keep this issue under review.

We also believe the charge should be in line with other tariff periods (currently at 60p per hour).

Ryarsh Lane car park

- an increase of £25 (to £175) for 12 month car park season tickets

Although Chamber of Commerce members of the Liaison Group acknowledged that the existing rate is good value for money, they felt a rise of £25 was too great an increase, particularly bearing in mind that it is a permit system with no guarantee of a space.

We support these comments and urge the council to reduce this level of increase and support the Parish Council efforts to secure a dedicated business car park through the Local Plan process.

The Council reaffirms its opposition to charging in the High Street shoppers car park and continues to believe it is having a harmful effect on retail premises.

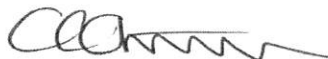
We refer you to a list of comments received from 26 of our shops by the TMBC/WMPC Parking Liaison Group at its last meeting to demonstrate this response.

The sums collected from WM car parks are far in excess of the running costs and a free first half hour or hour if affordable and should be implemented to attract small purchase daily shoppers back to the town.

We draw attention to the announced closure of the High Street GP Surgery to be replaced perhaps by a smaller premises, and the potential knock on effect on the pharmacy. A Senior Partner reported verbally to one of our members during 2017 that charges had proved 'disastrous' to the surgery. We currently have empty premises in Arundel house, the former Police Shop and former Swan Street cafe, and are aware the premises at 37 High Street is also on the market for a new tenant. The former cafe: restaurant the Fancy Goat has been converted of offices. That constitutes 10 per cent of our retail premises.

West Malling needs the support of the Borough Council in this issue to survive losses to online purchasing.

Yours sincerely,



Claire Christmas
Clerk to West Malling Parish Council

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Executive Non Key Decisions

1 LEYBOURNE LAKES COUNTRY PARK – DEVELOPMENT OPPORTUNITIES

Summary

This report updates Members on proposals for the potential outsourcing of the management of Leybourne Lakes Country Park. The report brings forward Heads of Terms for Cabinet consideration and approval and advises on the procurement route, timeframe and evaluation criteria.

1.1 Background

- 1.1.1 A List C project for evaluation is currently in the Council's Capital Plan for improved facility provision at Leybourne Lakes Country Park. The scheme identifies potential improvements to include the provision of an education room/facility, general improvements to the water sports facilities/area and the provision of a café. Developer contributions of just over £700,000 are currently held by this Council specifically to support onsite developments.
- 1.1.2 Highlighted within the Council's Savings and Transformation Strategy, is the theme of 'Income Generation and Cost Recovery'. With Leybourne Lakes Country Park being a discretionary service, this theme needs careful consideration in relation to the facility, with a long-term ambition for the Country Park to be financially more self-sufficient. Any such considerations need to be balanced with the nature of the Park and its core objectives, as reflected in the Park's recently approved Management Plan.
- 1.1.3 Initial advice on the business case for facility development at the site was sought from a leading leisure and sport business consultant, Oaks Consultancy. The Oaks report supported the Council's initial view that facility development is required and viable, and Members agreed that Oaks be appointed to assist the Council in the business/financial appraisal of options linked to capital investment. The Oaks report also clearly recognised that direct delivery by the Council in the future might not offer the best outcomes in terms of improvements, investment and financial return. Oaks strongly recommended that the Council should consider the external outsourcing of the management of Park in accordance with a clearly defined Management Agreement. Oaks believe this will be the best option to deliver an enhanced customer offer and financial saving to the Council.

1.1.4 At the meeting of the Communities & Housing Advisory Board on the 13 November 2017 Members agreed to further explore the external management of the Park through a formal procurement process. This report brings forward details of this process for Members consideration and approval specifically focusing on the following:

- Procurement
- Heads of Terms
- Evaluation Criteria
- Timeframe

1.2 Procurement

1.2.1 The Council's Contract Procedure Rules will need to be adhered to and liaison has been undertaken with the Director of Central Services in this regard. It has been confirmed that a full EU Tender will be required and that this opportunity would be tendered as a 'Concession'.

1.2.2 It is worthy of note that progressing with a procurement exercise will not commit this authority to a new way of managing and developing LLCP, but it will enable Members to consider and evaluate costed proposals from prospective partners, and compare these to other options.

1.3 Heads of Terms

1.3.1 As highlighted at sub-section 1.1.3 it is proposed that any external management would be agreed and undertaken in accordance with a formal Management Agreement, similar to the approach already adopted for the Council's Indoor Leisure Facilities. The Management Agreement would form a key part of the tender pack and will be guided by approved Heads of Terms. In order to inform the Heads of Terms, consultation has been undertaken with key stakeholders.

1.3.2 All Borough Members representing Snodland and Larkfield and representatives from both Snodland Town Council and East Malling and Larkfield Parish Council were invited to attend a meeting on the 1 December 2017 chaired by the Cabinet Member for Communities. The meeting explored the parameters for outsourcing and a copy of the summary from the meeting can be found at **Annex 1**. Following this meeting a letter has also been received from East Malling and Larkfield Parish Council outlining its comments on the proposal. A copy of this letter can be found at **Annex 2**. The Parish Council has also requested that the provision of a Café facility should be a core provision in the allocation of developer contributions held by the Borough Council for the Country Park. This has always been the intention and it is therefore proposed that this be clearly reflected in the tender documentation. It is also important to note that this Council will have full control

over the authorisation of the allocation of the developer contributions at the Park.

1.3.3 Discussions have also taken place with members of the Leybourne Lakes User Panel at its meeting on the 9 November 2017. Key issues from the discussions are summarised below:

- A balance needs to continue to be struck between uses of the site, including wildlife.
- Future activities/events should be appropriate to the setting and environment of the Park and no motorised water sports should be permitted.
- Green Flag status should be retained at the site.
- Community engagement at the site should continue including volunteering opportunities and the User Panel.
- Community activities at the site should be retained, including Parkrun, health walks, scouting activities and the small local fishing clubs.
- Any proposed built facilities will need to be sympathetic to the environment and reflect the needs of the Park and its users.

1.3.4 Taking all comments into consideration Oaks has prepared a draft Heads of Terms as shown at **Annex 3** for Cabinets' consideration and approval. It is proposed that the Heads of Terms will form the basis of the development of a Management Agreement.

1.4 Evaluation Criteria

1.4.1 A key document within the tender pack will be the Evaluation Criteria. This document will allow the Council to advise tenderers of its priority areas of focus when considering proposals. During the consultation with local Members and Parish/Town Councils, this issue was discussed and it was suggested that priority needed to be given to the quality of each proposal over price. It is, therefore, suggested that when evaluating submissions weighting should be 40% Price and 60% Quality.

1.4.2 It is proposed that the full Evaluation Criteria be brought to Members at the next meeting of the Communities & Housing Advisory Board for approval.

1.5 Timeframe

1.5.1 Following the next meeting of the Communities & Housing Advisory Board in June 2018 it is proposed that the tender documents be finalised and sent out in August 2018. In the interim, adverts will be placed seeking expressions of interest.

- 1.5.2 In accordance with the tender process laid out in EU legislation, and following receipt and evaluation of the tenders, it is envisaged that a report be presented to the November 2018 meeting of the Communities & Housing Advisory Board for Members to consider the outcome and discuss the way forward.

1.6 Legal Implications

- 1.6.1 It is recognised that a number of legal restrictions apply to the site and will need to be confirmed and collated prior to the procurement exercise. Many of these relate to site designations and utilities. Legal Services are currently developing a 'Report on Title' that will highlight all restrictions and will be circulated to tenderers as part of the tender pack. Initial investigations have highlighted two particular restrictions that are worthy of note, these being:

- Berkeley Homes – a covenant was in place to seek Berkeley Homes Permission for new development on site though this fell away after 10 years and, therefore, no longer applies.
- Kent County Council – following the transfer of a section of KCC land (access point off the Ham Hill Roundabout) to the Borough Council, the Borough Council will need to seek KCC's formal consent to proceed.

1.7 Financial and Value for Money Considerations

- 1.7.1 The potential Capital Plan Scheme for facility improvements at the Park represents a significant level of investment from developer contributions held by the Council. The consultant's previous study on potential income generation identifies opportunities at the site by working in partnership with an external provider. These opportunities relate to both external capital investment and a reduction in the ongoing revenue cost of the facility to the Council.
- 1.7.2 The current revenue cost to the Council of the Park is £113,650 (17/18 original estimate) and if this cost could be significantly reduced, it would represent a welcome contribution to the Council's next tranche of savings in the Savings & Transformation Strategy.

1.8 Risk Assessment

- 1.8.1 The delivery of projects within the Capital Plan is identified in relevant Operational Risk Registers within the Service. A number of existing controls are in place to help deliver projects in accordance with the design brief, on timescale and within budgets. These controls include the preparation of design briefs, use of consultant teams where applicable, compliance with Contract and Financial Procedure Rules, an Officer Study Team approach and regular reports to Management Team and Members.
- 1.8.2 It is important in light of the Council's overall financial position that opportunities are carefully considered to reduce the cost of the facility to Council. To assist the

Council in judging the potential financial risk associated with investment in the site, a leading leisure and sport business consultant (Oaks) has been appointed to work alongside the Council, which will assist the Council in making the best decision for the future.

1.9 Equality Impact Assessment

1.9.1 Equality will need to be taken into consideration within any new management arrangement and within the design of any new facilities being brought forward.

1.10 Policy Considerations

1.10.1 Asset Management, Biodiversity & Sustainability, Community, Procurement, Staffing and Healthy Lifestyles.

1.11 Recommendations

1.11.1 It is RECOMMENDED that:

- 1) the Heads of Terms as detailed in Annex 3 of the report be approved and form the basis of a Management Agreement for the procurement exercise;
- 2) a Price/Quality split as of 40% Price and 60% Quality for the evaluation of the tenders be approved;
- 3) the detailed Evaluation Criteria be reported to the next meeting of the Communities & Housing Advisory Board for consideration and approval, and;
- 4) the procurement route and timeframe be noted and approved as outlined in the report.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

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Summary of meeting

- Ethos of the Site – due consideration needs to be given to the current ethos of the site, being a Country Park. A balance needs to be struck between uses, including wildlife, within the Tender process and submissions.
- TMBC Capital investment available to support development of the site that will form part of the Tender pack. Tenders to advise on how they believe this capital could be invested linked to their future proposals for the park.
- Land Ownership – it was suggested that land ownership be retained by the Council and only the management of the park be outsourced.
- Legal Restrictions – it was recognised that a number of restrictions may apply to the land including a potential right of access for a local resident. TMBC Legal Services are undertaking a full review of restrictions and this will form part of the Tender documents.
- Lease – it was noted that a long-term lease (20-25years) would be applicable though flexibility needed to be introduced to respond to future development opportunities. It was suggested that 5 year reviews should be considered.
- Financial Risk – it was noted that the financial risk to the Council regarding a third party operator needed to be considered. Due consideration needed to be given to this aspect in the production of and evaluating the Tender documents.
- Management Plan – it was agreed that any new operator would need to pay due consideration to the existing Management Plan. Compliance with this could form part of the evaluation criteria.
- Water Sports – it was noted that no motorised water sports should be undertaken in the park.
- Current and Future Activities/Events – all future activities should be appropriate to the setting and environment of the park. Proposed activities could form part to the Tender submission and any future activities could be introduced following consultation with the Council. It was suggested that some community activities needed to be protected under the new arrangements including parkrun, health walks and scout activities at the site.
- Proposed Built facilities – these needed to be sympathetic to the environment and reflect the needs of the park and its users.
- Repair and Maintenance – a full repair and maintenance agreement should be considered to potentially achieve the highest financial saving to the Council.

- Procurement Route – this is currently being discussed and will be confirmed by TMBC’s Legal Services in due course – potential Open Tender.
- Master Plan/Business Plan – the Tenders could be asked to submit a Master/Business Plan for the Park outlining key activities, investment and developments.
- Car Park Management and Income – it was suggested that full management of the car park would be transferred and include the income received.
- Car Park Charges – it was suggested charges would be self-levelling and that any third party would not benefit from increasing them above the market rate. Therefore, control over future charges may not be required, however, a future charging strategy could be asked for as part of the Master/Business Plan. Due consideration would need to be given to the season ticket provision that currently covers both Leybourne Lakes and Haysden Country Park.
- Increased Footfall – the need to increase footfall was discussed and the implications this would have on the park. Whilst a level of increased footfall may be inevitable it would be useful to gauge anticipated levels through the Tender process as there could be more opportunity to increase secondary spend.
- Balance of Use – a balance needs to be retained for different users of the site to include dog walkers.
- Green Flag Award – ensure this quality standard is retained for the site.
- Access – access to remain free to the public with the exception of the car park, concessions and events. Due consideration would also be given to access for all.
- BBQ’s – fixed BBQ’s were discussed though at the current time these were no being encouraged at the site. Such opportunities may, however, arise through the Tender process.
- Staffing – It was suggested that current levels of staffing be the minimum level required going forward and that the jobs of current staff on site be protected.
- Community Engagement – the engagement of the community in the site should be retained and this includes the current volunteer opportunities and the Customer Panel.
- Water Quality – current standards and monitoring should be maintained to ensure safe access to the water for all authorised activities.
- Concessions – Current concessions are being reviewed by an external officer working group though it is envisaged that all would eventually be consumed by the third party operator though may still be sublet. The small concession to the local fishing club was specifically raised and it was suggested that this be protected, both in terms of area and price.

- Opening Times (car park) – whilst there are currently restricted on access to the car park there is the potential to extend this if appropriate measures are put in place to control issues such as antisocial-behaviour.
- Monitoring – formal monitoring of any agreement will be essential to ensure any third party is meeting the agreed delivery of services.
- It was agreed that when evaluating the Tenders priority should be given to Quality of submission over price.

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Leybourne Lakes Country Park Development Meeting

Thank you for your email with notes of the meeting before Christmas that took place on this subject.

Cllrs Pam Ayrton and David Thornewell found the meeting useful and were pleased to attend. I have been asked to thank the borough Council for arranging it. It was considered to be constructive and we look forward to a further one in due course.

The notes of the meeting have been circulated to my parish councillors and I have asked to confirm the parish council's general views at this stage. This letter will just cover the issues we feel are really important and not seek to comment on everything discussed at the meeting.

As the notes start off by recording the ethos of the site as a country park is important and whilst there has always been a balance to strike between the various uses such as fishing, windsurfing, diving, scout use, and informal recreational pursuits plus the wildlife value of the site its status as a country park to us is paramount.

By way of background country parks came into being as a result of the Countryside Act.1968 with the purpose of providing places with a natural rural atmosphere as opposed to the formal parks of towns and urban areas. The idea was provide easy access to the countryside for those living in built up areas.

At the same time the development of the Medway Gap then via KCC planning documents...Town Maps...was proceeding apace and one for our area was allocating new land for housing at various sites including 900 homes at "North Larkfield" between the M20 and Leybourne Way. There was local pressure for a country park to cover the lakes between Leybourne/Larkfield and Snodland to serve the growing area which resulted in KCC producing a study which proposed a country park over a somewhat wider area than what is now the country park. Sadly though Government funding could not be achieved and the plan remained just an idea.

The parish council was therefore very pleased when the borough council took up the issue when it had become the local planning authority and achieved the country park with a planning arrangement with Berkley Homes allowing them to build The Lakes site and fund the provision of the park we have today.

It opened in 2003 and has proved very popular meeting the needs of the local population and with the additional housing taking place and planned locally we consider its importance will only increase. Indeed we note the visitor satisfaction surveys record over 90 per cent satisfaction.

However we have been aware since it opened and indeed before there was from a visitor perspective a need for a well-designed visitor centre and especially a cafe overlooking the lake. This was an issue during the planning stages and at one time the redundant but well designed visit cabin was thought by many to be an interim answer though it was turned down on the costs of relocating it.

The Legal Agreement of 9th December,1999 between TMBC and the then landowners and developers provided a balance of £1,492,316 part of which was for a "visitors centre to serve members of the public visiting the country park land". We are aware that about £700,000 of this sum remains.

The parish council remains keen to see this provided particularly the cafe and notes most of the KCC country parks have such a facility. These are usually run by third parties and we had the envisaged that would be the position here too.

The council also wishes to stress the importance of the wildlife aspect of the country park with the "Snodland" stream running along one boundary; The water fowl on the lakes; the existence of the protected water voles; and that part is considered to be of wildlife interest. Indeed until quite recently

there was mention at user meetings of seeking Nature Reserve status. There are also the SS1 sites in the vicinity and these are the sort of issues being highlighted in the recently issued "A Green Future" document by the government.

We also wish as mentioned at the meeting that no motorised water sports should be undertaken at the park. Such unauthorized use had been an issue after sand and gravel extraction ended while the lakes were still in private ownership. Disturbance was caused to the houses close to Melbourne Way and for this reason the clause 4.23 in the Legal Agreement was inserted.

We are pleased there is no intention to charge for entry to the park. The site is crossed by three public paths namely MR 84, 88, and 99 and the parish council would be against entry charges.

We note the Borough solicitor is looking at any other restrictions which apply to the park including those in the planning permission TM/99/0032/FL.

The parish council understands the park currently costs the Borough £120,000 net and this with the issue of the Visitor Centre has led the council to look at other management arrangements including outsourcing the management to a third party.

The parish council currently contributes an annual sum of £5000 towards the costs of the park as was originally agreed back when the parish council was involved in the arrangements setting it up and that involved a liaison meeting involving Snodland which has now ceased its payments. The parish council has made provision again in its recently passed 2018/19 budget. It will as indicated at the meeting keep the matter under review depending on what future management arrangements are made. It would ask that liaison with the two parish councils and indeed users should continue including if management is outsourced.

We note that if a Lease arrangement were adopted the freehold of the land would remain with the borough council and we regard that as crucial. We also think any lease should be to a specific organisation with 5 yearly reviews as suggested at the meeting. And any lease should prevent assignment without TMBC approval.

We note the council has received internal advice that there must be a tendering arrangement. We would have preferred negotiations with specific bodies who it was previously assured could manage the country park. Such as the way the Leisure centre is run.

It should be recorded that some members of the parish council are doubtful if a commercial body can be found who can not only manage the country park with that status including building and running a visitor centre as well as doing it at no cost to the council. Or indeed making a payment to TMBC. There is a feeling this could only be done by compromising the country park and members have asked if there is a country park we could visit which is run in this way.

Parish councillors do though understand the pressure the borough is under to both reduce costs and increase income so understands why it wishes to test the position.

Lastly on a related issue the parish council was involved in an early stage in supporting the North Downs initiative and is pleased the country park is within the project area. It was also pleased a launch took place within the park last year. It is keen as we have told them to improve the public paths leading into and out of the country park including waymarking so it fits into the countryside path system locally. It is prepared to make a modest contribution towards such work and holds £500 for this purpose. A cafe would of course mean the park could be used for walk starts/ends.

On the issue of the country park being a meeting point for walking, the Council also wishes to record the importance of the Health Walks taking place on Tuesday and Thursday mornings. It would wish these to continue and these too could provide potential customers for a café.

Tonbridge and Malling Borough Council

Leybourne Lakes Country Park

Draft Heads of Terms

February 2018



Introduction

Following a soft market testing project, commissioned by the Council's Street Scene, Leisure & Technical Services Department and undertaken by Oaks, Members of the Communities and Housing Advisory Board gave their approval to seek formal tenders for the outsourcing of the management of Leybourne Lakes Country Park.

To further develop this project, Oaks have been commissioned to produce a draft Heads of Terms document and related tender Evaluation Criteria.

These documents, subject to Member approval, will provide the framework for the development of the full tender materials in accordance with the Council's Procurement Regulations.

Heads of Terms

Context

Opened in 2004, Leybourne Lakes Country Park (LLCP) covers an area of approximately 230 acres, forming part of the land north of the M20 which separates the built-up areas of Snodland, Larkfield and New Hythe.

Formerly part of a wider site of disused gravel pits, the nearby housing development by Berkeley Homes in the early 2000s prompted the creation of the Country Park and designation as a 'Site of Nature Conservation Interest' to offset the community impact of the new homes and to provide the new residents with open, natural space for leisure and recreation. Fourteen years on, the Country Park is now well used by the local community, attracting an estimated 150,000 visits each year.

The site currently encompasses a range of habitats including established lakes, grasslands, newly created shallow wetlands, dense scrub, the Mill Stream, hedgerows and woodlands. Current facilities include:

- Informal recreation provision - including a children's play area and wildlife play trail, hard surfaced and grassland paths for all ability walking, and picnic areas and benches
- Small and temporary mobile catering services
- Car parking areas
- A range of formal recreation concessionaries focused on water sports and fishing
- A Park Rangers office, grounds maintenance storage and public toilets

The site is currently owned and managed by Tonbridge & Malling Borough Council (TMBC) with financial support from East Malling & Larkfield Parish Council.

A significant proportion of the site is visitors engage in informal activity, primarily walking. Formal activity such as windsurfing, canoeing, small boat sailing and scuba diving are carried out on the main lake and regulated fishing is also a popular activity within LLCP – all of which are delivered by time

bound contracted partnerships. Services available to users of the Park include ad-hoc catering, provided by a short term contracted concession.

Strategic objectives

TMBC are committed to providing an excellent quality of service for future users of LLCP. In doing so it will ensure that all visitors to the Park have opportunities to enjoy easily accessible and welcoming social and informal recreation, balanced with a wide range of high quality formal sport and leisure opportunities. In addition, TMBC are committed to enhancing the nature conservation attributes of LLCP.

To help facilitate the Park's future development, TMBC will invest capital funding secured through an existing section 106 agreement. In line with this agreement, this capital investment will be used to enhance the visitor experience and improve future sustainability.

To maximise the future development of LLCP, the Council would like to invite external partners with the relevant skills, creativity, experience and business acumen to tender for the outsourcing of the Park's operations. Through this process, TMBC will seek a partner to not only improve the use of the Park and the visitor experience, but also ensure the current level of Council subsidy is reduced or eliminated. The following document provides the framework for the development of this partnership.

The opportunity

TMBC will maintain its ownership of LLCP. From 1st April 2019 TMBC will actively pursue, subject to a suitable partner being identified and satisfactory contractual conditions being reached, the outsourcing of the park's management and maintenance.

This opportunity will comprise a 20 – 25-year full repair and maintenance operating lease for the total management of LLCP, including grounds maintenance, service provision and nature conservation. In addition, the opportunity will be supported through a £740,000 capital investment by TMBC.

This opportunity will be tendered in line with the following Heads of Terms:

Credentials

TMBC has a responsibility to provide the highest quality of service to the communities it serves, in addition it must ensure that any investment of public funds achieves the greatest return on investment. TMBC is committed to working with partners who share this professional approach and can clearly demonstrate their ability to manage a contract of this scope and size.

Tenderers will be required to demonstrate their:

- Corporate structure and suitability to enter into a partnership with TMBC
- Economic and financial standing and ability to enter into a partnership with TMBC
- Industry compliance and ability to adhere to all legal requirements (to be detailed within tender pack)
- Skills and experience in managing similar contracts, including:

- Sport and leisure facilities
- Informal recreation provision
- Outdoor activity areas
- Grounds maintenance
- Nature conservation
- Community Engagement

Business and financial planning

The outsourcing of LLCP must maintain, and ideally improve, the experience of customers at LLCP. In addition, any future partnership must support the reduction of the financial subsidy provided by TMBC. The Council is committed to identifying partners who can demonstrate the necessary financial rigour to deliver an excellent customer service within a value for money approach. Tenderers should be aware that the Council elected to 'opt to tax' the site of Leybourne Lakes in 2005. Therefore, we suggest that you should take VAT advice when considering your respective proposed business plans.

Tenderers will be required to submit a detailed Park Master Plan and a 5-year Business Plan. This Master Plan will require partners to:

- Demonstrate their understanding and due consideration of the existing LLCP Management Plan 2017 – 2021.
- Detail any alterations to the orientation and specification of the Park, including fixed assets, public access, walkways and cycleways, car parking, visitor / recreation attractions, green space and nature conservation areas.
- Provide a comprehensive five-year Business Plan comprising:
 - A five-year budget forecast demonstrating:
 - How the TMBC budget subsidy will be reduced/eliminated within five years of contract commencement
 - The proposed profit share structure and conditions
 - The financial projections relating to the delivery of a full repair and maintenance contract
 - A schedule of proposed capital and revenue investment (identifying how this will impact the five-year budget forecast)
 - A detailed breakdown of proposed income generating activities and new service areas
 - Financial KPIs that a partner wishes to be measured on
 - A risk management plan with identifiable mitigations

Park ethos

LLCP was established through a Section 106 agreement to deliver a community asset. TMBC are committed to maintaining the provision of LLCP to the benefit of the local community. TMBC wants all people, irrespective of their economic standing to be able to access and enjoy the Park's amenities. Further, any new provision must be considerate to the Park's ethos.

Tenderers will be required to demonstrate how they will maintain the ethos of the Park in relation to:

- Maintenance and development of LLCP wildlife and areas of interest
- Balance of informal and formal activity

- Public access and free use engagement
- Design and orientation of new or amended fixed assets, including capital developments
- Delivery of events and activities
- Surrounding conurbations near the Park

Conservation

TMBC are committed to providing a positive balance between nature conservation and leisure provision. Visitors to the Park must be able to have the opportunity to enjoy both aspects without compromising the natural environment.

Tenderers will be required to demonstrate that they have an understanding of and appropriate plans in place to:

- Ensure LLCP maintains its Green Flag Award throughout the duration of the contract
- Maintain the water quality standards currently in place
- Maintain and protect the wildlife and green space within LLCP

Capital development

TMBC wishes to make a capital investment in the infrastructure of LLCP. This investment must enhance the visitor experience and improve and safeguard the financial sustainability of the Park. TMBC welcomes tenderers who wish to provide additional capital investment to further these objectives.

Tenderers will be required to:

- Detail their intentions to invest in the proposed fixed capital developments and conditions associated with this investment
- Provide a Park orientation and Capital Development Plan, identifying costings and future business and customer experience impact
- Identify their desire and ability to support the design and build of any capital development projects and the impact that this would have on the five-year financial projections
- Detail their intentions to invest in the non-fixed / revenue generating assets and conditions associated with this investment

Staffing

TMBC is a caring and diligent employer, who supports the development and wellbeing of their staff. In addition, TMBC are a large local employer who wishes to stimulate employment opportunities throughout the borough. A new operator will be required to reflect this approach and clearly demonstrate how it will add value to both paid employment and voluntary engagement.

Tenderers will be required to:

- Provide a staff recruitment, deployment and Management Plan, to include:
 - Arrangements for TUPE of current LLCP staff employed by TMBC
 - Role descriptions and salary
 - Proposed structure and scheduling
 - Training and development programme

- Employment policies and procedures

DRAFT

Activities and services

TMBC is committed to ensuring continued provision of the Park for existing formal and informal users. To give a new operator the greatest planning flexibility, TMBC will conclude all existing contractual obligations with the exception of (the local fishing concession to be defined) prior to the commencement of the new partnership term. In doing so, TMBC will require tenderers to view existing customer groups in a positive light, and where financially practical, to accommodate them within future activity scheduling. At the point of issuing the tender, TMBC do not wish the operator to propose any motorised water sports in their plans.

Tenderers will be required to:

- Provide an activity and event schedule which:
 - Outlines the informal use of the Park's assets and how this will be protected during one-off event delivery
 - Protects (within financial planning constraints) the use of the Park by the following user groups:
 - Existing clubs and user groups, e.g. Parkrun, health walks, scouts, triathlon etc.
 - Fishing concession (tbc)
 - Details how the current LLCP volunteer programme will be maintained and enhanced during the contract term
 - Gives due consideration to the ethos of the Park and its availability as a green space and nature reserve
 - Identified new activities and the added value they will deliver to the user experience and financial sustainability of the Park
 - The pricing policy associated with new activity provision
 - Defines third party partnerships required to deliver the activity and event schedule
 - Defines the impact of the proposed schedule on informal Park access

Car parking

TMBC operate a wide range of car parking facilities throughout the borough, including provision of a reciprocal 'season ticket' for parking at LLCP and Haysden Country Park. To provide a new operator with the greatest flexibility, TMBC will grant control of the LLCP car parking and any revenues generated through this to the new operator, subject to that operator accommodating the existing season ticket scheme and giving due consideration to the borough's broader car parking policy.

Tenderers will be required to:

- Provide a car park plan which details:
 - Capital expansion or re-orientation plans
 - Proposed charging structure
 - Proposed usage in relation to one-off event programmes
 - Opening and closing times
 - Mitigations to prevent anti-social behaviour
 - Mechanism for collecting parking fees
 - Mechanism for protecting the security of the site

Community engagement

Since the Park's inception, TMBC have worked hard to develop effective and trusted links with user groups and the local community. In respect of the new contract, TMBC will expect a similar standard of interaction to be achieved.

Tenderers will be required to:

- Demonstrate how they will engage with the Customer Panel
- Collect and analyse customer feedback
- Plan for the needs and aspirations of local and visiting Park users

Data management and marketing

In line with similar outsourced arrangements within the Borough, TMBC will expect the new operator to maintain the highest standards of compliance in relation to data protection and data management. TMBC will also require the new operator to market and promote LLCP opportunities in a respectful and complimentary manner in order to effectively reflect the TMBC brand. For the avoidance of doubt, personal data collected and utilised by the new operator will remain in the ownership of TMBC.

Tenderers will be required to:

- Comply with all appropriate data protection, legislation and principles as required within TMBC's Procurement Regulations.
- Demonstrate how they will manage and utilise any data collected throughout the contract term
- Handover all personal data to TMBC at the conclusion of the contract term
- Produce a sample Marketing Plan with defined procedures in relation to:
 - Social media
 - Broadcast media
 - Written media
 - Distribution of marketing collateral and messaging

Compliance

TMBC maintain the highest standards of compliance across all areas of its service provision. TMBC would therefore require a new operator to deliver its obligations to the same standard of provision.

Tenderers will be required to:

- Fully comply with all relevant legislation
- Secure and maintain all insurances and indemnities required to operate LLCP
- Maintain required insight to facilitate full compliance with relevant requests or investigations
- Provide a health and safety plan specific to the staff and visitors of LLCP
- Demonstrate their commitment to adopt TMBC policies and procedures as and when required

Monitoring, evaluation and performance management

TMBC wish to provide a new operator with the maximum flexibility to develop a creative and effective service offer. To facilitate effective performance management, TMBC will implement timely monitoring and evaluation procedures.

Tenderers will be required to:

- Agree, prior to contract commencement, joint KPIs relating to the management of LLCP
- Submit to a five-year formal evaluation of performance
- Agree to collect and analyse relevant data and insight to support the implementation and enhancement of the Park's management. This will include KPIs for, but not be limited to:
 - Financial management
 - User satisfaction
 - Visitor attendance
 - Community engagement
 - Wildlife conservation

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Management Team

Part 1- Public

Matters for Information

1 STRATEGIC RISK REGISTER

An information report to advise Cabinet of the current strategic risks and how they are being managed.

1.1 Introduction

- 1.1.1 The Risk Management Strategy of the Council is to adopt best practices in the identification, evaluation, and cost-effective control of risks. This is intended to ensure that risks are reduced to an acceptable level or, where reasonable eliminated, thereby safeguarding the Council's assets, employees and customers and the delivery of services to the local community. Examples of risk include budget deficit, cyber/data loss, environmental and reputational.
- 1.1.2 The Strategic Risk Register (SRR) was reviewed and updated to align with the new Corporate Strategy back in the Autumn. The SRR is considered to be a 'live' document and is updated, as often as is required, by the Management Team.

1.2 Latest Iteration

- 1.2.1 It has been agreed that the SRR will be presented twice yearly to the Audit Committee. However, as the Cabinet has responsibility for taking in-year decisions on resources and priorities, it is felt appropriate to advise Cabinet of the current position.
- 1.2.2 As Cabinet will be aware from reports during the last cycle, updates have been made in respect of emergency arrangements, contaminated land and the potential impact of the demise of a large partner organisation.
- 1.2.3 Accordingly, the latest iteration of the SRR is attached at **[Annex 1]** for Cabinet's information.

1.3 Legal Implications

- 1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 Financial issues may arise in mitigating risk, but these will be managed within budget resources or reported to Members for further action if this is not possible.

1.5 Risk Assessment

1.5.1 The SRR flows from the Risk Management Strategy and is managed and updated by Management Team. The SRR will be reported regularly to Members of either the Audit Committee or Cabinet.

1.6 Policy Considerations

- Asset Management
- Customer Contact
- Human Resources
- Business Continuity/Resilience
- Health and Safety
- Community

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive for Management Team

No	Risk Title	Risk Type	Consequences	Date identified	Current Mitigation	Likelihood Score	Impact score	Overall risk score	Desired risk score	Actions required	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
1	Safeguarding and PREVENT	R, S	Significant reputational impact should a child, young person or vulnerable adult come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	The responsibility for safeguarding has recently moved to the Chief Executive, rather than an individual service and a review implemented. An Audit review was commissioned which identified progress to date. Positive direction of travel noted in majority of areas (policy, training, engagement with other agencies). Areas of weakness identified and an action plan is being developed to address areas/necessary actions. Corporate Safeguarding Policy, DBS checking, Staffing/Member training, PREVENT training for staff. Attendance at K&M Adults Safeguarding Board, Local Children's Partnership Group. Training delivered to all Hackney Carriage and Private Hire drivers. The majority of actions identified from the Audit review have now been completed and signed off. A secure database with secure access for recording details of all safeguarding concerns and referrals has been developed and is currently in the testing phase.	3	4	12	12	Posts eligible for DBS checks being reviewed by Legal Services and a Central recording system being commissioned. Audit to be reviewed early in 2018. A revised implementation date of 30/5/18 has been agreed to create a single TMBC DBS register and complete any necessary DBS checks.	Safeguarding Policy	Chief Executive	Mar-18
2	Financial position/budget deficit	F, R	Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention. Failure to maximise New Homes Bonus.	01/04/2017	Medium Term Financial Strategy (MTFS) in place and reviewed regularly. Annual review of Treasury Management and Investments strategies. Effective budget setting process and financial monitoring in place; Robustness tested and adequacy of reserves. External Audit review MTFS. Savings & Transformation Strategy (S&TS). External audit of Accounts. Financial Procedure Rules. Monitor taxbase. Latest review of above undertaken Feb 18 Cabinet. Funding gap now £1m following delivery of savings during 17/18 and update to MTFS following local govt finance settlement. Taxbase updated Dec 2017. NHB figures for 18/19 received and exceed initial expectations. With Kent and Medway authorities, bid for Business Rate Retention Pilot 18/19 successful. This will provide financial sustainability funds for TMBC in 18/19. Business rates RVs and appeals reviewed. Baseline could be marginally exceeded in 2017/18 which is above expectations.	4	3	12	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Commissioning of in service reviews via MT to identify potential areas of transformation and savings. Strategic asset management review. O&S Committee Jan 18 have identified programme of work to identify potential savings. Waste contract now advertised and tenders invited. Outcome due in summer 2018.	Vision- to be a financially sustainable Council. Taking a business like approach.	Director of Finance and Transformation	Oct-18
3	Brexit Impact and Economic Stability	F	Financial impact and effect on the economy as well as uncertainty around current EU legislation, i.e. what replaces it, could have a significant financial impact and lead to legislative changes impacting on finance and resources.	01/04/2017	Regular review of MTFS. Kent-wide working to understand, plan for and react to pressures. Regular review of Treasury Management and Investment strategies. Economic factors reflected in MTFS.	4	3	12	12	Ongoing monitoring of landscape and consideration of issues arising.	N/A - external risk.	Director of Finance and Transformation	Mar-19

No	Risk Title	Risk Type	Consequences	Date Identified	Current Mitigation	Likelihood Score	Impact score	Overall risk score	Desired risk score	Actions required	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
4	Corporate Strategy and Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings, including those arising from the planned West Kent Waste Partnership. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error.	01/04/2017	Savings and Transformation Strategy reviewed and updated. Corporate Strategy reviewed and updated. Regular update reports to MT and Members Annual review of Savings & Transformation Strategy. Remaining funding gap now assessed as £1m following local govt finance settlement. New targets recommended for STS - Cabinet Feb 18. Focussing on Contract and Service Change and Reduction themes. New O&S Committee programme launched.	3	4	12	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Commissioning of in service reviews via MT to identify potential areas of transformation and savings. Strategic asset management review to deliver new income. O&S programme to be supported in order to deliver savings to contribute to STS.	Vision- to be a financially sustainable Council focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities. Taking a business like approach.	Chief Executive / Director of Finance and Transformation	Oct-18
5	Local Plan	F, R	Lack of sound legal footing for Plan leading to risk of failure at Examination. Risk of challenge from not meeting identified development needs. Reputational risk and widespread public concern arising from decision making on strategic development. Lack of infrastructure to support future development.	01/04/2017	Audit of Local Plan process completed . Update and review of evidence base nearing completion . Specialist consultants engaged where appropriate and counsel briefed. Duty to Cooperate discussions and audit in hand. Clear explanation of local plan process and requirement to Members and through consultation with communities. Liaison with service and infrastructure providers.	4	3	12	9	Final refinement of evidence and narrowing down of sites to address development needs. Liaison with adjoining authorities and other agencies. Presentation of draft local plan for Member consideration planned for PTAB meetings in June and July 18, followed by Cabinet and Council in September. Regulation 19 consultation programmed for October/November with submission of Local Plan by End of 2018.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	May-18
6	Organisational development inc staff recruitment and retention/skills mix	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	Review of staff resources and skills via service reviews. Organisational structure review as part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities.	4	4	16	12	Succession planning Develop further skills and expertise through strategies such as shared services and specialist Commissioning. Engagement of external consultants and specialists. Resilience and rationalisation of existing structures. Further discussions to be undertaken by MT to agree strategies and resultant actions for recruitment and retention. 2% pay award agreed by Members in line with National Offer. Structural reviews agreed by GP on 26/6/17, 20/11/17, and 29/11/18. Responses to any recruitment advertisements are carefully monitored for trends.	HR Strategy Savings and Transformation Strategy	Chief Executive	Jun-18
7	Health and Safety	F, R, S	Significant reputational impact should a service user, officer, member or contractor come to harm and TMBC are unable to demonstrate appropriate processes were in place (could be merged with safeguarding although arguably a different thing).	01/04/2017	Health and Safety Policy review. Lone working policy and service based practices to be continuously monitored. Item on SMT agendas Staff involved in JECC (supported by Members) Ongoing review undertaken to react to potential key risk areas Organisational learning and response to national events	3	4	12	12	Further embedding and dissemination of good practice through staff briefing	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health	Sep-18
8	Compliance with legislation inc new GDPR requirements	F, R	Failure to meet legislative requirements or statutory obligations may result in financial penalties and/or damage to the Council's reputation.	01/04/2017	Nominated Senior Information Risk Officer, and Data Protection Officer Compliance/legal assessment of decisions included in all Board reports Constitution General Data Protection Regulation requirements to be addressed by Information Governance Group CPD and professional monitoring Corporate Governance and GDPR audits Legal involvement and sign-off of key projects and involvement in governance groups	3	4	12	8	Continued dissemination of new legislative requirements. Officers to ensure maintenance of professional training requirements. Implement technical controls to identify and control access to personal information within unstructured data held by the Council.	Need to ensure that all 7 key themes of the Corporate Strategy are delivered in lawful manner.	Director of Central Services and Monitoring Officer	Jul-18

No	Risk Title	Risk Type	Consequences	Date identified	Current Mitigation	Likelihood Score	Impact score	Overall risk score	Desired risk score	Actions required	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
9	Cyber security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017	IT Security Policy. Network Security measures (firewall, access level controls). Consideration of cyber insurance. Creation of Information Governance Group to oversee and manage risks. Information Governance Group work underway. Data held by the Council being reviewed and cleansed. Work underway to mitigate global processor flaw issues leading to Spectre and Meltdown attacks.	4	4	16	12	Procurement of cyber security "recovery" contract via Kent Connects. Prioritisation of resources (financial and human) to ensure that priority is given to relevant updates etc. Cyber awareness training to be finalised and rolled out to all staff. TMBC have been involved in developing specification for Kent Connects cyber security "recovery" contract. Continued rollout of mitigation for processor flaw issues dealt with as priority and in line with guidance. Cyber awareness advised via email to all staff.	IT Strategy	Director of Finance and Transformation	Jun-18
10	IT Infrastructure	F, R	Failure to adequately invest resulting in inability to keep pace with technological change, leading to systems that are not fit for purpose to meet organisational need.	01/04/2017	IT Strategy and Action plans reviewed and updated. Invest to Save opportunities and funding. Tablets for Members being replaced. VDI project underway. Report to FIPAB Jan 18.	4	4	16	12	Commitment to produce new IT Strategy for presentation into Members Autumn 2017. Linkage with MTFs and Savings and Transformation Strategy. Development of virtualisation project to enable efficient and effective ways of working. Review and upgrade of data quality within systems to ensure that improvements and efficiencies can be achieved. Reported to FIPAB Jan 18. New strategy to be presented May 2018. VDI project scoped and now underway through project group. Roll out in phases. Phase 1 identified with timetable.	IT Strategy	Director of Finance and Transformation	Jun-18
11	Elections	R	Failure to comply with legislation, miscounts and significant reputational impact.	01/04/2017	Ensure experienced staff are in place, corporate team reviewing activity and monitoring progress. A temporary issue has arisen with the election Manager being on long term sick leave. Mitigation includes bringing in experienced external staff, to work alongside election office and RO / DRO's. Additional admin and project management skills also brought into election planning team.	2	4	8	8	Broadening of staff skills and experience to build resilience	Statutory requirement	Chief Executive	As required
12	Business Continuity and Emergency Planning	F, R, S	Failure to provide statutory service or meet residents' needs resulting in additional costs, risk of harm and reputational impact. Impact/pressures on services and resources. Failure to ensure proper safeguards to prevent or to respond adequately to a significant disaster/event e.g. terrorist attack at a large scale public event or fire.	01/04/2017	Business Continuity Plan inc Corporate (BC) Risk Register, Disaster Recovery Plan, Inter-Authority Agreement, increased resilience through Mutual Aid and Kent Resilience Team (Please see Business Continuity Plan and Corporate Risk Register for more detail). Review of TMBC's staffing resilience for emergency planning and response being conducted by group. GPC Jan 18 approved new post and budget for staff resilience.	3	4	12	12	Emergency planning documentation undergoing constant review and key aspects exercised on an annual basis. Members of Management Team undertaking MAGIC training on an annual basis. Business Continuity working group established to review and update existing Plan. Updated plan to be considered by Management Team and tested by a training exercise. Desk top exercise for emergency staff Jan 18. Group reviewing resilience issues and how reliance for emergencies can be secured (GPC funding Jan 18). New post being advertised.	Business continuity underpins the delivery of the Council's essential services	Director of Street Scene, Leisure & Technical Services	Jul-18
13	Devolution	F, R, S	Uncertainty about future operating models and changes / opportunities in responsibilities or service provision leading to financial pressures, impact on quality of services, reputational damage.	01/04/2017	Continual scanning of national / regional and Kent wide agenda by CE / Corporate Services manager. Participation in county wide debate via Joint Kent Chief Execs and Kent Leaders meetings	3	3	9	9	N/A	External risk/national issue	Chief Executive	As required

No	Risk Title	Risk Type	Consequences	Date identified	Current Mitigation	Likelihood Score	Impact score	Overall risk score	Desired risk score	Actions required	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
14	Partnerships inc shared services	F, R, S	Reliance on partners to deliver key services, including private sector companies. Could include specific partnership or shared service models such as the Leisure Trust and risks around service delivery and impact on staff morale / retention if base moves from TMBC. Potential resistance to shared services / partnerships impacting on ability to deliver Savings & Transformation Strategy. Private sector partnerships failing having consequences for service delivery.	01/04/2017	Regular liaison meetings with partners. Partnership Agreements in place and reviewed as appropriate. Good communication with staff. In the light of the Carillion situation (which does not affect TMBC directly) maintain awareness of issues relating to private sector partners and plans formulated for service delivery in the event of failure via business continuity.	3	3	9	9	FIPAB Jan 2018 updated on GBC's decision to pull out of progressing shared service for Revs and Bens. Review of Revs and Bens being conducted to ensure service continuity.	Savings and Transformation Strategy	Chief Executive	As required
15	Welfare reform inc Housing need	F, R, S	Safeguarding impact on TMBC residents due to reduction in benefits, increase in applications for DHP, etc. Failure to adequately understand and meet housing needs and return unsuitable properties to use leading to increase in homelessness or occupation of unsuitable homes. Financial impact of increased emergency accommodation and failure to maximise new homes bonus.	01/04/2017	Cross sector working (e.g. welfare reform group) to identify issues and solution. Providing advice to residents on welfare and housing issues, or signposting to relevant providers. Working with partners to identify land and funding opportunities. Working with Registered Provider Partners to ensure needs of residents are being met. Working with owners to bring long term empty properties back into use. New initiatives for Temporary Accommodation. Review implications for new Homeless Reduction Act requirements. Concessionary charges for key services EQIA assessment of key decisions included in all Board reports. UC roll out postponed by DWP until Nov 2018. HRA implications assessed and GPC agreed new posts to deliver service.	4	3	12	9	Prepare for impact of further roll out of Universal Credit by learning from other areas earlier in the programme. Consideration of review of housing service to meet the needs following Housing legislative changes. UC postponed until Nov 2018 in T&M, but has now launched in other parts of Kent. Through working groups Kent-wide will learn from these earlier implementations. DPHEH to report on solutions for temporary accommodation utilising s106 monies. Posts approved by GPC have been recruited to.	Promoting Fairness - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities. Embracing Effective Partnership Working - achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.	Director of Finance and Transformation/ Director of Planning, Housing and Environmental Health	Jun-18
16	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy. Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS.	3	3	9	9	Member briefings and training sessions.	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive	As required
17	Flooding	F, R, S	Impact on resources to support emergency planning, financial impact due to damage, loss of resources, etc. Residents and staff put at risk of harm. Impact on key flood risk areas - Tonbridge, Hildenborough, East Peckham and Aylesford.	01/04/2017	Working with partners (EA/KCC/LEP) to secure funding and implement flood defence schemes which will reduce risk of future flooding.	3	4	12	12	Funding committed to assist in implementation of flood defence works including increasing capacity of Leigh Flood Storage. Ongoing support of Leigh FSA, Hildenborough Embankment and East Peckham scheme. Involvement in the Medway Flood Partnership. Reduction of risk dependent on funding, design and implementation. Leigh and Hildenborough now programmed for construction 2020 - 2023. Final design and funding arrangements for East Peckham to be determined.	Emergency Plan Civil Contingencies Act 2004 Kent Emergency Response Framework West Kent Partnership and Medway Catchment Partnership	Director of Street Scene, Leisure & Technical Services	Mar-18
18	Contaminated Land	F, R, S	Impact on homes, public health. Residents put at risk of harm.	01/01/2018	Working with partners (EA and other) and specialist consultants to monitor potential sites and assess risk to inform action as is needed.	3	4	12	9	Potential issue identified at Joco Pit, Borough Green. Residents engaged. Public sessions held Jan 2018. Report to Members Feb 2018. Additional boreholes secured and monitoring in place until May 2018.	Contaminated Land Strategy	Director of Planning Housing and Environmental Health	May-18

Key

F Financial
R Reputational
S Health and Safety inc safeguarding

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 FAIR FUNDING REVIEW

Alongside the 2018/19 Provisional Local Government Finance Settlement, the then Department for Communities and Local Government published a technical consultation paper entitled '*Fair funding review: a review of relative needs and resources*'. This report provides an overview of the paper, comments and observations and our response.

1.1 Introduction

1.1.1 In October 2015, the Government announced that, by the end of the Parliament, local government will keep 100% of the income raised through business rates, and will take on new responsibilities to be funded from this additional income as central government grants are phased out. This has since been overtaken by events with the snap General Election in June 2017 delaying the move to 100% Business Rates Retention (BRR). The aim now is to move to 75% (currently 50%) BRR in 2020/21 followed by 100% at a future date.

1.1.2 Alongside the move to 75% BRR is to be a Fair Funding Review. Its aim to provide councils with their fair share of funding according to local needs under the new system.

1.2 Fair Funding Review

1.2.1 The Fair Funding Review will set new baseline funding allocations for local authorities by delivering an up to date assessment of their relative needs and resources, using the best evidence available. Detailed below are the terms of reference and set of principles identified for the Fair Funding Review.

Terms of reference

- Set new baseline funding allocations.
- Deliver an up to date assessment of the relative needs of local authorities (and use the redistribution of business rates to fund it).

- Examine the relative resources of local authorities (look again at how council tax income should be taken into account when redistributing business rates and also consider other potential sources of income).
- Focus initially on the services funded through the local government finance settlement.
- Be developed through close collaboration with local government.

Principles to guide the review

- Simplicity – be based on the most important factors that drive the need to spend.
- Transparency – should be understood by those affected.
- Contemporary – based on the most up to date data that is available and data, as far as practicable, that can be regularly updated.
- Sustainability – to be based on current and future cost drivers.
- Robustness – the formula should use the best possible objective analysis.
- Stability – should be predictable, in order to support longer term planning.

1.3 Fair funding review: a review of relative needs and resources

1.3.1 In December 2017, the then Department for Communities and Local Government published a technical consultation on relative need entitled '*Fair funding review: a review of relative needs and resources*' setting out the Government's current thinking on updating the current needs assessment formulae. Future papers concerning transitional arrangements (damping) and how the system will take into account the resources that can be raised locally are to follow.

1.3.2 The consultation paper can be found at the following link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/669440/Fair_funding_review_consultation.pdf

1.3.3 The return date for responses to the consultation was 12 March 2018. A copy of the responses agreed with the Leader and Cabinet Member for Finance, Innovation and Property under delegated authority can be found at **[Annex 1]**.

1.4 Overview and Comments / Observations / Response

1.4.1 This consultation is at a high level and focuses specifically on potential approaches that have been identified to measure the relative needs of local authorities (the relative need aspect of the funding formulae). It does not include

any exemplifications showing potential funding allocations and, therefore, difficult to make an informed response in isolation.

- 1.4.2 The paper is split into four main subject areas: Measuring Need; Common Cost Drivers; Service Specific Cost Drivers; and Weighting Funding Formulas and Cost Drivers, each of which is discussed in turn below.

Measuring Need

- 1.4.3 This chapter outlines the previous approaches that have been used to measure the relative needs of local authorities and considers the structure of a new relative needs assessment formula. It highlights the complexity of the current system concluding that this has made the overall funding formula less transparent and harder to understand.

- 1.4.4 As a result the Government believes that only the most important cost drivers should be used, with the aim of developing a simpler, more transparent system. The paper highlights the need for those used to be the right ones and proposes criteria to help assess their suitability.

- Relevant – it should have a significant impact on the cost of providing services.
- Objective – the cost driver should be measurable using robust, up to date data that is collected on a consistent basis across England. Local authorities should not be able to directly affect the indicator.
- Distinct – the cost driver should explain significant variation in the ‘need to spend’ that is not covered by another cost driver.
- Stable – the cost driver should not exhibit unpredictable or large changes year on year.
- Future proof – the cost driver should be expected to drive the ongoing costs of providing services.

- 1.4.5 The three broad approaches that can be taken for the new relative needs assessment outlined in the paper are:

- 1) Individual funding formulas for each duty – local government funding would depend on a large number of overlapping formulas that use the same data to drive allocations. Could make it difficult to understand the principal factors that drive the need to spend and would lead to a much complicated system than currently exists.
- 2) Grouping services into blocks – would see similar services use a single formula and, therefore, reduce the number of formulae. Could simplify the current funding formulas while enabling the necessary accuracy to be

retained for specific areas. It could also lead to the exclusion of some specific cost drivers of need for smaller or more specialised services.

- 3) A simple 'foundation' funding formula – a simple formula based on basic demographic characteristics (common cost drivers) would be used to determine relative need. Would make the system much simpler, but would lead to particular cost drivers for some large specific service areas being excluded, leading to a less fair distribution.

1.4.6 In considering the structure of the new relative needs assessment the Government is committed to implementing an approach that is as simple and transparent as possible, but recognises this should not be at the expense of accuracy and fairness. It proposes the new system begins with a transparent foundation formula to allocate all (or at least a proportion) of the available funding to each type of local authority using common cost drivers, but acknowledging certain service areas may require a more specific approach, service specific cost drivers.

Comments / Observations / Response

- 1.4.7 The proposal that the new system begins with a transparent foundation formula to allocate all (or at least a proportion) of the available funding to each type of local authority using common cost drivers, but acknowledging certain service areas may require a more specific approach, service specific cost drivers at face value seems reasonable.
- 1.4.8 However, we would ask does the system not need to first recognise and fund particular arrangements that only exist in some local authorities such as internal drainage boards' special levies and consideration given to also including local council tax support funding. This to be stage one, stage two; the foundation formula plus the service areas which may require a more specific approach.
- 1.4.9 Furthermore, the integrity of the system will be better served if wherever possible an easily updated and readily understood evidenced-backed approach is used.
- 1.4.10 On face value subject to paragraph 1.4.8, a foundation formula plus one or two service specific areas for district council services could be the way forward. Clearly, further data and modelling is required to better understand these choices and how the various strands might come together to make an informed response.

Common Cost Drivers

- 1.4.11 This chapter outlines the cost drivers proposed as the starting point for a simple foundation formula. The chapter identifies three cost drivers that the Government believes affect the costs of delivering a wide range of services and, in turn, responsible for most of the variation in local authorities need to spend (Population, Rurality and Deprivation) and considers whether adjustments need to be made for

varying costs faced across different parts of the country (the Area Cost Adjustment).

- Population – whilst recognising that population overall is the main cost driver the paper suggests that the age profile is also important and as such necessary to reflect in an assessment of need. It also considers the need to reflect changing population figures.
- Rurality – to what extent rural authorities face additional costs in delivering services compared to urban authorities.
- Deprivation – Government's view is that deprivation remains an important cost driver for a wide range of services. However, it also believes the current income measure is potentially too narrow and is considering using an alternative measure, e.g. the Index of Multiple Deprivation.

Comments / Observations / Response

- 1.4.12 The intention to limit the number of cost drivers included in a simple foundation formula to those that have a significant impact on the cost of providing services fits with the aim of developing a simpler and more transparent system. From the information provided the cost drivers and the number of cost drivers proposed for inclusion in a simple foundation formula seems reasonable. Each of the cost drivers (Population, Rurality and Deprivation) are discussed below.
- 1.4.13 Population – is the main determinant on need to spend and agree the age profile is also important. A consideration is whether population estimates or projections should be used. Annual updating of data would allow the system to respond to relative need changes and could lessen the resulting stepped change from periodic updates. Use of projections over a set funding period, on the other hand, should aid short to medium term financial planning.
- 1.4.14 Rurality – the paper recognises further exploration on how to measure the impact of rurality on local authorities need to spend is needed in order to determine data sources available that measure or proxy the relative cost of providing services in rural areas. Until the outcome of that work is known supplemented by exemplifications showing potential funding allocations it is difficult to make an informed response.
- 1.4.15 Deprivation – the Index of Multiple Deprivation could be appropriate. Further data and modelling is required to make an informed response.
- 1.4.16 It is important to reflect differences in the costs of delivering services (area cost adjustment) in any future funding formula, but does need to be fair (seen to be fair) transparent and readily understood. Experience suggests this is not straightforward where one authority finds itself in one group and a seemingly similar neighbouring authority in a different group. Further data and modelling is required to make an informed response.

Service Specific Cost Drivers

1.4.17 This chapter considers the main service areas which may require a more specific approach. Most of the service specific areas identified are upper tier services (adult social care, children's services, highways maintenance and public transport and bus services) suggesting a foundation formula could be particularly relevant for district council services. The service areas identified relevant to district council services are waste disposal and collection services and legacy capital financing.

Comments / Observations / Response

1.4.18 The service specific areas identified relevant to district council services seem appropriate. The service area legacy capital financing is not applicable to this Council. On the assumption this cost area does not apply to many district councils and if it does is time limited is there an argument for this cost area to be dealt with separately rather than as a service specific area within the relative needs assessment.

Weighting Funding Formulas and Cost Drivers

1.4.19 Whilst the inclusion of a particular cost driver will be important, its weighting will also be a relevant factor. The weighting of the respective cost drivers will be key in determining funding allocations. Chapter 5 seeks views as to how these weightings should be determined.

Comments / Observations / Response

1.4.20 The weighting assigned to different formulas should not be based on the proportion of local government spending assigned to those services. This would penalise district councils who have seen the greatest reduction in spending power as a result of the austerity measures since 2010/11. Basing future weightings on expenditure would perpetuate the uneven impact of these cuts on district councils. When weighting formulas lower-tier services should account for at least the same proportion of overall needs as in the existing formula.

1.4.21 It is difficult in the absence of any exemplifications showing potential funding allocations to make an informed response in isolation.

1.5 Summary

1.5.1 The new system on needs assessment and redistribution should be fair, transparent and capable of being kept up to date and clearly the simpler the system, the easier it should be to explain and understand. The problem is whatever the funding formulae it will be seen to be a fair, satisfactory or unsatisfactory representation of relative need depending on the outcome. The Fair Funding Review will involve some doing better and others worse. Members may not be surprised to hear that previous assessments of relative need have not been particularly positive for this Council.

- 1.5.2 That said, on face value subject to paragraph 1.4.8, a foundation formula plus one or two service specific areas for district council services could be the way forward. Clearly, further data and modelling is required to better understand the impact of the various choices before reaching a conclusion.
- 1.5.3 Of further (probably greater) concern to this Council is New Homes Bonus (NHB). This is a critical component of our overall grant funding and included in core spending power calculations. To put this into context in 2019/20 our Settlement Funding Assessment is projected to be around £1.3m and NHB £3.4m. Papers on future funding are silent on this source of funding which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk.
- 1.5.4 As the level of funding attributed to any one council post 2020 could decrease markedly, transitional arrangements in the form of damping will be a prerequisite.
- 1.5.5 A view expressed previously and again is to give greater control and flexibility over their finances council tax levels should be a decision for councils and the council tax referendum principles withdrawn.

1.6 Legal Implications

- 1.6.1 The legislative framework for the billing, collection, recovery and administration of national non-domestic rates (business rates) is set out in the Local Government and Finance Act 1988.

The Local Government Finance Act 2012 and regulations that followed introduced the current Business Rates Retention scheme.

1.7 Financial and Value for Money Considerations

- 1.7.1 A key part of the jigsaw is the Council's baseline funding level and how does this compare to that reflected in the Medium Term Financial Strategy taking into account transfer of any new responsibilities?
- 1.7.2 This Council has not fared favourably on previous assessments of need.
- 1.7.3 Of further (probably greater) concern is the ongoing uncertainty about the future of New Homes Bonus which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk.
- 1.7.4 The level of funding any one authority receives in future could decrease markedly and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite.

1.8 Risk Assessment

- 1.8.1 There is so much uncertainty and volatility that financial planning is becoming increasingly difficult with the increased risk of significant variances compared to projections; and the consequent implications on the level of reserves held to deal with potentially greater income volatility.

Background papers:

contact: Neil Lawley

Nil

Sharon Shelton
Director of Finance and Transformation

Fair funding review: a review of relative needs and resources – Technical consultation on relative need

Preamble

The new system on needs assessment and redistribution should be fair, transparent and capable of being kept up to date and clearly the simpler the system, the easier it should be to explain and understand. The problem is whatever the funding formulae it will be seen to be a fair, satisfactory or unsatisfactory representation of relative need depending on the outcome.

That said, on face value subject to response to Question 1, a foundation formula plus one or two service specific areas for district council services could be the way forward. Clearly, further data and modelling is required to better understand the impact of the various choices before reaching a conclusion.

Of further (probably greater) concern to this Council is New Homes Bonus (NHB). This is a critical component of our overall grant funding and included in core spending power calculations. To put this into context in 2019/20 our Settlement Funding Assessment is projected to be around £1.3m and NHB £3.4m. Papers on future funding are silent on this source of funding which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk.

As the level of funding attributed to any one council post 2020 could decrease markedly, transitional arrangements in the form of damping will be a prerequisite.

A view expressed previously and again is to give greater control and flexibility over their finances council tax levels should be a decision for councils and the council tax referendum principles withdrawn.

Summary of Questions and Responses

Question 1: What are your views on the Government's proposals to simplify the relative needs assessment by focusing on the most important cost drivers and reducing the number of formulas involved?

The proposal that the new system begins with a transparent foundation formula to allocate all (or at least a proportion) of the available funding to each type of local authority using common cost drivers, but acknowledging certain service areas may require a more specific approach, service specific cost drivers at face value seems reasonable. As does the intention to limit the number of cost drivers included in a simple foundation formula to those that have a significant impact on the cost of providing services.

Most of the service specific areas identified are upper tier services suggesting a foundation formula could be particularly relevant for district council services. The service specific areas identified relevant to district council services, waste disposal

and collection services and legacy capital financing (subject to response to Question 17a) seem appropriate.

However, we would ask does the system not need to first recognise and fund particular arrangements that only exist in some local authorities such as internal drainage boards' special levies and consideration given to also including local council tax support funding. Stage one, stage two; the foundation formula plus the service areas which may require a more specific approach.

Furthermore, the integrity of the system will be better served if wherever possible an easily updated and readily understood evidenced-backed approach is used.

Clearly, further data and modelling is required to better understand these choices and how the various strands might come together to make an informed response.

Question 2: Do you agree that the Government should use official population projections in order to reflect changing population size and structure in areas when assessing the relative needs of local authorities?

Agree.

Question 3: Do you agree that these population projections should not be updated until the relative needs assessment is refreshed?

Annual updating of data would allow the system to respond to relative need changes and could lessen the resulting stepped change from periodic updates. Use of projections over a set funding period, on the other hand, should aid short to medium term financial planning.

Question 4: Do you agree that rurality should be included in the relative needs assessment as a common cost driver?

Agree.

Question 5: How do you think we should measure the impact of rurality on local authorities' 'need to spend'? Should the relative needs assessment continue to use a measure of sparsity or are there alternative approaches that should be considered?

The paper recognises further exploration on how to measure the impact of rurality on local authorities need to spend is needed in order to determine data sources available that measure or proxy the relative cost of providing services in rural areas. Until the outcome of that work is known supplemented by exemplifications showing potential funding allocations it is difficult to make an informed response.

Question 6: Do you agree that deprivation should be included in the relative needs assessment as a common cost driver?

Agree albeit noting in the interest of simplicity and transparency, the foundation formula should primarily be based on population.

Question 7: How do you think we should measure the impact of deprivation on 'need to spend'? Should the relative needs assessment use the Index of Multiple Deprivation or are there alternative measures that should be considered?

Further data and modelling is required to make an informed response.

Question 8: Do you have views on other common cost drivers the Government should consider? What are the most suitable data sources to measure these cost drivers?

A fixed cost element is included in the current assessment formula to reflect minimum costs faced by local authorities regardless of its size. A fixed cost element could be based on 'bottom up estimates' of the minimum employee and running costs.

Question 9: Do you have views on the approach the Government should take to Area Cost Adjustments?

Agree that it is important to reflect differences in the costs of delivering services in any future funding formula, but does need to be fair (seen to be fair) transparent and readily understood. Experience suggests this is not straightforward where one authority finds itself in one group and a seemingly similar neighbouring authority in a different group.

Further data and modelling is required to make an informed response.

Question 10a: Do you have views on the approach that the Government should take when considering areas which represent a small amount of expenditure overall for local government, but which are significant for a small number of authorities?

Flood defence, if relevant here, to be seen as a national issue and as such funded from general taxation.

Question 10b: Which services do you think are most significant here?

See response to Question 10a.

Question 11a: Do you agree the cost drivers set out above are the key cost drivers affecting adult social care services?

No comment – on the grounds it is not a district council service.

Question 11b: Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting adult social care services?

No comment – on the grounds it is not a district council service.

Question 12a: Do you agree that these are the key cost drivers affecting children's services?

No comment – on the grounds it is not a district council service.

Question 12b: Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting children's services?

No comment – on the grounds it is not a district council service.

Question 13a: Do you agree that these are the key cost drivers affecting routine highways maintenance and concessionary travel services?

No comment – on the grounds it is not a district council service.

Question 13b: : Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting routine highways maintenance or concessionary travel services?

No comment – on the grounds it is not a district council service.

Question 14a: Do you have views on what the most suitable cost drivers for local bus support are?

No comment – on the grounds it is not a district council service.

Question 14b: Do you have views on what the most suitable data sets are to measure the cost drivers for local bus support?

No comment – on the grounds it is not a district council service.

Question 15a: Do you agree that these are the key cost drivers affecting waste collection and disposal services?

Agree in principle.

Further data and modelling is required to assess whether the proposed indicators could produce a fair assessment of relative waste management costs.

Question 15b: Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting waste collection and disposal services?

See response to Question 15a.

Question 16a: Do you agree these remain the key drivers affecting the cost of delivering fire and rescue services?

No comment – on the grounds it is not a district council service.

Question 16b: Do you have views on which other data sets might be more suitable to measure the cost drivers for fire and rescue services?

No comment – on the grounds it is not a district council service.

Question 17a: Do you agree these are the key cost drivers affecting the cost of legacy capital financing?

Not applicable to this Council.

On the assumption this cost area does not apply to many district councils and if it does is time limited is there an argument for this cost area to be dealt with separately rather than as a service specific area within the relative needs assessment.

Question 17b: : Do you have views on what the most suitable data sets are to measure these or other key cost drivers affecting legacy capital financing?

Assume the current data sets remain appropriate.

Question 18a: Are there other service areas you think require a more specific funding formula?

In terms of district council services no other service areas come to mind at this time that requires a more specific funding formula.

However, would again ask does the system not need to first recognise and fund particular arrangements that only exist in some local authorities such as internal drainage boards' special levies and consideration given to also including local council tax support funding. Stage one, stage two; the foundation formula plus the service areas which may require a more specific approach.

Question 18b: Do you have views on what the key cost drivers are for these areas, and what the most suitable data sets are to measure these cost drivers?

To be read in conjunction with response to 18a. For particular arrangements that only exist in some local authorities such as internal drainage boards' special levies – actual expenditure and local council tax support funding – claimant numbers.

Question 19: How do you think the Government should decide on the weights of different funding formulas?

The weighting assigned to different formulas should not be based on the proportion of local government spending assigned to those services. This would penalise district councils who have seen the greatest reduction in spending power as a result of the austerity measures since 2010/11. Basing future weightings on expenditure would perpetuate the uneven impact of these cuts on district councils. When weighting formulas lower-tier services should account for at least the same proportion of overall needs as in the existing formula.

Further data and modelling is required to make an informed response.

Question 20: Do you have views about which statistical techniques the Government should consider when deciding how to weight individual cost drivers?

It is difficult in the absence of any exemplifications showing potential funding allocations to make an informed response in isolation.

The statistical techniques to use should continue the aim of developing a simpler, fair and more transparent system.

Question 21: Do you have any comments at this stage on the potential impact of the options outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

No comments on the potential impact of the options outlined on persons who share a protected characteristic.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

20 March 2018

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 **BUSINESS RATES – DISCRETIONARY FUND RELIEF SCHEME POLICY**

A report to inform Members of changes made to the Discretionary Fund Relief Scheme Policy.

1.1 **Discretionary Fund Relief Scheme Policy**

- 1.1.1 The Finance, Innovation and Property Advisory Board were advised on the 20 September 2017 that a policy had been created to administer the new Discretionary Fund Relief Scheme (https://www.tmbc.gov.uk/_data/assets/pdf_file/0012/389766/Tonbridge-Discretionary-Business-Rates-Scheme-Policy-2017-v1.3.pdf)
- 1.1.2 The criteria had been set to maximise the amount of relief that had been made available by Government. Application forms were sent to the organisations identified by officers as meeting the necessary criteria.
- 1.1.3 As the take up of the relief was low, with many application forms not returned, the Minister for Housing, Communities and Local Government encouraged local authorities to consider amending their policies as any unallocated relief would have to be repaid to Government at the end of the financial year.
- 1.1.4 To ensure the amount of relief awarded was maximised, officers were instructed to automatically award relief to those businesses that had been identified as eligible. Letters were sent instructing businesses to notify the Council if they were not entitled to relief, for example, if the award would breach State Aid rules.
- 1.1.5 In addition, the calculation was amended, removing the £250 cap on increases. This resulted in an additional £70,000 being awarded, increasing the total award to approximately £300,000 out of the £338,000 allocation.
- 1.1.6 To reflect this change to the administration of the scheme, the policy has been amended as follows.

- 1.1.7 In respect of paras 5.2, 5.3, 5.4, 5.11 and 8.3; Reliefs will now be automatically awarded to eligible businesses for all financial years of the scheme based on the criteria at para 8.4.
- 1.1.8 In respect of paras 5.9 and 5.10; Relief can only be awarded in the financial year to which it relates as any unused allocation must be repaid to Government.
- 1.1.9 In respect of para 8.6; Relief will be awarded where the calculation in 8.4d would result in an increase of more than 2%.

1.2 Legal Implications

- 1.2.1 None.

1.3 Financial and Value for Money Considerations

- 1.3.1 The percentage of council tax and business rates collected during the year impacts on the Council's finances and, consequently, on the level of council tax for future years.

1.4 Risk Assessment

- 1.4.1 None.

Background papers:

contact: Glen Pritchard

Nil

Sharon Shelton
Director of Finance and Transformation

Agenda Item 16

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

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Agenda Item 17

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

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

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of the Local Government Act 1972.

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Agenda Item 19

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

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