

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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Kent ME19 4LZ

West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th April, 2017 at 7.30 pm, when the following business is proposed to be transacted:-.

PART 1 - PUBLIC

- | | | |
|----|---|---------|
| 1. | Apologies for absence | 3 - 4 |
| 2. | Declarations of interest | 5 - 6 |
| | To declare any interests in respect of recommended items | |
| 3. | Minutes | 7 - 14 |
| | To confirm as a correct record the Minutes of the meeting of Council held on 14 February 2017 | |
| 4. | Mayor's Announcements | 15 - 16 |
| 5. | Questions from the public pursuant to Council Procedure Rule No 5.6 | 17 - 18 |
| 6. | Questions from Members pursuant to Council Procedure Rule No 5.5 | 19 - 20 |
| 7. | Leader's Announcements | 21 - 22 |
| 8. | Reports, Minutes and Recommendations | 23 - 24 |

To receive and consider reports, minutes and recommendations from the meetings of the Cabinet and Committees set out in the Minute Book and officers' reports on any matters arising from them, and to receive questions and answers on any of those reports. Matters for recommendation to the Council are indicated below at items 9 to 14.

9. Members' Allowances 25 - 56
Item GP 17/4 referred from General Purposes Committee minutes of 6 March 2017
10. Localism Act - Pay Policy 57 - 70
Item GP 17/5 referred from General Purposes Committee minutes of 6 March 2017
11. Sex Establishments and Sexual Entertainment Venues - Policy 71 - 116 for 2017-2020
Item LA 17/4 referred from Licensing and Appeals Committee minutes of 14 March 2017
12. Public Space Protection Order - Consultation Responses 117 - 144
Item CB 17/33 referred from Cabinet minutes of 21 March 2017
13. Audit Committee Annual Report 145 - 154
Item AU 17/18 referred from Audit Committee minutes of 3 April 2017
14. Local Code of Corporate Governance 155 - 178
Item AU 17/19 referred from Audit Committee minutes of 3 April 2017
15. Programme of Meetings 2017-18 179 - 186
16. Sealing of Documents 187 - 188

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY
Chief Executive
Monday, 3 April 2017

Apologies for absence

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Agenda Item 2

Declarations of interest

To declare any interests in respect of recommended items.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 14th February, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th February, 2017

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors M C Base, Mrs P A Bates, V M C Branson, B T M Elks, Mrs S M Hall, S M King, P J Montague, L J O'Toole, H S Rogers, C P Smith, A K Sullivan and M Taylor

PART 1 - PUBLIC

C 17/1 DECLARATIONS OF INTEREST

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

C 17/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 1 November 2016 be approved as a correct record and signed by the Mayor.

C 17/3 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended many nativity plays, carol concerts and opening of Christmas fairs at schools and colleges throughout the Borough. He highlighted a number of memorable events including collecting for the RBL Poppy Appeal and the Remembrance Sunday parades, the various Christmas Festivals and switching on of lights around the Borough, the Leybourne Grange Riding

Centre for the Disabled Nativity, the Hi Kent Charity Draw and the Blessing of the Seas at Margate.

The Mayor reported on the successful dinner at the Old Fire Station which had raised funds for his charities. He also referred to future events including the Oast Theatre performance on 8 March which was now sold out and indicated that further details would follow of an Archery and Activity Day at Wide Horizons and a Charity Big Band event.

C 17/4 ELECTION OF MEMBER FOR TRENCH WARD

The Chief Executive as Returning Officer submitted the certificate of the result of the election held on 8 December 2016 to fill the vacancy for the Trench Ward. Members were advised that Miss Georgina Thomas (Conservative) had been duly elected as a Councillor to hold office until 2019.

C 17/5 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

The report of the Director of Central Services and Monitoring Officer gave details of the political balance arrangements to be applied to the Council's committees, sub-committees, advisory boards and panels following the by-election for Trench Ward.

It was noted that the overall allocation of seats was the same as that reported to the Annual Council meeting and details were given of proposed changes to membership notified by the Conservative Group.

RESOLVED: That

- (1) the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table at paragraph 1.1.3 of the report and the Monitoring Officer be authorised to make any consequential amendments to the Council's Constitution in respect of political balance; and
- (2) the appointments set out at paragraph 1.1.4 of the report be approved as follows:

Councillor Mrs P Bates to fill the vacancy on the Overview and Scrutiny Committee

Councillor Miss G Thomas to fill the vacancy on the Joint Standards Committee

Councillor Miss G Thomas to replace Councillor Mrs P Bates on the Communities and Housing Advisory Board

Councillor Miss G Thomas to fill the vacancy on the Street Scene and Environment Services Advisory Board

C 17/6 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 17/7 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

Councillor D Cure asked the following question pursuant to Council Procedure Rule No 5.5:

“Would Councillor Howard Rogers as Cabinet Member for Strategic Planning and Infrastructure of a Conservative Administration explain how he can dilute the Democratic Rights of residents of The Borough, by denying the right of neighbours and local residents to attend Area Planning Committee Site Meetings by a procedure which given its great implications has never been put to the Full Council.”

To which the Cabinet Member for Strategic Planning and Infrastructure replied as follows:

“The review of procedures for Members Site Inspections followed some initial consideration by a Panel of the Overview and Scrutiny Committee and subsequent work by officers, in consultation with the Chairmen of the Area Planning Committees and myself, to reflect the decision of Cabinet to implement some practical improvements to the current Area Planning Committee system.

The underlying approach was to clarify how Members Site Inspections should take place, taking into account current national guidance and good practice and recognising that the sole purpose of such Site Inspections is for Members of the Planning Committee to survey the site and surroundings in order to inform their subsequent consideration of a planning application.

Site Inspections by Planning Committee Members are not occasions for any debate, comment or the expression of views by any party. It is important that Members of the Planning Committee are allowed to simply view the site. Any queries arising can be put to planning officers who will answer them or note for further investigation. Members of the Public or other third parties have no ‘right’ to attend such site inspections. They do, of course, have an appropriate right to make written representations and speak at a Planning Committee meeting when decisions are made. The new procedure makes provision for a relevant Parish Council representative to attend as an observer.

The changes made are ones of clarity for the benefit of Planning Committee Members, the proper conduct of Site Inspections and to ensure the robustness of decisions ultimately made by the Planning

Committees. It is not a change that effects how the Council will look at planning applications or engage with members of the public through appropriate consultation”.

C 17/8 LEADER'S ANNOUNCEMENTS

The Leader welcomed Councillor Georgina Thomas to her first meeting of the Council, saying that she was born and raised in Trench and was now one of the representatives for Trench Ward.

He advised that Councillor Martin Coffin would shortly present the Cabinet's recommendations on the budget to Council and in considering the budget proposals, it was worth reflecting on the context of the challenge faced at Tonbridge and Malling. Firstly, this was the first meeting of Council when budget setting would be taken in the knowledge that revenue support grant no longer existed (for TMBC at least). The means of paying for services provided by the Borough Council including emptying the bins, sweeping the streets, providing a housing service, the planning function, licensing, leisure activities and parks was now wholly dependent upon taxation, a share of business rates, charging and how the Council made best use of its capital resources.

The Leader said that Members would also be aware that the Council, at its November meeting, had adopted a scheme of special expenses covering the costs of selected local services, which were provided by the Borough Council in some areas of the Borough and by parish councils in other parts. He believed that the new arrangements had cross party support.

Secondly, the Leader indicated that the stretch on local government was increasing and the means of balancing expectation of the delivery of those public services and the human and financial resources available continued to widen. He set out those thoughts because, in going through the agenda that evening, his concern was to do the best to protect what was cherished in Tonbridge and Malling, providing the services believed to be important to local people but also being mindful of the wider challenges faced. The Leader stressed that over the coming months the Council would have to turn its attention to making some more very difficult choices within the context of the Savings and Transformation Strategy. It was simply not possible to continue to provide everything in the same way and to the same level, given the financial pressures.

On a positive note, as in previous years, the Leader was pleased to report that the latest audit letter from Grant Thornton was extremely complimentary about the financial approach of the authority. Two key passages worthy of note were:

In respect of value for money, as they had in many previous years, the auditors were “satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use

of resources”; and commenting on the savings challenge, they observed “the Council continues to address this gap in a structured way.”

A further positive was the announcement that local growth funding had been secured towards the Medway Flood Storage Area Project. This was the final tranche of funding that would now enable the £24 million project to go ahead, giving the Council and local people/businesses more certainty on the future of flood defences and much needed improvements to the Leigh Flood Storage Area, together with a flood protection bund at Hildenborough and a separate scheme of flood mitigation measures at East Peckham.

The Leader reported that the Council had been single minded on this issue, holding the line purposefully and working very closely with the Environment Agency, Kent County Council and other agencies during the bid process. He particularly wished to acknowledge the dedication and professionalism of those officers involved in the project - in particular Julie Beilby, Steve Humphrey, Mark Raymond, Jeremy Whittaker, Ian Bailey and Andy Edwards.

C 17/9 DELEGATION OF FILM CLASSIFICATION

Item LA 16/92 referred from Licensing and Appeals Committee minutes of 29 November 2016

RESOLVED: That the recommendations at Minute LA 16/92 be approved.

C 17/10 POLICY STATEMENT - DISCLOSURE AND BARRING SERVICE

Item LA 16/93 referred from Licensing and Appeals Committee minutes of 29 November 2016

RESOLVED: That the recommendations at Minute LA 16/93 be approved.

C 17/11 APPOINTMENT OF EXTERNAL AUDITORS

Item CB 17/3 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/3 be approved.

C 17/12 RISK MANAGEMENT STRATEGY

Item CB 17/4 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/4 be approved.

C 17/13 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18

Item CB 17/5 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/5 be approved.

C 17/14 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW

Item CB 17/6 referred from Cabinet minutes of 31 January 2017

RESOLVED: That the recommendations at Minute CB 17/6 be approved.

C 17/15 SETTING THE BUDGET 2017/18

Item CB 17/19 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/19 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 17/19 be approved.

C 17/16 SETTING THE COUNCIL TAX 2017/18

Item CB 17/20 referred from Cabinet minutes of 9 February 2017

It was proposed by Councillor M Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 17/20 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr Mrs A S Oakley, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Total 40

Members voting against the motion:

None

Members abstaining:

None

RESOLVED: That the recommendations at Minute CB 17/20 be approved and the Council Tax Resolution 2017/18, as set out as an Annex to these Minutes, be adopted.

C 17/17 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the appointment of a replacement trustee of Sir Thomas Smythe's Charity for the parish of St Stephen, Tonbridge following the retirement of Mrs Betty Keywood.

RESOLVED: That

- (1) Councillor D Cure be appointed as a local representative/trustee of Sir Thomas Smythe's Charity for the parish of St Stephen; and
- (2) a letter of appreciation be sent to Mrs Keywood in acknowledgement of her service over many years.

C 17/18 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.24 pm

Mayor's Announcements

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Agenda Item 5

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 6

Questions from Members pursuant to Council Procedure Rule No 5.5

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Leader's Announcements

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Agenda Item 8

Meeting	Page Nos in Minute Book	Recommendations to Council
14 February: Council - Minute Numbers: C 17/1 – 18 - Annex: Council Tax Resolution	3 – 14	
1 March: Area 2 Planning Committee - Minute Numbers: AP2 17/8 - 16	15 – 20	
6 March: General Purposes Committee - Minute Numbers: GP 17/1 – 10 - Annex: Members Allowances	21 – 28	GP 17/4 and 5
14 March: Licensing and Appeals Committee - Minute Numbers: LA 17/1 - 8	29 – 32	LA 17/4
16 March: Area 3 Planning Committee - Minute Numbers: AP3 17/12 - 16	33 – 36	
21 March: Cabinet - Minute Numbers: CB 17/30 - 43	37 – 40	CB 17/33
Cabinet Decision Notices - D170017 – D170018 - D170019 – D170024 - D170025 – D170029 - D170030 – D170036	41 – 68	
30 March: Area 1 Planning Committee - Minute Numbers: AP1 17/7 -	To follow	
3 April: Audit Committee - Minute Numbers: AU 17/16 -	To follow	

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Item GP 17/4 referred from General Purposes Committee minutes of 6 March 2017

GP 17/4 MEMBERS' ALLOWANCES

The report of the Management Team set out details of a review undertaken by the Joint Independent Remuneration Panel (IRP) on the Scheme of Members' Allowances and summarised the key recommendations arising from the Panel. Management Team advised that the recommendations of the Panel, if adopted, would produce a saving of circa £30,000 when compared to the budget included within the 2017/18 Estimates.

The Committee recognised the considerable work undertaken by the Panel in evaluating the role undertaken by Members and acknowledged the case made for a reduction in the basic allowance. However, the Committee felt that it was neither appropriate nor fair to reduce the basic allowance mid-term and that the reduction should not be implemented until after the next Borough Council Election in 2019.

Members were reminded that, since the last review in 2013, the Council was now required to formally appoint a Deputy Leader on an annual basis and the report set out details of the Special Responsibility Allowance to be applied to this role.

Members recognised the value and role of the vice-chairmen and considered it appropriate to maintain an allowance to vice-chairmen based on 25% of the relevant chairman's allowance.

Following a comprehensive debate it was

RECOMMENDED: That, as summarised in the attached matrix at Annex 1,

- (1) the Joint Independent Remuneration Panel's recommendations be accepted in full, effective after the Borough Council elections in 2019;
- (2) however, effective from the 2017 Annual Council and during the 'interim period' until the Borough Council elections in 2019:-
 - (a) the Basic Allowance remain at its current level of £5,283 and protected until after the next Borough Council Election in 2019;
 - (b) with regard to the Special Responsibility Allowances (SRA)
 - (i) the Leader's SRA remain at its current level of £18,384;
 - (ii) the SRA for the Deputy Leader be introduced and the figure for 2017/18 be £14,000;
 - (iii) the Opposition Leader's SRA be set at £2,250 (this being a flat sum of £1,250 per annum to recognise the collaborative way of working within the Council, plus £250 per member in the group);

- (iv) Cabinet member's SRA remain at the current level of £8,400;
 - (v) the SRA in respect of chairmen of the Overview and Scrutiny, Licensing and Appeals, Joint Standards and Audit Committees be set at £2,500 per annum;
 - (vi) the SRA in respect of chairmen of the three Area Planning Committees be set at £2,500 per chairman per annum;
 - (vii) the SRA in respect of chairmen of the General Purposes Committee and programmed Advisory Boards be set at £1,300 per annum;
 - (viii) with the exception of the Area Planning Committees, vice-chairmanship allowances for committees be retained and based on 25% of the relevant chairman's allowance until the Borough Council Election in 2019; and
 - (ix) the vice-chairmanship allowances for the Area Planning Committees be set at £325 per annum for each of the three vice-chairmen;
- (3) the level of Childcare and Dependent Carers Allowances be set as recommended by the JIRP;
 - (4) the level of Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP;
 - (5) the principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim period' indexation should not apply; and
 - (6) it be confirmed that individual members should not receive more than one Special Responsibility Allowance (excluding group leaders)

***Referred to Council**

Recommendations from GP Committee - Members' Allowances

Allowance	Effective: From Annual Council 2017 until BC Elections 2019	Effective: After Borough Council Elections 2019
	£	£
Basic Allowance	5,283	5,000
Special Responsibility (SRA):-		
Leader	18,384	20,000
Deputy Leader	14,000	15,000
Opposition Group Leader	2,250 #	2,250 #
Cabinet	8,400	8,500
Chair		
Overview & Scrutiny	2,500	2,500
Standards	2,500	2,500
Licensing & Appeals	2,500	2,500
General Purposes	1,300	1,600
Audit	2,500	2,500
Area Planning x 3	2,500	1,665
Programmed Advisory Board	1,300	1,600
Vice Chair		
Overview & Scrutiny	625	0
Standards	625	0
Licensing & Appeals	625	0
General Purposes	325	0
Audit	625	0
Area Planning x 3	325	333
Programmed Advisory Board	0	0

Note: Opposition Group Leader Allowance made up of £1,250 lump sum plus £250 per member of group. For illustrative purposes, figures above assume group composition remains the same.

- 1 Childcare and Dependent Carers Allowances be set as recommended by the JIRP
- 2 Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP
- 3 Principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim' period (Annual Council 2017 to Borough Council elections 2019) indexation should not apply
- 4 Individual members should not receive more than one SRA (excluding group leaders)

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

06 March 2017

Report of the Management Team

Part 1- Public

Matters for Recommendation to Council

1 MEMBERS' ALLOWANCES

The report sets out a recent review undertaken by the Independent Remuneration Panel on Members' Allowances. Members are reminded that the law requires that no changes to the Scheme of Members' Allowances can be made until the report of the IRP has been considered. The Council is not obliged to adopt the recommendations of the IRP but it is obliged to publish in local newspapers what the IRP recommended and what the Council determined.

Members of the Committee are asked to consider the independent report of the IRP and make appropriate recommendations to Full Council.

1.1 Introduction

1.1.1 A report has been received from the Joint Independent Remuneration Panel (IRP) following its fundamental review of Members' Allowances. The IRP, whose panel members are independent members of the community, serves the three West Kent Authorities – Tonbridge & Malling, Tunbridge Wells and Sevenoaks.

1.1.2 Members may recall that the last major review of allowances took place during 2012/13 culminating in a decision by the Full Council on 16 April 2013. Although the core principles set out by the IRP were accepted, in recognition of the Council's difficult budgetary situation, it was agreed that the recommended allowances could not be taken and therefore a 'scaled back' alternative was agreed.

1.1.3 Since the allowances were adopted in April 2013, they have been annually indexed in line with staff pay awards. The last pay award adopted was in April 2016 when 2% was agreed covering a 2 year period. Therefore the next award is not due until April 2018.

1.1.4 A current list of approved allowances is attached at **[Annex 1]** for Members' information. It should be noted that some Members have personally chosen not

to receive increases in allowances and have instructed accordingly. For budgeting purposes, it is assumed that the approved allowance will be paid and hence at outturn there is often a small underspend against budget.

1.2 2016/17 Review – Summary

1.2.1 The IRP's latest Report is attached at **[Annex 2]** to this report.

1.2.2 The report makes recommendations in respect of the 'basic' allowances (applicable to all Members), as well as recommendations in respect of those appointments that attract special responsibility.

1.2.3 The IRP's report is comprehensive and sets out the 'rationale' for the recommendations made. In arriving at the recommendations, the following set of 'core principles' were adopted by the IRP:

- 1) To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background;
- 2) To reflect the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so;
- 3) To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the Council;
- 4) To retain a significant element of public service, *pro bono* contribution from elected councillors;
- 5) To benchmark the comparative position of council members with those in similar roles in Kent and other South East councils; and
- 6) To recommend allowances based on objective data with a simple and logical structure that can easily be updated in future.

1.2.4 In summary, **the key recommendations of the Independent Remuneration Panel** are as follows:

- 1) The Basic Allowance payable to all Members should reduce to £5,000 per annum based on benchmarking with other district councils;
- 2) The Leader's Allowance should be based on a multiplier of 4 of the Basic Allowance, recognising the critical nature of the role and expertise needed;
- 3) A Special Responsibility Allowance (SRA) for the Deputy Leader should be introduced reflecting the workload and requirements of this role based on 75% of the Leader's Allowance;

- 4) The SRAs for Cabinet Members should be based on 42.5% of the Leader's Allowance;
 - 5) The structure of SRAs for other roles should be simplified further based on the 'multiplier' approach (full details set out in paragraph 6.8 of Annex 2);
 - 6) One SRA for the chairmanship of the regulatory planning function should be awarded, and divided by three recognising that the Council has chosen to operate three area committees (see paragraph 6.7 of Annex 2);
 - 7) The SRA for the Opposition Group Leader should be a flat sum of £1,250 per annum to recognise the collaborative way of working within the Council, plus £250 per member in the group;
 - 8) Vice-chair allowances should cease, with the exception of the regulatory planning function where a specific recommendation is made (see paragraph 6.9 of Annex 2);
 - 9) Carers' allowances should be set at a maximum rate of £7.20 per hour (linked to the National Living Wage) for general childcare and £16.00 per hour for dependent carers.
- 1.2.5 As recommended in the previous Panel report and adopted by the Council, the Panel continues to support the view that Members should not receive more than one SRA.
- 1.2.6 The Panel also recommends that the current scheme for travel expenses, based on the HMRC approved rate, should continue. In addition, meal and subsistence allowances should be paid at the rates agreed by HMRC (excluding tea allowances).
- 1.2.7 The Panel recommends that allowances should be updated in line with any annual increases in staff pay, as is the present arrangement.

1.3 Commentary

- 1.3.1 The IRP fully recognise that the number of hours committed by individual councillors will vary. However in order to arrive at a Basic Allowance applicable to everyone, a workload of 15 hours per week is assumed. In accordance with guidance, some of those hours are deemed to be voluntary (otherwise known as the 'public service principle').
- 1.3.2 The Panel have thus applied a discount of 40% to reflect the public service principle. In other words, 6 of the assumed 15 hours are deemed to be voluntary.
- 1.3.3 The Panel noted the high influx of new councillors at the last election in 2015, including younger members, and concluded that the Basic Allowance is not a barrier to attracting councillors.

- 1.3.4 When benchmarked against other district councils, however, the Panel felt that the existing allowance (currently £5,283) is a little high, and therefore recommend a reduction to £5,000. As it is feasible that some existing councillors may have decided to stand for election based on a particular level of allowances (and also recognising that 40% of time is already deemed voluntary), the Panel have suggested that consideration could be given to 'protecting' the allowance (as would happen with staff in similar circumstances) at its current level until the next borough-wide election in 2019.
- 1.3.5 Whilst not part of their remit, the Panel did comment on the total number of councillors in comparison to other district councils, and suggest that the Council gives some consideration to pursuing a reduction in the number of Borough councillors as a long-term strategic objective. The Panel observes that the total cost of basic allowances is high, in comparison to other councils, as a result.
- 1.3.6 The Panel has recommended some simplification of the SRAs for chairmanships, and the cessation of SRAs for vice-chairman (other than the regulatory planning function). The recommended allowances for Chairmanships are:

<u>Committee/Board</u>	<u>Recommended Special Responsibility Allowance</u>	<u>% of Leader's allowance</u>
Planning Committee	£5,000 (giving £1,665 per area if TMBC continues to split the function into 3 areas)	25%
Overview & Scrutiny; Licensing & Appeals; Joint Standards; Audit Committees	£2,500 per Committee	12.5%
General Purposes Committee	£1,600	8%
Advisory Boards	£1,600 per Board	8%

- 1.3.7 The Panel recommends that there should be no allowances for Vice-chairs other than the Planning Committee. On the same principle as the allowance for the Chair set out in the table above, the SRA would be £1,000 but would need to be divided by three if the area committee system continues.
- 1.3.8 Members will note from the table that in comparison to existing allowances, some of the recommendations reflect a reduction. As the appointments for chairmanships are annual, it would probably not be relevant to consider 'protecting' allowances as mentioned in paragraph 1.3.4.
- 1.3.9 Members will note from the Panel's report that the high workload and responsibilities of the Leader, and the Deputy Leader, are recognised. The SRA proposed for the Deputy Leader is 'new', because at the last review TMBC did not have a formal Deputy Leader position recognised within its Constitution. As Members are aware, it is now a requirement that the Council formally appoints a

Deputy Leader annually. The recommended levels of remuneration for the Leader and Deputy Leader are £20,000 and £15,000 respectively.

- 1.3.10 In respect of allowances for the Cabinet positions, the Panel noted that under TMBC's Constitution, Cabinet Members do not have full delegated decision-making responsibilities, unlike in some other councils where higher allowances are paid. Accordingly, the allowance recommended is broadly as it is set presently – being £8,500 and representing 42.5% of the Leader's allowance.
- 1.3.11 It is worth noting that the Panel commented favourably on the Council's collaborative way of 'cross party' working, which is unlike some other councils. Accordingly this is reflected in the recommended allowance for the Opposition Group Leader whereby a fixed sum of £1,250 plus an amount per group member is proposed.
- 1.3.12 The Panel recommends the Council's current practice that only one SRA allowance is payable to a Member (Group leaders' allowances are excluded from this recommendation), and that the annual indexation is linked to staff pay.

1.4 Summary

- 1.4.1 The Panel's recommendations, if adopted, would produce a saving of circa £30,000 when compared to the budget included within the 2017/18 Estimates which were considered by the Finance, Innovation & Property Advisory Board on 4 January.
- 1.4.2 If Members choose not to recommend to Full Council any or all of the Panel's recommendations, alternative proposals will need to be put forward for consideration by all Members at the Full Council meeting.

1.5 Legal Implications

- 1.5.1 The Joint Independent Remuneration Panel ('the Panel') was established in November 2001 under the Local Authorities (Members' Allowances) (England) Regulations 2001. These Regulations have since been superseded by the Local Authorities (Members' Allowances) (England) Regulations 2003.
- 1.5.2 The law requires that no changes to the Scheme of Members' Allowances can be made until the report of the IRP has been considered. The Council is not obliged to adopt the recommendations of the IRP but it is obliged to publish in local newspapers what the IRP recommended and what the Council determined.
- 1.5.3 Due to the nature of the matters raised in this report, Members of the Committee will require a dispensation from the Monitoring Officer under s33 of the Localism Act 2011 in order to allow them to consider and vote upon the recommendations contained within the report of the Joint Independent Remuneration Panel.

1.6 Financial and Value for Money Considerations

- 1.6.1 Current budgetary provision with the 2017/18 Estimates is circa £397,000 for basic and special responsibility allowances. The allowances recommended by IRP would reduce the budget by around £30,000.

1.7 Risk Assessment

- 1.7.1 The Council must consider the recommendations of the Panel and publish its decision.
- 1.7.2 If Members decide to recommend allowances which total a higher amount than is presently factored into the Budget, additional budget provision may need to be made. Alternatively, if Members choose to agree a lower level of allowances, this would represent a saving within the current Estimates and MTFs.

1.8 Equality Impact Assessment

- 1.8.1 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.

1.9 Policy Considerations

- 1.9.1 Human Resources

1.10 Recommendations

- 1.10.1 Members are **REQUESTED** to consider the recommendations of the IRP and make appropriate recommendations to Full Council about:
- 1) The level of the Basic Allowance for 2017/18;
 - 2) The level of Special Responsibility Allowances for 2017/18;
 - 3) The level of Childcare and Dependent Carers Allowances;
 - 4) The level of Mileage Allowances and Subsistence Allowances;
 - 5) The annual indexation of Basic and Special Responsibility Allowances; and
 - 6) Confirmation as to whether only one SRA is payable to individual Members (excluding group leader allowances).

Background papers:

contact: Sharon Shelton

Nil

Sharon Shelton
Director of Finance & Transformation

Julie Beilby
Chief Executive

Adrian Stanfield
Director of Central Services

Members' Allowances
Applicable amounts with effect from April 2016

	Multiplier	Allowance
Basic Allowance to all Councillors	1.00	£5,283
Special Responsibility Allowances:		
Leader of the Council	3.48	£18,384
Opposition Group Leader – fixed sum (<u>plus</u> a sum of £264 per opposition group member is paid in addition to the fixed sum)	0.25	£1,320
Cabinet Member	1.59	£8,400
Chair of Area Planning Committee	1.00	£5,283
Chair of Overview & Scrutiny Committee	1.00	£5,283
Chair of Audit Committee	0.50	£2,643
Chair of Licensing & Appeals Committee	0.50	£2,643
Chair of Joint Standards Committee	0.50	£2,643
Chair of General Purposes Committee	0.25	£1,320
Chair of programmed Advisory Board	0.25	£1,320
Chair of non-programmed Advisory Board #	0.10	£528
Vice-Chair of Area Planning Committee	0.25	£1,320
Vice-Chair of Overview & Scrutiny Committee	0.25	£1,320
Vice-Chair of Audit Committee	0.125	£660
Vice-Chair of Licensing & Appeals Committee	0.125	£660
Vice-Chair of Joint Standards Committee	0.125	£660
Vice-Chair of General Purposes Committee	0.063	£333
Vice-Chair of programmed Advisory Board	0.063	£333
Vice-Chair of non-programmed Advisory Board #	0.025	£132

There are presently no non-programmed advisory boards established within the Constitution.

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**A REVIEW OF
COUNCIL MEMBERS' ALLOWANCES
FOR
TONBRIDGE AND MALLING BOROUGH COUNCIL
January 2017**

**Joint Independent Remuneration Panel [The Panel]
for
Sevenoaks District Council
Tonbridge & Malling Borough Council
Tonbridge Wells Borough Council**

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1 Introduction

1.1 The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 and subsequent amendments to establish and maintain an Independent Remuneration Panel [The Panel] to review and make recommendations to the Council on the range and levels of remuneration for elected Members (see Terms of Reference Appendix 2).

1.2 Under the Regulations the Council is required to undertake a full review every four years. The last full review was reported to and considered by Council on 16 April 2013. This report is the result of the latest review conducted in Autumn/Winter 2016.

1.3 The purpose of this review is to carry out the quadrennial update of local councillors' allowances required by legislation, taking into account Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments.

1.4 The Panel is mindful always of its remit to assist in broadening the diversity of councillor representation by minimising financial barriers to participation in local government.

1.5 While affordability of the Panel's recommendations is ultimately an issue for the Council to decide, the Panel fully appreciates the sensitivity of making any increase in allowances in the current financial climate and has tried to propose a scheme which is fair, simple to administer and properly reflects the significant time commitments given by individuals in this important tier of government. However, the Panel appreciates that time commitment alone is not necessarily an accurate indicator of efficiency, output and results.

1.6 The panel also has the responsibility of reviewing allowances for both Tunbridge Wells Borough and Sevenoaks District Councils. The Panel's recommendations were rejected by Tunbridge Wells Borough Council who determined that the status quo should continue.

2 Summary of Recommendations

2.1 Basic Allowance

A Basic Allowance for elected Members of £5,000 p.a. based on benchmarking with other district Councils in the 'Kent Family' and including a discount factor to reflect the ethos of public service inherent in the elected representative's role. The gross value of the allowance is £8,333 p.a., reduced by £3,333 p.a. for this voluntary element. This allowance is the same as the Panel's recommendation for Tunbridge Wells Borough Council.

2.2 Special Responsibility Allowances

In this review the Panel has considerably simplified the structure of SRAs by using an approach which sets the level of each SRA as a percentage of the Leader's allowance. The Panel has also re-considered the allowances for Vice-Chairs. The Panel continues

to support the 2007 guidance on Members Remuneration from the Councillors Commission which recommends that members should not receive more than one SRA.

The Panel’s recommendations for Special Responsibility Allowances for each role (after reduction for the voluntary/public service element) are:-

- Council Leader - £20,000 p.a.
- Deputy Leader - £15,000 p.a.
- Opposition Group Leader - £1,250 plus £250 p.a. per group member
- Cabinet Members - £8,500 p.a.

- Committee Chairs:

Area Planning – 3No	£1,665 p.a. each – (£5,000 divided by 3)
Overview & Scrutiny	£2,500 p.a.
Audit	£2,500 p.a.
Licensing & Appeals	£2,500 p.a.
Joint Standards	£2,500 p.a.
General Purposes	£1,600 p.a.
Advisory Board - Programmed	£1,600 p.a.

- Area Planning Committee Vice-Chairs - £333 p.a. each

2.3 Carer Allowances

The Panel’s recommendations are that the Child Care Allowance should be equivalent to the forthcoming National Living Wage payable at the actual amount charged, subject to a maximum rate of £7.20 per hour per child or and that the Dependant Carer’s Allowance should be payable at the actual amount charged subject to maximum of £16.00 per hour.

2.4 Travel Expenses

The Panel recommends that the current scheme for Members, based upon the HMRC approved rate should continue.

2.5 Number of Councillors

Given the high proportion of total expenditure on Members’ Allowances that is made up by the Basic Allowance and the high level in comparison to other Kent districts (SEE Table 1), the Panel recommends that the Council gives consideration to pursuing the reduction of the number of councillors in the Borough as a longer-term strategic option, to reduce the cost of representation. The Panel understands that a number of councils have already done this for example Canterbury City Council (from 50 to 39) and Shepway District Council (from 46 to 30). The number of councillors in Tonbridge and Malling is high in comparison to other Kent councils and therefore the total cost of basic allowances is high at £285,000, which needs to be reflected upon in an environment where councils are being forced to cut budgets for services.

2.6 Protection

As some of the recommended allowance rates are below current levels, the Panel considers that the Council may wish to consider implementing Protection arrangements in the same way it would for staff.

2.7 Updating

In future the allowances should be updated in line with any annual increases in pay awards to Council staff.

2.8 Meal Allowances

The Panel recommends that meal and subsistence allowances should be paid to councillors at the rates agreed by HMRC, but excluding tea allowances.

3 Background

3.1 The basis of the current level of members' allowances for Tonbridge and Malling Borough Council was established by the Panel in December 2001 following guidelines issued by central government [see Appendix 1]. These allowances replaced the previous system of attendance-based payments and have been revised in subsequent years to reflect cost of living increases and changes in council structure and responsibilities.

3.2 The process is that the Panel recommends a structure of allowances, after consultation with members and officers but that the final decision is the responsibility of the Council. The Panel has followed broadly the same methodology since 2008.

3.3 The 2007 Councillors Commission paper on Members Remuneration suggested a set of basic principles to govern allowance schemes:

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to a commonly accepted benchmark, such as the median male non-manual salary

These principles underpin the recommendations made in this report and are reflected in our Terms of Reference [Appendix 2]

4 Approach and Methodology

4.1 In line with the previous reviews, and reflecting the approach taken by many other Independent Review Panels elsewhere in the country, the Panel established a set of core principles to guide this review as follows:-

- To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background
- To reflect the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so
- To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the Council
- To retain a significant element of public service, *pro bono* contribution from elected councillors
- To benchmark the comparative position of council members with those in similar roles in Kent and other South East councils
- To recommend allowances based on objective data with a simple and logical structure that can easily be updated in future

In conducting the review at the Council, the Panel held meetings with senior officers and party leaders, and offered the opportunity to all elected members to meet individually with the Panel, a number of whom took up this offer. The Panel considered meetings were a more effective way of eliciting information than a questionnaire. One member provided written information.

5 Allowance Calculations

5.1 There are some important principles and constraints on the calculation of allowances which are detailed in our Terms of Reference [Appendix 2].

Determining the Basic Allowance

5.2 The statutory guidance for Local Authority Allowances says that the “*basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.*” [ODPM 2003. Para 10].

5.3 There are three core elements which determine the Basic Allowance: time spent on councillor duties, a standard financial hourly rate and the public service discount element.

Time Commitment

5.4 “*Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the number of hours for which, councillors ought to be remunerated*” [ODPM 2003. Para 67].

5.5 The number of hours committed by individual councillors to their elected and representative duties varies widely between individuals and over time. It is recognised that, for many councillors, the role is far more than just attendance at council meetings and will include, for example, constituency duties, committee meetings, meetings with officers and training courses.

5.6 The Panel determined in 2008 that the average time taken to satisfactorily perform a ward councillor role was an average of 15 hour per week, following a survey of members and soundings at all levels of the council. This figure was used for the 2012 review. Since that time there has been a small reduction in the number of formal meetings, but this of course does not mean that the overall workload of members has declined, just that less time is spent in formal meetings.

5.7 All 54 councillors are members of one of three Area Planning Committees. This involves training and considerable preparation and increases Councillors’ hours, above that if a single Committee operated. Most councils operate a single Planning Committee, with only a proportion of the councillors sitting on it. Whilst the decision to have all councillors on an Area Planning Committee is a matter for the Council, the Panel questioned whether this is an efficient use of councillor’s time and should not count in the time that councillors perform their duties.

5.8 During our discussions with members their estimates of the time spent on Council business was varied and it was not possible to draw a conclusion of the average productive hours spent.

Hourly rate

5.9 Previously, including for the last review in 2012, the Panel used the median hourly pay for all employees who live within the Tonbridge and Malling local authority area as published by the Office of National Statistics in their Annual Survey of Hours & Earnings (ASHE). In 2012 this was £14.61 per hour [*Source: ASHE 2012. ONS*] and this was the base hourly-rate for the Panel's recommended allowances. This resulted in a Basic Allowance of £5,836, which the Council considered to be too high, with a figure of £5,076 being adopted by the Council in April 2013.

5.10 The Panel has carried out benchmarking, which showed that the Basic Allowance for Tonbridge and Malling is higher than for comparable local authorities in Kent. See Table 1 below. The position was the same for the other two Councils that the Panel covered, which suggested that the previous methodology was not applicable. The Panel considers that the previously used hourly rate bears little relation to the actual hourly rates paid in Tonbridge and Malling, because it is distorted by the fact that many residents actually work in London.

5.11 The high level of the Basic Allowance was recognised by some members of the Council when the annual inflationary adjustment was considered for the 2016/17 financial year. The updated amount was £5,283, but 26 Councillors decided to freeze their Basic Allowance at the previous year's figure of £5,178.

Table 1 - KENT BASIC ALLOWANCE COST COMPARISON – 2016

Authority	Basic	No of Cllrs	Total
Sevenoaks	£5,253	54	£283,662
Tonbridge & Malling	£5,283	54	£285,282
Tunbridge Wells	£5,500 *	48	£264,000
Ashford	£4,466	43	£192,038
Canterbury	£5,303	39	£206,817
Dartford	£5,000	44	£220,000
Dover	£3,980	45	£179,100
Gravesham	£3,447	44	£151,668
Maidstone	£4,666	55	£256,630
Shepway	£3,867	30	£116,010
Swale	£4,880	47	£229,360
Thanet	£4,570	56	£255,920

* The Panel recommended £5,000 in the latest review for Tunbridge Wells Borough Council

5.11 The Panel had felt that the three councils within its purview are so similar that it should really be recommending one rate for all three. One way of doing this would be to calculate an average figure based on the latest hourly ASHE rates for all three councils. The results for the latest available ASHE survey (2015), Table 8.6(a) give the following hourly rates for the three councils:

- Sevenoaks - £14.49
- Tonbridge and Malling - £14.08
- Tunbridge Wells - £13.10

These figures give an arithmetic mean of £13.89 per hour.

The Public Service/Voluntary Principle

5.12 Central government guidance to Independent Remuneration Panels for setting the basic allowance states that *“it is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained”* [ODPM 2003. Para 68].

5.13 This idea that some work of members should remain voluntary is called the ‘public service principle’ and this is incorporated into the financial calculations as a percentage discount factor, agreed locally. The Councillors Commission report indicated that considerable variations of between 20-50% apply. The Panel’s meetings with members and Council leaders confirmed that this principle is understood and supported by elected councillors.

5.14 In the 2012 review the Panel recommended a public service discount factor of 40% based on benchmarking with allowance schemes elsewhere and consistent with the recommendations of our predecessors on this Panel since its inception in 2001. The Panel recommends that this level of discount be retained.

Calculating the Basic Allowance – the formula

5.15 To bring together the separate elements of the time-based model the following formula is commonly used by other Independent Remuneration Panels:

- 1) Expected hours input x hourly rate x 48 weeks = Gross Basic Allowance p.a.
- 2) **minus** discount for voluntary public service = recommended Basic Allowance p.a.

Using the above data and formula the Panel considered an annual Basic Allowance derived as follows:-

- 1) 15 hours per week x £13.89 per hour x 48 weeks = £10,000.80 p.a.
- 2) **minus** 40% public service discount = £6,000 p.a. (rounded)

This calculation results in a Basic Allowance that is too high in relation the 'Kent Family' of district councils. The Panel carried out benchmarking of district councils in Sussex to establish if the Kent figures were low, but as shown in Appendix 3, this was not the case. The Panel concludes that the use of the hourly rate is no longer appropriate and the Basic Allowance calculated above cannot be recommended, as it is too high when compared to the level for the 'Kent Family' of district councils.

Basic Allowance – recommendation

5.16 The Council had a high influx of new Councillors at the last election, including some younger members, which indicates that the Basic Allowance is not a barrier for attracting Councillors. The decision by a number of Councillors not to adopt the last increase, shows that the Basic Allowance is not considered to be low. Based on benchmarking, the Panel recommends the Basic Allowance be reduced to £5,000. Based on a 40% public service discount, this equates to £8,333 p.a. No evidence was provided to the Panel that the basic allowance has been a disincentive in recruiting new councillors.

RECOMMENDATION: that the Basic Allowance should be reduced TO £5,000 p.a. However the Council may wish to consider protecting current allowances until the next election.

6 Special Responsibility Allowances (SRAs)

6.1 In reviewing the current system of SRAs, the Panel took into account the evolution of the governance structures within the Council and the frequency of committee meetings, including the time to research and prepare. The Panel is of the view that allowances should be kept as simple as possible and favour an approach adopted by many councils which relates allowances to that paid to the Council Leader. This approach which calculates the top figure and then bases others on percentages of that figure is in common use in the public sector for determining senior level salaries, so the principle is well-established.

Council Leader

6.2 The previous approach was to recommend that the Leader's allowance should be three times the Basic Allowance. However, the Panel's perception is that this role is so critical to the successful running of the Council, and that both the expertise needed to undertake the role and the time required are so high that a multiplier of four is more appropriate. The Panel therefore recommends that the Leader's SRA should be a multiple of four times the Basic Allowance. This equates to a gross allowance of £33,332 p.a., but after the voluntary discount is a net £20,000 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Council Leader should be £20,000 p.a.

Deputy Leader

6.3 The Panel is aware that the Deputy Leader often has to stand in for the Leader so needs to have read all relevant papers and be prepared to represent him at those meetings. He also accompanies the Leader at a number of strategic meetings. For these reason the Panel believes this role merits a Special Responsibility Allowance and consider that this should be set at 75% of the Leader's Allowance ie £15,000 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Deputy Council Leader should be £15,000 p.a.

Opposition Group Leader

6.4 The Panel established the principle in the previous reviews that Council Leader's Allowance reflects the full role, including those duties associated with political leadership of the majority party. However, there is an additional time commitment required of leadership of an opposition group which is not reflected in the Basic Allowance.

6.5 In line with the approach to simplify the structure of allowances the Panel recommends that the Opposition Group Leaders' allowances should be on a variable sliding scale determined by the number of elected councillors in the opposition party, at a rate of 5% of the Basic Allowance per member, being £250. When the Council considered the results of the last review, it decided that there was an additional role for the Opposition Leader, because of the Council's collaborative way of working which is unlike some other Councils. The interviews carried out as part of this review, highlighted the Opposition Leader's attendance at collaborative meetings and the Panel accepts that the current practice of an additional flat sum being paid, should continue. The Panel recommends an allowance of 25% of the Basic Allowance being £1,250 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for the Opposition Group Leader should be £1,250 p.a. plus £250 per member in the group.

Cabinet Members

6.6 Whilst acknowledging the broad portfolio responsibilities and time commitments of Cabinet Members, the Panel recognises that under the Council's Constitution, they do not have full individual decision making responsibility. The Panel therefore recommends an SRA of 42.5% of the Council Leader's allowance. This equates to an allowance after discount for the public service element of £8,500 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for Cabinet Members should be 42.5% of the Council Leader's Allowance = £8,500 p.a.

Chairs of Committees

6.7 The Panel has reviewed the Committee allowances using a simplified factor model which aligns Committees into groups of similar dimensions which broadly reflect the frequency of meetings and their position in the governance process. The Panel is not convinced of the appropriateness of having 3 Area Planning Committees. Whilst recognising this is a matter for the Council, the Panel recommends that the allowance for Planning is divided between the three Chairs.

6.8 The Panel recognises the importance that the Council puts on the Overview and Scrutiny function and work of the Advisory Boards. This has to be balanced against the work of the other committees and based on the current scheme and operational arrangements, the Panel makes the following recommendations for Committee Chair allowances:-

Committee	% of Leader's Allowance	Recommended Allowance
Area Planning – 3 No	25% * 0.33	£1,665 each (£5,000 divided by 3)
Overview & Scrutiny	12.5%	£2,500
Audit	12.5%	£2,500
Licensing & Appeals	12.5%	£2,500
Joint Standards	12.5%	£2,500
General Purposes	8%	£1,600
Advisory Board - Programmed	8%	£1,600

Vice-Chairs

6.9 There has been much discussion about the role of Vice-Chairs and there seems little doubt that these vary considerably often depending on the personality of the Chair. In line with the last review, the Panel's view is that it is only for the Planning function, that this role should be recognised. The Panel takes the view that this should be reflected in an appropriate SRA and would consider that the rate for the Planning function should be equivalent to 5% of the Council Leader's Allowance, divided between the three Vice-Chairs, being £333 p.a.

RECOMMENDATION: that the Special Responsibility Allowance for the Area Planning Committee Vice-Chairs should be at the rate of £333 p.a.

Updating

6.10 To keep the updating process as straightforward as possible, the Panel recommends that in future, all allowances are updated in line with any increases in the remuneration of Council staff.

RECOMMENDATION: that in future the allowances are updated in line with any increases in the remuneration of Council staff.

7 Carers' Allowances

7.1 In earlier reviews two separate allowances were established to distinguish between the costs of standard childcare and that of professional care for dependants with special requirements. These allowances are proposed as follows:-

Childcare Allowance: for child-minding of the Member's dependent children. Payable at the actual amount charged, subject to a maximum rate of **£7.20** per hour per child.

Dependant Carer's Allowance: for professional care for elderly or disabled dependants, or other dependants with special requirements. Payable at the actual amount charged, subject to a maximum rate of **£16.00** per hour. The Panel also recommends that booking fees from professional agencies should be claimable.

7.2 In practice, these allowances have rarely been claimed by Tonbridge and Malling councillors but the Panel continues to support the need for them.

8 Travel Expenses

8.1 The Council currently operates a scheme based upon the HMRC approved rate and the Panel recommends that this continues.

RECOMMENDATION: that the current travel expenses scheme based upon the HMRC approved rate, continues.

9 Meal Allowances

9.1 The Council currently adopts the subsistence allowances agreed by HMRC and the Panel feels that this should continue, albeit given the nature and timings of the work of councillors, tea allowances should be excluded.

RECOMMENDATION: that meal and subsistence allowances should be paid to Councillors at the rates agreed by HMRC, but excluding tea allowances.

10 Number of Councillors

10.1 Councils face considerable financial constraints. The number of councillors in Tonbridge and Malling is high in comparison to other Councils in the 'Kent Family' of district councils and therefore the total cost of basic allowances is high at £285,000 (See Table 1), especially, in an environment where councils are being forced to substantially cut budgets for services. The Panel suggests that the Council should consider reducing the number of councillors eligible to receive allowances.

10.2 The Panel is aware that this not a quick solution given the processes adopted by the Boundary Commission but this long lead time supports the view that the Council should give this serious consideration as soon as possible. The Panel is aware that a number of councils have already done this e.g. Canterbury City Council (from 50 to 39) and Shepway District Council (from 46 to 30).

11 Conclusions

11.1 The Panel has attempted in this review to propose levels of allowances which would remove financial barriers that deter potential candidates from standing for election and to properly recognise the time commitments that individual members offer in support of their local community.

11.2 The Panel has also sought to propose a system that is easy to understand and update and which may be perceived as fair by all. The Panel has also tried to re-balance the allowances to reflect the fact that the degree of commitment involved for those with additional responsibilities is proportionately greater than may have been the case in the past.

12 Acknowledgements

12.1 The Panel's thanks go to the officers and members who gave us their time and opinions which have helped to shape the Panel's thinking.

Regulations and Guidance for Independent Remuneration Panels

- *The Local Authorities (Members' Allowances) (England) Regulations 2003*. Statutory Instrument 2003 No. 1021
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003*. Statutory Instrument 2003 No. 1692
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004*. Statutory Instrument 2004 No. 2596
- *New Council Constitutions: Consolidated Guidance on Regulation for Local Authority Allowances - 2003*
- *The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003*. Statutory Instrument 2003 No. 1022
- *New Council Constitutions. Guidance on Consolidated Regulations for Local Authority Allowances*. Office of the Deputy Prime Minister and Inland Revenue. July 2003
- *Members Remuneration – models, issues, incentives and barriers*. - Councillors Commission. Dept. of Communities and Local Government. December 2007
- *Representing the Future – Report of the Councillors Commission*. December 2007
- *Members' Allowances Survey 2008*. Report by the Local Government Association Research Department

**Joint Independent Review Panel
for
Sevenoaks District Council
Tonbridge & Malling Borough Council
Tonbridge and Malling Borough Council**

Terms of Reference

Introduction

The Joint Independent Remuneration Panel (JIRP) for Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council was originally established in 2001 and now operates under the Local Authorities (Members' Allowances) (England) Regulations 2003. The function of the panel is to make recommendations to Council in accordance with Statutory Instruments (primarily 2003 No.1021 and No.1692).

The JIRP was established jointly by the three Councils but it considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation.

Members of the Panel are appointed by the Councils but are independent members of the community with relevant professional backgrounds in remuneration and benefits.

Membership – Joint Independent Remuneration Panel

The members of the panel are:

- Gary Allen, a resident of Lamberhurst
- Max Lewis, a resident of Tunbridge Wells
- Chris Oliver, a resident of Tonbridge & Malling Borough

JIRP meetings will normally involve all four Panel members. A quorum will be three members. One of the members will act as Chair of the Panel by agreement between the Panel members.

The Local Authorities (Members' Allowances) (England) Regulations 2003 determine that none of the Panel members may be a member of the local authority in question, or of its committees, or an employee of the council, but that this does not preclude participation by parish councillors.

Panel Recommendations

The 2003 Regulations require that councils must have regard to their Independent Remuneration Panel's recommendations, which must be publicised on the authority's website and in the authority's newspaper, if it has one. The Panel must be required to make recommendations whenever the council decides to revoke or amend its members' allowances scheme. However, Panel recommendations are not binding on authorities. After considering its panel's recommendations, a council can decide for up to four years on automatic indexation of members' allowances without the need for a review by the Panel.

Principles for Allowances Schemes

There is currently little central prescription of members' allowance. However, there are some important constraints:-

- Attendance allowances are prohibited
- The basic allowance must be paid equally to all members
- Where one or more groups on a council form an administration, a special responsibility allowance must be paid to a member of the opposition. This is usually paid either to the leader of the opposition, if this post exists, or to a chair of a scrutiny committee

The report of the Councillors' Commission in December 2007 highlighted a 'universal principle' that members should not suffer financial loss as a direct result of their council activities and service. They went on to suggest a more detailed set of principles to govern allowance schemes:-

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to commonly accepted benchmark, (for example, the median male non-manual salary)

The Panel will operate within the scope of these principles. Should any departure from these be considered necessary, the reasons for the variation will be made clear in the relevant report.

The core objective of the Panel is to present informed comprehensive recommendations that are fair and equitable.

Appendix 3

Comparative data from Kent & Sussex Borough/District Councils

Authority	Basic	Leader	Cabinet Member	Chair Planning Cttee	Chair Overview/ Scrutiny	Chair Licensing	Last Review Date
Ashford	£4,378	£18,000	£7,200	£6,000	£5,400	£1,440	01.04.2014
Dartford	£5,000	£31,339	£8,357	£5,014	£2,090	£2,090	01.04.2016
Gravesham	£3,447	£20,260	£3,447	£3,447	£3,447	£3,447	Summer 2015
Maidstone	£4,666	£18,661	£7,464	£7,464		£3,732	2016
Sevenoaks	£5,253	£15,761	£6,567	£3,153	£525	£2,102	2014
Tonbridge & Malling	£5,283	£18,384	£8,400	£5,283	£5,283	£2,643	01.04.16
Tunbridge Wells	£5,500	£19,250	£11,000	£5,500	£1,375	£1,375	25.02.2015
Medway (U)	£8,836	£20,391	£11,123	£7,415	£9,269		01.04.2016
Bexley (U)	£9,418	£26,391	£13,197	£8,802	£4,260	£8,802	21.05.2015
Bromley (U)	£10,870	£30,600	£20,400	£8,670		£8,670	01.04.2016
Tandridge	£4,068	£2,885		£2,885	£2,885		01.04.2016
Mid Sussex	£4,501	£20,596	£8,238	£4,620	£3,862	£475	01.04.2013
Rother	£4,280	£12,500	£2,719	£2,719	£2,719	£1,989	01.04.2016
Wealden	£4,300	£4,460	£5,200	£3,925	£3,515	£1,275	01.04.2014

(U) – Unitary Authorities

[Source: Council websites July 2016; South East Employers Survey 2016]

N.B. The Joint Independent Review Panel works on behalf of Sevenoaks District Council, Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council but considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation. It should be noted that members' allowances are currently under review at all three councils but the figures quoted above are those in force at time of writing this report and do not reflect any changes to be proposed by the JIRP as part of this review process.

Appendix 4

Revised Schedule of Recommended Members' Allowances

Tonbridge and Malling Borough Council

	<u>2013 JIRP Recommendation</u>	<u>Current</u>	<u>2017 JIRP Recommendation</u>
<u>Basic Allowance</u>	£5,836	£5,283	£5,000
<u>Special Responsibility Allowances:-</u>			
<u>Opposition Group Leaders:</u>			
	£292 per member	£1,320 plus £264 per member	£1,250 plus £250 per member
<u>Cabinet</u>			
Leader	£17,509	£18,384	£20,000
Deputy Leader	n/a	n/a	£15,000
Cabinet Member	£8,754	£8,400	£8,500
<u>Committee Chairs</u>			
Area Planning – 3 No	£5,836	£5,283	£1,665 each
Overview & Scrutiny	£2,918	£5,283	£2,500
Audit	£2,918	£2,643	£2,500
Licensing & Appeals	£2,918	£2,643	£2,500
Joint Standards	£2,918	£2,643	£2,500
General Purposes	£1,459	£1,320	£1,600
Advisory Board - Programmed	£1,459	£1,320	£1,600
<u>Committee Vice-Chairs</u>			
Area Planning	£1,269	£1,320	£333 each
Overview & Scrutiny	£0	£1,320	£0
Audit	£0	£660	£0
Licensing & Appeals	£0	£660	£0
Joint Standards	£0	£660	£0
General Purposes	£0	£333	£0
Advisory Board - Programmed	£0	£333	£0

N.B. All figures are per annum except where stated

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Item GP 17/5 referred from General Purposes Committee minutes of 6 March 2017

GP 17/5 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services advised that the Localism Act 2011 required local authorities to review their pay policy statements for each financial year. The report summarised the requirements of the Act and presented an updated Pay Policy Statement for 2017/18. It was noted that there had been no changes in the Council's remuneration policy and the substantive content of the updated statement was identical to that adopted by the Council in February 2012.

RECOMMENDED: That the Pay Policy Statement 2017/18 set out in Annex 1 to the report be commended for adoption by the Council.

*** Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

06 March 2017

Report of the Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 LOCALISM ACT – PAY POLICY

Section 38(1) of the Localism Act 2011 requires English and Welsh local authorities to review their pay policy statement for each financial year. This report summarises the requirements of the Act and presents an updated Pay Policy Statement for 2017/18 in Annex 1. Members will note that as there have not been any changes in the Council’s remuneration policy, the substantive content of the updated Pay Policy Statement is identical to the Council’s first Pay Policy Statement (adopted on 16 February 2012).

1.1 Contents of the Pay Policy

- 1.1.1 As Members may recall, the Act is prescriptive in that, in the interests of transparency, it requires the pay policy statement to include: the level and elements of remuneration for each chief officer, the policy of their remuneration on appointment; increases and additions to their remuneration, a definition of the “lowest paid employees” and their remuneration; the policy on the relationship between the remuneration of its chief officers and other officers, and, the policy on re-employing someone who has been made redundant.
- 1.1.2 The title “chief officer” includes both statutory and non-statutory chief officers and their deputies. Therefore, within the Pay Policy Statement set out in Annex 1, the information about the remuneration of chief officers includes the posts of the Chief Executive, the Council’s four Service Directors, the Head of Planning, the Chief Financial Services Officer and the Chief Environmental Health Officer, as well as the senior officers that are directly accountable to these “chief officers”.
- 1.1.3 The Act’s definition of remuneration includes pay, charges, fees, allowances, benefits in kind, enhancement of pension entitlements and termination payments. All of these elements have been covered in the pay policy statement attached in Annex 1.

- 1.1.4 In order to provide a holistic and transparent context for the remuneration of chief officers and their deputies, the pay policy in Annex 1 provides an overview of the pay elements for all Council employees.

1.2 Legal Implications

- 1.2.1 The policy set out in Annex 1 contains all of the elements of a statutory pay policy as stipulated in section 38 (1) of the Localism Act 2011.
- 1.2.2 The attached pay policy is also compliant with Regulation 7 of the Local Government (Early Termination of Employment)(Discretionary Compensation))(England and Wales) Regulations 2006 and the Local Government Pension Scheme (Administration) Regulations 2008 & 2014.
- 1.2.3 The definition of the terms “chief officer” and “deputy chief officer” is in accordance with section 2 of the Local Government and Housing Act 1989.

1.3 Financial and Value for Money Considerations

- 1.3.1 As set out in Section A of the attached Pay Policy, the Council’s approach to setting a pay multiple is broadly calculated on a base salary multiple of 8 being the gap between the remuneration of the lowest and the most highly paid employees and is enshrined within the Council’s locally determined job benchmarking evaluation scheme. Such an approach places an emphasis on cash reward as the cornerstone of the Council’s pay policy, and ensures that pay is based on job requirements.

1.4 Risk Assessment

- 1.4.1 Given the scrutiny of public sector remuneration it would be imprudent for the Council not to comply with the Localism Act’s requirements to have reviewed the Pay Policy Statement by 31 March 2017.

1.5 HR Policy Considerations – Equality Impact Assessment

- 1.5.1 As Members will observe from the outcomes of the gender pay gap analysis in Annex 2, in 2016 there was a full time pay gap of 17.2% in favour of men. The key contributing reason for this pay gap is that there are historically more women than men working in jobs graded at the three lowest quartiles of the Council’s pay scales. There is no evidence of men and women being paid differently for equal work and indeed there has been a reduction in the full time pay gap since 2015 (when it was 18.1%).

1.6 Recommendations

- 1.6.1 It is recommended that this committee commends the pay policy in Annex 1 to this report for adoption at the Council meeting on 14 February 2017.

Background papers:

contact: Delia Gordon

Nil

Adrian Stanfield
Director of Central Services and Monitoring Officer

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ANNEX 1

Pay Policy Statement 2017/18 Introduction

When determining remuneration levels the Council is mindful of the requirement to balance the needs of managing scarce public resources with the need to secure and retain high-quality employees. The Council aligns its reward strategy with organisational needs by an emphasis on cash rewards, and ensuring that pay is determined by job requirements. The Council aims to operate a consistent and equitable organisation-wide reward system by placing the responsibility for remuneration decisions with a committee of elected councillors, the General Purposes Committee, and the responsibility for administering the pay policy within the Council's Personnel team.

Section 38 (1) of the Localism Act 2011 requires the council to prepare an annual pay policy statement for 2017/18. The Act specifies that the following must be included in the pay policy statement:

- the level and elements of remuneration for each chief officer
- the policy on the remuneration of chief officers on recruitment
- increases and additions to their remuneration including performance related pay, bonuses, charges, fees, allowances, benefits in kind and termination payments
- a definition of the "lowest paid employees" and the policy on the remuneration of this group
- the policy on the relationship between the remuneration of its chief officers and other officers
- policy on re-employing someone who has been made redundant.

This statement will be published on the Council's website.

Section 1 – Remuneration of statutory and non-statutory Chief Officers and Deputy Chief Officers

The term "chief officer" within The Localism Act includes both statutory and non-statutory chief officers, and their deputies. The actual remuneration for these roles is available on the Council's website

(<http://www.tmbc.gov.uk/services/council-and-democracy/councillors,-democracy-and-elections/transparency-senior-salaries>)

The salary scales for the statutory and non-statutory Chief Officers and Deputy Chief Officers in post in January 2017 is set out below.

No of chief officers	Grade	% of M2 benchmark	Pay Point Range
13	M6	56.0%	141- 144

7	M5	61.0%	147 - 150
3	M4	70.0%	151- 154
4	M2a	97.5%	181- 184
1	M1	125.0%	191- 194

Fee for acting as the Returning Officer

Tonbridge & Malling Borough Council is required to appoint a Returning Officer by virtue of section 35 of the Representation of the People Act 1983. In Tonbridge & Malling, the Chief Executive has been appointed as the Returning Officer. This is a personal appointment, separate from their other duties. In this capacity they are the Returning Officer for UK Parliamentary elections and elections to the Borough Council and to Parish Councils within this Borough. The Returning Officer fee is payable for the substantial additional duties undertaken, and leadership required of the Returning Officer in planning, delivering and undertaking the elections, and recognises the personal nature and personal responsibility of the role of the Returning Officer.

For Borough and Parish Council elections, the Returning Officer fee is calculated in accordance with an agreed Kent Scale of Fees. For National, European and Police & Crime Commissioner elections the fee rate is set by central government.

Section 2 – Remuneration of the lowest paid employees

In compliance with Section 38 of the Localism Act, for the purposes of this statement the “lowest paid employee” has been defined as those who are engaged as cleaners. In 2017/18 it is anticipated that such posts will receive a full time annual salary equivalent of approximately £15,294.

Section 3 – Decision on pay

The pay of all council employees (including chief officers) is determined by the evaluated grade of the post. The pay band for most jobs within the council (including chief officers) is very narrow, based on 3 or 4 incremental points. Progression through the pay band is based on length of service, subject to the achievement of expected performance standards, and thus recognises development in a role over time based on the accumulation of experience and knowledge. It is anticipated that during 2017/18 the total number of permanent and fixed term contract staff on the Council’s payroll will be approximately 265 in any one month.

The Council has not adopted the national local government job evaluation or grading schemes but has developed a locally negotiated framework that more

closely reflects its own particular requirements. Within this framework there are two remuneration “families”. The first has been developed for the Council’s professional and senior managerial cohorts, and includes chief officers. The second is for supervisory, technical and clerical staff.

All staff (including chief officers) are appointed to the organisation at the bottom of the grade, unless there are exceptional circumstances based on business need.

Annual Pay Award

The salary of all council employees (including chief officers) may increase annually by an annual pay award which is locally determined taking into consideration:

- “caps” on public sector pay rates set by the Government
- the council’s ability to pay
- inflation levels
- the “going rate” of pay awards in neighbouring authorities and nationally
- recruitment and retention levels.

Section 4 – Pay structure and pay relationships.

The Code of Recommended Practice for Local Authorities on Data Transparency September 2011 requires that there is a process established to monitor the rate of growth of senior earnings compared to all other employees in the organisation. During 2017/18 there will be a multiple of approximately 8 between the base level salary of the Chief Executive and a cleaner, reflecting the differences in skill sets, complexity and span of control from the lowest to the highest paid employees of the Council.

The total salary for the post of Chief Executive is in the region of £119,000. The median full time equivalent salary for all other employees in Tonbridge & Malling Borough Council is in the region of £25,250, the mean full time equivalent salary is in the region of £29,800. The pay multiple is therefore approximately 4.70 against the median and 4 against the mean.

The Council’s bespoke grading structure for employees with professional and specialised high level skill sets is entitled the “M” grade framework. All those referred to as chief officers within this pay policy statement fall within the “M grade” framework.

A feature of the M grade framework is that the remuneration levels for all M grade posts (including those of chief officers), are fixed as a percentage of a notional benchmark grade M2. Therefore, the grading structure specifies the pay multiples attached to each grade as a percentage of the lowest incremental point of a notional benchmark M2. Posts are positioned within the M grade framework on the basis of the required specialist knowledge, professional skills, depth of professional and managerial judgement, and

managerial span of control. Broadly speaking the range of capabilities required for junior M grade posts (M9 – M7 inclusive) equate to professional and/or managerial capability equivalent to Level 6 of the National Qualifications Framework (NQF). Those occupying senior managerial posts graded M6 to M2 are required to possess **both** professional and managerial skill sets equivalent to Level 7 of the NQF. All four director level chief officer posts are graded as M2a. The professional and managerial capabilities **and** span of control required at director level broadly equate to level 8 of the NQF. A Level 8 degree of professional and managerial expertise is also required for the post of the Chief Executive. This, alongside the extensive span of control intrinsic to the role of paid head of service for the entire Council workforce, merits the grade of M1.

Supervisory, technical and clerical grades

The council has developed a bespoke grading structure for its supervisory, technical and clerical staff that ranges from the grade of senior officer to clerical scale 1. Broadly speaking the managerial, professional and skill set required for posts graded Senior Officer equate to Level 5 of the NQF, posts graded scale 5-6 equate to Level 4 of the NQF, posts graded scale 3-4 to Level 3 of the NQF, posts graded scale 1-2 require a Level 2 skill set.

The Council considers that the relationship between the base salaries of its highest and lowest paid employees, as well as the relationship between the highest paid and the mean and medial salaries of the entire workforce, represents an appropriate, fair and equitable internal pay relationship.

Section 5 – Policies common to all employees

The following elements of remuneration are determined by corporate policies or arrangements which apply to all permanent employees of the Council (including its chief officers and deputy chief officers), regardless of their pay level, status or grading. Full details on any of the policies listed below can be provided on request.

The Council aims to have a streamlined and transparent pay structure and therefore it does not pay additional one off bonuses, market premiums, location allowances, subsidy towards child care costs or special awards for any staff (including chief officers). Pension contributions for all employees opting to join the Local Government Pension Scheme are nationally determined.

Payments on termination of employment

According to the Local Government (Early Termination of Employment)(Discretionary Compensation)(England and Wales) Regulations 2006 the Council has the power to make discretionary payments on early

termination of employment. The Council has determined that it will calculate payments made to any eligible employee (including chief officers) who are made redundant or who depart on the grounds of the efficiency of the service by using the Government's statutory redundancy payment calculator formula and the employee's actual weekly pay. For those who depart on the grounds of redundancy or efficiency of the service, or who chose to retire "early", the Council does not increase the employee's total pension scheme membership or award additional pension. This response to the Local Government Pension Scheme (Administration) Regulations 2008 applies to all employees, including chief and deputy chief officers.

The Council's policy is that it does not re-employ anyone (including chief or deputy chief officers) who has left with a severance or redundancy payment, nor does it re-engage them on a self-employed basis with a contract for services.

Car allowances

For those posts where it is deemed that there is an essential requirement for the post holder to use a car to perform their job, and they are expected to travel in excess of 2,500 miles per annum in the course of their duties, the post holder either receives a lump sum allowance to contribute towards the associated running costs of the car in accordance with the rates previously set by the National Joint Council or they are allocated a lease car, or they receive a cash equivalent payment as an alternative to a lease car. Those who drive leased cars are required to make their leased car available for the use of all Council employees possessing a suitable driving licence, if so required, (the Council has the appropriate insurance cover).

Telephone allowances

Those employees who are deemed to be essential users of mobile telephones are either supplied with a mobile telephone for council related activities, or receive a mobile telephone allowance

Professional fees

Annual professional subscription fees to one relevant professional body are reimbursed to those employees where it is deemed an essential requirement for the post holder to belong to a professional institute.

Reimbursement of removal/relocation costs on appointment and mortgage subsidy scheme

The Council's relocation and mortgage subsidy schemes provide financial assistance (within pre-defined limits) to employees who re-locate from outside a reasonable travel area to the Borough to take up an appointment with the Council.

Subsistence Allowance

The Council reimburses expenditure on meals, accommodation, and any other expenses necessarily (within pre-defined limits) incurred by employees who have to be away from home on Council business.

Standby and call out allowances

Any employee who is required to undertake standby and call-out duties will be recompensed at the appropriate rate in accordance with the negotiated policy and payment rate for their role.

Annex 2 Gender Pay Gap Analysis

Proposed Government measures	2016	
Gender pay gap based on gross hourly pay (mean)*	£4.29	
*Males are paid this amount more than females, on average		
Gender pay gap based on gross hourly pay (median)*	£7.23	
*Males are paid this amount more than females, on average		
	Female	Male
Proportions in Quartile 1	73%	27%
Proportions in Quartile 2	81%	19%
Proportions in Quartile 3	55%	45%
Proportions in Quartile 4	42%	58%

Analysis (2016)			
All staff	Female	Male	Gap
£15.97	£14.38	£18.67	23.0%
£13.58	£12.13	£19.37	37.3%
	Total	Female	Male
Quartile 1	62	45	17
Quartile 2	70	57	13
Quartile 3	65	36	29
Quartile 4	67	28	39

Proposed Government measures	2015	
Gender pay gap based on gross hourly pay (mean)*	£4.60	
*Males are paid this amount more than females, on average		
Gender pay gap based on gross hourly pay (median)*	£7.28	
*Males are paid this amount more than females, on average		
	Female	Male
Proportions in Quartile 1	80%	20%
Proportions in Quartile 2	77%	23%
Proportions in Quartile 3	56%	44%
Proportions in Quartile 4	41%	59%

Analysis (2015)			
All staff	Female	Male	Gap
£15.67	£14.03	£18.62	24.7%
£13.76	£11.70	£18.98	38.4%
	Total	Female	Male
Quartile 1	69	55	14
Quartile 2	78	60	18
Quartile 3	63	35	28
Quartile 4	66	27	39

Additional data	2016					2015				
	Total	Female	Male	Gap £	Gap %	Total	Female	Male	Gap £	Gap %
Employees - number	264	166	98			276	177	99		
Employees - percentage		63%	37%				64%	36%		
Full-time employees - number	168	78	90			169	81	88		
Full-time employees - percentage	64%	46%	54%			61%	48%	52%		
Part-time employees - number	96	88	8			107	96	11		
Part-time employees - percentage	36%	92%	8%			39%	90%	10%		
Full-time average hourly pay (median)	£16.75	£12.73	£19.37	£6.64	34.3%	£16.66	£13.32	£18.98	£5.67	29.9%
Part-time average hourly pay (median)	£11.29	£11.29	£9.91	-£1.39	-14.0%	£11.07	£11.07	£16.66	£5.59	33.5%
Full-time average hourly pay (mean)	£17.63	£15.86	£19.17	£3.30	17.2%	£17.44	£15.59	£19.03	£3.44	18.1%
Part-time average hourly pay (mean)	£13.07	£13.06	£13.13	£0.07	0.5%	£12.93	£12.71	£15.36	£2.65	17.3%

Item LA 17/4 referred from Licensing and Appeals Committee minutes of 14 March 2017

LA 17/4 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017-2020

Further to Minute LA 16/85, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of the consultation in respect of the new Sex Establishments and Sexual Entertainment Venues Policy for 2017 - 2020. It was noted that Kent Police had requested that reference to Article 8 of the Human Rights Act 1998 (Right to a Private Life) be included under section 11 of the Policy.

RECOMMENDED: That the draft Statement of Policy set out at Annex A to the report be approved, incorporating the change outlined at Annex C (inclusion of Article 8 in section 11).

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

LICENSING & APPEALS COMMITTEE

14 March 2017

Report of the Director of Central Services and Monitoring Officer

Part 1- Public

Matters for Recommendation to Council

1 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017 - 2020

1.1 Background

1.1.1 The current Policy on Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues was published in 2013 and has a life span of three years.

1.1.2 Tonbridge & Malling Borough Council currently has one licensed Sex Shop called Vibez, trading in Aylesford. There are no sexual entertainment venues currently operating within the Borough, the one previous establishment (the Harp, East Peckham) having been refused a licence under the existing policy in 2013.

1.1.3 Since November 2005, the Licensing Act 2003 has required a wide range of regulated entertainment to be licensed by the Council acting as the Licensing Authority. This includes live and recorded music as well as dancing and dance performances.

1.1.4 Members will be familiar with the restrictions in the 2003 Act, which mean that any representation against a Premises licence and Club Premises Certificate can only be based on the four licensing objectives namely:

- The prevention of crime and disorder
- The prevention of public nuisance
- The protection of public safety
- The protection of children from harm

Whilst licences can be subject to review procedures, they otherwise continue in force for the life of the business concerned

1.1.5 Sex shops and sex cinemas, in contrast, are licensed under the Local Government (Miscellaneous Provisions) Act 1982. This regime gives the Licensing Authority a wider discretion in determining whether to grant or refuse licences (including the statutory grounds for refusal), a power to set a limit on the number of premises that may be suitable for a particular locality, greater flexibility

on applying licence conditions and the ability to accept representations from a wider scope of the community. Sex shop licences are only valid for a year at a time, meaning there is scope for regular review.

- 1.1.6 These concerns were addressed by amending Schedule 3 to the 1982 Act through Section 27 of the Policing and Crime Act 2009. A new class of licensed sex establishment – Sexual Entertainment Venues – was created which required lap dancing venues and similar premises to be licensed under the more flexible 1982 Act rather than under the Licensing Act 2003.
- 1.1.7 In 2011 Tonbridge and Malling Borough Council consulted local residents and businesses on whether the Council should adopt the new powers to regulate sexual entertainment venues contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.
- 1.1.8 The overwhelming view of respondents was that the Council should adopt the new provisions. Accordingly, on 23 February 2012 Council resolved to adopt the sexual entertainment licensing provisions contained in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. These adopted provisions came into effect on 1 June 2012.
- 1.1.9 The decision to adopt the new provision only related to relevant adult entertainment. Any other licensable activity at a venue such as alcohol sales and late night refreshment remains licensable under the Licensing Act 2003.
- 1.1.10 The provisions of Schedule 3 to the 1982 Act allow -
- Local people to oppose an application for a sexual entertainment venue if they have legitimate concerns that it would be inappropriate given the character of an area, for example, if the area was primarily a residential area. An objection cannot however be made on purely moral or religious grounds.
 - Local authorities to decide whether or not to set a limit on the number of sex establishments of a particular type in a locality, as well as the number of sex establishment generally. The limit for a particular locality may be set as nil, but it is however unlikely that a local authority could set the limit as nil for the whole of its area without running the risk of judicial review.

1.2 Development of the Statement of Licensing Policy

- 1.2.1 The Tonbridge and Malling Borough Council's Statement of Licensing Policy was developed in close conjunction with the other local authorities in Kent. This was achieved via the mechanism of the Kent and Medway Regulatory Licensing Steering Group.

- 1.2.2 The current policy has been developed taking full account of the requirements of the legislation and guidance so as to minimise the prospect of future judicial review.
- 1.2.3 The aim of the joint working group was to promote consistency to the benefit of Licensees, potential licensees, businesses, residents and to regulatory agencies such as the police.
- 1.2.4 The draft policy is attached as **Appendix A** to this report. Members will note that the policy includes a Model Pool of Conditions (**Appendix B**) which, whilst not exhaustive, will, it is hoped, guide both applicants and the public regarding what would generally be expected from anyone seeking a sex establishment licence from this authority.
- 1.2.5 The policy provides that each application will be judged on its own merits but taking into account the various criteria laid out within the policy document. In this way each application will be considered as to whether it is suitable given the nature of the particular locality in question.

Consultation

The proposed timetable for consultation in respect of the policy was:

- Licensing and Appeals Committee – 10th October 2016
 - Public Consultation – 14th October 2016 until 31 January 2017
 - Licensing and Appeals Committee 14th March 2017
 - Full Council – 11th April 2017
 - New policy comes into force – 15th April 2017
- 1.2.7 We received one return from the consultation from Kent Police for inclusion of Article 8 to be included under section 11.

1.3 Legal Implications

- 1.3.1 There is no statutory requirement to have a licensing policy for sex establishments. However, it is considered best practice and also a modern, effective policy document will ensure that the trade and public alike will have a document that fully explains the elements of the regulatory process. This will include the principles to be applied when considering applications for sex establishments, the application process itself and the grounds for objection, refusal, the hearings procedure and the grounds for appeal.
- 1.3.2 Any criteria applicable to applications for sex establishments must meet the requirements of the Provision of Services Regulations 2009. It is considered that the draft policy complies with these regulations.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are no statutory fees for sex establishments or sexual entertainment venues. The level of fee is therefore at the discretion of the Licensing Authority, subject of course to the general principle that the income generated should not exceed the costs of providing the service.
- 1.4.2 The current licence fee for a sexual entertainment venue is £2,000.

1.5 Risk Assessment

- 1.5.1 The introduction of a policy should provide a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being challenged in the Courts.

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 Members are **RECOMMENDED:**

That the draft Statement of consultation, attached as **Annex A**, be approved incorporating the changes as set out in **Annex C**.

Background papers:

contact: Anthony Garnett

Nil

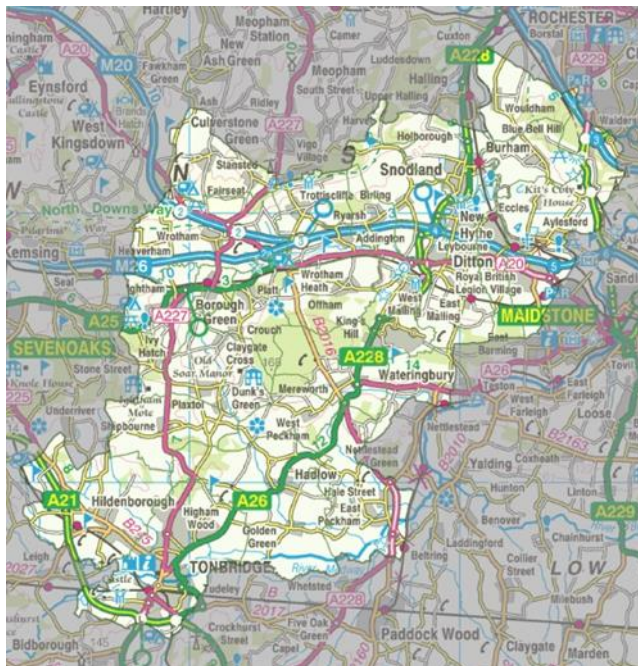
Adrian Stanfield
Director of Central Services and Monitoring Officer

Draft

Tonbridge & Malling Borough Council's Policy on Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues

1. Introduction

- 1.1. Tonbridge and Malling Borough Council lies in the heart of Kent and is an area of variety and historical interest. The Council is made up of 54 borough councillors (members) representing the 24 wards in the borough. The Council area has a population of 112,400.



The borough of Tonbridge and Malling lies in the heart of Kent and is an area of variety and historical interest. The borough is largely rural with few large settlements; Tonbridge in the south being the largest and home to around 35,000 residents. The remainder of the borough is dotted with villages and smaller towns.

Industry and commerce are concentrated around Tonbridge, Aylesford, Ditton, Larkfield and Snodland. Mineral extraction has been carried out in the area for many years. Paper and packaging mills, distribution, general and light industry and many small businesses make up the industrial scene. The borough is a popular area for office location and high tech development, particularly at the Kings Hill business and residential community

2. Overview

- 2.1. Tonbridge and Malling Borough Council consulted local residents and businesses on whether the Council should adopt the new powers to regulate sexual entertainment venues contained in Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 ('the 1982 Act') between the 1 September 2011 and 14 October 2011. A full list of consultees can be supplied on request.
- 2.2. The overwhelming view expressed by respondents was that the Borough Council should adopt the new provisions. Accordingly, the sexual entertainment licensing provisions contained in the 1982 Act were adopted at Full Council on Thursday 23 February 2012. These provisions shall come into effect on 1 June 2012.
- 2.3. Premises for which a sexual entertainment venue licence is required or held (or for which the requirement has been waived under paragraph 7 of Schedule 3 to the

1982 Act do not also require a premises licence, club premises certificate or temporary event notice in order to provide relevant entertainment. This is because such entertainment is expressly excluded from the definition of regulated entertainment found in the Licensing Act 2003. However, if the premises also carries on other licensable activities (e.g. the sale of alcohol or the provision of regulated entertainment then this is not a provision of relevant entertainment), they will nevertheless continue to require a premises licence, club premises certificate or temporary events notice under the Licensing Act 2003 for those other activities, subject to any exceptions contained in that Act.

- 2.4. In practice this will mean that the vast majority of lap dancing clubs and similar venues will require both a sexual entertainment venue licence for the provision of relevant entertainment and a premises licence or club premises certificate for the sale of alcohol or provision of other types of regulated entertainment not covered by the definition of relevant entertainment.
- 2.5. Live music or the playing of recorded music which is integral to the provision of relevant entertainment, such as lap dancing, for which a sexual entertainment licence is required, is specifically excluded from the definition of regulated entertainment in the Licensing Act 2003. Therefore, a sexual entertainment venue will not require a premises licence or club premises certificate just because it plays recorded music for a performer to dance nor will providing entertainment facilities for the purposes of the provisions of relevant entertainment be regulated entertainment under the Licensing Act 2003.
- 2.6. The Council sees the licensing process as an integral part of its approach to achieving its corporate priorities which are set out below

During 2012/15 we will work with a range of partners and our local communities towards achieving the following key priorities:

- A clean, smart, well maintained and sustainable Borough.
- Healthy living opportunities and community well-being.
- Children and young people who are safe, involved, with access to positive activities.
- Low levels of crime, anti-social behaviour and fear of crime.
- A continuing supply of homes, including affordable housing to buy and rent, and prevention of homelessness.
- Continued delivery of priority services and a financially viable Council.
- Sustainable regeneration of Tonbridge town centre and economic development in communities across the Borough.”

3. Policy

3.1. The purpose of this policy is to:

- Set out the expectations of Tonbridge and Malling Borough Council in relation to the licensing of sexual entertainment venues, sex shops and sex cinemas
- The process for making an application
- The process the Council will follow in considering and determining an application.
- Assist any persons making representations in respect of an application to make a properly directed and evidenced representation.

3.2. Notwithstanding this policy, each application will be assessed on its individual merit. Whilst this policy will set out the broad scope of the Council's expectations, it should not be seen as restricting or predetermining the outcome of any application or representation in respect of the licensing of any premises.

4. Definitions

4.1. For the purpose of this policy the following definitions (as set out in the 1982 Act) will apply:-

4.2. Sex Shop

Any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating sex articles (anything for use in connection with or for stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity) or other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity.

4.3. Sex Cinema

Any premises, vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures, by whatever means produced which are concerned primarily with the portrayal of, or primarily deal with or relate to, or are intended to stimulate or encourage sexual activity, acts of force or restraint which are associated with sexual activity or are concerned primarily with the portrayal of or primarily deal with or relate to, genital organs or urinary or excretory functions but does not include a dwelling to which the public is not admitted.

4.4. Sexual Entertainment Venue

Any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

5. Relevant Entertainment

- 5.1. Any live performance or any live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means).
- 5.2. The following forms of entertainment will therefore fall within the definition of 'regulated entertainment',:-
- Lap Dancing
 - Pole Dancing
 - Table Dancing
 - Strip Shows
 - Peep Shows
 - Live Sex Shows
- 5.3. However, this list is not exhaustive and Tonbridge and Malling Borough Council will judge each case on its merits. Decisions will be based on the content of the entertainment provided and not the name given to it.

6. Exemptions from being a sexual entertainment venue

- 6.1. The following are not sexual entertainment venues for the purposes of this policy:-
- (a) sex cinemas and sex shops
 - (b) premises at which the provision of relevant entertainment is such that, at the time in question and including any relevant entertainment which is being so provided at that time
 - (i) there have not been more than eleven occasions on which relevant entertainment has been provided which fall (wholly or partly) with the period of 12 months ending with that time
 - (ii) no such occasions has lasted for more than 24 hours and
 - (iii) no such occasion has begun within the period of one month beginning with the end of any previous occasion on which relevant entertainment has been so provided (whether or not that previous occasions falls within the 12 month period mentioned in subparagraph (i)).
- 6.2. Premises which fall under this exemption created for infrequent entertainment do not require a sexual entertainment licence but will instead need an appropriate authorisation under the Licensing Act 2003. For example, to cover the performance of dance.

- 6.3. Operators are encouraged to maintain written records of any relevant entertainment that falls within the exemption. This will enable the Licensing Authority to verify whether the venue falls within the permitted exemption.
- 6.4. Any records should contain information of the date, times of the event and those persons who have participated in the relevant entertainment, which includes performers, security, management and bar staff. If tickets are sold then details should be recorded of the number of tickets sold at each event.

7. Nudity

- 7.1. Schedule 3 of the 1982 Act sets out the definition of a display of nudity:
- In the case of a woman, it means exposure of her nipples, pubic area, genitals or anus and
 - in the case of a man it means exposure of his pubic area, genitals or anus

8. Spontaneous Entertainment

- 8.1. Where activities that would otherwise be considered to involve the provision of relevant entertainment take place, but are not provided for the financial gain of the organiser or entertainer, such as a spontaneous display of nudity or a lap dance by a customer or guest, the premises will not be considered a sexual entertainment venue by virtue of those circumstances alone. This is because the relevant entertainment must be provided for the financial gain of the organiser or entertainer. However, it should be noted that an organiser might be considered to have provided the entertainment where he has permitted the activity to take place, whether expressly or impliedly.

9. The Organiser

- 9.1. Any person who is responsible for the organisation or management of the relevant entertainment at a premises at which relevant entertainment is provided. In most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.
- 9.2. The organiser must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

10. Planning

- 10.1. Applicants are encouraged to ensure that the proposed activity will constitute a lawful planning use and the hours sought do not exceed those authorised by any planning permission. Where the hours authorised by the relevant planning permission are different to the licensing hours for those premises, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to enforcement action under planning law.
- 10.2. Failure to obtain planning permission (where required) is not a ground for refusal of the grant of an application under the 1982 Act and such a failure to obtain planning permission will be dealt with as part of the planning process.
- 10.3. The Borough Council will not normally consider planning matters such as 'need' in determining a licence application as this is more appropriately dealt with by the planning process.

11. European Convention on Human Rights

- 11.1. The Human Rights Act 1998 incorporates the European Convention on Human Rights (ECHR) and makes it unlawful for a local authority to act in a way which is incompatible with a convention right. The Council will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights.

Article 6 – in the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law

Article 10 – freedom of expression

Article 1 of the First Protocol – every person is entitled to the peaceful enjoyment of his or her possessions

12. Locality, Character and Layout

- 12.1. Paragraphs 12 (3) (c) and 12 (3) (d) of Schedule 3 allow appropriate authorities to refuse applications on grounds related to an assessment of the relevant locality. A licence can be refused if either, at the time the application is determined the number of sex establishments or sex establishments of a particular kind, in the relevant locality is equal to or exceeds the number that the authority considers appropriate for that locality; or that a sex establishment would be inappropriate having regard to the character of the relevant locality, the use to which any premises in the vicinity are put or to the layout, character or condition of the premises in respect of which the application is made.

12.2. Schedule 3 to the 1982 Act defines 'relevant locality' as follows:

- In relation to premises the locality where they are situated
- In relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.

12.3. Once the Borough Council has determined the relevant locality, it will seek to make an assessment of the 'character' of the relevant locality and how many, if any, sex establishments, or sex establishments of a particular kind, it considers appropriate for that relevant locality. The Council may consider a particular locality is suitable for a sex shop but is not suitable for a sexual entertainment venue or vice versa.

12.4. The Borough Council has determined not to set specific relevant localities in respect of each type of sex establishment, instead judging each application it receives on its own individual merits.

12.5. In licensing of sexual entertainment venues the Borough Council will consider the impact of such premises and their operation on the vicinity. This will include:

- The likely effects of any increased footfall or vehicular traffic
- Any advertising or displays of an erotic or pseudo-erotic nature
- The type of location (residential, commercial, industrial)
- The vicinity of establishments whose patrons are likely to be effected by the operation of the premises
- The proximity of residential premises, including any sheltered housing and accommodation for vulnerable people
- The proximity of educational establishments to the premises
- The proximity of places of worship to the premises
- Access routes to and from schools, play areas, nurseries, children's centres or similar premises in proximity to the premises
- The proximity to shopping centres
- The proximity to community facilities/halls and public buildings such as swimming pools, leisure centres, public parks, youth centres/clubs (this list is not exhaustive)
- The proximity to historic buildings and tourist attractions
- Localities where the cumulative impact of the venue, taken with other licensed premises or commercial interests, is likely to have an adverse effect on crime and disorder and public nuisance
- The nature and concerns of any objections received from residents or businesses
- Any evidence of complaints about noise and/or disturbance caused by the premises
- The proximity of other sex establishments

12.6. When considering an application for the grant, renewal, variation or transfer of a licence the Council will also take into account the following

- The type of activity to which the application relates
- The duration of the proposed licence
- The days and hours of operation of the activity
- The layout and condition of the premises
- The use to which other premises in the vicinity are put
- The levels of crime and disorder in the area.

12.7. Sex establishments should not be functionally visible to passers by on retail thoroughfares or pedestrian routes. In more sensitive locations applicants should consider whether it would be appropriate to locate such premises at basement level or locate entrances away from retail thoroughfares or busy pedestrian routes.

13. Waivers

13.1. The Borough Council may waive the need for a sex entertainment venue licence under certain circumstances.

13.2. An applicant can apply for a waiver either as part of the application for a licence or separately. The Borough Council may grant a waiver if they consider that to require a licence would be unreasonable or inappropriate. . The waiver may last for such a period that the Borough Council think fit, but can be terminated by the Council at any time with 28 days notice.

13.3 The Borough Council will consider waiver applications on an individual basis.

14. Application Process

14.1. The Borough Council may impose restrictions on the licence or to place conditions on the licence. Where such restrictions or conditions are applied, the Borough Council will ensure that they are necessary, reasonable and proportionate to achieve the objectives of any primary legislation, in particular the 1982 Act and any subsequent, relevant legislation.

14.2. The Borough Council will consider

- The locality, character and layout of the premises including access
- The times of operation
- The suitability of the applicant
- The cumulative impact of the premises when taken together with other licensed premises in the locality.
- The management procedure in place to ensure the premises is operated in a way conducive to the area.

The above list is not exclusive, and the Borough Council may consider other factors where relevant to the particular application

- 14.3. Applications for licences for sex shops, sex cinemas and sex entertainment venues must be made on the prescribed form and accompanied by
- (i) the relevant fee;
 - (ii) A site plan of radius of $\frac{1}{4}$ of a mile (scale 1:500) clearly showing the locality in which the proposed sexual entertainment venue will be situated. The plan should clearly identify the proposed sexual entertainment venue marking the site/premises boundary with a red line and define other types of businesses and residential properties around the site as listed at 12.5;
 - (iii) A plan of the premises (scale 1:100) showing the part(s) of the premises that it is proposed to licence as a sexual entertainment venue. All areas requiring to be licensed should be outlined in red on the plan. If a part of the premises is within a licensed premises under the Licensing Act 2003 which will have a dual purpose then the plan should show the site where facilities for the public are shared such as toilets and bar
- 14.4. The plan of the premises must show the position of all CCTV cameras. All such cameras must be approved by Kent Police and be operated in accordance with the CCTV code of practice.
- 14.5. Plans may be considered in other scales with prior agreement with the Borough Council.
- 14.6. Applicants must give public notice of the application by publishing an advertisement in a local newspaper that is circulated in the area of Tonbridge and Malling no later than 7 days after the date the application is made.
- 14.7. Applicants must display a notice of the application on or near the premises in a place where it can be conveniently read by members of the public. The notice must be displayed for a period of 21 days beginning with the date the application was made.
- 14.8. All notices should be in the form prescribed (**Appendix B**) and identify the premises or, if the application relates to a vehicle, vessel or stall, specify where it will be used as a sex establishment.
- 14.9. The applicant must serve the application on Chief Officer of Police at Tonbridge Station no later than 7 days after the date of application.

14.10. In determining an application the Borough Council shall have regard to all relevant considerations, including any comments made by:

- Police
- Fire Authority
- Planning and Building Control
- KCC Safeguarding Children Board
- UK Border Agency
- Environmental Health (Environmental Protection and Food and Safety)
- Councillors
- Interested Parties (local residents/businesses)

14.11. Officers from any of these authorities may inspect the premises to ensure that the required technical standards are met.

14.12. The Borough Council will not determine an application for the grant of a licence, unless, the applicant allows an authorised officer a reasonable opportunity to enter the proposed sex establishment to make such examination and enquiries as may be necessary to determine the suitability of the applicant and the premises.

15. Objections

15.1. Any person can object to an application.

15.2. Objections cannot be based on purely moral grounds/values or religious grounds as the legislation specifically prohibits this. Any objections on this basis will be refused or disregarded if presented with other reasons for objection.

15.3. Objections to the application must be made in writing and be received by the Borough Council within 28 days of the application being made. The objection must state in general terms the grounds of the objection.

15.4. The general terms of any objection will be provided to the applicant prior to the determination of the application. However, the Council will not without the consent of the objector reveal his/ her name or address to the applicant.

16. Conditions

16.1. The Borough Council may attach conditions to a licence. To assist applicants the Licensing Authority has formulated a pool of conditions (**appendix A**) in respect of each type of licensed premises. However this list is not exhaustive and is merely to give an indication of what may be considered in respect of any individual application.

- 16.2. Some of the conditions will be placed on the particular type of establishment as mandatory conditions and others may be applied only where a perceived necessity exists and in a manner that is both proportionate and reasonable to promote a safe and well managed venue. Each case will be dealt with on its individual merits.
- 16.3. Whilst conditions or restrictions may be imposed in relation to any matter (other than any matter in relation to which requirements or prohibitions are or could be imposed by or under the Regulatory Reform (Fire Safety) Order 2005) it is likely that the conditions or restrictions will be attached in respect of the following areas:
- Hours of opening and closing
 - Visibility of the interior of the premises
 - Displays or advertisements
 - Any change to the type of premises
 - Minimum distance between audience and performers
 - The control of access to changing room facilities
 - The control of private viewings

17. Hearings

- 17.1. Under paragraph 10 (19) of Schedule 3, before refusing an application, renewal or application to transfer a licence all applicants will be given the opportunity to appear before and be heard by the Licensing & Appeals Panel that is responsible for determining the application.
- 17.2. Whilst Schedule 3 does not make explicit provision for objectors to be heard, the Council believes it right to offer an oral hearing to objectors. This does, however remain within their discretionary powers. Although a local authority is under a duty to consider any objection made within 28 days of the application, it has discretion to hear later objections provided the applicant is given the opportunity to deal with those objections.
- 17.3. Persons making written objections will also be informed of the date and time of the Licensing & Appeals Panel hearing where they will be invited to address the committee and ask questions relating to the application.
- 17.4. All objectors and applicants are reminded that they can if they wish be legally represented at their own expense at the hearing. Alternatively they may if they wish ask a Councillor to represent them.
- 17.5. All parties may use witnesses and supporting documentation however, copies of documents and details of witnesses must be submitted to the Borough Council for

consideration prior to the hearing and in exceptional circumstances with approval of all parties at the hearing.

- 17.6. The Licensing & Appeals Panel will consider all the evidence presented to it during the hearing and members may ask questions of officers, applicant and objectors. After the evidence has been presented all parties will be asked to leave to allow for the Licensing Sub-Committee to come to a decision on the application.
- 17.7. When a decision is reached the Licensing & Appeals Panel will inform the applicant and relevant parties of their decision and the reasons for coming to that particular decision.
- 17.8. The decision of the Licensing & Appeals Panel will be confirmed, in writing, to the parties within 5 working days of the meeting at which the application was considered giving reasons for the decision.

18. Refusal of a Licence

- 18.1. Paragraph 12 of Schedule 3 sets out the grounds for refusing an application for the grant, renewal or transfer of a licence. A licence **must not** be granted:
 - To a person under the age of 18
 - To a person who is for the time being disqualified due to the person having had a previous licence revoked in the area of the appropriate authority within the last 12 months
 - To a person other than a body corporate who is not resident in an European Economic Area (EEA) State or was not so resident throughout the period of six months immediately preceding the date when the application was made or
 - To a body corporate which is not incorporated in an EEA State or
 - To a person who has within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
- 18.2. A licence may be refused where
 - The applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason
 - If the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself

- The number of sex establishments or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is or exceeds the number which the authority considers is appropriate for that locality
- That the grant or renewal of the licence would be inappropriate, having regard to the character of the relevant locality or to the use to which any premises in the vicinity are put or to the layout, character of the premises, vehicle, vessel or stall in respect of which the application is made.

18.3. In making any determination to refuse an application, renewal or transfer the local authority will give consideration to:

a) Unsuitability of applicant

In determining the suitability or otherwise of an applicant the local authority may consider

- previous experience of the applicant
- any evidence of the operation of any existing/previous licence held by the applicant, including any licence held in any other local authority area
- any report about the applicant and management of the premises received from objectors
- any previous convictions and in particular those that have been imposed in respect of offences involving violence, dishonesty, or a breach of the requirements of the legislation covering the type of establishment in respect of which the application is made.

b) Business carried out on behalf of a person who would be refused

The Borough Council takes a serious view of any application that seeks to subvert the underlying principals of the Act. Where it is considered that the applicant is effectively operating the business on behalf of a person who would, for whatever reason be refused or disqualified from the grant of a licence due to the mandatory or discretionary grounds for refusal there will be a presumption towards refusal unless overwhelming reasons are accepted for the contrary decision to be made.

c) The application exceeds the limit set on the number of the specific type sex establishment in an area

Tonbridge and Malling Borough Council has not set a limit on the number of establishments of a specific type that will be permitted within any particular locality. In deciding whether to allow the application the authority will have consideration to:

- Any nuisance associated with the premises or the activities undertaken thereon

- The possibility of children or other vulnerable persons being harmed or exploited by the provision of sexual entertainment or the operation of sex shops or sex cinemas
- The potential of the activities associated with the operation of the premises being a source of crime and disorder, being associated with crime or being used to support crime.
- Any other reason including the existence of a police caution, representations from the police or by other enforcement agencies in relation to crime and disorder.

This list is not exhaustive

d) The grant of the licence would be inappropriate

In deciding whether the grant of a licence is appropriate the Borough Council will consider the type of area in which it is intended to site the premises and the hours during which it is intended to operate. The Council is also likely to consider:

- The proximity to other premises/ establishments (please see list at 12.5)
- Whether the area is predominantly residential rather than commercial in nature and premises may cause disturbance to local community.
- Whether management systems are suitable to ensure the safety of performers, customers and staff.

Again, this list is not exhaustive

19. Duration of Licences

19.1. Licences for sex establishments will be granted for up to one year.

20. Renewal of Licence

It will be the applicant's responsibility to apply for the renewal of the licence in good time (not less than 6 weeks) prior to the expiry of the existing licence. In the event that no application is made prior to the expiry of the existing licence the licence shall cease to remain in force, and a new application will be required.

21. Appeals

- 21.1. Section 27 of Schedule 3 to the 1982 Act permits appeals against the decision of the Council in relation to sexual entertainment venues. Appeals will be heard in the first instance by the Magistrates Court. An appeal must be made to the Magistrates Court within 21 days of notification of the decision of the Licensing & Appeals Panel .
- 21.2. An appeal can be made in the following circumstances:-
- By an applicant for the grant, renewal or transfer of a licence whose application is refused
 - By an applicant for the variation of terms, conditions or restrictions on or subject to which the licence is held whose application is refused
 - The holder of any such licence who is aggrieved by any term, condition or restriction on or subject to which the licence is held
 - The holder of any such licence whose licence is revoked
- 21.3. There is no right of appeal for objectors.
- 21.4. There is no right of appeal against refusal on the ground that there are sufficient sex establishments in the locality or that to grant would be inappropriate having regard to the character of the locality, use of premises in the vicinity and the layout, character, condition and location of the premises.

TONBRIDGE AND MALLING BOROUGH COUNCIL

STANDARD TERMS, CONDITIONS & RESTRICTIONS RELATING TO SEX ESTABLISHMENTS

These terms, conditions and restrictions apply to the licences for sex establishments granted, renewed or transferred by the Council under the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Definitions

Save where the context otherwise requires, the following expressions shall have the following meanings:-

- i) "Sex Establishments", "Sex Cinema", "Sex Shop", "Sex Article", "Sexual Entertainment Venues" and "relevant entertainment and nudity" shall have the meanings ascribed to them in the Third Schedule of the Local Government (Miscellaneous Provisions) 1982 as amended.
- ii) "Premises" means a building or part of a building and any forecourt, yard or place of storage used in connection with a building or part of building, which is subject of a licence for a sex establishment granted under the Third Schedule.
- iii) "Approval of the Council" or "Consent of the Council" means the approval or consent of the Council in writing.
- iv) "Approved" means approved by the Council in writing.
- v) "The Council" means the Tonbridge and Malling Borough Council.

General

The following terms, conditions and restrictions are applicable to all sex establishment licences. In the event of a conflict between these and any special conditions contained in a licence relating to a sex establishment the special condition shall apply.

The grant of a licence for a sex establishment shall not be deemed to convey any approval or consent which may be required under any other enactment by law or regulation other than the Third Schedule to the Local Government (Miscellaneous Provisions) Act 1982 as amended.

Sex Shops

Times of Opening

Condition 1

Except with the previous consent of the Council the premises shall not open to the public before 9.00am and shall not be kept open after 6.00pm

Except with the previous consent of the Council, the sex establishment shall not open on Sundays or any other Bank Holidays or any Public Holidays.

A notice displaying the times when the premises are open or closed shall be displayed on the entrance to the premises in a form and manner approved by the Council.

Conduct and Management of Premises

Condition 2

Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.

Condition 3

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Condition 4

The holder of the licence shall keep exhibited in a suitable place within the shop premises, so that it can be easily seen by premises users, a copy of the licence and any conditions and regulations made and they shall be readily available for inspection by any of the following officers:-

- a) Duly authorised officer of the Tonbridge and Malling Borough Council
- b) Police Officer, and
- c) Officer of the Fire Authority

Condition 5

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 6

The Licensee shall retain control over all portions of the premises and shall not let, licence or part with possession of any part of the premises.

Condition 7

The Licensee shall maintain good order in the premises at all times and shall ensure that persons entering or leaving the licensed premises conduct themselves in an orderly manner and do not in any way cause annoyance to residents and persons passing by.

Condition 8

No person under the age of 18 shall be permitted entry to the premises or be employed in the business of sex establishments.

Condition 9

The Licensee shall ensure that the public are not admitted to any part or parts of the premises other than those which have been approved by the Council.

Condition 10

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

Condition 11

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

Condition 12

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 13

No refreshment of any kind shall be provided nor any consumed on the licensed premises other than for any bona fide staff in a part of the premises not open to the public.

Use of the Premises

Condition 14

The sex shop shall be conducted primarily for the purpose of the sale of goods for retail and change of use of any portion of the premises from that licensed by the Council, shall not be made until the consent of the Council has been obtained thereto.

Condition 15

No change from a sex cinema or sexual entertainment venue to a sex shop or from a sex shop to a sex cinema or sexual entertainment venue shall be effected without the consent of the Council and neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be sold, hired, exchanged, loaned or demonstrated in a sex cinema or sexual entertainment venue.

Goods available in sex establishments

Condition 16

All sex articles and other things displayed for sale, hire, exchange or loan within the sex shop, shall be clearly marked to be shown to the persons who are inside the sex shop the respective charge being charged.

Condition 17

All printed matter for sale, hire, exchange or loan shall be available for inspection prior to purchase, and a notice to this effect is to be prominently displayed within the sex establishment.

Condition 18

No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video so certified.

- a) The screen of any equipment used should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- b) The screen shall be placed in such a position approved by the Council.
- c) Only videos of clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- d) No film or video will be shown in its entirety.
- e) Films will not be shown at the customer's request.
- f) All trailers shown are to be approved by the British Board of Film Classification
- g) A warning notice will be placed on the screen stating "For staff use only" or "No customers allowed to operate".

External Appearances

Condition 19

No advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any other matter or thing (whether illuminated or not) shall be exhibited so as to be visible from the outside of the premises except:- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a licence by a Council.

Such display, advertisement, word, letter, model, sign, placard, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.

Condition 20

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

Suggested notice 'PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES'

Condition 21

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Condition 22

- (a) The windows of the licensed premises fronting the pavement shall not be as obscured other than with the consent of the Council, but shall have suspended behind them, in a position and attitude approved by the Council, such opaque blinds or screen or such other arrangements as approved by the Council.
- (b) This condition shall not be construed as lessening any obligation of the Licensee under Licence Condition 21.
- (c) Any such special precautions as may be necessary shall be taken to maintain the screening of the shop window during any cleaning process.

State, Condition and Layout of the Premises

Condition 23

The premises shall be maintained in good repair and condition throughout, including the front fascia of the shop and entrance to the satisfaction of the Council.

Condition 24

Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex establishment is open to the public.

Condition 25

The number, size and position of all doors or openings provided for the purpose of the ingress and egress of the public shall be approved by the Council and shall comply with the following requirements:-

- (i) All such doors or openings approved by the Council shall be clearly indicated on the inside by the word "Exit" or "Fire Exit".
- (ii) Doors and openings that lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".
- (iii) Save in the case of emergency no access shall be permitted through the premises adjoining or adjacent.

Condition 26

The external door/doors to the sex establishment shall be fitted with a device to provide for their automatic closure and such device shall be maintained in good working order.

Condition 27

Alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall be made except with the prior approval of the Council.

Condition 28

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

Safety

Condition 29

The Licensee shall take all reasonable precautions for the safety of the public and employees.

Condition 31

The Council reserves the right after grant, renewal or transfer of this licence at any time to dispense with or modify or relax any of these terms, conditions and restrictions and to make such additional terms, conditions and restrictions as they may deem requisite to meet the circumstances of any particular case.

Condition 32

The licence may be revoked by the Council if at any time the holder is convicted of any offence of using the licensed premises, or other premises for which a similar licence has been granted other than in accordance with the terms, conditions or restrictions of the licence or is convicted of any offence under any enactment defined in Paragraph 1 of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982.

Sex Cinemas

Film Categories

Condition 1

The categories U, PG, 12, 15, 18 and restricted 18 have the following effect:

- U—Universal - suitable for all
- PG — Parental Guidance — some scenes may be unsuitable for young children
- 12 — Passed only for persons of 12 years and over
- 15 — Passed only for persons of 15 years and over
- 18 — Passed only for persons of 18 years and over
- Restricted 18 - Passed only for persons of 18 or over who are members (or their guests) of a properly constituted club.

Unclassified Films

Condition 2

The licensee must notify the Council in writing no later than twenty-eight days prior to exhibiting any other film that has not been classified as specified in the film categories. Such a film may only be exhibited if the Council's gives written consent prior to the event and must comply in accordance with the terms of any such consent given.

Restricted Films

Condition 3

Films restricted 18 (R18) may be shown at the premises only with the Council's prior written consent and in accordance with the terms of any such consent.

Persons Under 18

Condition 4

No person appearing to be under the age of 18 shall be admitted to any part of the programme and the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME

Condition 5

No persons under 18 years of age shall be employed in any capacity at the premises in an area operating as sex cinema club.

Advertising

Condition 6

No advertisement displayed at the premises where a film is to be exhibited shall depict any scene or incident from a film that has been classified by the British Board of Film Classification, Board of Film Censors or approved for exhibition by the Licensing Authority.

Condition 7

The licensee shall display in a conspicuous position, to the satisfaction of the Council at each entrance to the premises, during the whole time the public are admitted to the premises and so as to be easily seen and read by the public, a timetable of the films on exhibition.

Condition 8

When the programme includes a film restricted 18, the licensee shall display in a conspicuous position at each entrance to the premises a notice in clear letters in the following terms:

CINEMA CLUB — MEMBERS AND GUESTS ONLY. PERSONS UNDER 18 CANNOT BE ADMITTED TO THIS CINEMA FOR ANY PART OF THE PROGRAMME.

Condition 9

The entrance doors to the premises shall be obscured, screened or arranged so as to effectively prevent the interior of the premises being seen by passers by.

The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.

Restricted 18

Condition 10

A register of all members and all visitors books of their guests shall be available for immediate inspection by authorised officer of the Council during any performance or at any other reasonable time.

Condition 11

Tickets shall in no circumstances be sold to persons other than to members.

Membership

Condition 12

The club rules must be submitted to the Council 14 days before the club commences operation and notice of all rule changes shall be given to the Council within 14 days of the change.

Condition 13

Membership shall be open to persons of both sexes of not less than 18 years of age

Condition 14

Applications for membership, including both name and address, shall be in writing, signed by the applicant and if deemed necessary such applicant shall provide satisfactory references and proof of age.

Condition 15

No persons shall be admitted to membership until the expiration of at least 24 hours after such written application has been approved by the management of the club.

Condition 16

New members shall be supplied with a personal copy of the club rules before being admitted to membership and be given a copy of any rule changes within 14 days of the change.

Condition 17

An annual subscription shall be fixed for the club and shall run for 12 months from the date of registration. Membership may be renewed annually at the subscription for the time being in force, but the management may refuse to renew any membership without assigning reason for such refusal.

Condition 18

Members shall be entitled on any day to bring no more than one guest to accompany the member, and the name of the guest shall be entered in the visitors book and counter signed by the member.

Condition 19

Tickets shall be sold only to members on the production of a membership card, and members shall if required sign and acknowledgement for the ticket or tickets issued.

Condition 20

Membership cards shall be personal to the member and carry a photograph of the holder.

Condition 21

Neither membership tickets nor guest tickets shall be transferable.

Condition 22

Guests may be asked for proof of identity, or of age, or any particulars of any guest shall be produced by any member of guest if demanded by the management.

Condition 23

Members shall undertake to behave in a proper and orderly manner. Any member or guest acting in a manner which is offensive, or a nuisance or annoyance to others may be refused admission or expelled from the premises. A member may also be deprived of membership.

Sale of Sex Articles

Condition 24

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint

which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a sex cinema.

Display of Tariff and Charges

Condition 25

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Conduct and Management of Premises

Condition 26

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 27

A notice showing the name of the person responsible for the management of the sex cinema on that day to be prominently displayed within the sex cinema throughout the period during which he is responsible for its conduct.

Condition 28

The Licensee shall ensure that no part of the premises shall be used by prostitutes (Male or Female) for soliciting or for any immoral purpose.

Condition 29

Neither the Licensee nor any employee or other person shall seek to obtain custom for the sex establishment by means of the personal solicitation outside or in the vicinity of the premises.

Condition 30

The Licensee shall ensure that during the hours the sex establishment is open for business, every employee wears an identifying badge, of a type approved by the Council, indicating his name and that he is an employee.

Condition 31

The Licensee or some responsible person nominated by him in writing for the purpose of managing a sex establishment in his absence and whom details (including photographs) have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Condition 32

All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.

Internal access to cinema

Condition 33

Windows and openings within the premises where films are shown should have blinds of a type and size that covers windows and openings which render the interior of the cinema where films are being shown invisible to passers by and/or other areas within the building that are open to the public for other activities.

Condition 34

The licensee shall ensure that no noise shall emanate from the cinema that can be heard from within another area of the building or from outside.

Security

Condition 35

A member of staff to remain in the vicinity of the entrance to the cinema to prevent under 18's or non-members from illegal entry.

Use of Premises

Condition 36

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

Safety

Condition 37

The Licensee shall take all reasonable precautions for the safety of the public and employees.

Sexual Entertainment Venue

Times of Opening

Condition 1

The premises shall not open unless otherwise permitted:

[TIMES WILL BE SPECIFIED FOR EACH LICENCE]

Conduct and Management of Premises

Condition 2

The name of the person responsible for the management of the sex establishment being either the Licensee or a manager approved by the Council, shall be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 3

The licensee or the responsible person shall maintain a daily register to be kept on the premises and produced to an authorised officer on request. The register to be completed each day within 30 minutes of the Sex Entertainment Venue opening for business and will record the name and contact details of any person who is to be responsible for managing the Sex Entertainment Venue in the absence of the licensee and details of all staff employed at the premises including performers.

Condition 4

A notice showing the name of the person responsible for the management of the sex entertainment venue on that day to be prominently displayed within the sex establishment throughout the period during which he is responsible for its conduct.

Condition 5

Where the licensee is a body corporate or an unincorporated body any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change.

Condition 6

The licensee shall ensure that no part of the building or its boundary is used by prostitutes (male or female) for the purposes of soliciting or any other immoral

purposes. Neither the licensee nor any employee or other person shall seek to obtain custom by means of personal solicitation outside or in the vicinity of the premises.

Condition 7

The licensee shall ensure that the public are not admitted to any part or parts of the premises other than those that have been approved by the Council.

Condition 8

Licensee shall maintain good order on the premises and in particular shall ensure that no

- lewd conduct
- indecent behaviour
- unlawful possession and/or supply of controlled drugs
- conduct likely to cause a breach of the peace on the premises
- offers of any sexual or indecent service for reward
- any acts of violence against person or property and/or the attempt or threat of such acts

takes place on the premises or in its immediate vicinity

Condition 9

A management operation manual detailing all aspects of procedure when the premises is operating relevant entertainment shall be produced and approved by the Licensing Authority. This document shall be on going and under constant review.

Condition 10

All members of staff (except performers) shall be easily identifiable. If required by the Council or Kent Police in writing the licensee shall ensure that during the hours the premises are open for relevant entertainment staff will wear a badge of a type/format approved by the Council indicating their name and that they are an employee or person working in the premises.

Age Restriction

Condition 11

No person under the age of 18 shall be admitted to the premises or employed in the business of the sex establishment.

Condition 12

A prominent clear notice shall be displayed at each entrance to the premises advising customers that no person under 18 will be admitted and they may be asked to produce evidence of their age.

PERSONS UNDER 18 CANNOT BE ADMITTED TO THESE PREMISES

Advertising

Condition 13

No display, advertisement, word, letter, model, sign, light, placard, board, notice, device, representation, drawing, writing or any matter or thing (where illuminated or not) shall be exhibited so as to be visible from outside the premises without approval by the Council.

Condition 14

The licence holder shall not display outside the premises, or on any advertising material, photographs or other images that indicate and suggest striptease or similar dancing takes place on the premises and which may be offensive.

Condition 15

The premises should not advertise by means of cruising vehicles or use of any other form of solicitation to invite people into the premises.

External and Internal access to an area holding relevant entertainment

Condition 16

The entrances to the premises shall be of a material or covered with a material that will render the interior of the premises invisible to passers by.

Condition 17

Windows and openings within the premises other than entrances will have curtains / blinds of a type and size that covers windows and openings which render the interior of the premises where relevant entertainment is taking place invisible to passers by and/or other areas within the building that are open to the public for other activities.

Condition 18

Windows will remain closed whilst the premises or part of that premises is being used for relevant entertainment.

Layout of the premises

Condition 19

No fastening of any description shall be fitted upon any booth or cubicle within the premises.

Condition 20

All dance booths or cubicles are to be equipped with a panic alarm for safety.

Condition 21

Any changes to layout of the premises must be informed to the licensing authority in writing submitting plans. Alteration must not take place without prior written consent by the Licensing Authority

Condition 22

The licensee shall ensure that noise from the premises or vibration be transmitted through the structure of the premises does not give rise to a nuisance to the occupiers of premises in the vicinity of the venue.

Condition 23

The external doors to the premises shall be fitted with a device to provide for their automatic closure and such devices shall be maintained in good working order.

Condition 24

Doors and openings which lead to parts of the premises to which the public are not permitted to have access shall have notices placed over them marked 'private' and remain closed other than for the purposes of the ingress and egress of management, staff and performers.

Entertainers/Performers

Condition 25

An appropriate room shall be set aside to provide a changing and rest area for entertainers. Arrangements shall be made to ensure that there is restricted public access to this room which shall be maintained at all times whilst the licensable

activities are taking place and until such time as all performers using the dressing room have finished.

Condition 26

At all times during the performance, performers shall have direct access to a dressing room without passing through or in close proximity to the audience.

Condition 27

On leaving the premises performers, who wish to be, shall be escorted by a staff member to their vehicle or other safe location

Condition 28

Performers shall be aged not less than 18 years old.

Condition 29

Only the performers shall provide the entertainment, no audience participation shall be permitted.

Condition 30

No performance shall include a sex act with any other performer, persons in the audience or with the use of any object or animal.

Condition 31

In the event of the relevant entertainment being performed for private viewing, the patron shall be informed of the duration and price of the relevant entertainment and the details shall be specified in a clearly visible notice in each area designed for private relevant entertainment.

Condition 32

Any person who can be observed from the outside of the premises must be properly and decently dressed. Scantily clad individuals shall not exhibit in the entranceway or in an area of the premises open to the public that is not designated area for relevant entertainment.

Condition 33

All performers shall be aware of the management operation that will include a written policy on the conduct of performers.

Condition 34

Photography or videoing of performances should not be allowed.

Condition 35

There shall be routine checking of employment records and evidence that all prospective staff and performers have the right to work in the UK.

Condition 36

Performers should not be permitted to arrange contacts or liaisons, exchange telephone numbers or other means of making contact while on the premises
Staffing

Condition 37

During any lap dancing performance, or private dance, performers may not:

- Touch customers in any way
- Performer must not be within 30cms (12") from any part of a patron
- Climb onto furniture provided for patrons
- Simulate sex acts
- Use sex articles

Sale of Goods

Condition 38

Neither sex articles nor other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint which are associated with sexual activity shall be displayed, sold, hired, exchanged, loaned or demonstrated in a Sex Entertainment Venue.

Display of Tariff and Charges

Condition 39

There shall be prominently and legibly displayed a comprehensive tariff of all charges and prices which shall be illuminated and placed in such a position that it can easily and conveniently be read by persons before entering the premises. No employee shall stand in such a position as to obscure the notice.

Condition 40

Where a charge is to be made for the company of a hostess or other companion this shall be identified on the tariff of charges to the satisfaction of the Council.

Condition 41

No order shall be accepted unless the customer has been provided with a copy of the said tariff and has been given sufficient time and opportunity to read it.

Condition 42

No charge shall be made to the customer for any drink provided for the hostess or companion unless that customer has specifically ordered it having first been made aware of the cost.

Use of Premises

Condition 43

No change from a sex shop or sexual entertainment venue to a sex cinema or from a sex cinema to a sex shop or sexual entertainment venue shall be effected without the consent of the Council.

Pool of Possible Additional Conditions

Age Restriction

Condition a

All members of staff at the premises shall seek credible photographic proof of age evidence from any person who appears to be under the age of 25 years and who is seeking access to the premises. Such credible evidence, which shall include a photograph of the customer, will either be a passport, photographic driving licence, or proof of age card carrying a 'PASS' logo.

Security

Condition b

Door supervisors, registered in accordance with the Security Industry Authority (SIA) shall be on duty at all times when relevant entertainment is taking place.

Condition c

An adequate number of door supervisors shall be on duty on the premises whilst relevant entertainment takes place. There shall be at least one door supervisor on each entrance, in each separate part of the premises and on the door to the dressing room.

Condition d

CCTV to be installed to a standard agreed by police to cover all public areas, including all access and egress points in accordance with CCTV Code of Practice. Maintained and serviced on a regular basis and records to be kept. The system to have an incorporated recording facility and recordings to be stored for one calendar month. The CCTV system to be fully operational throughout the hours that the premises are open for licensable activity. Access of the recordings to be made available at any reasonable time to Police and Local Authority officers upon request. Staff will be fully trained in the CCTV system and there will be at least one member of staff on duty during trading hours who is able to provide a recording of any incident in a format that can be taken away to be viewed.

Entertainers/Performers

Condition e

Whilst dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers and prominent, clear notices shall be displayed at each table stating this requirement

Condition f

There shall be no physical contact between customers and the dancers at any time except for the placing of money or tokens in a garter or into the hands of the dancer at the beginning or conclusion of a performance.

Staffing

Condition g

All staff employed to work at any premises licensed as a sex establishment shall be required to provide an enhanced criminal records bureau disclosure to the Licensing Authority in which the premises is located.

Feedback Form - Draft 'Licensing Sex Shops, Sex Cinemas and Sexual Entertainment Venues Policy'

Respondent	Comment	Ref	Officers comments and recommendation to Licensing and Appeals Committee
Chief Insp 8835 Pate	Item 11. Insert Article 8 (Right to a Private Life) Human Rights Act 1998 could be noted to identify this element of the HRA	11	Accept recommendation and insert Article 8

Please email any feedback to licensing.services@tmhc.gov.uk

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Item CB 17/33 referred from Cabinet minutes of 21 March 2017

CB 17/33 PUBLIC SPACE PROTECTION ORDER - CONSULTATION RESPONSES

Further to Decision No D170009CAB, the report of the Director of Central Services provided feedback on the responses received on the Public Space Protection Order (PSPO) consultation. An explanation was given of the application of the PSPO to parish council owned play areas, the position regarding existing byelaws and the “dogs on leads with direction” provision. Members discussed possible extensions to the PSPO at the three yearly review and requested clarification of the currency of evidence required in justifying each measure in time for the Council meeting.

RECOMMENDED: That the Public Space Protection Order for Tonbridge and Malling be adopted.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

21 March 2017

Report of the Central Services Director

Part 1- Public

Matters for Recommendation to Council

1 PUBLIC SPACE PROTECTION ORDER – CONSULTATION RESPONSES

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

1.1 Background to the Public Space Protection Order (PSPO)

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

1.2 Consultation responses

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

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

1.2.2 A summary of the responses received is given below:

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

1.3 The next steps

1.3.1 Following the consultation responses (and subject to any further comments being received) we believe that the Borough Council should grant the Order as initially specified.

1.3.2 We do feel that further clarification will be needed to inform residents, Parish Councils and others about the restrictions included in the Order and where they will apply to. We are looking at this currently and will be producing a leaflet (as well as any other appropriate communications) to ensure that everyone is aware of what these new restrictions will include.

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

1.4 Legal Implications

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

1.5 Financial and Value for Money Considerations

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

1.6 Risk Assessment

- 1.6.1 All appropriate risk assessments will be undertaken as required

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Community, Community Safety

1.9 Recommendations

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

Background papers:

Nil

contact: Anthony Garnett,
Licensing and Community
Safety Manager

Adrian Stanfield
Director of Central Services and Monitoring Officer

Consultation responses to 7/3/17

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

Do you agree with the proposal to deter dog fouling			Comments
Yes	No	Don't know	
22	9	2	<p>Leybourne parish council have banned dogs completely off one of the largest green areas in leybourne. Totally agree with people picking up after their Dog. But a total ban is not fair to the hundreds of dog owners who live in Leybourne. TMBC have put up no fouling in other areas and this seems to work fine. The non elected parish council has imposed a no dog zone on 100% of the land they control.</p> <hr/> <p>I don't see why all dogs need to be on a lead. Most dogs have responsible owners. I walk. A dog in the sports ground and the dog walk is well behaved and loves to play with other dogs. Older people who do not drive cannot go out to the likes of Hayesden Park's dog exercise area to let their dogs off the lead. Who is going to patrol the Raceground from 7 a.m. Until 9 p.m. There are better ways to spend money in this borough than employ dog wardens especially as you are moaning about the lack of cash</p> <hr/> <p>I'm a responsible dog owner and if these bans come into place - I won't frequent Tonbridge at weekends at all with my dog. The restrictions apply to places that offer most stimulation for a dog to explore. I usually buy food and drink from local shops during these walks which will now miss out on my trade due to these restrictions.</p> <hr/> <p>How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.</p> <hr/> <p>Burham as many of the villages do suffer with dog fouling. Many of the pavements are very narrow and are a direct school route for those walking</p> <hr/> <p>Maximum number of dogs per person should be reduced to 3 as its impossible for a (professional) dog walker to successfully control 6 dogs, find and remove all faeces.</p> <hr/> <p>Provide more dog bins</p> <hr/> <p>I think most dog owners are responsible and clear up after their pets. However, to help them continue dog bins need to be more numerous and emptied frequently, especially at weekends. Has anyone ever been fined for letting their dog foul a public place?</p> <hr/> <p>Tonbridge has a good dog community, most owners do pickup after their dogs. Perhaps better use of your time is spent on the rubbish that is left in these areas by groups and family's. far more of this</p>

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

	<p>not clearly reserved for their individual functionality. Play areas can be fenced off and dog's not allowed in. Open space should not be banned</p> <hr/> <p>Many children do not like dogs or are apprehensive near them so excluding them from children's play area is a good idea and appears to work well in Tonbridge.</p> <hr/> <p>It would appear that this measure applies to TMBC owned and maintained areas, Leybourne Parish Council (LPC) has similar areas from which dogs are excluded for the reasons documented in the measure. LPC requires these areas to be continued to be exclusion areas, will this measure be amended to include Parish owned and maintained areas or will separate measures be required.</p>
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Do you agree with the proposal to ensure dogs are on a lead by direction?			Comments
Yes	No	Don't know	<p>As a dog owner, I think this guidance can be clearer. I have found that signs are very poor for when areas with leads are required which can lead to confusion. If I have my dogs without a lead it is through poor signage, not ignorance or defiance. If the changes were clearly viable this would work.</p> <hr/> <p>My dog walks to heel and is well trained. Why should I be forced to have him on a lead. how do you train you dog to come back if he's never allowed off the lead. The council is imposing horrible rules on the residents, and I would move away from the area to find a better place to live rather than put up with these type of rules.</p> <hr/> <p>If you mean a dog that is running wild without apparently having an owner or the owner is riding a bicycle on the pathways in te park then they need to be directed to look after their dogs properly and pick up their dog's excrement. Why should good dogs be penalised and who is going to enforce this?</p> <hr/> <p>As long as these are individual directions to individual dog owners and not used a s blanket ban on dogs off the lead</p> <hr/> <p>This proposal is an infringement upon the rights of dog owners to exercise their animals as nature intended. It is akin to clipping the wings of a bird. I accept that not all dogs enjoy running of the lead but most do and my dog in particular does. I moved from London to this area in 2012 to enjoy a cleaner greener countryside lifestyle similar to that which i grew up with. Part of that lifestyle was having a suitable environment to make having a dog possible. My wife and I cannot have children so our dog is our child. I work long ours and enjoy walking my dog in Tonbridge at the weekend. The best part of these walks is seeing her in her element running freely across the park. Please do not stop us from doing what we love. We pay our</p>
14	14	5	

	<p>council tax to receive services not to have our freedom restricted or be dictated to.</p> <hr/> <p>There may be certain limited areas where this might be applicable to but a borough wide ban is too extreme.</p> <hr/> <p>How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.</p> <hr/> <p>Except in wide open spaces</p> <hr/> <p>particularly in tonbridge cemetery ,as i see dogs of the lead there a lot</p> <hr/> <p>The dogs need to be able to run around, that is part of being in park!</p> <hr/> <p>No evidence has been provided by the council that this is an issue.</p> <hr/> <p>This seems to be a rather ridiculous measure. There is no guide on when an authorised person can direct someone to do this. The result is that a responsible owner who has a well trained and under control dog walking to heel could be criminalised not by the law but by the direction of an enforcing officer - it will clearly lead to disagreements between officers and the public. A dog is under control or it is not. If it is in any way dangerous then there is primary legislation to deal with this. If it is under control then why does the owner need to be told to put it on a lead?</p> <hr/> <p>It will be essential for the borough to have the resources to implement these new orders</p> <hr/> <p>I agree that in car parks and around food outlets loose dogs can be dangerous or a nuisance but I would not want to see them restricted in other areas. Perhaps if there are persistent complaints about a particular dog then the owner and dog should be sent on a compulsory training course (speeding drivers are sent on training courses) and if they agree the fine can be waived.</p> <hr/> <p>I want the opportunity to allow my dogs to get proper exercise and interact with other dogs. Owners of aggressive dogs should be dealt with on a one to one basis based on a set amount of complaints and investigation.</p> <hr/> <p>The Racecourse Sportsground has always been an area where people go to allow their dogs to exercise and run around. Restricting them to being on a lead is one of the stupidest ideas that even this dumb council has come up with. More stupid even than the High St fiasco.</p>
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Do you agree with the proposal to restrict the number of dogs to six dogs?			Comments
Yes	No	Don't know	six is far too many for one person
20	10	3	<p>Dogs in a pack are intimidating to other dogs Should be less than 6 and propose 3.</p> <p>I have 4 dogs myself and totally agree that any more than 6 would be very difficult to manage.</p> <p>Personally I think the limit should be fewer dogs.</p> <p>The number should be less than 6</p> <p>The maximum number of dogs per person should be reduced to 3 as its impossible for a (professional) dog walker to successfully control 6 dogs, find and remove all faeces.</p> <p>Just have something that says you have to control your dog(s) I have seen someone with many dogs and total control, one person with one dog, no control at all.</p> <p>It's not about the number of dogs you have, it is the control you have of them. Having 7 dogs well under control is no issue. Having one dog out of control is - any order should be exclusively directed at those who do not have control of their dog.</p> <p>Six dogs are too many and cannot be controlled by one person. It is intimidating for other people, especially children. So many dogs act in a pack. MORE THAN 2 DOGS TOGETHER SHOULD ALL BE ON A LEAD</p> <p>I don't think one person can be fully in control of six dogs at once.</p> <p>Is this even an issue. Maybe the council should focus on getting general visitors to pick up their rubbish after them and use the bins provided. Or how about stopping people parking all over double yellow lines or with wheels on the pavement. These are issues that could do with addressing.</p>

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

	<p>Police already have powers to implement alcohol control zones, but they don't have the manpower to monitor these. Additionally TMBC will not be able to assist with monitoring this as they already refuse to monitor antisocial behaviour, noise complaints or dangerous parking after hours.</p> <hr/> <p>If you introduce this ban it will not be possible to have a picnic in the park with a beer/glass of wine etc I am NOT in favour of blanket bans, all they do is deter/punish those who are law abiding and the jobs ignore them</p> <hr/> <p>No evidence has been given to justify this measure. "There have been many incidents" does not constitute evidence. Please specify the number of documented incidents and a date range during which the alleged incidents occurred.</p> <hr/> <p>This is a very wide ranging power and has very little, if any restriction on it's use. It should be targeted in areas where consumption of alcohol AND antisocial behaviour are linked and prevalent. Otherwise it is the "sledgehammer to crack a nut" approach. The previous ACZ's were much more tightly focused and the PSPO should also be - anything else without direct evidence of need is an unwarranted (and therefore possibly illegal) extension of powers.</p> <hr/> <p>Maybe make The Racecourse Sportsground an alcohol controlled zone, it would cut down on the amount of rubbish left strewn around particularly in the summer. The amount of empty beer cans and bottles is a far greater problem than dogs. When did a dog leave a box of beers lying around?</p> <hr/> <p>LPC has an alcohol control zone already in place, it is assumed that the TMBC measure will supercede that of LPC.</p>
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Do you agree with the proposal to deter public urination/defecation			Comments
Yes	No	Don't know	But will it be enforced when the travellers come to visit?
26	3	4	<p>Please remember that when issuing an order there must be public loos</p> <hr/> <p>Don't suppose it will make any difference. People can be arrested now anyway can't they for public indecency or antisocial behaviour?</p> <hr/> <p>How will this be policed/monitored? This will surely be a deterrent only, which won't affect the feckless/selfish actions of those who it is intended to prevent.</p> <hr/> <p>Isn't this against the law anyway? Why do you need another law?</p>

	<p>No evidence has been given to justify this measure. "There are complaints" does not constitute evidence. Please specify the number of documented incidents and a date range during which the alleged incidents occurred.</p> <hr/> <p>You need a comment for this? Seriously? Who do these people think they are? Paula Radcliffe?</p> <p>Could the wording about public toilets exclusion make it clear defecating public within the toilet is not allowed.</p>
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Do you agree with proposed PSPO for Leybourne Lakes Country Park*			Comments
Yes	No	Don't know	Don't know the area well enough
12	7	10	No evidence has been given to justify these measures. Please specify the number of documented incidents and a date range during which the alleged incidents occurred.

*Not everyone responded to this question

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

*Not everyone responded to this question

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

			Don't know where that is.
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*Not everyone responded to this question

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

*Not everyone responded to this question

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

			<p>No evidence has been given to justify these measures. Please specify the number of documented incidents for each proposed measure and a date range during which the alleged incidents occurred.</p> <hr/> <p>Deal with rubbish left by people.</p>
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*Not everyone responded to this question

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

*Not everyone responded to this question

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

*Not everyone responded to this question

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

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

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

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

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

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

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

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

Additional responses received since 7 March 2017 to 15 March 2017

In total the responses received to the consultation were 59 online and a small number via email or other means.

Below are the additional comments received since 7 March 2017 (when the paper to Cabinet was produced) and the close of the consultation period on 15 March 2017.

Do you agree with the proposal to deter dog fouling			Comments
Yes	No	Don't know	
7	16	0	<p>The majority of dog owners pick up after their dog. And these people and dogs should not be punished. More effort should be made into fining dog owners who do not pick up their dog waste not just in open public spaces but on pavements too.</p> <hr/> <p>Dog fouling will not be deterred by dog leads as the dogs will still foul attached to leads. Most dog owners are responsible and clean up after the dogs and keep them under control but you will not stop the irresponsible ones by this rule just ruin it for all dog owners.</p> <hr/> <p>In favour of (pspo) to deter dog fouling but not in favour of keeping controlled dogs kept on leads.</p> <hr/> <p>I walk my dog every day in Ditton and I'm a respectable dog owner....This would be difficult for me to walk my dog locally if it goes ahead.</p> <hr/> <p>Dogs loose & under control are not a nuisance. There are many abt social behaviours in the borough not associated with dogs.</p> <hr/> <p>Having been a resident of Ditton for many years I can safely say that keeping a dog on a lead will not deter dogs from fouling. You only have to see the state of the pavements from dogs on leads to know it's the irresponsible owners who have moved into the area certainly over the last 5 years that don't pick up the dog mess. Being able to let our dogs run freely on recreational parks is part of their healthy well being. I totally agree that dogs should be kept under control. Again us responsible dog owners have no problem keeping our dogs under control.</p> <hr/> <p>No. I agree that there is a dog fouling issue within my local area but I do not feel the proposal will address or resolve the problem. I think fouling will continue to be a problem, it may temporarily improve in the specified areas but I believe you will see an increased problem in our local quarry and the proposal doesn't address the problem of fouling on local streets. Fouling itself needs to be directly addressed and people fined for THAT offense. Instead I feel the majority of responsible dog owners are being penalised in a half hearted attempt to address the issue.</p>

As a regular user of the Recreation grounds with my dogs I strongly disagree with this order. My dogs love being able to chase a ball and interact with other dogs. The owners of other dogs that I see on the Recreation grounds always clear up after their dogs and i have not witnessed any out of control dogs that put anyone in danger. I hope command sense prevails in the decision that is made.

An irresponsible dog owner will not pick up their dog poo whether their dog is on lead or not. This Order will simply punish responsible dog owners who not only pick up their dog poo but responsibly let them off lead to have a good run and leg stretch. It will not change the habits of irresponsible dog owners.

The majority of dog owners are responsible with their animals. You should look at the littering caused by people which is destroying our open spaces.

If people are not picking up their dogs poo then it will not matter whether they are on a lead or not... they just wont!

The very issue you are trying to tackle will still be there, people who do not clean up after their dogs. If you honestly think these people will clean up if there dogs are on a lead your are completely delusional, take a look at all the footpaths where dogs are on a lead and there is your answer. All this will achieve is to alienate all dog owners from the parks. Perhaps you will stop the children and football players next as they leave just as much mess behind them.

You appear to be penalising the majority for the behaviour of the minority. Instead why not deal with the actual few people who cause the problem. All the people I know with dogs are responsible and have their dogs well trained.this would be a huge shame

I use Ditton recreational ground to train agility with my dog regularly, I live right next door to the rec and its so handy to pop over to set up my equipment, a training session lasts from 15mins-45 mins and my dog is totally under control and obviously I would clean up after her. I use the rec because, the ground is flat and even and the grounds men keep the grass short. Please consider this before making it a new rule, its important to me that we continue to train. The majority of dog owners are responsible and clean up after their dogs, so why not have the enforcement officers confront the people who don't pick up or can't provide a poo bag instead of spoiling it for everyone!

does this mean no dogs off lead ? if so that is a rubbish idea as many people whom walk dogs on lead do not clear up

I have read with interest the incredibly small report on changes to be made to public green areas within Ditton. This announcement of a pending consultation was printed on the "village news " section of the local KM. I am usually drawn to this page for latest news on quiz

	<p>nights, boot sales, functions at the community hall, I would NOT, like I suspect many others, expect news of such importance to be notified here. I know that no one I have spoken to has any knowledge of your proposed consultation and the impact it could have to those of us enjoying RESPONSIBLY the areas in question to meet others with our canine friends. My questions to you are:1] Who has been notified of this consultation period.? 2] What measures have you taken to publicise/advertise the proposal.? 3]Who, has been polled so far for residents opinions.? 4] How many were asked? 5] Numbers of official complaints recorded about dog fouling in these open spaces? 6] Who will be policing the areas and issuing the fines.? 7] Where will the revenue gained be allocated and isn't this just a way to swell the councils coffers? 8] Appeared in KM on 9th March 2017, do you think you have given a fair period to allow residents and users to respond?</p>
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Do you agree with the proposal to exclude dogs from children's play areas			Comments
Yes	No	Don't know	<p>If this question is in relation to an enclosed park area then agreed, thought this was in practice already?</p> <hr/> <p>Dogs are not allowed in most childrens play areas anyway so it is fine how it is and children should grow up enjoying dogs as they are a joy not a hinderance as suggested.</p> <hr/> <p>Play areas yes. Recreational fields.... NO!</p> <hr/> <p>Dogs should not be permitted within playgrounds but should be permitted within play areas (eg fields).</p> <hr/> <p>Children's play areas are surrounded by fencing and gates, etc. with clear signs for dogs not to enter. Dogs cannot enter these areas unless someone opens these gates. It seems very unfair to prevent dogs going in to parks and recreation grounds when there is a clearly signed and fenced area specifically for children where dogs physically cannot enter.</p> <hr/> <p>We walk our dogs very early in the morning when there are very few people about and no children. Why shouldn't they be allowed off the lead just because others walk them across a football pitch on a weekend??</p> <hr/> <p>I believe that like myself good dog owners should keep there dogs on a lead around the children then once away from them it is ok to release them. The alternative could be to say during certain times of the day. I walk my dog every Sat and Sun at 8am (NO CHILDREN ABOUT EVER) so you could have times so after 5pm is ok in the evenings as an example</p>
11	12	0	

	<p>I agree that no dogs In the play areas</p> <hr/> <p>Play equipment playgrounds, already fenced off, Yes. In open green spaces MOST dog owners are responsible and clear up after their dogs. We are NOT all guilty before proven otherwise.</p>
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Do you agree with the proposal to ensure dogs are on a lead by direction?			Comments
Yes	No	Don't know	<p>If a dog is being out of control in any way then I think it is acceptable that the owner is asked to put their dog on the lead.</p> <hr/> <p>You are taking away the decisions and rights that good dog owners make responsibly.</p> <hr/> <p>Keeping dogs on leads does not solve dog fouling issues.</p> <hr/> <p>See comment above. Also the proposal does not explain what issue is trying to be addressed by the ordet</p> <hr/> <p>Dogs need to be able to run free. Maybe you should concentrate more on the rubbish left on these sites after the football matches have been played on them. Or people riding motorbikes and the like all over them!</p> <hr/> <p>The "On Lead" area in Leybourne Lakes is too small and should be extended to encompass the whole path around the lake nearest to Tesco's. That path is used by cyclists and runners and loose dogs are a major hazard.</p> <hr/> <p>Again I feel by doing this the majority of responsible dog owners are being penalised for the behaviour of a minority.</p> <hr/> <p>The majority of dog owners are responsible and will keep their dogs on lead / put their dogs on lead when children are in the area. Why should the minority of irresponsible dog owners spoil enjoyment for the majority. If the Council are planning to have enforcement officers patrolling and giving out fines, can I ask, why is this not happening now to catch the irresponsible dog owners rather than ban everyone and fine everyone. It is simply unfair.</p> <hr/> <p>I write as a resident and dog owner. As has been stated by Ditton Parish Council, the majority of dog owners in Ditton are responsible citizens who keep their dogs under control and always clear up after their dogs. I accept that there is a minority who do not do so, but these irresponsible people will still be irresponsible after the PSPO is introduced and are unlikely to change their ways. The law as it stands at the moment gives councils the opportunity to fine owners who permit their dogs to foul, or do not keep them under control. The fact that you are now considering introducing a PSPO to further</p>
6	16	1	

	<p>tighten regulations is punishing the responsible residents while the irresponsible ones will continue unchallenged. The fact that you are having this consultation shows that you are not using the powers you already have, so why should I believe you will do so in the future? Or are you intending to recruit a small army of dog wardens at public expense to ensure the PSPO is observed?</p> <hr/> <p>How will this be policed? If it is that easy to fine people then do it now to people who's dogs are running wild or are seen defecating in a public space. This has been illegal for over 10 years but it still isn't managed so now all owners will be punished. We bought our dogs with the plan to exercise in our open spaces and this will now have an effect on their health through no fault of our own. The Quarry will become unsafe due to the amount of dogs being in such close proximity, the fencing isn't secure, it is difficult to see into and around so the unruly dogs will be easy to run wild without intervention. Maybe an idea would be to have a period of time eg 9-6 that these places have to adhere to the new rules so if needed dog owners can work around the ban. More policing would stop this being an issue in the first place.</p> <hr/> <p>Who are these authorised people and how will they be recognised. How will the Borough ensure that only dogs which are not under control and are causing a nuisance are affected, otherwise this order could quickly become a blanket ban on off lead dogs and all owners, including the responsible ones, will be penalised. An under exercised dog quickly becomes a nuisance to owner and neighbours and many responsible owners don't have the time/ability to walk many miles every day plus families derive much enjoyment from games like fetch with their trained dogs.</p> <hr/> <p>Many dogs are NOT unruly or a danger. This is tarring all dog owners with same brush. It smacks of a "nanny state" and quite frankly discrimination.</p>
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Do you agree with the proposal to restrict the number of dogs to six dogs?			Comments
Yes	No	Don't know	Six dogs is far too many for one person to control, 2-3 would be better.
19	4	1	
			<p>This is perhaps a good idea</p> <hr/> <p>Dog walkers seem largely unchecked and as 'pack animals' I feel it is correct to control the ratio of humans to animals. Returning to the fouling problem I also think cleaning up after more than six dogs on one walk must be somewhat challenging.</p> <hr/> <p>Personally I think this should be even lower, 4 absolute max. I do not believe one person can be in control of this many dogs. It is</p>

	<p>unsafe and I do not believe they clear up after their dogs as they probably cannot keep an eye on all of them at the same time.</p> <hr/> <p>In order to maintain total control.</p> <hr/> <p>We feel that the number currently suggested is too high and should be reduced to no more than 4 dogs</p>
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Do you agree with the proposal to introduce a borough wide controlled alcohol zone			Comments
Yes	No	Don't know	<p>To many under age drinkers frequent the Ditton area for sure. They can only be buying alcohol from local shops.</p> <hr/> <p>Again....address the individuals who are not able to self regulate and behave in a socially acceptable manner.</p> <hr/> <p>Measure 5 suggests that it will be an offense not to cease drinking/ hand over alcohol when asked. There is no requirement stated that the drinker needs to be causing a nuisance so this is potentially open to abuse and needs to be more closely defined.</p> <hr/> <p>The lack of details on the hours of work for TMBC Enforcement Officers and the refusal of Kent Police to manage PSPO mean that there is insufficient information for us to respond to this measure with any real comment. Please supply the required information as we are keen to provide a detailed response to this as it would be directly relevant to West Malling as we have a busy High Street with a large number of licensed premises.</p>
18	3	2	

Do you agree with the proposal to deter public urination/defecation			Comments
Yes	No	Don't know	<p>supply more toilets</p> <hr/> <p>Unlike dog owners these people do not pick up/clean up after themselves.</p>
20	1	2	

Do you agree with proposed PSPO for Leybourne Lakes Country Park*			Comments
Yes	No	Don't know	<p>A country park is intended for amongst other things for dogs to enjoy!</p>
6	9	6	

			<p>see above. Larger area for dogs to be kept on a lead.</p> <hr/> <p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>eastern european people are always there and get away with it</p> <hr/> <p>How about the inconsiderate cyclists, joggers, screaming kids, I expect there is something that annoys us all at some time!!.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p>
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*Not everyone responded to this question

Do you agree with the proposed PSPO for Tonbridge Memorial Gardens *			Comments
Yes	No	Don't know	
7	4	10	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>This is a place of remembrance and all visitors should behave with respect including controlling noisy children. In line with the rules for Tonbridge Cemetery all dogs should be on leads at all times in this area.</p>

*Not everyone responded to this question

Do you agree with the proposed PSPO for Tonbridge Moorings*			Comments
Yes	No	Don't know	
3	5	13	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p>

*Not everyone responded to this question

Do you agree with the proposed PSPO for Haysden Country Park?*			Comments
Yes	No	Don't know	
3	8	10	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p>

*Not everyone responded to this question

Do you agree with the proposed PSPO for Tonbridge Racecourse Sports Ground and Tonbridge Castle?*			Comments
Yes	No	Don't know	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>Castle lawn, measure 2: I agree that uncontrolled dogs cause a nuisance but the blanket ban on off lead dogs here punishes dogs which are not causing a nuisance. In other areas the restrictions only apply where an actual nuisance is being caused and I suggest unified rules, being put on a lead when seen causing a nuisance and asked to do so, be applied to all locations except surfaced car parking where they would be required to be on leads at all times.</p> <hr/> <p>As happens in other areas, it would seem possible for there to be a designated area for BBQs</p>
5	5	11	

*Not everyone responded to this question

Do you agree with the proposed PSPO for Tonbridge Farm Sports Ground?*			Comments
Yes	No	Don't know	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p> <hr/> <p>Tonbridge farm car park: This location is popular with dog walkers and controlled dogs do not necessarily cause a nuisance when exercised on the extensive grassy areas around the perimeter. These areas benefit from being better drained and less muddy than the main sportsground in winter, the area within the restricted zone needs to be more accurately defined. The restrictions should apply only to the surfaced areas.</p>
4	5	12	

*Not everyone responded to this question

Do you agree with the proposed PSPO for Tonbridge Cemetery?*			Comments
Yes	No	Don't know	<p>Do not penalise the majority of people who are responsible dog owners for the sake of the minority.</p>
8	3	10	

*Not everyone responded to this question

Is there anything else that you would like to see included or any other comments?	Comments
	<p>Regarding dogs being kept on a lead, although I do not agree with this a possible compromise could be having designated times when dogs can be let on/off like at the beach and maybe seasonal. For</p>

example dogs can go off lead between hours of 6am - 10am and 6pm-10pm in the summer months. I have children who play football on Ditton Rec and Community Centre and the dog mess infuriates me and is a worry. But I am also a responsible dog owner. To put a complete ban of dogs being off lead I think is unfair, I do think a compromise is the best solution.

The consultation process lacks any rationale for implementing the proposals! For a meaningful consultation the reason for the proposal should be clearly stated e.g. What is the problem that is trying to be addressed

How will an "Authorised Person" be recognised?

I am completing this survey in response to the proposed restrictions for dog walkers in Ditton. As a Tonbridge and Malling resident I would like to see the presence of a dog warden in Ditton. I have never seen one in all the time I have lived here!

The Council's plan for these problems appears unfair and discriminatory towards responsible dog owners. The Council's plans to enforce the PSPOs should already be in action to ensure the problems do not exist in the first place!

I normally walk my dogs every morning on New Road Recreation Ground in Ditton. It is common, especially in the warmer months, to find litter strewn over the area, including broken glass and evidence of drug use. I would consider the Council and/or the Police acting to prosecute the individuals responsible for these acts, which would seem to be a bit more anti-social than allowing one's dog to run free and play fetch for a while, to be a better use of public funds. In fact the Council makes a great deal of public-spirited individuals and groups carrying out litter picks in the borough. It would be better if such clean up operations were not needed and the Council used the powers it already has to enforce anti-social behaviour rather than penalising a group of dog-owners who, by and large, are responsible in the first place. I do hope someone actually reads the replies to this survey, and it is not merely used as a tick box operation to justify a decision that has already been made by the Council. Perhaps you could prove this to me by answering the following question and emailing the answer to me at davidcooper@dittonhome.co.uk How many times in the last 12 months were fines imposed on dog owners in the Borough who had allowed their dog to foul a public space?

It is worth noting a lot of dog walkers are like myself lone female, how are you going to police this? because there are a lot of strangers walking around pretending to be dog wardens and dog walkers who are dog thieves or worse. The park I walk my dog in (Ditton) has 7 different ways to enter how are you going to ensure everyone abides by the rules? why can't we have a designated area within the park for our dogs to run free and chase a ball especially during the winter months when it is the only safe

place to walk a dog that is slightly lit up, I get home from work and walk my dog in the dark across the field and play ball with her, are you suggesting we all walk in the nature reserve which has no lights at all on our own? (how long before some pervert see this and takes his opportunity to pounce). The park in Ditton is the only place we can walk our dogs off lead other than the nature reserve. This country should be ashamed of itself we have a reputation of being dog lovers, this is obviously not the case as you now seem to want to remove them all, like I said perhaps you could also look at all the people who leave food, glass bottles, personal belongings and general household rubbish all across our park they are no better, I know I regularly pick it all up.

I would suggest a requirement to keep dogs off sports pitches at all locations when a match is being played. For responsible owners with control over their dogs this does not necessarily require them to be on leads. This aligns with the country code requirement for dogs to be under close control around livestock but not necessarily on a lead. Simple unified rules will be easier for all to remember and obey. I am concerned that complicated rules will not be understood leading to further blanket bans and ever more restrictions for the responsible owners. The issue of authorised persons need close definition and control. In our village we have a small number of irresponsible dog owners who cause problems and the default solution is always to ban all dogs. This needs to be closely controlled as a small number of offenders can quickly spoil things for the majority. It is a lazy way to deal with a problem. Responsible owners also pay their council tax and are entitled to enjoy amenities as long as they don't interfere with the enjoyment of others.

I would like to register my disappointment that it has come to this for dog owners, when it is the minority spoiling it for others.

As a responsible dog owner, I clear up my dogs mess and have control of him off the lead.

I know there are people who do not and it is those that should be caught and punished. I know of people that have had their dog attacked by others because of people that choose not to control their dog. Luckily mine has not been one of them.

There is an unacceptable amount of dog faeces in the borough. It is a blot on our beautiful parks, roads and fields.

However, I do not see how enforcing this PSPO will reduce this.

People choose not to pick up after their dog whether they are on or off the lead.

I ask the question also, how do you hope to enforce this with one dog wardens or the whole borough? Who will have the power to stop and fine people breaking the order?

Finally, why has this only just come to light? I normally hear about these things through my neighbourhood watch, but some reason this has been kept off the radar?

Item AU 17/18 referred from Audit Committee minutes of 3 April 2017

AU 17/18 AUDIT COMMITTEE ANNUAL REPORT

The report of the Chairman of the Audit Committee was produced to inform the Council of the means by which the Committee had provided independent assurance to those charged with governance on the adequacy of the risk assessment framework, the internal control environment and the integrity of financial reporting and annual governance processes. The report summarised the work carried out by the Committee during 2016/17 and concluded that the required assurance set out in the CIPFA Audit Committee Guidance had been provided to those charged with governance. The Leader of the Council thanked the Chairman and the members of the Audit Committee for their due diligence over the previous twelve months.

RECOMMENDED: That the Annual Report be presented to the Council as independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

03 April 2017

Report of the Chair of the Audit Committee

Part 1- Public

Matters for Recommendation to Council

1 AUDIT COMMITTEE ANNUAL REPORT

This report is produced to inform Council on how the Audit Committee has provided those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. It is recommended that the Audit Committee agree that this report is presented to Council to support this assurance.

1.1 Introduction

- 1.1.1 The Accounts & Audit (England) Regulations impose a responsibility on a local authority “for ensuring that the financial management of the body is adequate and effective and that the body has a sound system of internal control which facilitates the effective exercise of that body’s functions and which includes arrangements for the management of risk.”
- 1.1.2 The Chartered Institute of Public Finance & Accountancy (CIPFA) sets out the role of Audit Committees in their Practical Guidance for Local Authorities 2013. This states that “*the purpose of the Audit Committee is to provide to those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.*”
- 1.1.3 The Audit Committee comprises nine Members. The Committee has four meetings each year at which reports submitted by Officers and the External Auditors are considered. By consideration of these reports and matters raised within them it is considered that the Audit Committee fulfils the core functions of an Audit Committee as set out in the CIPFA Guidance and is able to give independent assurance to the Council to meet the requirements of the Accounts & Audit Regulations.
- 1.1.4 The core functions of the Audit Committee are dealt with in the following paragraphs.

1.2 Assurance Statements

- 1.2.1 The Audit Committee is required to consider and approve the contents of the Annual Governance Statement (AGS), which took place in June 2016.
- 1.2.2 The council is revising the Local Code of Corporate Governance to set out how the council will comply with the principles of the new CIPFA/SOLACE (Society of Local Authority Chief Executives) "Framework for Delivering Good Governance in Local Government". An interim report was presented to the Committee in January and the revised Local Code of Corporate will be presented to a future meeting of the Audit Committee for endorsement and used as the basis for the AGS.
- 1.2.3 The AGS explains how the council complies with the Local Code of Corporate Governance and the Accounts & Audit Regulations.
- 1.2.4 Part of the AGS gives updates on emerging issues and identifies impacts in the future of these issues as well as setting out action taken to enhance the overall corporate governance framework.
- 1.2.5 The AGS is supported by signed Assurance Statements provided by members of the core Management Team and the three statutory officers and is prepared by way of a self-assessment questionnaire and supporting evidence. No significant concerns were raised as a result of this exercise.
- 1.2.6 At the April 2016 Audit Committee meeting there was confirmation from both Management Team and Audit Committee that the council had complied with International Standards on Auditing.

1.3 Internal Audit Function

- 1.3.1 The Audit Committee has a role in relation to the council's Internal Audit function to: -
- Oversee its independence, objectivity, performance and professionalism.
 - Support the effectiveness of the internal audit process.
 - Promote the effective use of internal audit within the assurance framework.
- 1.3.2 The Audit Committee received a number of reports to oversee the role of the Internal Audit function.
- 1.3.3 The Annual Internal Audit Plan for 2016/17 was presented to the Audit Committee in April 2016 and they were able to consider the content prior to recommending approval.
- 1.3.4 In June 2016 the Audit Committee was presented with a report from the Chief Audit Executive as a summary of supporting evidence to the AGS. This report

gave the Chief Audit Executive's opinion that the council had maintained an adequate and effective internal control environment.

- 1.3.5 The Audit Committee is required to consider the effectiveness of Internal Audit on an annual basis. This review was based upon evidence produced and the view of Management Team. A report was submitted to the Audit Committee in June 2016 which reported that Management Team opinion on the effectiveness of Internal Audit was "Good". Members considered the findings of this review and endorsed the opinion that the effectiveness of Internal Audit was "Good".
- 1.3.6 In June 2016 an independent External Assessment was undertaken by the Chartered Institute of Internal Auditors to provide an opinion on Internal Audit's conformance with the Public Sector Internal Audit Standards. The overall assessment was that 'the internal audit function "generally conforms to the IIA's professional standards"' (the highest rating given) although, of a total of 56 Standards, 8 were found to be partially conforming with recommendations made accordingly. The Committee received an update on the findings to the September meeting and an action plan was developed to address the recommendations relating to the 8 partial Standards. Members will receive regular updates on actions to address the recommendations made commencing April 2017.
- 1.3.7 The Audit Committee was given a report in June 2016 on the work completed by Internal Audit in the previous year that detailed how resources had been used. The report also covered a number of performance measures to assist the Audit Committee to assess the performance and effectiveness of the function.
- 1.3.8 The Internal Audit Charter is a key document in the delivery of Internal Audit setting out the purpose, authority and responsibilities of the service which was subject to review at the January 2017 meeting of the Audit Committee.
- 1.3.9 The Internal Audit Charter gives the Audit and Assurance Manager (as Chief Audit Executive) the right to raise issues directly with the Chair of the Audit Committee if considered necessary. This would only occur in circumstances where the Audit and Assurance Manager considered that the Chair of the Audit Committee needed to be made aware of significant assurance concerns. There have not been any instances where this has been considered necessary.
- 1.3.10 Throughout the year the Audit Committee received a number of reports updating Members of the progress of work carried out by Internal Audit against the Audit Plan. These reports informed the Audit Committee of internal audit's opinion on the audits undertaken and gave additional information where a red opinion (evidence of significant non-compliance) was given.

1.4 Audit Committee Responsibilities

- 1.4.1 The responsibilities of the Audit Committee are set out in the Constitution of the Council.

1.4.2 The Council meeting of 17 February 2015 agreed to a number of Constitutional changes to reflect the alignment of the Audit Committee to new CIPFA guidance on the role of the Audit Committee. This led to the Audit Committee having areas of delegated responsibility transferred to them and this report summarises how these have been effectively discharged in 2016/17.

1.5 Risk Management Arrangements and Control Environment

1.5.1 The Audit Committee is required to consider the effectiveness of the council's risk management arrangements and the control environment. The Members are required to review the risk profile for the council and seek assurances that action is being taken on risk-related issues, including partnerships with other organisations.

1.5.2 The risk profile for the council is undertaken as part of the audit needs assessment to identify those areas where Internal Audit is most effective.

1.5.3 The Risk Management Strategy is the framework for setting out the responsibilities for ensuring that a sound risk management process is in place. The strategy is reviewed by the Audit Committee on an annual basis and this review took place in June 2016 and again in January 2017.

1.5.4 The Risk Management Strategy requires managers to carry out a review of their operational registers and this process did not result in any material concerns that required reporting to Members.

1.5.5 The strategy states that Audit Committee Members will receive risk management training during their term of office. This training is planned for April 2017.

1.5.6 The Insurance Officer maintains a record of all claims made against the council which are reported to the Audit Committee on a regular basis. These reports also inform Members of the steps being taken to minimise similar claims being made.

1.5.7 All reports to Council require a risk assessment of the issues involved to be reported as part of the consideration of the report.

1.6 Assurance Framework and Planning

1.6.1 The assurance framework is the overall process that provides evidence to support the AGS. The Audit Committee has a responsibility to understand what assurance is available to support the AGS.

1.6.2 The AGS was presented to Members at the meeting of June 2016. The supporting evidence to the AGS consisted of a document setting out the areas of the assurance framework to be considered with an explanation of evidence that supported the conclusions of the AGS.

1.7 Value for Money and Best Value

- 1.7.1 One specific area for the Audit Committee should be consideration of the external auditor opinion on value for money as set out in the codes of audit practice. In addition, the Audit Committee should consider what other assurances are available in relation to identified value for money risks and highlight areas for improvement. (CIPFA Audit Committee Guidance).
- 1.7.2 The External Auditors, Grant Thornton, produced their Annual Audit Letter relating to the year ended 31 March 2016 which was presented to the Audit Committee at their meeting of January 2017.
- 1.7.3 The report concluded that the external auditor was satisfied that in all significant respects the council put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31 March 2016.
- 1.7.4 As part of the embedded system for achieving value for money all Council reports contain a section where value for money is considered.

1.8 Countering Fraud and Corruption

- 1.8.1 The Audit Committee role is defined as having an oversight of the strategy to counter fraud and to assess whether or not it meets recommended practice and standards.
- 1.8.2 The Audit Committee is responsible for the review of the policies relating to countering fraud and corruption. In January 2017 it reviewed the Whistleblowing Policy and recommended that it was endorsed by the General Purposes Committee. In the same meeting the anti-fraud policies were reviewed and, subject to any amendments, subsequently approved.
- 1.8.3 The Audit Committee also receives updates on the progress of the National Fraud Initiative results and other work undertaken by the Fraud Team with the Internal Audit updates. The Whistleblowing Policy requires the Audit Committee to be informed of the outcome of any investigations arising from concerns raised under it. No such matters have been drawn to the attention of the Committee in the period covered by the report.

1.9 External Audit

- 1.9.1 The Audit Committee should receive all reports from external auditors and monitor action to be taken that arises from them.
- 1.9.2 The Audit Committee has received copies of all external auditor reports during the year and has been able to consider the content. The external auditors provide a representative to all Audit Committee meetings where the Audit Committee is able to raise questions regarding the content of reports.

1.10 Financial Reporting

1.10.1 Local Authority accounts are produced in line with guidance set out by CIPFA. The role of the Audit Committee with regard to these financial statements is not one of detailed knowledge of this guidance but is more aligned to focus on financial reporting and financial governance rather than on the wider issues of spending and performance.

1.10.2 The CIPFA Guidance identifies areas that the Audit Committee should be concerned with as follows: -

- reviewing the explanatory foreword to ensure consistency with the statements and the financial challenges and risks facing the council in the future
- reviewing whether the foreword is readable and understandable by a lay person
- identifying the key messages from each of the financial statements and evaluating what that means for the council in future years
- monitoring trends and reviewing for consistency with what is known about financial performance over the course of the year
- reviewing the suitability of accounting policies and treatments
- seeking explanations for changes in accounting policies and treatments
- reviewing major judgemental areas, e.g. provisions
- seeking assurances that preparations are in place to facilitate the external audit.

1.10.3 The Audit Committee received the Statement of Accounts at the meeting of June 2016. This report gave the Audit Committee assurance that the accounts were presented in compliance with required legislation and best practice guidance. Following consideration of the accounts and a detailed report giving evidence of how compliance is achieved the Audit Committee agreed to endorse the Statement of Accounts and supporting documents.

1.11 Partnership Governance

1.11.1 The latest CIPFA Guidance identifies that the Audit Committee should review assurances over partnerships to ensure that arrangements are satisfactorily established and are operating effectively.

1.11.2 The arrangements for significant partnerships are covered as part of the audit planning process and covered within individual audits as appropriate. In 2016/17

and audit of Partnership arrangements was undertaken with the outcomes and audit opinion reported to the Committee in January 2017.

1.12 Treasury Management

1.12.1 Although it is not included as a core objective of the Audit Committee, the CIPFA Guidance recognises that Treasury Management scrutiny may be a function of some Audit Committees to meet the requirements of the CIPFA Treasury Management Code of Practice.

1.12.2 The Committee receive regular updates on Treasury Management including the treasury management mid-year review and annual report. At the meeting of January 2017 Members of the Audit Committee reviewed the Treasury Management Strategy Statement and Investment Strategy for 2017/18 and recommended it be adopted by Cabinet and full Council.

1.13 Training

1.13.1 The Chair and Members of the Audit Committee receive in-house and or external training at varying intervals to assist with the understanding of the issues considered.

1.13.2 Training needs identified, include Treasury Management and Risk Management and are being arranged to commence with Risk Management training in April 2017.

1.14 Conclusion

1.14.1 The evidence in the preceding paragraphs explains how the Audit Committee has overseen the core functions of an Audit Committee as defined in the CIPFA Guidance.

1.14.2 As stated at 1.1.2 the CIPFA Guidance identifies that the purpose of the Audit Committee 'is to provide those charged with governance independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.' This report acts to provide that independent assurance to Council.

1.15 Legal Implications

1.15.1 The Audit Committee role is based upon the CIPFA Guidance and meets the requirements of the Accounts & Audit Regulations.

1.16 Financial and Value for Money Considerations

1.16.1 The Audit Committee has a role considering the external opinion on value for money. This has been undertaken as outlined in section 1.7 of this report.

1.17 Risk Assessment

1.17.1 The Audit Committee consideration of risk assessment is covered in section 1.5 of this report.

1.18 Equality Impact Assessment

1.18.1 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.

1.19 Recommendations

1.19.1 That Members of the Audit Committee consider this report and recommend that it is presented to Council to provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

Background papers:

contact: Vivian Branson

Nil

Councillor Vivian Branson
Chair of Audit Committee

Item AU 17/19 referred from Audit Committee minutes of 3 April 2017

AU 17/19 LOCAL CODE OF CORPORATE GOVERNANCE

Further to Minute AU 17/11 of the Audit Committee held on 23 January 2017, the joint report of the Chief Executive and the Director of Central Services set out details of the proposed revision of the Local Code of Corporate Governance following a detailed review of the current code. This had included an internal audit 'gap analysis' to identify areas where the current Local Code had not met the requirements of the framework document 'Delivering Good Governance in Local Government Framework 2016'. Additionally, attention was drawn to a number of requirements linked to provisions in the Council's Constitution which was also under review.

RECOMMENDED: That the amended Local Code for Corporate Governance, as attached to the report, be commended for adoption by the Council.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

3 April 2017

Report of the Chief Executive and Director of Central Services

Part 1- Public

Matters for Decision

1 LOCAL CODE OF CORPORATE GOVERNANCE

This report recommends to Members of the Audit Committee changes required to the Local Code of Corporate Governance

1.1 Introduction

1.1.1 In January we reported that the Framework document “Delivering Good Governance in Local Government Framework 2016” had resulted in a requirement for the TMBC Local Code of Corporate Governance to be largely rewritten.

1.1.2 An internal audit “gap analysis” highlighted a number of areas where the current Local Code may not meet the requirements of the 2016 Framework. In particular, many of the requirements link to provisions in the Council’s Constitution, which is currently also under review, with a view to submission of a revised constitution for scrutiny at the Overview and Scrutiny Committee during 2017.

1.1.3 A detailed review and revision of the Local Code has now taken place, taking into account the gap analysis, and feeding into the review of the constitution. The proposed amended Local Code, which complies with the Framework, is attached as Annex 1 to this report.

1.2 Legal Implications

Whilst there is no legal requirement for Council’s to develop a Local Code of Corporate Governance, such a Code provides a public document that demonstrates how the Council ensures it operates in a proper way and in accordance with the law.

1.3 Financial and Value for Money Considerations

There are no financial and value for money considerations arising from the Code.

1.4 Risk Assessment

Adoption of a Local Code of Corporate Governance is seen as good practice in that it demonstrates how the Council ensures it operates in a proper way and in accordance with the law and as such is subject to annual review to ensure it remains fit for purpose. Not to do so may attract unwelcome comment/criticism.

1.5 Equality Impact Assessment

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 Recommendations

It is recommended that Audit Committee recommend to Cabinet the adoption of the amended Local Code for Corporate Governance as attached to this report.

Background papers:

contact: Adrian Stanfield

CIPFA/SOLACE – “Delivering Good Governance in Local Government”.

Julie Beilby
Chief Executive

Adrian Stanfield
Director of Central Services

Local Code of Corporate Governance	Supporting Evidence
1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.	
1.1 Behaving with Integrity	
<p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organization</p>	<p>The Council has a Code of Conduct for Members, which is founded upon the Principles of Public Life (the Nolan Principles). This is enforced (where necessary) through the Council's Joint Standards Committee.</p> <p>In addition the Council has:</p> <ul style="list-style-type: none"> • An Equalities Policy • A Code of Conduct for staff and a protocol for member/ officer relations • A Declaration of Interest Register for Members and for staff • A Register of Gifts and Hospitality offered to Members and staff • Financial Procedure Rules • Contracts Procedure Rules • A publicised complaints procedure • A fraud-aware culture, and an anti-fraud and corruption policy which is reviewed and updated annually.
<p>Ensuring members take the lead in establishing specific standard operating principles or values for the organization and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life</p>	<p>The Council's constitution sets out clearly the standard operating procedures, and any delegation of responsibility from Council (and Cabinet) and the decision making powers of the Council, cabinet and its committees and boards.</p>
<p>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</p>	<p>The Council's constitution clearly sets out the process for holding the executive to account through the debate of items at committees, and a system of reporting to the Council's Overview & Scrutiny committee.</p>

1.2 Demonstrating Strong Commitment to Ethical Values	
Seeking to establish, monitor and maintain the organisation's ethical standards and performance	<p>The Council has a number of policies and Codes which officers and members are expected to adhere to:</p> <ul style="list-style-type: none"> • a Code of Conduct for Members and Officers • An Equalities Policy • A Declaration of Interest Register for Members and for staff • A Register of Gifts and Hospitality offered to Members and staff • Financial Procedure Rules • Contracts Procedure Rules • an anti-fraud and corruption policy • a Standards Committee to promote and maintain high standards of conduct by Members
Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisation's culture and operation	The Code of Conduct for Members is enforced through the Standards process. Where members of staff depart from the Council's policies, these may be enforced through disciplinary measures.
Developing and maintaining robust policies and procedures which place emphasis on agreed ethical values	<p>The Council has robust arrangements in place to ensure that it does the right things, for the right people in a timely, inclusive, open, honest and accountable manner. These are monitored and publicized through:</p> <ul style="list-style-type: none"> • The Council's performance reporting arrangements • Procedures for recruitment and training • Decision making practices • Data transparency arrangements, such as • publication of decisions and committee meeting minutes • Partnership governance arrangements
Ensuring that external providers of services on behalf of the organization are required to act with integrity and in compliance with ethical standards expected by the organisation	The Council's Contracts Procedure Rules require standard terms to be included in all contracts, including provisions relating to bribery, equalities and fraud.

1.3 Respecting the Rule of Law	
<p>Ensuring members of staff demonstrate a strong commitment to the rule of law as well as adhering to relevant laws and regulations</p>	<p>The Council actively recognises the requirements and responsibilities placed on it by law and will act to observe all specific legal requirements placed upon it when taking decisions. Training is provided to new members of staff, and ongoing training (in particular in relation to regulatory functions) is also provided on both an ad hoc and programmed basis.</p> <p>This is underpinned by a series of policies and processes to ensure that staff adhere to legal requirements including:</p> <ul style="list-style-type: none"> • a Code of Conduct for Members and Officers • A Declaration of Interest Register for Members and for staff • A Register of Gifts and Hospitality offered to Members and staff • Financial Procedure Rules • Contracts Procedure Rules • an anti-fraud and corruption policy
<p>Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p>	<p>Training is provided to new members upon election, and ongoing training (in particular in relation to regulatory functions) is also provided on both an ad hoc and programmed basis.</p> <p>The Council's Monitoring Officer and Deputy Monitoring Officers are responsible for ensuring that the Council acts in accordance with the law and that decisions made by the Council, however made, are made lawfully.</p>
<p>Striving to optimize the use of the full powers available for the benefit of citizens, communities and other stakeholders</p>	<p>All departments are encouraged to work closely with the Council's legal team and where necessary to consult the Monitoring Officer to ensure that the most effective use is made of the Council's powers.</p> <p>Legal staff receive regular training and updates when new powers become available to the Council.</p> <p>The Council also strives to utilise its statutory powers to work in the public interest and to the full benefit of its citizens, particularly in relation to regulatory activity.</p> <p>All committee reports include a section to ensure any legal implications are fully analysed when making decisions.</p>

	<p>In addition, many committees (in particular where the Council is carrying out regulatory functions) sit with a legal advisor.</p>
<p>Dealing with breaches of legal and regulatory provisions effectively</p>	<p>Staff in enforcement roles are appropriately trained and (where necessary) professionally qualified in the relevant field.</p> <p>The Council has individual service enforcement policies which set out how breaches are to be investigated and enforced. Investigations are carried out with the assistance of legal advice where needed. Any prospective prosecution is assessed in accordance with the Code for Crown Prosecutors and considered by a senior lawyer before a decision is made.</p> <p>Enforcement staff are encouraged to work closely with the Council's legal team to ensure that the most effective use is made of the enforcement powers available to the Council.</p> <p>In committees where the Council is carrying out a regulatory function, the committee usually sits with a legal advisor.</p>
<p>Ensuring corruption and misuse of power are dealt with effectively</p>	<p>The Council takes corruption and misuse of power very seriously. The Council has an anti-fraud and corruption strategy and a whistleblowing policy in place.</p> <p>In addition, the Council has a Joint Standards Committee and Code of Conduct for Members which investigates complaints against members.</p> <p>The Council's The Council's Monitoring Officer and Deputy Monitoring Officers are responsible for ensuring that the Council acts in accordance with the law.</p> <p>All staff are required to confirm their acceptance of all policies, including the anti-fraud and corruption and whistleblowing policies through netConsent. Such policies are ultimately enforceable through disciplinary measures.</p>

2. Ensuring openness and comprehensive stakeholder engagement

2.1 Openness

Ensuring an open culture through demonstrating, documenting and communicating the organization's commitment to openness

The Council follows both the mandatory and (where cost effective) recommended provisions of the Local Government Transparency Code for publication of information held by the Council, and has a detailed scheme of publication under the Freedom of Information Act. In addition, in relation to certain decisions made at officer level, the Council is implementing the requirements of the Openness in Local Government Regulations 2014.

Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided

The Council has established arrangements to communicate and consult with Members of the public on the Council's work and key policy changes and this consultation allows the development of strategic priorities and the Corporate Strategy.

The Council's Constitution sets out clearly the decision- making powers of:

- The Council
- The Cabinet (including the Executive Leader and delegated decision-making to the Cabinet Portfolio Holders),
- Other Council committees; and
 - powers delegated to officers and the limits of such delegation

The Overview and Scrutiny Committee is responsible for reviewing and scrutinizing decisions made by and performance of the cabinet, committees and officers. Decisions made by cabinet, committee or a cabinet member can be subjected to scrutiny via a call-in procedure allowing challenge within five working days of the decision being taken. Feedback from the Overview and Scrutiny Committee, Cabinet, Committees and Advisory Boards is taken into account and given due consideration in the decision-making process.

Forthcoming key decisions are published in advance at regular intervals. All Member meetings held by the Council are open to the public, unless the items being discussed are considered to be private under the Local Government Act 1972; these may include staffing and legal matters and those of a contractual nature. Where such an exemption applies, it is recorded in the relevant report and minute.

<p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear.</p>	<p>Reports to members set out all relevant considerations in order to ensure that any decision taken is rational and lawful. In addition, reports of certain officer level decisions are required to be published under the Openness in Local Government Regulations 2014.</p>
<p>Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.</p>	<p>The Council carries out consultation where this is a legal requirement.</p>
<p>2.2. Engaging comprehensively with institutional stakeholders</p>	
<p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each stakeholder relationship are clear so that outcomes are successfully achieved and sustainably.</p>	<p>The Council's Corporate Strategy 2016/19 outlines the means by which local stakeholders (including institutional stakeholders) will be engaged and how constructive, challenging relationships will be built.</p> <p>The Council has put in place Committees / Boards with cross-party representation to ensure effective and robust discussion of issues.</p> <p>The Council also has an Overview and Scrutiny Committee to scrutinise decisions made by Cabinet.</p>
<p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p>	<p>The Council has a number of partnerships, such as Shared Service and Joint Working arrangements which are intended to share resources with neighbouring authorities to improve efficiency and economic sustainability.</p>
<p>Ensuring that partnerships are built on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>The Council is in the process of developing a partnership policy to guide these principles and ensure that any partnership adheres to these values.</p>

2.3 Engaging with individual citizens and services users effectively.	
<p>Establishing a clear policy on the type of issues that the organization will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</p>	<p>The Council is clear that it is ultimately accountable to the citizens of Tonbridge & Malling. The Council has a good understanding of who lives, works and plays in the borough and has mechanisms to listen to and respond to their needs, aspirations and concerns.</p> <p>All consultations are published on the Council's website. When considering consultation responses, the Council's decision considers the merit of the responses being made, regardless of the nature of the stakeholder group. The Council carries out consultation when legally required to do so.</p> <p>All reports and decisions include an equalities impact assessment which takes into account whether a decision would have a disproportionate impact on a certain section of society.</p>
<p>Ensuring communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p>	<p>All consultations are published on the Council's website.</p> <p>The Council's constitution sets out the roles of members, and (in particular) cabinet members and their roles with regard to community engagement.</p> <p>Public-facing staff receive training relevant to their roles to ensure that their community engagement roles are clear.</p>
<p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</p>	<p>The Council has taken action to develop and support effective engagement opportunities with all groups of the local community:-</p> <ul style="list-style-type: none"> • The Council promotes the TM Youth Forum that represents the views of young people living in Tonbridge and Malling • The Council supports the Tonbridge & Malling Seniors' Forum (TAMS) which promotes and the needs of the older resident. • The Council engages with other key stakeholders through a number of partnerships that the Council has embarked upon. • The Council actively uses complaints received to learn and improve services, whether through the internal complaints system or via the Ombudsman.
<p>Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account.</p>	<p>Consultation responses are reported upon to the relevant committee or board where Members have an opportunity to consider feedback received and how best to respond to such feedback.</p>

	The Council also has in place a complaints procedure.
Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity	When considering consultation responses, the Council's decision considers the merit of the responses being made, regardless of the nature of the stakeholder group.
Taking account of the impact of decisions on future generations of tax payers and service users.	All reports and decisions include an equalities impact assessment which takes into account whether a decision would have a disproportionate impact on a certain section of society.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.	
3.1 Defining Outcomes	
Having a clear vision, which is a clear formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy planning and other decisions	There is a clear statement of the organisation's purpose in the Tonbridge & Malling Borough Council Corporate Strategy 2016/19. This document sets out the key priorities for the authority and how the Council will work with a range of partners and the local communities towards achieving the objectives.
Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer	Committee reports all contain an assessment of risk of the options being presented for a decision. Additionally, the Audit Committee has a role in scrutinizing corporate risk. Where any decision is recommended, reports contain an analysis of the intended impact or changes for stakeholders and the timescale on which that is anticipated to happen. Decisions which may have a disproportionate impact on a certain section of society are subject to an Equalities Impact Assessment.
Delivering defined outcomes on a sustainable basis within the resources that will be available	The Council's Medium Term Financial Strategy covers both revenue and capital budgets, and it is this strategy that underpins the budget setting process for the forthcoming year and over the strategy period. The aim of the MTFS is to give us a realistic and sustainable plan that reflects the Council's priorities and takes us into the future. Alongside the MTFS sits a Savings and Transformation Strategy. Its purpose, to provide structure, focus and direction in addressing the significant financial challenge that lies ahead.
Identifying and managing risks to the achievement of outcomes	The Council has arrangements in place to effectively monitor and manage risks to its business through the risk management strategy and strategic and service risk registers. Committee reports all contain an assessment of risk of the options being presented for a

	decision. Additionally, the Audit Committee has a role in scrutinizing corporate risk.
Managing service users' expectations effectively with regard to determining priorities and making the best use of the available resources	The Council is accountable to the citizens of Tonbridge and Malling in delivering its duties and responsibilities. The Council manages relationships with partners and consults the public through a number of mechanisms, including regular reporting to members, partnership arrangements (supported by partnership agreements) and the provisions of the Council's constitution.
3.2. Sustainable economic, social and environmental benefits.	
Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision	Value for money considerations are set out in all committee reports. The social impact of decisions is considered throughout the decision-making process, including the carrying out of an Equalities Impact Assessment where it is considered that a recommendation may have a disproportionate impact on a particular section of society. Where relevant, policies are subject to Strategic Environmental Impact Assessment prior to adoption.
Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints.	The Corporate Strategy, together with the Medium Term Financial Strategy and supported by the Savings and Transformation Strategy set out the long term high level objectives of the Council.
Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs	Committee reports set out all relevant considerations to enable members to make decisions which are appropriate and lawful.
Ensuring fair access to services	The Council has an equalities policy which seeks to ensure fair access to the Council's services by all sections of society.

4. Determining the interventions necessary to optimize the achievement of the intended outcomes	
4.1. Determining interventions.	
<p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks, therefore ensuring best value is achieved however services are provided.</p>	<p>Decision making mechanisms are set out in detail in the Council's constitution. Whether a decision is at council, cabinet or committee level it is informed by a report encompassing advice from relevant services across the Council.</p> <p>Where relevant, alternative options are presented within committee reports, with an assessment of the benefits and disadvantages of those options.</p> <p>The Council's enforcement policies will inform a decision where legal or regulatory action is an option and reports will detail the legal implications of such action.</p>
<p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</p>	<p>Where appropriate, the Council carries out consultation with stakeholders, which is taken into account in the decision –making process. Consultations are published on the Council's website.</p> <p>In addition, the Council uses its complaints procedure to understand where services can be improved.</p>
4.2 Planning Interventions	
<p>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</p>	<p>Strategic and operational plans (such as the Corporate Plan) are reviewed on a regular basis.</p> <p>Feedback from consultations is taken into account in the decision making process and reported to the relevant committee, cabinet or Council meeting.</p> <p>The Savings & Transformation Strategy (STS) has been prepared in order to support the achievement of the Council's Medium-Term Financial Strategy and direct resources in line with the Council's Corporate Strategy. The STS recognizes that there is no one simple solution to addressing the financial challenges, and that the Council needs to embrace transformation in a multitude of ways in order to deliver savings within an agreed timetable. The STS sets out a measured structure and framework for delivering the necessary savings through a series of themes; each theme having a deliverable target.</p>

<p>Engaging with internal and external stakeholders in determining how services and other courses of action should be delivered</p>	<p>The Corporate Strategy, medium term financial strategy and other key policies are set by cabinet or the Council following input from all service directors and the Chief Executive.</p>
<p>Considering and monitoring risks facing each partner when working collaboratively, including shared risks</p>	<p>Reports on proposals for shared services contain a risk assessment, and risks are mitigated through the shared service agreements.</p>
<p>Ensuring arrangements are flexible and agile so that mechanisms for delivering goods and services can be adapted to changing circumstances</p>	<p>The Council's Contract Procedure Rules and standard contract terms are reviewed regularly to ensure they are up to date with current best practice.</p>
<p>Establishing appropriate Key Performance Indicators as part of the planning process in order to identify how the performance of services and projects is to be measured.</p>	<p>Performance indicators are monitored within each service and reported to Management Team where appropriate.</p>
<p>Ensuring capacity exists to generate the information required to review service quality regularly</p>	<p>It is the responsibility of service directors and Management Team to ensure sufficient capacity exists.</p>
<p>Preparing budgets in accordance with objectives, strategies and the medium-term financial plan</p>	<p>The Council's Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets, and it is this Strategy that underpins the budget setting process for the forthcoming year and over the strategy period.</p> <p>Budgetary control is undertaken on a monthly basis by services, who report known variations to Financial Services. These variations along with detailed monitoring of the Councils Salary Budget and Major Income Streams are reported to the Corporate Management Team and then onto Members via the Finance, Innovation and Property Advisory Board as part of the cycle of Councils meetings programme.</p>
<p>Informing medium and long-term resource planning by drawing up realistic estimates for revenue and capital expenditure aimed at developing a sustainable funding strategy</p>	<p>The Council's Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets, and it is this Strategy that underpins the budget setting process for the forthcoming year and over the strategy period.</p> <p>The Strategy sets out the high level financial objectives the Council wishes to fulfil over the agreed time span. The Strategy also sets out, based on current financial information, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans.</p> <p>The aim of the MTFS is to give us a realistic and sustainable plan that reflects the Council's priorities and takes us into the future. Underneath the Strategy sits detailed</p>

	<p>estimates formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures. It is acknowledged that circumstances will change and for this reason the Strategy needs to, and will, be kept under regular review.</p>
<p>4.3 Optimising achievement of intended outcomes</p>	
<p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</p>	<p>The medium-term financial strategy is aligned with the Corporate Strategy. Service priorities are aligned to the Corporate Strategy.</p>
<p>Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</p>	<p>The budget monitoring process considers both revenue and capital budgets.</p> <p>Budget for the following financial year and longer term financial planning through the MTFS takes account of the impacts for service delivery through potential changes in client base, housing need and levels.</p> <p>The MTFS takes into account changes in Government Funding where these are known. Where these factors are unknown these are judged by officers and shared and confirmed with Members.</p>
<p>Ensuring the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimizing resource usage</p>	<p>In considering the preparation of the Budget for the current and future financial years, Chief Officers are asked to identify potential growth issues and savings for future years that can be assessed and included with the MTFS. This may include changes in demand for services, including the growth in property, and proposed changes in fees and charges.</p>
<p>Ensuring the achievement of “social value” through service planning and commissioning</p>	<p>The Council has a Social Value Policy Statement. Whilst the issues of cost and quality remain of key concern, the concept of social value means that where appropriate, the Council can seek to achieve added social benefits in its procurement processes that may otherwise not have been achieved by other means.</p>
<p>5. Developing the entity’s capacity, including the capability of its leadership and the individuals within it</p>	
<p>5.1. Developing the entity’s capacity</p>	
<p>Improving resource use through appropriate application of techniques such as benchmarking and other options to determine</p>	<p>The Council works towards improving value for money through:</p> <ul style="list-style-type: none"> • Exploration of innovative ways of

<p>how resources are allocated so that defined outcomes are achieved effectively and efficiently</p>	<p>working including potential for joint-working and shared services</p> <ul style="list-style-type: none"> • Robust budgeting and financial monitoring arrangements including detailed reviews of budgets and potential savings opportunities • Internal and external audit • Publication of annual budget and accounts information
<p>Recognizing the benefits of partnerships and collaborative working where added value can be achieved</p>	<p>The Council works in partnerships with other authorities in Kent. A commitment to working in partnership is one of the Council's stated Corporate Objectives.</p>
<p>Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources</p>	<p>The Council has an extensive training programme for council officers including mandatory and voluntary training.</p> <p>The Council actively engages with its staff through:</p> <ul style="list-style-type: none"> • Team meetings • Regular performance management meetings • The Joint Employee Consultative Committee
<p>5.2. Developing the capability of the entity's leadership and other individuals.</p>	
<p>Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained</p>	<p>The Council examines the capability of its people with governance responsibilities through appraisals, identifying any training gaps – the relevant training programmes are updated accordingly.</p>
<p>Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body</p>	<p>The Council's constitution sets out clearly the decision-making powers of the Council and its bodies and officers.</p>
<p>Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for the other's authority</p>	<p>The 2017 review of the Constitution will seek to make recommendations to the Overview & Scrutiny committee to ensure that the roles of the Leader of the Council and Chief Executive are clearly defined.</p>
<p>Developing the capabilities of members and senior management to achieve effective leadership and to enable the organization to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks.</p>	<p>The Council has undertaken steps through the "Peer Review Challenge" to review the effectiveness of the organization.</p> <p>The Council has a training programme for Members and holds regular training sessions</p>

	<p>(both on a programmed and ad hoc basis) for Members on a variety of topics:</p> <ul style="list-style-type: none"> • Induction training for all new members • Service-specific training, e.g. Community Safety • Committee-specific training, e.g. Audit Committee
Ensuring that there are structures in place to encourage public participation	Consultations are published on the Council's websites. In relation to decisions taken by the Council on planning matters, and certain matters under the Licensing Act 2003, members of the public are able to make both written and oral representations to the committee. The Council also operates a petition scheme.
Holding staff to account through regular performance reviews which take account of training or development needs	<p>Staff have access to appropriate induction training, and ongoing training on both an ad hoc and programmed basis relevant to their roles.</p> <p>The annual appraisal process reviews staff performance and also identifies training needs.</p> <p>Staff training takes place both through internal and external provision as appropriate.</p>
Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing	<p>The council has a Health and Wellbeing statement of intent recognizing that the Council's staff are its most valuable asset. The HR Strategy also recognizes the same. The Council has a Joint Employee Consultative Committee which enables employees to raise matters of concern, including health and wellbeing.</p>
6. Managing risks and performance through robust internal control and strong public financial management	
6.1. Managing risk	
Recognizing that risk management is an integral part of all activities and must be considered in all aspects of decision making	<p>Risk management practices are embedded within the organisation through the annual service and strategic planning processes, which is used to develop the Council's vision and objectives. This ensures that risks to the achievement of the Council's objectives are identified and managed appropriately. Risks identified are scored on the basis of their likelihood and impact and existing controls and required actions to further mitigate risks are captured in risk registers. The framework sets out the responsibility of Officers leading on areas with partnership arrangements to ensure that the partner has an adequate risk management strategy and sufficient insurance</p>

	cover to protect the interests of the Council.
Implementing robust and integrated risk management arrangements and ensuring that they are working effectively	<p>The Council has arrangements in place to effectively monitor and manage risks to its business through the:</p> <ul style="list-style-type: none"> • Risk Management Strategy • Corporate Risk Register (Note: this is in the process of being developed and will be reported to Audit Committee in June/July) • Service Risk Registers • Audit Committee role in scrutinising corporate risk • Consideration of risk in all Committee reports • Annual Governance Statement <p>The corporate and service risk registers are updated regularly.</p> <p>Risks associated with decisions are set out on relevant committee, cabinet or council reports.</p> <p>The Council's standard report template requires Officers and Members to carry out a risk assessment of the action recommended in the report ensuring risk is considered in all decision-making of the authority. This assessment also covers legal, financial and value for money considerations and equality issues where relevant.</p>
Ensuring that responsibilities for managing individual risks are clearly allocated.	The service risk registers clearly identify responsibilities for managing individual risks.
6.2. Managing performance.	
Making decisions based on relevant, clear and objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook	The performance of the Council and its partners in achieving its objectives is monitored and measured by services and their respective Service Management Teams and subsequently Management Team and Members. Individual services are accountable to the Corporate Management Team for operational performance monitoring and measurement and are responsible for taking action to correct any adverse performance, in the first instance, as appropriate.
Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organization for which it is responsible (or for a committee system) encouraging effective and constructive	The overview and scrutiny committee is responsible for reviewing and scrutinizing the decisions made by and performance of the Cabinet and/ or Committees/ Advisory Boards and Council Officers. Decisions made by Cabinet, a Committee or by a Cabinet Member acting on the recommendation of an Advisory

<p>challenge and debate on policies and objectives to support balanced and effective decision making</p>	<p>Board can be subjected to scrutiny via a call-in procedure allowing challenge within 5 working days of the decision being taken.</p>
<p>Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement</p>	<p>The Council has in place committees & boards with cross-party representation to ensure effective and robust discussion of issues. Relevant boards, committees and the executive are provided with information reports on a regular basis to provide progress reports on service delivery and outcomes.</p>
<p>Ensuring there is consistency between specification stages (such as budgets) and post-implementation reporting (e.g. financial statements)</p>	<p>The medium-term financial strategy is aligned with the Corporate Strategy. Service priorities are aligned to the Corporate Strategy, which ensures consistency between budget setting and service delivery.</p> <p>Capital schemes are subject to evaluation prior to the approval for implementation; the criteria of the evaluations are set by Council.</p> <p>Following the schemes completion a post implementation review will be prepared and shared with members in order to determine the accuracy of the initial evaluation and identify lessons to be learned and considered in future evaluations.</p>
<p>6.3 Robust internal control</p>	
<p>Ensuring effective counter-fraud and anti-corruption measures are in place</p>	<p>The Council has an effective Internal Audit service and Anti-Fraud service in place. The Council also has an Anti-Fraud and Corruption Policy and Whistleblowing Policy.</p>
<p>Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor</p>	<p>The Council has in place arrangements to effectively monitor and manage risks to its business through the:</p> <ul style="list-style-type: none"> • Risk management strategy • Corporate risk register • Service risk registers
<p>Establishing an audit committee or equivalent group/function which is independent of the executive and accountable to the governing body</p>	<p>The core functions of an audit committee as defined by <i>CIPFA's Audit Committees: Practical Guidance for Local Authorities</i> are fulfilled by the Council's Audit Committee. The Council's</p>

	<p>Constitution sets out the responsibility of the Audit Committee to provide independent assurance of the adequacy of the risk management framework and associated control environment. To do so, the Audit Committee has adopted a Risk Management Strategy that sets out the roles of Officers and Members in the identification and minimisation of risk.</p>
<p>6.4 Managing Data</p>	
<p>Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data</p>	<p>The Council maintains a number of local policies which support and embed information processes. These include</p> <ul style="list-style-type: none"> • Data Protection policy • Information Security policy • Records Management policy • Use of removable media policy • Remote access policy • Social media policy • Information Asset register • Information Governance Policy
<p>Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies</p>	<p>The Council is a signatory to the Kent & Medway Information Sharing Agreement, which prescribes the procedures that are to be followed when sharing data with other public sector bodies in Kent.</p>
<p>Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring</p>	<p>An annual risk-based Internal Audit Plan is prepared to determine the priorities of the internal audit activity, consistent with the organisation's goals. The Plan aims to ensure that sufficient audit assurance work is carried out to enable the Chief Audit Executive to deliver an opinion regarding the adequacy and effectiveness of the internal control arrangements within the Council. Each audit review will cover data quality and accuracy relevant to the subject area.</p>
<p>6.5 Strong public financial management</p>	
<p>Ensuring financial management supports both long-term achievement of outcomes and short-term financial and operational performance</p>	<p>The Council's Financial Procedure Rules support the provision of high quality financial advice. The Council also acts in consultation with stakeholders. The Council's Internal Audit Service provides assurance on the quality of financial and performance data reported.</p> <p>The ongoing budget setting and monitoring process together with the Medium Term Financial Strategy supports the long-term achievement of outcomes and short-term financial and operational performance.</p>

Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls	Annual budgets are set with involvement from budget holders across all council services. The MTFS is set considering longer-term risks.
7. Implementing good practices in transparency, reporting, and audit to deliver effective accountability	
7.1 Implementing good practice in transparency	
Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.	<p>The Council has implemented the mandatory and (where cost effective) recommended principles set out in the Local Government Transparency Code. The Council has set up a steering group which meets to discuss changes to the code and its ongoing implementation.</p> <p>Reports for both historic and prospective meetings of the Council and its committees and boards are made available to the public through the Council's website.</p> <p>Where possible, reports are written in a public-facing and non-technical manner. All reports (save those which are exempt as discussed above) are made public and can be accessed through the Council's website.</p>
Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand	Where possible, reports are written in a public-facing and non-technical manner. All reports (save those which are exempt as discussed above) are made public and can be accessed through the Council's website.
7.2 Implementing good practice in reporting	
Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way	<p>Annual Statement of Accounts report the Council's financial performance against the original estimate set for that financial year. The statement is prepared in accordance with the CIPFA Code for Local Authority Accounting.</p> <p>Included within the financial statements will be a judgement from the Council's external auditors on value for money and adequate use of resources.</p> <p>Included within the financial statements is the Annual Governance Statement this, is approved by Members and signed by the Chief Executive and Leader of the Council and provides evidence on the Councils adherence to the Code of Corporate Governance.</p>
Ensuring members and senior management own the results reported	The Annual Governance Statement is approved by the leader and Chief Executive,

	and the financial statements are considered and approved by Management Team and the Audit Committee.
Ensuring robust arrangements for assessing the extent to which the principles contained in the framework have been applied and publishing the results on this assessment, including an action plan for improvement and evidence to demonstrate good governance (the annual governance statement)	Compliance is reviewed on an annual basis and reported to Audit Committee.
Ensuring that the framework is applied to jointly managed or shared service organisations as appropriate	Where appropriate, the principles will be applied to shared services.
Ensuring that performance information that accompanies the financial statements is prepared on a consistent and timely basis and the statements allow for comparisons with other, similar, organisations.	Performance information is included as part of the budget setting process.
7.3 Assurance and effective accountability	
Ensuring that recommendations for corrective action made by external audit are acted upon	Responsibility for acting upon recommendations from external audit rests with the relevant service, and is monitored through individual service management teams and the corporate management team.
Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon	The Council has an effective internal audit service, and an Audit Committee.
Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations	The Council takes an active part in Peer Reviews.
Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement	Risks are picked up through the contract monitoring process and reported through Audit Committee or a relevant advisory board
Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognized and met	Such arrangements are subject to public reports to each authority in the partnership. The Contracts Procedure Rules also ensure that standard contract terms are imposed ensuring proper accountability.

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

11 April 2017

Report of the Director of Central Services

Part 1- Public

Matters For Decision

1 PROGRAMME OF MEETINGS 2017/18

1.1 This report brings forward for consideration the programme of meetings for 2017/18

1.1.1 Details of the draft proposed programme of meetings for the remainder of this year, for 2018 and to the commencement of the municipal year 2018/19 are set out in the Annex to this report.

1.1.2 In respect of the proposed programme for 2018 onwards the meetings of Area 1 Planning Committee and Tonbridge Forum (marked with an asterisk in the Annex) have yet to be confirmed with the Angel Centre; it has yet to be confirmed that the County Council budget Meeting will be held on 8 February 2018 (with the third Thursday reserved for any incomplete business); and efforts have been made to avoid scheduling meetings during school holiday and political party conference periods.

1.2 Legal Implications

1.2.1 None

1.3 Financial and Value for Money Considerations

1.3.1 Not applicable

1.4 Risk Assessment

1.4.1 Not applicable

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 Recommendations

- 1.6.1 There are a variety of factors which have been taken into account in bringing this draft programme of meetings forward. The aim is to allow Annual Council to approve a schedule which is fixed for the coming year, whilst recognising the need to respond to specific and changing circumstance. It is, therefore, important that any further amendments are incorporated prior to the Annual Council meeting on 16 May 2017.
- 1.6.2 It is RECOMMENDED that the attached programme of meetings be endorsed subject to any amendments following any further considerations and submitted to Annual Council for final confirmation.

Background papers:

contact: Janet Shenton

Nil

Adrian Stanfield
Director of Central Services

Please note that meeting dates are subject to change. Members will be notified of any changes as they occur but are encouraged to refer to the website and Member Calendar.

An * indicates meetings to be held at the Angel Centre.

**TONBRIDGE AND MALLING BOROUGH COUNCIL
PROGRAMME OF MEETINGS 2017/19**

2017

APRIL

Monday	3rd	Audit Committee
Tuesday	11th	COUNCIL
Wednesday	12th	Area 2 Planning Committee
Friday	14th	OFFICES CLOSED – EASTER HOLIDAY
Monday	17th	OFFICES CLOSED – EASTER HOLIDAY
Thursday	27th	Area 3 Planning Committee

MAY

	Monday	1st	OFFICES CLOSED – BANK HOLIDAY
	Thursday	4th	Kent County Council Elections
*	Thursday	11th	Area 1 Planning Committee
	Tuesday	16th	ANNUAL COUNCIL
	Monday	22nd	Economic Regeneration Advisory Board
	Wednesday	24th	Area 2 Planning Committee
	Monday	29th	OFFICES CLOSED – BANK HOLIDAY
	Wednesday	31st	Finance, Innovation and Property Advisory Board

JUNE

	Monday	5th	Street Scene and Environment Services Advisory Board
	Tuesday	6th	Planning and Transportation Advisory Board
	Wednesday	7th	Communities and Housing Advisory Board
	Thursday	8th	Area 3 Planning Committee
	Monday	12th	Joint Transportation Board
	Tuesday	13th	Overview and Scrutiny Committee
	Wednesday	14th	Joint Standards Committee (If required)
	Thursday	15th	Parish Partnership Panel
	Tuesday	20th	Licensing and Appeals Committee (If required)
	Wednesday	21st	Cabinet
	Monday	26th	General Purposes Committee
*	Thursday	29th	Area 1 Planning Committee

JULY

	Monday	3rd	Audit Committee
	Wednesday	5th	Area 2 Planning Committee
	Tuesday	11th	COUNCIL
	Thursday	13th	Area 3 Planning Committee
	Wednesday	19th	Finance, Innovation and Property Advisory Board

Monday	24th	Communities and Housing Advisory Board
Tuesday	25th	Planning and Transportation Advisory Board

AUGUST

*	Thursday	3rd	Area 1 Planning Committee
	Wednesday	16th	Area 2 Planning Committee
	Thursday	24th	Area 3 Planning Committee
	Monday	28th	OFFICES CLOSED – BANK HOLIDAY

SEPTEMBER

	Monday	4th	Audit Committee
	Tuesday	5th	Street Scene and Environment Services Advisory Board
	Wednesday	6th	Economic Regeneration Advisory Board
	Thursday	7th	Parish Partnership Panel
*	Monday	11th	Tonbridge Forum
	Tuesday	12th	Overview and Scrutiny Committee
*	Thursday	14th	Area 1 Planning Committee
	Tuesday	19th	Licensing and Appeals Committee (If required)
	Wednesday	20th	Finance, Innovation and Property Advisory Board
	Monday	25th	Joint Transportation Board
	Wednesday	27th	Area 2 Planning Committee

OCTOBER

	Thursday	5th	Area 3 Planning Committee
	Monday	9th	General Purposes Committee
	Wednesday	11th	Cabinet
	Monday	16th	Joint Standards Committee (If required)
*	Thursday	26th	Area 1 Planning Committee
	Tuesday	31st	COUNCIL

NOVEMBER

	Monday	6th	Street Scene and Environment Services Advisory Board
	Tuesday	7th	Economic Regeneration Advisory Board
	Wednesday	8th	Area 2 Planning Committee
	Monday	13th	Communities and Housing Advisory Board
	Tuesday	14th	Planning and Transportation Advisory Board
	Thursday	16th	Parish Partnership Panel
	Thursday	23rd	Area 3 Planning Committee
	Monday	27th	Joint Transportation Board
	Tuesday	28th	Licensing and Appeals Committee (If required)
*	Thursday	30th	Area 1 Planning Committee

DECEMBER

	Wednesday	13th	Area 2 Planning Committee
	Monday	25th	OFFICES CLOSED – CHRISTMAS HOLIDAY
	Tuesday	26th	OFFICES CLOSED – CHRISTMAS HOLIDAY
	Wednesday	27th	OFFICES CLOSED – CHRISTMAS HOLIDAY

2018

JANUARY

Monday	1st	OFFICES CLOSED – NEW YEAR DAY
Wednesday	3rd	Finance, Innovation and Property Advisory Board
Thursday	4th	Area 3 Planning Committee
Monday	15th	Joint Standards Committee (If required)
* Thursday	18th	Area 1 Planning Committee
Monday	22nd	Audit Committee
Tuesday	23rd	Overview and Scrutiny Committee
Wednesday	24th	Area 2 Planning Committee
Monday	29th	General Purposes Committee
Tuesday	30th	Cabinet

FEBRUARY

Thursday	1st	Area 3 Planning Committee
(Thursday	8th	KCC budget meeting – To be confirmed)
Thursday	8th	Cabinet (Budget Meeting)
Tuesday	13th	COUNCIL (Budget Meeting)
Thursday	15th	Parish Partnership Panel
Monday	19th	Street Scene and Environment Services Advisory Board
Wednesday	21st	Economic Regeneration Advisory Board
* Thursday	22nd	Area 1 Planning Committee
* Monday	26th	Tonbridge Forum
Tuesday	27th	Communities and Housing Advisory Board
Wednesday	28th	Area 2 Planning Committee

MARCH

Thursday	1st	Joint Employee Consultative Committee (Full) (commences 0930hr)
Monday	5th	Joint Standards Committee (If required)
Tuesday	6th	Planning and Transportation Advisory Board
Monday	12th	Joint Transportation Board
Tuesday	13th	Licensing and Appeals Committee (If required)
Tuesday	20th	Cabinet
Thursday	22nd	Area 3 Planning Committee
Friday	30th	OFFICES CLOSED – EASTER HOLIDAY

APRIL

Monday	2nd	OFFICES CLOSED – EASTER HOLIDAY
Tuesday	3rd	Audit Committee
* Thursday	5th	Area 1 Planning Committee
Tuesday	10th	COUNCIL
Wednesday	11th	Area 2 Planning Committee
Thursday	26th	Area 3 Planning Committee

MAY

	Monday	7th	OFFICES CLOSED – BANK HOLIDAY
	Tuesday	15th	ANNUAL COUNCIL
*	Thursday	17th	Area 1 Planning Committee
	Monday	21st	Economic Regeneration Advisory Board
	Wednesday	23rd	Finance, Innovation and Property Advisory Board
	Monday	28th	OFFICES CLOSED – BANK HOLIDAY
	Wednesday	30th	Area 2 Planning Committee

JUNE

	Monday	4th	Street Scene and Environment Services Advisory Board
	Tuesday	5th	Planning and Transportation Advisory Board
	Wednesday	6th	Communities and Housing Advisory Board
	Thursday	7th	Area 3 Planning Committee
	Monday	11th	Joint Transportation Board
	Tuesday	12th	Overview and Scrutiny Committee
	Wednesday	13th	Joint Standards Committee (If required)
	Thursday	14th	Parish Partnership Panel
	Tuesday	19th	Licensing and Appeals Committee (If required)
	Wednesday	20th	Cabinet
	Monday	25th	General Purposes Committee
*	Thursday	28th	Area 1 Planning Committee

JULY

	Wednesday	4th	Area 2 Planning Committee
	Tuesday	10th	COUNCIL
	Thursday	12th	Area 3 Planning Committee
	Monday	16th	Communities and Housing Advisory Board
	Wednesday	18th	Finance, Innovation and Property Advisory Board
	Monday	23rd	Audit Committee
	Tuesday	24th	Planning and Transportation Advisory Board

AUGUST

*	Thursday	2nd	Area 1 Planning Committee
	Wednesday	15th	Area 2 Planning Committee
	Thursday	23rd	Area 3 Planning Committee
	Monday	27th	OFFICES CLOSED – BANK HOLIDAY

SEPTEMBER

	Tuesday	4th	Street Scene and Environment Services Advisory Board
	Wednesday	5th	Economic Regeneration Advisory Board
	Thursday	6th	Parish Partnership Panel
*	Monday	10th	Tonbridge Forum
	Tuesday	11th	Overview and Scrutiny Committee
*	Thursday	13th	Area 1 Planning Committee
	Tuesday	18th	Licensing and Appeals Committee (If required)
	Wednesday	19th	Finance, Innovation and Property Advisory Board

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Wednesday	26th	Area 2 Planning Committee

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Monday	1st	Audit Committee
Thursday	4th	Area 3 Planning Committee
Monday	8th	General Purposes Committee
Wednesday	10th	Cabinet
Monday	15th	Joint Standards Committee (If required)
* Thursday	25th	Area 1 Planning Committee
Tuesday	30th	COUNCIL

NOVEMBER

Monday	5th	Street Scene and Environment Services Advisory Board
Tuesday	6th	Economic Regeneration Advisory Board
Wednesday	7th	Area 2 Planning Committee
Monday	12th	Communities and Housing Advisory Board
Tuesday	13th	Planning and Transportation Advisory Board
Thursday	15th	Parish Partnership Panel
Thursday	22nd	Area 3 Planning Committee
Monday	26th	Joint Transportation Board
Tuesday	27th	Licensing and Appeals Committee (If required)
* Thursday	29th	Area 1 Planning Committee

DECEMBER

Wednesday	12th	Area 2 Planning Committee
Monday	24th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Tuesday	25th	OFFICES CLOSED – CHRISTMAS HOLIDAY
Wednesday	26th	OFFICES CLOSED – CHRISTMAS HOLIDAY

2019

JANUARY

Tuesday	1st	OFFICES CLOSED – NEW YEAR DAY
Thursday	3rd	Area 3 Planning Committee
Wednesday	9th	Finance, Innovation and Property Advisory Board
Monday	14th	Joint Standards Committee (If required)
* Thursday	17th	Area 1 Planning Committee
Monday	21st	Audit Committee
Tuesday	22nd	Overview and Scrutiny Committee
Wednesday	23rd	Area 2 Planning Committee
Monday	28th	General Purposes Committee
Tuesday	29th	Cabinet
Thursday	31st	Area 3 Planning Committee

FEBRUARY

(Thursday	7th	KCC budget meeting – To be confirmed)
Thursday	7th	Cabinet (Budget Meeting)
Tuesday	12th	COUNCIL (Budget Meeting)
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Monday	18th	Street Scene and Environment Services Advisory Board
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* Thursday	21st	Area 1 Planning Committee
* Monday	25th	Tonbridge Forum
Tuesday	26th	Communities and Housing Advisory Board
Wednesday	27th	Area 2 Planning Committee
Thursday	28th	Joint Employee Consultative Committee (Full) (commences 0930hr)

MARCH

Monday	4th	Joint Standards Committee (If required)
Tuesday	5th	Planning and Transportation Advisory Board
Monday	11th	Joint Transportation Board
Tuesday	12th	Licensing and Appeals Committee (If required)
Tuesday	19th	Cabinet
Thursday	21st	Area 3 Planning Committee
Monday	25th	Audit Committee

APRIL

* Thursday	4th	Area 1 Planning Committee
Tuesday	9th	COUNCIL
Wednesday	10th	Area 2 Planning Committee
Friday	19th	OFFICES CLOSED – EASTER HOLIDAY
Monday	22nd	OFFICES CLOSED – EASTER HOLIDAY
Thursday	25th	Area 3 Planning Committee

MAY

Thursday	2nd	BOROUGH COUNCIL ELECTIONS
Monday	6th	OFFICES CLOSED – BANK HOLIDAY
Tuesday	14th	ANNUAL COUNCIL
* Thursday	16th	Area 1 Planning Committee
Monday	20th	Economic Regeneration Advisory Board
Wednesday	22nd	Finance, Innovation and Property Advisory Board
Monday	27th	OFFICES CLOSED – BANK HOLIDAY
Wednesday	29th	Area 2 Planning Committee

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Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

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