

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Committee Services
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11 March 2019

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 19th March, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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| 1. | Apologies for absence | 5 - 6 |
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3. Minutes 9 - 18

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 14 February 2019

4. Matters Referred from Advisory Boards 19 - 36

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

5. Matters Referred from Advisory Panels and Other Groups 37 - 54

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

Matters for Recommendation to the Council

6. Update on the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Adoption of the High Weald Management Plan 55 - 60

Item PE 19/3 referred from Planning and Transportation Advisory Board minutes of 5 March 2019

Executive Non-Key Decisions

7. Innovation Park Medway - Masterplan 61 - 66

The report provides information on the consultation exercise undertaken on the Innovation Park Medway Masterplan and seeks approval to adopt the document for economic development and marketing purposes.

Due to their large size, Appendices 1 and 2 are separate documents.

Matters submitted for Information

8. Strategic Risk Register 67 - 72

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

9. Fair Funding Review 73 - 84

The report provides an overview of the MHCLG consultation paper: "Review of local authorities' relative needs and resources" together with the response agreed in liaison with the Cabinet Member for Finance, Innovation and Property.

10. Business Rates Retention Reform 85 - 96

The report provides an overview of the MHCLG consultation paper: "Business Rates Retention Reform" together with the response agreed with the Cabinet Member for Finance, Innovation and Property.

11. Urgent Items 97 - 98

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

Matters for consideration in Private

12. Exclusion of Press and Public 99 - 100

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

PART 2 - PRIVATE

Executive Non-Key Decisions

13. Debts for Write Off 101 - 102

LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual

Approval of the writing off of debts considered to be irrecoverable.

14. Urgent Items 103 - 104

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

MEMBERSHIP

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

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

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 14th February, 2019

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

Councillors Mrs J A Anderson, O C Baldock, M C Base, D J Cure, Mrs A S Oakley, M Parry-Waller, M R Rhodes and A K Sullivan were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 19/1 DECLARATIONS OF INTEREST

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

CB 19/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 October 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 19/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy and accompanying Risk Management Guidance which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. The report also provided an update on the risk management process and the Strategic Risk Register.

It was noted that the Audit Committee at its meeting on 21 January 2019 had endorsed the strategy and commended it for adoption by the Council.

RECOMMENDED: That the Risk Management Strategy and accompanying Risk Management Guidance be adopted by the Council.
***Referred to Council**

CB 19/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine

months of the current financial year and an introduction to the 2019/20 Treasury Management and Annual Investment Strategy. Members were invited to recommend adoption of the Strategy by the Council.

It was noted that the Audit Committee at its meeting on 21 January 2019 had reviewed and endorsed the matters covered by the report.

The Cabinet acknowledged the work of officers involved in the Council's treasury management.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2018 and the higher level of income incorporated in the 2018/19 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2019/20, as set out at Annex 4 to the report, be adopted.

***Referred to Council**

CB 19/5 SETTING THE BUDGET 2019/20

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2019/20. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee and the suggested reviews of Disabled Facilities Grants, Public Health and Community Safety Partnerships.

The Director of Finance and Transformation explained that the final local government settlement had now been received and did not differ significantly from the multi-year settlement except for removal of the "negative RSG" payment for one year. She indicated that this contributed to the relatively positive position for Tonbridge and Malling together with the fact that the baseline for payment of New Homes Bonus would remain at 0.4%, and the Secretary of State's decision to maintain the threshold for triggering a referendum on council tax increase at the higher of 3% or £5. However, Members were advised that the settlement should be viewed in the context of a lack of information about future years' funding and impact on the funding gap which would have to be revisited in the light of the outcome of the 2019 Spending Review and Fair Funding Review. In addition, the Kent and Medway authorities' bid for the next pilot in respect of 75% business rates retention had failed despite the success of the previous pilot.

The report also suggested a mechanism for responding to two further

consultation papers on the review of relative needs and resources and business rates retention reform published alongside the provisional settlement.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2019 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2019/20 and calculating the council tax. For the purposes of updating the MTFs a council tax increase of around 3% in 2019/20 had been assumed, followed by an increase of £5 year on year thereafter. The Cabinet deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFs for the next ten year period and setting the council tax for 2019/20. Members were advised of details of special expenses for 2019/20.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected “funding gap”. Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on latest projections of £550,000 would be delivered.

RECOMMENDED: That

- (1) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to respond to the two further papers published alongside the provisional settlement, as supported by the Finance, Innovation and Property Advisory Board and detailed at paragraph 1.2.11 of the report.
- (2) the Overview and Scrutiny Committee be asked to review the service areas Disabled Facilities Grants, Public Health and Community Safety Partnership, as detailed at paragraph 1.5.2 of the report;
- (3) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D190005CAB to D190013CAB);
- (4) the Capital Plan be updated as set out in paragraph 1.7.15 to the report and adopted accordingly and the Scape Minor Works Framework, Kier Construction Limited, being the framework

contractor, be used to procure the planned major programme of works at Larkfield Leisure Centre;

- (5) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 9 January and the Overview and Scrutiny Committee on 22 January 2019 be endorsed and adopted by the Council;
- (6) the prudential indicators listed in paragraphs 1.8.7 and 1.8.11 of the report be endorsed and adopted;
- (7) for the financial year 2019/20 the Council's Minimum Revenue Provision, as set out at paragraph 1.8.14 of the report, be noted as nil;
- (8) the proposed increase in the minimum General Revenue Reserve balance from £2.0m to £3.0m, as detailed at paragraph 1.10.5 of the report, be noted and endorsed;
- (9) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, be noted and endorsed;
- (10) the Council be recommended to approve a council tax increase of 2.99% or £6.08 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2019/20;
- (11) the updated Savings and Transformation Strategy detailed at Annex 11c to the report, including the proposed scale and timing of each of the required savings and transformation contributions set out at paragraph 1.11.6 of the report, be noted and endorsed;
- (12) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed; and
- (13) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed.

***Referred to Council**

CB 19/6 SETTING THE COUNCIL TAX FOR 2019/20

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2019/20 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to

be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 19 February 2019.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.99% or £6.08 per annum increase in the Borough Council's element of the council tax for 2019/20, representing a notional "average" charge at Band D of £209.50.

***Referred to Council**

CB 19/7 BREXIT PREPAREDNESS

The Cabinet received the recommendations of the Overview and Scrutiny Committee at its meeting of 22 January 2019 following consideration of a report on a range of initiatives being pursued to ensure that the Borough Council was prepared to maintain business continuity in response to the possible impact of Brexit.

RECOMMENDED: That

- (1) the report be noted and further updates be provided as more information becomes available; and
- (2) the current urgency provisions in the Council's Constitution and Policy Framework be extended to include "arrangements for decision making during a period of serious and/or unexpected disruption".

***Referred to Council**

CB 19/8 CHERRY ORCHARD/BRAMPTON FIELD, DITTON

Item SSE 18/20 referred from Street Scene and Environment Services Advisory Board minutes of 5 November 2018

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting of 5 November 2018 regarding concerns about the condition and excessive height of a row of conifer trees on Council owned land between Cherry Orchard and Brampton Field, Ditton.

RECOMMENDED: That

- (1) the existing row of conifers on Council owned land between Cherry Orchard and Brampton Field be removed as soon as is practicable;
- (2) suitable replacement trees be planted on the Council's open space, in liaison with the local Members; and

- (3) urgency proceedings be invoked to secure the required budget to progress the works, in accordance with Financial Rules 15.1 and 15.2, with reports from the Chief Executive submitted to future meetings of the Executive and the Overview and Scrutiny Committee.

***Referred to Council**

CB 19/9 REVENUES AND BENEFITS UPDATE REPORT

Item FIP 19/10 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 regarding the adoption of schemes for Retail Discount and Council Tax Reduction for 2019/20, removal of Class C empty property discount and adoption of the long term empty homes premium of 100%.

RECOMMENDED: That

- (1) the change to the Class C discount be implemented from 1 April 2019 and a report be submitted during 2019/20 regarding any implications;
- (2) the long term empty homes premium of 100% be applied from 1 April 2019;
- (3) a local scheme be adopted for the retail discount to be awarded in line with the discretionary relief policy and MHCLG guidance from 1 April 2019 and the scheme be made available at the full Council meeting;
- (4) delegated authority be given to the Director of Finance and Transformation to grant relief in accordance with the adopted retail discount scheme, subject to any disputed entitlement to relief being referred to the Advisory Board; and
- (5) the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2019/20 (to be made available at the full Council meeting) be effective from 1 April 2019.

***Referred to Council**

CB 19/10 REVENUE ESTIMATES 2019/20

Item FIP 19/8 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 in relation to the formulation of initial draft proposals in respect of the Budget. All

budgetary matters were considered in detail in the substantive item on Setting the Budget 2019/20.

CB 19/11 CAPITAL PLAN REVIEW 2018/19

Item FIP 19/9 referred from Finance, Innovation and Property Advisory Board minutes of 9 January 2019

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 9 January 2019 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2019/20.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 19/12 REVIEW OF FEES AND CHARGES - STREET SCENE AND ENVIRONMENT SERVICES

Decision Notice D190005CAB

CB 19/13 REVIEW OF CEMETERY CHARGES 2019/20

Decision Notice D190006CAB

CB 19/14 EXTENSION OF GROUNDS MAINTENANCE CONTRACT

Decision Notice D190007CAB

CB 19/15 REVIEW OF HOUSES IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES FOR 2019/20

Decision Notice D190008CAB

CB 19/16 REVIEW OF THE PLANNING APPLICATION CHARGING REGIME

Decision Notice D190009CAB

CB 19/17 REVIEW OF FEES AND CHARGES 2019/20 - FINANCE, INNOVATION AND PROPERTY

Decision Notice D190010CAB

CB 19/18 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D190011CAB

CB 19/19 PROPOSED 3% SURCHARGE ON BUILDING CONTROL STANDARD CHARGES

Decision Notice D190012CAB

CB 19/20 FIXED PENALTY NOTICES FOR LITTERING

Decision Notice D190013CAB

CB 19/21 REVIEW OF PROVISION OF PUBLIC CONVENIENCES

Decision Notice D190014CAB

CB 19/22 ROAD CLOSURES REVIEW

Decision Notice D190015CAB

CB 19/23 PLANNING ENFORCEMENT PLAN

Decision Notice D190016CAB

CB 19/24 CYBER SECURITY

Decision Notice D190017CAB

MATTERS SUBMITTED FOR INFORMATION**CB 19/25 MATTERS REFERRED FROM ADVISORY BOARDS**

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

Street Scene and Environment Services Advisory Board of 5 November 2018

Economic Regeneration Advisory Board of 6 November 2018

Communities and Housing Advisory Board of 12 November 2018

Planning and Transportation Advisory Board of 13 November 2018

Finance, Innovation and Property Advisory Board of 9 January 2019

Street Scene and Environment Services Advisory Board of 11 February 2019

RESOLVED: That the report be received and noted.

CB 19/26 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being

incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 15 November 2018
Joint Transportation Board of 26 November 2018

RESOLVED: That the report be received and noted.

CB 19/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.41 pm

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Agenda Item 4

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

ECONOMIC REGENERATION ADVISORY BOARD

Wednesday, 20th February, 2019

Present: Cllr B J Luker (Chairman), Cllr T Bishop, Cllr T I B Cannon, Cllr R W Dalton, Cllr Mrs S L Luck, Cllr Miss J L Sergison, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

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

Apologies for absence were received from Councillors R P Betts, J L Botten, R D Lancaster, L J O'Toole and C P Smith

ERG 19/1 DECLARATIONS OF INTEREST

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

ERG 19/2 MINUTES

RESOLVED: That the notes of the meeting of the Economic Regeneration Advisory Board held on 6 November 2018 be approved as a correct record and signed by the Chairman.

ERG 19/3 PRESENTATION: TRANSPORT AND LOGISTICAL EFFICIENCIES (TALE) INITIATIVE

On behalf of the Haven Gateway Partnership who were unable to attend the meeting, the Economic Regeneration Officer provided an overview of the Transport and Logistical Efficiencies (TALE) initiative, which offered free support and funding contributions for logistics businesses.

Small and medium sized businesses in the transport and logistics sector, as well as businesses with a transport and logistic function within their business, were offered advice on improving cyber security, complying with general data protection regulations (GDPR); reducing costs and growing sales, launching new products and implementing innovation aimed at improving business efficiencies. Funding was available until 2021.

A free Cyber Security Workshop was to be held on Wednesday 27 March 2019 in Tunbridge Wells.

MATTERS FOR RECOMMENDATION TO THE CABINET**ERG 19/4 FUTURE HIGH STREETS FUND - EXPRESSION OF INTEREST**

Decision Notice D190018MEM

The report of the Chief Executive set out information on the Future High Streets Fund and sought approval for submission of an Expression of Interest for Tonbridge, which had to be submitted to the Ministry of Housing, Communities and Local Government by 22 March 2019.

Members were advised that the main objective of the Fund was to renew and reshape town centres and high streets in a way that improved experience, encouraged growth and ensured future sustainability. Based on the scope and eligibility criteria it was suggested that an Expression of Interest be submitted for Tonbridge as it was classified in the draft Local Plan as the only town centre within the borough. This also offered an opportunity for further regeneration of the town centre.

It was noted that this was likely to be a very competitive funding stream and that as Tonbridge faced significant challenges it represented the strongest chance of success. Members asked that air quality measures and improvements to the overall appearance of the town centre be considered as part of the Expression of Interest submission.

Reference was made to the Borough Council's recently announced grants for shop front improvements which offered alternative funding opportunities for other retail centres in the borough. Small retailers in Tonbridge, West Malling, Borough Green, Snodland, Hadlow, Larkfield, Kings Hill, East Peckham, Aylesford and Wrotham would be advised of the scheme in the next couple of weeks.

RECOMMENDED: That

- (1) the content of the report be noted; and
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and the Director of Central Services, in consultation with the Leader, the Cabinet Member for Finance, Innovation and Property and the Cabinet Member for Strategic Planning and Infrastructure, to finalise an Expression of Interest and submit to the Ministry of Housing, Communities and Local Government by 22 March 2019.

ERG 19/5 FAIRTRADE TONBRIDGE ACTION PLAN

Decision Notice D190019MEM

The report sought endorsement of an Annual Action Plan 2019 following the success of Tonbridge in securing Fairtrade Town Status in October

2018. In addition, the Fairtrade resolution approved by the Borough Council in February 2018 had been reviewed and it was proposed that this was updated to reflect that Fairtrade status had been achieved, a Steering Group was in operation and Fairtrade products had been used at some Borough Council events.

The Chairman of the Tonbridge Fairtrade Steering Group (Councillor Tombolis) indicated that significant progress had been made and a number of objectives had already been achieved. It was also important to note that there were multiple benefits to the town for tourism and improved engagement and co-operation between various organisations based in Tonbridge.

Members welcomed the progress made so far, recognised that the initiative had to be consumer driven and commented on the feasibility of relevant Chamber of Commerce organisations introducing Fairtrade into their towns.

RECOMMENDED: That

- (1) the Annual Action Plan, as set out in Appendix 1 to the report, be endorsed; and
- (2) the resolution, set out in full in paragraph 1.3.1 of the report and summarised above, be approved.

MATTERS SUBMITTED FOR INFORMATION

ERG 19/6 UPDATE ON THE BOROUGH ECONOMIC REGENERATION STRATEGY ACTION PLAN 2018/19

A detailed overview of the progress made in delivering the Borough Economic Regeneration Strategy Action Plan 2015-2019 during 2018/19 was provided in the report of the Chief Executive. It was noted that as the new Economic Regeneration Strategy 2019-23 would be presented to the next meeting of the Advisory Board the report focused on the progress made during 2018/19.

Overall good progress had been made across a wide range of initiatives, as illustrated in Appendix 1 to the report. It was reported that some actions were progressing slower than originally envisaged. These included applications for the Kent and Medway Business Fund and the West Kent LEADER funding.

However, there had been a number of achievements over the period and these included the opening of the Castle Lodge Co-working space in Tonbridge, expansion of business engagement events, successful expansion of the West Kent Enterprise Adviser Network and the delivery of a programme of employability events such as Jobs and Training Fairs.

In addition Appendix 2 to the report showed how the local economy had fared during the period 2011-2017 in comparison to other West Kent authorities, Kent and Great Britain. It was reported that overall Tonbridge and Malling had performed well, despite an increase of VAT de-registrations between 2014-17 and Employment Support Allowance claimant numbers remaining static.

The Cabinet Member for Economic Regeneration advised that the Borough Council were hoping to lease further office space in Gibson Building to support local businesses. Options were currently being explored with Deskrenters.

Members were pleased to note that the West Kent Enterprise Adviser Network was building upon its success and was considered an example of best practice.

ERG 19/7 WEST KENT PARTNERSHIP

The report highlighted matters arising from the meeting of the West Kent Partnership held on 11 January 2019. Particular reference was made to a discussion on shared issues across West Kent which focused on the greater need for employment space, urban and rural development, broadband connectivity and fostering successful High Streets.

Reference was made to plans for a Rural Focus event later in the year and clarification would be sought on the venue.

MATTERS FOR CONSIDERATION IN PRIVATE

ERG 19/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 26th February, 2019

Present: Cllr M R Rhodes (Chairman), Cllr Miss G E Thomas (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr D J Cure, Cllr R W Dalton, Cllr D Keeley, Cllr Mrs A S Oakley, Cllr M Parry-Waller and Cllr T B Shaw

Councillors O C Baldock, Mrs P A Bates, T Bishop, M A Coffin, Mrs M F Heslop, N J Heslop, D Lettington, B J Luker and P J Montague were also present pursuant to Council Procedure Rule No 15.21.

Mr A Nicholl (Tonbridge Sports Association) was also present

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

PART 1 - PUBLIC

CH 19/1 DECLARATIONS OF INTEREST

Councillor Mrs Anderson declared an interest in the item on Key Voluntary Sector Bodies Grant Support on the grounds that she was a customer of the Imago Dial 2 Drive service. She withdrew from the meeting and took no part in the voting thereon to avoid any "apparent bias". Councillors Mrs Brown and Luker also declared Other Significant Interests in that item on the grounds that they were the Council's representatives on Maidstone Mediation Scheme and Age Concern (Malling) respectively and withdrew from the meeting during their consideration.

In the interests of transparency, Councillor N Heslop advised that he was a member of the Board of the Bridge Trust. Councillor Montague indicated that he was a member of the Tonbridge Invicta Football Club, a user of Tonbridge Racecourse Sportsground referred to in the item on Capital Plan Projects.

CH 19/2 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Housing Advisory Board held on 12 November 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET**CH 19/3 TONBRIDGE ALLOTMENTS ASSOCIATION - PROPOSED CHARGES**

Decision Notice D190020MEM

The report of the Director of Street Scene, Leisure and Technical Services brought forward for approval a proposed review of charges for allotments in Tonbridge which were managed and maintained on behalf of the Council by the Tonbridge Allotments and Gardens Association. It was noted that the last increase in charges had been implemented in October 2015.

RECOMMENDED: That the proposed increase in charges for Tonbridge Allotments, as detailed in the report and in line with a request from the Tonbridge Allotments Association, be approved and implemented with effect from 1 October 2019.

CH 19/4 HAYSDEN COUNTRY PARK - USER SURVEY RESULTS

Decision Notice D190021MEM

The report of the Director of Street Scene, Leisure and Technical Services gave details of the results of the 2018 casual user survey carried out at Haysden Country Park which showed high levels of user satisfaction. Potential improvements were brought forward for consideration.

It was requested that thanks be conveyed to the rangers and volunteers.

RECOMMENDED: That

- (1) the 2018 casual user market survey results for Haysden Country Park be noted; and
- (2) improvements be progressed in accordance with the approach outlined in the report and be included within the next Management Plan for the Park.

CH 19/5 CAPITAL PLAN PROJECTS

Decision Notice D190022MEM

The report of the Director of Street Scene, Leisure and Technical Services gave details of progress with key projects included in the Council's Capital Plan and presented three post implementation reviews for consideration.

RECOMMENDED: That

- (1) the updates on the current schemes within the Capital Plan, as shown at Annex 1 to the report, be noted;
- (2) the post implementation review for Leybourne Lakes Country Park Car Park Extension, as shown at Annex 2 to the report, be approved;
- (3) the post implementation review for Tonbridge Memorial Garden, as shown at Annex 3 to the report, be approved; and
- (4) the post implementation review for Larkfield Leisure Centre Health Suite, as shown at Annex 4 to the report, be approved.

CH 19/6 ROUGH SLEEPING UPDATE

Decision Notice D190023MEM

The report of the Director of Planning, Housing and Environmental Health gave an update on the number of rough sleepers in the Borough following the recent annual estimate and presented details of the Council's response to the rise in rough sleeping based on four distinct workstreams.

RECOMMENDED: That

- (1) the rise in rough sleeping in the Borough be acknowledged together with the work identified to prevent the upward trend from continuing and the number of rough sleepers escalating;
- (2) the role of the Council in co-ordinating agency responses to reports of rough sleepers via the delivery of a joint protocol be endorsed;
- (3) the revised Severe Weather Emergency Protocol (SWEP) be approved in recognition of the more flexible approach the Council will take to ensure the health and wellbeing of those who may be sleeping rough on the streets;
- (4) the development of a feasibility study considering the role of a night shelter be supported; and
- (5) the bid made to the Ministry of Housing, Communities and Local Government (MHCLG) for funding to support the work around rough sleeping be endorsed.

CH 19/7 HOUSES IN MULTIPLE OCCUPATION

Decision Notice D190024MEM

The report of the Director of Planning, Housing and Environmental Health gave details of the amenity standards for Houses in Multiple Occupation (HMOs) that enforcement officers would apply when inspecting HMOs to determine whether they were suitable for occupation by a maximum number of households or persons. The updated standards reflected legislative changes in respect of mandatory national minimum sleeping room sizes and waste disposal provision.

RECOMMENDED: That the amenity standards for houses in multiple occupation set out at Annex 1 to the report be endorsed.

CH 19/8 HOUSING ASSISTANCE POLICY AMENDMENTS

Decision Notice D190024MEM

The report of the Director of Planning, Housing and Environmental Health proposed some minor amendments to the Housing Assistance Policy to update the Warm Homes Assistance Scheme eligibility criteria to reflect the changes to the Government's Energy Company Obligation scheme. Details were also given of circumstances where private landlords would be provided with Warm Homes Assistance.

RECOMMENDED: That the proposed amendments to the Housing Assistance Policy, as set out in the report and at Annex 1 thereto, be approved.

CH 19/9 UPDATED SAFEGUARDING POLICY AND REPORTING PROCEDURE

Decision Notice D190026MEM

The report of the Chief Executive sought approval of amendments to the Council's Safeguarding Policy and Reporting Procedure to reflect changes to policy and legislation. Whilst much of the detail remained the same, the report highlighted the significant changes leading to the update.

RECOMMENDED: That the updated Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk set out at Annex 1 to the report be approved.

CH 19/10 KEY VOLUNTARY SECTOR BODIES - GRANT SUPPORT

Decision Notice D190027MEM

The report of the Chief Executive gave details of summaries of progress achieved against the objectives set out in the Service Level Agreements with a number of key voluntary sector bodies at the end of the final year of the agreements. Consideration was then given to grant support for 2019/20. It was noted that each organisation would be required to submit copies of their accounts and a forward budget before any payment was made.

RECOMMENDED: That subject to receipt of satisfactory accounts and business plans, the following grants be confirmed for the period 1 April 2019 – 31 March 2020:

Citizens Advice North and West Kent (CANWK) - £95,000
Age Concern Malling - £8,000
Age UK Sevenoaks and Tonbridge - £8,000
Maidstone and West Kent Mediation Schemes - £4,800
Imago - £4,000
Involve - £4,000

MATTERS SUBMITTED FOR INFORMATION**CH 19/11 LEISURE TRUST UPDATE**

The report of the Director of Street Scene, Leisure and Technical Services reviewed recent performance of the Tonbridge and Malling Leisure Trust and provided an update on the major capital plan scheme for Larkfield Leisure Centre due to commence later in the year. Members and users would be notified when a more detailed programme for the works was available.

CH 19/12 COMMUNITY SAFETY PARTNERSHIP UPDATE

The report of the Director of Central Services gave an update on latest crime statistics released at the end of December 2018. It was noted that whilst there had been an increase in the number of crimes recorded, Tonbridge and Malling remained a safe place and continued to have the third lowest crime rates in Kent.

The report also gave details of recent activities undertaken by the Community Safety Partnership including a successful prosecution for breach of a Community Protection Notice and leading in the development of a pilot scheme for perpetrators of domestic violence, further information on the progress of which would be reported to a future meeting.

**CH 19/13 KENT COUNTY COUNCIL - REVIEW OF LIBRARIES,
REGISTRATION AND ARCHIVES 2019/20**

The report of the Chief Executive referred to the County Council's consultation on a review of Libraries, Registration and Archives. A copy of a response by the Cabinet Member for Community Services was annexed to the report, making representations in relation to concerns about the proposed reductions in opening hours of a number of libraries in Tonbridge and Malling. Members were advised that the consultation period had now ended and analysis of the results would be reported to the relevant County Council board in March.

MATTERS FOR CONSIDERATION IN PRIVATE**CH 19/14 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 5th March, 2019

Present: Cllr D A S Davis (Chairman), Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr V M C Branson, Cllr M O Davis, Cllr D Keers, Cllr Mrs F A Kemp, Cllr M Parry-Waller, Cllr S C Perry, Cllr A K Sullivan and Cllr M Taylor

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr D J Cure, Cllr R W Dalton, Cllr N J Heslop, Cllr D Lettington, Cllr B J Luker, Cllr Mrs A S Oakley, Cllr H S Rogers and Cllr T C Walker were also present pursuant to Council Procedure Rule No 15.12.

Apologies for absence were received from Councillors J L Botten (Vice-Chairman), P F Bolt, T Edmondston-Low, R D Lancaster and R V Roud

PE 19/1 DECLARATIONS OF INTEREST

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

Councillor M Balfour declared a Disclosable Pecuniary Interest in the agenda item relating to the Kent Minerals and Waste Local Plan 2013 – 2030 on the grounds that a family member had an interest in one of the consultation sites. He withdrew from the meeting for this item and took no part in the discussion. Councillor Balfour also advised that he was the Vice-Chairman of the Kent Downs Area of Outstanding Natural Beauty (AONB) Joint Advisory Committee and was a member of the Management Board of the High Weald AONB Joint Advisory Committee.

For reasons of transparency Councillor H Rogers indicated that a site in Hadlow, for which he was the local ward member, was part of the Kent Minerals Consultation and he was also a member of the Kent Downs Joint Advisory Committee. As neither of these represented a Disclosable Pecuniary or Other Significant Interest Councillor Rogers was not required to leave the meeting and participated in the discussion.

PE 19/2 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2019 be approved as a correct record and signed by the Chairman.

**PE 19/3 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING
NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION
OF THE HIGH WEALD MANAGEMENT PLAN**

The report of the Director of Planning, Housing and Environmental Health provided an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the High Weald AONB Management Plans. In addition, the adoption of the High Weald AONB Management Plan was recommended.

RECOMMENDED: That

- (1) the High Weald AONB Management Plan 2019-2024 be adopted as a material planning consideration by 31 March 2019; and
- (2) the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless, and until, a revised and amended Plan has been agreed and adopted by all Local Authorities.

***Referred to Cabinet**

**PE 19/4 KENT MINERALS AND WASTE LOCAL PLAN 2013-2030 AND THE
DRAFT MINERALS SITE PLAN - RESPONSE TO CONSULTATION**

Decision Notice 190028MEM

The report provided details of the Kent County Council review of the Kent Minerals and Waste Local Plan 2013 – 2030 and the Draft Minerals Site Plan and recommended an officer level response to the consultation being carried out under Regulation 19. The deadline for response was Friday 8 March 2019.

Members were advised of the importance of responding to the consultation as both Plans would form part of the Tonbridge and Malling Development Plan. This meant that the policies and site allocations proposed by Kent County Council might have implications for the Borough Council's planning functions and future decision making.

There were two sites proposed of relevance to Tonbridge and Malling and these were an extension to the Stonecastle Farm quarry at Hadlow and a new quarry at Moat Farm, Five Oak Green.

Significant concerns were raised regarding the protection and restoration of land once quarrying had ceased and preference was expressed for the site at Stonecastle Farm, Hadlow to be returned to agricultural use. In addition, concern was expressed at the impact of the quarry extension on the green belt; residential amenity and heritage assets; flooding and

transport issues and the cumulative effect of both sites (Stonecastle Farm, Hadlow and Moat Farm, Five Oak Green) on the area.

Finally, reference was made to the proposed access on to the main A228 highway from Stonecastle Farm and strong concerns were raised regarding any proposed alternative access on to Hartlake Road given the rural nature of the local highway network.

Many of these concerns had also been raised by the Member of Parliament for Tonbridge (Tom Tugendhat) in correspondence viewed and shared by the Cabinet Member for Strategic Planning and Infrastructure.

RECOMMENDED: That

- (1) subject to the concerns raised by Members and summarised above, the proposed responses set out at paragraphs 1.3, 1.5 and 1.6 of the report form the basis of the Borough Council's formal response to the Kent County Council Regulation 19 consultation; and
- (2) the proposed response be finalised in consultation with the Cabinet Member for Strategic Planning and Infrastructure and submitted by the consultation deadline of Friday 8 March 2019.

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution Councillor M Taylor asked that his vote against the recommendation to submit a formal response in the terms set out be recorded.]

PE 19/5 TRANSPORTATION UPDATE

Decision Notice 190029MEM

The report provided an overview of a Department for Transport (DfT) consultation related to the introduction of smart ticketing on the rail network in the wider South East. There was specific reference to the South Eastern route and stations in the Borough.

Members welcomed the introduction of smart ticketing and asked that any potential impacts on super saver and off peak tickets be considered as part of the consultation.

RECOMMENDED: That

- (1) the content of the report be noted; and
- (2) the issues raised in response to the Pay-as-you-go rail consultation, set out in the report and summarised in paragraphs

1.3.1 – 1.3.4, be agreed and submitted to the Department for Transport by 1 May 2019.

PE 19/6 LOCAL PLAN UPDATE

Decision Notice 190030MEM

The Director of Planning, Housing and Environmental Health provided an update in respect of the Local Plan submission to the Secretary of State in January and advised of preparations for the Examination.

It was reported that the Planning Inspectorate had confirmed receipt of the submission and advised of the appointment of two Planning Inspectors, who would consider all of the submitted documents before liaising with the Local Planning Authority (LPA) in preparation for the Local Plan Examination. It was expected that this would take place later this year based on current practice.

Members were advised that continuous dialogue between the LPA and the Inspectors was extremely important and considered best practice. It was noted that the Inspectors might take the opportunity to ask questions of the LPA in advance of setting out the matters that would be considered at the Examination. This had been evidenced in a recent letter received from the Inspector and published to the website. To avoid confusion, it was explained that this was to clarify some points regarding the submission and did not mean that the submission was unacceptable. This was part of the usual activity during the examination phase of plan making.

Good progress had been made on redacting personal information from the responses made during the Regulation 19 public consultation and the first tranche had been published to the website. It was hoped that the remaining responses would be available on the website by the end of March 2019.

All information related to the Local Plan Examination would be published to the Borough Council's website as it became available. The Examination documents, including the Inspectors letter, could be found on: www.tmbc.gov.uk/lpexamdocs; whilst the Regulation 19 representations were available on www.tmbc.gov.uk/reg19reps

Finally, the Director of Planning, Housing and Environmental Health indicated that Members would be notified when anything significant was published to the Local Plan webpages so that the correct context could be provided.

RECOMMENDED: That

- (1) the content of the report be noted; and

- (2) the Director of Planning, Housing and Environmental Health, in consultation with the Leader, Deputy Leader and Cabinet Member for Strategic Planning and Infrastructure, be given delegated authority to liaise with the Local Plan Inspectors and undertake any activity necessary to comply with their requirements and requests.

PE 19/7 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.55 pm

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Agenda Item 5

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

Thursday, 7th February, 2019

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin (Vice-Chairman), Cllr Mrs S M Barker, Cllr R P Betts, Cllr T I B Cannon, Cllr R W Dalton, Cllr D Lettington, Cllr B J Luker, Cllr D Markham and Cllr T B Shaw.

Together with representatives from Addington, Aylesford, Birling, Borough Green, Burham, Hadlow, Hildenborough, Kings Hill, Platt, Plaxtol, Ryarsh, Snodland, Wateringbury, Wouldham and Wrotham Parish and Town Councils and County Councillors Mrs S Hohler and Mr H Rayner.

Councillors O C Baldock and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, R V Roud, Ditton, Ightham Parish Council and Mr P Homewood

PART 1 - PUBLIC

PPP 19/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 15 November 2018 be approved as a correct record and signed by the Chairman.

PPP 19/2 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

The Chairman referred to Minute Number PPP 18/24 and advised that the outcomes of the Polling District Review would be reported later in the meeting. There were no other actions identified which required an update.

PPP 19/3 LOCAL ELECTIONS - GUIDANCE FOR PARISH AND TOWN COUNCILS

The Elections Manager (Daune Ashdown) referred to the timetable for the upcoming borough and parish elections on Thursday 2 May 2019 and outlined the key dates of importance.

Nominations would be accepted from Tuesday 19 March until 1600 hours on Wednesday 3 April. The deadline to apply for postal votes was 1700 hours on Monday 15 April.

All parish councils were requested to use the nomination forms available from the Electoral Commission as these had been revised since the last election and reflected that it was no longer necessary to include a home address.

Information related to election expenses would be circulated to all parish clerks and a return form had to be submitted even if no expenses were incurred or there was no election being held. Further advice was available from the Electoral Commission.

It was intended to undertake the count on Friday 3 May at Larkfield Leisure Centre.

Finally there would be a further briefing session for parish councils related to polling day on Thursday 11 April and details would be circulated in due course.

PPP 19/4 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Elections Manager reported on the Review of Polling Districts and Polling Places and advised that the representations received as part of the consultation, which had ended in December, had been given careful consideration by the Electoral Review Working Group and the General Purposes Committee on 14 and 28 January 2019 respectively.

It was indicated that there had been in-depth and robust discussions and a number of views had been considered. The final proposals would be considered by Council on 19 February 2019 and any changes arising from these would be made to the Register with effect from 1 March 2019.

Finally, it was noted that all information related to the consultation and review would be published online once final proposals had been agreed.

PPP 19/5 PREPARATIONS FOR BREXIT

In opening the discussion, the Chairman, in his role as Leader of the Borough Council, indicated that all levels of government had a responsibility to be prepared for Britain's departure from the European Union. The Borough Council had plans in place for various emergency situations and planning for Brexit was an extension of these measures.

Reference was made to the report to Overview and Scrutiny Committee of 22 January 2019 (attached for information), which advised of a range of initiatives being considered by the Borough Council to ensure that business continuity was maintained in the light of possible disruption related to Brexit issues.

A key concern for Tonbridge and Malling would be the potential significant traffic congestion affecting the M20/A20/M26 corridor and surrounding roads should there be severe delays at Kent ports.

The Head of Kent County Council Resilience and Emergency Planning and the Kent Resilience Forum (Fiona Gaffney) was invited to comment on the latest position regarding countywide preparations. It was acknowledged that Brexit might represent a significant challenge and there could be considerable impact on the ports, Eurotunnel and surrounding road network. Traffic management and transport plans were being developed, in liaison with local district/borough councils, the Kent Association of Local Councils, distribution centres and haulage organisations, as the importance of maintaining supply chains and keeping traffic moving was recognised.

There was also a focus on Community Impact Assessments to understand the issues that could affect local communities, such as becoming isolated in the event of gridlock on minor roads. In addition, consideration was being given to ensuring that all key partner websites were updated regularly to offer 'real time' guidance and advice.

The following concerns and points were raised, discussed and noted:

- The significant impact on the M20/M26/M2 and other road networks within the borough
- Options being considered to alleviate the pressures on these road networks
- Plans being developed to address the instruction of the Department for Transport to keep the M20 open and traffic flowing
- Uncertainty around the proposals for a lorry park on the M26 and its status
- The unintended consequences to the surrounding road network if the M26 was used as a lorry park
- Clarification that Operation Brock was an initiative to keep the M20 open by queuing freight traffic and having a contraflow in place for non-freight traffic
- The request to have dedicated websites to provide latest information regarding traffic and supply chains
- Preparations for enforcement around non-compliance of freight drivers to avoid minor roads

In summary, Members expressed severe concern around the ability of the local road network to cope should the significant numbers of freight predicted arise and stressed the importance of listening to local communities who had experience of the issues.

PPP 19/6 KENT POLICE SERVICES UPDATE

Inspector Rothwell had submitted apologies and due to operational pressures other representatives of Kent Police were unable to attend the meeting. However a written report had been submitted for information, which set out details of a number of recent initiatives and operations.

Further information on any of the items raised in the Kent Police Services Update report was available by contacting Kent Police direct. Alternatively, any specific community issues could be passed to the Democratic Services Officer (allison.parris@tmhc.gov.uk) to forward to Kent Police.

PPP 19/7 KENT COUNTY COUNCIL SERVICES UPDATE

The County Councillors for Malling North (Councillor Sarah Hohler) and Malling West (Councillor Harry Rayner) provided an update on key points of relevance to the Malling Division and the headline messages included:

- The County Council would be setting their budget for the forthcoming year on Thursday 14 February.
- The 'Big Conversation' public consultation related to local bus services was open for comments and ended on 19 February.
- Further work at Manston Airport had increased freight capacity although this was still short of the volume that passed through the port of Dover.
- The consultation into the review of library services had finished on 29 January 2019 and a reduction in opening hours was proposed for Borough Green and Hildenborough. Kent County Council had been asked to consider whether funding contributions from parish councils to fund the shortfall in hours was a viable option. A response was awaited.

A list of current County Consultations was available on:

https://consultations.kent.gov.uk/consult.ti/system/findConsultations?dos_earch=Y&pageinfo=consultations&ca_weblistcontrol=Main&type=O

With regard to the library consultation, the Chairman advised that the Cabinet Member for Community Services had written to the County

Council setting out the views of the Borough Council. This letter would be available as part of the Communities and Housing Advisory Board [agenda](#) in due course.

Finally, the County Council were pleased to report that the Turner Contemporary in Margate would host the Turner Prize 2019.

PPP 19/8 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

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

Waste Services Contract:

A new contractor Urbaser had been appointed and an introductory leaflet would be sent to all residents in the next couple of weeks. The new contract would start on 1 March and up until the end of September would mirror the current service arrangements. However, from 30 September new service arrangements would be rolled out across the whole borough and would include the new opt-in garden waste scheme.

Residents could apply for the garden waste service from 7 May and early bird discounts would be offered to those who signed up by 3 August. Parish councils were encouraged to promote this initiative.

A detailed update on the new Waste Services Contract, including a marketing plan, would be reported to the Street Scene and Environment Services Advisory Board on [11 February 2019](#)

Finally there was still time to arrange a meeting with the Waste Contract Officer (Alison Sollis) and parish councils were asked to contact her direct if they were interested.

Public Conveniences:

Following a review of the Borough Council's facilities by the Overview and Scrutiny Committee on 18 October 2018 a number of recommendations would be considered by the Cabinet on 14 February 2019. These included the potential transfer of public conveniences in parished areas to the local parish council and the Director of Street Scene, Leisure and Technical Services would be contacting those parishes affected to discuss this further.

It was intended that any transfers would take place in March 2020 which gave sufficient time for arrangements to be put in place.

The Chairman thanked the Parish Councils that had responded to the consultation and these representations had been given careful consideration by the Overview and Scrutiny Committee.

Local Plan:

This had been submitted to the Planning Inspectorate on 23 January 2019. It was anticipated that a Planning Inspector would be appointed within the next few weeks, who would then consider the submitted documents and set out the next steps in the process. A Programme Officer had been appointed to assist with the Local Plan Examination process and further information regarding the next stages would be published on the website as soon as it was available.

All representations received during the Regulation 19 Consultation in November 2018 would be published as soon as was practically possible on the Borough Council's website. It was noted that this would take time to complete as personal information would have to be removed in accordance with General Data Protection Regulations. However, it was estimated that this would not be complete before the end of March 2019.

In response to a question raised by the Kent Association of Local Councils, the Chief Executive advised that whilst the Local Plan had been submitted it had limited weight in planning terms until it had been approved by the Secretary of State. All current planning applications had to consider current planning policies. However, the Chairman reiterated that the Borough Council's objectively assessed need had been met in terms of the Local Plan submission.

The meeting ended at 8.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE FORUM

Monday, 25th February, 2019

Present: Cllr N J Heslop (Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr V M C Branson, Cllr M R Rhodes, Cllr Miss G E Thomas and Cllr F G Tombolis.

Together with County Councillors Mr R Long and Mr M Payne and representatives from:

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

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

Apologies for absence were received from Borough Councillors C P Smith (Vice-Chairman), Mrs P A Bates, P F Bolt, Mrs M F Heslop, Tonbridge Area Churches Together and Tonbridge Sports Association.

TF 19/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 10 September 2019 be approved as a correct record and signed by the Chairman.

TF 19/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

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

TF 19/3 SUPPORTING THE HOMELESS

For awareness the Chairman (Councillor Nicolas Heslop) advised that he was a Trustee of the Bridge Trust.

The Housing Options and Support Manager (Claire Keeling) and the Head of Housing and Health (Linda Hibbs) set out measures for supporting the homeless. The Borough Council's work on preventing homelessness in Tonbridge and Malling was also set out.

As a result of the implementation of the Homelessness Reduction Act in 2018, which transformed the way local authorities helped homeless households, the emphasis was now on prevention at an early stage. Local authorities were required to take reasonable steps to prevent eligible households threatened with homelessness becoming homeless (Prevention duty); to take reasonable steps to secure accommodation for them for six months (Relief duty) and had a duty to provide advisory services.

The numbers of rough sleepers had risen nationally and within Tonbridge and Malling this had risen from 8 individuals in 2017 to 12 in 2018. This represented a 50% increase. It was reported that most authorities in Kent had seen an increase in the numbers of rough sleepers.

Tonbridge and Malling Borough Council planned to introduce greater flexibility around the Severe Weather Emergency Protocol (SWEPE). When the 'feel like' temperature fell below 0 degrees for one night (not three nights as previously) the SWEPE would be implemented and would be for a longer period of accommodation. The role of SWEPE was emphasised and it was important for agencies and organisations within Tonbridge to be aware when the Protocol was activated. The Borough Council welcomed any opportunity to increase circulation and awareness if any of the Forum organisations were interested in being notified.

Other initiatives being considered were the establishment of a Rough Sleeper Protocol, which would set out how to report rough sleeping; an early intervention project focused on young men, improved communications and liaison with private landlords and 'Housing First' which was a project to secure 3 units of accommodation to move homeless individuals or households immediately from the streets or shelter into their own accommodation. The Borough Council would work with Porchlight, Look Ahead and Clarion Housing Group on delivering these initiatives and funding would be sought from MHCLG.

The Head of Housing and Health advised that the Borough Council were aware of 2 rough sleepers in Tonbridge currently. Members were assured that Housing Services were working hard to tackle issues although it was important to recognise that there were many complex reasons behind homelessness which were sometimes difficult to resolve.

The Chief Executive Officer of the Bridge Trust (John Handley) talked about homelessness from the perspective of the voluntary sector. Nationally there were 274,000 homelessness cases dealt with by local authorities. A major cause was being made homeless from the private rented sector. In addition, there was an estimated 3.38 million couples and single people 'hidden' in other households and over 12,800 rough sleepers in England.

Changes to the way Kent County Council commissioned homelessness services would come into effect from April 2019. The Bridge Trust expressed concern that the amount of support available in West Kent would be significantly reduced as a result of these changes.

In response to a question related to the provision of an emergency shelter, it was explained that the Borough Council would explore the feasibility of a shelter in Tonbridge and Malling as part of the bid for MHCLG funding.

Finally it was confirmed that a 'changing place' facility, including a shower, at Tonbridge Castle was available for use by a range of people including the homeless.

TF 19/4 TONBRIDGE STATION AND HIGH STREET IMPROVEMENTS

The report of the Kent County Council Principal Transport Planner provided an update on the progress being made on the Tonbridge Station improvements. Additional measures to improve the traffic system in the High Street were also outlined.

Particular reference was made to proposals to install yellow box markings in the junction to deter drivers from entering without a clear exit. It was hoped that this action would improve the traffic flow and address concerns raised by drivers and pedestrians.

Other measures proposed included the installation of additional pedestrian display heads higher up poles to improve visibility and the installation of a new pole on the corner of Waterloo Road. Installation dates for these improvements were yet to be finalised, although it was hoped this could be progressed within the next week.

To illustrate the concerns raised by residents and to provide context for the proposals outlined in the report, the Deputy Cabinet Member for Planning, Highways, Transport and Waste at Kent County Council (Michael Payne) presented a number of photographs showing the road layout and the new puffin crossing. Positive improvements welcomed by Members included the addition of a cycle path, taxi ranks, security bollards and a drop off point in front of the station.

There were also plans to improve the traffic flow past bus stop G by widening the carriageway and installing a bus layby to allow vehicles to pass stationary buses. It was anticipated that this work would be undertaken during the summer months.

Finally, County Councillor Payne was pleased to report that Southeastern had committed to providing a cycle hub in Barden Road. There had been reassurances that this project would be delivered irrespective of who held the railway franchise.

The following concerns, comments and points were raised, discussed and noted:

- Poor visibility of traffic lights for cyclists using the cycle lane near the station.
- The additional pedestrian display heads placed higher up poles to improve visibility would be facing pedestrians.
- Similar issues with pedestrian crossings at Bordyke.
- The sloped camber of the pavement along certain parts of the High Street made it difficult for those with mobility issues. However, it was reported that this configuration assisted with drainage of surface water.
- The possibility of adding audible signals to the puffin crossing would be pursued.
- The junction at Station Approach was recognised as difficult and measures would be considered as part of new cycle hub.
- The raised table area along the High Street provided an additional crossing area and another pedestrian crossing would have implications for traffic flow.
- Tonbridge and Malling Borough Council were actively pursuing the leaseholder (Network Rail) of the units in Station Approach in an effort to improve the appearance leading into the High Street.
- Since the installation of the new traffic lights there had been increased congestion along Vale Road.
- Improved signage and promotion of Tonbridge along the A21 to encourage visitors.

All of these points were noted by the County Councillors for Tonbridge (Richard Long and Michael Payne) and these would be raised with officers at Kent County Council.

TF 19/5 LOCAL ELECTIONS

The Head of Electoral Services (Daune Ashdown) advised that borough, town and parish council elections would be held on Thursday 2 May 2019.

Poll cards would start to be delivered to residents once the Notice of Election was published, which would be on Monday 18 March 2019. Candidate nominations would be accepted from Tuesday 19 March until 1600 hours on Wednesday 3 April.

The deadline to apply for postal votes was 1700 hours on Monday 15 April. Advice and assistance related to postal voting was available by contacting the Elections Team on voting@tmbc.gov.uk

All Forum Members were asked to promote the importance of voter registration and the last date to register was Friday 12 April 2019.

TF 19/6 KENT POLICE UPDATE

Inspector Rothwell provided a verbal update on the achievements made in performance and the neighbourhood policing agenda.

Recent operations and trends included:

- Efforts to tackle drug dealing operations in places outside a gang's usual area of activity (County Lines). This was a significant safeguarding concern due to the targeting of vulnerable children and Kent Police were working with British Transport Police in monitoring those travelling from London. Stop and search was being undertaken where it was appropriate to do so.
- An initiative related to brothels to protect and safeguard the vulnerable.
- The theft of push bikes, particularly in Tonbridge, was being actively pursued.
- Issues with large numbers of youths on cycles performing dangerous practices, such as wheelies, along the major road networks continued to be investigated. Youth Engagement Officers were engaging with local children.
- Proactive work included the use of number plate readers to monitor movements.

Initiatives for spring 2019 included:

- Anti-social behaviour hotspots to be targeted and dispersal orders used if necessary.
- Increased visibility for road and speed checks.
- Further work related to 'county lines'.
- Crime prevention.
- Unlawful encampments.

In response to a question from the floor regarding youths on cycles, Inspector Rothwell indicated that these large gatherings were organised via social media. There were concerns around safety and the potential to cause traffic accidents. The value of road safety education was noted.

Finally, all residents were encouraged to report suspicious behaviour or any incidents by calling 101.

TF 19/7 KENT COUNTY COUNCIL SERVICES UPDATE

The County Councillors for Tonbridge (Councillors Richard Long and Michael Payne) indicated that there was nothing further to raise as the Tonbridge Station and High Street improvements had been discussed in-depth earlier in the evening.

However in response to a question from the floor, it was indicated that the pedestrian crossing along Shipbourne Road was likely to be installed later this year.

TF 19/8 TONBRIDGE AND MALLING BOROUGH COUNCIL SERVICES UPDATE

The Chairman (in his role as Leader of the Borough Council) provided context for the setting of council tax and his presentation illustrated the services in Tonbridge supported/funded by the special expenses element. These included responsibility for the closed churchyards at St Peter and St Paul and St Stephen; maintaining open spaces, parks and play areas; sports grounds and running and supporting local events.

Particular reference was made to the seven allotment sites in Tonbridge owned by the Borough Council, which were managed and maintained by the Tonbridge Allotments and Gardens Association. It was noted that the Association was a well organised, not for profit community group and had a very positive relationship with the Borough Council. The current arrangements were considered to be a very efficient and cost effective approach to the management of these Borough Council owned facilities.

The Borough Council were currently consulting residents on the Management Plan 2019-23 for Tonbridge Racecourse Sportsground. The deadline for responses was Friday 22 March 2019 and all were encouraged to submit [comments](#).

Members were advised that the Borough Council had made provision in its Capital Plan for the replacement of the Swimming Pool Bridge, funded in part by developer contributions. Liaison was currently being undertaken with the two utility companies whose pipes and cables were attached/adjacent to the bridge. Both companies had agreed to relocate their services by drilling under the river bed which would then enable the Borough Council to proceed with the installation of the new bridge. It was hoped that the utility companies would complete their works in late spring/early summer enabling the new bridge to be in place before the school summer holidays. The timing of the works was determined by the utility companies and every effort would be made to enable the timescale to be met.

In response to a question from the floor regarding financial support for local events and were costs allocated to specific events, the Chief

Executive indicated that the biggest cost related to administration and staff and these would be shared across all events. However, there could also be some event specific costs, subject to the type of event being organised.

The following updates were also provided:

Waste Services Contract:

A new contractor Urbaser had been appointed and an introductory leaflet would be sent to all residents in the next couple of weeks. The new contract would start on 1 March and up until the end of September would mirror the current service arrangements. The new service arrangements would be rolled out across the whole borough from 30 September.

Public Conveniences:

Following a review of the Borough Council's facilities by the Overview and Scrutiny Committee consideration was being given to a number of recommendations. The main focus would be on parished areas.

Local Plan:

This had been submitted to the Planning Inspectorate on 23 January 2019.

All representations received during the Regulation 19 Consultation in November 2018 would be published as soon as was practically possible on the Borough Council's website. It was noted that this would take time to complete as personal information would have to be removed in accordance with General Data Protection Regulations. However, it was estimated that this would not be complete before the end of March 2019.

Two Planning Inspectors had been appointed but no date for the Public Examination had been confirmed.

Further information regarding the next stages would be published on the website as soon as it was available.

The meeting ended at 9.35 pm

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Joint Transportation Board of 11 March 2019 – minutes to follow

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Item PE 19/3 referred from Planning and Transportation Advisory Board minutes of 5 March 2019

PE 19/3 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD MANAGEMENT PLAN

The report of the Director of Planning, Housing and Environmental Health provided an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the High Weald AONB Management Plans. In addition, the adoption of the High Weald AONB Management Plan was recommended.

RECOMMENDED: That

- (1) the High Weald AONB Management Plan 2019-2024 be adopted as a material planning consideration by 31 March 2019; and
- (2) the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless, and until, a revised and amended Plan has been agreed and adopted by all Local Authorities.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD AONB MANAGEMENT PLAN

Summary: This report briefly provides an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans and recommends the adoption of the High Weald AONB Management Plan.

1.1 Introduction

1.1.1 Section 89 of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review an Area of Outstanding Natural Beauty (AONB) Management Plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. They are also obliged to review this Plan every five years. Whilst the Plan is not a planning policy document as such, it will be a material consideration in relation to planning policy and the determination of planning applications.

1.1.2 The Borough contains parts of two AONBs, the Kent Downs in the North and a small part of the High Weald in the South. Management Plans for both AONBs were adopted in 2014. The preparation and review of these plans are undertaken by the Kent Downs AONB Joint Advisory Committee (JAC) and High Weald AONB JAC respectively, acting on behalf of the local authorities with land in the AONBs. The JACs comprise elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owning, farming and community interest groups.

1.2 Kent Downs AONB Management Plan

1.2.1 At their meeting on the 18th of May 2017 the Kent Downs AONB JAC agreed to take forward a review of the Kent Downs AONB Management Plan, including a revision of the Landscape Character Assessment of the Kent Downs, public and stakeholder participation and consultation; and a series of expert opinion debates.

- 1.2.2 As part of this work one of the Local Authority partners raised concerns about how the Management Plan should properly relate to land use planning matters and the relevant Acts and guidance. This intervention raised fundamental issues on which the AONB Unit sought advice from Natural England, the Government's statutory advisor on Designated Landscapes, the National Association for Areas of Outstanding Beauty and Defra's Protected Landscapes team.
- 1.2.3 Natural England's official advice has been provided to the relevant Council and the Unit has received no formal response to this.
- 1.2.4 Given the lack of resolution of this important point, which was raised of part of the review, the JAC agreed, at their meeting on the 7th of June 2018, that it was not expedient to amend the plan until the context is clearer. At the same time all Local Authorities agreed that the existing Management Plan (the Kent Downs AONB Management Plan 2014-2019, Second Revision, April 2014) should remain in place unless and until a revised and amended one has been agreed and adopted by all Local Authorities.
- 1.2.5 At its meeting in November 2018 the JAC it was agreed that the review and amendments should ideally be completed by the end of 2019.
- 1.2.6 With this in mind a proposed timetable is set out below:
- January–April 2019 – Agree position with Local Authorities to enable review to recommence. Assuming this is achieved; refresh and review evidence gathered for the review of AONB Management Plan – confirmation of Landscape Character Assessment and prepare stage 1 of the Strategic Environmental Assessment.
 - April–May 2019 – Redraft plan and circulate plan to JAC for consideration at June JAC meeting.
 - June – Joint Advisory Committee meeting (June 13th) considers redrafted AONB Management Plan and advises whether public consultation should take place (12 weeks).
 - August/September 2019 – Consultation responses considered and reflected in second draft Plan circulated to JAC for internal comments.
 - October 2019 – final draft circulated to JAC in advance of November meeting.
 - November 2019 – JAC meeting (date tbc) to advise whether amended Management Plan should go forward for adoption.
 - December 2019 – Local Authority adoption process.

1.3 High Weald AONB Management Plan

- 1.3.1 In March 2017 the High Weald AONB JAC agreed to undertake a review of the Management Plan, in particular to take account of the potential impact of Brexit on agri-environmental policy and the significant increase in development pressure on the AONB since the last review. The new Plan retains the same basic structure, being around AONB purpose, character and key components of natural beauty, and the policy objectives remain broadly similar.
- 1.3.2 A series of technical workshops were held in summer 2017 and public consultation was carried out during June and July 2018. Officer level comments were provided to the JAC during the consultation. At their meeting on the 28 November 2018, the JAC approved the revised Plan and recommended its adoption by the constituent local authorities.

1.4 Legal Implications

- 1.4.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), the Borough Council and the other local authorities within the AONBs have a statutory duty to act jointly to prepare and review the Management Plans for both the Kent Downs AONB and the High Weald AONB.

1.5 Financial and Value for Money Considerations

- 1.5.1 Each of the Local Authorities covered by the AONB make a financial contribution towards the core costs of running the AONB Units. This includes the joint preparation and review of the Management Plans. The AONB Units ensure that that all of the relevant Local Authorities work together, so fulfilling their duty under the Act. This mechanism minimises the cost of the process. The Borough Council's contribution towards these costs is covered by existing budgets.

1.6 Risk Assessment

- 1.6.1 Failure to adopt the High Weald AONB Management Plan by 31st March 2019 would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan within 5 years. In addition, if this timetable is not met there could be sanctions with regard to funding for the AONB Partnership from Natural England.
- 1.6.2 The Kent Downs AONB Unit have updated Defra on the delay to the Management Plan review and have been informed that 'the prudent thing to do at this stage is to contact Natural England and notify them of the situation, i.e. that you are unable to adopt a complete a review of the existing management plan at this stage - this being the case you are working on the basis that the existing management plan remains in place, until the JAC are able to complete a review. Sending notification to Natural England would count as formal notification (under s90(1)(a) Countryside and Rights of Way Act 2000). Separate notification to the public

would not be required unless the JAC thought this wise from a strategic perspective.

1.7 Equality Impact Assessment

- 1.7.1 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.

1.8 Recommendations

- 1.8.1 That the Board RECOMMENDS to Cabinet that the Council should RESOLVE to adopt the High Weald AONB Management Plan 2019-2024 as a material planning consideration by 31st March 2019 and that the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless and until a revised and amended one has been agreed and adopted by all Local Authorities.

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

Background papers:
High Weald AONB Management Plan 2019-2024

contact: Jenny Knowles
Senior Planning Officer
(Policy)

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

19 March 2019

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 INNOVATION PARK MEDWAY – MASTERPLAN

This report provides information on the consultation exercise undertaken on the Innovation Park Medway Masterplan and seeks approval to adopt the document for economic development and marketing purposes.

1.1 Background

- 1.1.1 Innovation Park Medway is part of the wider North Kent Enterprise Zone, which is made up of numerous sites across three main locations – Kent Medical Campus (Maidstone), Ebbsfleet Garden City and Rochester Airfield, now known as Innovation Park Medway – which went ‘live’ in April 2017.
- 1.1.2 The site is being promoted as offering “high-value technology, engineering, manufacturing and knowledge-intensive businesses the opportunity to grow in a bespoke commercial development with a collaborative business environment”. In addition, a key aim is for it to become a catalyst for research and innovation, building upon existing university links through the Innovation Centre Medway.
- 1.1.3 This site is a key regeneration priority for Medway Council, who are leading the project and own the majority of the site. Administratively, an area of the site falls within Tonbridge & Malling Borough. As such, any work undertaken by Medway Council to progress the masterplan and the comprehensive development of the site requires the agreement of Tonbridge & Malling Borough Council.
- 1.1.4 Consultants LDA and Carter Jonas were appointed in February 2018 to prepare an indicative masterplan for the Innovation Park Medway site, and to fully capitalise on the Enterprise Zone status. A draft masterplan was consulted on during September and October 2018 and the comments received from this consultation have been reflected in the final masterplan document (Appendix 1).
- 1.1.5 Whilst Medway Council are looking to adopt the masterplan as a Supplementary Planning Document, the Borough Council is seeking to adopt it for economic development and marketing purposes.

1.2 Consultation Exercise and Outcomes

1.2.1 A full overview of the consultation exercise is provided as Appendix 2.

1.2.2 Having been approved for consultation by the Economic Regeneration Advisory Board on 05 September 2018, the draft Innovation Park Medway masterplan was consulted on for a six week period between 17 September 2018 and 29 October 2018 and sought the involvement of a wide range of consultees. The following measures were undertaken in order to gain feedback and comments during this period:

- **Websites** – Medway Council had three pages dedicated to the consultation setting out the overall proposals, the indicative masterplan and the details of the consultation and a link to a questionnaire. The Borough Council had a webpage which directed visitors to the Medway Council website in order to ensure all feedback was collated in one place.
- **Community Hubs** – hard copies of information and questionnaires were supplied at various venues across the local area. One of these locations was the reception area at the Borough Council offices in Kings Hill.
- **Engagement Events** – 2 information drop-in events took place at the Innovation Centre Medway – on 01 October 2018 and 20 October 2018.
- **Statutory Consultees** – the following organisations were also consulted in order to gain feedback: Kent Downs AONB, Environment Agency, Historic England, Natural England, Highways England, Kent Highways and Sport England.

1.2.3 The level of traffic to the website suggested a high degree of interest, with 2,902 unique views during the course of the consultation period. In total, 42 questionnaires were received from the local community, offering a mix of positive and negative feedback, often within the same response.

1.2.4 When assessing these questionnaires, the main areas of **support** were:

- The general principle of development and the focus on high quality modern commercial premises.
- Open space provision and the allocation of space for sports, health and wellbeing. This was received positively and acknowledged as bringing benefits to the local community.
- The design principles were supported, and the emphasis on sustainable development and energy efficiency were welcomed.

1.2.5 When assessing these questionnaires, the main areas of **concern** were:

- Traffic and Parking – especially concerns about the increased congestion that could arise and the loss of existing parking (on BAE Systems land and on-street parking)

- Airport Operation – particularly regarding the desire to retain the entire site for airport use and resist any redevelopment.
- Ecological Impacts – impact on local wildlife and loss of green space.
- Neighbour Impacts – particularly loss of views for adjoining residential premises.
- Heights and Scale – concerns over impact on the Kent Downs Area of Outstanding Natural Beauty (AONB).
- Existing Employment Sites – that investment should be made in existing employment sites rather than creating new ones.
- Community Need – the site should be used for community uses, such as a hospital, instead.
- Noise and Air Quality – especially in relation to traffic congestion.

1.2.6 Statutory Consultees highlighted a handful of key issues including:

- Building Heights – in relation to the potential impacts on the setting of the Kent Downs AONB
- Air Quality – Natural England highlighted the need to consider the potential impact on the North Downs Woodlands SAC.
- Highways – Both Kent Highways and Highways England raised concerns with the capacity of local roads and junctions, and highlighted the need for robust assessment. Highways England also highlighted the cumulative impact on the M2 and M20, and the need to assess the safety impact of the closure of Runway 16/34 which would be required to facilitate these proposals.
- Parking Provision – suggested as being excessive as number of spaces proposed is based on the upper levels of Medway's Parking Standards.
- Flooding/Drainage – encouraged additional modelling for 1 in a 100 year event and confirmation sought on whether infiltration techniques could be used.

1.3 Response to Feedback Received

1.3.1 When considering the feedback received, the Consultancy Team have highlighted the following in response to some of the key points:

- Strategic transport modelling has been undertaken to ascertain impact on the local road network, with the modelling identifying appropriate mitigation measures.
- The no build zone and the heights of the proposed buildings have been designed to ensure the proposals and the continued use of Rochester Airport can operate together well.
- A noise assessment has been undertaken which concluded a negligible impact on nearby premises, with all noise generating plant to be subject to enclosure, acoustic louvres and silencers where necessary.

- A more detailed Landscape and Visual Impact Assessment (LVIA) was undertaken to assess the impact of building heights and scale on the Kent Downs AONB, identifying that no significant effects would arise.
- Noise and Air Quality assessments have shown that the proposals would have only a negligible effect on local levels.
- A strategic surface water drainage solution has been prepared for the proposed development based upon a range of infiltration techniques

1.3.2 Although the majority of these issues have been addressed in the masterplan document, Medway Council has highlighted that Highways England have not yet been able to confirm that they are fully content with the masterplan. This despite the fact that additional work has been undertaken for Highways England and Kent Highways to demonstrate the impact on the network. As such, Highways England has advised Medway Council that final adoption of the masterplan as a Supplementary Planning Document should be subject to their response. As such, Medway Council have recommended that any minor amendments be addressed through delegated authority, with any significant amendments being dealt with through an additional report back to their Cabinet.

1.4 Innovation Park Medway - Masterplan

1.4.1 The masterplan itself sets out a vision for the site – to deliver a high quality, innovative commercial space – which is underpinned by a number of key concepts:

- Fostering a supportive community that is founded on the principles of collaboration, promoted through public realm
- Mixing up different uses to encourage collaboration
- Delivering on a strong and clear identity for the site
- Ensuring flexibility so that the site can respond to change
- Futureproofing to allow for growth

1.4.2 The illustrative masterplan proposes the site be brought forward in a number of phases, with the first phase development taking place in the far north-west of the site and the area directly to the south of Innovation Centre Medway. Both these sites are entirely sited within Medway. Sites within Tonbridge and Malling will come to fruition during Phases 2 and 3.

1.5 Adoption

1.5.1 As Medway Council aim to adopt the masterplan as a Supplementary Planning Document, this consultation has been undertaken in accordance with best practice as guided by national planning policy and guidance. This means the Masterplan will expand on Medway Council's adopted planning policies to provide more detailed information and give guidance to the public, applicants and developers when making planning applications

- 1.5.2 The situation is different for Tonbridge & Malling, with the Borough Council aiming to adopt it for **solely economic development and marketing purposes** – that is, being a useful tool to help promote the borough as a business location and attract inward investment. The reason for this difference is that there is currently no site specific planning policy context for the part of the site that falls within our borough.
- 1.5.3 This means that by adopting it for economic development and marketing purposes it does not have the same level of ‘weight’ when considering planning applications as a Supplementary Planning Document would have, but would still be a material consideration when considering application on the site.

1.6 Next Steps

- 1.6.1 Should there be agreement to adopt the Innovation Park Medway Masterplan for economic development and marketing purposes, then the Borough Council would look to work collaboratively with Medway Council in bringing forward Local Development Order (LDO) coverage for the site.
- 1.6.2 LDOs are intended to enable local planning to be simplified under certain circumstances. LDOs aim to attract investment to an area and support existing businesses by giving certainty for developers, reducing timescales and reducing the costs associated with making a planning application. They are often used as an additional tool to attract investment in Enterprise Zones and have the effect of granting planning permission across an identified site so that there becomes no need for developers to seek any further planning consent. An LDO is often described as providing a local form of permitted development. It is important to note, however, that an LDO usually has conditions and limitations included to control the parameters of a variety of matters, for example the height of buildings.
- 1.6.3 A separate LDO would need to be formally adopted by each Council in their capacity as Local Planning Authorities and would be the subject of local and statutory consultation. The LDO can be linked to the masterplan and in so doing, a more flexible planning regime can create efficiency but also deliver a high quality of development.
- 1.6.4 Medway Council are looking to undertake this consultation in June 2019 and as such, the current intention is to bring a further report to Cabinet shortly after the Elections to obtain approval to consult on a draft Local Development Order.

1.7 Legal Implications

- 1.7.1 As set out in this report, under Section 1.5, the proposal is to adopt the masterplan for economic development and marketing purposes rather than as a Supplementary Planning Document. This means that it is used chiefly as a promotional document, with some planning ‘weight’, rather than being enshrined as planning policy.

1.8 Financial and Value for Money Considerations

1.8.1 There are no financial and value for money considerations directly arising from the adoption of this document.

1.9 Risk Assessment

1.9.1 There are no risks directly associated with the adoption of the Innovation Park Medway Masterplan for economic development and marketing purposes (subject to Highways England confirming they are content with the masterplan)

1.10 Recommendations

1.10.1 That the Innovation Park Medway Illustrative Masterplan **BE ADOPTED** for economic development and marketing purposes, subject to Highways England confirming they are content with the masterplan.

1.10.2 That delegated authority **BE GRANTED** to the Chief Executive to address any minor issues raised by Highways England and approve minor changes to the masterplan prior to publication for the purpose of presentation or improving clarity.

Background papers:

Nil

contact: Jeremy Whittaker,
Economic Regeneration
Officer

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

19 March 2019

Report of the Management Team

Part 1- Public

Matters for Information

1 STRATEGIC RISK REGISTER

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

1.1 Introduction

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

1.2 Latest Iteration

- 1.2.1 The SRR is presented twice yearly to the Audit Committee. However, as the Cabinet has responsibility for taking in-year decisions on resources and priorities, it is felt appropriate to advise Cabinet of the current position.
- 1.2.2 As Cabinet will be aware from reports during the last cycle, one of the key issues recently has been preparations for any impacts of Brexit on the local community. In addition, the award and then commencement of a new waste contract was added to the Register during the course of the year. Cyber security has come to the fore recently following the LGA's cyber security stocktake which was reported to the Finance, Innovation and Property Advisory Board in January. A separate risk register for cyber security is being prepared as recommended.
- 1.2.3 Since the last report to the Audit Committee, on a positive note we have been able to downgrade the risk "*Organisation development including staff recruitment and retention*" from red to amber. This has come as a result of new recruitment processes, a pay award for 2019/20 approved by General Purposes Committee above the national award and transitional arrangements to encourage development opportunities.

1.2.4 Accordingly, the latest iteration of the SRR is attached at **[Annex 1]** for Cabinet's information.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

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

1.5 Risk Assessment

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

1.6 Policy Considerations

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

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive for Management Team

No	Risk Title	Risk Type	Consequences	Date identified	Current Mitigation	Likelihood Score	Impact score	Overall risk score	Desired risk score	Actions required	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
1	Safeguarding and PREVENT	S, R	Significant impact should a child, young person or vulnerable adult come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	The responsibility for safeguarding is with the Chief Executive, rather than an individual service and a review implemented. An Audit review was commissioned which identified progress to date. Positive direction of travel noted in majority of areas (policy, training, engagement with other agencies). Areas of weakness identified and an action plan is being developed to address areas/necessary actions. Corporate Safeguarding Policy, DBS checking, Staffing/Member training. PREVENT training for staff. Attendance at K&M Adults Safeguarding Board, Local Children's Partnership Group. Training delivered to all Hackney Carriage and Private Hire drivers. UPDATE: The majority of actions identified from the Audit review have now been completed and signed off. A secure database with secure access for recording details of all safeguarding concerns and referrals has been developed and is currently in the testing phase. The database is now live.	3	4	12	12	Posts eligible for DBS checks being reviewed by Legal Services and a Central recording system being commissioned. A revised implementation date of 30/5/18 was agreed to create a single TMBC DBS register and complete any necessary DBS checks. UPDATE: This work has progressed with a revised draft list of posts eligible for DBS checks completed. Formal review due in September 2018. UPDATE Dec 18 MT has agreed revised list of posts requiring DBS checks. Safeguarding Audit review is currently underway for completion in 18/19 financial year	Safeguarding Policy	Chief Executive	Jul-19
2	Financial position/budget deficit	F, R	Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention. Failure to maximise New Homes Bonus.	01/04/2017	Medium Term Financial Strategy (MTFS) in place and reviewed regularly. Annual review of Treasury Management and Investments strategies. Effective budget setting process and financial monitoring in place; Robustness tested and adequacy of reserves. External Audit review MTFS. Savings & Transformation Strategy (S&TS). External audit of Accounts. Financial Procedure Rules. Monitor taxbase. UPDATE: Refreshed version of MTFS considered by Cabinet in Feb 2019 and approved by Full Council as part of Budget Setting. Funding gap circa £550k. Negative RSG 2019/20 removed. Taxbase updated Dec 2018 showing growth. NHB figures received and exceed initial expectations as parameters unchanged. With Kent and Medway authorities, bid for Business Rate Retention Pilot 19/20 unsuccessful. Business rates RVs and appeals reviewed. Now above Business Rate Baseline. Council tax set by Full Council with a 2.99% increase for 2019/20.	4	3	12	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Commissioning of in service reviews via MT to identify potential areas of transformation and savings. Strategic asset management review. O&S Committee Jan 18 identified programme of work to identify potential savings. Tendering of Waste contract has delivered savings to contribute. UPDATE: Feb 2019 - MTFS shows savings to be circa £550k over 10 year plan. Cabinet and Council updated STS. O&S reviews to continue as planned. Fair Funding Review currently underway and need to await results to see wider impact on finances into medium term.	Vision- to be a financially sustainable Council. Taking a business like approach.	Director of Finance and Transformation	Oct-19
3	Brexit Impact and Economic Stability	F	Financial impact and effect on the economy as well as uncertainty around current EU legislation, i.e. what replaces it, could have a significant financial impact and lead to legislative changes impacting on finance and resources. A number of key threats to business continuity including: border delays and congestion impacts on the Kent road network creating difficulties for local businesses, TMBC staff and potential air quality issues; loss of KCC staff eg welfare/social services support; potential loss of TMBC waste contract workforce, general increase in costs as imports become restricted.	01/04/2017	Regular review of MTFS. Kent-wide working to understand, plan for and react to pressures. Regular review of Treasury Management and Investment strategies. Economic factors reflected in MTFS. UPDATE: The potential for No Deal BREXIT could have far wider and more impactful implications that has been factored into MTFS. Bid for BREXIT funding compiled, but Government awarded funding to all district councils on a like for like basis.	4	4	16	12	UPDATE: Work with partner organisations via Kent Resilience Forum continuing. O&S Committee report (Jan 2019) updated Members and identified key issues. Council represented on key County Partnership Groups overseeing Brexit implications including Strategic & Tactical Coordinating Groups. Business Impact Assessments completed. Plans in place, including purchase of additional laptops, to enable critical services, to be maintained if major disruption to road networks. Brexit Emergency Planning exercise early March 2019.	N/A - external risk.	Chief Executive / Director of Finance and Transformation/ Management Team	Apr-19

4	Corporate Strategy and Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings, including those arising from the planned West Kent Waste Partnership. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error.	01/04/2017	Savings and Transformation Strategy reviewed and updated. Corporate Strategy reviewed and updated. Regular update reports to MT and Members Annual review of Savings & Transformation Strategy. Remaining funding gap now assessed as £550k.	3	4	12	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Commissioning of in service reviews via MT to identify potential areas of transformation and savings. Strategic asset management review to deliver new income. O&S programme to be supported in order to deliver savings to contribute to STS. UPDATE: MTFS and STS updated by Members Feb 2019	Vision- to be a financially sustainable Council focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities. Taking a business like approach.	Chief Executive / Director of Finance and Transformation/ Management Team	Oct-19
5	Local Plan	F, R	Lack of sound legal footing for Plan leading to risk of failure at Examination. Risk of challenge from not meeting identified development needs. Reputational risk and widespread public concern arising from decision making on strategic development. Lack of infrastructure to support future development.	01/04/2017	Audit of Local Plan process completed . Update and review of evidence base completed for submission, with on-going monitoring . Specialist consultants engaged where appropriate and counsel fully engaged on key issues for examination . Duty to Cooperate discussions and audit in hand. Clear explanation of local plan process and requirement to Members and through consultation with communities. Liaison with key delivery stakeholders and service and infrastructure providers.	4	3	12	9	Final refinement of evidence and narrowing down of sites to address development needs. Response to issues raised by Members at PTAB in June. Liaison with adjoining authorities and other agencies. Presentation of draft local plan for Member consideration planned for PTAB meeting in July 18, followed by Cabinet and Council in September. Regulation 19 consultation programmed for October/November with submission of Local Plan by End of 2018. Local Plan approved by full Council in September 2018, Reg 19 consultation concluded in November 2018 with a view to submitting plan to Sec of State by 23 Jan 2019. UPDATE Mar 2019 Local Plan submitted on time on 23 Jan 2019. Examination preparation activity now underway including dialogue with appointed Inspectors.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	Jun-19
6	Organisational development inc staff recruitment and retention/skills mix	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	Review of staff resources and skills via service reviews. Organisational structure review as part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities.	3	4	12	12	Succession planning Develop further skills and expertise through strategies such as shared services and specialist Commissioning. Engagement of external consultants and specialists. Resilience and rationalisation of existing structures. Further discussions to be undertaken by MT to agree strategies and resultant actions for recruitment and retention. 2% pay award was agreed by Members in line with National Offer. Structural reviews agreed by GP on 26/6/17, 20/11/17, and 29/1/18. Responses to any recruitment advertisements are carefully monitored for trends. UPDATE: A new member of personnel staff has been recruited with specialist experience in recruitment. We continue to have a mixed response to job adverts. Further reports to GP on 25/6/18. Update Dec 18. revised methodology for recruitment into DPEHH post successful. March 2019 successful recruitment of Head of IT Update March 19. We have changed recruitment process and had positive outcomes. Pay award of 2.5% wef from April 2019 ie above the national award. Transitional arrangements to encourage development opportunities where appropriate.	HR Strategy Savings and Transformation Strategy	Chief Executive	Sep-19
7	Health and Safety	F, R, S	Significant reputational impact should a service user, officer, member or contractor come to harm and TMBC are unable to demonstrate appropriate processes were in place (could be merged with safeguarding although arguably a different thing).	01/04/2017	Health and Safety Policy review. Lone working policy and service based practices to be continuously monitored. Item on SMT agendas Staff involved in JECC (supported by Members) Ongoing review undertaken to react to potential key risk areas Organisational learning and response to national events	3	4	12	12	Further embedding and dissemination of good practice through staff briefing. UPDATE: Newly formed corporate Health and Safety Group picking up cross organisational issues and feeding back to Management Team and H&S Officer.	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health	Jun-19
8	Compliance with legislation inc new GDPR requirements	F, R	Failure to meet legislative requirements or statutory obligations may result in loss of personal data, financial penalties and/or damage to the Council's reputation.	01/04/2017	Nominated Senior Information Risk Officer, and Data Protection Officer Compliance/legal assessment of decisions included in all Board reports Constitution General Data Protection Regulation requirements are being addressed by Information Governance Group & Procurement OSG CPD and professional monitoring Corporate Governance and GDPR audits Legal involvement and sign-off of key projects and involvement in governance groups	3	4	12	8	Continued dissemination of new legislative requirements to Officers & Members. Officers to ensure maintenance of professional training requirements. UPDATE: GDPR training for Members 9 July 2018 (All Officers were required to complete e-learning GDPR module prior to implementation of GDPR in May 2018). Revised constitution approved by Members July 2018. Audit of GDPR underway March 2019	Need to ensure that all 7 key themes of the Corporate Strategy are delivered in lawful manner.	Director of Central Services and Monitoring Officer	Jun-19

9	Cyber security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017	IT Security Policy. Network Security measures (firewall, access level controls). Consideration of cyber insurance. Information Governance Group work underway. Data held by the Council being reviewed and cleansed. Work underway to mitigate global processor flaw issues leading to Spectre and Meltdown attacks. Cyber awareness training rolled out to all staff. Varonis software being used to better control the risk of access to confidential unstructured data on shared drives. UPDATE: Member cyber champion appointed.	4	4	16	12	Procurement of cyber security "recovery" contract via Kent Connects. Prioritisation of resources (financial and human) to ensure that priority is given to relevant updates etc. TMBC have been involved in developing specification for Kent Connects cyber security "recovery" contract. Continued rollout of mitigation for processor flaw issues dealt with as priority and in line with guidance. Varonis software procured, installed and being utilised to better control the risk of access to confidential unstructured data on shared drives. UPDATE: Cyber security now being built into disaster recovery/business continuity plans. Cyber specific risk register now maintained which provides more detail on risks faced, mitigations in place and actions required.	IT Strategy	Director of Finance and Transformation	Jun-19
10	IT Infrastructure	F, R	Failure to adequately invest resulting in inability to keep pace with technological change, leading to systems that are not fit for purpose to meet organisational need.	01/04/2017	IT Strategy and Action plans reviewed and updated. Invest to Save opportunities and funding.	4	4	16	12	New IT Strategy for period 2018-22. Linkage with MTFS and Savings and Transformation Strategy. Development of virtualisation project to enable efficient and effective ways of working. Review and upgrade of data quality within systems to ensure that improvements and efficiencies can be achieved. iPads for Members have been deployed. iPads and Citrix rolled out to MT. New IT Strategy approved by Members in May 2018 who placed a specific emphasis on website improvements. Website work commissioned by SDS and report to FIPAB Jan 2019. UPDATE: Digital officer group now meeting, with a sub group for website. Work underway March 2019	IT Strategy	Director of Finance and Transformation	Jun-19
11	Elections	R	Failure to comply with legislation, miscounts and significant reputational impact.	01/04/2017	Ensure experienced staff are in place, corporate team reviewing activity and monitoring progress.	2	4	8	8	Broadening of staff skills and experience to build resilience. UPDATE: Borough Council Election planning underway. DROs attending training March 19.	Statutory requirement	Chief Executive	Apr-19
12	Business Continuity and Emergency Planning	F, R, S	Failure to provide statutory service or meet residents' needs resulting in additional costs, risk of harm and reputational impact. Impact/pressures on services and resources. Failure to ensure proper safeguards to prevent or to respond adequately to a significant disaster/event e.g. terrorist attack at a large scale public event or fire.	01/04/2017	Business Continuity Plan inc Corporate (BC) Risk Register, Disaster Recovery Plan, Inter-Authority Agreement, Mutual Aid Agreement and Partnership Agreement with Kent Resilience Team (Please see Business Continuity Plan and Corporate Risk Register for more detail). Emergency Planning Support Officer in post and new Duty Emergency Coordinator system introduced to provide greater resilience.	3	4	12	12	Emergency planning documentation undergoing constant review and key aspects exercised on an annual basis. Members of Management Team and Duty Emergency Coordinators undertaking advanced training organised by Kent Resilience Team training. Business Continuity working group established to review and update existing Plan. Updated plan to be considered by Management Team and tested by a training exercise. UPDATE: New Duty Officer rota in place to support Duty Emergency Coordinators out of hours. Mutual Aid Policy reviewed across Kent Districts. Review of critical services in Business Continuity Plan completed. Emergency Plan refreshed and reissued.	Business continuity underpins the delivery of the Council's essential services	Director of Street Scene, Leisure & Technical Services	Jun-19
13	Devolution	F, R, S	Uncertainty about future operating models and changes / opportunities in responsibilities or service provision leading to financial pressures, impact on quality of services, reputational damage.	01/04/2017	Continual scanning of national / regional and Kent wide agenda by CE / Corporate Services manager. Participation in county wide debate via Joint Kent Chief Execs and Kent Leaders meetings. Update DEC 18 - County wide devolution discussions have been formally ceased. Horizon scanning and continued participation in Kent Leaders and CE meetings is ongoing.	3	3	9	9	N/A	External risk/national issue	Chief Executive	As required
14	Partnerships inc shared services	F, R, S	Reliance on partners to deliver key services, including private sector companies. Could include specific partnership or shared service models such as the Leisure Trust and risks around service delivery and impact on staff morale / retention if base moves from TMBC. Potential resistance to shared services / partnerships impacting on ability to deliver Savings & Transformation Strategy. Private sector partnerships failing having consequences for service delivery.	01/04/2017	Regular liaison meetings with partners. Partnership Agreements in place and reviewed as appropriate. Good communication with staff. In the light of the Carillion situation (which does not affect TMBC directly) maintain awareness of issues relating to private sector partners and plans formulated for service delivery in the event of failure via business continuity.	3	3	9	9	FIPAB Jan 2018 updated on GBC's decision to pull out of progressing shared service for Revs and Bens. Review of Revs and Bens being conducted to ensure service continuity. UPDATE: New Waste Services Contract in partnership with Urbaser, TWBC and KCC commenced 1st March 2019. Formal Inter Authority Agreement and Partnership Agreement in place. Ground Maintenance Contract extended in light of good performance of contractor.	Savings and Transformation Strategy	Chief Executive	As required

15	Welfare reform inc Housing need	F, R, S	Safeguarding impact on TMBC residents due to reduction in benefits, introduction of UC and increase in applications for DHP, etc. Failure to adequately understand and meet housing needs and return unsuitable properties to use leading to increase in homelessness or occupation of unsuitable homes. Financial impact of increased emergency accommodation and failure to maximise new homes bonus.	01/04/2017	Cross sector working (e.g. welfare reform group) to identify issues and solution. Providing advice to residents on welfare and housing issues, or signposting to relevant providers. Working with partners to identify land and funding opportunities. Working with Registered Provider Partners to ensure needs of residents are being met. Working with owners to bring long term empty properties back into use. New initiatives for Temporary Accommodation, including purchase of flats. Review implications for new Homeless Reduction Act requirements. Concessionary charges for key services. EQIA assessment of key decisions included in all Board reports. HRA implications assessed and GPC agreed new posts to deliver service which have been recruited to. Universal Credit rolled out Nov 18 for Tonbridge & Maidstone Job Centres. Signposting now to UC rather than HB for new working age claimants.	4	3	12	9	Prepare for impact of further roll out of Universal Credit by learning from other areas earlier in the programme. Consideration of review of housing service to meet the needs following Housing legislative changes. Flats purchased. UPDATE: Member training from DWP provided re UC Nov 2018. Continue to facilitate Welfare Reform group and widen participation from external partners so as to ensure best support for those affected by welfare reforms in T&M.	Promoting Fairness - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities. Embracing Effective Partnership Working - achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.	Director of Finance and Transformation/ Director of Planning, Housing and Environmental Health	Jun-19
16	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy. Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS.	3	3	9	9	Member briefings and training sessions.	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive	As required
17	Flooding	F, R, S	Impact on resources to support emergency planning, financial impact due to damage, loss of resources, etc. Residents and staff put at risk of harm. Impact on key flood risk areas - Tonbridge, Hildenborough, East Peckham and Aylesford.	01/04/2017	Working with partners (EA/KCC/LEP) to secure funding and implement flood defence schemes which will reduce risk of future flooding. Assistance provided to Parish/Town Council's to help develop local Flood Plans. Team of Volunteer Flood Wardens in place.	3	4	12	12	Funding committed to assist in implementation of flood defence works including increasing capacity of Leigh Flood Storage. Council represented on Strategic and Operational Working Groups led by Environmental Agency. Scheme for East Peckham has funding gap and is dependent on partnership funding contributions. Ongoing support of Leigh and Hildenborough and East Peckham scheme. Involvement in the Medway Flood Partnership. Reduction of risk dependent on funding, design and implementation. Leigh and Hildenborough now programmed for construction 2020 - 2023. UPDATE: Scheme for East Peckham has funding gap and is dependent on partnership funding contributions. Council represented on Project Board. UPDATE: Funding contribution of £500,000 for Leigh and Hildenborough Scheme included in Council's Capital Plan. Leigh and Hildenborough design and works in progress. Signed off by SELEP accountability Board as green for these elements.	Emergency Plan Civil Contingencies Act 2004 Kent Emergency Response Framework West Kent Partnership and Medway Catchment Partnership	Director of Street Scene, Leisure & Technical Services	Mar-20
18	Contaminated Land	F, R, S	Impact on homes, public health. Residents put at risk of harm.	01/01/2018	Working with partners (EA and other) and specialist consultants to monitor potential sites and assess risk to inform action as is needed	3	4	12	9	Potential issue identified at Joco Pit, Borough Green. Residents engaged. Public sessions held Jan 2018. Report to Members Feb 2018. Additional boreholes secured and monitoring in place until May 2018. UPDATE: Results indicate low risk and insufficient levels to be 'part 2 contaminated land. Briefing of Members and letters/drop-in session for residents planned for June/July. Ongoing monitoring required for 12 month period before further review. Initial investigations underway in respect of Priory Wood site.	Contaminated Land Strategy	Director of Planning Housing and Environmental Health	May-19
19	Procurement and Implementation of Waste/ Recycling Contract	F, R, S	Failure to provide new service and deliver described outcomes in accordance with contract timescales. Significant reputational risk. Risk of challenge from tenderers. Failure to achieve financial targets for garden waste scheme.	01/07/2018	Partnership arrangement with TWBC, with allocation of key tasks. Internal Project Group reports regularly to MT. Regular update reports to Members including separate Member Working Group. External advice sought from specialists on key decisions. Detailed project plan and risk register. Operational Marketing Plan in place. Inter Authority Agreement with KCC encourages improved recycling performance and shares financial risks. 3 crucial work streams have been identified (IT, Communications and Operations) and individual sub-working groups have been established to monitor and implement these work areas.	3	4	12	9	New contractor (Urbaser) appointed and commenced 1/3/19. New service delivery arrangements to be introduced from 30th September 2019, including opt-in garden waste scheme. SS&EAB 11/2/19 approved Operational Marketing Plan and Mobilisation arrangements. Contractor to produce Annual Service Plan, monitored by Partnership Manager. Garden waste charges set to encourage take up including 'early bird' deal from 30th September 2019. UPDATE: Government recently launched consultation on new Waste & Resources Strategy including greater consistency of collection arrangements across local authorities. Council to respond within deadline for comments.	Delivery of cost effective service to meet customer needs.	Director of Street Scene, Leisure & Technical Services	Mar-20

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

19 March 2019

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 FAIR FUNDING REVIEW

Alongside the 2019/20 provisional local government finance settlement, the Ministry of Housing, Communities and Local Government (MHCLG) confirmed it is looking to implement the Fair Funding Review in April 2020 and published a further consultation paper: “Review of local authorities’ relative needs and resources”. This report provides an overview of the consultation paper, together with our response that was agreed in liaison with the Cabinet Member for Finance, Innovation and Property.

1.1 Introduction

- 1.1.1 As we approach the 2019 Spending Review, the implementation of new funding baselines as part of the Fair Funding Review in 2020 and greater Business Rates Retention, the challenges for local government finance are greater than ever.
- 1.1.2 Any outcome of the Fair Funding Review will not be sustainable unless it is introduced alongside sufficient additional resources to meet the funding gap facing local authorities.
- 1.1.3 Local authorities must receive as much advance notice as possible of their provisional funding baselines to enable proper financial planning.

1.2 Fair Funding Review

- 1.2.1 Alongside the 2019/20 provisional local government finance settlement, the MHCLG confirmed it is looking to implement the Fair Funding Review in April 2020 and published a further consultation paper – “*Review of local authorities’ relative needs and resources: Technical consultation on the assessment of local authorities’ relative needs, relative resources and transitional arrangements*”. Its aim to provide councils with their fair share of funding according to relative needs and resources. The deadline for receipt of responses was 21 February.
- 1.2.2 This consultation sought views on the approach to measuring the relative needs and resources of local authorities, which will determine new baseline funding allocations for local authorities in England in 2020/21.

1.2.3 The consultation paper outlined:

- Further proposals to simplify the assessment of local authorities' relative needs by introducing a simple Foundation Formula, alongside several 'service-specific' formulas. This includes a focus on the structure of the needs assessment, Area Cost Adjustment, the weighting between services, weighting of cost drivers and future proofing the needs assessment.
- The type of adjustment that will be made to an authority's relative needs assessment to take account of the relative resources available to them to fund local services, such as council tax.
- A set of principles that will be used to design transitional arrangements and examines how the baseline for the purposes of transition should be established.

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

<https://www.gov.uk/government/consultations/review-of-local-authorities-relative-needs-and-resources>

1.2.5 The deadline for responses was 21 February 2019. A copy of the response agreed with the Cabinet Member for Finance, Innovation and Property under delegated authority can be found at **[Annex 1]**.

1.2.6 A summary of the key issues from the consultation paper are set out below.

- The current proposal is for a Foundation Formula with seven service-based blocks.
- Population (including projections) and an Area Cost Adjustment featuring adjustments for rurality are proposed for the Foundation Formula.
- The intention is to use 'notional' council tax levels and not use council tax base projections.
- The level of the 'notional' council tax rate resources block is yet to be determined.
- Aside from excess income from car parking, which is going to be reconsidered, sales, fees and charges income will not be included as an income source.
- The weighting of funding between services, indicators and the data sources used remain outstanding issues.
- The transition methodology is likely to be broader than in the past, but this will not be determined until later in the process.

- A consultation on indicative allocations is intended before the 2020/21 Settlement, but post Spending Review 2019.

1.3 Overview

- 1.3.1 The paper is split into three main subject areas: Relative Needs; Relative Resources; and Transitional Arrangements, each of which is considered in turn below.

Relative Needs

- 1.3.2 This chapter focusses on how to establish the relative needs of local authorities and in particular considers:

Structure of the needs assessment

- 1.3.3 The Government is committed to implementing an approach that is as simple and transparent as possible, but recognises this should not be at the expense of accuracy and fairness. It proposes the new system begins with a transparent foundation formula to allocate funding to each type of local authority using common cost drivers, but acknowledging certain service areas may require a more specific approach, service specific cost drivers. The starting point for the foundation formula will be that all services should be included within it, unless there is a strong enough case for individual services to have their own formula.
- 1.3.4 The paper proposes a foundation formula alongside seven service specific funding formulas, two of which are relevant to district councils – legacy capital finance and flood defence and coastal protection. In order to reflect the structure of local government and the responsibilities of different tiers, the government will introduce separate upper tier and lower tier foundation formulae.
- 1.3.5 The paper, based on analysis, states that population is by far the important predictor of the costs that councils face for services included in the foundation formula. As such the proposed formula includes population size (based on Office for National Statistics population projections) as the only cost driver, i.e. these services will be funded on a per capita basis, with an Area Cost Adjustment applied.
- 1.3.6 Rurality and deprivation which were identified as potential cost drivers in the December 2017 consultation paper were found not to be a major cost driver for the services included in the foundation formula, but that relative levels of deprivation do remain an important cost driver for some specific service areas; and that sparsity and remoteness can have a significant effect on the cost of providing some services and therefore, it is proposed that a specific cost driver is included in a new Area Cost Adjustment methodology.
- 1.3.7 A separate service specific formula for Legacy Capital Finance (not applicable to Tonbridge and Malling) is proposed to ensure that borrowing commitments agreed

to be funded through the local government finance settlement prior to the introduction of the Prudential Capital Finance System is recognised in the relative needs assessment.

- 1.3.8 A separate service specific formula for Flood defence and coastal protection is proposed for shire district councils to recognise that it can account for a significant amount for a small number of lower tier authorities.
- 1.3.9 In order to illustrate where specific council services are captured in the proposed relative needs assessment, MHCLG has 'mapped' expenditure lines from local authority general fund revenue account outturn forms to specific areas of the needs assessment. This is set out in a technical paper published alongside this consultation.

Area Cost Adjustment

- 1.3.10 The MHCLG believe it is important to include an Area Cost Adjustment in the assessment of relative needs and propose it comprise a rates cost adjustment, a labour cost adjustment and a remoteness adjustment. The factors will be weighted together into a single index for each relevant funding formula.

Weighting of funding between services

- 1.3.11 The overall level of funding available for redistribution at the 2020/21 local government finance settlement will be subject to the outcome of the 2019 Spending Review. The proposed system is to include several funding formulae and as such it will be necessary to decide the proportion of overall funding that is allocated by each one. The approach to determining control totals has yet to be decided.

Weighting cost drivers in a relative needs formula

- 1.3.12 The paper states that statistical techniques offer an evidence based way to determine funding allocations by minimising the use of judgement in constructing funding formulae. In determining the merits of a particular technique, the following factors were considered: robustness, complexity and practicality. The two leading statistical techniques identified for the review were 'multi-level' modelling and expenditure based regression.

Future proofing the needs assessment

- 1.3.13 To reflect the impact of population and demographic changes over time, MHCLG propose using the Office for National Statistics population projections to calculate allocations for each year of a forward funding period, at the outset of the period, and updating these when the needs assessment is refreshed.

Relative Resources

1.3.14 Principles that will be used to determine the approach to a new relative resources adjustment: no redistribution of council tax or sales, fees and charges between authorities; not look to reward or penalise authorities for local discretion; and authorities with a lesser capacity to fund services through locally raised resources will receive a smaller reduction to their relative needs share.

Council Tax

1.3.15 In determining a measure of council tax resources, there are several factors which need to be accounted for and these are set out below.

- Council tax base, including treatment of discounts, exemptions, premiums and local council tax support.
- Council tax level.
- Council tax collection rate.
- Council tax tier splits in multi-tier areas.
- An approach to council tax in successive years.

Council tax base

1.3.16 The MHCLG is minded to continue including the effect of all non-discretionary discounts and exemptions in its measure of the tax base using data captured by local authority council tax base returns. It is also minded to take account of the impact the pension-age element of local council tax support has on the tax base and asks how they should do this.

1.3.17 In order to avoid taking direct account of local policy choices the MHCLG is minded to continue with an assumption-based approach to take account of the impact discretionary discounts and premiums (the second homes discount, empty homes discount and the empty homes premium) have on the tax base and asks what assumptions to make.

1.3.18 The MHCLG wishes to explore options for taking account of the working-age element of local council tax support in the measure of the council tax base.

Council tax level

1.3.19 There are two options for the treatment of council tax levels in the measure of council tax income, actual or notional. Given an 'actual' approach would undermine the MHCLG intention to not reward or penalise authorities for historic local decision making it is minded to use a notional assessment of council tax levels. As to the notional council tax level to adopt no preferred option is put forward and asks how this should be determined, e.g. the average council tax level?

Council tax collection rate

- 1.3.20 The paper considers the collection rate and whether to either use the actual rates (thereby creating a disincentive for a higher rate) or a single, uniform collection rate and asks for views on how the council tax collection rate should be determined.

Council tax tier splits in multi-tier areas

- 1.3.21 The paper states that MHCLG is minded to calculate the average share in council tax receipts in multi-tier areas between the shire county precept, the shire district element and the fire element of council tax bills across the country, and apply that percentage uniformly to the measure of council tax for relevant areas.

Council tax in successive years

- 1.3.22 In the case of a multi-year settlement from 2020/21 onwards, it will be necessary to consider the treatment of council tax income in successive years as part of a resources adjustment. The paper outlines two approaches: a single measure of council tax resource fixed over the period and full or partial projections of council tax resource at the outset of the period. The paper states that MHCLG is minded to fix a single measure of council tax resource over the period. Whilst there is no definitive “right” or “wrong” approach, the government is minded to fix the tax base whilst, on the other hand, being minded to use population projections for relative need.

Sales, Fees and Charges

- 1.3.23 Unlike council tax, sales, fees and charges have not previously been taken into account in a relative resources adjustment and having considered whether it is appropriate and practical MHCLG are minded not to do so and to use net revenue expenditure when past expenditure is used as a proxy for local authorities’ relative needs. However, do ask for views whether, if minded to do so, how services areas which have generated an increasingly significant level of surplus income, specifically parking income, should be taken into account.

Transitional Arrangements

- 1.3.24 Principles proposed in designing of transitional arrangements: stability; transparency; time-limited; and flexibility.
- 1.3.25 Once the new funding baselines have been determined, there will be transitional arrangements that will determine the basis on which authorities reach their funding allocations. The paper states that it is the intention that the transitional arrangements will unwind over time to “ensure that every council reaches their full funding allocation as quickly as practicable”. It provides the following formula to show the role of these arrangements in increasing/decreasing authorities’ final funding position.

Final funding position = (relative needs share – relative resources adjustment) ± possible transitional arrangements + actual resources income

- 1.3.26 The paper proposes that the starting baseline for the purposes of transition will be a measure of the funding available to each local authority in 2019/20. However, it recognises that the approach may require some adjustment to reflect changes to the business rates retention system and the treatment of negative RSG.

1.4 Summary

- 1.4.1 This consultation sets out the potential approaches that have been identified to measuring the relative needs and resources of local authorities; and transitional arrangements. However, it does not include any exemplifications showing potential funding allocations and, therefore, difficult to make an informed response in isolation. Clearly, further data and modelling is required to better understand how the various strands might come together to make an informed response. As such, the response to the consultation is to be read in that context.
- 1.4.2 The proposed use of a foundation formula plus the two service specific funding formula, legacy capital finance (not applicable to Tonbridge and Malling) and flood defence and coastal protection with an area cost adjustment applied as appropriate, together with the cost drivers to be used in each formula to measure shire district councils' relative needs in principle supported.
- 1.4.3 The proposals in respect of the council tax base including treatment of discounts, exemptions and premiums; council tax level; collection rate; council tax tier splits in multi-tier areas; and the approach to successive years in determining a measure of council tax resources also in principle supported.
- 1.4.4 Strongly of the view that surplus sales, fees and charges including surplus parking income should not be taken into account when assessing local authorities' relative resources adjustment.
- 1.4.5 As the level of funding attributed to any one council post 2020 could decrease markedly, transitional arrangements in the form of damping will be a prerequisite.
- 1.4.6 Of further (probably greater) concern to this Council is New Homes Bonus (NHB). This is a critical component of our overall grant funding and included in core spending power calculations. Papers on future funding are silent on this source of funding which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk.
- 1.4.7 A view expressed previously and again is to give greater control and flexibility over their finances council tax levels should be a decision for councils and the council tax referendum principles withdrawn.

1.5 Legal Implications

- 1.5.1 The legislative framework for the setting, billing, collection, recovery and administration of council tax is set out in the Local Government Finance Act 1992.

1.6 Financial and Value for Money Considerations

- 1.6.1 A key part of the jigsaw is the Council's baseline funding level and how this then compares to that reflected in the Medium Term Financial Strategy taking into account transfer of any new responsibilities?
- 1.6.2 Of further (probably greater) concern is the ongoing uncertainty about the future of New Homes Bonus which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk.
- 1.6.3 The level of funding any one authority receives in future could decrease markedly and place financial sustainability at risk where transitional arrangements in the form of damping will be a prerequisite.
- 1.6.4 It may not be a surprise to hear that previous assessments of relative needs and resources have not been particularly positive for this Council. Its relative need seen as low and its relative resource high. Based on being no better or worse off in relation to the Spending Review 2015 reductions might suggest at best a baseline funding allocation similar to that prior to the removal of negative RSG in 2019/20 plus a share of business rates growth of circa £1.4m. In this scenario, additional funding sources, e.g. NHB which is at risk of change year on year and at worse withdrawal, amounting to £1.0m is required to achieve the overall grant funding assumed in the Medium Term Financial Strategy.

1.7 Risk Assessment

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

Background papers:

contact: Neil Lawley

Nil

Sharon Shelton
Director of Finance and Transformation

Review of local authorities' relative needs and resources: Technical consultation on the assessment of local authorities' relative needs, relative resources and transitional arrangements

Preamble

Any outcome of the Fair Funding Review will not be sustainable unless it is introduced alongside sufficient additional resources to meet the funding gap facing local authorities.

Local authorities must receive as much advance notice as possible of their provisional funding baselines to enable proper financial planning.

This consultation sets out the potential approaches that have been identified to measuring the relative needs and resources of local authorities; and transitional arrangements. But does not include any exemplifications showing potential funding allocations and, therefore, difficult to make an informed response in isolation. Clearly, further data and modelling is required to better understand how the various strands might come together to make an informed response. As such, the response to the consultation is to be read in that context.

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

Of particular concern to this Council is New Homes Bonus (NHB). This is a critical component of our overall grant funding and included in core spending power calculations. Papers on future funding are silent on this source of funding which we again ask be made a permanent part of overall funding rather than open to potential change year on year. The current arrangement does not aid financial planning and at worse could put financial sustainability at risk. NHB has in recent years been in excess of £3.0m as a result of above average housing growth, whereas using average housing growth over the medium to long term would suggest NHB of circa £1.8m based on the current scheme. How is this to be taken into account in determining funding allocations?

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

Summary of Questions and Responses

Question 1: Do you have views at this stage, or evidence not previously shared with us, relating to the proposed structure of the relative needs assessment set out in this section?

The proposed use of a foundation formula plus the two service specific funding formula, legacy capital finance and flood defence and coastal protection with an area cost adjustment applied as appropriate, together with the cost drivers to be used in each formula to measure shire district councils' relative needs in principle supported. The flood defence and coastal protection formula should take account of the costs of Internal Drainage Board levies faced by some authorities.

The technical paper published alongside this consultation to 'map' expenditure lines from local authority general fund revenue account outturn forms to specific areas of the needs assessment highlights expenditure by shire district councils attributed to services with a service specific formula for upper-tier authorities, e.g. highways maintenance and public health. How is this to be taken into account in determining the proportion of overall funding that is allocated by each funding formula?

Question 2: What are your views on the best approach to a Fire and Rescue Services funding formula and why?

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

Question 3: What are your views on the best approach to Home to School Transport and Concessionary Travel?

No comment.

Question 4: What are your views on the proposed approach to the Area Cost Adjustment?

Believe it is important to include an Area Cost Adjustment in the assessment of relative needs; and the proposed approach to the Area Cost Adjustment supported.

Question 5: Do you agree that the Government should continue to take account of non-discretionary council tax discounts and exemptions (e.g. single person discount and student exemptions) and the income forgone due to the pensioner-age element of local council tax support, in the measure of the council tax base? If so, how should we do this?

Agree that non-discretionary council tax discounts and exemptions and the pensioner-age element of local council tax support should be taken into account in the measure of the council tax base. Suggest the council tax base return be used to capture the necessary data.

Question 6: Do you agree that an assumptions-based approach to measuring the impact of discretionary discounts and exemptions should be made when measuring the council tax base? If so, how should we do this?

Agree that an assumption-based approach be used to take account of the impact discretionary discounts have on the council tax base. The assumption should be that no discretionary discounts (with the exception of local council tax support for working-age claimants) or premiums are applied.

Question 7: Do you agree that the Government should take account of the income forgone due to local council tax support for working age people? What are your views on how this should be determined?

Agree that the working-age element of local council tax support should be taken into account in the measure of the council tax base. Could the pensioner-age element parameters be used here and the council tax base return used to capture the necessary data?

Question 8: Do you agree that the Government should take a notional approach to council tax levels in the resources adjustment? What are your views on how this should be determined?

Agree should take a notional approach to council tax levels in the measure of council tax income. As to the level to adopt suggest an objective measure to be the average council tax level.

Question 9: What are your views on how the Government should determine the measure of council tax collection rate in the resources adjustment?

A single, uniform collection rate supported. As to the level to adopt suggest an objective measure to be the average council tax collection rate.

Question 10: Do you have views on how the Government should determine the allocation of council tax between each tier and fire and rescue authorities in multi-tier areas?

The average national share of council tax receipts in multi-tier areas between the shire county precept, the shire district element and the fire element of council tax bills supported.

Question 11: Do you agree that the Government should apply a single measure of council tax resource fixed over the period between resets for the purposes of a resources adjustment in multi-year settlement funding allocations?

Agree should apply a single measure of council tax resource fixed over the period. Historical (recent) trends are not necessarily indicative of future tax base growth.

Question 12: Do you agree that surplus sales, fees and charges should not be taken into account when assessing local authorities' relative resources adjustment?

Agree strongly.

Question 13: If the Government was minded to do so, do you have a view on the basis on which surplus parking income should be taken into account?

Strongly of the view that surplus sales, fees and charges including surplus parking income should not be taken into account when assessing local authorities' relative resources adjustment.

Question 14: Do you agree with the proposed transition principles, and should any others be considered by the Government in designing of transitional arrangements?

Agree with the proposed transition principles. For the transition to be both manageable and sustainable the scale and size of any reduction should be taken into account in determining the length of the transition period not forgetting the likely significant cost reductions already made to date, where greater flexibility may help.

Question 15: Do you have views on how the baseline should be constructed for the purposes of transition?

Suggest consider the actual resources that authorities are receiving from the major funding streams, rather than a single element, similar to core spending power calculations for the purposes of transition.

Question 16: Do you have any comments at this stage on the potential impact of the proposals outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

No comment.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

19 March 2019

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 **BUSINESS RATES RETENTION REFORM**

Alongside the 2019/20 provisional local government finance settlement, the Ministry of Housing, Communities and Local Government (MHCLG) confirmed the aim to introduce 75% Business Rates Retention for all in 2020/21 and published a consultation paper on possible changes to the system: “Business Rates Retention Reform”. This report provides an overview of the consultation paper, together with our response that was agreed with the Cabinet Member for Finance, Innovation and Property.

1.1 Introduction

1.1.1 As we approach the 2019 Spending Review, the implementation of greater Business Rates Retention and new funding baselines as part of the Fair Funding Review in 2020, the challenges for local government finance are greater than ever. It is vital that the Government uses the 2019 Spending Review to deliver truly sustainable funding for local government.

1.1.2 The MHCLG has stated its intention that there will be a reset of the Business Rates Retention (BRR) system and a move to 75% business rates retention from April 2020. As part of this process, the MHCLG has been reviewing the components of the BRR system and the role the system can play in continuing to provide an incentive for local authorities to grow the business rates in their area while minimising complexity.

1.2 Business Rates Retention Reform

1.2.1 Alongside the 2019/20 provisional local government finance settlement, the MHCLG confirmed the aim to introduce 75% Business Rates Retention for all in 2020/21 and published a consultation paper on possible changes to the system – “*Business Rates Retention Reform - Sharing risk and reward, managing volatility and setting up the reformed system*”.

- 1.2.2 The MHCLG has acknowledged that the existing BRR system is complex and has not always been flexible. It has also recognised that there is a level of disproportionate volatility in the current system and has stated that it is committed to reducing the impact on local authority income of factors outside of an authority's control. The proposals outlined in the consultation paper are in part intended to address some of these issues.
- 1.2.3 This consultation sought views on proposals for sharing risk and reward, managing volatility in income and setting up the reformed business rates retention system. The reform of the business rates retention system will sit alongside wider changes to the local government finance system which the MHCLG aims to introduce in 2020.
- 1.2.4 The consultation paper outlined further proposals to:
- Update the balance of risk and reward to better reflect the wider context for local authorities in 2020. It suggests a future approach to resets that would smooth potential 'cliff edges' in income, proposes reforms to the levy that would allow more authorities to keep more of their business rates growth, and reaffirms the Government's commitment to a safety net to protect authorities from sudden reductions in income.
 - Mitigate volatility in income and simplify the system.
 - Set up the new business rates retention system in April 2020 – specifically, inviting views from local authorities on the operational steps that may be necessary to set accurate Business Rates Baselines.
- 1.2.5 The consultation paper can be found at the following link:
<https://www.gov.uk/government/consultations/business-rates-retention-reform>
- 1.2.6 The deadline for responses was 21 February 2019. A copy of the responses agreed with the Cabinet Member for Finance, Innovation and Property under delegated authority can be found at **[Annex 1]**.
- 1.2.7 A summary of the key issues from the consultation paper are set out below.
- There is a full reset planned for 2020/21 that will see the "growth" within the current business rates system up to 2019/20 transferred to Baseline Need.
 - Future resets could be on a quite different basis, seeing a proportion of the growth retained by local government (partial reset) with the determination of the business rates baseline possibly being on a phased basis.
 - The safety net is to continue, at a level to be set at the end of the process.
 - There will be no levy, but a growth threshold (not yet determined) above which all "growth" would be lost.

- Tier splits – MHCLG hopes that the sector can propose its own splits with the potential for a default position if no agreement can be agreed.
- There would appear to be significant issues (that may not be able to be overcome) to nationalising appeals under the current system. There are also concerns regarding how authorities' business rates baselines would be determined under a reset (any type).
- A modified version of the BRR system is proposed that would effectively nationalise appeals and establish a more objective method of setting the starting point for each authority (and therefore capture growth more accurately).

1.3 Overview

1.3.1 The paper is split into three main subject areas: Balancing risk and reward; Simplifying the system and reducing volatility; and Setting up the system, each of which is considered in turn below.

Balancing risk and reward

1.3.2 This chapter focusses on resetting the business rates baseline; the safety net; the levy; tier splits; and pooling.

Resetting the business rates baseline

- 1.3.3 The resetting of business rates baselines (BRB) determines the growth incentive for individual authorities, by determining the amount of business rates growth they retain and for how long. The intention of the reset is to ensure that the distribution of resources remains aligned with need. There is a trade-off between resets being too frequent and the growth incentive being weakened, and too infrequent resets could mean that relative need grows faster than local tax resources.
- 1.3.4 The MHCLG intend to carry out a full reset of BRB in 2020/21 and seeks views on the approach to resets after 2020/21, in particular, the type of reset (full or partial) and the time period that a reset should cover.
- 1.3.5 Under a partial reset the BRB and Baseline Funding Levels are held constant for a set number of years and, at a reset, a percentage of the growth achieved over the previous period is redistributed, with the remaining growth retained by local government. The retention of some growth into a new reset period would potentially smooth 'cliff edges' and support longer term planning. The percentage to be retained is yet to be determined and MHCLG asks for views on this. However, it is recognised there would still be intermittent full resets (using, for example, a period of 15 years, which could mean after two partial resets if these were spaced 5 years apart).

- 1.3.6 Under a full reset, no growth is retained into the forthcoming reset period. As this type of reset does not meet MHCLG preferred criteria and sector support for partial resets over full resets when responding to previous consultations, full resets at the end of every reset period post 2020/21 are being ruled out.
- 1.3.7 An alternative suggested is a phased reset where each year's growth (or loss) is retained for a set number of years and, thereafter, that growth (or loss) is redistributed. Under this option, it would not matter when growth came 'on stream', as all growth would count equally, regardless of timing.

Safety net

- 1.3.8 The intention of the safety net is to ensure that no authority falls below a minimum level of their assessed need, currently expressed as a percentage of Baseline Funding Level and is both proportionate and sustainable when income declines, e.g. because of the closure of a major ratepayer.
- 1.3.9 Given the likelihood that an authority will require a safety net payment is very much a function of other elements in the system, e.g. appeals MHCLG believe the level at which the safety net is set be determined when decisions have been made on the wider system.
- 1.3.10 The MHCLG expect the safety net to be funded through the levy account and a top-slice of business rates income. If the levy is reformed as discussed in the paper it will provide much less income to fund safety net payments and a higher proportion would need to be funded through a future top-slice. It is anticipated that the cost of safety net payments will, in future, be lower following the reform of other elements of the system.

Levy

- 1.3.11 To remove the levy from the new system would require primary legislation and as such MHCLG are minded to reform this element of the system within the current legislative framework by raising the threshold at which the levy falls due and, in doing so, to consider how the levy could be reformed to ensure that 'extraordinary growth' does not distort the fairness of the system.
- 1.3.12 The MHCLG propose that the level at which an authority becomes eligible to pay the levy should be raised so that only growth that could be considered 'extraordinary' would be subject to it, above which the levy should be 100% and, therefore, function as a cap. MHCLG believe that this would be a simpler approach and would provide a stronger growth incentive and seeks views on the level at which the levy should fall due.

Tier Splits

- 1.3.13 MHCLG is minded to retain a national tier split to distribute business rates income in multi-tier areas. Again the level for the tier split between counties and districts

is to be decided later in the process, following decisions on other elements of the system; and an opportunity for this decision to be sector led and MHCLG asks what should the fall-back position be in the event that an agreement is not reached and should a two-tier area be able to set their tier-splits locally?

Pooling

- 1.3.14 If the levy is reformed, a key incentive to pooling will be lessened and the consultation seeks views on how pooling can be incentivised and improved within the reformed system?

1.4 Simplifying the system and reducing volatility

- 1.4.1 This chapter focusses on a review of hereditaments on the central and local lists; options to address volatility caused by appeals and valuation loss; and a proposal to simplify the administration of the business rates retention system.

Review of hereditaments on the central and local lists

- 1.4.2 Resetting of the BRR system in 2020/21 provides an opportunity to reassess the allocation of classes of hereditaments between the central and local non-domestic rating lists.
- 1.4.3 MHCLG view is that the reform of the central and local lists should create a rational and transparent system which is uniform throughout the country and that the central list should be used to list hereditaments, which, by their nature, are unsuitable for listing in local lists; and asks on applying the criteria outlined in the consultation, there are hereditaments that should be listed differently?

Options to address volatility caused by appeals and valuation loss

- 1.4.4 To address the volatility relating to appeals the MHCLG has previously stated its intention to centralise this risk. Two separate but key issues are identified: how to measure the compensation due to local authorities for business rates losses due to valuation change and how to mitigate the impact of provisions on authorities' ability to spend on services in-year using accounting adjustments?
- 1.4.5 MHCLG believes the first issue can be addressed using a proxy. Under this proxy, MHCLG propose is minded to top-slice business rates income to compensate all changes to an authority's local list backdated to the first day of the list, as a 'valuation only change'. Changes not backdated to the start of the list would, therefore, be classified as physical changes and not compensated.
- 1.4.6 MHCLG outlines four options relating to the second issue, all of which it considers are impractical stating in its view the proposal to simplify the administration of the business rates retention system outlined in the consultation is the only option available to address the volatility caused by appeals and valuation loss.

Proposal to simplify the administration of the business rates retention system

1.4.7 MHCLG believe a proposal originally worked-up by members of the Business Rates Retention System Design Working Group offers a way of addressing the issue of volatility caused by appeals and other valuation change and would also simplify the system and give more certainty as to the level of income authorities can expect to see year on year.

1.4.8 How the reformed system would work –

- Proposes to use local authorities' own estimates of their business rates income – after provisions have been made – to set Business Rates Baseline each year.
- A local authority's top-up or tariff payment will continue to be set as the difference between the Business Rates Baseline and Baseline Funding Level. The result will be that each local authority will have certainty each year that their income net of provision will be equal to their needs assessment (before growth or decline in business rates is accounted for) and provisions will no longer adversely impact on an authority's income. To implement this change the date that local authorities provide their NNDR1 forms would most likely have to be brought forward to around September each year.
- A system of floating top-up and tariff payments to reconcile differences between the initial estimates of business rates income provided in the NNDR1 form and the outturn figures available after the end of the financial year through NNDR3 forms. Top-up and tariff payments would be adjusted in the following year to take account of any such difference when the following year's top-up or tariff is set. Such a system of floating top-ups and tariffs would also provide more flexibility in how other elements of the system could be administered.

1.4.9 Risk and reward under the reformed system –

- Under 75% BRR, local authorities are to keep 75% of their business rates growth (subject to decisions taken on the levy and tier splits) and 75% of any decline (subject to decisions taken on the level of the safety net).
- A new calculation to identify the level of business rates growth (or decline) to be retained by individual authorities would be required. MHCLG is minded to measure growth and decline based on outturn figures provided in NNDR3 forms net of provisions.
- Any growth or decline in business rates income would be recognised by adjusting the following year's top-up and tariff payments. A local authority would see the benefit, by way of budgeted additional income, of any growth in the year following the submission of outturn data.

- 1.4.10 This proposal would provide certainty to local authorities of the income they can expect to receive at the point of the provisional local government finance settlement. Only changes in business rates due to actual changes in the business rates base in an area, as opposed to appeals and changes in valuation, would be recognised, improving the accuracy of the system.

Setting up the System

- 1.4.11 If the system is not reformed in the way suggested MHCLG will need to set new Business Rate Baselines for 2020/21. However, it should be remembered a full reset of the BRR system is planned in 2020 and the transition to new baselines in 2020/21 will be considered separately at a later date.
- 1.4.12 If the system is not reformed it is proposed baselines be based on authorities' retained business rates income as at 2019/20. However, as outturn data for 2019/20 will not be available in time to set the new baselines MHCLG propose to use 2018/19 NNDR3s and uprate them by the change in the small business rating multiplier. In addition, propose to use a single year's data to set baselines, rather than an average of two years' data, as was done in 2013/14.
- 1.4.13 In calculating baselines, MHCLG will use data for net rates payable from 2018/19 NNDR3s, with deductions for non-collection and appeal provisions and for "disregarded amounts" i.e. the cost of collection allowance. The resultant number will be the total Business Rates Baseline at the billing authority level. This will then be apportioned between billing authorities and their major precepting authorities in accordance with the relevant tier-split shares.
- 1.4.14 MHCLG considers the two most difficult deductions to calculate accurately to be non-collection and appeal provisions. For non-collection MHCLG propose to use an average of more than one year's data and in the case of appeals there are a number of possible options and asks for views on the approach to resetting Business Rates Baselines?

1.5 Summary

- 1.5.1 We remain clear that extra business rates income should go towards meeting the funding gap facing local government.
- 1.5.2 The level of safety net support, the levy, tier-splits in two tier areas and future resets yet to be decided.
- 1.5.3 The consultation paper makes a strong case for an alternative BRR system (adjusting back to baseline figures and having a separate measure of growth) being introduced in 2020/21.
- 1.5.4 The current difficulties around setting new individual authority business rates baselines after the reset and the problems in attempting to nationalise appeals under the current system make an alternative BRR system (adjusting back to

baseline figures and having a separate measure of growth) attractive both from a financial planning perspective and because it could establish a more transparent and fair way to reward actual growth in business rate revenues. The proposed alternative system is still very much in its infancy and further work is needed, especially around how to measure growth, but if a robust and transparent measure can be identified, it would arguably make business rates retention a much fairer and more stable system.

1.6 Legal Implications

- 1.6.1 The legislative framework for the billing, collection, recovery and administration of national non-domestic rates (business rates) is set out in the Local Government and Finance Act 1988.
- 1.6.2 The Local Government Finance Act 2012 and regulations that followed introduced the current Business Rates Retention scheme.

1.7 Financial and Value for Money Considerations

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

1.8 Risk Assessment

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

Background papers:

contact: Neil Lawley

Nil

Sharon Shelton
Director of Finance and Transformation

Business Rates Retention Reform: Sharing risk and reward, managing volatility and setting up the reformed system

Preamble

We remain clear that extra business rates income should go towards meeting the funding gap facing local government.

The consultation paper does not include any exemplifications and, therefore, difficult to make an informed response in isolation. Clearly, further data and modelling is required to better understand how the various strands might come together to make an informed response. As such, the response to the consultation is to be read in that context.

The consultation paper makes a strong case for an alternative Business Rates Retention (BRR) system (adjusting back to baseline figures and having a separate measure of growth) being introduced in 2020/21 and in principle supported. A system simplified so that it is more readily understood, more responsive to change and more straightforward to administer is clearly desirable.

More than 90,000 business rates appeals outstanding from the 2010 Rating List and ask Government to take action to ensure all outstanding appeals for the 2010 List are dealt with as soon as possible.

Summary of Questions and Responses

Question 1: Do you prefer a partial reset, a phased reset or a combination of the two?

Phased reset.

Question 2: Please comment on why you think a partial/ phased reset is more desirable.

Under a phased reset where each year's growth (or loss) is retained for a set number of years and, thereafter, that growth (or loss) is redistributed it would not matter when growth came 'on stream', as all growth would count equally, regardless of timing.

Important that whatever the method it is clear and predictable to authorities how the reset works, and as easy as possible to implement.

Question 3: What is the optimal time period for your preferred reset type?

Suggest a time period of six years.

Question 4: Do you have any comment on the proposed approach to the safety net?

Given the likelihood that an authority will require a safety net payment is very much a function of other elements in the system agree the level at which the safety net is set

be determined when decisions have been made on the wider system, but that it should not be less than 95% of Baseline Funding Level.

Question 5: Do you agree with this approach to the reform of the levy?

Agree.

Question 6: If so, what do you consider to be an appropriate level at which to classify growth as 'extraordinary'?

Suggest setting when the levy falls due at 150% of Baseline Funding Level.

Question 7: What should the fall-back position be for the national tier split between counties and districts, should these authorities be unable to reach an agreement?

In the event agreement is not reached suggest a 50:50 split. In this scenario including a Fire and Rescue Authority the tier split would be County Council 37%, District Council 37%, Central Government 25% and Fire and Rescue Authority 1%.

Question 8: Should a two-tier area be able to set their tier splits locally?

Yes.

Question 9: What fiscally neutral measures could be used to incentivise pooling within the reformed system?

Phased reset period of more than six years. Preferential access to other funding schemes for economic development.

Question 10: On applying the criteria outlined in Annex A, are there any hereditaments which you believe should be listed in the central list? Please identify these hereditaments by name and location.

No.

Question 11: On applying the criteria outlined in Annex A, are there any listed in the central list which you believe should be listed in a local list? Please identify these hereditaments by name and location.

No.

Question 12: Do you agree that the use of a proxy provides an appropriate mechanism to calculate the compensation due to local authorities to losses resulting from valuation change?

Agree.

Question 13: Do you believe that the Government should implement the proposed reform to the administration of the business rates retention system?

The current difficulties around setting new individual authority business rates baselines after the reset and the problems in attempting to nationalise appeals under the current system make an alternative BRR system (adjusting back to baseline figures and having a separate measure of growth) attractive both from a financial planning perspective and because it could establish a more transparent and fair way to reward actual growth in business rate revenues and in principle supported.

Question 14: What are your views on the approach to resetting Business Rates Baselines?

Resets based on authorities own estimates of business rates provisions as evidenced by NNDR3 returns supported.

Question 15: Do you have any comments at this stage on the potential impact of the proposals outlined in this consultation document on persons who share a protected characteristic? Please provide evidence to support your comments.

No comment.

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Agenda Item 11

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

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Agenda Item 12

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

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

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

Document is Restricted

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Agenda Item 14

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

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