

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: Democratic Services
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26 May 2020

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 online via Microsoft Teams on Wednesday, 3rd June, 2020 commencing at 7.30 pm. Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

PART 1 - PUBLIC

- | | | |
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To confirm as a correct record the Minutes of the meeting of the Cabinet held on 13 February 2020

4. Minutes 21 - 22

To confirm as a correct record the Minutes of the extraordinary meeting of the Cabinet held on 19 May 2020

5. Matters Referred from Advisory Boards 23 - 44

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

6. Matters Referred from Advisory Panels and Other Groups 45 - 58

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

Executive Key Decisions

7. Car Parking Fees and Charges - Outcome of Public Consultation 59 - 94

Item SSE 20/8 referred from Street Scene and Environment Services Advisory Board minutes of 5 March 2020

8. On Street Parking Fees and Charges 95 - 102

Item JTB 20/4 referred from Joint Transportation Board minutes of 9 March 2020

Executive Non-Key Decisions

9. Corporate Strategy - First Year Addendum 103 - 110

The report sets out the proposed approach to a one- year addendum to the Corporate Strategy to provide a framework within which to consider a wide range of issues in response to the Covid-19 pandemic.

10. Revenue and Capital Outturn 2019-20 111 - 132

In accordance with the Council's Financial Procedure Rules, information detailing actual Revenue and Capital Outturn for the year ended 31 March 2020 and subsequent adjustments made in light of the Outturn position was set out.

The Revenue and Outturn Booklet (Annex 1) will be available as a supplement.

11. Strategic Risk Register 133 - 144

Cabinet is provided with an update of the Strategic Risk Register in the light of the coronavirus pandemic. Members are asked to note and acknowledge the escalation of a number of key risks to RED as a consequence of this.

12. Development Management - Processes and Procedures 145 - 154

Item PE 20/4 referred from Planning and Transportation Advisory Board minutes of 3 March 2020

13. Proposed Revision to the Joint Transportation Board Agreement 155 - 166

Item PE 20/5 referred from Planning and Transportation Advisory Board minutes of 3 March 2020

Matters submitted for Information

14. Decisions Taken Under Emergency Provisions 167 - 184

Decisions taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee are attached for information.

15. Urgent Items 185 - 186

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

16. Exclusion of Press and Public 187 - 188

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

17. Coronavirus Pandemic - Contract Arrangements with Tonbridge and Malling Leisure Trust 189 - 212

A report setting out the financial issues in respect of the contractual arrangements with Tonbridge & Malling Leisure Trust as a consequence of the pandemic. The report also sets out a series of recommendations for a potential way forward.

18. Urgent Items 213 - 214

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 R P Betts, (Street Scene and Environment Services)
Councillor M A Coffin, (Finance, Innovation and Property)
Councillor D Lettington, (Strategic Planning and Infrastructure)
Councillor P J Montague, (Housing)
Councillor M R Rhodes, (Community Services)

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, 13th February, 2020

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors M C Base, A E Clark, N Foyle, Mrs A S Oakley, W E Palmer and J L Sergison were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 20/4 DECLARATIONS OF INTEREST

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

CB 20/5 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 16 October 2019 be approved as a correct record and signed by the Chairman.

CB 20/6 MINUTES OF EXTRAORDINARY MEETING


RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 6 January 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 20/7 RISK MANAGEMENT

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. Members noted that the entry in relation to the Waste Contract had been escalated to 'high risk' following the performance issues since 30 September when the new recycling arrangements were rolled out.

It was noted that the Audit Committee at its meeting on 20 January 2020 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 20/8 TREASURY MANAGEMENT UPDATE AND ANNUAL INVESTMENT STRATEGY 2020/21

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 2020/21 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 20 January 2020 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 2019 and the higher level of income incorporated in the 2019/20 revised estimates be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2020/21, as set out at Annex 5 to the report, be adopted.

***Referred to Council**

CB 20/9 SETTING THE BUDGET FOR 2020/21

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 2020/21.

Members noted that all figures contained in the report were based on the provisional local government financial settlement received in December 2019. Although the final settlement figures had been notified to local authorities by the Ministry of Housing, Communities and Local Government, a debate and vote regarding the final financial settlement had been deferred by Government until after the Parliamentary recess. It was noted that the final settlement figures for Tonbridge and Malling Borough Council were the same as the provisional settlement figures. As the full Council meeting to set the council tax for 2020/21 was due to take place on 18 February, before the reconvening of Parliament, the

Director of Finance and Transformation advised that there was a very small risk that the approved final settlement figures might differ from those included in the report.

It was also noted that the settlement figures included funding in 2020/21 for “Negative RSG” and funding for New Homes Bonus remained for 2020/21 although its long term future was uncertain. The Cabinet was also reminded that the Fair Funding Review had been delayed and a consultation was now expected in the Spring 2020.

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 2020 which had been incorporated in the draft Estimates. Particular reference was made to the recommendation of the Finance, Innovation and Property Advisory Board that the budget for Borough Christmas Lighting be capped at £40,000.

The report then described the remaining procedure to be followed in setting the budget for 2020/21 and calculating the council tax. For the purposes of updating the MTFs a council tax increase of £5 in 2020/21 had been assumed and for each 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 2020/21. Members were advised of details of special expenses for the same period.

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”. Members were also reminded that the funding gap set out in the report assumed that all the recommendations made by Advisory Boards and Committees, such as the transfer of public conveniences to parish councils, were delivered. If for whatever reason these were found not to be deliverable, the funding gap and therefore the savings and transformation target would increase.

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 £320,000 would be delivered.

RECOMMENDED: That

- (1) the budget for Borough Christmas Lighting be capped at £40,000 be endorsed;

- (2) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D200009CAB to D200015CAB) other than item SSE 19/25 (Review of Car Parking Fees and Charges) which had been endorsed at the extraordinary meeting on 6 January (D200001CAB);
- (3) the Capital Plan be updated as set out in paragraph 1.6.15 to the report and adopted accordingly;
- (4) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 8 January and the Overview and Scrutiny Committee on 15 January 2020 be endorsed and adopted by the Council;
- (5) the prudential indicators listed in paragraphs 1.7.7 and 1.7.12 of the report be endorsed and adopted;
- (6) for the financial year 2020/21 the Council's Minimum Revenue Provision, as set out at paragraph 1.7.15 of the report, be noted as nil;
- (7) subject to review each year, the maximum 'annual capital allowance' be increased from £200,000 to £250,000;
- (8) a Budget Stabilisation reserve be established in the sum of £3,500,000 to manage risk, assist in meeting future savings and transformation contributions and/or fund in full or in part an appropriate commercial investment opportunity as detailed at paragraph 1.9.10 of the report;
- (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 £5 per annum at Band D as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2020/21;
- (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 1.10.6 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;
- (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; and

- (14) the requirements of the CIPFA FM Code be noted and compliance demonstrated by way of a self-assessment to be reported to a future meeting of the Finance, Innovation and Property Advisory Board, and the outcome of the review of the CIPFA Financial Resilience Index.

***Referred to Council**

CB 20/10 SETTING THE COUNCIL TAX 2020/21

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 2020/21 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 18 February 2020.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a £5 per annum increase (or 2.4%) at Band D in the Borough Council's element of the council tax for 2020/21, representing a notional 'average' charge at Band D of £214.50.

***Referred to Council**

CB 20/11 REVIEW OF PUBLIC HEALTH

Item OS 20/3 referred from Overview and Scrutiny Committee minutes of 15 January 2020.

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the review of the Public Health Function and noted the concerns raised regarding the level of funding contribution for the One You Service.

RECOMMENDED: That

- (1) a formal request for an increased contribution to cover management costs to enable delivery of the One You Service on a cost neutral basis be submitted to Kent County Council; and
- (2) a further review of the Public Health Function be undertaken by the Overview and Scrutiny Committee to take account of the responses regarding funding contributions.

***Referred to Council**

CB 20/12 REVIEW OF DISABLED FACILITIES GRANTS

Item OS 20/4 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding the future provision of the Disabled Facilities Grant programme and Better Care initiatives within Tonbridge and Malling and noted the funding concerns expressed by the Overview and Scrutiny Committee regarding the hospital discharge service.

RECOMMENDED: That

- (1) a decision regarding the future provision of the Disabled Facilities Grant Programme and Better Care initiatives within Tonbridge and Malling be deferred to enable:
 - the Maidstone and Tunbridge Wells NHS Trust to respond to the formal request for a funding contribution towards the hospital discharge service; and
 - the impact of the options for the OT Service within Tonbridge and Malling Borough Council, presented at the Overview and Scrutiny Committee by Kent County Council, to be further explored.
- (2) a report addressing these issues in more detail to be presented to a future meeting of the Overview and Scrutiny Committee for consideration.

***Referred to Council**

CB 20/13 CORPORATE STRATEGY 2020-2023

Item OS 20/5 referred from Overview and Scrutiny Committee minutes of 15 January 2020

The Cabinet received the recommendations of the Overview and Scrutiny Committee regarding a revised Corporate Strategy for the period 2020-2023.

RECOMMENDED: That the updated Corporate Strategy 2020-2023 be approved, subject to the following amendment:

- The second theme under 'Our Values and Priorities' be amended to read 'Embracing Effective Partnership Working and Funding'.

***Referred to Council**

CB 20/14 CLASS C EMPTY PROPERTY COUNCIL TAX DISCOUNT AND LONG TERM EMPTY HOMES PREMIUM

Item FIP 20/6 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the removal of the Class C empty property discount and increases to the Council Tax long term empty homes premium from 1 April 2020 and April 2021 as allowed by regulations.

RECOMMENDED: That

- (1) the change to the Class C discount be continued from 1 April 2020; and
- (2) the long term empty homes premium of 200% be applied from 1 April 2020 and 300% be applied from 1 April 2021.

***Referred to Council**

CB 20/15 LOCAL COUNCIL TAX REDUCTION SCHEME 2020/21

Item FIP 20/7 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding the consultation on the Council's Local Council Tax Reduction Scheme and reviewed the changes proposed to the Scheme from 1 April 2020.

However, as a result of increases to the Minimum Wage, state benefits and Tax Credits recently announced by Government, the Cabinet was advised that it was necessary to amend the income bands within the banded discount table previously reported to the Advisory Board. This would avoid losses for households and redress the original objectives of the review of fairness, simplification and to remain cost neutral. The revised table was attached as Annex 1 to the supplementary report of the Director of Finance and Transformation. Members were informed that a Scheme had been prepared and could be viewed at: <https://www.tmbc.gov.uk/services/advice-and-benefits/council-tax/council-tax-reduction-scheme>

RECOMMENDED: That the proposed changes set out below be written into the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2020/21:

- (1) Proposed change 1 – Paragraph 1.5.1 of the report


- To stop posting decision letters to working age LCTRS claimants
 - To stop posting decision letters to pension age LCTRS claimants
 - To introduce online applications as the primary method to make a claim for LCTRS for pension and working age claimants
(Subject to paper forms being available on an exception basis);
- (2) Proposed change 2 – Paragraph 1.5.7
- To introduce a minimum income floor for self-employed income after one year of making a new claim or starting a business, at a rate of 35 hours per week x national minimum wage;
- (3) Proposed change 3 – Paragraph 1.5.14
- To introduce a banded discount scheme utilising thresholds as set out in Annex 1 to the supplementary report of the Director of Finance and Transformation.

***Referred to Council**

CB 20/16 ASSET MANAGEMENT PLAN

Item FIP 20/8 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board regarding a proposed Asset Management Plan 2020-2024 which set out the Borough Council's approach to managing land and property assets to ensure effective and efficient use and contributed to the delivery of services to residents.

RECOMMENDED: That the Asset Management Plan 2020-2024, set out in Annex 1 to the report, be approved. 

***Referred to Council**

CB 20/17 REVENUE ESTIMATES 2020/21

Item FIP 20/9 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 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 2020/21.

CB 20/18 CAPITAL PLAN REVIEW 2019/20

Item FIP 20/10 referred from Finance, Innovation and Property Advisory Board minutes of 8 January 2020

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 8 January 2020 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 2020/21.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE DECISIONS)**CB 20/19 REVIEW OF FEES AND CHARGES**

Decision Notice D200009CAB

CB 20/20 REVIEW OF CEMETERY CHARGES 2020/21

Decision Notice D200010CAB

CB 20/21 REVIEW OF HOUSE IN MULTIPLE OCCUPATION AND CARAVAN SITE LICENSING FEES 2020/21

Decision Notice D200011CAB

CB 20/22 REVIEW OF PLANNING APPLICATION CHARGING REGIME

Decision Notice D200012CAB

CB 20/23 REVIEW OF FEES AND CHARGES 2020/21

Decision Notice D200013CAB

CB 20/24 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D200014CAB

CB 20/25 REVIEW OF BUILDING CONTROL PARTNERSHIP FEES FOR 2020/21

Decision Notice D200015CAB

CB 20/26 PROVISION OF PUBLIC CONVENIENCES

Decision Notice D200016CAB

CB 20/27 PROVISION AND OPERATION OF BUS SHELTERS

Decision Notice D200017CAB

CB 20/28 UPDATE ON PUBLIC SPACE PROTECTION ORDER

Decision Notice D200018CAB

MATTERS SUBMITTED FOR INFORMATION**CB 20/29 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 30 October 2019

Economic Regeneration Advisory Board of 5 November 2019

Communities and Housing Advisory Board of 12 November 2019

Planning and Transportation Advisory Board of 13 November 2019

Finance, Innovation and Property Advisory Board of 8 January 2020

Members were advised that the notes of the Street Scene and Environment Services Advisory Board of 11 February, previously marked to follow, would be presented at the Cabinet meeting on 17 March 2020.

RESOLVED: That the report be received and noted.

CB 20/30 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

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

Parish Partnership Panel of 14 November 2019

Joint Transportation Board of 18 November 2019

Parish Partnership Panel of 6 February 2020

RESOLVED: That the report be received and noted.

CB 20/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.40 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 19th May, 2020

Present: Cllr N J Heslop (Chairman), Cllr R P Betts, Cllr M A Coffin, Cllr D Lettington, Cllr P J Montague and Cllr M R Rhodes

Councillors Mrs J A Anderson, M C Base, Mrs P A Bates, Mrs S Bell, M D Boughton, V M C Branson, A E Clark, R W Dalton, D A S Davis, M A J Hood, S A Hudson, K King, Mrs R F Lettington, Mrs A S Oakley, W E Palmer, H S Rogers, R V Roud, J L Sergison, T B Shaw, N G Stapleton, K B Tanner and Miss G E Thomas were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 20/32 DECLARATIONS OF INTEREST

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

CB 20/33 RESPONDING TO THE CORONAVIRUS EMERGENCY

Decision Notice D200028CAB

The report of the Management Team provided a strategic overview of the Borough Council's response to the national emergency, the impacts on service delivery, the introduction of priority initiatives and financial impacts. A framework for the development of a future recovery plan, in the form of an Addendum to the Corporate Strategy, was also set out.

It was explained that there would be opportunity for more detailed Member debate on a number of key issues, such as climate change and economic recovery, at various meetings of Advisory Boards and Committees over the coming months.

RESOLVED: That

- (1) the overview of the Borough Council's response to the coronavirus emergency be noted;
- (2) for the time being and until the overall impact can be better assessed, the principle of an 'essential spend only' policy in relation to the Borough Council's budget, as imposed by Management Team, be endorsed;

- (3) the intention to submit reports to relevant Advisory Boards and Committees in the future, including in relation to the Climate Change Strategy, the Economic Development Strategy, the Medium Term Financial Strategy and the Savings and Transformation Strategy, be noted;
- (4) the preparation of a one year Addendum to the Corporate Strategy, to be reported to a future meeting of the Cabinet, be agreed; and
- (5) the sincere appreciation and thanks of the Cabinet and all Members of the Council be offered to the Chief Executive, Lead Officers and all the members of staff of TMBC for their exemplary attitude in undertaking their duties at home (in many cases) and, for some, in more difficult circumstances. Despite lockdown 'the staff' of TMBC had continued to offer Council Services for the benefit of the residents of the Borough.

CB 20/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.31 pm

Agenda Item 5

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Tuesday, 11th February, 2020

Present: Cllr M O Davis (Chairman), Cllr Mrs S Bell (Vice-Chairman), Cllr G C Bridge, Cllr D J Cooper, Cllr D A S Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr A P J Keeley, Cllr D Keers, Cllr R V Roud, Cllr J L Sergison, Cllr T B Shaw and Cllr Miss G E Thomas

Councillors Mrs J A Anderson, Mrs P A Bates, R P Betts, M D Boughton, V M C Branson, A E Clark, N J Heslop, P M Hickmott, D W King, K King, D Lettington, B J Luker, Mrs A S Oakley, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor Mrs C B Langridge

PART 1 - PUBLIC

SSE 20/1 DECLARATIONS OF INTEREST

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

SSE 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 30 October 2019 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 20/3 WASTE SERVICES CONTRACT

Decision Notice D200007MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on progress with the Waste Services Contract following the introduction of opportunities for new and improved recycling services on 30 September 2019. The report outlined progress against the key aims of the new service and actions taken by the Council and Urbaser to address outstanding contract performance issues.

RECOMMENDED: That

- (1) achievement of the new service to date against the stated improvement aims be noted;
- (2) actions taken by both Urbaser and the Council to improve contract performance be noted and the outcomes of the Contract Action Plan be closely monitored;
- (3) the roll-out of new services to Flats and the Communal Bin Stores and the subsequent reduction in bring bank sites be delayed until the collection arrangements are delivered in accordance with the contract requirements; and
- (4) detailed performance information be reported to future meetings of the Street Scene and Environment Services Advisory Board.

SSE 20/4 DRAFT CLIMATE CHANGE STRATEGY

Decision Notice D200008MEM

Further to the Motion adopted by full Council in July 2019 to develop a strategy to support the aspiration for Tonbridge and Malling to be carbon neutral by 2030 the report of the Chief Executive set out, at Annexes 1 and 2, an initial draft Climate Change Strategy and a draft Climate Change Action Plan. It was noted that the draft strategy set out the Council's commitment to local action on climate change, biodiversity protection and enhancement and an approach to partnership working.

It was acknowledged that the strategy would evolve over time and noted that consultation with the community, key partners and stakeholders and interested groups would be undertaken between the end of February and end April 2020 with the responses to the consultation reported to the meeting of the Advisory Board to be held on 9 June 2020. It was further noted that the evolution and delivery of the Climate Change Strategy and Action Plan would encompass a number of services across the Authority with individual work streams undertaken by the appropriate board or committee.

RECOMMENDED: That

- (1) the initial Draft Climate Change Strategy and Action Plan, as set out at Annexes 1 and 2 to the report, be endorsed for consultation purposes; and
- (2) the financial and value for money considerations, as set out at paragraph 1.3 of the report, be noted.

SSE 20/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.38 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 25th February, 2020

Present: Cllr J L Botten (Chairman), Cllr Mrs J A Anderson, Cllr R W Dalton, Cllr N Foyle, Cllr P M Hickmott, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs R F Lettington, Cllr L J O'Toole, Cllr W E Palmer and Cllr Mrs M Tatton

Councillors Mrs P A Bates, M A Coffin, N J Heslop, M A J Hood, D Lettington, P J Montague, Mrs A S Oakley and M R Rhodes 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 Bell, K King and Miss G E Thomas

PART 1 - PUBLIC

CH 20/1 DECLARATIONS OF INTEREST

Councillor Mrs Tatton declared an Other Significant Interest in the item on Community Development Update on the grounds that she was a trustee of the East Malling Centre which received funding. She withdrew from the meeting during its consideration. In respect of the same item, in the interests of transparency, Councillor Mrs Oakley advised that she was a member of East Malling and Larkfield Parish Council and Councillor Mrs Bates that she was Chair of the Trench Community Foundation.

Also in the interests of transparency, Councillor Heslop advised in respect of any housing matters that he was a member of the Board of The Bridge Trust and with reference to the item on Basted Mill Public Open Space, Councillor Palmer indicated that she was Chair of Platt Parish Council.

CH 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Housing Advisory Board held on 12 November 2019 be approved as a correct record and signed by the Chairman.

CH 20/3 PRESENTATION: MAIDSTONE AND TUNBRIDGE WELLS NHS TRUST

The Advisory Board received a presentation from Mr Miles Scott, Chief Executive of Maidstone and Tunbridge Wells NHS Trust and his

colleague Mr John Weeks, providing an update on matters concerning the Trust. Particular reference was made to a number of topical matters including the coronavirus, operational performance, stroke services, staffing and recruitment and car parking provision at the hospitals.

After answering questions from Members on those issues, together with access to mental health services, the need for joined up services across agencies and funding for schemes such as the Better Care Fund and Disabled Facilities Grants, the Chairman thanked Messrs Scott and Weeks for their contribution to the meeting.

MATTERS FOR RECOMMENDATION TO THE CABINET

CH 20/4 HOUSING STRATEGY PROJECT PLAN

Decision Notice D200019MEM

The report of the Director of Planning, Housing and Environmental Health gave details of a proposal for the Council to have a Housing Strategy outlining its priorities and strategic approach to housing delivery in the Borough. Consideration was given to the approval of a project plan for the development of the Housing Strategy.

A number of suggestions were made regarding the scope of the strategy, its ambitions and supporting policies. Officers undertook to report back at the research and drafting stage of the project plan.

RECOMMENDED: That the Housing Strategy Project Plan set out at Annex 1 to the report be approved.

CH 20/5 LOCAL LETTINGS POLICIES

Decision Notice D200020MEM

The report of the Director of Planning, Housing and Environmental Health provided information on the current approach to using Local Lettings Policies (LLPs) for affordable housing in partnership with Registered Providers, clarified the use of such LLPs in the future and proposed a pro-forma document for adoption for all new housing developments in the Borough.

RECOMMENDED: That

- (1) the current approach to using Local Lettings Policies be noted and the following priorities for using LLPs be agreed:
 - (a) local connection to the area in which the development is located using housing sub-market areas;

- (b) an aim for 50% of lettings to be to economically active households; and
- (2) the pro-forma Local Lettings Policy set out at Annex 1 to the report be approved subject to amendment of section C to clarify the definition of economically active households.

CH 20/6 PRIVATE SECTOR HOUSING CIVIL PENALTIES POLICY

Decision Notice D200021MEM

The report of the Director of Planning, Housing and Environmental Health recommended the implementation of a private sector housing financial (civil) penalties policy under the Housing Act 2004 and Housing and Planning Act 2016. This would enable the Council to adopt an alternative approach to prosecution of a private landlord or agent for certain housing offences or breaches of a banning order. It was noted that implementation of financial penalties would allow the Council to re-use the income to self-finance some of its future targeted enforcement activity.

RECOMMENDED: That

- (1) the Private Sector Housing Financial Civil Penalties Policy set out at Annex 1 to the report be endorsed; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Housing, to approve amendments to the policy to reflect any changes to the law affecting the enforcement of civil penalties under the Housing Act 2004, the Housing and Planning Act 2016 or other relevant legislation.

CH 20/7 KEY VOLUNTARY SECTOR BODIES - REVIEW OF CORE GRANT SUPPORT

Decision Notice D200022MEM

The report of the Chief Executive gave details of summaries of progress achieved against the objectives set out in the Service Level Agreements (SLAs) with a number of key voluntary sector bodies at the end of the existing one year term. It was noted that each organisation had been consulted to establish the implications for service delivery if a reduction were applied to their grant which would enable the SLA to be extended for a suggested four year term, thus providing increased security and stability.

A summary was presented of the responses received from each grant recipient and future options considered.

RECOMMENDED: That

- (1) based on the good progress by all voluntary bodies and the vital support provided to residents, grant funding be continued for each organisation in line with Service Level Agreements;
- (2) based on the positive responses received regarding the suggested longer term settlement of four years and the level of difficulty highlighted with any reduction to grant, the following be agreed:
 - (a) the grants to Citizens Advice North and West Kent (CANWK) and Age UK Sevenoaks and Tonbridge be maintained at existing levels for a one year term and a more detailed review be undertaken via the Overview and Scrutiny Committee to fully explore options for the future; and
 - (b) in respect of Imago, Involve and Maidstone and West Kent Mediation Schemes, each organisation be offered a choice as follows:
 - set grants at the reduced rate for a fixed four year settlement, OR
 - maintain the grant at existing levels for a one year term and undertake a more detailed review via the Overview and Scrutiny Committee to fully explore options for the future.

CH 20/8 COMMUNITY DEVELOPMENT UPDATE

Decision Notice D200023MEM

The report of the Chief Executive provided an update on community development work taking place in the Borough's three priority communities of Trench, East Malling and Snodland. Consideration was given to the continuation of support for 2020/21 in accordance with budgetary provision.

RECOMMENDED: That the Council continue to support Community Development Partnerships in each of the priority communities.

CH 20/9 BASTED MILL PUBLIC OPEN SPACE

Decision Notice D200024MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the current and proposed future management arrangements for Basted Mill Public Open Space, Borough

Green following formal notification of resignation from the existing Joint Management Committee by the three participating parish councils.

The work of the parish councils and volunteers over the years in the management and maintenance of the Public Open Space was acknowledged.

RECOMMENDED: That

- (1) the resignation of Plaxtol, Platt and Borough Green Parish Councils from the Basted Mill Public Open Space Joint Committee be noted;
- (2) the Basted Mill Public Open Space Joint Committee be “wound up” on 1 April 2021 and the management and maintenance of the site be undertaken solely by the Borough Council;
- (3) the current contribution made by the Borough Council to the Joint Committee be transferred in full to a revenue budget for the future maintenance of the site; and
- (4) any residual funding from the Joint Committee be transferred to the Borough Council on 1 April 2021 in accordance with the adopted Constitution and ring-fenced in a designated “Reserve” to be solely used for the future management and maintenance of Basted Mill Public Open Space.

[In accordance with Council and Committee Procedure Rule No 8.6, Councillor Palmer requested that her vote against the motion be recorded.]

MATTERS SUBMITTED FOR INFORMATION

CH 20/10 LEISURE TRUST UPDATE

The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on progress of the major capital plan scheme for Larkfield Leisure Centre.

MATTERS FOR CONSIDERATION IN PRIVATE

CH 20/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.26 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 3rd March, 2020

Present: Cllr R W Dalton (Chairman), Cllr J L Botten (Vice-Chairman), Cllr T Bishop, Cllr M D Boughton, Cllr V M C Branson, Cllr D J Cooper, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr D Keers, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton, Cllr M Taylor and Cllr D Thornewell.

Councillors Mrs J A Anderson, M A Coffin, N J Heslop, M A J Hood, F A Hoskins, Mrs F A Kemp, D Lettington, Mrs R F Lettington, B J Luker, Mrs A S Oakley, M R Rhodes, R V Roud, J L Sergison and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

PE 20/1 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 19/13 ([General Purposes Committee of 19 June 2019](#)) he remained in the meeting and addressed the Advisory Board but took no further part in the discussion.

PE 20/2 MINUTES

RESOLVED: That the notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 20/3 LOCAL PLAN UPDATE AND TIMETABLE

(Decision Notice D200025MEM)

The report provided an update on the progress of the Local Plan since November 2019 and considered the next stages in the process. A revised timetable was recommended for approval. Progress in neighbouring authorities was also reviewed.

Members were advised that the first phase of Local Plan Hearings were scheduled for 19-21 May at the Orchards Conference Venue at East Malling Research Centre. Since the publication of the agenda, additional dates of 24-25 June had also been arranged. It was explained that discussions at these Hearings would be guided by

'Matters, Issues and Questions' raised by the Planning Inspectors. These had recently been received and the Borough Council had until 9 April to submit statements.

In addition, Members were informed that the Borough Council had been appointed a new Lead Planning Inspector. It had been confirmed that the change of Inspector would not affect the Hearing dates. Members noted that the new Lead Local Plan Inspector was Louise Crosby and not Susan Crosby as stated in the report.

The revised timetable, set out in Annex 1 to the report, allowed a reasonable estimate of time for each of the remaining key stages of the Local Plan process but this remained subject to confirmation.

Members welcomed the recent acceleration in progress but expressed frustration at the length of time taken between the Local Plan being submitted and the Hearings being scheduled.

RECOMMENDED: That:

- (1) the content of the report be noted; and
- (2) the revised Local Plan timetable, set out in Annex 1 to the report, be endorsed.

PE 20/4 DEVELOPMENT MANAGEMENT - PROCESSES AND PROCEDURES

Following feedback from consultees and stakeholders on engagement processes the report provided an update on Development Management with a view to ensuring parity and improving efficiency and effectiveness. If approved, the proposals could result in savings to support the Borough Council's Medium Term Financial Strategy, support the Borough Council's commitment to the Climate Change and Digital Strategies and create service efficiencies that enabled planning applications and decisions to be dealt with in a timely way.

Members recognised the value in reviewing internal working practices to ensure that the development management function was delivered efficiently for the benefit of residents and applicants. In particular, Members welcomed the proposals around notification deadlines, validation dates and the use of 'List B' to trigger the commencement of the 21 day notification period. Members also supported the principle of stricter measures being in place to reduce last minute amendments to planning applications


However, concern was expressed that the proposals represented a significant challenge for parish councils, who would have to adapt their current practices to adopt the changes. To support parishes through this

process Planning Officers would actively engage with parish councils (and other interested parties) to understand the issues and concerns around the proposals and to identify potential digital solutions. It was not the Borough Council's intention to prevent anyone from engaging in the planning process.

It was also intended to hold a number of training sessions, working in partnership with the Kent Association of Local Councils (KALC) and the Parish Partnership Panel to support parish councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. There would be a transition period from 1 June 2020, during which the approach would be tested and there would be discussions between planning officers and parish councils to identify any issues.

Finally, reference was made to late representations and the need to retain flexibility around any information received to ensure that fundamental matters were addressed when considering a planning application.

Members discussed the proposals in detail and Officers responded to concerns, comments and questions raised.

RECOMMENDED: That the proposed changes to process, set out in the report and detailed below, be agreed: 

- (1) from 1 September 2020, the Borough Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out in paragraph 1.2.9 of the report). It would, however, be recognised that there could be exceptions to this where fundamental matters were raised outside the period, which could leave the authority open to legal challenge or raised new material considerations.
- (2) from 1 September 2020, the Borough Council will notify Parishes via the weekly List B and they will have 21 days from then within which to make representations (as set out in paragraph 1.2.12 of the report) and therefore the provision of hard copies of planning applications to Parish Councils will cease and they will be required to view relevant papers online (as set out in paragraph 1.2.12 of the report);
- (3) the savings derived from changes to how Parish Councils will be notified will contribute to both the Savings and Transformation Strategy and the Medium Term Financial Strategy (as set out in paragraph 1.2.14 of the report);

- (4) from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report); and
- (5) progress on the proposals will be updated at the meeting of the Planning and Transportation Advisory Board scheduled for 28 July 2020.

***Referred to Cabinet**

PE 20/5 PROPOSED REVISION TO THE JOINT TRANSPORTATION BOARD AGREEMENT

The report of the Director of Street Scene, Leisure and Technical Services presented a revised Joint Transportation Board Agreement between the Borough Council and Kent County Council for consideration. There were no financial implications related to the proposal and therefore no impact on the Medium Term Financial Strategy.

A copy of the revised Agreement (attached at Annex 2 of the report) incorporated an amendment to paragraph 2.2 of the First Schedule agreed at the meeting of the Joint Transportation Board held on 23 September 2019, stating that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils (KALC) would be able to speak on any item on the agenda. It was confirmed that Parish/Town Council representatives would not have voting rights as part of this amendment.

RECOMMENDED: That the revised Joint Transportation Board Agreement (attached at Annex 2 of the report) be approved. ◀

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

PE 20/6 PLANNING CONDITIONS

The report of the Director of Planning, Housing and Environmental Health provided an update on how planning conditions would be sought on planning permissions through the use of a comprehensive, published compendium.

Members welcomed the use of a compendium as a valuable and informative tool and noted that its use would be in the interests of good and consistent decision making.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 20/7 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.50 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Thursday, 5th March, 2020

Present: Cllr M O Davis (Chairman), Cllr Mrs S Bell (Vice-Chairman), Cllr G C Bridge, Cllr D A S Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr D Keers, Cllr R V Roud, Cllr T B Shaw and Cllr Miss G E Thomas

Councillors R P Betts, M D Boughton, M A Coffin, Mrs T Dean, N J Heslop, D Lettington, B J Luker, W E Palmer, M R Rhodes, N G Stapleton and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D J Cooper, Mrs C B Langridge and J L Sergison

PART 1 - PUBLIC

SSE 20/6 DECLARATIONS OF INTEREST

In the interest of transparency, Councillor M Davis reminded Members that his firm was a major purchaser of season tickets in Tonbridge and indicated that if, during consideration of the item on Car Parking Fees and Charges – Outcome of Public Consultation, it became apparent that he had an Other Significant Interest he would declare it and withdraw from the meeting in accordance with Council and Committee Procedure Rule No. 5.31.

SSE 20/7 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 11 February 2020 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 20/8 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation set out details of the objections and comments received during the statutory consultation period in respect of proposed off-street parking charges for existing car parks in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's Country Parks at Leybourne Lakes and Haysden. In response to a request from Members it was confirmed that a concession could be made for the diabetic screening unit/clinic at West Malling Car Park.

RECOMMENDED: That the following actions be progressed prior to the proposed parking charges, as outlined in the report, coming into effect on 5 April 2020:-

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

***Referred to Cabinet**

SSE 20/9 AIR QUALITY MANAGEMENT AREA REVIEW

Decision Notice D200026MEM

The report of the Director of Planning, Housing and Environmental Health set out details of the periodic statutory review of Air Quality Management Areas (AQMAs) within the Borough and outlined a proposed update of the Council's Air Quality Action Plan (AQAP).

RECOMMENDED: That the issue of revocation and amendment orders as required by DEFRA for the

- revocation of AQMA 1 relating to Daily PM¹⁰ only;
- revocation of the whole of AQMA 2 at Ditton; and
- amendments to the areas of AQMAs 5, 6, and 7 at Aylesford, Larkfield and Borough Green respectively,

as detailed in Section 1.3 of the report, be endorsed.

[In accordance with Council and Committee Procedure Rule No. 8.6, Councillor T Shaw requested that it be recorded in the minutes that he had voted against the amendments to the areas of AQMAs 5, 6 and 7.]

MATTERS SUBMITTED FOR INFORMATION

SSE 20/10 PRIORY WOOD, TONBRIDGE - LANDFILL GAS INVESTIGATION UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on the year long detailed landfill gas investigation which had commenced in August 2019 at the Priory Wood site in Tonbridge.

SSE 20/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

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Agenda Item 6

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

TONBRIDGE FORUM

Monday, 24th February, 2020

Present: Cllr N J Heslop (Chairman), Cllr J R S Lark (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr D W King, Cllr K King, Cllr M R Rhodes and Cllr Miss G E Thomas.

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

- Kent Police (Tonbridge),
- Society of Friends,
- Tonbridge and Malling Seniors,
- Tonbridge Art Group,
- Tonbridge Civic Society,
- Tonbridge District Scout Council,
- Tonbridge Historical Society,
- Tonbridge Lions Club,
- Tonbridge Rotary Club,
- Tonbridge Sports Association,
- Tonbridge Theatre and Arts Club,
- Tonbridge Town Team,
- University of the Third Age and
- Women's Institute

Councillors R P Betts, M A J Hood, D Lettington and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillor F G Tombolis and Tonbridge Music Club.

TF 20/1 MINUTES

RESOLVED: That the Minutes of the meeting held on 9 September 2019 be approved as a correct record and signed by the Chairman.

TF 20/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

The Chairman provided an update on the following item:

TF 19/20 – Gas Replacement Works in Tonbridge

SGN had indicated that the replacement of the main gas pipe at one end of the High Street (opposite Tonbridge School) would be scheduled for July/August this year. However, the actual dates had not been finalised as there was ongoing discussion with Kent Highway Services on

measures to mitigate traffic concerns. The most appropriate diversion routes were also being considered.

Particular reference was made to the recent improvement works on the A21. The road had recently reopened following 10 days of works and good progress had been made in difficult weather conditions. It was noted that there was some outstanding work to be undertaken on the south bound Medway viaduct and Kent Highway Services would consult with appropriate organisations on the best time to schedule this work. Other work completed during the road closure included the collection of litter, trimming of trees and hedges, drainage clearance and repairs to safety barriers and fences.

TF 20/3 TONBRIDGE AND MALLING UPDATE - LEADER OF THE BOROUGH COUNCIL

The Chairman (in his role as Leader of the Borough Council) provided an update on key points relevant to Tonbridge. The headline messages set out in the presentation would be available on line and circulated with the Minutes.

Particular reference was made to the Waste Services Contract and the Chairman advised that the Borough Council recognised that the poor performance related to the new service arrangements were unacceptable and acknowledged that the last few months had been extremely difficult and frustrating. In response to the poor performance the Borough Council had escalated contract issues with Urbaser and the Chief Executive wrote personally to the Managing Director. As a result of formal meetings at the highest level the contractor had provided a detailed action plan to address and resolve the performance issues.

A number of measures had been implemented to ensure that all residents received an acceptable level of service and progress on the action plan was monitored weekly. Since the implementation of the new measures contract performance had improved significantly and there had been a reduction in the volume of complaints received.

Despite the issues with the contract there had been very positive engagement from residents regarding recycling. It was reported that early indications for October/November 2019 showed an improved recycling collection rate of 50% which was extremely encouraging.

The Chairman reiterated disappointment and frustration at the poor performance of the contractor during January. However, he was pleased to see an improving position and thanked residents for their patience, particularly the positive approach to recycling.

Information was also provided on a number of other areas as summarised below:

- The Borough Council had adopted a motion to recognise climate change in July 2019 and aspired to be carbon neutral by 2030.
- The Local Plan hearings had been scheduled for 18 – 21 May 2020 and would be held at the East Malling Research Centre.
- The budget and Council Tax rate for 2020/21 had been agreed by Council on 18 February. An increase of £5 (2.4%) on the Borough Council's element of the council tax had been supported. It was explained that Tonbridge and Malling Borough Council retained only a small percentage of the overall council tax bill (11.2%).
- The services supported/funded by the Special Expenses element of the Council Tax were outlined and included allocations towards sports grounds, parks, play areas and open spaces, local events and closed churchyards and allotments. It was noted that outside Tonbridge these services would be delivered by parish councils.
- Future investment included protection of the river bank at the Racecourse Sports Ground, improvements to Haysden Country Park and the Shopfront Improvement Scheme would be extended to local centres and parades in Tonbridge, such as Martin Hardie Way and York Parade.
- A new and improved 'big bridge' had now opened and had anti-slip, timber decking.
- Following the announcement that Beales had gone into administration it would be the responsibility of Sainsbury, as site owner, to fill the vacant premises.
- Discussions were ongoing regarding the appearance of Railway Approach and proposals to support regeneration of the area were expected from the owners in due course.
- Remediation work was ongoing at the Colas site on the Tonbridge Trade Park and it was anticipated that a planning application would be submitted in due course.
- There would be a public consultation on the proposals for the Poundland site on the High Street and this would start on 6 March at Tonbridge Castle.

In response to a question regarding the Fidelity site, the Chairman indicated that this had been purchased by Berkley Homes although there was no further information at the current time. However, Tonbridge and Malling was the Local Planning Authority and would consider a planning application if one was submitted.

TF 20/4 WEST KENT AND HADLOW COLLEGES

The Vice Principal Curriculum of the West Kent Area College (Dr Jim Mawby) and the representative of Hadlow College (Dr Lindsay Pamphilon) attended the meeting to address concerns about the future of further education provision at the Hadlow Group of colleges.

Hadlow and West Kent and Ashford colleges had been placed into education administration in May and August 2019 respectively. It was explained that this was a process specifically for further education bodies. The objective was to avoid or minimise disruption to the studies of the existing students of the college. This differed from a 'normal' administration where the primary duty of the Administrators was to act in the interests of creditors.

As a result of the education administration, the Further Education Commission had made a number of recommendations for the future operation of the colleges. It was proposed that the East Kent College Group take on West Kent and Ashford College's provision/facilities in Ashford and that North Kent College should take on West Kent and Ashford College's provision/facilities in Tonbridge. These measures were to be implemented by 31 March 2020.

Members and students were assured that the colleges continued to operate as normal and enrolment numbers continued to increase. In fact, the colleges were reported as making reasonable progress in all areas following a recent visit from Ofsted.

In response to a question from the Forum, it was confirmed that the Hadlow Rural Community School was not involved in this process and would remain on site as a separate entity.

Members welcomed the news that further education would continue in Hadlow and Tonbridge and were pleased that enrolment remained steady. However, students raised concerns about the lack of communication and expressed concern about future funding and staffing. The Vice-Principal committed to meeting with students to discuss their concerns in more detail.

TF 20/5 CLIMATE CHANGE STRATEGY

Reference was made to the motion adopted by Full Council in July 2019 which set out the 'aspiration for Tonbridge and Malling to be carbon neutral by 2030' and for a strategy to be developed to support this ambition.

The progress being made on the development of a Climate Change Strategy was outlined and a draft strategy had been reviewed by the [Street Scene and Environment Services Advisory Board](#) on 11 February. This had set out the Borough Council's commitment to local action on

climate change, biodiversity protection and enhancement and an approach to partnership working and included references to electric vehicle charging points, a Tree Charter and waste and recycling targets.

The Borough Council recognised the need to work with statutory partners, local businesses, local community groups and individuals to raise awareness and help to influence change. The Draft Climate Change Strategy and Draft Action Plan would be available on the Borough Council website for public consultation from 2 March to 1 May 2020.

Responses received would be presented to a future meeting of the Street Scene and Environment Services Advisory Board and could influence the shape of the Climate Change Strategy and associated actions. All Members of the Forum were encouraged to submit comments and were asked to promote the consultation so that a wider audience could be reached.

The Cabinet Member for Street Scene and Environment Services (Councillor Robin Betts) indicated that the Strategy was an evolving document and would be able to take advantage of any forthcoming technological advances. In addition, the Borough Council would seek advice and guidance on climate change strategies from external consultants. Kent County Council had recommended LASER a procurement and management company with 30 years' experience in assisting public bodies identify solutions to cut emissions through energy efficiency and advising on renewable energy methods.

Finally, Tonbridge District Scout Council advised of a recent initiative where scouts had planted 800 trees to aid climate change.

TF 20/6 KENT POLICE UPDATE

Sergeant Turtle provided a verbal update on the achievements made in performance and the neighbourhood policing agenda.

It was reported that a suspect had been identified for the recent burglaries from dwellings in North Tonbridge. Kent Police had also arrested the offender who had broken into a North Tonbridge pharmacy and stolen prescription drugs. The individual had been remanded to prison for sentencing.

Recent operations, incidents and trends included:

- Ongoing nuisance cycling and anti-social behaviour linked to national 'ride-outs'. Local officers continued to engage with youths and this was a key priority for the Community Safety Unit. Members were pleased to note that PC Ballard had received an award for her work with the community.

- York Parade in Tonbridge had suffered anti-social behaviour and low level crime over the last month. There had been increased police visibility and offenders had been dealt with and ring leaders identified.
- A report of a planned fight in Tonbridge for 17 January had been received and officers attended several schools and spoke with students offering advice and outlining potential consequences. This intervention had prevented the fight taking place.
- Community Policing Teams had visited a car wash facility on Vale Road, Tonbridge after a report of modern day slavery had been received. Fortunately, there was no evidence of any illegal activity although some minor health and safety issues had been identified.
- Issues with anti-social behaviour in Audley Avenue, Tonbridge had been reported and the Community Safety Partnership were liaising with Clarion Housing.
- Operation Skunk had taken place in and around Tonbridge Station on Friday 21 February. There had been 18 stop and searches for drugs; a small number of penalty notices issued and a variety of motoring offences dealt with.

Particular reference was made to the Kent Police website and the ['What's Happening in Your Area'](#) which enabled residents to get the latest crime statistics for their area by entering a postcode or address. Residents could also assist with appeals for information, find out what was being done to tackle crime in their local areas and report issues.

Finally, in response to a question, it was confirmed that a new Police Community Support Officer had been appointed to cover Castle Ward.

Residents thanked Kent Police for their increased visibility in Judd Ward over recent months and hoped that the offer of a roving camera to monitor and capture information would happen. However, concerns were expressed that police visibility would not be maintained in the area. It was also hoped that Clarion Housing would take measures to address anti-social behaviour of their tenants. Sergeant Turtle assured the Forum that the Community Policing Team would continue to respond to incidents.

A request for an increased level of street lighting to improve visibility in the area and deter anti-social behaviour was noted by County Councillors Long and Payne as this was a Kent County Council responsibility.

TF 20/7 KENT COUNTY COUNCIL SERVICES UPDATE

The County Councillors for Tonbridge (Michael Payne and Richard Long) provided details of a number of County initiatives and consultations. The headline messages of relevance to Tonbridge included:

- Additional funding to deal with highway maintenance such as repairing footways, pot holes and drainage.
- 120,000 street lights had been converted to LED which had saved approximately £6M and also reduced carbon emissions.
- Positive feedback had been received regarding the work at Tonbridge Library, which had been upgraded to a tier 1 facility.

A number of issues were raised by the Forum related to the asset management of the highways network, especially in bad weather, and the latest position regarding the short link road between the Slade to Lansdowne Road to relieve traffic around the Castle.

With regard to the former, it was indicated that surface water should be addressed by landowners and many issues could be mitigated by land conditioning and agricultural processes. It was the landowner's responsibility to maintain their own drainage.

The Chairman asked that the link road question be forwarded to the Borough Council's Technical Services for a response.

The meeting ended at 9.00 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

Monday, 9th March, 2020

Present: Cllr D Lettington (Chairman), Mr M Payne (Vice-Chairman), Cllr R P Betts, Cllr V M C Branson, Cllr D A S Davis, Cllr A Kennedy, Cllr N G Stapleton, Mr M Balfour, Mrs T Dean, Mr R Long and Mr H Rayner

Councillors Mrs J A Anderson, M D Boughton, M A Coffin, D J Cooper, N J Heslop, M A J Hood, S A Hudson, B J Luker, Mrs A S Oakley, H S Rogers, R V Roud, Mrs M Tatton and D Thornewell were also present pursuant to Council Procedure Rule No 15.21. Mrs W Palmer was also present on behalf of the Kent Association of Local Councils (KALC)

Apologies for absence were received from Borough Councillor M Taylor and Mrs S Hohler

PART 1 - PUBLIC

JTB 20/1 DECLARATIONS OF INTEREST

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

JTB 20/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Transportation Board held on 18 November 2019 be approved as a correct record and signed by the Chairman.

JTB 20/3 PARKING ACTION PLAN - PHASE 11

Decision Notice D200027MEM

The report of the Director of Street Scene, Leisure and Technical Services highlighted the outcome of the formal consultation undertaken between 17 January and 9 February in respect of 26 locations across the Borough. A summary of the locations, issues raised and recommendation for each location were set out in Annex 1 to the report.

RECOMMENDED: That,

- (1) with the exception of the locations listed in (2) to (4) below, the recommendations for each location included in Phase 11 of the Parking Action Plan, as set out at Annex 1 to the report, be

adopted and, where appropriate, any objections be set aside and the restrictions be introduced;

- (2) the proposals at Papyrus Way, Larkfield (ref. 11.17), Maple Close, Larkfield (ref. 11.22), and Somerhill Road, Tonbridge (ref. 11.34) be implemented;
- (3) the scheme at Chaucer Way, Larkfield (ref. 11.20) not proceed;
- (4) the High Street element of the scheme at Lyons Crescent and High Street, Tonbridge (ref. 11.32) be implemented and the proposals for Lyons Crescent be redrafted; and
- (5) a permit parking scheme at Gorham Drive, Tonbridge be considered in the next Phase of the Parking Action Plan.

JTB 20/4 ON STREET PARKING FEES AND CHARGES

The report of the Director of Street Scene, Leisure and Technical Services sought approval to progress a formal exercise with regard to on-street parking fees and charges across the Borough. It was noted that the formal consultation would be undertaken from 3 to 26 April 2020.

RECOMMENDED: That the formal consultation on the proposed on-street parking fees and charges be progressed as outlined in sub-sections 1.2 and 1.3 of the report. ◀

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

JTB 20/5 TONBRIDGE AND MALLING HIGHWAY WORKS PROGRAMME

The report of KCC Highways, Transportation and Waste summarised schemes programmed for delivery in 2019/20 and provided an update on the Road, Footway and Cycleway Renewal and Preservation Schemes (Appendix A), Drainage Repairs and Improvements (Appendix B), Street Lighting (Appendix C), Transportation and Safety Schemes (Appendix D), Developer Funded Works (Appendix E), Bridge Works (Appendix F), Traffic Systems (Appendix G) and the Combined Member Grant programme (Appendix H).

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

JTB 20/6 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.26 pm

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Item SSE 20/8 referred from Street Scene and Environment Services Advisory Board minutes of 5 March 2020

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation set out details of the objections and comments received during the statutory consultation period in respect of proposed off-street parking charges for existing car parks in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's Country Parks at Leybourne Lakes and Haysden. In response to a request from Members it was confirmed that a concession could be made for the diabetic screening unit/clinic at West Malling Car Park.

RECOMMENDED: That the following actions be progressed prior to the proposed parking charges, as outlined in the report, coming into effect on 5 April 2020:-

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

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

05 March 2020

**Report of the Director of Street Scene, Leisure & Technical Services and the
Director of Finance & Transformation**

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 CAR PARKING FEES AND CHARGES – OUTCOME OF PUBLIC CONSULTATION

Summary

This report considers the objections and comments received during the statutory consultation period relating to proposed off-street parking charges. The report relates to existing car parks where charges are already in place in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks.

1.1 Introduction

- 1.1.1 At the October 2019 meeting of this Board, Members considered a number of proposals to change the Council's off-street parking charges and made a number of recommendations to Cabinet. At an Extraordinary meeting of Cabinet on 6th January 2020 it was agreed that the proposed charges would be approved for consultation in accordance with the requirements of Statutory Regulations. To enable the charges to be introduced a new off-street Traffic Regulation Order is required.
- 1.1.2 Where there is a statutory process a local authority should comply with the process as laid out. In the case of the proposed car parking charges this is under the Road Traffic Regulation Act 1984, following the procedure set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. Regulation 8 of the 1996 Regulations requires a 21 day consultation period.
- 1.1.3 This report covers proposals for the Council's existing car parks in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks. Proposed charges for the Council's car parks in Martin Square and Aylesford will be reported to the next meeting of this Board on 9th June 2020. On Street parking charges (Residents Parking Permits) will be reported to the Joint Transportation Board on 9th March 2020.

1.2 Consultation

- 1.2.1 The statutory consultation was carried out between 17th January and 9th February 2020.
- 1.2.2 The proposed charges considered in this report are outlined in the Intends Notice, shown at **Annex 1**.
- 1.2.3 The statutory consultation process followed a number of steps inviting comments or objections as follows:-
- Notices were placed in each car park by each pay and display machine;
 - Adverts were placed in the Kent Messenger;
 - Letters were sent to each Parish/Town Council and Borough Council Member;
 - Letters were sent to all statutory consultees (Police, Fire, Bus operators etc.);
 - Consultation documents were placed “on-deposit” for inspection at the Council Offices in Kings Hill and Tonbridge Castle.

The consultation documents were also placed on the Council’s website. In line with the Council’s new Digital Strategy respondents were able to make comments online.

- 1.2.4 During the consultation period 85 responses were received.
- 1.2.5 17 of the responses did not relate to the proposals in the Intends Notice, but related to other proposals for the introduction of parking charges in either Martin Square, Larkfield or Bailey Bridge (East and West) car parks in Aylesford. These responses will therefore be incorporated into the consultation on Martin Square and Aylesford car parks, which will be reported to the next meeting of this Board on 9th June 2020.
- 1.2.6 There were also several responses relating to potential changes to on-street charging. The Council has not yet consulted on proposals for on-street charges but, subject to approval by the Joint Transportation Board on 9th March 2020, will be embarking on a consultation exercise in mid March to early April 2020. The responses will be held over for inclusion in that forthcoming consultation.
- 1.2.7 This leaves 68 responses relevant to this consultation, of which 4 were duplicates.
- 1.2.8 The 64 discrete responses that related to this consultation raised a number of issues which are outlined below. West Malling and Leybourne Parish Councils

responded to the consultation and their responses are included. The full text of each response (redacted of personal details) is shown at **Annex 2**.

1.3 General Responses Received

1.3.1 There were a number of general comments that related to the proposals that were not location specific.

Comment	Times Raised	Officer Response
Consider 30 minute/1 hour free parking to maintain footfall for local businesses	5	There are significant costs associated with the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces for shoppers that supports the local businesses. Proposals apply no increase to 30 minute tariff.
As elected representatives you should do more to help the High Street/local businesses	4	Impact on businesses is taken into account when bringing forward proposals. The Council does not apply charges on Sundays, Bank holidays and evenings to support local businesses.
Parking charges shouldn't have been introduced in the first place	3	There are significant costs associated with the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces. The proposals do not represent significant increases.
Consider charging model at end of stay rather than at beginning	2	A "pay at end" model of parking management has benefits, but also significant problems - the necessary infrastructure is not well-suited to surface car parks, and areas where there are no barrier controls. However, we already offer a "start-stop" method of payment by Parkmobile.
Include exceptions to charges for NHS mobile units e.g. breast screening	1	At the last meeting of this Board Members supported parking concessions for the Breast Screening Unit and Blood Donation Service in Tonbridge.
Increasing charges impacts on the daily lives of people	1	There are significant costs associated with the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces. The proposals do not represent significant increases.
Introduces private finance into another area of public life	1	There are significant costs associated with the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces. The proposals do not represent significant increases.
Why not charge in the evenings too - pubs/restaurants benefit disproportionately?	1	The introduction of an evening charge is something that could be considered in any future review of charges.
Work with KCC and others to increase capacity for free parking in town centres to boost footfall	1	There are significant costs for the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces. Charges are

Comment	Times Raised	Officer Response
		currently free on Sundays, Bank holidays and evenings.
Invest in public transport, particularly the bus service to reduce traffic congestion	1	Improved bus services are important in maintaining sustainable communities and effective parking management. The responsibility for public transport rests with the Bus operators and Kent County Council.
Consultation timeframe is too short to allow all to contribute	1	The consultation period of 21 days is a statutory requirement and is set in the Local Authorities Traffic Orders (Procedures) (England and Wales) 1996.
Public has already paid for roads - shouldn't be charged again for parking on them	1	The Council receives no funding from income raised by the Road Fund License for the management of its car parks. There are significant costs for the operation and enforcement of the car parks, and the effective management of town centre parking is vital to assist with the turn-over of spaces.
No mention of use for monies - so plan is punitive	1	There are significant costs for the operation and enforcement of the car parks.

1.4 Responses to proposals in Tonbridge

1.4.1 Summary of proposals

- no increase to the charge for parking for up to 30 minutes, remaining at 70 pence;
- an increase of 10 pence per hour on each parking tariff (up to a maximum tariff of £6.70);
- an increase of £20 (to £290) for 12 month off peak car park season tickets;
- an increase of £10 (to £120) for monthly car park season tickets;
- 3 monthly car park season tickets no longer offered;
- 6 monthly car park season tickets no longer offered;
- an increase of £70 (to £1020) for 12 month car park season tickets.

1.4.2 Responses

- Only one response was received.

Comment	Times Raised	Officer Response
Negative impact on shops and shoppers - prefer a decrease or alternatively introduce an hour free	1	Impact on businesses is taken into account when bringing forward proposals. The Council does not apply charges on Sundays, Bank holidays and evenings to support local businesses.

1.5 Responses to proposals in West Malling High Street

1.5.1 Summary of proposals

- no increase to the charge for parking for up to 30 minutes, remaining at 40 pence;
- an increase of 10 pence per hour for parking up to 3 hours;
- no increase to the charge for parking for up to 4 hours, remaining at £3.20.

1.5.2 Responses

Comment / Objection	times raised	Response
Detrimental impact on shops / business / displacement of shoppers to other locations/ Kings Hill / supermarkets / Bluewater etc	41	There are significant costs associated with the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces. The proposals do not represent significant increases.
Displacement of parking to local streets affecting residents	10	Residential streets in West Malling that are near to the town centre have in place on-street Resident Parking Permit schemes.
One parking machine not working for three months - long queues for other machine - often in the rain	1	There have been technical issues with the machines which are being addressed with the supplier. Machines will be replaced if necessary.
Impact on pensioners	1	There are no specific age-related concessions offered on parking charges, though we offer free parking for blue badge holders.
Introduce 20 mins free at school drop off/pick up to reduce impact on local streets	1	There is already provision for this - there are arrangements for a "walking bus" from the High Street car park in the morning, and the restrictions in the Ryarsh Lane car park end at 3pm to assist parent parking for school pick-up.
Support increase as this might stop commuters using car parks - but increase proportionally over 4 -5 hours	1	The introduction of an extended charging period (but at higher hourly rates) is something that may add more flexibility to parking arrangements, and may be looked at in any future review.

Comment / Objection	times raised	Response
Detrimental impact on local charity	1	There are significant costs for the operation and enforcement of the car parks. The effective management of town centre parking is vital to assist the turn-over of spaces.

1.6 Responses to proposals in Car Park, West Malling

1.6.1 Summary of proposals

- an increase of £80 (to £255) for 12 month car park season tickets.

1.6.2 Responses

Comment / Objection	times raised	Response
Steep increase on annual charges will impact on staff working in local business. (45%) (68%!) (400% over 4 years!!!)	19	Whilst a significant percentage increase is proposed, the charge is still less than £1 per day. This compares extremely favourably to prices for all-day parking at the station, and the parking charges in the short-stay car park.
Not sufficient parking permits for business	3	There is an existing waiting list for season tickets. We aim to release as many as possible to those on the waiting list, but this relies on current season ticket holders moving on and freeing-up the space.
Those working locally less well paid than those using station car park.	1	The proposed charge is less than £1 per day. This compares extremely favourably to prices for all-day parking at the station, and the parking charges in the short-stay car park.
Consider pay and display for shoppers here as car park has capacity	1	There is demand for long-stay parking in the town and the Ryarsh Lane car park is the only off-street facility the Council has that can meet that demand.

1.7 Proposals in Borough Green

1.7.1 Summary of proposals

- no increase to the charge for parking for up to 30 minutes, remaining at 20 pence;
- an increase of 10 pence on each further parking tariff, up to a maximum tariff of £5.30;

1.7.2 There were no responses relating to the proposals for Borough Green.

1.8 Proposals in Blue Bell Hill Commuter Car Park

1.8.1 Summary of proposals

- an increase of 20 pence (to £2.70) for daily parking;
- an increase of £2.00 (to £12) for weekly parking;
- an increase of £5 (to £40) for monthly car park season tickets;
- 3 monthly car park season tickets no longer offered;
- 6 monthly car park season tickets no longer offered;
- an increase of £120 (to £420) for 12 month car park season tickets.

1.8.2 There were no responses relating to the proposals for Blue Bell Hill

1.9 Proposals for Leybourne Lakes and Haysden Country Parks

1.9.1 Summary of proposals

- an increase of 20p (to £1.40) to the “up to 4 hour” tariff;
- an increase of £10 (to £50) for 12 month car park season tickets.

1.9.2 There were no responses relating to the proposals for Leybourne Lakes and Haysden Country Parks.

1.10 Consideration of Objections

1.10.1 The reasons and principles for the introduction of the proposed parking charges were outlined in the report to the October 2019 meeting of this Board.

1.10.2 The introduction and management of parking charges have proven effective in maintaining accessible short-stay parking and in managing demand for long-stay parking. This in turn assists in generating availability of spaces for short-stay shopping visits and people working in and commuting from the Borough.

1.10.3 Given the context of the parking charges proposals, it is recommended that Members note the responses received and set aside the objections.

1.11 Legal Implications

1.11.1 The consultation on the proposed parking charges followed the requirements of statutory regulations as detailed in sub-sections 1.1.1 and 1.1.2 of the report.

1.12 Financial and Value for Money Considerations

1.12.1 The proposed charges were reviewed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service.

1.13 Risk Assessment

1.13.1 The estimated additional income outlined in the report to the October 2019 meeting of this Board was modelled on the basis that future parking patterns and demand match current activity. It does not reflect any potential adverse customer reaction or the possibility of increased take up of the dual ticketing arrangement in Angel and Botany car parks.

1.14 Equality Impact Assessment

1.14.1 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.

1.14.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism and mental health conditions.

1.15 Policy Considerations

1.15.1 Asset Management

1.15.2 Community

1.15.3 Customer Contact

1.16 Recommendations

1.16.1 It is **RECOMMENDED TO CABINET** that it **APPROVE** the following actions to be progressed prior to the proposed parking charges outlined in the report coming into effect on 5th April 2020:-

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

Background papers:

contact: Andy Bracey

Annex 1 – Consultation “Intends” notice
Annex 2 – Redacted consultation responses

Parking Manager

Robert Styles
Director of Street Scene, Leisure & Technical Services

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THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2020

Notice is hereby given that Tonbridge & Malling Borough Council intends to make the above Order under Sections 32 and 35 of the Road Traffic Regulation Act 1984, the effect of which will be as per the Council's existing Off-Street Parking Places Order, save for the following changes;

In the town of Tonbridge,

- no increase to the charge for parking for up to 30 minutes, remaining at 70 pence
- an increase of 10 pence per hour on each parking tariff (up to a maximum tariff of £6.70)
- an increase of £20 (to £290) for 12 month off peak car park season tickets
- an increase of £10 (to £120) for monthly car park season tickets
- 3 monthly car park season tickets no longer offered
- 6 monthly car park season tickets no longer offered
- an increase of £70 (to £1020) for 12 month car park season tickets

In the town of West Malling,

High Street car park

- no increase to the charge for parking for up to 30 minutes, remaining at 40 pence
- an increase of 10 pence per hour for parking up to 3 hours
- no increase to the charge for parking for up to 4 hours, remaining at £3.20

Ryarsh Lane car park

- an increase of £80 (to £255) for 12 month car park season tickets

In the town of Borough Green

- no increase to the charge for parking for up to 30 minutes, remaining at 20 pence
- an increase of 10 pence on each further parking tariff, up to a maximum tariff of £5.30

In the village of Blue Bell Hill

- an increase of 20 pence (to £2.70) for daily parking
- an increase of £2.00 (to £12) for weekly parking
- an increase of £5 (to £40) for monthly car park season tickets
- 3 monthly car park season tickets no longer offered
- 6 monthly car park season tickets no longer offered
- an increase of £120 (to £420) for 12 month car park season tickets

Leybourne Lake and Haysden Country Parks

- an increase of 20p (to £1.40) to the "up to 4 hour" tariff
- an increase of £10 (to £50) for 12 month car park season tickets

A copy of the draft Order and a statement of reasons for proposing to make the Order may be inspected during normal working hours at the offices of Tonbridge and Malling Council Offices, Kings Hill, West Malling or Tonbridge Castle and at the Kent County Council Offices, Sessions House, County Hall, Maidstone, Kent.

The proposed Order may also be viewed on www.tmbc.gov.uk/offstreetcharges

Anyone wishing to support these proposals, or object to them, should write stating reasons, and quoting the name of the Order, by no later than 9th February 2020

If you have any questions concerning this notice, require further information or have difficulty in reading this notice, please contact, during normal office hours, the Parking Office tel: (01732) 844522, email: parking.office@tmbc.gov.uk or by post to;

The Parking Office, Tonbridge & Malling Borough Council,
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.

Dated 17th January 2020

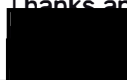
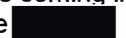
Julie Beilby
Chief Executive

For enquires relating to these proposals please contact Tonbridge & Malling Borough Council on 01732 844522.

**CAR PARKING FEES & CHARGES
CONSULTATION RESPONSES**

ANNEX 2

ID	Comment	Agree / Object	Pertaining to
128	Please dont increase the parking charges. It has already put off a lot of people visiting.	Object	Proposed changes to parking charges
378	We are already seeing shops closing and not being reopened by new businesses. How much more damage do you want to do to our dieing high streets...	Object	Proposed changes to parking charges
542	<p>The Council's plan constitutes yet another irrational and discriminatory effort to fleece the public. Several points are relevant:</p> <ol style="list-style-type: none"> 1. The consultation timeframe is short and likely to exclude many from offering contributions. 2. Notwithstanding that as members of the public who have entirely and already funded the laying of the roads, and therefore ought not to be charged further for using them or parking on them, the plan is manifestly only aimed at raising money, likely to be spent on yet more unwarranted civil servants. 3. Nowhere in the plan does it state that it is necessary to raise money for any legitimate purpose; thus the plan is intentionally punitive. 4. If the plan were to be applied then the Council would be charging for a service: 'ability to park near one's home', and that would also infer that in the event that residents had to park outside of Rose Street then the Council ought to repay residents each time they cannot use the street for which they had paid an exclusive higher fee to use, and thus ought to have a proportionately greater right, to use. 5. Accordingly, if, as residents, we were to endorse the plan, there would need to be practical benefits for us. However, as outlined above, in practice, charging higher parking permit fees does not increase any benefits to residents of Rose Street, because even in the event that all relevant households were to pay higher fees for three cars per household, then this does not alter the number of cars in the street – only the revenue gained from the scheme. 6. Regardless, if all households in Rose Street were to own three cars each – which they are entitled to - then there would not be sufficient spaces in the road anyway; thus the Council would be charging for a benefit that they cannot in principle or practice deliver, and that would be fraudulent. 7. A major part of the problem with parking in Rose Street arises due to people from other roads using the spaces. 8. It is wrong to seek to penalise individuals for being able only to afford to live in multi-shared households, which frequently necessitates two or three vehicles per household. 9. The Council's plan has not be rationalised, is unworkable, and is legally challengeable. 	Object	Proposed changes to parking charges
569	To add parking charges to the areas proposed will further drive shoppers to out of town retail parks further increasing the demise of local shopping areas. Local streets will then become the new car parks resulting in traffic restrictions and congestion.	Object	Proposed changes to parking charges
640	<p>Dear Sir</p> <p>I am replying to your request for commentary on behalf of the Plaxtol Parish Council.</p>	Object	Proposed changes to parking charges

ID	Comment	Agree / Object	Pertaining to
	<p>We would like to see an investment into the public transportation network such as local busses, to offset these increase costs. The higher charges make it harder for our parishioners to commute into these towns to conduct their work or to shop, and one reason for increasing the parking charges is to reduce traffic congestion and so make use of more public transport. However, in recent years we have seen a reduced level of public transport through our village and therefore we would like to see a commitment from yourself into the rural bus network so that the residents of outlying villages like ours may be able to commute into these towns for their business and hence reduce congestion.</p> <p>Thanks and regards </p>		
690	Plenty of revenue coming in from council tax especially with all the new properties that have been built since I came to live here  ago, so I don't see why there is a need to increase parking charges let alone why they were introduced in the first place!	Object	Proposed changes to parking charges
691		Agree	Proposed changes to parking charges
695	And you wonder why our high Streets are dying!	Object	Proposed changes to parking charges
732	<p>Across the Borough, TMBC is proposing taxing residents and local businesses with this ludicrous proposal. It will provide minimal increase in revenue but hugely inconvenience local residents who wish to use local services; and it will deter new comers. Just in case the team that has proposed these increases (and the diabolical proposal to introduce charges at Martin Square, Larkfield, which I also object to!) doesn't already realise, High Streets are DIEING on their feet!! What TMBC need to do is work with KCC and the Parish Council and Commerce, to INCREASE parking capacity in the town, increase footfall and increase -not limit! the time people spend in the town. I use the hairdressers and enjoy getting my nails done and having lunch, none of which you can do with any degree of certainty of parking! TMBC, KCC and the Parish Council must URGENTLY increase parking capacity. This is EASILY done adding extra levels and ramps to existing car parks (see Gravesend ASDA and Medway Maritime Hospital for examples where additional parking is provided at minimum cost, inconvenience and construction!) Use your imagination to solve these common town centre problems and not turn to additional taxing of residents and businesses!</p>	Object	Proposed changes to parking charges
459	Tonbridge High street is already suffering with lack of shops, and more shops going into administration. We should be encouraging people to support our high street instead of going elsewhere. Therefore I think the parking should be decreased or even an hour free to encourage people back to the high street. With the increasing costs I for one won't pay to park, so I don't use the towns supermarkets for big shops, I would rather go to aldi or lidl where the parking is free.	Object	Proposed changes to parking charges (Tonbridge)
119	<p>Businesses in West Malling are already struggling because of the new charges. By increasing them, you are only making the situation worse.</p> <p>I often shop in Snodland, to quickly stop and get odd bits. If charges are increased, I would just go to a supermarket instead, rather than risk running over the free period.</p> <p>Tonbridge and Malling Borough Council is going the right way to ruin local business and High Streets.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
121	Ryarsh lane car park, is used to service mainly the people working within West Malling on minimum wage or low incomes. To raise the cost way beyond the rise of wages is ludicrous. You are only making it harder for the High Street to employ staff or pushing the problem out to the residential streets surrounding.	Object	Proposed changes to parking charges (West Malling)
122	<p>The [REDACTED] address is not in your list.</p> <p>I have been parking in ryarsh car park on a daily basis for the past 20 years, and in that time I have seen a full car park go to half empty. While I am all for the introduction of parking permits to eliminate the parking issues, such as cars parking there to escape the train station parking fees in the past, the fee increase of almost 400% over recent years is ludicrous!, I dont know what business can increase their prices in that way in that time?...I need 3 permits and I simply cant justify or afford £765. I feel the last increase saw the decrease in permits being purchased and resolved the problem of too many permits being 'held on to', so why a further increase?...Furthermore, I have customers on an almost daily basis complaining they have been driving round for 20 min or so struggling to park, I am in no doubt, I am losing business due to customers not coming into the town because of the parking problems!..To add to my frustration, I see the ryarsh car park half empty every morning now, could you not introduce pay and display fees to non permit holders in ryarsh car park? At least customers will be able to park! The high street is struggling enough in today climate, with the likes of bluewater where parking is never a issue and online shopping...we need to make the town a welcoming place without this parking worry...and where businesses dont have the worry of even higher bills and the continued struggle to survive!</p>	Object	Proposed changes to parking charges (West Malling)
123	<p>Ever since parking charges have been introduced in West Malling, I have avoided using West Malling for significant shopping. I used to stop in the carpark on my way home and get my big food shop, buy birthday gifts from the smaller shops, flowers or chocolates, and maybe stop for a coffee in a cafe. Now because of the parking I just go on to Asda or Lunsford Tesco, because they can provide all these things with easy parking.</p> <p>A group of parents used to meet in West Malling for coffee fairly after dropping off their children at Offham school, but now we go to Spade works or Kings Hill for coffee because parking is easier - it's due to the charges.</p> <p>Even when people do pay to park, they are unlikely to linger, get a coffee, browse the shops because the time limit on their parking ticket stops this.</p>	Object	Proposed changes to parking charges (West Malling)
124	<p>I live in the village and does not need parking for myself. However what made us choose this village in the first place was the quality of the shops on its High Street. We love our High Street and we do everything we can to support it but the inhabitants of West Malling are not enough and we need people from other villages to come and shop here to keep our High Street alive. If we increase the parking charges again, many people will stop shopping in West Malling.</p> <p>December was the fifth consecutive month with no growth as high street stores suffered particularly poor sales, showing the steepest fall for three years. We need to do everything we can to stop this, increasing parking fee is then totally illogical.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
136	<p>When all the shops in West Malling are empty the council will wake up.</p> <p>The charges, any charges are a cash tel, the high street looks a mess, the council let repairs go ahead to the road surface with the wrong coloured blocks, it look a mess, even the crossing marking has nearly worn off, who will take the responsibility when someone gets knocked down while walking across it.</p>	Object	Proposed changes to parking charges (West Malling)
256	<p>We are a local charity doing lots of good work and fundraising in West Malling. The parking fees would have a detrimental affect to events we run and the income we raise through these.</p>	Object	Proposed changes to parking charges (West Malling)
268	<p>West Malling - Ryarsh Lane season ticket increase is ridiculous!</p> <p>£175 to £255... 45% increase?!?</p> <p>Will just mean people, like me, who work in the area will not be able to afford a season ticket and will just park in local streets instead, which will in turn upset local residents, who will then hopefully vote out whoever made this ridiculous decision.</p>	Object	Proposed changes to parking charges (West Malling)
428	<p>The Village has seen a drop in footfall since the introduction of parking charges. The proposed increase in charges will not create more parking it will just give the council more money. By Increasing the charges it stops customers coming to the village to browse the shops. They just come if they have a reason too. It would be better to try to find a new parking solution than drive the customers further away. Also increasing the car park charges for the Ryarsh Lane car park is only going to benefit the local council! It will push people out into the already congested surrounding roads. We need to be looking at ways to bring people to our lovely village rather than discouraging them.</p>	Object	Proposed changes to parking charges (West Malling)
483	<p>I oppose further increases to the car parking charges in the High Street Car Park at West Malling. As anticipated when the charges were first imposed, they have had a detrimental impact on trade in the town, with people choosing to go elsewhere in the vicinity where they can park for free, e.g. Asda and Waitrose at Kings Hill, Tesco at Lunsford Park and Morrisons at Ditton. Also, if the proposal for a new Lidl store at Ditton goes ahead, there will probably be free parking there for customers.</p> <p>Town and village centres locally and nationally are already struggling because of high business rates and competition from online shopping and increasing parking charges will only exacerbate the problem.</p> <p>I would therefore ask that you think carefully before inflicting further damage on the health and viability of West Malling businesses.</p>	Object	Proposed changes to parking charges (West Malling)
485	<p>I would like to strongly object to the proposed increases in parking charges in the West Malling High Street car parks. Parking was cited as a problem and partly instrumental in the decision to move almost all Doctor's appointments away from West Malling to Kings Hill. Over the last year 3 shops have become vacant and show no signs of being taken up by other businesses. I would imagine that any benefits from car parking</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
	<p>charges and the costs associated with maintaining the machines and collecting the money will have been easily offset by the reduction in Business Rate incomes from those properties. Unfortunately, West Malling is on the edge of the Borough so car parking charges in the Town make it a less attractive place to visit when there are so many free car parks within a 3 mile radius. Kings Hill Asda has free parking (for people shopping, eating, having a coffee or visiting the Doctor) as does Morrisons at Ditton and Tescos at Lunsford. West Malling cannot compete with these destinations when each visit here imposes the extra cost of any parking...let alone an increase. Footfall in the Town has markedly decreased since parking charges were imposed and unless the Town is halted from this downward spiral other shops and businesses will follow suit and move elsewhere. I hope you will think long and hard as to whether your long term objective is best served by further decimating trade and prosperity in West Malling Town</p>		
517	<p>The council has already removed the first two hours free parking in the car park behind Tesco's. West Malling now has two long frontage shops empty. Any further charges may deter shoppers with the result that Boots the Chemist and Tesco could find further foot fall and consider there shops uneconomic. Please do not introduce further charges.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
567	<p>Hiking one of the yearly charges from £175 to £255 per annum? What, why? When inflation and wage increases are effectively 0...what possible reason can there be for doing this other than to generate more funds (which I assume will fill a hole somewhere else) and to introduce private enterprise into the monetization of car parks?</p> <p>I live near and use West Malling a lot - but I walk. I only park there is it is business and I am able to claim it as an expense - otherwise I would choose to go somewhere else and not support my local town. This has the net effect that I dont pass the pubs, or flower shop (etc) as much or make an impromptu purchase that hep keep these businesses alive.</p> <p>IF TMBC were able to point to a need for the car parks to be 'renovated' I would still disagree...but you cannot even lean on that reason as, to my knowledge, they all allow the parking of cars.</p> <p>If these funds were then ring-fenced to fix local infrastructure (aka roads with an increasing number of huge potholes in the area), I wouldn't support it...but it would make more sense at least, but equally that isnt being proposed.</p> <p>All this does is further the squeeze on local people, dissuade people from any local shopping and introduce private finance into another area of public life.</p> <p>Also - do you realise that money is all made up? As in, our central bank (BoE) prints money on a daily basis - it materialises out of thin air and is underpinned by nothing - it is a Fiat currency underpinned by no material worth.</p> <p>All councils and relatively middle-managed places such as this achieve, by implementing more and more charges to the daily lives of people, is to further push people into financial difficulty and the need to work longer, harder and faster.</p> <p>It solves nothing and will have zero effect on the bigger issues whilst making the lives of ordinary folk immeasurably less liveable over the course of time. Even the 70>80p increase in West Malling...it may not sound a lot...but a year on year increase of 14% will (and have) become normal in so many areas of public life. What starts now will continue and will eventually become a significant issue for many people - affecting the most vulnerable first.</p> <p>Please do not proceed with introducing new charges where presently there are none.</p> <p>Please, in areas where charges already exist, cap the increase to inflation or inflation +1% (MAX).</p> <p>And please, in all areas affected, consider introducing a 30/45 minute 'free' parking time - it will allow at least the most in need to collect prescriptions, see a doctor or run a short errand without making it a costly exercise.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
674	<p>We run a business in the High Street, West Malling and we, as owners, offer parking for our employees as parking in West Malling is rapidly diminishing. We are not some big corporate company (in fact most business are small independent companies in the High Street) and the increase in the parking charges is and could be crippling to some companies. The rise in the charges is appalling. If you want people to visit/work in West Malling to continue the place to thrive - you are doing your best to ensure that does not happen - WE OBJECT STRONGLY</p>	Object	Proposed changes to parking charges (West Malling)
675	<p>The system does not allow our business address which is ridiculous [REDACTED] We have 7 staff and we currently pay for 3 parking permits and have been on a waiting list for a long time for a 4th. We are a small independent business and rely on our staff to be able to park and we pay for this each year. Such an increase in parking affects our ability to pay for such - an increase on such a level for business' that rely on parking is extortionate. Parking is bad enough in West Malling and if the charges increase to a level that is not economic for a business then staff will start using the surrounding roads which we are sure will not please current residents.</p>	Object	Proposed changes to parking charges (West Malling)
676	<p>Already frustrating to pay for using your local high street and already avoid using now when possible and head to bigger supermarket sites or shopping centres with free parking. Especially when I don't have change available.</p> <p>Shame there isn't a school drop off/pick up free 20 mins to encourage parents to walk children part way to school at local car parks to school e.g. West Malling high street. It makes parking near the school impossible because everyone uses those spaces to not pay for parking in car parks. West Malling school car park near the cricket ground is always full from commuters and local business workers to avoid costs and puts pressure and danger for the primary school children</p>	Object	Proposed changes to parking charges (West Malling)
677	<p>On behalf of The West Malling Chamber of Commerce, we are objecting to the proposed increased charges to both the Business Ryarsh Lane car park plus the public car park behind Tesco. Due to a declining footfall and sales in West Malling since the car park charges were introduced to the public car park, we have had three long established businesses close within a 12 month period, The Cook Shop (approx. 5 years trading) The Fishing Tackle Shop (over 20 years trading) and Martins Newsagents (over 30 years trading) not one of the units has been taken up for rent, they all remain empty. As retailers we are competing with a number of elements, including internet shopping, large shopping centres with free parking, i.e. Bluewater. So for the T&MBC to increase the public parking this will further discourage shoppers from visiting WM also it will reduce the time they spend shopping in our small independent shops. This proposal is in complete contrast to Boris Johnson's pledged to 'Save the Great British High Street'. Regarding the proposed increase of 57% on the Ryarsh Business Car Park, this is a totally unmanageable increase for the small independent businesses and their staff, it will also discourage employment in the Town businesses. Sadly West Malling will become a ghost town if the T&MBC continue to put up barriers to visitors who want convenience and ease to use and support their local High Street. The Chamber of Commerce urge the T&MBC to reconsider on both counts. Regards [REDACTED] Secretary, The West Malling Chamber of Commerce.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
679	<p>Parking charges are killing West Malling as clearly demonstrated by the increasing number of empty shops. The charges also drive cars to park in the residential streets behind the High street.</p> <p>This is a shortsighted reaction to budget pressure that will cause far greater long term issues.</p>	Object	Proposed changes to parking charges (West Malling)
681	<p>Business has already seriously suffered as a result of parking charges in West Malling. Whilst in Tonbridge Sainsbury's, Waitrose and Iceland can offer one or two hours parking refund depending on amount spent I understand that Tesco are not allowed to do that in West Malling , even though, as I understand it, they own part of the car park !!. It should be a level playing field should it not. As far as charging in Martin Square and Snodland is concerned I can only ask if the council are deliberately trying to ruin local businesses !</p> <p>My wife and I are retired and have never had any connection with any business in the areas mentioned.</p> <p>Let's hope that the council listens to the people and the local politians that oppose these plans before even more local businesses cease trading.</p>	Object	Proposed changes to parking charges (West Malling)
683	<p>Councils are treating motorists as a cash cow. I have always used my local high street, but now enough is enough. There are shopping centres with free parking close enough for residents to use as an alternative, Bluewater and Hempstead Valley spring to mind.</p> <p>Local shops are struggling to survive and councils seem determined to kill them off.</p> <p>The rise in the Ryarsh lane car Park will punish the very workers who are struggling to survive in this toxic retail environment.</p> <p>The council should be encouraging people to use the local high street not punishing both visitors and workers alike.</p> <p>What will the council do when the golden goose is finally dead?!</p>	Object	Proposed changes to parking charges (West Malling)
684	<p>I see this change as likely to be detrimental to the shops and businesses in West Malling, several of which have already closed. I already avoid the car park behind Tesco whenever possible.</p>	Object	Proposed changes to parking charges (West Malling)
685	<p>Having worked in West Malling for over 30 years I have parked in Ryarsh Lane Car park and as such have paid the parking fees since their inception. It has gone from £75.00 to a proposed £255.00 per year which I find ridiculous. If I remember correctly these increases have occurred over three years but I could be mistaken. As I am sure that you are aware, businesses in West Malling are already struggling and many have closed down in recent months. I feel that to add further cost to them by upward spiraling parking costs is just yet another nail in the coffin of West Malling.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
687	<p>The business car park doesn't guarantee a space after 8.30 sadly. This can cause problems when I have a client service timed list to work to. I would like to get another parking permit for a staff member as they experience verbal and threatening abuse from local residence and at the new charge could not afford 2 spaces as we are only a small business.</p>	Object	Proposed changes to parking charges (West Malling)
689	<p>The council should consider adopting a policy of 'no charge' for the first 30 minutes in all of its car parks. This would promote a higher turnover/availability rate and encourage a good proportion of people to consolidate their shopping needs and free up their parking space sooner, especially if they are needing only a few items of shopping or to quickly visit a bank, post office, etc. I believe this will be welcomed by residents, particularly at smaller shopping venues such as West Malling and Martin Square.</p> <p>In West Malling, such a policy could greatly increase turnover for the shops if it was applied to the parking spaces in the High Street where the current limit is one hour.</p>	Object	Proposed changes to parking charges (West Malling)
692	<p>When most of the shops in West Malling will be closed because of any new car parking charges made, Tonbridge & Malling Council will be pleased.</p> <p>I totally object to any increase in the charges, as a local resident I have seen the shops come & go over the last 54 years, the car parking charge will certainly kill off more of the smaller businesses . People will not stop when they know that money / card has to be found to stop for a few hours. It's just a cashtel for the council, I would not mind but our roads are a total disgrace, even when the high street is dug up, they replace the blocks in a different colour, the Romans must be laughing at our appalling look of our roads, I will not mention the Pot Holes, that's another story.</p>	Object	Proposed changes to parking charges (West Malling)
694	<p>Please don't increase car parking charges in West Malling. People are choosing not to shop there because of the charges and several shops have closed down. We want to maintain a vibrant community but this will not happen without shops.</p>	Object	Proposed changes to parking charges (West Malling)
697	<p>I object to the proposal to increase the annual parking charges at the Ryarsh Lane Car park in West Malling. I understand that this car park is used primarily by businesses in the high street. We already have a number of empty shops in the high street and the number is increasing. Anything which increases costs for business in the high street will decrease the chances of empty units being filled and make things more difficult for those already operating there. It would make more sense to decrease the charge for annual passes in this car park to encourage business into the area.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
701	<p>The parking charges have had a significant impact on trade in West Malling already. £3.20 for 4 hours is far too much, considering the small variety of shops we have in comparison to bigger towns like Sevenoaks or Maidstone. If people want to come to shop and then stay for lunch, they were far more likely to do this when the car park was free. Putting the price up is simply not good for our village. I have never put one penny in the machines. If I need to drive to the centre for shopping, I will only use on street parking. If I cannot find a space, I go elsewhere. I refuse to put money in the machines, because I totally disagree with the charges. I know I am not alone in this. And people who are not local do not come to shop with us as much because of the charges. Please do not increase the charges again.</p>	Object	Proposed changes to parking charges (West Malling)
703	<p>As a small business owner we object grossly to the increased charges at both the car park in West Malling for our customers and the Ryarsh Lane Business Permit car park. This will have a detrimental effect on our business, our staff and our customers. We implore you to reconsider and help support our dying high street rather than infringe extra charges, otherwise our business will die. We are a main post office and offer a public service, a lifeline to our local and rural community, please do not kill it.</p>	Object	Proposed changes to parking charges (West Malling)
704	<p>As a small business owner we object grossly to the increased charges at both the car park in West Malling for our customers and the Ryarsh Lane Business Permit car park. This will have a detrimental effect on our business, our staff and our customers. We implore you to reconsider and help support our dying high street rather than infringe extra charges, otherwise our business will die. We are a main post office and offer a public service, a lifeline to our local and rural community, please do not kill it.</p>	Object	Proposed changes to parking charges (West Malling)
711	<p>We own two shops in the High Street, we inherited four parking permits at Ryarsh Lane car park and have over the years reduced that to one, what justification is there for an £80 uplift to the annual parking charge?</p> <p>In real terms, I have Calculated that I have to make an additional seven sales per week at a time when fewer people are coming to the high street, not more. With the increased parking charges across the town, is this a realistic proposition? No. When charges were first introduced there was a considerable downturn in sales which have not to date picked up.</p> <p>You are closer to government and are therefore fully aware of the pressures for anyone in retail, are aware of the falling sales in every high street across the country, are fully aware of the amount of empty premises in our own high street of West Malling and surely must be aware that there will be more closures to come. As our elected representatives, I would expect you to do everything in your power to protect our interests rather than undermine them.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
712	<p>We need to support local business in West Malling High Street. We get some fantastic shops opening only to close as business fails due to lack of customers. Its nearly impossible to park there at the moment and the charges just make it even more problematic and difficult. Its just easier to go to Blue Water where parking is free. We have some vacant shops in West Malling at the moment - making customer parking easier and free would help enormously in filling these spaces and thus bringing more custom into the Town. It needs variety so that people don't just come for one thing but come for several things to make it worth while</p>	Object	Proposed changes to parking charges (West Malling)
714	<p>I object to the permit increases. I object to the hourly rate increases, unless a contactless facility is added to all parking machines.</p> <p>We do not want to use park mobile. Park mobile's service is awful. I'd rather not use west malling car park, and use businesses in Maidstone instead.</p>	Object	Proposed changes to parking charges (West Malling)
722	<p>Current parking fees,(to which I objected when it commenced) have seriously impacted West Malling businesses.</p> <p>In other boroughs an hours free parking is often found and seems to work well. TMBC should actively study this approach.</p> <p>Increasing the charges will exacerbate the problem.</p>	Object	Proposed changes to parking charges (West Malling)
724	<p>We regularly use West Malling for shopping but due to proposed increased car parking charges will now be using other close locations where car parking is free.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
729	<p>West Malling is a historic Georgian High Street which attracts local shoppers, ramblers, Kent folk from surrounding and outer lying areas as well as a few tourists. The High Street has always had a good mix of independent shops, service providers, estate agents pubs and restaurants.</p> <p>Since the parking charges have been implemented there have been some notable closures of independent traders as well as locals either reducing the time of their visits or finding alternatives. A further increase will not help this situation and could substantially change the character of this beautiful place.</p> <p>Alternatively, if the Council continue with this plan, which we all know they will. Perhaps they may like to consider the way they collect the charge. At the moment, the charge is collected on arrival which means you have to calculate how long you will be in the village. Many times I have had an appointment of some kind with the intention of shopping in the village afterwards but for various reasons the appointment has run late or been much longer than expected and I have had to make alternative shopping plans. This means valuable trade has been lost and I am only one person. Also, if you meet up with friends during the day at a pub or restaurant again their service speed can depend on whether you all have a mini shopping trip with your friends afterwards. How many people are doing this everyday? If you could pay once you had finished off your trip how you want to, our dear beloved Council would receive more income as well as our local traders.</p> <p>██████████</p>	Object	Proposed changes to parking charges (West Malling)
731	<p>Once car parking charges are introduced the inevitable happens , as we see now. These charges are increased to provide a cash cow for the local councils. If on my short shopping trips to West Malling I can not find a free space in the high street I carry on driving and shop elsewhere. It is the local traders who will lose out. I refuse to pay for something that used to be free.</p>	Object	Proposed changes to parking charges (West Malling)
733	<p>I work for a small business within West Malling and currently have a annual parking permit for The Ryarsh Lane Carpark. Employees rely on the permit to be able to park for the whole day whilst at work. As a small business this increase (of over 45%),per permit, will impact greatly on whether they can now afford to provide permits to employees. If they decide they cannot and employees themselves cannot afford this, this will inevitably mean employees will have to park in other areas of West Malling (i.e non permit residential areas). This then creates issues within the residential parking areas, but quite frankly employees of any small business within the area will have no other choice.</p>	Object	Proposed changes to parking charges (West Malling)
735	<p>It is discouraging to business and to visitors, potentially leading to more decline in West Malling (and elsewhere), whilst encouraging people to use parking free alternatives. Please do not do this.</p>	Object	Proposed changes to parking charges (West Malling)
744	<p>The price increase to the business car park is ridiculous. I work for a small company in the High Street in West Malling and we have 3 permits. The increase will be a high cost to my company and as an employee may have to look for alternative parking with the increase which in very hard to find in this town anyway for a whole day.</p> <p>People have to work within the town to generate business which is already decreasing with the number of empty shops and will only decrease further with high parking charges.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
746	<p>The new proposed business car park on the A20 is too far from our business, we have to transport delicate cakes to the Tea Room, we could not walk them from there.</p> <p>We are on the waiting list for the Ryarsh Lane business car park, the £80 increase in the annual charge would prevent us from parking there, it is a 45.7% increase. We could not as a very small business sustain that.</p> <p>The increase in car parking charges behind Tesco, that will serve to kill the high street even more than it is. With high streets struggling generally, and 4 shops having closed in the past year, surely businesses need more help attracting customers. All these proposals can only serve to harm the current businesses who are struggling to keep going.</p> <p>████████████████████</p>	Object	Proposed changes to parking charges (West Malling)
751	<p>In my opinion, charging any amount for parking at West Malling high street will help kill the high street. There are already a number of shop premises that remain empty. These small shops rely on footfall to exist. Increasing the charges only adds salt to the wound. People will continue to go to out of town shops where the parking is free.</p>	Object	Proposed changes to parking charges (West Malling)
755	<p>The parking charges that were introduced in West Malling have certainly reduced the number of times I visit West Malling especially if I only want to do one or two quick jobs like drop something off at the dry cleaners or pop into Boots or the bank or post office. I do not object to paying for a longer stay but the first half hour should be free like the car park in Otford. This would encourage me and others to return to West Malling for these quick stops - instead I go up to Kings Hill and use the shops in the commercial centre there where parking is accessible and free</p>	Object	Proposed changes to parking charges (West Malling)
762	<p>As the largest business in West Malling high street we employ just under 100 staff and the business is growing by the day. The majority of our staff travel by car to work as well as client meetings and the need for a parking space is vital. When we have staff that leave, this reduces the number of permits. We have a car park at the back of the business premises which accommodates 37 spaces for our staff which as you can see is nowhere near enough for the amount of staff that are employed. Currently we have 23 employees on the waiting list for Ryarsh car park as well as a handful of employees who walk to work. This also causes us problems when employing potential new staff as we cannot guarantee them a parking space or off street parking. We currently have 19 parking permits which will reduce to 11 by the end of June 2020.</p> <p>With regards to the proposed annual season car parking charge from £175 to £255 we feel that an increase of 68% is not warranted and unjustified. With Ryarsh Lane being the only the long stay business car park in West Malling this is the preferred car park for our employees.</p> <p>Due to the parking restrictions enforced by the council this could have a negative effect when our lease is due for renewal. We would welcome your feedback.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
766	I wish to strongly object to the increase in parking charges in West Malling. This rise will be just another nail in the coffin of small business. There are currently at least 2 shops empty and the increase in charges will discourage more people from visiting the town. The council should be looking to do all it can to encourage people to visit rather than making it more expensive.	Object	Proposed changes to parking charges (West Malling)
769	<p>Regardless of the fact that I have spent some time trying, but failing, to unearth the Council's reasons through the labyrinthine paper trail, I am quite clear in submitting this objection to the proposed increase in charges.</p> <p>My wife and I moved to West Malling [REDACTED] ago with a view to down sizing our accommodation in advancing years. At that time, parking in West Malling was free, but charges were introduced soon after our arrival. Given the opportunity, as pensioners, we would have objected then to that imposition and we certainly wish to do so now.</p>	Object	Proposed changes to parking charges (West Malling)
815	<p>These comments are intended for the parking consultation relating to West Malling.</p> <p>Would it be possible to give the first hour free in the Tesco Car Park in the same way that you can park for free in the High Street for one hour. Someone who lives outside the town centre who wants to pop into the village to buy a few items and only stay for a very short period has to pay 40p. If they do this daily it puts an extra £2.40 on their shopping bill. This does not encourage people to shop in the town but instead go to Kings Hill where they can park completely free.</p> <p>The system whereby the number plate has to be on the ticket also takes a huge amount of time, especially when one of the ticket machines is out of order which often happens.</p> <p>In many places cardboard time 'clocks' are used; a time is set on the clock so a parking attendant can see if the free parking period has been exceeded, this could be introduced on the high St where the 1 hour limit is abused.</p> <p>It is hard to understand why parking is charged during the day and not of an evening. It seems that the shops pay while pubs and restaurants get mostly free parking. Surely the Council should encourage trade for both.</p> <p>The number of empty shops does nothing for the town.</p> <p>The council has to raise money where they can, but encouraging traders to the town is important for the long term prosperity of the community.</p> <p>Could we replace the current ticket machines with those you see in other car parks where you collect a token or ticket on entry and pay to leave the car park. No lengthy system to register the number plate, no entry to the car park unless a space is available so avoiding queues.</p> <p>This might allow people to stay longer than 4 hours but short stays could be encouraged by making long stays very expensive and re-entry avoided by the number plate recognition cameras.</p>	Object	Proposed changes to parking charges (West Malling)

ID	Comment	Agree / Object	Pertaining to
816	<p>I live in West Malling, walking distance to the High Street so do not need to use the car park that often, but still object to the increases as I have seen a drop in the use of the High Street Car park since charges were introduced. Also more cars stop where they should not if they are only going to be a short while or dropping or picking someone up. So even the rise in the 1/2 hour stay is not good. The business car park has also been used less since the last increase and people use the zoned areas instead leaving less spaces for people like us who buy the yearly permit as the lane we live in is single file so if it is going to be blocked during the day and we need the car we have to park on the road in advance. The Council needs to keep small towns and businesses alive, keep a community not drive it out and leave empty shops.</p>	Object	Proposed changes to parking charges (West Malling)
771	<p>I live in East Malling and work from home. I regularly do errands during my lunch break and might visit several places with the proposed parking charges during my short lunch break. Just this Thursday I visited Aylesford and St Martins Sq. Not only would this have meant a 40p charge (2x20p) but a great deal of time wasted. For this reason I never visit central West Malling, even though it is under 1 mile from my house, because I have to waste time walking to the machine and back and completing all that registration number etc.</p> <p>I really like supporting the local independent shops but will not continue to do so if I am wasting time buying tickets.</p> <p>[REDACTED]</p> <p>[REDACTED]</p> <p>[REDACTED] Please reconsider your proposal and even scrap the parking charges in West Malling.</p>	Object	Proposed changes to parking charges (West Malling, Martin Square car park, Aylesford car parks)
817	<p>I wish to object to the proposed increase in car parking charges in West Malling.</p> <p>High Street Car Park</p> <p>I quote from your consultation document:</p> <p>"1.17. Existing Free to Use Car Parks</p> <p>1.17.2 The introduction of car parking charges in West Malling generated significant public and media interest, with concerns expressed by residents and shop owners over the potential impact on the economic viability of the town, and the possibility of cars parking in residential streets nearby rather than paying to park.</p> <p>These concerns have not materialised... "</p> <p>That is not true - the introduction of charges led to an immediate reduction in revenue for shopkeepers, and the Cook Shop, Country Sports Shop, Baldocks and the Newsagents are all now empty, as are a number of shops in the Abbey Arcade. There has been an obvious increase in the number of cars parked on residential streets, to the extent that I can no longer access my driveway from the West Malling Town direction because of an increase in cars parked opposite.</p> <p>It is also the case that the revenue obtained from the High Street car park (roughly £160,000), together with the present level of revenue from Ryarsh Lane permits (£26,250) greatly exceed the £80,000 cost of maintaining both the High Street and Ryarsh Lane car parks. I urge the Borough Council to allow free car parking for the first one or two hours - this would encourage more visitors to the town and a greater throughput in the car park, yet still provide sufficient revenue for the Borough Council to cover their costs.</p> <p>Ryarsh Lane car park</p> <p>The proposed annual increase from £175 to £255 represents a 45.7% increase. The quoted justification of the comparison with the charges at the railway station are fallacious - commuters to London enjoy London wages which, even with the cost of season tickets, far outweigh the earning power of those workers in West Malling who use the Ryarsh Lane car park.</p>	Object	Proposed changes to parking charges (West Malling, Ryarsh Lane), Martin Square car park, concessions within car parks, enforcement and resident permit parking

ID	Comment	Agree / Object	Pertaining to
	<p>These proposals - for the High Street and Ryarsh Lane car parks - will again further threaten the viability of the town, which will, in turn, reduce the amount of money which the Borough receives in Business Rates and hence be counterproductive.</p> <p>Diabetic Eye Screening Special measures are proposed in Paragraph 1.20 for waiving charges for use of blood transfusion and breast screening vehicles. I shall be grateful if similar consideration could be given to the voluntary diabetic eye clinic screening van which has hitherto attended the car park at West Malling surgery a few times each year. The sale of the West Malling surgery premises means that this will not be possible in future, with the van having to park at Kings Hill unless alternative arrangements can be made locally. The screening service states that patients must not drive to or from their appointments as their vision is affected by the screening, which will therefore adversely affect West Malling patients who can currently walk to the screening van. An alternative location in the a Tesco car park would solve this problem.</p> <p>Enforcement A problem with the present system is the low level of enforcement since there are only 11 full time traffic wardens across the whole Borough. If additional car parks have Charges, the need for enforcement will be even greater. Nowhere does the report say that additional traffic wardens will be appointed, although the need for this is mentioned in paragraph 1.2.2.</p> <p>Permits for residents' parking I understand that all renewals for permits within residents' parking schemes must now be done online. I would have thought that this change should have been incorporated into this Consultation. It will adversely affect the many people, especially the elderly, who do not have the Internet and are not familiar with using it.</p>		

ID	Comment	Agree / Object	Pertaining to
490	<p>Please be aware that I do support parking fees as I get very frustrated particularly in West Malling High Street that I can never park and this prevents me from visiting my local village.</p> <p>I feel by charging it will stop people using the car park for alternative reasons e.g. commuting.</p> <p>However, the first hour or at least half hour should be free of charge.</p> <p>And charges imposed thereafter should be of a fair price raising more substantially if you stay longer than 4-5 hours.</p> <p>If car park charges are imposed to high this will impact on the local businesses that are already struggling.</p> <p>Please note that I visited West Malling Car park in the last week and both the car parking payment machines were out of order. I was able to call up and pay and then downloaded the app. BUT, I could see older people getting in a state and they may not be in a position to do as I did. Out of order payment machines may stop potential customers supporting our local shop keepers, so this is a matter which needs addressing too.</p> <p>Also I am not sure where the shop keepers and their staff park ? Permits or arrangements for their parking must be considered too.</p>	Agree	Proposed charges to parking charges (West Malling)

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LEYBOURNE PARISH COUNCIL

Leybourne Village Hall, Little Market Row, Leybourne, Kent ME19 5QL

Tel: 01732 873722

Email clerk@leybournepc.org.uk

FAO Mr N Heslop
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

5th December 2019

Dear Mr Heslop,

>

> I am writing on behalf of Leybourne Parish Council to express our deep concerns at the decision made by TMBC to increase parking charges at West Malling and to introduce parking charges at several other car parks including Martin Square.

>

> Leybourne Parish Council, on behalf of residents, are concerned that this will be another nail in the coffin of local businesses. One only has to walk on West Malling High Street to see the number of shops that have now closed and are empty. The town is losing some of the positive vibe it has had for decades. It is accepted that parking charges are not the only cause of the closure but they are likely to be a contributor. The town may soon only consist of coffee shops, hairdressers and charity shops.

>

> The parish council is particularly concerned about the decision to now introduce charges at Martin Square, Larkfield. Many Leybourne residents use the shops and facilities, including the chemist and library at Martin Square and are concerned that the introduction of charges will reduce the number of people using the local businesses and will, by definition, increase the cost of using these facilities.

>

> We are disappointed that this proposal was accepted and that none of our elected borough councillors spoke or voted against the proposals. We are concerned that rather than doing all it can to support local businesses and help keep the high street and local businesses alive it appears intent on speeding their demise.

Yours sincerely

[Redacted signature]

Cllr R Ulph
Chairman of Leybourne Parish Council

cc. Mrs J Beilby Chief Executive
cc. Mr R Styles Director of Street Scene, Leisure and Technical

CHIEF EXECUTIVE

- 9 DEC 2019

Claire Twinn

From: West Malling Parish Council Clerk <clerk@westmallingspc.org>
Sent: 10 February 2020 13:19
To: Andy Bracey
Cc: Parking Office
Subject: Car Parking Consultation - West Malling
Attachments: Car Park charges - Feb 2019.doc

Dear Andy,

Please find attached West Malling Parish Council's comments in respect of the car parking charges consultation.

Kind regards

Claire

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

Kent Rural Community of the Year

This e-mail is confidential and intended solely for the use of the individual to whom it is addressed. Any views or opinions presented are solely those of the author and do not necessarily represent those of West Malling Parish Council. If you are not the intended recipient, be advised that you have received this e-mail in error and that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error please notify West Malling Parish Council on telephone +44 (0)1732 870872 or email clerk@westmallingspc.org

WEST MALLING PARISH COUNCIL

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

email: clerk@westmallingspc.org

website: www.westmallingspc.org

Clerk to the Parish Council: Claire Christmas



Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
ME19 4LZ

10th February 2020

Dear Andy,

West Malling Parish Council strongly objects to the proposed increase in charges in West Malling High Street and Ryarsh Lane car parks.

Since the introduction of charges in the High Street car park, businesses have noticed a drop in trade. It is worth noting that we currently have 3 empty shops in the town. Should the fees be increased, more shoppers will undoubtedly go to supermarkets, where they can park for free. The 'browsing shopper' who would come to West Malling for a particular shop, but then browse through the rest of the town, could all but disappear.

The Ryarsh Lane car park is used by staff who work in the various shops and offices in the town. An increase of £80 for an annual ticket is incredibly steep, and will impact greatly on businesses who are already noticing a downturn in trade. There has been a comparison made by TMBC between the Ryarsh Lane car park and the station car park. The station is predominantly used by people who are going into London to work, and therefore earning a London wage. The Ryarsh Lane car park is used by people who work in West Malling, and are on a significantly smaller income.

In the future, further effort should be made by TMBC to communicate with the business in the town, who are the ones at the greatest risk, and understand the impact that these charges have.

Exceptions to charges - we ask that exceptions to charges be made for GP type mobile clinics such as units used for breast screening and Diabetes eyes checks.

With regards to Martin Square, Larkfield, we strongly object to the proposed introduction of charges and concur with the comments submitted by East Malling & Larkfield Parish Council.

Yours sincerely,

A solid black rectangular box redacting the signature of Claire Christmas.

Claire Christmas
Clerk to West Malling Parish Council

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Item JTB 20/4 referred from Joint Transportation Board minutes of 9 March 2020

The report of the Director of Street Scene, Leisure and Technical Services sought approval to progress a formal exercise with regard to on-street parking fees and charges across the Borough. It was noted that the formal consultation would be undertaken from 3 to 26 April 2020.

RECOMMENDED: That the formal consultation on the proposed on-street parking fees and charges be progressed as outlined in sub-sections 1.2 and 1.3 of the report.
***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

09 March 2020

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

Part 1- Public

Matters For Decision

1 ON-STREET PARKING FEES AND CHARGES

Summary

This report seeks approval to progress a formal consultation exercise with regard to on-street parking fees and charges across the Borough.

1.1 Introduction

1.1.1 At the October 2019 meeting of the Street Scene and Environment Services Advisory Board Members considered and recommended to Cabinet a number of proposed changes to on-street parking fees and charges.

1.1.2 The proposed charges are detailed in the advertisement shown at **Annex 1**, and Members will note the proposed introduction of a rising scale of charges for those parking more than two cars in the road.

1.1.3 At the 6th January 2020 meeting of the Council's Cabinet the proposed on street charges were approved for consultation, setting in-train the processes for the making of appropriate Traffic Regulation Orders.

1.1.4 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

1.1.5 The statutory process for making a Traffic Regulation Order requires that the Council undertakes a formal consultation on the proposed changes, and is described in the Local Authorities Traffic Orders (Procedures)(England and Wales) 1996.

1.1.6 The agreed forum for the promotion of a new on-street Traffic Regulation Order and the consideration of any objections is the Joint Transportation Board.

1.2 Proposed Charges – Formal Consultation

1.2.1 As part of the formal consultation process, the following actions will be progressed, inviting comments or objections;

- notices will be placed in each on-street Pay & Display area by each pay and display machine;
- adverts will be placed in the local media;
- letters will be sent to every Member of this Council;
- letters will be sent to all statutory consultees (Police, Fire, Bus operators etc.); and
- the consultation documents will be placed “on-deposit” for inspection at the Council Offices in Kings Hill and at Tonbridge Castle.

1.2.2 The consultation documents will also be placed on the Council’s website, and in line with the Council’s new Digital Strategy residents will be able to respond online for the first time.

1.3 Timetable

1.3.1 It is proposed that formal consultation will start on 13th March for 21 days, finishing on 5th April 2020.

1.3.2 The responses to this consultation will be analysed and fully reported to the June 2020 meeting of this Board. The Board will make recommendations to the Borough Council’s Cabinet. Subject to Cabinet, and the Sealing of the Order by Kent County Council, the revised charges should be introduced in mid-July 2020.

1.4 Legal Implications

1.4.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.

1.4.2 Changes to parking charges are made via an Amendment Orders to the Council’s on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996.

1.5 Financial and Value for Money Considerations

1.5.1 The review of the on-street car parking fees and charges was progressed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. Details were

reported to the September 2019 meeting of the Street Scene & Environment Advisory Board.

1.6 Risk Assessment

1.6.1 None

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.

1.7.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. For Blue Badge holders living in a parking permit area, a Resident Parking Permit is not required as long as the valid Blue Badge and clock is correctly displayed. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism and mental health conditions.

1.8 Policy Considerations

1.8.1 Asset Management

1.8.2 Community

1.8.3 Customer Contact

1.9 Recommendations

1.9.1 It is **RECOMMENDED** that consultation for the proposed on-street parking fees and charges be progressed, as outlined in sub-sections 1.2 and 1.3 of this report.

Background papers:

Annex 1 – Copy of proposed charges

contact: Andy Bracey
Parking Manager

Robert Styles

Director of Street Scene, Leisure & Technical Services

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**THE KENT COUNTY COUNCIL
(VARIOUS ROADS, TONBRIDGE AND MALLING) (WAITING
RESTRICTIONS AND ON-STREET PARKING PLACES)
(AMENDMENT 32) ORDER 2020**



Notice is hereby given that Kent County Council intends to make the above Order, under Section 1, 2, 35, 36, 45, 46, 47, 49, 53, 124 of and Part IV of Schedule 9 to the Road Traffic Regulations Act 1984, the effect of which will be the alteration of parking tariffs and charges.

The tariff items and charges to be changed are as follows (no other alterations are proposed);

In the Borough of Tonbridge & Malling

On-Street Pay & Display and 'Pay by Phone'

Tariff	Type	Time period	Current Charge	New charge
T1.1	On-street pay & display	Up to 30 minutes	70p	70p
		Up to 1 hour	£1.30	£1.40
		Up to 2 hours	£2.30	£2.50
		Up to 3 hours	£3.10	£3.40

On-street parking permits

Tariff	Type	Current Charge	New charge
T2	Resident's on-street permit	1 st permit per household £40 per year	1 st permit per household £45 per year
		2 nd permit per household £40 per year	2 nd permit per household £45 per year
		3 rd permit per household £40 per year	3 rd permit per household £90 per year
		4 th and more permit per household £40 per year	4 th and more permit per household £135 per year
T3	Business on-street permit	£160 per year	£175 per year

Dispensations

Tariff	Type	Current Charge	Proposed charge
T7.1	Discretionary dispensation permit AZT for essential carers	£50	£25
T7.3	Discretionary dispensation permit PM for property maintenance vehicles (valid in any Tonbridge residents permit bay)	£160	£175
T7.4	Discretionary dispensation permit PMY for property maintenance vehicles (valid in any Tonbridge residents permit bay and on yellow lines where loading and unloading is not prohibited in Tonbridge High Street)	£160	£175
T7.5	Discretionary dispensation permit THB for vehicles carrying out regular cash banking activities (valid on yellow lines adjacent to banking facilities where loading and unloading is not prohibited in Tonbridge High Street for a maximum of 20 minutes)	£160	£175
T7.6	Discretionary dispensation permit for commercial purposes (such as building works)	£10 per day, £30 per week	£10 per day, £40 per week

A copy of the draft Order and a statement of reasons for proposing to make the Order may be inspected during normal working hours at the offices of Tonbridge and Malling Council Offices,

Kings Hill, West Malling or Tonbridge Castle and at the Kent County Council Offices, Sessions House, County Hall, Maidstone, Kent.

The proposed Order may also be viewed on www.tmbc.gov.uk/onstreetcharges

Anyone wishing to support these proposals, or object to them, should write stating reasons, and quoting the name of the Order by 5th April 2020 to;

The Parking Office, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.

Dated 13th March 2020

Barbara Cooper
Corporate Director, Growth, Environment and
Transport
Kent County Council,
County Hall,
Maidstone, Kent ME14 1XQ

For enquires relating to these proposals please contact Tonbridge & Malling Borough Council on 01732 844522.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 June 2020

Report of the Chief Executive and Management Team

Part 1- Public

Executive Non Key Decisions

1 CORPORATE STRATEGY – FIRST YEAR ADDENDUM

This report sets out the proposed approach to a one- year addendum to the Corporate Strategy to provide a framework within which to consider a wide range of issues in response to the Covid-19 pandemic.

1.1 Background:

1.1.1 At the meeting of Cabinet held on 19 May 2020, it was agreed that a one-year Addendum to the Corporate Strategy, should be prepared for consideration at future Cabinet meeting

1.1.2 At the time of writing, whilst the Government has set out plans for a phased approach to relaxation of restrictions, subject to certain criteria, it is still unclear as to how long the various phases of emergency arrangements will continue. As agreed by Cabinet, it is right and proper for us to plan for the next phase(s). None of us know how the national guidance will continue to evolve, but our strategy of following the national and public health messaging, and government guidance – must be the bedrock of our future thinking in managing a phased transitional period.

1.1.3 Following announcements from the government made on 10 May 2020, we have now reopened our country park, car parks, toilets and catering, all in accordance with national guidance, and have seen increased usage of all our open spaces. Further announcements on potential changes to restrictions are expected on 28 May, with a suggested implementation date of 1 June 2020. These announcements will no doubt be supported by detailed guidance which will steer the next steps. An update will be given at the meeting

1.2 Planning for Recovery:

1.2.1 To remind Members, that as we move into recovery phase(s) we will need to do this not only within the national framework, but also at a county level. In accordance with the Civil Contingencies Act 2004, the County Council has a statutory responsibility to establish the recovery framework. These plans are progressing and

there are a number of work strands, in which we and other partners are actively participating.

- 1.2.2 This Council, working within this broader context, needs to develop our own strategy for our own activity, but also more broadly in relation to our own communities and economies.
- 1.2.3 In order to provide a framework for our own recovery plan, Cabinet agreed development of a 1 year Addendum to the Corporate Strategy, underpinned by three themes:
- Review- how did we respond to the pandemic emergency, and what have we learnt from this
 - Re-orientation – how might we re-position the Council’s finances and operations to be fit for purpose in the “new normal”
 - Recovery – how to work with others to encourage recovery in our communities and economy, in adapting to both the transition period and into the “new normal”
- 1.2.4 It is proposed that these are considered on a thematic basis, using the county wide Recovery Plan cell themes as a starting point, but amending them to greater reflect our roles and responsibilities within the recovery.

1.3 Corporate Plan Addendum

- 1.3.1 As well as being underpinned by the three themes of review, re-orientation and recovery, it makes sense to use the thematic cells from the county wide Recovery Plan as a means of starting to structure the addendum to the Borough Council’s Corporate Strategy. These are as follows:

- Economy cell
- Infrastructure cell
- Children and young people cell
- Health and social care cell
- Districts and community cell
- Voluntary and Community Sector cell
- Finance cell

- 1.3.2 As the above thematic structure relates more to a county council operation, it is suggested that, for simplicity and appropriateness, the themes used by the Borough Council could be rationalised as follows, with each having a few key principles underlining them:

- **Economy:** Maximising the unique strengths of the local area to help create a resilient, dynamic and inclusive economy that fosters sustainable growth
- **Infrastructure:** Embracing technology and the opportunities it presents – for homeworking, reducing trip generation and congestion, tackling air pollution.

- **Communities and Health:** Supporting our most vulnerable residents – be it the elderly, unemployed or people living in our most deprived communities (which are the ones that have been disproportionately hit by the crisis).
- **Environment:** Tackling the challenges presented by Climate Change
- **Running the Council:** Ensuring an efficiently run Council that meets the needs of its residents and businesses.

1.3.3 It must be recognised that we are in a period of continuous change, and that as such this cannot be an “absolute and fixed” plan, but a framework that guides our thinking and ensures that there is a strategic overview to guide our plans. The framework and approach allows for a flexible approach, to adapt to change in both the case of increased relaxation, but also should there be a further wave of coronavirus. The proposed addendum is attached as **Appendix 1**, for Members consideration. Subject to endorsement, this framework sets out broad considerations which will be developed further and reported to Members for consideration at appropriate Boards and Committees.

1.4 Legal Implications

1.4.1 The statutory framework governing the response to the pandemic is evolving and changing on a frequent basis, both in the restrictions placed upon individuals and upon the responsibilities of local authorities. Any specific proposals or changes brought about by the Addendum will be assessed at the appropriate time to ensure they are lawful.

1.5 Financial and Value for Money Considerations

1.5.1 The financial impacts of the pandemic and, in turn, the implications for the Medium Term Financial Strategy are still being assessed.

1.5.2 As previously reported, the Council received funding from the government in two tranches totalling some £1.35m. This funding is very unlikely to cover the current financial impacts as previously reported to Members. Returns are being submitted to government by the Director of Finance & Transformation on a monthly basis as required by MHCLG.

1.5.3 An earmarked Reorientation/ Post Emergency Reserve of £200,000 is being established - see recommendation in Revenue and Capital Outturn 2019/20 report elsewhere on the agenda – to assist the Council in some of its recovery activity. This may prove to be insufficient, and will be kept under review.

1.6 Risk Assessment

1.6.1 The Council’s Strategic Risk Register has been updated substantially and is included in a report elsewhere on the agenda.

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 at this stage. There is no perceived impact on end users.

1.8 Policy Considerations

- 1.8.1 Procurement
- 1.8.2 Community
- 1.8.3 Business Continuity/Resilience
- 1.8.4 Healthy Lifestyles
- 1.8.5 Climate Change
- 1.8.6 Asset Management
- 1.8.7 Customer Contact
- 1.8.8 Health & Safety
- 1.8.9 Human Resources

1.9 Recommendations

- 1.9.1 That the one-year addendum to the Corporate Strategy be **ADOPTED**
- 1.9.2 The actions, therein be **ENDORSED**, for further reporting to Advisory Boards or Committees as appropriate
- 1.9.3 That the proposed extension to the Climate Change Strategy consultation and the revised programme for adoption be **NOTED**.

Background papers:

Nil

contact: Julie Beilby
Jeremy Whittaker

Julie Beilby
Chief Executive

Appendix 1: First Year Addendum to the Corporate Plan

Theme/Activity	Review	Re-orientate	Recovery
Economy	Undertake review of the effectiveness of initiatives undertaken through the current action plan and appropriateness of planned future initiatives in light of the changes to the economy, including statistical analysis of the local economy	Refresh the Borough Economic Regeneration Strategy and Action Plan 2019-2023 in line with findings of the review. <u>Subject to review stage</u> , but current indicators are that we might focus on: <ul style="list-style-type: none"> - Building resilience in the local economy through investment (with an emphasis on new technology) - Supporting increase in R&D and Productivity - Rebranding the economy - Green Growth (in support on Climate Change Strategy) - Upskilling and Transferable Skills - Town Centre Reinvention – including movements/social distancing/signage 	Delivery of refreshed Borough Economic Regeneration Strategy and Action Plan.
Business Support & Finance	Review the West Kent Business Support Programme (including start-up, scale-up and retail support programmes).		
Skills and Work-Readiness	Look at alternative approaches to delivering the West Kent Enterprise Adviser Network, Skills Events, Jobs Fairs and community work-readiness events.		
Our Town Centres	Undertake local health checks of our town centres. Assess impact of the Shopfront Improvement Schemes. Review approach to Town Centre Investment and consideration of accommodating future ways of using our town centres.		
Promotion and Tourism	Review effectiveness of marketing and promotion through Visit Kent and Locate in Kent. Undertake perceptions study of the Borough to identify perceived economic strengths.		
Infrastructure			
Delivery of the Local Plan	Review implications of delays to hearing sessions on overall delivery trajectory.	Prepare for hearing sessions that enable virtual attendance as well as socially distanced physical presence. Update the Local Plan timetable and highlight key considerations based on review activity.	Adoption of the TMBC Local Plan
Strategic Projects	Review our commitments and support to key strategic projects in the Borough, such as LEHES and East Malling Research Station, to ensure they are still priorities, and to consider any changes of approach that might be required.	Have meetings with strategic partners to discuss any key considerations arising from the review.	Proceed as per the review and subsequent dialogue with strategic partners.
Housing Infrastructure	Review implications of housing build out slow down on delivery of all housing types, with a particular focus on delivery of affordable housing products.	Work with partners including Homes England to ensure options for supporting the construction industry are being well advertised and considered	Use networks to contact private sector landlords about working with TMBC on housing provision and supporting existing tenants.

	Review implications of national context on the private rented and affordable housing sectors	on sites in borough that could assist with maintaining a level of housing delivery. Consider in detail with Members TMBC's ability to deliver a range of housing products, through partnership working, utilising our own assets.	Implement agreed projects emerging from reorientation activity.
(Sustainable) Transport	Review available data on usage of cycle and walking networks during lockdown.	Ensure emerging TMBC Local Cycling and Walking Implementation Plan (LCWIP) draft responds to government guidance and engages with all partners. Consider changed funding landscape.	Consult on LCWIP proposals
Digital Infrastructure	Review any available information/data to identify if there were any specific "gaps" of digital capability or infrastructure highlighted through pandemic, including analysis of how these gaps relate to provision within our more deprived and/or isolated communities	Work with Kent partners to finalise scoping paper for a "Smart Kent and Medway Project" plan, linking to TMBC digital strategy.	Work with partners to identify how existing or planned digital related projects within Kent could contribute or be enabled by a wider Kent Connect Strategy and Implementation Plan, including a Smart Kent IOT/5G initiative.
Empty Property	Review the extent to which the lockdown has impacted on the number (and condition) of empty properties in the borough, with a specific emphasis on prominent and heritage buildings.	Work with KCC No Use Empty and other key stakeholders to create an action plan identifying priority buildings	Proceed as per action plan.
Communities and Health			
Community Safety & Safeguarding	Review Community Safety Partnership safeguarding referrals and data capture regarding vulnerable residents who contacted the Community Hub to access support.	Continue to deliver community hub, in appropriate format for duration of emergency, but seeking to direct individuals to local, sustainable support networks.	Vulnerable residents are supported appropriately via Community Safety Partnership and other local support networks.
Supporting the Community & Voluntary Sector	Review the impact of COVID-19 on key Community and Voluntary Sector bodies supported by the Council	Reconsider Community Partnership Action Plans to capture specific issues that may have been highlighted as a result of COVID-19. Undertake O&S review of existing funding arrangements for the Voluntary Sector.	Delivery of Community Partnership Action Plans in the Borough's Priority Communities. Ensure that funding for Key Voluntary Sector organisations is reviewed and allocated to ensure ongoing support for residents.
Housing	Review impact of COVID-19 on housing waiting lists and reasons for housing duties being accepted. Review impact of COVID-19 on specific sections of community more likely to have housing need including rough sleepers, victims of domestic abuse, armed forces and young people.	Ensure review findings form part of considerations for the revised Housing Allocations Scheme	Implement Housing Allocations Scheme Work with partners including MHCLG and WK boroughs on schemes to support specific groups and funding opportunities for service reorientation. Work in close partnership with Registered Providers to explore opportunities for refocused services.
Healthy Living	Review role in Public Health response to COVID-19 and where health networks and projects offered most value in supporting our residents	Re-consider options to be presented to O&S in light of change in focus on Public Health services	Implement agreed option for Public Health delivery and engagement
Environment			
Climate Change	Review the timetable for the consultation process. An extension from 1 May until the end of June will allow for analysis of responses received to date and provide additional opportunity for residents to comment on the draft Climate Change Strategy, giving consideration to the impact that the Covid-19 crisis could have on meeting aspirations.	Adopt a new timetable to reflect the additional consultation phase with a report to SSEAB on 1 September to include analysis of consultation responses and setting out next steps for the Climate Change Strategy. Cabinet are asked to	Delivery of Final Adopted Climate Change Strategy and Year 1 Action Plan

		note the extended consultation phase up to the end of June 2020.	
Parks and Leisure	<p>Review opening of main leisure centres in light of government guidance, as well as the re-opening remaining outdoor leisure facilities.</p> <p>Review completion timescales of delayed capital leisure schemes</p> <p>Review events calendar</p>	<p>In liaison with the Trust, look at indoor leisure provision service delivery arrangements – future amendments will be required.</p> <p>Ensure the financial sustainability of the Trust.</p> <p>Give consideration to the potential transfer of the management of Leybourne Country Park to the Trust.</p>	Implementation of new service delivery arrangements and other elements agreed through the review and re-orientation process.
Parking	<p>Review and evaluate timescales for new charges, and the forthcoming consultation on parking charges in Aylesford and Martin Square.</p> <p>Evaluate the potential of capital investments (such as contactless payments and other digital payment options) to car parks.</p>	Revise timescales where required and come to an agreed approach on capital investments	Implement timescales and initiatives in line with review and re-orientation.
Street-scene and Waste	<p>Review timescale for reintroducing weekend bulky collection service and subscriptions for garden waste including direct debit.</p> <p>Review any implications of covid-19 for the transfer of public conveniences to parish councils.</p>	<p>In liaison with the contractor, Urbaser, undertake risk assessments and gear back up for complete reintroduction of core services.</p> <p>Refocus resources on the transfer process.</p>	<p>Complete reintroduction of core services and implement revised timescale for new services arrangements to flats and communal areas and reduce number of recycling banks.</p> <p>Complete transfer of public conveniences</p>
Environmental Health	Review implications of COVID-19 for businesses	<p>Ensure guidance on reorienting business (for example to a takeaway food business or utilising different working practices) is available and up to date in line with Government guidance.</p> <p>Use knowledge of borough's businesses to carry out targeted engagement.</p> <p>Respond to likely changes in DEFRA/FSA/HSE guidance and requirements by updating approaches</p>	Implement updated approaches to managing EH issues.
Air Quality	Review AQ monitoring data from lockdown period	Bring forward a revised AQ Management Action Plan (AQMAP), in line with Climate Change strategy and other key policy documents.	Deliver AQMAP
Running the Council			
Decision Making Capability	Undertake review of effectiveness of virtual meetings and decision making processes generally. Note that regulations empowering Councils to hold virtual meetings are to expire on 7 May 2021 unless extended by the government.	Re-focus decision making processes to ensure that Council is able to effectively consider and implement its refreshed priorities	Deliver a revised decision making process

	Review work programme for Overview and Scrutiny Committee to ensure oversight of response to, and recovery from COVID-19 pandemic		
Financial Recovery	Understand immediate impacts on income and spend from pandemic response and the Council's "essential spend only" ethos	Re-focus and re-determine Council budget priorities. Rebuild Medium Term Financial Strategy based on impacts during pandemic and forecast impacts into the future. Reset Savings and Transformation Strategy Set aside £200k in an earmarked reserve for recovery.	Deliver MTFS and STS, adjusting priorities in line with other strategies and outcome of Fair Funding Review by government
New Ways of Working	Undertake a review of the effectiveness of homeworking/flexible working and the potential to embed it within the culture of the Council in the longer term.	Where appropriate, Managers to build flexible working into the work patterns for their teams in order to build resilience into the organisation and embed new ways of working. Review office accommodation requirements in light of changes to homeworking/ flexible working and in order to reduce overheads and meet the targets set within the adopted Climate Change Strategy.	Delivery of new working arrangements and benefits to operational resilience, financial overheads and climate change.
Property and Investments	Review impacts on treasury management activity, opportunities and risks Review impact on Asset Management Plan	Update Treasury Management and Annual Investment Strategy as needed reviewing risks and opportunities	Investment income potential to be updated in MTFS
Business Rates and Council Tax	Understand and review impacts on council tax and business rates collection	Review and implement recovery of debts as appropriate; reassess bad debt provisions. Reassess tax base for council tax in terms of impact on collection and growth potential, and forecasting for future. Consider whether changes needed to Council Tax Support scheme. Working with Kent pool partners, assess impacts on business rate retentions and growth fund opportunities	Link to the update of the MTFS, also having regard to the Government's review of business rate retention scheme and revaluation of business rateable values.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 June 2020

Report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property

Part 1- Public

Executive Non Key Decisions

1 REVENUE AND CAPITAL OUTTURN 2019/20

In accordance with the Council's Financial Procedure Rules we present a report and accompanying information detailing actual Revenue and Capital Outturn for the year ended 31 March 2020 and subsequent adjustments made in light of the Outturn position.

1.1 Introduction

1.1.1 A detailed revenue and capital outturn position for the year 2019/20 is provided in the Revenue and Capital Outturn Booklet attached at **[Annex 1]** which has been compiled in liaison with Chief Officers, including, where appropriate, explanatory notes of variations between revised estimates and outturn. Variations between the original and revised estimates for 2019/20 were highlighted in the notes to the Annual Estimate papers presented to Members during the 2020/21 budget cycle.

1.1.2 In accordance with the Council's Constitution the Statement of Accounts which shows the outturn in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom 2019/20 will be presented to the **Audit Committee** for **approval**. The Director of Finance and Transformation is to present an audited copy of the Statement of Accounts to the Audit Committee on 27 July.

1.2 Overall Revenue Position

1.2.1 Members are advised that the drawdown from the General Revenue Reserve to support the Budget is £146,861, some £71,739 less than the Revised Estimate figure of £218,600. This after having established a Reorientation/ Post Emergency Reserve in response to the Covid-19 pandemic in the sum of £200,000 and transferring a sum of £50,000 to the Invest to Save Reserve.

1.2.2 The variance of £71,739, in addition to the sums transferred to the two earmarked reserves, can be attributed to, amongst other things, an overall favourable variance across service budgets generally and better than budgeted performance

under the Business Rates Retention Scheme offset by below profile performance in our major operational income streams. See paragraph 1.2.4 for further detail.

1.2.3 We have, as part of the closedown process, undertaken a review of the specific earmarked reserves held by the Council. As a result of this review and in liaison with Management Team, and referred to above, Cabinet is asked to note and endorse:

- The establishment of a Reorientation/ Post Emergency Reserve in the sum of £200,000 in response to the Covid-19 pandemic.
- The transfer of £50,000 to the Invest to Save Reserve to fund future efficiency/ savings initiatives.

1.2.4 As mentioned above, the drawdown from the General Revenue Reserve is £146,861, some £71,739 less than the Revised Estimate figure of £218,600. The principal reasons for the variance is given in the table below.

Description	Revised Estimate 2019/20 £	Provisional Outturn 2019/20 £	Variation £
Reorientation/ Post Emergency Reserve	0	200,000	200,000
Major Income Streams	(6,456,150)	(6,321,669)	134,481
Homelessness Temp Accommodation	288,500	394,888	106,388
Invest to Save Reserve	0	50,000	50,000
Refuse, Recycling & Street Scene – Contract(s) Payments	3,921,000	3,952,557	31,557
Investment Income	(575,000)	(600,158)	(25,158)
IT Supplies & Services	837,000	808,575	(28,425)
Recycling – Vehicle Costs	161,000	120,716	(40,284)
Housing Benefits (Net)	55,000	11,358	(43,642)
Salary Monitoring Statement	10,033,550	9,979,226	(54,324)
Business Rates Retention/ Reserve	(3,160,713)	(3,318,134)	(157,421)
Other Net Changes	5,761,330	5,516,419	(244,911)
Total	10,865,517	10,793,778	(71,739)

1.2.5 **[Annex 2]** provides details of Service specific issues in respect of the revenue outturn for 2019/20. A more detailed analysis of the outturn position is to be found in the attached Revenue and Capital Outturn Booklet.

1.3 Capital Plan

1.3.1 Members will note a Capital Plan spend net of specific government grants and other contributions of £4,608,000 against a budget provision of £5,769,000. Factors that contributed to the net underspend are given below.

- Capital renewals budgets totalling £1,053,000 with actual capital renewals expenditure totalling £613,000. Capital renewals provisions reflect predictions as to when assets will need to be replaced. Underspend can largely be attributed to a lower than anticipated spend on capital renewals at our leisure facilities; and in respect of information technology.
- The very nature of capital expenditure and funding can see the rescheduling, reprofiling and review of future budget provision. Scheme budget provisions that are to be rescheduled, reprofiled or subject to review include the Ventilation, Boiler and Pool Hall Roof – in year underspend £191,000; Racecourse Sportsground Revetment Works – in year underspend £193,000; CMS Website Solution – in year underspend £140,000 and Revenues and Benefits IT Digital Solution – in year underspend £60,000.

1.3.2 **[Annex 3]** provides details of Service specific issues in respect of the capital outturn for 2019/20. A more detailed analysis of the outturn position is to be found in the attached Revenue and Capital Outturn Booklet.

1.4 Treasury Management and Investment Strategy Review

- 1.4.1 An updated Prudential Code and Treasury Management Code were published by CIPFA in December 2017. The focus of both updates is to ensure the risks associated with investment in 'non-financial assets which are held primarily for financial returns' are properly evaluated, reported, subject to scrutiny and managed over time.
- 1.4.2 Council adopted the December 2017 edition of the Codes in October 2018. The Treasury Management Code requires an annual review report of the previous year to be presented and endorsed by Members. A copy of the annual review report for the year 2019/20 is attached at **[Annex 4]**.
- 1.4.3 As this is a **technical document**, if Members have any questions, could we please ask that you contact **Michael Withey on extension 6103** in advance of the meeting.

1.5 Balances and Reserves

- 1.5.1 **[Annex 5]** Table 1 shows the movement on the Special Projects Reserve.
- 1.5.2 **[Annex 5]** Table 2 details the movement on Other Earmarked Reserves.
- 1.5.3 **[Annex 5]** Table 3 gives details of some revenue adjustments agreed by the Director of Finance and Transformation during the closedown process.
- 1.5.4 The Council is required to have regard to the level of its balances and reserves before making decisions concerning its finances. The Council's General Fund working balance is set at £1,250,000 and this sum is considered appropriate for

an authority of our size and scale. The position in respect of the Council's General Revenue Reserve is given below.

General Revenue Reserve		
	£	£
Balance at 1 April 2019		6,723,099
Contribution to / (from) Reserve		(146,861)
Balance at 31 March 2020		6,576,238

1.5.5 The Medium Term Financial Strategy anticipated a General Revenue Reserve balance at 31 March 2020 of £6,504,000.

1.6 Audit Committee

1.6.1 As mentioned earlier, an audited copy of the Statement of Accounts for 2019/20 is to be presented to the Audit Committee for approval on 27 July. The Accounts reflect the revenue and capital outturn position as detailed in this report and accompanying information, together with the subsequent adjustments as appropriate.

1.7 Legal Implications

1.7.1 There are a number of legislative requirements to consider as we move through the closedown process, and prepare and publish the Statement of Accounts.

1.8 Financial and Value for Money Considerations

1.8.1 The positive outturn position affording the opportunity to establish a Reorientation/ Post Emergency Reserve in response to the Covid-19 pandemic in the sum of £200,000 and transfer £50,000 to the Invest to Save Reserve to fund future efficiency/ savings initiatives.

1.8.2 The budget year 2020/21 and review and update of medium term financial planning assumptions now the focus of attention. Progress on meeting this year's savings and transformation contribution of £20,000 will be reported via the Finance, Innovation and Property Advisory Board. Albeit, this to all intents and purposes has been overtaken by recent events.

1.8.3 In the latter part of the year 2019/20 the Covid-19 pandemic had a profound impact across service areas, businesses and the wider community testing the Council's business continuity planning arrangements. It will, in all likelihood, also have a significant adverse impact on the Council's finances and, in turn, reserve balances.

1.8.4 Primarily as a result of a likely marked reduction in sources of income (council tax receipts, business rates, fees and charges, rental income and investment income). There are also unbudgeted costs to be met, both time limited and

ongoing, e.g. setting up and operation of community hub facilities and increase in temporary accommodation costs.

- 1.8.5 We will not know the extent of the impact on reserve balances for some time, but believe it safe to say unless there is further significant tranches of funding provided by the government, depleted such that the scale and timing of savings targets set out in the Medium Term Financial Strategy will need to be revisited.
- 1.8.6 As reported to Cabinet in May the indicative ‘ballpark’ figures we have come up with are a shortfall in income of between £3m and £5m and increased costs of £350,000 in 2020/21, but again should stress these are best guesses and will undoubtedly change. The scale of the adverse impact beyond 2020/21 dependent on the speed and extent of the recovery. In addition, the Leisure Trust that manages the Council’s main leisure facilities on its behalf is in need of financial support. The extent and shape of that support and over what time period is difficult to determine at this early stage, but Members will note this is the subject of a separate report elsewhere on the agenda.
- 1.8.7 To date two tranches of ‘emergency’ funding has been provided by the government. The first tranche was £40,538 and the second tranche £1,316,352 giving a total allocation of £1,356,890.
- 1.8.8 Members should be reassured that Management Team will continue to closely monitor the impact on the Council’s finances as more information becomes available and a better understanding begins to emerge, and update Members via the Finance, Innovation and Property Advisory Board.

1.9 Risk Assessment

- 1.9.1 The compilation and presentation of the revenue and capital outturn forms part of the closedown process, leading to the preparation and publication of the Statement of Accounts which is a statutory document. Failure to prepare and publish the Accounts within the statutory timescale and in accordance with the Regulations could adversely affect the Council.
- 1.9.2 We will not know the extent of the adverse financial impact as a result of the Covid-19 pandemic for some time, but in all likelihood our reserve balances will be very much reduced from that assumed in February 2020; and as a result, in turn, have an adverse impact on the scale and timing of the savings to be achieved.

1.10 Equality Impact Assessment

- 1.10.1 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.

1.11 Recommendations

1.11.1 Cabinet is requested to:

- 1) Note and endorse the Revenue and Capital Outturn for the year 2019/20.
- 2) Note and endorse the action taken following a review of specific earmarked reserves set out at paragraph 1.2.3.
- 3) Note and endorse the Treasury Management and Investment Strategy Review 2019/20 **[Annex 4]**.
- 4) Note that the Covid-19 pandemic will, in all likelihood, have a significant impact on the Council's reserve balances and as a result, in turn, have an adverse impact on the scale and timing of the savings and transformation contributions required.

Background papers:

Nil

contact: Neil Lawley
Sharon Shelton

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation

Nicolas Heslop
Leader of the Council

Martin Coffin
Cabinet Member for Finance, Innovation and Property
and Deputy Executive Leader

Revenue Outturn 2019/20 - Service Specific Issues

Corporate Services

The Outturn is £127,632 (£3,692,400 - £3,564,768) less than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Salaries, Recruitment Costs and Partnership Receipts (CS 2/ CS 7) – Net management savings on the salary bill £54,324.
- b) Training – Course Fees & Expenses (CS 2) – Training costs are £15,554 more than estimated due to an increase in staff turnover and higher than anticipated IT training to support digital transformation.
- c) Council Offices (CS 3) – Lower than estimated energy costs of £17,801.
- d) Council Offices (CS 3) – Reversal of prior year impairment of £18,667 following revaluation.
- e) Legal Expenses (CS 7) – Legal fees are £63,952 less than estimated primarily due to the cost of the Kings Hill sites planning enquiry lower than anticipated.
- f) Information Technology Services (CS 9) – Supplies and Services costs are £28,425 less than estimated largely due to lower than anticipated ancillary and computer equipment maintenance costs and a number of software support, hire and maintenance budgets not required in offset by higher Kent Public Services Network charges in 2019/20.
- g) Building repairs expenditure is £90,772 less than estimated due to the internal and external decoration of Tonbridge Castle Offices has been deferred to 2020/21.
- h) Depreciation charged to Service Budgets is £85,747 less than estimated largely due to lower than anticipated expenditure on IT infrastructure and renewal of IT equipment.
- i) Recharges to Service Budgets are £295,071 less than estimated.
- j) The balance of £78,569 is spread throughout the remaining Corporate Services budgets.

Chief Executive

The Outturn is £59,262 (£959,300 - £900,038) less than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Economic Development & Regeneration (CE 6) – Expenditure in year to support economic initiatives is £50,796 lower than anticipated (£41,750

paid from retained business rates income direct). Costs met from an earmarked reserve.

- b) The balance of £8,466 is spread throughout the remaining Chief Executive budgets.

Director of Central Services

The Outturn is £16,611 (£105,200 - £121,811) more than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Land Review (CEN 8) – Costs of £48,550 incurred on external advice in respect of potential property investment related matters. Costs met from an earmarked reserve(s).
- b) Management and administration recharges are £29,853 less than estimated in part due to management savings generated on the permanent establishment.
- c) The balance of £2,086 is spread throughout the remaining Director of Central Services budgets.

Director of Finance and Transformation

The outturn is £151,341 (£1,336,300 - £1,184,959) less than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Housing Benefits (FT 2) – Reflects actual level of benefit payments, recoupments and contribution to the bad debts provision with an overall net decrease of £43,642 when compared to the revised estimate.
- b) Local Revenue & NNDR Collection (FT 3) – Government Grants received in respect of costs associated with council tax annex discount and NNDR reliefs in the sum of £16,370.
- c) Treasury Management & Banking Arrangements (FT 5) – Interest on investments and cash flow is £25,158 more than estimated as a result of higher than expected cash balances due to Valuation Office delays in resolving business rates appeals.
- d) Management and administration recharges are £54,479 less than estimated in part due to management savings generated on the permanent establishment.
- e) The balance of £11,692 is spread throughout the remaining Director of Finance and Transformation budgets.

Director of Planning, Housing and Environmental Health

The outturn is £198,142 (£3,849,950 - £3,651,808) less than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Preparation of Local Development Framework (PHEH 5) – Expenditure on LDF is £68,588 more than estimated as work on the new Local Plan is progressed. Costs met from an earmarked reserve.
- b) Planning Policy (PHEH 6) – Transport Policy consultancy costs are £17,767 less than estimated due to lower than anticipated need for support in respect of transport policy.
- c) Planning Policy (PHEH 6) – Budget provision of £50,000 to meet external costs associated with the Borough Green Gardens project not required in 2019/20.
- d) Housing Strategy (PHEH 7) – Professional fees are £17,500 less than estimated following the roll forward of the Housing Needs Research exercise to 2020/21. Costs met from an earmarked reserve.
- e) Homelessness (PHEH 9/ 10) – Cost (net) of temporary accommodation is £106,388 more than estimated due to increase in caseload.
- f) Homelessness (PHEH 9) – Balance of Rough Sleeping Initiative Grant in the sum of £17,340 used to fund temporary accommodation for rough sleepers.
- g) Homelessness (PHEH 9) – increase in contribution to the bad debt provision in the sum of £29,040 due to increase in caseload.
- h) Private Sector Housing Renewal (PHEH 13) – Actual spend net of associated government grant in respect of Disabled Facilities and Housing Assistance Grants, together with repayments of grants by householders, is £61,164 lower than anticipated.
- i) Private Sector Housing Standards (PHEH 14) – Professional fees (net) are £28,563 less than estimated following grant funding received towards the cost of the Private Sector Housing Stock Condition Survey. Much of the work to be progressed in 2020/21. Costs met from an earmarked reserve.
- j) Management and administration recharges are £154,984 less than estimated in part due to management savings generated on the permanent establishment.
- k) The balance of £54,840 is spread throughout the remaining Director of Planning, Housing and Environmental Health budgets.

Director of Street Scene, Leisure and Technical Services

The outturn is £213,707 (£8,356,250 - £8,142,543) less than the 2019/20 Revised Estimate. The principal reasons for this are as follows:-

- a) Refuse Collection, Recycling and Street Scene (SSLTS 2/ 3/ 5) – Contract payments in respect of the waste services contract(s) are £31,557 more than estimated.
- b) Recycling (SSLTS 3) – Vehicle costs are £40,284 less than estimated due to reduction in frequency of emptying of bring banks on the introduction of the new enhanced kerbside waste collection service.
- c) Recycling (SSLTS 4) – Recycling Performance Payment is £37,471 less than estimated, albeit the method of calculation used by KCC under query.
- d) Tonbridge and Malling Leisure Trust (SSLTS 8) – Payment due to the Trust under the utility cost sharing arrangement anticipated in the sum of £40,000. To be met from an earmarked reserve.
- e) Larkfield Leisure Centre (SSLTS 9) – Loss of income claim in respect of the major programme of works is £354,602 less than estimated and is to be rolled forward to 2020/21.
- f) Off-Street/ On-Street Car Parking (SSLTS 33/ 35) – Short and long stay income is £52,276 less than estimated due to the floods at the Racecourse Sportsground and suspending of charging in late March; and penalty charge notices income is £28,968 less than estimated due to increased compliance by motorists.
- g) Security Services Management (SSLTS 37) – CCTV Monitoring Station costs are £23,763 less than estimated due in part to cost of new maintenance contract lower than budgeted.
- h) Building repairs expenditure is £53,849 less than estimated mainly due to Tonbridge Swimming Pool and Public Conveniences upgrade, refurbishment, maintenance and servicing works deferred to 2020/21 offset by higher than estimated cost of legionella works at Larkfield Leisure Centre.
- i) Depreciation charged to Service Budgets is £26,387 less than estimated spread across a number of budget heads.
- j) Impairment charged to Service Budgets is £131,813 and can largely be attributed to impairment of Angel public conveniences following closure.
- k) The balance of £36,907 is spread throughout the remaining Director of Street Scene, Leisure and Technical Services budgets.

Capital Outturn 2019/20 - Service Specific Issues

Planning, Housing and Environmental Health Services

- a) Housing Assistance Grants (CP3). Actual spend net of repayments of grants by householders is -£31,000 compared to budget provision of £30,000.
- b) Homeless Accommodation (CP3). Purchase of properties in Pembury Road, Tonbridge completed at a cost of £1,958,000. Scheme part funded from developer contributions.

Street Scene, Leisure and Technical Services

- a) Ventilation, Boiler and Pool Hall Roof (CP5). Spend to March 2020 £1,525,000 compared to overall budget provision of £2,129,000. Works due to be completed in July, but put on hold for a period in late March following the Covid-19 pandemic.
- b) Racecourse Sportsground Revetment Works (CP5). No spend compared to budget provision of £207,000. Project to be progressed in 2020/21.
- c) Capital renewals budgets (CP9) totalling £533,000 with actual capital renewals expenditure totalling £310,000. Underspend can largely be attributed to a lower than anticipated spend on renewal of vehicles, plant and equipment at our leisure facilities and sportsgrounds and open spaces.

Corporate Services

- a) Conference System (CP11). No spend compared to budget provision of £27,000. Balance of funding expected to be used for the Council Chamber voting facility and to upgrade meeting room projection equipment.
- b) Revenues and Benefits IT Digital Solution (CP11). No spend compared to budget provision of £60,000. Project commenced on a phased implementation. Budget provision to be reviewed in 2020/21.
- c) CMS Website Solution (CP11). No spend compared to budget provision of £140,000. Project to be progressed in early 2020/21.
- d) Capital renewals budgets (CP12) totalling £496,000 with actual capital renewals expenditure totalling £285,000. Underspend can largely be attributed to a lower than anticipated spend in respect of information technology.

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Tonbridge and Malling Borough Council**Treasury Management Annual Report 2019/20****1.1 Introduction**

1.1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activity and the actual prudential and treasury indicators for 2019/20. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.1.2 During 2019/20 the minimum reporting requirements were that full Council should receive the following treasury reports:

- an annual strategy in advance of the year;
- a mid-year review; and
- an annual review following the end of the year describing the activity compared to the strategy (this report).

In addition, treasury management updates have been presented to each meeting of the Audit Committee throughout the 2019/20 financial year. Treasury performance was also considered at the Finance, Innovation and Property Advisory Board through the regular Financial Planning and Control reports.

1.1.3 Changes in the regulatory environment place a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

1.1.4 This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit Committee before they were reported to full Council.

1.2 Treasury Position at 31 March 2020

1.2.1 At the beginning and the end of 2019/20 the Council's debt and investment position was as follows:

	31 March 2019 £m	Rate / Return %	Average duration Days	31 March 2020 £m	Rate / Return %	Average duration Days
Variable rate debt:						
Overdraft	0.0	-	-	0.0	-	-
Total debt	0.0	-	-	0.0	-	-
Fixed rate investments:						
Cash flow surpluses	-	-	-	2.0	0.20	13
Core cash	16.0	1.06	155	13.0	1.09	75
Variable rate investments:						
Cash flow surpluses	7.4	0.78	1	13.6	0.36	9
Core cash	8.0	1.06	219	6.0	0.56	76
Sub-total	31.4	0.99	134	34.6	0.66	46
Long term investments:						
Property Funds	5.0	3.55	-	5.0	3.54	-
Total investments	36.4	2.04	-	39.6	1.02	-

1.2.2 The rise in investment balances reflects: surpluses on business rates and council tax collection funds due to be distributed in 2020/21; unspent provisions for business rate appeals which have yet to be determined by the Valuation Office; and changes in the level of year-end debtor and creditor provisions.

1.3 The Strategy for 2019/20

1.3.1 Investment returns remained low during 2019/20. The expectation for interest rates within the treasury management strategy for 2019/20 was that Bank Rate would stay at 0.75% during 2019/20 as it was not expected that the MPC would be able to deliver on an increase in Bank Rate until the Brexit issue was finally settled. However, there was an expectation that Bank Rate would rise after that issue was resolved, but would only rise to 1.0% during 2020

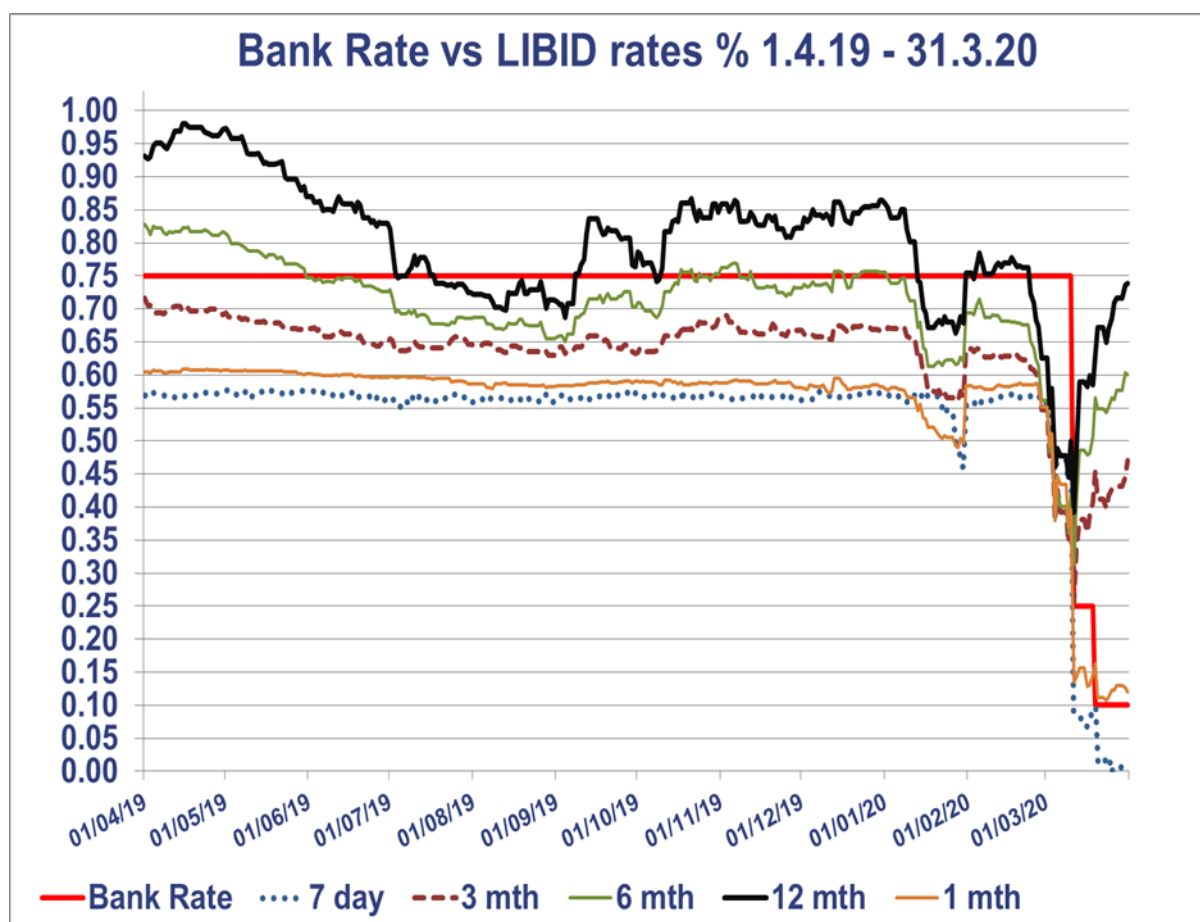
1.3.2 Rising concerns over the possibility that the UK could leave the EU at the end of October 2019 caused longer term investment rates to be on a falling trend for most of April to September. They then rose after the end of October deadline was rejected by the Commons but fell back again in January before recovering again after the 31 January departure of the UK from the EU. When the coronavirus outbreak hit the UK in February/March, rates initially plunged but then rose sharply back up again due to a shortage of liquidity in financial markets. As longer term rates were significantly higher than shorter term rates during the year, value was therefore sought by placing longer term investments where cash balances were sufficient to allow this.

1.3.3 While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the

financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme market stress and economic conditions.

1.4 Investment Rates in 2019/20

- 1.4.1 Bank rate and investment returns across durations up to 12 months are depicted in the graph below. The Bank Rate cut to 0.25% and then again to 0.1% during March 2020 to support the economy in response to Covid-19 is clearly visible.



1.5 Investment Outturn for 2019/20

- 1.5.1 The Council's investment policy sets out the approach for choosing investment counter-parties and is based on credit ratings provided by the three main credit rating agencies. This is supplemented by additional market information including credit rating outlooks and credit default swap data (CDS). The 2019/20 Annual Investment Strategy was approved by Council in February 2019 and was subjected to a mid-year review in October 2019. In undertaking the review, no changes were made to the Council's minimum counter-party credit requirement (Fitch A-, F1 unless UK state owned) or counter-party exposure limits (maximum of 20% of funds per financial institution). Subject to a number

- of constraints, discretion to extend investment duration by up to six months over the Council's external treasury advisor's suggested duration was also retained.
- 1.5.2 **Cash flow investment.** In 2019/20 cash flow surpluses averaged £19.9m and earned an average rate of return of 0.76%. The average 7-day LIBID rate, used to compare performance, was 0.53%. Cash flow surpluses arise from the timing difference between the receipt of monies (from council tax, business rates, grants, etc.) and its subsequent payment (to precepting authorities, housing benefit recipients, suppliers, staff, etc.). Cash flow surpluses are required to meet regular payment obligations and as a consequence are invested in bank deposit accounts and money market funds which allow next day access. The opportunity to invest for longer durations and generate additional yield is taken when cash flow surpluses permit.
- 1.5.3 **Core cash investment.** In 2019/20 core cash averaged £25.1m and earned an average rate of return of 1.10%. The 3-month LIBID rate used as a comparator was 0.64%. Core cash comprises the authority's revenue and capital reserves. Unlike cash flow, core cash is not required to meet regular payment obligations and is available to invest for longer durations including durations exceeding one year. This added flexibility allows core cash to generate a better return relative to cash flow surpluses.
- 1.5.4 **Long term Investment.** The availability of cash balances over the longer term (10 years) and the suitability of different types of long term investment (equities, bonds and commercial property) was explored in the report to Audit Committee, January 2017. Of the alternatives, investment in property funds was considered best suited to meet the Council's more immediate funding need: a sustainable, stable income stream.
- 1.5.5 This does not however, preclude consideration of an alternative investment opportunity that meets the Council's strategic priorities and objectives, achieves value for money and delivers a financial return commensurate with the Council's risk appetite. Each such opportunity to be considered on a case by case basis as appropriate.
- 1.5.6 At the start of the year £5m was invested in property investment funds and no further sums were invested during the year. Investment was spread across three funds to ensure, as far as is possible, stability of annual income and capital growth over time. Additional property fund investments may be made in the future as resources become available from asset disposals and other windfalls.
- 1.5.7 In 2019/20 investment in property funds averaged £5.0m and income of £173,977 was received which represents an annualised return of 3.48%.
- 1.5.8 Property funds issue and redeem primary units at a buy and sell price with the difference between the two prices reflecting the costs associated with buying and selling property (legal and other fees, stamp duty etc.). The price spread varies from fund to fund but is typically in the region of 8% (6% on entry to a fund and 2% on exit). Where units are traded on a secondary market the impact of the spread can be reduced and delays in the purchase or redemption of units

avoided. The table below compares the sale value of each investment if sold to the fund manager with the initial purchase price.

Property fund (Primary = units in the fund purchased from the fund manager. Secondary = units purchased from another investor at a discount. Date = first month the investment attracted dividends)	Purchase price (a) £	Sale value at date of purchase (b) £	Sale value March 2020 (c) £	March sale value above (below) purchase price (c-a) £
LAPF (Primary, July 2017)	1,000,000	922,200	938,500	(61,500)
Lothbury (Primary, July 2017)	1,000,000	927,700	939,700	(60,300)
Hermes (Secondary, Oct 2017)	1,000,000	939,000	994,900	(5,100)
LAPF (Primary, June 2018)	1,000,000	922,200	899,900	(100,100)
Lothbury (Secondary, July 2018)	1,000,000	973,000	921,600	(78,400)
Total	5,000,000	4,684,100	4,694,600	(305,400)

1.5.9 Fund capital values rose in 2017/18, were broadly static in 2018/19 and have fallen in 2019/20. The rise and fall mirrors the UK's GDP growth in those years. As a consequence of Covid-19 the UK economy is expected to falter in 2020/21 and further falls in capital values can be expected. Members are reminded that our property fund investments are long term (10 years) and the funds applied to them are not required to meet day to day spending commitments. Capital values are expected to rise over the long term as economic conditions improve.

1.5.10 **Summary.** Investment performance for the year 2019/20 is summarised in the table below:

	2019/20 Average balance £m	Return %	2019/20 Interest/ dividends earned £	2019/20 Revised Estimate £	Variance Better (worse) £
Cash flow surpluses	19.9	0.76	150,734	125,000	25,734
Core cash	25.1	1.10	275,447	275,000	447
Long term investment	5.0	3.48	173,977	175,000	(1,023)
Total	50.0	1.20	600,158	575,000	25,158

- 1.5.11 The overall performance of the Authority's investments bettered the revised estimates by £25,158 (£117,158 when compared to the 2019/20 original estimates).
- 1.5.12 In finalising the Council's revised estimates the income estimate for cash flow was increased from £114,000 to £125,000; the return from core cash was increased from £169,000 to 275,000; and income from property funds reduced from £200,000 to £175,000.
- 1.5.13 The higher income from core cash, in particular, reflects higher than expected balances due to Valuation Office delays in processing business rate appeals.

1.6 Compliance with the Annual Investment Strategy

- 1.6.1 The Annual Investment Strategy aims to limit the Council's exposure to investment risks by prescribing: minimum counter-party credit criteria; maximum exposure limits in respect of sovereigns, counter-parties and group of related counter-party; the type of investment instrument that can be used; and investment duration limits. Throughout the period April 2019 to March 2020 the requirements set out in the Annual Investment Strategy for 2019/20, as approved by Council in February 2019, were complied with. No liquidity issues were experienced resulting in nil borrowing throughout 2019/20.

1.7 Treasury and Prudential Codes of Practice

- 1.7.1 Updated Treasury Management and Prudential codes of practice were published by CIPFA on 21 December 2017.
- 1.7.2 The Codes have been updated to address concerns arising from the Localism Act 2011 (commercialism agenda). The focus of both updates is to ensure the risks associated with investment in '**non-financial assets** which are held primarily for financial returns' are properly evaluated, reported, subject to scrutiny and managed over time. Non-financial assets will include the purchase of property to rent, shares and loans in subsidiaries or other outsourcing structures such as IT or building services providers.
- 1.7.3 Council adopted the December 2017 edition of the Codes in October 2018 and the requirements of the Codes have been taken into account and reflected as appropriate in this annual review.
- 1.7.4 The Council has no material non-financial investments. Property funds, as opposed to directly owned property, are used as part of the Council's treasury management activity.

Financial Services
May 2020

Prudential and Treasury Indicators

1 Prudential Indicators	2018/19 Actual £'000	2019/20 Original £'000	2019/20 Actual £'000
Capital expenditure	3,587	5,366	6,407
Ratio of financing costs to net revenue stream	-3.51%	-3.41%	-4.24%
Net borrowing requirement:			
Brought forward 1 April	nil	nil	nil
Carried forward 31 March	nil	nil	nil
In year borrowing requirement	nil	nil	nil
Capital financing requirement as at 31 March	nil	nil	nil
Annual change in capital financing requirement	nil	nil	nil
Incremental impact of capital investment decisions:			
Increase in Council Tax (Band D) per Annum	£0.20	£0.25	£0.25

2 Treasury Management Indicators	2018/19 Actual £'000	2019/20 Original £'000	2019/20 Actual £'000
Authorised limit for external debt:			
Borrowing	nil	5,000	nil
Other long term liabilities	nil	nil	nil
Total	nil	5,000	nil
Operational boundary for external debt:			
Borrowing	nil	2,000	nil
Other long term liabilities	nil	nil	nil
Total	nil	2,000	nil
Actual external debt	nil	nil	nil
Upper limit for fixed rate exposure over one year at year end	nil	0 – 60%	nil
Upper limit for variable rate exposure under one year at the year end	15,411 (42.3%)	40 – 100%	19,610 (49.5%)
Upper limit for total principal sums invested for over 365 days	5,000 (13.7%)	60%	5,000 (12.6%)

3 Maturity structure of new fixed rate borrowing during 2019/20	Upper limit %	Lower limit %
Under 12 months	100	nil
Over 12 months	nil	nil

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TABLE 1

Special Projects Reserve	Revised £	2019/20 Outturn £	Variance £
Contribution to/(from) in Year			
Borough Signage	(700)	(675)	25
Community Safety Partnership	(6,900)	(6,920)	(20)
Housing Survey	(55,800)	(9,737)	46,063
Parks Improvement Fund	(20,250)	(20,231)	19
Repossessions Prevention Fund	(2,100)	(15,204)	(13,104)
Waste & Street Scene Initiatives	(28,000)	(28,005)	(5)
Waste Services Contract	(700,000)	(696,218)	3,782
Movement in Year	(813,750)	(776,990)	36,760

TABLE 2

Other Earmarked Reserves	Revised £	2019/20 Outturn £	Variance £
Contribution to/(from) in Year			
Business Rates Retention Scheme	(3,250)	38,446	41,696
Climate Change	250,000	250,000	0
Covid-19	0	40,538	40,538
Homelessness Reduction	86,500	80,436	(6,064)
Housing Assistance	0	60,000	60,000
Local Development Framework	(2,500)	2,558	5,058
Reorientation / Post Emergency	0	200,000	200,000
Tonbridge & Malling Leisure Trust	(262,000)	48,000	310,000
Asset Review	0	(700)	(700)
Community Development	(1,800)	(4,800)	(3,000)
Democratic Representation	(250)	(285)	(35)
Economic Development	(8,500)	(7,207)	1,293
Election Expenses	(96,000)	(93,708)	2,292
Housing & Welfare Reform	(15,000)	(10,609)	4,391
Invest to Save	(156,200)	(143,092)	13,108
Public Health	(7,750)	(8,251)	(501)
Training	0	(15,554)	(15,554)
Transformation	(100,450)	(104,391)	(3,941)
Movement in Year	(317,200)	331,381	648,581

TABLE 3

Revenue Adjustments	Revised £	2019/20 Outturn £	Variance £
Expenditure / (Receipts) in Year			
Rechargeable Works Admin.	-	305	305
Miscellaneous Cash	-	(340)	(340)
Other	-	(1)	(1)
Movement in Year	-	(36)	(36)

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 June 2020

Report of the Management Team

Part 1- Public

Executive Non Key Decisions

1 UPDATE OF THE STRATEGIC RISK REGISTER

Cabinet is provided with an update of the Strategic Risk Register in the light of the coronavirus pandemic. Members are asked to note and acknowledge the escalation of a number of key risks to RED as a consequence of this.

1.1 Introduction

- 1.1.1 The Risk Management Strategy sets out the Council's risk management objectives and details the roles and responsibilities of officers, Members and the Council's partners in the identification, evaluation and cost-effective control of risks.
- 1.1.2 The Council's risk management arrangements are designed 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.
- 1.1.3 The current Risk Management Strategy was recommended by the Audit Committee in January of this year and subsequently approved by Cabinet followed by Full Council in February 2020.
- 1.1.4 As Members will know, on 11 March, the World Health Organisation (WHO) officially declared the outbreak of COVID-19 a pandemic. At its extraordinary meeting on 19 May, Cabinet received a report entitled '*Responding to the Coronavirus Emergency*' setting out a strategic overview of the Council's response to the national emergency, the impacts on service delivery, the introduction of priority initiatives, financial impacts and a framework for the development of a future recovery plan.
- 1.1.5 The impact of the pandemic to the Council's services and the recovery from it, has been captured in the Council's Strategic Risk Register. Whilst the Register is reported to the Audit Committee on a regular basis, given the significant impact of the pandemic to the Council, this update is brought to Cabinet.

1.2 Strategic Risk Register

- 1.2.1 The Strategic Risk Register (SRR) is considered to be a ‘live’ document and is updated, as often as is required, by the Management Team. An update of the current strategic risks, which are understandably dominated by the coronavirus pandemic, and how they are being managed as at the time of writing is appended at **[Annex 1]**. Members are also referred to the separate report on this agenda from the Chief Executive entitled “Corporate Strategy – First Year Addendum”.
- 1.2.2 **Members are asked to note both the addition and updates since the last iteration of the Register, which are significant in the current circumstances.**
- 1.2.3 Not surprisingly, the number of risks that have been re-categorised as RED, for the time being at least, has increased. These are now:
- 1) Financial position/budget deficit
 - 2) Brexit Impact and Economic uncertainty
 - 3) Corporate Strategy and Savings and Transformation Strategy
 - 4) Waste Services (this was previously categorised as RED, so no change)
- 1.2.4 As we begin to develop plans in response to the pandemic, it is hoped that the risk level can be reviewed again.

1.3 Legal Implications

- 1.3.1 There is a Health and Safety requirement for effective risk management to be in place and the Strategy supports this requirement.
- 1.3.2 There is also a requirement in the Accounts and Audit Regulations that accounting control systems must include measures to ensure that risk is appropriately managed.

1.4 Financial and Value for Money Considerations

- 1.4.1 Financial issues may arise in mitigating risk which will be managed within existing budget resources or reported to Members if this is not possible.
- 1.4.2 Effective risk management arrangements make a positive contribution to ensuring value for money is provided in the delivery of services.
- 1.4.3 An earmarked Reorientation/ Post Emergency Reserve of £200,000 is being established - see recommendation in Revenue and Capital Outturn 2019/20 report elsewhere on the agenda – to assist the Council in some of its recovery activity. This may prove to be insufficient, and will be kept under review.

1.4.4 In general the Council maintains a prudent level of reserves to provide a safety net for unforeseen or other circumstances. The Robustness of Estimates and Adequacy of Reserves statement that the Council's Chief Financial Officer is required to produce under the local Government Finance Act 2003 to support Members in considering the Budget Setting report, lists examples of why the Council needs to retain a minimal level of reserves. The Council has resolved to hold a minimum level of general revenue reserve of £3 million in order to provide for a host of potential financial and operational risks.

1.5 Risk Assessment

1.5.1 Sound risk management arrangements aid the Council in effective strategic decision-making. The Council's approach to risk should be reviewed on a regular basis to ensure it is up to date and operating effectively.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

1.7.1 Risk management is relevant to all areas of the Council's business.

1.8 Recommendations

1.8.1 Members are asked to note and acknowledge the escalation of a number of key risks to RED as a consequence of the coronavirus pandemic.

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation

For Management Team

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No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
1	Safeguarding and PREVENT	S, R	<p>Significant impact should a child, young person or adults at risk come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes were in place.</p> <p>Coronavirus has increased support to vulnerable individuals.</p>	01/04/2017	3	4	12	<p>The responsibility for safeguarding is with the Chief Executive, rather than an individual service and a review implemented.</p> <p>Audit Review undertaken, identifying areas of weakness to be address, progress to date with Training delivered to all Hackney Carriage and Private Hire Drivers.</p> <p>Secure Database now in place, with secure access, for recording of safeguarding concerns and referrals onto other agencies</p> <p>Community Hub established to support those on NHS shielded list and other non-shielded vulnerable adults.</p>	3	4	12	<p>Posts requiring DBS checks have been reviewed by Legal Services and are now part of a single secure register.</p> <p>Policy procedure on DBS checks reported to Corp MT in Sept 2019.</p> <p>Safeguarding Audit undertaken and completed in 2018/19.</p> <p>Safeguarding concerns highlighted through the work of the Community Hub are referred to appropriate agencies where necessary and also raised with partners at the weekly CSU meetings.</p>	Safeguarding Policy	Chief Executive	Jul-20
2	Financial position/budget deficit	F, R	<p>Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention.</p> <p>Failure to maximise New Homes Bonus.</p> <p>Coronavirus pandemic has significant economic implications for the Council, businesses and residents.</p>	01/04/2017	4	4	16	<p>The Council provides an annual statement (as a minimum) on the following areas;</p> <p>Treasury Management and Investment Strategy.</p> <p>Robustness of estimates and adequacy of reserves.</p> <p>Effective monitoring control procedures.</p> <p>Savings and Transformation Strategy (STS) reviewed and updated.</p> <p>Unqualified Audit and Value for Money Opinion contained with Annual Audit Letter.</p> <p>Medium Term Financial Strategy (MTFS) updated and shared regularly with Cabinet to keep members aware of current financial situation.</p> <p>Business Rates income monitoring as part of Pool/Pilot arrangements. Now appear to be above baseline following closure of Aylesford Newsprint.</p> <p>Local government finance settlement for 20/21 confirmed as anticipated. New Homes Bonus to be paid in 20/21.</p> <p>Council Tax increase approved by Council for 20/21 at 2.4% (£5)</p> <p>Business Rate performance now expected to be above baseline for 20/21</p> <p>Impact of Pandemic is having significant effect on Council finances. Review and Reassessment underway. Ethos of priority spend only agreed by MT and Cabinet (19 May 2020). Government funding of £1.35m received, but will not be sufficient to cover costs and loss of income in year.</p>	3	3	9	<p>Areas of potential savings yet to be identified and prioritised, with commitment to delivery of those selected.</p> <p>Commissioning of service reviews via MT to identify potential areas of transformation and savings.</p> <p>Strategic asset review to be undertaken.</p> <p>O&S Committee Jan 18 established work programme to identify potential savings.</p> <p>Fair Funding review underway but will need to await outcome which due to Brexit has been delayed.</p> <p>Savings target updated in August 2019 to £675k, Cabinet in June asked how funding gap should be address with focus on first tranche.</p> <p>Further update to MTFS in progress. Report being prepared for Cabinet 16 October</p> <p>Draft budget prepared for 20/21 will need to assessed in the light of the provisional local government finance settlement, which has been delayed due to the General Election. Draft budget and MTS show savings target at £320k</p> <p>Continued tight rein on spend in hand. Returns are being submitted to government on a monthly basis as required by MHCLG with lobbying through various groups for additional funding. Re-focus and re-determine Council budget priorities. Rebuild Medium Term Financial Strategy based on impacts during pandemic and forecast impacts into the future. Reset Savings and Transformation Strategy Set aside £200k in an earmarked reserve for recovery (Cabinet 3 June 2020). In due course work to deliver Deliver MTFS and STS, adjusting priorities in line with other strategies and outcome of Fair Funding Review by government.</p>	Vision- to be a financially sustainable Council. Taking a business like approach.	Director of Finance and Transformation	Oct-20

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
3	Brexit Impact and Economic Stability (Impacted by Coronavirus Pandemic)	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 e.g. welfare/social services support; potential loss of TMBC waste contract workforce, general increase in costs as imports become restricted. Coronavirus pandemic has significant economic implications for businesses and residents.	01/04/2017	4	4	16	Kent-wide working to understand, plan for and react to pressures. Regular review of; MTFS reflecting economic factors Treasury Management and Investment strategies. Bid for Brexit funding compiled but even funding distributed to District Councils, irrespective of geographic location. The potential for No Deal BREXIT could have far wider and more impactful implications that has been factored into MTFS. The likelihood of a No Deal Brexit has reduced (January 2020), however impact of coronavirus is significant. Chancellor has awarded business reliefs through Spring Budget 2020, grants schemes for businesses, further rate reliefs, loans schemes and employment schemes. Nevertheless economic downturn and recession still very likely due to the longevity of the pandemic.	3	4	12	Council working with Kent Resilience forum and County Partnership groups including Strategic and Tactical Co-ordinating Groups. Business Impact assessments complete. Business continuity planning updated to ensure smooth running of services to public, including expansion of remote working initiatives with Laptop access to Council IT infrastructure. In order to prepare management Brexit Emergency Planning Exercises were held in March 2019. Work still ongoing with partners whilst Brexit delayed until 31st October 2019. Government advice to plan for No Deal Brexit. MT to review plans weekly including engagement with KRF and Countywide planning arrangements. MT to monitor further funding arrangements announced and will plan accordingly. MT undertaking review of Business Continuity Plans for our key services led by service managers. Further Brexit funding announced. TMBC to receive allocation of £70k (money not yet received) Investment in additional laptops made in lead in to pandemic declaration meant that the majority of Council staff could work efficiently from home during 'lockdown' providing existing services (in the main) as well as new ones. Reports will be made to appropriate Boards and Committees as things develop	N/A - external risk.	Chief Executive / Director of Finance and Transformation/ Management Team	Jun-20
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. Coronavirus pandemic has significant economic implications for the Council, businesses and residents.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. With regular reports to update MT and Members Corporate Strategy reviewed - report to O&S January 2020 Plans underway to reassess implications of pandemic - report to Cabinet 3 June 2020 Commitment to review and update MTFS and STS	3	3	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. MTFS and STS updated by Members Feb 2019, and further report to Cabinet June 2019. MTFS report to go to Cabinet 16 October 2019 Numbers of decisions and recommendations to contribute to funding gap being progressed. Update of MTFS following setting of 20/21 Budget budget shows need for £320k savings to be delivered in 3-4 years through STS MTFS and STS will need to be reviewed and updated as a priority once we have sufficient information to make informed estimates which can form the basis of plans. Impact will be significant in MTFS looking forward. General Revenue Reserves will be impacted in short term.	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	Sep-20

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
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. Delay to timetable due to coronavirus restrictions. Shrinking 'plan period' and housing trajectory as a result. Reputational risk and widespread public concern arising from decision making on strategic development. Lack of infrastructure to support future development.	01/04/2017	3	4	12	<p>Audit of Local Plan process complete with Specialist Consultants and Counsel engaged where appropriate on key issues for examination.</p> <p>The following Statements of Compliance were submitted with the Local Plan on 23.1.19:</p> <ul style="list-style-type: none"> •SC1 - Duty to Cooperate Statement •SC2 - Soundness Self-Assessment Tool Kit •SC3 - Legal Compliance Checklist •SC4 - Equality Impact Assessment (EQIA) <p>Duty to Co-operate Compliance Statement submitted 23.1.19. Position Statements with neighbouring Authorities prepared. On-going discussions and audit in hand.</p> <p>Regular contact with Inspectors maintained via Programme Officer.</p> <p>Additional consultations on some examination documents submitted since January carried out November/December 2019.</p> <p>Matters Issues and Questions for first phase of Hearings published February 2020.</p> <p>Dates for first phase of Hearings set for May/June, but subsequently postponed for at least 6 months in March 2020 due to Government restrictions.</p> <p>Exploring ways Hearings could take place under current restrictions.</p> <p>Members are regularly updated by email by the Planning Policy Manager and reports to P&TAB.</p> <p>Liaison undertaken with key stakeholders, service and infrastructure providers.</p>	3	3	9	<p>Counsel and key consultants retained until end of Hearings. Counsel providing advice for preparing Council's Statements (Feb 2020 onwards). Consultants monitoring/updating evidence where appropriate to ensure Council's case is as robust as possible.</p> <p>Submission to Sec of State made 23rd Jan 2019.</p> <p>Inspectors appointed and dialogue commenced. New lead Inspector appointed February 2020 (Ms Louise Crosby replacing Mr Simon Berkeley).</p> <p>Questions raised by inspectors responded to on 31st July 2019.</p> <p>Additional consultation requested by Inspector implemented November/December 2019. This will delay the date of the Examination to later in 2020.</p> <p>Correspondence received by Inspector on 13/09/19 identifies 3 key matters to be covered by phase 1 of the hearings (this was subsequently increased to 4 Matters); no dates set for phase 2 of the hearings.</p> <p>Ensuring that the practical arrangements for the Hearings are satisfactory to the Inspectors, including venue (The Orchards, EMR has been reserved for up to 10 sitting days); and necessary adjustments for social distancing including virtual hearings and/or traditional hearing with social distancing (options being explored in liaison with P.O. May 2020) to ensure the 'right to be heard' by those expressing a wish to participate.</p> <p>Maintain regular Duty to Cooperate meetings with neighbouring Authorities and KCC. Meetings have continued virtually during lockdown.</p> <p>Continue to update Members on status of Local Plan (including Update Report for Members at 28.7.20 P&TAB using MS Teams).</p>	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	Aug-20
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	3	4	12	<p>Review of staff resources and skills via service reviews.</p> <p>Organisational structure reviews are part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities.</p>	3	4	12	<p>Succession planning along with Development of further skills and expertise through strategies such as shared services and specialist Commissioning. Engagement of external consultants and specialists where required.</p> <p>Resilience and rationalisation of existing structures.</p> <p>Recruitment and retention strategy to be reviewed by MT.</p> <p>Pay Award agreed by Members, 2% for 2018/19 in line with national award. 2.5% for 2019/20 above the national award.</p> <p>Structural reviews approved by Members in 2017/18 and 2018/19.</p> <p>Personnel staff recruited with specialist experience in recruitment. This was demonstrated with a revised methodology for the recruitment of the DPEHH and Head of IT.</p> <p>Transitional arrangements to encourage development opportunities where appropriate.</p>	HR Strategy Savings and Transformation Strategy	Chief Executive	Aug-20

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
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.	01/04/2017	3	4	12	<p>Lone working policy and service based practices to be continuously monitored.</p> <p>Health and Safety considered by management at weekly SMT meetings.</p> <p>Staff involvement with JECC (supported by Members).</p> <p>Ongoing review undertaken to react to potential key risk areas.</p> <p>Organisational learning and response to national events.</p> <p>Incident and near miss reporting.</p> <p>Coronavirus information being given to staff regularly based on public health advice and guidance and, where appropriate, Risk Assessments to be shared with staff.</p>	2	3	6	<p>Embedding and dissemination of good practice through staff briefings.</p> <p>Officer led Health and Safety Group identifying cross organisational issues with feedback to Management Team and Health and Safety Officer.</p> <p>All services have reviewed all their Health & Safety local Procedures in particular Lone working and service specific risk assessments.</p> <p>Staff survey to be drafted to consider impact of work on wellbeing and whether support services meet need and communication channels are adequate.</p> <p>Staff survey has been completed to consider impact of work on wellbeing and whether support services meet need and communication channels are adequate. Findings from staff survey being completed.</p> <p>Corporate Health & Safety Policies and procedures are up to date and reviewed regularly which all staff can access.</p>	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health	Aug-20
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	3	4	12	<p>The Council has a nominated Senior Information Risk Officer and Data Protection Officer.</p> <p>Assessment of Legal implications included within all reports to Members.</p> <p>GDPR requirements are addressed by two officer groups, Information Governance Group and Procurement OSG, which includes Legal representation.</p> <p>CPD and Professional Monitoring offered to all staff</p> <p>The Council has undertaken both Corporate Governance and GPDR reviews / audits.</p> <p>Legal Services give sign off of key corporate projects</p>	2	4	8	<p>The Council continues to disseminate new legislative requirements to both Officers and Members.</p> <p>Officers ensure that professional upadation training is undertaken.</p> <p>Members received GDPR training in July 2018, with all officers completing e-learning on GDPR by May 2018.</p> <p>Revised constitution, updated to reflect GDPR approved by Members in July 2019.</p> <p>Additional GDPR and Cyber Awareness Training now being undertaken by all staff and members, completion date of October 2019.</p>	Need to ensure that all 7 key themes of the Corporate Strategy are delivered in lawful manner.	Director of Central Services and Deputy Chief Executive	Jun-20
9	Cyber security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017	3	4	12	<p>The Council has; IT Security Policy</p> <p>Network Security Measures (Firewall, access level controls)</p> <p>Considered cyber insurance</p> <p>Established and Information Governance Group Reviewed and cleansed data held by the Authority.</p> <p>Work underway to mitigate processor flaws which could lead to external cyber attack. Appointed a Member Cyber Champion.</p> <p>Rolled out Cyber awareness training to all staff and Members. Deployed software to identify potential confidential data held on the servers. Renewed and upgraded the software to identify and stop cyber attacks.</p> <p>We have a 2 level system for security with the KPSN gateway being the first level and then the Council's own firewalls the second.</p>	4	3	12	<p>The Council has; Procured cyber security 'recovery' contract via Kent Connects. Prioritised the resources (both financial and staff) to ensure relevant updates are carried out in a timely manner. Continued roll out of mitigation for processor flaws. Considers cyber security as part of disaster and business continuity recovery process. Deployed improved cyber security training to all staff and members to be completed by end of October 2019.</p> <p>New software in process of procurement for cyber management Solarwinds system purchased and in implementation phase. Timing has been impacted by pandemic in that priorities have needed to be reassessed.</p>	IT Strategy	Director of Finance and Transformation	Oct-20

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
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	3	4	12	IT Strategy and action plans reviewed and updated. Invest to save opportunities and funding identified. Digital Strategy - Updated and approved by Members in July 2019. Replacement of legacy business systems and greater use of digital alternatives (cloud based) ongoing Disaster Recovery solution (cloud based) implemented Staff able to work remotely - additional laptops purchased.	3	4	12	New IT Strategy for period 2018-22 with linkage to MTFs and Savings and Transformation Strategy. Development of virtualisation project to enable efficient and effective ways of working. Review of data quality to ensure improvement and efficiency can be achieved. Lpads and required software rolled out the Councillors, MT Members and Senior Management Staff. New IT Strategy approved with specific emphasis to improve website functionality, website work commissioned following FIPAB approval in January 2019. New Head of IT appointed April 2019 with significant experience of implementing digital strategies in Local Authorities Officer and Member Groups established to consider implementation of digital agenda and changes to the Website format and content. Website capital plan evaluation to FIPAB 18 September 2019. total Mobile purchased and being rolled out. Website software in procurement completed and contract offered. Numerous digital projects underway.	IT Strategy	Director of Finance and Transformation	Oct-20
11	Elections	R	Failure to comply with legislation, miscounts and significant reputational impact. Police & Crime Commissioner elections deferred until May 21 as a result of Coronavirus pandemic	01/04/2017	2	4	8	Ensure experienced staff are in place, corporate team reviewing activity and monitoring progress. Government cancelled all elections due May 2020 due to pandemic. Elections in May 2021, will be more complex due to potential combined County and PCC elections	2	4	8	Broadening of staff skills and experience to build resilience. Borough Council Election and European Election delivered successfully. MT horizon scanning on any increased chance of snap General Election. RO and DRO's assessing risks. Update 12/09/19. Risks continue to be evaluated with enhance risks if election is post "no deal" Brexit due to potential congestion and disruption issues Election held on 12 Dec 2019. NO issues arising due to detailed planning.	Statutory requirement	Chief Executive	Oct-20
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	3	4	12	The Council has in place; Business Continuity Plan. Corporate Business Continuity Risk Register Disaster Recovery Plans Inter-Authority Agreements Mutual Aid Agreement Partnership agreement with Kent Resilience Team. Emergency Planning Support Officer. Duty Emergency Coordinator System and Duty Officer System introduced to provide greater resilience.	3	4	12	Emergency planning documentation undergoing constant review and key aspects exercised on an annual basis. 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. New Duty Officer rota in place to support Duty Emergency Coordinators out of hours. Now fully trained. Out of Hours Manual reviewed and updated. DSSLTS sits on Kent Resilience Forum Board Actions taken in response to the Covid 19 pandemic will be reviewed and lessons learnt for Annual Emergency planning review to be reported to Management Team. Pandemic response dealt with as emergency through Kent Resilience Forum. Report to Cabinet 19 May 2020	Business continuity underpins the delivery of the Council's essential services	Director of Street Scene, Leisure & Technical Services	Jun-20
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	3	3	9	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	N/A	External risk/national issue	Chief Executive	As required

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
14	Partnerships inc. shared services	F, R, S	<p>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.</p> <p>Coronavirus pandemic has significant economic implications for the Council, businesses and residents.</p>	01/04/2017	3	3	9	<p>Regular liaison meetings with partners. Partnership Agreements in place and reviewed as appropriate.</p> <p>Good communication with staff.</p> <p>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.</p> <p>Contractors and partners are impacted by the pandemic. The Council is liaising and supporting major partners to ensure that services can continue</p>	3	3	9	<p>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.</p> <p>New Waste Services Contract in partnership with Urbaser, TWBC and KCC commenced 1st March 2019. Formal Inter Authority Agreement and Partnership Agreement in place.</p> <p>Ground Maintenance Contract extended in light of good performance of contractor.</p> <p>Arrangements with Gravesham Borough Council on shared management arrangement for revenue and benefits management ceased September 30 2019. Staffing structure amended and approved by GP to have all management in-house.</p> <p>The Council is working within guidance issued by Cabinet Office "Guidance on responsible contractual behaviour in the performance and enforcement of contracts impacted by the Covid-19 emergency " and Procurement Policy Notes to support contractors and suppliers</p>	Savings and Transformation Strategy	Chief Executive	As required
15	Welfare reform inc. Housing need	F, R, S	<p>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.</p> <p>Coronavirus pandemic has significant economic implications for the Council, businesses and residents.</p>	01/04/2017	4	3	12	<p>Cross sector working (e.g. welfare reform group) to identify issues and solution.</p> <p>Providing advice to residents on welfare and housing issues, or signposting to relevant providers.</p> <p>Working with partners to identify land and funding opportunities.</p> <p>Working with Registered Provider Partners to ensure needs of residents are being met.</p> <p>Working with owners to bring long term empty properties back into use.</p> <p>New initiatives for Temporary Accommodation, including purchase of flats.</p> <p>Review implications for new Homeless Reduction Act requirements.</p> <p>Concessionary charges for key services. EQIA assessment of key decisions included in all Board reports.</p> <p>HRA implications assessed and GPC agreed new posts to deliver service which have been recruited to.</p> <p>Universal Credit rolled out Nov 18 for Tonbridge & Maidstone Job Centres.</p> <p>Signposting now to UC rather than HB for new working age claimants.</p> <p>New CTR Scheme approved and comes into effect 1 April 2020. Chancellor announced hardship fund to assist with coronavirus impacts - details yet to be seen.</p> <p>Council tax and business rates instalments being deferred if requested by residents impacted by furlough schemes etc. Chancellor's hardship funds (up to £150 for working age people with council tax support) credited to council tax accounts as appropriate. Community hub set up to help those who are shielded or otherwise vulnerable. Signposting for help by telephone or website.</p>	3	3	9	<p>Prepare for impact of further roll out of Universal Credit by learning from other areas earlier in the programme.</p> <p>Consideration of review of housing service to meet the needs following Housing legislative changes.</p> <p>Temporary Accommodation purchased.</p> <p>Member training from DWP provided re UC Nov 2018.</p> <p>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.</p> <p>UPDATE: July 2019 Further review of staffing within housing underway in response to nationally recognised increased demand as a result of impact of HRA.</p> <p>Consultation on the Council Tax Reduction Scheme to be launched in September 19 following report to FIPAB July 2019. Intention to move to an income banded scheme.</p> <p>Report to FIPAB 18 September with capital plan scheme for purchase of additional Temporary Accommodation.</p> <p>Report to FIPAB 18 September confirming launch of consultation on CTR Scheme.</p> <p>New CTR scheme proposed - FIPAB Jan 20.</p> <p>Rollout of national hardship fund underway</p> <p>New temporary accommodation purchased - refit needed to make fit for purpose. This to be accelerated in next few months.</p> <p>Improved working with TA providers leading to more guarantees of available accommodation and working towards a procurement exercise to improve value for money.</p> <p>Improved working with main housing provider to identify trends/specific cases across borough to jointly agree approach to preventing homelessness using housing provider mechanisms, DHP payments and homeless prevention funding where</p>	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	Oct-20

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Review Date
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	3	3	9	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	Member briefings and training sessions. UPDATE JULY 2019- series of induction and training sessions delivered to Members following local elections in May 2019	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	3	4	12	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	Work with partner organisations via Kent Resilience Forum continuing. Council represented on key County Partnership Groups overseeing Brexit implications including Strategic Coordinating Group. Council Officers dial into Severe Weather Advisory Group meetings. Regular attendance at KRF training sessions. Aylesford Community Flood Plan completed/launched and training taken place. Ongoing support for Tonbridge Flood Group.	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-21
18	Contaminated Land	F, R, S	Impact on homes, public health. Residents put at risk of harm.	01/01/2018	3	4	12	Working with partners (EA and other) and specialist consultants to monitor potential sites and assess risk to inform action as is needed.	3	3	9	Priority Wood, Tonbridge Appointment of contractor to monitor emissions made in June 2019. Initial report shows no cause for concern at this stage. Detailed investigation is ongoing with a final report/risk assessment expected around September 2020.	Contaminated Land Strategy	Director of Planning Housing and Environmental Health	Oct-20
19	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. Coronavirus pandemic has significant economic implications for businesses and residents.	01/07/2018	4	4	16	Partnership arrangement with TWBC, with allocation of key tasks. Internal Project Group reporting regularly to MT, Members, including a separate Member Working Group. External advice sought from specialists on key decisions. Detailed project plan, risk register and marketing plan in place. New inter authority agreement with KCC encourages improved recycling performance and shares risks and rewards. IT, Communications and Operations identified as crucial work streams and individual working groups established to manage and implement these work areas. Waste services have been affected by pandemic, and health & safety requirements. Agreed with contractor to cease collection of garden waste and bulky waste booking system for a period of time to allow focus on recycling and general waste. Garden waste collection recommenced 11 May, and bulky waste booking started up just prior to that. Residents will have subscriptions extended to compensate. New subscriptions suspended. Saturday freighter service also suspended. Street cleansing was not suspended but has been impacted as other services have taken priority. Roll out of service to flats postponed	3	3	9	New contractor (Urbaser) appointed with commencement in March 2019. New service delivery arrangements, including opt in garden waste collections commenced 30th September 2019. Operational and Marketing plan approved by members in Feb 2019. Contractor Annual Service plan to be monitored by Partnership Manager. Garden Waste charges set to encourage uptake Government consultation on new Waste & Resources Strategy including greater consistency of collection arrangements across local authorities. Response sent on new Government Strategy in liaison with Kent Resource Partnership. Contract performance, following new service delivery arrangements, has been unsatisfactory in terms of missed collections and uncompleted rounds. Focus is now on ensuring the contractor delivers the contract in accordance with the specification across the whole borough. Uptake of garden waste subscription has been positive and exceeded 30% initial target. Reports on progress submitted to meeting of SS&EAB and Member Liaison Group in place. Contract performance improved significantly. Timescale for roll out of new service to flats under review. Garden waste collection recommenced, but new subscriptions still to be reintroduced. Consideration of date for roll out of new service to flats to be reviewed.	Delivery of cost effective service to meet customer needs.	Director of Street Scene, Leisure & Technical Services	Mar-21

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Item PE 20/4 referred from Planning and Transportation Advisory Board of 3 March 2020

Following feedback from consultees and stakeholders on engagement processes the report provided an update on Development Management with a view to ensuring parity and improving efficiency and effectiveness. If approved, the proposals could result in savings to support the Borough Council's Medium Term Financial Strategy, support the Borough Council's commitment to the Climate Change and Digital Strategies and create service efficiencies that enabled planning applications and decisions to be dealt with in a timely way.

Members recognised the value in reviewing internal working practices to ensure that the development management function was delivered efficiently for the benefit of residents and applicants. In particular, Members welcomed the proposals around notification deadlines, validation dates and the use of 'List B' to trigger the commencement of the 21 day notification period. Members also supported the principle of stricter measures being in place to reduce last minute amendments to planning applications

However, concern was expressed that the proposals represented a significant challenge for parish councils, who would have to adapt their current practices to adopt the changes. To support parishes through this process Planning Officers would actively engage with parish councils (and other interested parties) to understand the issues and concerns around the proposals and to identify potential digital solutions. It was not the Borough Council's intention to prevent anyone from engaging in the planning process.

It was also intended to hold a number of training sessions, working in partnership with the Kent Association of Local Councils (KALC) and the Parish Partnership Panel to support parish councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. There would be a transition period from 1 June 2020, during which the approach would be tested and there would be discussions between planning officers and parish councils to identify any issues.

Finally, reference was made to late representations and the need to retain flexibility around any information received to ensure that fundamental matters were addressed when considering a planning application.

Members discussed the proposals in detail and Officers responded to concerns, comments and questions raised.

RECOMMENDED: That the proposed changes to process, set out in the report and detailed below, be agreed:

- (1) from 1 September 2020, the Borough Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out in paragraph 1.2.9 of the report). It would, however, be recognised that there could be exceptions to this where fundamental matters were raised outside the

period, which could leave the authority open to legal challenge or raised new material considerations.

- (2) from 1 September 2020, the Borough Council will notify Parishes via the weekly List B and they will have 21 days from then within which to make representations (as set out in paragraph 1.2.12 of the report) and therefore the provision of hard copies of planning applications to Parish Councils will cease and they will be required to view relevant papers online (as set out in paragraph 1.2.12 of the report);
- (3) the savings derived from changes to how Parish Councils will be notified will contribute to both the Savings and Transformation Strategy and the Medium Term Financial Strategy (as set out in paragraph 1.2.14 of the report);
- (4) from 1 September 2020, amendments to planning applications will not be accepted, other than where the changes sought were considered to be 'de-minimis', correct errors or discrepancies identified by officers or where a Planning Performance Agreement was in place that provided for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report); and
- (5) progress on the proposals will be updated at the meeting of the Planning and Transportation Advisory Board scheduled for 28 July 2020.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

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

1 DEVELOPMENT MANAGEMENT – PROCESSES AND PROCEDURES

Summary

This report seeks to provide an update on Development Management following feedback from consultees on engagement processes, with a view to ensuring parity. The proposals in this report would, if agreed, result in some savings to support the Council's medium term financial strategy and service efficiencies.

1.1 Introduction

- 1.1.1 Following feedback from various parties to the planning process including Parish Councils, officers have taken the opportunity to review certain current processes, procedures and actions in order to improve efficiency and effectiveness. This feedback included concerns about late amendments to planning applications, the need to move to determination of applications in a timely fashion and simplifying processes to ensure that consultees can have time to consider applications and liaise where appropriate with their borough Members. This will inevitably be an ongoing process but some key aspects of our working practices have already been identified and improvements and innovation efforts are being made in order to have a demonstrable and measureable impact on the efficiency, quality and delivery of the development management function.
- 1.1.2 The national planning practice guidance sets out that once a planning application has been validated, the Local Planning Authority (the "LPA") should make a decision on the proposal **as quickly as possible**, and in any event within the statutory time limit unless a longer period is agreed in writing with the applicant. The statutory time limits are usually 13 weeks for applications for major development and 8 weeks for all other types of development (unless an application is subject to an Environmental Impact Assessment, in which case a 16 week limit applies). Members will be aware that applications which are accompanied by a Planning Performance Agreement are not subject to these timeframes and the Council has a published protocol dealing with these specifically. All local authorities are required to submit data indicating percentages of decisions that are made within these deadlines and there are

specific targets to be met. Officers continually work to ensure these targets are met each month but in a number of circumstances it is necessary to formally agree “extensions of time” with applicants to account for delays that have arisen which does not make for efficient decision making.

- 1.1.3 There are mechanisms in place in an attempt to combat delays in decision making, including the ability for applicants to appeal to the Secretary of State via his Planning Inspectorate against “non-determination” in the event that a decision is not made within the statutory time periods. Furthermore, there is provision that application fees become repayable if a decision is not made within 26 weeks of validation taking place.
- 1.1.4 This provides a clear indication that government emphasis is focused on LPAs issuing planning decisions in a timely way.
- 1.1.5 There will, of course, always be a balance to be struck between this and the fact that we are also encouraged to work in a positive manner with all stakeholders to ensure the best and most appropriate developments come forward in the interests of proper place making.
- 1.1.6 According to the National Planning Policy Framework (NPPF), the ultimate objective of any planning service is to deliver sustainable development. Beyond meeting this objective, the extent to which a Development Management service can be considered ‘good’ by customers and stakeholders is subjective, although of course the context provided above is key. The Planning Advisory Service (PAS) recognises that efficiency, quality and delivery broadly define whether a Development Management service can be considered good or not.

1.2 Public Consultation and Engagement

- 1.2.1 Members will be aware that after the Council receives a planning application, it undertakes a period of consultation where views on the proposed development can be expressed. There are statutory provisions setting out how such consultation must be undertaken (Town and Country Planning (Development Management Procedure) Order 2015 (as amended)).
- 1.2.2 The Order places a statutory duty on LPAs to publicise planning applications either
 - 1) by site display in at least one place on or near the land to which the application relates for not less than 21 days; **or**
 - 2) by serving the notice on any adjoining owner or occupier.

The application must **also** 3) be published on the Council’s website.

- 1.2.3 Presently, the Council exceeds these statutory requirements by undertaking a combination of those notification processes and whilst presently it is not intending

to implement a wholesale change this approach, there are ways to ensure it is undertaken in a proportionate and efficient manner.

- 1.2.4 In terms of engagement with Parish Councils specifically, the Council has a duty to notify them upon receipt of planning applications. There is no subsequent duty upon them to respond to that notification, or indeed, for the Council to attribute any prescribed amount of weight or significance to any representations the PC might chose to make in reaching a decision. This is an important distinction to the way case law instructs we must treat the responses of statutory consultees such as Historic England, the Environment Agency or Highways England, for example.
- 1.2.5 What the Order does make clear however is that when Parish Councils do wish to make representations, in order for them to be considered as such they must be made within 21 days of notification. Where a PC has been notified, under paragraph 8 of Schedule 1, this triggers the 21 day representation period for the PC under paragraph 25 of the Order. The Order actually states that the PC ***“must make any representations to [the LPA] within 21 days of the notification to them of the application”***.
- 1.2.6 The Order also sets out how representations received must be taken into account and the requisite period for allowing for representations to be made. In other words, that a final decision on whether or not to grant planning permission cannot be made until the expiration of the 21 day period from the notification being made. Historically however, the service has continued to accept representations after this time period up to the point of determination, although there is no statutory or constitutional basis requiring this to happen. In all respects, the planning practice guidance advises LPAs that they may, at their discretion, take into account comments that are made after the closing date (but they have no obligation to do so).
- 1.2.7 Conversely, provision is contained within the Order that allows for statutory (technical) consultees to notify the Council within the 21 day period should they consider further information is required from the applicant to enable them to make a substantive response. Habitually, this will relate to technical data and associated information. This is because they are, in fact, required to provide us with a representation when we consult them. The same ability is not expressly provided for in the case of other consultees because they are not required to respond in the same way.
- 1.2.8 There are occasions where late representations from non-statutory consultees have been received (over the prescribed period) which, in the case of decisions to be made under delegated powers causes a delay to determination or subsequent to committee reports being published.
- 1.2.9 Consideration has been given to how to avoid scenarios which cause such delays to decision making and it is considered that the way to overcome this is to propose that the Council will not accept representations on applications received

after the relevant 21 day period from any party not included in the statutory (technical) consultees definition.

- 1.2.10 This does not necessarily mean that late representations will completely cease. In the event that any are received, there will still be a need to ensure that any information they contain do not raise any fundamental matters that could leave the authority open to legal challenge or raise new, previously unconsidered, material considerations. Beyond this, any such representations received after the relevant deadline date will not be taken into account.
- 1.2.11 Similarly, officers understand that some confusion can arise when Parish Councils are effectively working to a different deadline to that of borough Members in terms of the timeframe within which to call applications in to the relevant Area Planning Committee. Operationally this is because Parishes are sent an individual notification along with the entire planning application submission in hard copy whereas the Borough Councillors are notified of the receipt of planning applications via the published weekly list (commonly referred to as "List B").
- 1.2.12 To overcome this, Parishes would now be notified via the weekly list as per the approach with borough Members and will have 21 days from then within which to make representations. As part of this, the Council will no longer be providing the Parish Councils with hard copies of all planning applications and instead they will be required to view them online through the Public Access pages on the Council's website as with other consultees.
- 1.2.13 It is appreciated that this will represent a change in the way we have approached such matters, and Parish Councils in particular will have to adapt their current practices to accommodate this change. It is therefore recognised that there will need a suitable lead in period whereby our notification letters and the website clearly set this out to avoid any misunderstanding or confusion. Similarly, officers would wish to engage with Parish Councils to establish what particular needs they might have that the Borough Council might reasonably assist with to ensure they are not disengaged from the process. As part of this, should Members agree these proposals, we intend to hold training sessions, working in partnership with KALC and the Parish Partnership Panel, to support Parish Councils in using digital tools such as the Public Access portal and My Account to keep informed of planning applications in their area. Officers would therefore be engaging with all Parish Councils over the coming weeks to establish if they require any assistance in preparing for the change to our processes and will be targeting an implementation date of 1 September 2020 with a transitional period from 1 June 2020 during which the approach will be tested and there will be discussions between planning officers and parish councils to work through any issues. In addition, Members will be offered an opportunity for a briefing session.
- 1.2.14 Moreover, it should be recognised that in addition to better alignment in notification processes arising from this change, there will be further benefits arising, not least the considerable amount of paper that will be saved (around

245,000 sheets per annum) and the financial saving in printing costs, plus associated costs attributed to physically posting the documents and use of courier services in some circumstances. In addition, the officer time saved in undertaking this task could be considered as part of the overarching aim of increased efficiency within the service. It is proposed that the c.£7,500 printing costs and associated postage costs be a saving to support the Council's Medium Term Financial Strategy.

1.3 Engagement with Developers and Applicants

- 1.3.1 Following consultation and assessment of any application, there may be occasions where schemes require amendment in order to ensure they are acceptable. However, this should be done as an agreed outcome of clear and structured negotiations where, for example, Officers have identified that an objection can be readily overcome by such an amendment.
- 1.3.2 It is always at the discretion of the LPA whether to accept amendments and then to subsequently determine if the changes need to be reconsulted upon, or if the proposed changes are so significant as to materially alter the proposal such that a new application should be submitted.
- 1.3.3 In terms of the need for re-consultation, it is up to the LPA to decide whether further publicity and consultation is necessary in the interests of fairness, and there is case law governing such matters (*R (Broad) v Rochford DC* [2019] EWHC 628 (Admin)). In deciding what further steps may be necessary we are required to consider whether, without re-consultation, any of those who were entitled to be consulted on the application would be deprived of the opportunity to make any representations that they may have wanted to make on the application as amended.
- 1.3.4 There have been recent experiences of unsolicited amendments to planning applications being submitted without negotiations having taken place in a response to objections published or after the publication of committee reports in order, for example, to overcome particular objections raised within assessments and/or recommendations of refusal.
- 1.3.5 Whilst there is a need to positively engage with applicants and developers in order to achieve well designed, acceptable schemes, this must be balanced against the need for timely and efficient decision making in addition to ensuring fairness of information provision through public consultation, as set out above. Again, there is nothing contained within legislation or the Constitution that *requires* the Council to accept unsolicited amendments to planning applications.
- 1.3.6 In practical terms, the correct time for constructive negotiations to take place on proposed schemes is via the pre-application process, and through the use of Planning Performance Agreements where necessary. Officers will continue to stress the importance of these to applicants and developments.

1.3.7 In order to ensure effective and efficient decision making combined with the importance of their being a fairness in approach, it is considered that there needs to be a marked change in the way amendments to live planning applications are dealt with. This is summarised as follows:

- Amendments to schemes which are due to be considered by the relevant Area Planning Committee where reports have been published will not be accepted. The applicant has the choice to have the application determined by the Committee or to formally withdraw the application and resubmit on an amended basis to allow for consultation and subsequent assessment to take place.
- Amendments to schemes that amount to anything more than “*de-minimis*” changes or changes that are required to correct discrepancies or errors uncovered through officer assessment/investigation will not be accepted on any live application.
- If officers having made a full assessment of a scheme determine that amendments are required in order to make a scheme acceptable in planning terms, they will firstly consider whether the harm identified can be obviated by imposition of condition. If this is not possible, the applicant will be invited to withdraw the application within a given timeframe or their application will be recommended for refusal of planning permission.
- Negotiations on substantive amendments to schemes that will require further consultation to take place will only take place on applications where a Planning Performance Agreement in accordance with the Council’s protocol is already in place. Planning Performance Agreements will have been considered at the pre-application stage.

1.3.8 Again, it is appreciated that this will represent a change in our working practices, and if agreed, agents and developers should be advised of such a change in approach to avoid confusion. This will be done via the relevant pages of the Council’s website and via ongoing officer liaison with them, particularly as part of pre-application discussions.

1.4 Legal Implications

1.4.1 The ongoing work set out above will ensure that the practices in place will continue to meet all statutory duties and requirements.

1.5 Financial and Value for Money Considerations

1.5.1 Implementation of the processes set out above will ensure that the service continues to provide a high quality service to customers, consequently minimising the risk of potentially costly appeals against non-determination being taken forward and being required to refund application fees.

- 1.5.2 Applications can be resubmitted once free of charge if an applicant is invited to withdraw. Given that the resubmission would be on the basis of the work to date, there is an additional resource implication around managing a new consultation process, however this is not considered to be significant.

1.6 Risk Assessment

- 1.6.1 Not making the recommended changes to processes and practices may result in risks around not meeting national targets for decision making, an increase in non-determination appeals and repayment of application fees.

1.7 Policy Considerations

- 1.7.1 The recommendations align with both the emerging Climate Change Strategy and the Digital Transformation Strategy.
- 1.7.2 In seeking to look at service efficiencies, the recommendations support the Council's Savings and Transformation Strategy.

1.8 Equality Impact Assessment

- 1.8.1 No issues raised.

1.9 Recommendations

- 1.9.1 That Members **AGREE** the proposed changes to process as set out in this report, namely:
- 1) From 1 September 2020, the Council will not accept representations on applications received after the relevant 21 day period from any party not included in the statutory (technical) consultees definition (as set out at paragraph 1.2.9 of the report).
 - 2) From 1 September 2020 the Council will notify Parishes via the weekly list B and they will have 21 days from then within which to make representations. Additionally, the provision of hard copies to the Parish Councils will cease and they will be required to view them online (as set out at paragraph 1.2.12 of the report).
 - 3) The savings derived from changes to how Parish Council's will be notified, will make a contribution to support both the Savings and Transformation Strategy and Council's Medium Term Financial Strategy (as set out at paragraph 1.2.14 of the report).
 - 4) From 1 September 2020, amendments will not be accepted to planning applications other than either where the changes sought are considered to be "de-minimis", correct errors or discrepancies identified by officers or where there is a Planning Performance Agreement in place that provides for such amendments to be negotiated between the parties (as set out in paragraph 1.3.7 of the report).

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

Background papers:

Nil

contact: Emma Keefe
Louise Reid

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Item PE 20/5 referred from Planning and Transportation Advisory Board of 3 March 2020

The report of the Director of Street Scene, Leisure and Technical Services presented a revised Joint Transportation Board Agreement between the Borough Council and Kent County Council for consideration. There were no financial implications related to the proposal and therefore no impact on the Medium Term Financial Strategy.

A copy of the revised Agreement (attached at Annex 2 of the report) incorporated an amendment to paragraph 2.2 of the First Schedule agreed at the meeting of the Joint Transportation Board held on 23 September 2019, stating that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils (KALC) would be able to speak on any item on the agenda. It was confirmed that Parish/Town Council representatives would not have voting rights as part of this amendment.

RECOMMENDED: That the revised Joint Transportation Board Agreement (attached at Annex 2 of the report) be approved.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
PLANNING and TRANSPORTATION ADVISORY BOARD

03 March 2020

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

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 PROPOSED REVISION TO JOINT TRANSPORTATION BOARD AGREEMENT

Summary

This report brings forward a revised Joint Transportation Board Agreement between this authority and Kent County Council for consideration and recommendation to Cabinet. There are no financial implications relating to the report and therefore no impact on the Medium Term Financial Strategy.

1.1 Background

- 1.1.1 Joint Transportation Boards between KCC and District/Borough Councils were established in 2005 to facilitate discussion and cooperation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.1.2 At the Tonbridge & Malling JTB meeting held on 23rd September 2019, a revised JTB Agreement was considered and it was agreed to submit the revised document to this Board and Cabinet for approval in accordance with the Council's Constitution.
- 1.1.3 In considering the revised Agreement Members of the JTB agreed that Parish/Town Council representative(s) nominated by the Area Committee of the Kent Association of Local Councils would be able to speak on any item on the agenda, and that paragraph 2.2. of the First Schedule to the proposed agreement would be amended to reflect this.
- 1.1.4 A copy of the report to the JTB on 23rd September 2019 is attached at **Annex 1**, which outlines the proposed amendments.

1.2 Revised Agreement

- 1.2.1 A copy of the revised Agreement is attached at **Annex 2**, and incorporates the amendment to paragraph 2.2. of the first Schedule.

1.3 Legal Implications

- 1.3.1 Following final approval by Cabinet, the revised Agreement will need to be signed and ratified between KCC and this authority.

1.4 Financial and Value for Money Considerations

- 1.4.1 There are no financial implications of the proposed amendments.

1.5 Risk Assessment

- 1.5.1 The Agreement has not been reviewed since 2005 when the JTB was first established. The revised Agreement sets a review period every four years or sooner.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

- 1.7.1 Communications

- 1.7.2 Community

1.8 Recommendations

- 1.8.1 It is **RECOMMENDED** to **CABINET** that the revised Joint Transportation Board Agreement included at **Annex 2** to the report be **APPROVED**.

Background papers:

contact: Andy Edwards

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Joint Transportation Board – 23rd September 2019Joint Report of KCC's Director of Growth, Environment & Transport and
TMBC's Director of Street Scene, Leisure & Technical Services

Subject: Proposed Revision to Joint Transportation Board Agreement

Summary:

Joint Transportation Boards (JTBs) between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough. The current agreement has recently been reviewed and a revised copy is attached.

Recommendation:

The JTB is asked to note the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet Member for Strategic Planning & Infrastructure.

1. Background

- 1.1 This report sets out for consideration, by the Joint Transportation Board, a revised JTB Agreement. The revised agreement is attached at Appendix A. Under its constitution the revised Agreement will need to be approved by the Borough Council's Planning & Transportation Advisory Board and Cabinet.
- 1.2 Joint Transportation Boards between KCC and the District/Borough Councils were established in 2005 to facilitate discussion and co-operation on local highway and transportation issues. Underpinning the JTBs is a legal agreement signed by KCC and each District/Borough.
- 1.3 The revised Agreement has been shaped by feedback from the JTB Chair (2018), the Leader of TMBC, Members of KCC's Environment and Transport Committee and Kent Secretaries.

2. Proposed changes

- 2.1 Arrangements set out in the 2005 Agreement allow for the Agreement to be revised at the instigation of the Kent and Medway Chief Executives, however there is nothing in the Agreement (or revised Agreement) that precludes amendments to individual Agreements. In the revised Agreement, the review period is set for every four years or sooner at the instigation of both parties, and amended by both parties, if necessary, as a consequence of any review.
- 2.2 The slight changes to Membership clauses at 2.1 and 2.2 are intended to clarify the membership and role of Parish/Town Council representatives.
- 2.3 Also included at paragraph 4.2 are updated arrangements to implement agenda setting meetings and in paragraph 4.7 for formal minutes of the

meeting to be sent to the KCC Cabinet Member for Planning, Transport, Highways and Waste.

- 2.4 A new section for petition discussion has been added (Section 6), however it should be noted that this section does not replace the current governance arrangements regarding petitions at KCC and TMBC.
- 2.5 The revised Agreement no longer includes the 2001 protocol for Overview and Scrutiny – Inter Authority Co-operation as it was the view of the Districts and Boroughs it was no longer necessary.
- 2.6 Other changes such as to paragraphs 3 (Chairman) and section 8.1 (Executive Action) are intended to simplify language used.

3. Financial Implications

- 3.1 There are no financial implications of the proposed amendments.

4. Legal implications

- 4.1 The revised Agreement will need to be signed and ratified between KCC and TMBC. It is therefore necessary that each Council endorses the amendments in accordance with its own governance procedures.
- 4.2 There are no additional direct legal implications from the revised Agreement.

5. Equalities and data protection implications

- 5.1 There are no equalities or data protection implications resulting from the revised Agreement.

6. Recommendation

- 6.1 The JTB is asked to consider the revised Agreement which has been formally endorsed by the KCC Cabinet Member for Planning, Highways and Waste and by the TMBC Cabinet for Planning & Infrastructure.
- 6.2 The revised Agreement, together with any comments from the JTB be reported to TMBC's forthcoming Advisory Board and Cabinet for approval.

7. Appendices

- **Appendix A:** Revised JTB Agreement

DATED (DAY/MONTH/YEAR)

KENT COUNTY COUNCIL

-and-

TONBRIDGE AND MALLING COUNCIL

**AGREEMENT ON
JOINT TRANSPORTATION BOARD**

Legal & Secretariat
Kent County Council
County Hall
Maidstone
Kent ME14 1XQ

File ref:
Fax No: 01622 694402
WP Ref:
DX No:
Tel:

THIS DEED OF AGREEMENT is made the (day) of (month) two thousand and nineteen between THE KENT COUNTY COUNCIL of County Hall Maidstone Kent ME14 1XQ of the one part (hereinafter referred to as “KCC”) and TONBRIDGE & MALLING BOROUGH COUNCIL of (Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ) (hereinafter referred to as the “TMBC”) of the other part.

In this Agreement the words and expressions contained or referred to hereunder shall have the meaning thereby ascribed to them in the Second Schedule. The clause headings do not form part of this Agreement and shall not be taken in its construction or interpretation.

WHEREAS:

1. KCC and the TMBC are local authorities as defined by Section 270(1) of the 1972 Act.
2. By virtue of Section 1(2) of the 1972 Act KCC is the local highway authority for all the highways in the County of Kent whether or not maintainable at the public expense (and which are not highways for which the Secretary of State for Transport is the highway authority) and is by enactments also the traffic authority and street works authority.
3. KCC and the TMBC have agreed to act together to continue with certain democratic arrangements previously established in relation to highway issues.
4. This Agreement reflects the intention of KCC and the TMBC to co-operate regarding highway and transportation issues in the interests of the residents of Kent and supersedes that of the current agreement.

DEFINITIONS AND INTERPRETATIONS

5. In this Agreement unless the context otherwise requires the following terms shall have the following meanings:

“1972 Act”	:	the Local Government Act 1972
“Agreement”	:	these terms and conditions together the First Schedule
“Authorities”	:	the Council and KCC
“Council - local member”	:	an elected member of the Council
“JTB Members”	:	KCC - local members and TMBC - local members who have been appointed to membership of the JTB
“KCC – local member”	:	the elected member for KCC’s electoral divisions within the Council’s administrative area

COMMENCEMENT AND OPERATING TERM

6. This Agreement shall commence on the effective date on the face hereof and shall continue until terminated by either party in writing in accordance with the provisions of this Agreement.

TMBC OBLIGATIONS

7. TMBC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

KCC OBLIGATIONS

8. KCC shall establish and maintain during the currency of this Agreement the arrangements for the Joint Transportation Board as set out in the First Schedule.

MISCELLANEOUS

9. The parties acknowledge that amendments to the constitutions of KCC and/or TMBC may result in the need for consequential changes to this Agreement.
10. This Agreement shall be known as the JTB Agreement.
11. Nothing in this Agreement shall create a legal partnership between the parties and save as may be specifically provided in this Agreement neither party shall be or hold itself out as or permit itself to be held out as :-
 - a) the agent of the other; or
 - b) entitled to pledge the credit of the other; or
 - c) entitled to incur any other obligations or make any promise or representation on behalf of the other.

REVIEW

12. This Agreement shall be reviewed every four years or sooner at the instigation of both parties and amended by agreement between the parties if necessary, as a consequence of any review.
13. This Agreement may be terminated by either party on six months written notice addressed to TMBC's Chief Executive/KCC's Corporate Director responsible for Highways and Transportation.

FIRST SCHEDULE

Joint Transportation Boards

- 1.1 A Joint Transportation Board (JTB) shall be established by the Authorities.
- 1.2 Each Authority shall be responsible for its own costs incurred in the operation of the JTB.
- 1.3 The JTB shall be a non-statutory advisory forum.

Membership

- 2.1 JTB membership shall comprise all KCC - local members with an equal number of TMBC - local members appointed by the Borough Council. JTB Members will have voting rights. TMBC may appoint substitutes for its JTB Members.
- 2.2 The JTB shall agree a number of Parish/Town council representatives, not less than one and no greater than three from within TMBC's administrative area. Parish/Town council representatives shall be nominated by the area committee of the Kent Association of Local Councils or other representative body for Parish/Town Councils within the Council's administrative area if this provides a more complete representation. Substitute members may also be nominated. Such representatives will be able to speak on any item on the agenda.
- 2.3

- 2.4 Any JTB Member may request of the Chairman an item to be considered for inclusion on the JTB agenda. Any TMBC - local member may attend and speak at a meeting of the JTB but may not vote nor propose a motion or an amendment.

The Chairman of any Parish/Town Council within the administrative area of the TMBC (or a Parish/Town councillor of that Parish/Town Council nominated by him/her) may attend any meeting to speak with the permission of the Chairman on any item on the agenda of particular reference to that Parish/Town council.

Chairman

- 3.1 The Chairman and Vice Chairman shall alternate on an annual basis between a KCC local member (who is a JTB Member) and a TMBC local member (who is a JTB Member).

Meetings

- 4.1 The JTB shall generally meet four times a year on dates and at times and venues to be specified by the Borough Council in accordance with its normal constitutional arrangements in consultation with KCC.
- 4.2 Six weeks prior to each JTB meeting the Chairman, Vice-Chairman and relevant officers from the Authorities will discuss and set the agenda for the forthcoming meeting. The final decision on agenda items shall be determined by the Chairman in consultation with the Vice Chairman. Agenda items will be split between Part A (recommendations for decision by KCC), Part B (recommendations for decisions by TMBC) and 'for information' reports.

- 4.3 The quorum for a JTB meeting shall be four comprising at least two voting KCC local-members and two TMBC – local members who are also JTB Members.
- 4.4 Subject to the procedural rules in paragraphs 2, 3, 4.2 and 4.3 above taking precedence, TMBC’s procedural rules shall apply to JTB meetings as if they were TMBC committees.
- 4.5 The JTB will be clerked by an officer of TMBC. Officers of the Authorities shall be expected to attend JTB meetings to present reports.
- 4.6 The access to information principles shall be applied to the JTB as if it were a Council committee.
- 4.7 The clerk shall produce minutes of the meeting, a copy of which shall be sent to KCC.

Terms of reference

- 5.1 The role of the JTB is to advise the relevant Authority on highways and transportation works scheduled and completed. The JTB shall consider:
 - i. capital and revenue funded works programmes;
 - ii. traffic regulation orders;
 - iii. street management proposals.
- 5.2 The JTB may advise and recommend in relation to:
 - i. strategic parking and waiting restriction issues;
 - ii. petitions received in relation to parking and waiting restrictions;
 - iii. street lighting schemes on highways;
 - iv. local transport strategy.
- 5.3 The JTB shall be a forum for consultation between the Authorities on policies, plans and strategies related to highways, road traffic and public transport.
- 5.4 The JTB shall review the progress and out turn of works and business performance indicators.
- 5.5 The JTB shall receive reports on highways and transportation needs within the administrative area of TMBC.

Petition Discussions

- 6.1 Where a petition is agreed as being appropriate for discussion at the JTB, it shall be received at a meeting of the JTB. No further discussion shall take place on the petition until the next meeting of the JTB.
- 6.2 The lead petitioner shall be invited to submit a written statement of up to 500 words which should be sent to the Borough Council to arrive by 5pm one week prior to the next JTB meeting. At that meeting, the lead petitioner shall be invited to speak for no more than three minutes.

6.3 The JTB shall not debate a petition on the same decision/issue as one debated in the previous twelve months.

Overview and Scrutiny

7.1 The Authorities' Overview and Scrutiny Committees or equivalent may invite the JTB Chairman or Vice Chairman to attend their meetings to make representations, answer questions or give evidence. This is without prejudice to any ability of the Overview and Scrutiny Committees or equivalent of the Authorities to compel attendance of executive members and officers under Section 21 of the Local Government Act 2000.

Executive Action

8.1 JTB advice/views shall be submitted to the Authorities' Cabinet in accordance with the Authorities' constitutional arrangements.

EXECUTED as a DEED by KCC and TMBC the day and year first before written

THE COMMON SEAL of the KENT)
COUNTY COUNCIL was hereunto)
affixed in the presence of:-

Authorised Signatory

THE COMMON SEAL of TONBRIDGE & MALLING BOROUGH COUNCIL was hereunto)
affixed In the presence of:-

Authorised Signatory

Agenda Item 14

Decisions taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee are attached for information.

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TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200001EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	20 March 2020

Decision(s) and Reason(s)
Future Gas and Electricity Supply Contracts
RESOLVED: That: (1) the Council enters into a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Council's high and low volume sites for the period 2020-24; (2) approval is given under Contract Procedure Rule 8.1 to utilise the LASER framework; and (3) authorisation be given to opt for electricity supplies generated by renewable sources as soon as practicable.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 20 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200002EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Non-Key Decision
Date:	20 March 2020

Decision(s) and Reason(s)
Debts for Write Off (LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)
RESOLVED: That: The 3 items shown in the schedule of amounts over £5,000, totalling £126,171.53 be written off for the reasons stated within the schedule (contains exempt information).
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 20 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200003EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Non Key Decision
Date:	27 March 2020

Decision(s) and Reason(s)

Rate Relief Discounts to Support Businesses in 2020/21

As part of measures announced during the coronavirus crisis, the Government issued details of discounts and reliefs to support businesses in 2020/21.

The Borough Council was required to adopt a local scheme and determine in each individual case when, having regard to Government guidance, to grant relief under section 47 Local Government Finance Act 1988. Central government would fully reimburse local authorities for the local share of the discretionary relief (using a grant under section 31 of the Local Government Act 2003).

In all cases the total amount of government-funded relief available for each property for 2020/21 under these schemes was 100% of the bill. There was no rateable value limit. Government advice was that local authorities should prepare to award the discounts ignoring de minimis State Aid limits and MHCLG will inform them of the outcome of the notification as soon as it is known.

RESOLVED: That:

- (1) a scheme of Expanded Retail Discount, as described in the guidance issued by the Ministry of Housing, Communities and Local Government, be adopted;
- (2) a scheme of Nursery Discount, as described in the guidance issued by the Ministry of Housing, Communities and Local Government, be adopted; and

(3) delegated authority be given to the Director of Finance & Transformation to grant relief in accordance with the adopted schemes, subject to any disputed entitlement to relief being referred to the Finance, Innovation and Property Advisory Board.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 27 March 2020

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200004EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	24 April 2020

Decision(s) and Reason(s)

Advance Payment to the Leisure Trust under the Cabinet Office's Procurement Policy Note (PNN) – Supplier Relief due to COVID-19

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

In response to Government's requirements around COVID-19 the Borough Council's leisure facilities, managed by the Leisure Trust, had been closed and the majority of staff furloughed. In order to stabilise cash-flows the Trust was taking the opportunity to defer payments such as VAT, PAYE and national insurance and would apply to the Government's furlough scheme.

In accordance with the Cabinet Office's 'Procurement Policy Note (PPN) - Supplier relief due to COVID-19' all contracting authorities were required to put in place the most appropriate payment measures to support supplier cash-flow.

A summary of the financial implications and reasons were set out in an annex (containing exempt information) submitted to the Leader and Chairman of the Overview and Scrutiny Committee in accordance with the Emergency Provisions set out in Part 7 Paragraph 1.3 of the Constitution.

RESOLVED: That:

In accordance with the Procurement Policy Note it was appropriate to pay in advance an 'assessed' sum of £300,000 to the Tonbridge and Malling Leisure Trust to support supplier cash-flow.

This sum to be invoiced to the Borough Council by the Trust and a reconciliation

completed throughout the year against the invoiced sum. If the advanced amount proved to be too high, the Leisure Trust would pay back any balance at the year end. If this proved to be too little, a further invoice would be raised by the Trust and the balance paid.

(This was based on the assumption that the current situation did not continue for a prolonged period of time, in which case it was possible a sum of £300,000 might not be sufficient).

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 24 April 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200005EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	24 April 2020

Decision(s) and Reason(s)

Government Funding for Specific Hardship Policy – Council Tax Reduction

The Government recently announced new grant funding of £500m to support economically vulnerable people and households in the local area. Tonbridge and Malling Borough Council had received a funding allocation of £866,829.

Billing authorities would primarily use grant allocations to reduce the council tax liability of local council taxpayers outside of the local authorities formal Council Tax Reduction (CTR) Scheme, using discretionary powers under s13A(1)(c) of the Local Government Finance Act 1992. It was noted that the Borough Council had adopted a new CTR Scheme on 18 February 2020.

All recipients of working age were to be provided with local council tax support during the financial year 2020-21, with a further reduction in the annual council tax bill of up to £150. The sums allocated would be credited to a taxpayer's council tax account reducing net liability for the year, and would not be 'cash' allocations.

It was possible that in the current circumstances, and with the significant increase in claims for Universal Credit, that working age claims for CTR could also increase significantly. This represented a financial risk to the Borough Council as the entire cost of the award of up to £150 per case would have to be met from the General Fund as there were no indications from Government that any specific additional costs in respect of this scheme, over and above the initial allocation, would be met through a second grant 'tranche'. It was recommended that this financial concern be raised with local Members of Parliament to lobby Government.

In order to distribute the funding in accordance with the Government's guidance, it was necessary for the Borough Council to adopt a specific policy (the Council Tax s13A (1) (c) policy) to sit alongside the adopted exceptional hardship policy. This would be implemented strictly in accordance with Government guidelines.

Finally, it was recommended that delegated authority was given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to make minor adjustments to the policy as needed to reflect further government guidance on this matter.

RESOLVED: That:

- (1) the Council Tax s13A (1) (c) policy as set out above and as described in government guidance be adopted;
- (2) delegated authority be given to the Director of Finance and Transformation (and Finance Officers) to grant reductions in accordance with the policy;
- (3) the lobbying of MPs, already undertaken by the Leader, regarding the 'risks' for billing authorities (as set out above) be endorsed;
- (4) 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 make minor adjustments to the policy as needed to reflect further government guidance or requirements.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 24 April 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200006EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
APPOINTMENTS TO OUTSIDE BODIES
Consideration was given to appointments to the Berry Housing Trust and the Gatwick Airport Noise Management Board Community Forum.
RESOLVED: That: (1) the appointment of Mrs Gillian Coffin as a Trustee of the Berry Housing Trust be approved; (2) the appointment of Councillor Matt Boughton to the Gatwick Airport Noise Management Board Community Forum be approved; and (3) confirmation of Councillor Boughton's attendance at the meeting of the Forum in February be endorsed as an approved duty.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200007EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
PROGRAMME OF MEETINGS 2020-21
Consideration was given to the programme of meetings for 2020-21 previously approved by Annual Council on 20 May 2019. A number of changes to the programme were recommended due to the current coronavirus pandemic and the requirement to maintain social distancing and to avoid gatherings.
RESOLVED: That the programme of meetings for 2020-21 be endorsed and the following changes approved: (1) Economic Regeneration Advisory Board of 19 May to be cancelled; (2) Finance, Innovation and Property Advisory Board of 20 May to be cancelled; (3) Communities and Housing Advisory Board of 26 May to be cancelled; and (4) An Extraordinary meeting of Cabinet to be programmed for 19 May 2020
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

N Heslop

Signed Chairman of Overview and Scrutiny Committee:

J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200008EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Council Decision
Date:	1 May 2020

Decision(s) and Reason(s)
SCHEME OF DELEGATIONS
Consideration was given to the Scheme of Delegations in compliance with the Constitution.
RESOLVED: That: (1) those parts of the Scheme of Delegations set out in Part 3 of the Constitution which are for the Council to approve be confirmed; (2) the Leader's recommendations for decision making by individual executive Members set out in Part 3 of the Constitution be adopted; and (3) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution be re-adopted.
Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 1 May 2020

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200009EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	12 May 2020

Decision(s) and Reason(s)
Discretionary Business Support Grant Scheme – Covid-19 Discretionary Fund
<p>Further to the funding support offered to businesses under the Small Business Grant Fund and the Retail, Hospitality and Leisure Grants Scheme, on 2 May the Government had announced additional ‘discretionary’ funding aimed at small businesses with ongoing fixed property related costs. The Government had stated that priority was to be given to businesses in shared spaces, regular market traders and small charity properties that met the criteria for Small Business Rates Relief, and bed and breakfasts that paid council tax rather than business rates.</p> <p>The headline criteria for accessing this new discretionary funds had been strengthened since the initial announcement by Government in a joint Ministerial letter dated 6 May. Despite final guidance not yet being available it was essential that the Borough Council prepared a Scheme that could be launched as soon as possible. In addition, the funding allocation for Tonbridge and Malling Borough Council to distribute to local businesses had not yet been specified.</p> <p>In order to get funding support distributed to businesses as quickly as possible, it was proposed that delegated authority was given to Chief Executive and the Director of Finance and Transformation, in liaison with the Leader (in his capacity as the Portfolio Holder for Economic Regeneration) and the Deputy Leader (in his capacity as the Portfolio Holder for Finance, Innovation and Property) to determine the scheme within Tonbridge & Malling. In addition, rather than bring grant applications to Members for decision, the approval of grant awards within the terms of the policy should be delegated to the Chief Executive and Director of Finance & Transformation.</p>
RESOLVED: That:
(1) delegated authority be given to the Chief Executive and Director of Finance & Transformation in liaison with the Leader (as the Portfolio Holder for

Economic Regeneration) and the Deputy Leader (as the Portfolio Holder for Finance, Innovation and Property to determine a discretionary business grant scheme once the guidance from government has been received; and

- (2) delegated authority be given to the Chief Executive and Director of Finance & Transformation to process and determine the grant applications within the guidelines of the scheme.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader: N Heslop

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive: J Beilby

Date of publication: 15 May 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D200010EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	12 May 2020

Decision(s) and Reason(s)
Reopening of Car Parks and Toilet Facilities at the Country Parks
<p>In a direct response to the Covid-19 virus, and in accordance with Government policy for people to 'Stay at Home, the Borough Council closed the main car parks, toilets and catering facilities at both Haysden and Leybourne Lakes Country Parks on 25 March 2020.</p> <p>On 11th May 2020 new guidance was published and the Government's policy changed to 'Stay Alert' and encouraged people to exercise more in the outdoors.</p> <p>In considering the revised guidance, it was noted that people might drive to outdoor spaces irrespective of distance. It was considered appropriate to reopen the car parks at both Country Parks and for existing car parking charges to be applied. In addition, it was considered essential to reopen the toilet facilities at both Country Parks to enable good hand hygiene to be maintained.</p>
<p>RESOLVED: That</p> <p>(1) delegated authority be given to the Chief Executive and Director of Street Scene, Leisure and Technical Services, in liaison with the Leader, Deputy Leader and Cabinet Member for Communities to reopen the car parks and toilet facilities at both Haysden and Leybourne Lakes Country Parks; and</p> <p>(2) existing car parking charges be applied with immediate effect.</p>
<p>Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.</p>

Signed Leader:	N Heslop
Signed Chairman of Overview and Scrutiny Committee:	J Sergison
Signed Chief Executive:	J Beilby
Date of publication:	15 May 2020

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

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Agenda Item 15

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 16

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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Agenda Item 18

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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