

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
committee.services@tmbc.gov.uk

24 May 2021

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 2nd June, 2021 commencing at 7.30 pm.

Members of the Cabinet are reminded that social distancing measures will be in place for this meeting. Other Members are required to participate online via MS Teams.

Information on how to observe the meeting will be published on the Council's website.

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings - Coronavirus 7 - 8 Regulations

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Members in any doubt about such declarations are advised to contact Legal or Democratic Services in advance of the meeting

4. Minutes 13 - 18

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 16 March 2021

5. Minutes of Extraordinary Cabinet 19 - 20

To confirm as a correct record the Minutes of the extraordinary meeting of the Cabinet held on 27 April 2021

6. Matters Referred from Advisory Boards 21 - 24

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.

Matters for Recommendation to the Council

7. Review of CCTV Cameras 25 - 34

Members are invited to give further consideration to the recommendations from the Cabinet meeting, held on the 26 January 2021, in respect of CCTV. Additional information has become available and high-profile serious crime has taken place, resulting in the need for the original recommendations to be reassessed.

8. Provision of Electric Vehicle Charging Points 35 - 50

A report relating to the provision of electric vehicle charging points throughout the Borough was considered by the Communities and Housing Advisory Board on 25 May 2021.

Due to the timescale and print deadlines for Cabinet, recommendations arising from the Advisory Board will be circulated to Members in advance of the meeting.

9. Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 51 - 58

A report setting out proposals related to mobile homes and management of sites was considered by the Communities and Housing Advisory Board on 25 May 2021.

Due to the timescale and print deadlines for Cabinet, recommendations arising from the Advisory Board will be circulated to Members in advance of the meeting.

10. Policy on the Use of the Council's Open Spaces 59 - 74

A report introducing a proposed new policy setting out how applications made to use the Council's open spaces will be assessed was considered by the Communities and Housing Advisory Board on 25 May 2021.

Due to the timescale and print deadlines for Cabinet, recommendations arising from the Advisory Board will be circulated to Members in advance of the meeting.

Executive Non-Key Decisions

11. Revenue and Capital Outturn 2020/21 75 - 96

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 2021 and subsequent adjustments made in light of the Outturn position.

Due to its size the Revenue and Capital Outturn booklet (Annex 1) is attached as a supplement.

12. Coronavirus Update 97 - 102

This report provides an update as to how the Council and our communities continue to respond and adapt to living with coronavirus, and updates on the government's latest advice.

Matters submitted for Information

13. Decisions Taken Under Emergency Powers 103 - 106

The Decisions taken under Emergency Provisions since the last meeting of Cabinet are attached:

- D2100003EM (Restart Grants)
- D2100004EM (Provision of Livestreaming Facilities)

14. Urgent Items 107 - 108

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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15. Exclusion of Press and Public 109 - 110

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.

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16. Urgent Items 111 - 112

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)
Councillor R P Betts, (Street Scene and Environment Services)
Councillor V M C Branson, (Economic Regeneration)
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.

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Measures under which all meetings of the Council will be conducted after 7 May 2021 to comply with coronavirus regulations and/or guidance in place at the time.

As it is necessary to maintain social distancing to limit the spread of infection the way meetings are conducted will change. This page summarises the process. If you have any questions, please contact Democratic Services via the contact details provided on the agenda.

Attending Meetings

- All meetings of the Council will be held in the Council Chamber, Gibson Drive, Kings Hill until social distancing requirements are no longer necessary.
- To help contain the virus, Members of the public (including anyone exercising a right to speak e.g. at an Area Planning Committee) are encouraged to participate remotely via MS Teams if possible.
- Meetings will also be live streamed via our [YouTube channel](#) to minimise the need for the public to attend in person.
- Any members of the public wishing to attend in person at the Gibson Building can view proceedings via video link in the Committee Room (maximum capacity of 10).
- Prior notification on a "first come first served" basis for entry to the Committee Room will be adopted. Anyone wishing to 'reserve' a place in the Committee Room should contact committee.service@tmbc.gov.uk
- Public speakers for planning committees will be hosted in a separate area and escorted into the Council Chamber for their allocated time. There will be a limit on the number of public speakers at planning committees due to capacity issues arising from social distancing guidelines.
- Public speakers are asked to remain standing to address the Committee to avoid having to clean or change seats between speakers.
- Staff will be available to escort public speakers into the meeting room and to manage any crowd control issues.
- Doors and windows will remain open throughout all meetings to ensure circulation of fresh air. Attendees are advised to dress appropriately.
- All participants are required to wear face coverings when not speaking at meetings.
- Hand sanitiser will be available at entrances.
- All attendees must have the NHS Test and Trace app and scan the QR code at the entrance to the building/meeting room if they wish to participate. Contact details will be requested on arrival for those who do not have the app.
- The toilet facilities at Gibson Building will be open but may be used by only one person at a time.
- Car parking: Attendees are asked to leave a parking space free between vehicles.
- Refreshments will not be available, and all participants are advised to bring their own water or other refreshments.

Anyone with covid symptoms should not come to the Council offices.

Thank you for your assistance.

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 16th March, 2021

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 S Bell, V M C Branson, R W Dalton, Mrs T Dean, M A J Hood, Mrs A S Oakley, L J O'Toole, W E Palmer, H S Rogers, J L Sergison and T B Shaw were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 21/35 DECLARATIONS OF INTEREST

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

CB 21/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 February 2021 be approved as a correct record and signed by the Chairman.

CB 21/37 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 9 February 2021
- Communities and Housing Advisory Board of 16 February 2021
- Economic Regeneration Advisory Board of 17 February 2021
- Planning and Transportation Advisory Board of 2 March 2021

RESOLVED: That the report be received and noted.

CB 21/38 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 4 February 2021
- Tonbridge Forum of 1 March 2021
- Joint Transportation Board of 8 March 2021

RESOLVED: That the report be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 21/39 LEYBOURNE LAKES COUNTRY PARK - NEW LAKESIDE FACILITY

The report of the Director of Street Scene, Leisure and Technical Services provided an update on funding for the Leybourne Lakes Country Park new lakeside facility and recommended a budget increase funded entirely from specific developer contributions.

A detailed review of the build cost plan undertaken in liaison with consultants had resulted in savings being identified. Although this had reduced the build cost to £774,000 the project was £12,300 over budget. However, with such a small budget shortfall and further developer contributions identified, there was confidence that the project could be fully externally funded and should proceed to the 'cost certainty' stage.

RECOMMENDED: That, in order to ensure the delivery of the project and following assessment of Stage 1 (cost confidence), it be commended to Council that the budget for the project be increased to £774,000 with the excess being funded from specific developer contributions.

***Referred to Council**

CB 21/40 VIRTUAL MEETINGS AND HOMEWORKING

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 11 March 2021 (as set out at Minute Number OS 21/10).

RECOMMENDED: That

- (1) the amended Protocol, at Annex 2, be approved;
- (2) subject to noting the comments related to the use of Chairman's 'discretion', the amended temporary arrangements for Public Speaking, at Annex 2, be approved;
- (3) the Protocol for Use for Video-conferencing Facilities would continue to apply in the event that the Borough Council was lawfully able to hold remote meetings, whether under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility

of Local Authority and Police and Crime Plan Meetings) (England and Wales) Regulations 2020 or other enabling legislation; and

- (4) support for the continuation of livestreaming of meetings, in whatever format, be noted.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION - EXECUTIVE KEY DECISIONS

CB 21/41 TONBRIDGE ALLOTMENTS ASSOCIATION - PROPOSED CHARGES

Decision Notice D210036CAB

Consideration was given to the recommendations from the meeting of the Communities and Housing Advisory Board of 16 February 2021 (as set out at Minute Number CH 21/3).

RESOLVED: That the proposed charges brought forward by the Tonbridge Allotments and Gardens Association, as detailed, in the report be agreed.

CB 21/42 CHANGES TO ON-STREET PARKING FEES AND CHARGES

Decision Notice D210037CAB

Consideration was given to the recommendations from the meeting of the Joint Transportation Board of 8 February 2021 (as set out at Minute Number JTB 21/3).

RESOLVED: That the recommendations of the Joint Transportation Board of 8 March 2021 and the Street Scene and Environment Services Advisory Board of 30 October 2019 be approved as follows:

- (1) in relation to the on-street Pay and Display charges the appropriate Traffic Regulation Order be made to facilitate the variation to charges, as set out at Annex 1;
- (2) in relation to the on-street permit charges, the objections be set aside and the appropriate Traffic Regulation Order be made to facilitate the variation to charges as set out at Annex 1.

**DECISION TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION - EXECUTIVE NON-KEY DECISIONS**

CB 21/43 CORONAVIRUS UPDATE

Decision Notice D210038CAB

The report of the Chief Executive provided an update as to how the Borough Council and its communities continued to respond and adapt to living with coronavirus and recommended that the ongoing actions were endorsed.

RESOLVED: That the Borough Council's ongoing actions in respect of the response to Covid-19 be endorsed.

CB 21/44 NEW HOMES BONUS SCHEME

Decision Notice D210039CAB

The report of the Management Team set out an indicative response to 'The Future of the New Homes Bonus' consultation recently published by the Government. The deadline for responses was 7 April 2021.

Concern was expressed that the proposals could have a significant financial impact on the Borough Council and that, dependent on the outcome of the consultation, the funding gap would be more than that currently reflected in the Medium Term Financial Strategy and, in turn put financial sustainability to greater and greater risk.

RESOLVED: That

- (1) the indicative response to 'The Future of the New Homes Bonus' consultation, attached at Annex 1, be approved in principle; and
- (2) delegated authority be given to the Leader and the Cabinet Members for Finance, Innovation and Property and Strategic Planning and Infrastructure, in liaison with the Chairman and Vice-Chairmen of the Overview and Scrutiny Committee, to make any appropriate adjustments to the indicative response should any new information need to be added in advance of the deadline of 7 April 2021.

**CB 21/45 EAST PECKHAM PARISH COUNCIL - REQUEST FOR A
COMPULSORY PURCHASE ORDER**

Decision Notice D210040CAB

The report of the Director of Central Services and Deputy Chief Executive advised that East Peckham Parish Council had asked the

Borough Council to make a Compulsory Purchase Order (CPO) in respect of allotment land at Church Lane, East Peckham.

The making of a CPO on behalf of the Parish Council in the circumstances set out in the report presented a low risk to the Borough Council provided that an appropriate costs indemnity agreement was in place.

RESOLVED: That, subject to East Peckham Parish Council entering into a CPO Indemnity Agreement on terms acceptable to the Director of Central Services and the Deputy Chief Executive:

- (1) a Compulsory Purchase Order under s.39 of the Small Holdings and Allotments Act 1908 be made on behalf of the Parish Council in respect of the allotment land at Church Lane, East Peckham;
- (2) any further decisions required for the preparation, drafting, completion, making and submission of the Compulsory Purchase Order to the Secretary of State be delegated to the Director of Central Services and Deputy Chief Executive; and
- (3) in the event that the Order was confirmed by the Secretary of State, authority to service such notices or make such General Vesting Declarations as are required to give effect to the Order and vest the title of the land to the Parish Council be delegated to the Director of Central Services and Deputy Chief Executive.

CB 21/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

CB 21/47 DEBTS FOR WRITE-OFF

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

Decision Notice D210041CAB

The report of the Director of Finance and Transformation sought approval for the writing-off of debts considered to be irrecoverable.

RESOLVED: That the item shown in the schedule of amounts over £5,000 totalling £11,755.30 be written off the reason stated within the schedule, attached at Annex 1.

The meeting ended at 8.20 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 27th April, 2021

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, Mrs P A Bates, Mrs S Bell, J L Botten, A E Clark, M D Boughton, V M C Branson, R W Dalton, M O Davis, M A J Hood, F A Hoskins, S A Hudson, D Keers, D W King, J R S Lark, Mrs A S Oakley, W E Palmer, H S Rogers, R V Roud, J L Sergison, N G Stapleton, Mrs M Tatton and M Taylor were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 21/48 DECLARATIONS OF INTEREST

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

EXECUTIVE NON-KEY DECISIONS

CB 21/49 VIRTUAL MEETINGS

Decision Notice D210042CAB

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 27 April 2021, held immediately prior to the meeting.

RESOLVED: That the recommendations from the meeting of the Overview and Scrutiny Committee of 27 April 2021 be approved as follows:

- (1) in the event that the Borough Council is lawfully able to continue holding remote meetings (as a result of the proceedings brought by LLG/ ADSO/ Hertfordshire County Council) then all meetings continue to be held remotely until all social distancing restrictions due to coronavirus are removed or expire;
- (2) in the event that the Borough Council is not lawfully able to continue holding remote meetings, the arrangements set out in the report for holding physical face to face meetings post 7 May 2021 be approved;

- (3) the draft response to the 'Call for Evidence' at Annex 2 be approved; and
- (4) the Borough Council continue to livestream all Council meetings.

CB 21/50 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.51 pm

Agenda Item 6

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.

The following Minutes are attached or are 'to follow:'

- Planning and Transportation Advisory Board of 17 May 2021
- Economic Regeneration Advisory Board of 18 May 2021
- Finance, Innovation and Property Advisory Board of 19 May 2021
- Communities and Housing Advisory Board of 25 May 2021

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PLANNING AND TRANSPORTATION ADVISORY BOARD

Monday, 17th May, 2021

Present: Cllr J L Botten (Chairman), Cllr D J Cooper (Vice-Chairman), Cllr M D Boughton, Cllr D A S Davis, Cllr M O Davis, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr N G Stapleton and Cllr D Thornewell

Cllr Mrs J A Anderson, Cllr R P Betts, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr Mrs T Dean, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr D Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr R V Roud and Cllr T B Shaw participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

(Note: As Councillor M Taylor was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

Apologies for absence were received from Councillors T Bishop, R W Dalton, D Keers and H S Rogers

PE 20/1 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE CABINET

PE 20/2 TUNBRIDGE WELLS LOCAL PLAN - REGULATION 19 CONSULTATION

Decision Notice D210043MEM

The report summarised the main changes between the Regulation 18 and 19 versions of the Local Plan and set out a proposed response for endorsement.

During an in-depth discussion, Members expressed concerns on a number of matters including the significant impacts related to increased volumes of traffic; lack of infrastructure to support health care and education; insufficient assessment of visual, ecological and biodiversity impacts; and an increased risk of flooding and did not feel that the mitigation measures proposed by Tunbridge Wells Borough Council adequately offset the scale of development in this location.

In addition, Members considered it important that the Statement of Common Ground identified areas of difference as well as areas of co-operation.

RECOMMENDED: That

- (1) the contents of the report be noted;
- (2) the proposed response to the Regulation 19 consultation, attached at Annex 3 to the report, be revised to reflect the strong concerns expressed by Members (as summarised above). Final changes to the response to be delegated to the Director of Planning, Housing and Environmental Health and agreed in consultation with the portfolio holder; and
- (3) a proposed Statement of Common Ground be presented to the next meeting of the Planning and Transportation Advisory Board to be held on 29 June 2021 for final consideration.

MATTERS FOR CONSIDERATION IN PRIVATE

PE 20/3 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.40 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 June 2021

Joint Report of the Director of Central Services and Deputy Chief Executive; the Director of Street Scene, Leisure and Technical Services and the Cabinet Member for Communities

Part 1- Public

Matters for Recommendation to Council

1 REVIEW OF CCTV CAMERAS

1.1 Summary

1.1.1 Members are invited to give further consideration to the recommendations from the Cabinet meeting, held on the 26 January 2021, in respect of CCTV. Additional information has become available and high-profile serious crime has taken place, resulting in the need for the original recommendations to be reassessed.

1.1.2 The recommendations of the Overview and Scrutiny Committee of 3 December 2020 were presented at the Cabinet meeting on the 26 January 2021, and it was agreed, prior to any decision being made, further work be carried out and reported back to Cabinet.

1.1.3 This work included a review of the appropriate locations for passive only cameras, a detailed financial analysis and an evaluation as to whether any savings achieved could contribute to the ongoing funding of the Community Safety Partnership. A copy of the recommendations from the Cabinet meeting on the 26 January 2021 are shown at **Annex 1**

1.2 Serious Crimes

1.2.1 Since Cabinet requested Officers to consider the recommendations of the Overview and Scrutiny Committee to move from “Live” to “Passive” for the CCTV coverage within the Borough, there have been some tragic events that have taken place which have been witnessed by CCTV.

- In March this year, we have all been shocked by the murder of Sarah Everard, whose body was found in a Kent woodland. A serving metropolitan police officer, has been charged with her kidnap and murder and is awaiting trial.

As a result of this murder the Government increased available funding for the new 'Safer Streets' (doubling to £45m), which will potentially provide funds for improvements to CCTV and lighting in high-risk areas.

[LocalGov.co.uk - Your authority on UK local government - Safer streets fund doubled after death of Sarah Everard](https://www.local.gov.uk/your-authority-on-uk-local-government-safer-streets-fund-doubled-after-death-of-sarah-everard)

- Also, in March this year in Tonbridge High Street, there was a stabbing, which the Police used CCTV as an invaluable tool. The operator was able to quickly back track the sequence of events, and to forward live footage to the Police Control Room whilst liaising with Kent Police on the Police radio systems. This action resulted in the identification of the chain of events leading to the incident which included the number of parties involved and where the weapons had been disposed of. Copies of the CCTV footage were requested immediately by Kent Police to ensure an effective charge and prosecution.
- During this unprecedented time there is recognition of the concerns from members of the public over the proposed changes to move from "live" to "passive" CCTV. This has resulted in a petition at Change.org.

1.3 Changing Landscape

1.3.1 During the more recent challenges of the Covid-19 pandemic and as part of the changing business and social landscape, CCTV has been a safe, efficient and reassuring way of patrolling the High Streets, Car Parks and strategic assets. This monitoring has been able to be carried out from distance, without the additional concern of social distancing for Officers on the ground. It has also assisted in guiding and supporting Officers in delivering enforcement duties when required

1.3.2 The CCTV system has also proven useful in being able to facilitate real time links between businesses that have the Shopwatch radio systems and between radio users as part of the night-time economy. It is likely that this on-going support will be welcomed by those in the areas covered by CCTV as we seek to recover from the impact of the pandemic.

1.4 Community Safety

1.4.1 There is a clear well-established link between the delivery of community safety function and the provision of CCTV. CCTV cameras are recognised as one of a number of ways in which crime and anti-social behaviour is detected and addressed. The cameras aim to:

- Help reduce the fear of crime
- Help deter crime
- Help detect crime and provide evidential material for court proceedings

- Enforce community safety, develop economic wellbeing and encourage use of town centres/car parks/facilities
- Assist the Council in enforcement of regulatory functions
- CCTV primarily benefits the public, businesses and law enforcement agencies and are operated under strict legal controls and code of practice.

1.5 Legal Implications

1.5.1 Section 17 of the Crime and Disorder Act 1998 imposes a statutory duty upon the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent: -

- a) Crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment);
- b) The misuse of drugs, alcohol and other substances in its area; and
- c) Re-offending in its area.

1.5.2 The above duty also applies to Fire & Rescue Authorities and local Policing bodies.

1.5.3 The 1998 Act also imposes a separate duty on the Council, together with other Responsible Authorities, to formulate and implement a strategy to reduce/ combat the matters set out at (a) to (c) above.

1.5.4 The Council is under no specific statutory duty to provide CCTV cameras. The current arrangements are provided in support of our wider crime and disorder duties set out above, and as landowner (in respect of Council owned buildings and car parks).

1.5.5 The live monitoring of the CCTV system is undertaken in partnership with Tunbridge Wells Borough Council under a formal Agreement. If either party wishes to withdraw from the Agreement, 2 years notice is required.

1.6 Financial and Value for Money Considerations

1.6.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020. It was anticipated that a potential move to a passive system would make revenue savings to the Council and assist in meeting the Savings & Transformation Strategy. The recommendation in this report will mean that no savings will be forthcoming from the review of CCTV and other areas within the Council's budget will need to be identified.

1.7 Risk Assessment

1.7.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020

1.8 Equality Impact Assessment

- 1.8.1 It is not considered that the provision of CCTV is a function that impacts upon a specific group with protected characteristics in any different way to end users and any service changes recommended would have a remote or low relevance to the substance of the Equality Act. Policy Considerations

1.9 Policy Considerations

- [Communications
- Community
- Crime & Disorder Reduction
- Customer Contact

1.10 Recommendations

- 1.10.1 Following a reassessment of the review of the Council's existing CCTV provision it is RECOMMENDED that the current live monitored approach remain unchanged.

Background papers

contact: Anthony Garnett
Andy Edwards

- Cabinet papers from the 26 January 2021
- Overview and Scrutiny Committee papers from 3 December 2020
- Cabinet papers from the 14 October 2020
- Overview and Scrutiny Committee papers from 10 October 2019
- Overview and Scrutiny Committee papers from 29 August 2019

Adrian Stanfield – Director of Central Services and Deputy Chief Executive
Robert Styles - Director of Street Scene, Leisure and Technical Services
Cllr Mark Rhodes – Cabinet Member for Communities

Cabinet meeting on the 26 January 2021

Minutes:

Decision Notice D210010CAB

The Cabinet reviewed the recommendations of the Overview and Scrutiny Committee of 3 December 2020 regarding the CCTV operation. Consideration was also given as to whether the recommendations presented an opportunity to identify funding to support wider Community Safety Partnership initiatives, such as those identified at the previous meeting of Cabinet on 14 October 2020.

Subsequent to the publication of the agenda, the Monitoring Officer had confirmed that as the proposals did not make any changes to the approved Budget and Policy Framework, the recommendations were the responsibility of the Executive and not Council.

RESOLVED: That

- (1) the recommendations of the Overview and Scrutiny Committee of 3 December 2020, as set out in paragraph 1.1.5 of the report, be noted; and
- (2) prior to a final decision being taken, the further work set out below be undertaken and reported back to Cabinet:
 - (i) a review of the appropriate locations for passive only cameras. This to include statistics on the number of times live monitored CCTV had been used by all agencies within the Community Safety Partnership and an analysis of the impact of moving to passive CCTV on those key cameras which were subject of the most reports;
 - (ii) a detailed financial analysis to include any possible exit costs; and
 - (iii) an evaluation as to whether any savings achieved could contribute to ongoing funding of the Community Safety Partnership priorities and resources.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

26 January 2021

Joint Report of the Director of Central Services and Deputy Chief Executive and the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Council

1 RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY COMMITTEE - REVIEW OF CCTV

Members are invited to give further consideration to the recommendations from the Overview and Scrutiny Committee dated 3 December 2020 in respect of CCTV.

In the event that Members are minded to take forward the recommendations of the Overview and Scrutiny Committee, Members are also requested to consider whether the recommendations present an opportunity to identify funding to support wider Community Safety Partnership initiatives e.g. Domestic Abuse Volunteer Services (as identified at the previous meeting of Cabinet on 14 October 2020).

1.1 CCTV

1.1.1 At the previous meeting of the Cabinet on 14 October 2020 Members considered an update on the progress made since the review of community safety, including the provision of CCTV, had been initially considered by the Overview and Scrutiny Committee in 2019. A decision regarding the future level of CCTV operation had been deferred pending correspondence with the Police and Crime Commissioner and Clarion Housing regarding their level of financial contribution.

1.1.2 Following discussions with the Deputy Chief Constable, the Leader advised that Kent Police greatly valued the CCTV network/operation across the County. However, they recognised the difficult financial pressures faced by local authorities and as CCTV was the responsibility of district/borough councils Kent Police would not object to the cessation of live monitoring by Tonbridge and Malling Borough Council.

1.1.2 It was therefore resolved by Cabinet that

- (1) the responses received from the Police and Crime Commissioner and Clarion Housing be noted; and

- (2) in light of the response of the Police and Crime Commissioner and Clarion Housing and the ongoing discussions with Kent Police the matter be referred back to the Overview and Scrutiny Committee on 3 December 2020 for further consideration.
- 1.1.3 The Overview and Scrutiny Committee of 3 December 2020 therefore gave further consideration to the provision and operation of CCTV within the Borough and were provided with updated statistics related to operational analysis and the number of incidents recorded to aid deliberation.
- 1.1.4 Members had detailed discussion on the options set out in the report and recognised the value of CCTV in supporting crime prevention and public safety. However, Members also acknowledged the significant financial pressures faced by the Borough Council and discussed the benefits of live versus passive monitoring; the potential of new technology to reduce costs and which option represented best value for money. It was also recognised that community safety initiatives could be enhanced to maintain residents' confidence, safety and act as a crime deterrent.
- 1.1.5 The Committee recommended to Cabinet that
- a passive only CCTV operation be provided, with a saving of circa £100,000 contributing towards the Borough Council's overall savings target within the Medium Term Financial Strategy. Due to the existing agreement, 2 years written notice was required to be given;
 - a further piece of work be undertaken to review the appropriate locations for passive only cameras; and
 - a further detailed analysis be undertaken to include any possible exit costs and reported to Cabinet prior to a final decision.
- 1.1.6 Prior to a final decision being taken in respect of the principle of moving to a passive only CCTV operation, it is intended that the further work identified at bullet points 2 & 3 above be undertaken and reported back to Cabinet.
- 1.1.7 Given the correlation between the operation of the CCTV system and our wider community safety functions, Members may wish to consider whether the recommendations of the Overview and Scrutiny Committee (if agreed) offer an opportunity to identify funding towards other community safety initiatives. For example, Members will recall that the Overview and Scrutiny Committee of 8 October 2020 reviewed domestic abuse services within the Borough and recommended that the Safer and Stronger Communities Manager:
- Work with the domestic abuse organisations operating within Tonbridge and Malling to explore and develop options around the new initiatives proposed with the report; and

- Review the financial support offered to the Domestic Abuse Volunteer Support Services and recommend, if appropriate, a level of funding that could be provided by the Borough Council, subject to the view of Cabinet.

1.1.8 These recommendations were agreed by Cabinet on 14 October 2020 (Decision notice D200076CAB).

1.2 Legal Implications

1.2.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

1.3 Financial and Value for Money Considerations

1.3.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

1.4 Risk Assessment

1.4.1 As set out in the report to Overview and Scrutiny Committee on 3 December 2020.

1.5 Equality Impact Assessment

1.5.1 It is not considered that the provision of CCTV is a function that impacts upon a specific group with protected characteristics in any different way to end users and any service changes recommended would have a remote or low relevance to the substance of the Equality Act.

1.6 Policy Considerations

- Customer Contact
- Communications
- Community
- Crime & Disorder Reduction

1.7 Recommendations

1.7.1 Members are requested to note the recommendations of the Overview and Scrutiny Committee dated 3 December 2020, as listed in 1.1.5 above.

1.7.2 Prior to a final decision being taken by Cabinet, it is RECOMMENDED that Officers are asked to undertake the following further work and report back to Cabinet:-

- a review of the appropriate locations for passive only cameras. This would include statistics on the number of times live monitored CCTV has been used by all agencies within the Community Safety Partnership and an

analysis of the impact of moving to passive CCTV on those key cameras which are subject of the most reports;

- a detailed financial analysis to include any possible exit costs;
- an evaluation as to whether any savings achieved could contribute to ongoing funding of the Community Safety Partnership priorities and resources

Background papers:

Nil

contact: Anthony Garnett
Andy Edwards

Director of Central Services and Deputy Chief Executive
Adrian Stanfield

Director of Street Scene, Leisure and Technical Services
Robert Styles

Agenda Item 8

Recommendations from the Communities and Housing Advisory Board of 25 May are to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

25 May 2021

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

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 PROVISION OF ELECTRIC VEHICLE CHARGING POINTS

Summary

This report outlines a proposed phased approach to the provision of Electric Vehicle Charging Points in the Council's car parks across the borough, in accordance with the Council's Climate Change Strategy.

1.1 Strategic Context

1.1.1 The Council has an aspiration for Tonbridge and Malling to be carbon neutral by 2030. A Climate Change Strategy has been adopted which includes a move to Ultra Low Emission Vehicles. Providing the infrastructure to support electric vehicles will be instrumental in facilitating the change to greener vehicles, and to achieve this the Strategy makes a commitment to provide electric charging points across the borough.

1.1.2 The Climate Change Strategy Action Plan includes an action to 'research cost and practicalities of introducing electric vehicle charging points at Council owned car parks and the Council offices.

1.1.3 The draft Kent and Medway Energy and Low Emissions Strategy 2020-2023 includes an action to work collaboratively with the public and private sectors to roll out electric vehicle charging points across Kent and Medway. The draft Strategy identifies the outcomes of this action as follows-

- increase EV charging capacity
- reduce greenhouse gas emissions from transport
- improved air quality

1.2 Electric Vehicle Charging Points

1.2.1 There are three main types of charging points available – Slow, Fast and Rapid. Each type has its own pros and cons which need to be carefully considered when deciding which option to pursue. I have attached at **Annex 1** a summary of the

pros and cons of each option. Members will note that for a typical electric family car the charging times are as follows-

- Slow [3kw] – 16 hours to charge 75%
- Fast [7-22kw] – 7 hours [7kw] and 2 hours [22kw] to charge 75%
- Rapid [50kw] – just less than 1 hour to charge 75%

1.2.2 Members will also note that the faster the charger, the greater the cost of installation, and also the greater the power capacity required. Only 10 % of the Council's car parks currently have the power capacity to support 2-3 fast chargers without major works. The power network requirements are an important criteria for selecting the type and location of the charging points at an acceptable cost. UK Power Networks has undertaken a desktop assessment of the Council's car parks, and the assessment is shown at **Annex 2**.

1.3 Procurement Options

1.3.1 There are several ways to deliver and manage charging points and each has its own advantages and disadvantages. The table below, produced by KCC, shows these for the main options.

Model	Advantages to LA	Disadvantages to LA
Own and Operate	<ul style="list-style-type: none"> • Control over hardware maintained by LA • All income returned to LA • Control over charger locations • Control over providing chargers in less busy locations 	<ul style="list-style-type: none"> • Large installation cost to LA • Large maintenance risk to LA • Low usage costs incurred by LA • Risk of owning outdated assets
External Operator	<ul style="list-style-type: none"> • Reduced usage risk transferred to supplier • Control over hardware maintained by LA • Back office costs transferred to Supplier • Control over charger locations • Control over providing chargers in less busy locations 	<ul style="list-style-type: none"> • Large installation cost to LA • Large maintenance risk to LA • Risk of owning outdated assets
Lease	<ul style="list-style-type: none"> • Fixed income to LA • Potentially reduced cost to LA • Usage Risk transferred to supplier • No Risk of owning outdated assets 	<ul style="list-style-type: none"> • Installation cost to LA • Potentially reduced income if chargers use is high • Reduced control over charger locations • Reduced ability to provide chargers in less busy locations
Concession	<ul style="list-style-type: none"> • Reduced cost to LA • Majority of installation & usage risk transferred to supplier • No Risk of owning outdated assets 	<ul style="list-style-type: none"> • Ground works cost to LA / reduced revenue share if funded by supplier • Potentially reduced income if chargers use is high • Reduced control over charger locations

		<ul style="list-style-type: none"> • Reduced ability to provide chargers in less busy locations
Private Funding	<ul style="list-style-type: none"> • No cost to LA • All installation risk transferred to supplier • Majority of usage risk transferred to supplier • No Risk of owning outdated assets 	<ul style="list-style-type: none"> • Potentially reduced income if charges use is high • Reduced control over charger locations • Reduced ability to provide chargers in less busy locations

- 1.3.2 The market for electric vehicle charging points is changing rapidly and attention needs to be given to the level of risk, cost and timescales involved.
- 1.3.3 Having taken all the above into account it is suggested that provision of the charging points be progressed in 2 phases. Using the Concession model Phase 1 will be the provision of a network of slow and possibly some fast chargers installed in a number of primarily long stay car parks across the borough.
- 1.3.4 These chargers will be procured directly by the Council through the Kent Commercial Services Framework Y21002 and will be progressed as soon as possible. The Framework has a large selection of vetted and approved suppliers, adheres to government guidelines and is fully compliant with the Public Contracts Regulations 2015. Use of the Framework will require an exemption from contracts procedure rules and subject to Member approval this will be sought from the Council's 3 Statutory Officers.
- 1.3.5 There are grants available which can be used for car park chargers where on street charging is not available. These grants can be applied for by the Council or by the supplier on our behalf. To progress Phase 1 a number of proposed locations have been selected as follows-
- Upper Castle Field
 - Sovereign Way North
 - Bradford Street
 - River Lawn
 - Kings Hill offices
 - Aylesford East
- 1.3.6 The proposed locations were selected based on power assessment, location, potential demand, parking classification and risk of flooding. Each location will be used to facilitate at least 2 charging points enabling 4 cars to charge at one time.
- 1.3.7 Phase 2 involves the Council being included in the Joint Procurement of a Service Provider to Plan, Install and Maintain Electric Vehicle Charge points. The

procurement is being led by KCC at no cost to the Council and involves 8 local authorities in Kent. The procurement will seek a single supplier to provide a concession contract across the local authorities' administrative areas with the supplier installing and managing the chargers on the Council's land.

1.3.8 A Memorandum of Understanding has been entered into with all the partners. This joint approach will focus on rapid and fast chargers, with the number of authorities involved increasing the buying power. The contract will be for up to 12 years enabling the supplier to recover the initial outlay through the generation of income.

1.3.9 The procurement exercise has commenced and tenders are due to be returned shortly. The tenders will be evaluated by KCC, and a single supplier will be selected. A full list of the car parks included in the procurement are attached at **Annex 3**. The supplier will select which of the car parks it is interested in with the final decision resting with the Council. This will enable the Council to determine if the car park has any other opportunities for development prior to a commitment being made.

1.4 Promotion

1.4.1 It is felt essential that a map of the borough be made available to show where there are publicly accessible electric vehicle charging points across the borough. The map will be hosted on the Council's website and will be updated on a regular basis.

1.5 Legal Implications

1.5.1 The procurement processes outlined in the report meet all the required regulations and contracts procedure rules.

1.6 Financial and Value for Money Considerations

1.6.1 The cost of the provision of the chargers is estimated at £120,000 which will be met through a combination of the successful supplier, government grants and a contribution estimated at £40,000 from the Council's own resources. This provides excellent value for money.

1.6.2 I have attached at **Annex 4** a capital plan evaluation template. Members will note that the Council's contribution of £40,000 is to be met, subject to Kent County Council approval, from Kent Business Rates Pool monies held in the Business Rates Retention Scheme reserve and under a concession model there are no annual revenue costs.

1.6.3 Based on a 10-year life and assuming no external grant funding is available at the time of renewal the annualised capital renewals cost at today's prices is £12,000 per annum. As such, all other things being equal, represents revenue **budget growth** and, in turn, **adding to the savings target**.

1.7 Risk Assessment

- 1.7.1 There is a risk that if the installation does not progress the Council's residents will not have convenient access to EV charging and the objectives laid out in the Climate Change Strategy will not be met.

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

- 1.9.1 Asset Management, Climate Change, Community and Procurement

1.10 Recommendation

- 1.10.1 It is, therefore, **RECOMMENDED TO CABINET** that:

1. the provision of electric charging points in Council car parks across the Borough be progressed in accordance with the phased approach outlined in the report;
2. subject to an exemption from contract procedure rules, the phase one charging points be procured through the Kent Commercial Services Framework Y21002;
3. the Phase 2 charging points be procured through the KCC joint procurement exercise;
4. the Phase 1 project be added to the Capital Plan List A for implementation in 2021/22;
5. the Council's contribution of £40,000 is met, subject to Kent County Council approval, from Kent Business Rates Pool monies held in the Business Rates Retention Scheme reserve; and
6. the budget growth of £12,000 and its impact on the Council's savings target be noted.

Background papers:

contact: Andrew Young

Nil

Robert Styles

Director of Street Scene, Leisure and
Technical Services

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Electric Vehicle charge options - pros and cons.

There are three main types of charging available, Slow, Fast and Rapid. They all have their own pros and cons that need to be considered.

Slow charger (around 3kw) £4-5K to supply and install a public electric vehicle charger, capable of charging two cars at the same time (one charger per two parking spaces). Where the power network is already in the vicinity and has capacity.

A Typical 65kw full electric family car would take **16hrs to charge 75%**

Pros

- Cheapest type of charger to install
- Most (96%) of the TMBC identified car parks have the power capacity to support 2-3 slow chargers without major works
- Could be useful to residents without off-street parking or people who work wanting to charge their car overnight or whilst they work.
- The electric used would be around 60p per hour.
- Almost all cars can use this type of charger
- Possibility of OLEV grant being available

Cons

- Slow turnaround of charger use
- Charging time not suitable for use in short stay car parks
- Not very useful for people visiting the shops without enough power to get home in an hour or so.
- KCC indicate the suppliers aren't keen to supply this type of charger
- Once usage is at full capacity, some users might miss out on a required evening charge

Fast Charger (7-22kw) £8-10k to supply and install a public electric vehicle charger, capable of charging two cars at the same time (one charger per two parking spaces). Where the power network is already in the vicinity and has capacity.

A Typical 65kw full electric family car would take **2hrs (22kw) to 7hrs (7kw) to charge 75%**

Pros

- Cost per charger unit fairly low
- Average and acceptable charging times. If using the higher specification of chargers (20kw), it could be added in short stay (up to 4hrs) car parks.
- KCC indicate suppliers more likely to supply and support this type of charger with maintenance, payments and back office support
- Popular with people visiting the area for shopping or leisure
- Almost all cars can use this type of charger
- Possibility of OLEV grant being available

Cons

- Only 41% of the TMBC identified car parks have the power capacity to support 2-3 fast chargers without major works
- The electric used would be around £1.40 - £4.40 per hour
- Turnaround once charged. (If someone starts charging at 5pm they might be done by 8pm. They might then leave their car in the space all night, preventing anyone else using it)

- Residents without off-street parking might not like the idea of moving their car to free up the charger after a few hours.

Rapid Charger (around **50kw**) **£25-30k** to supply and install a public electric vehicle charger, capable of charging two cars at the same time (one charger per two parking spaces). Where the power network is already in the vicinity and has the capacity.

A Typical 65kw full electric family car would take **just less than 1hrs to charge 75%**

Pros

- Good charge time and premium service delivered to user
- Most likely to be delivered and managed via a third party supplier
- KCC indicate suppliers are keen to supply and support this type of charger with maintenance, payments and back office support
- Possibility of profit share from suppliers

Cons

- Cost per charger unit is high
- Only 10% of the TMBC identified car parks have the power capacity to support 2-3 fast chargers without major works
- Long term commitments required to provide rapid charging through third party suppliers
- Premium service provided but the prices will need to reflect this (likely to cost more to end user)
- Turnaround once charged. (Customer may need to move their car to different space after charging, even if they want to stay in the area for longer)
- Not all electric vehicles can use this type of charger. This is for newer and older expensive cars.
- Residents without off-street parking, might feel they are paying for a premium service when all they want is a cheaper slower service.

UK Power Networks desktop assessment of the Council’s car parks

7KW = 2-3 individual slow chargers with current network

50KW = 2-3 individual fast chargers with current network

150KW = 2-3 individual rapid chargers with current network

Location	District	Postcode	Short stay	Max hours	Total number	% of spaces use	7kW poss	50kW pos	150kW po
Bailey Bridge East (New)	Tonbridge	ME20 7AU	LS	23 hours	51	80	Yes	no	no
Bailey Bridge West (Old) village side	Tonbridge	ME20 7AU	LS	23 hours	71	90	Yes	no	no
Blue Bell Hill commuter	Tonbridge	ME5 9PE	LS	24 hours	269	30	Yes	no	no
Western Road	Tonbridge	TN15 8AL	LS	23 hours	74	70	Maybe	no	no
Council Offices (51.274319, 0.392787)	Tonbridge	ME19 4LZ	N/A	N/A	30 visitors &	90	Yes	Maybe	Maybe
Martin Square	Tonbridge	ME20 6QL	SS	23 hours	89	80	Yes	Yes	no
Larkfield Leisure Centre	Tonbridge	ME20 6RH	N/A	N/A	192	70	Yes	Maybe	no
Leybourne Lakes main car park	Tonbridge	ME20 6AA	LS	7:30 to dusk	63	60	Yes	no	no
High Street/Rocfort Road	Tonbridge	ME6 5NQ	SS	23 hours	72	90	Yes	no	no
Angel East	Tonbridge	TN9 1QH	SS	4 hours	369	60	Yes	no	no
Angel West	Tonbridge	TN9 1SF	SS	4 hours	197	80	Yes	no	no
Botany	Tonbridge	TN9 1SA	SS	4 hours	221	70	Yes	no	no
Bradford Street	Tonbridge	TN9 1DU	SS	4 hours	66	60	Yes	no	no
Castle Grounds	Tonbridge	TN9 1BH	LS	23 hours	28	95	Yes	no	no
Hayden Country Park main car park (51.191241, 0.246429)	Tonbridge	TN11 9BB	LS	7:30 to dusk	est 120	60	Yes	no	no
Lamberts Yard (51.193551, 0.272209)	Tonbridge	TN9 1EP	SS	4 hours	15	95	Yes	Yes	Maybe
Lower Castle Field	Tonbridge	TN9 1HR	LS	23 hours	194	70	Yes	no	no
Lower Castle Field Swimming Pool car park (public parking)	Tonbridge	TN9 1HR	LS	23 hours	27	90	no	no	no
Poult Wood main car park (51.227209, 0.296957)	Tonbridge	TN11 9QR	N/A	N/A	est 100	60	Maybe	Maybe	no
River Lawn	Tonbridge	TN9 1EP	SS	4 hours	13	95	Yes	Yes	Maybe
Sovereign Way East	Tonbridge	TN9 1QH	LS	23 hours	71	30	Yes	Maybe	no
Sovereign Way Mid	Tonbridge	TN9 1RS	LS	23 hours	118	90	Yes	Maybe	no
Sovereign Way North	Tonbridge	TN9 1RS	LS	23 hours	165	60	Yes	Maybe	no
Tonbridge Farm Sportsground	Tonbridge	TN10 3JF	N/A	N/A	est 100	30	Maybe	no	no
Upper Castle Field	Tonbridge	TN9 1BH	LS	23 hours	89	95	Yes	no	no
Waterloo Road	Tonbridge	TN9 2SN	LS	23 hours	31	95	Yes	Maybe	no
Bow Road	Tonbridge	ME18 5DD	LS	23 hours	39	80	Maybe	no	no
High Street/Tesco	Tonbridge	ME19 6NA	SS	4 hours	120	80	Yes	Maybe	no
Ryarsh Lane	Tonbridge	ME19 6QR	LS	23	114	70	Yes	Maybe	no
							2-3 slow	2-3 fast	2-3 Rapid

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List of car parks included in the KCC procurement

Location	District	Postcode	Short stay/long stay	Max hours of	No. Spaces	Cost to park (£):	Barriers / CCTV:	Who uses the parking on average.
Bailey Bridge West (village side)	Tonbridge	ME20 7AU	LS	23 hours	71	Free	No/Yes	Shoppers and resident overnight.
Blue Bell Hill commuter	Tonbridge	ME5 9PE	LS	24 hours	269	•Up to 24 hours £2.50 •For one week £10	Yes/Yes	Park and Ride Commuter
Western Road	Tonbridge	TN15 8AL	LS	23 hours	74	•Up to 30 minutes 20p •Up to 1 hour 30p •Up to 2 hours 50p	No/No	Shoppers and resident overnight.
Martin Square	Tonbridge	ME20 6QL	SS	23 hours	89	Free	No/No	Shoppers and resident overnight.
Larkfield Leisure Centre	Tonbridge	ME20 6RH	N/A	N/A	192	FREE	No/No	Staff and visitors to leisure centre
Leybourne Lakes main car park	Tonbridge	ME20 6AA	LS	7:30 to dusk	63	•Up to 4 hours £1.20 •Over 4 hours £4	Yes/Yes	Staff and visitors to Country Park
High Street/Rocfort Road	Tonbridge	ME6 5NQ	SS	23 hours	72	Free	No/Yes	Shoppers and resident overnight.
Angel East	Tonbridge	TN9 1QH	SS	4 hours	369	•Up to 30 mins 70p •Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 4 hours £3.80	No/Yes	Shoppers
Angel West	Tonbridge	TN9 1SF	SS	4 hours	197	•Up to 30 mins 70p •Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 4 hours £3.80	No/Yes	Shoppers
Botany	Tonbridge	TN9 1SA	SS	4 hours	221	•Up to 30 mins 70p •Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 4 hours £3.80	No/Yes	Shoppers and resident overnight.
Castle Grounds	Tonbridge	TN9 1BH	LS	23 hours	28	•Up to 30 mins 70p •Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/Yes	Residents, shoppers and businesses
Haysden Country Park main car park	Tonbridge	TN11 9BB	LS	7:30 to dusk	est 120	•Up to 4 hours £1.20 •Over 4 hours £4	Yes/No	Country Park visitors
Lamberts Yard	Tonbridge	TN9 1EP	SS	4 hours	15	•Up to 30 mins 70p •Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 4 hours £3.80	No/No	Residents, shoppers and businesses
Lower Castle Field	Tonbridge	TN9 1HR	LS	23 hours	194	Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/Yes	Visitors and businesses
Lower Castle Field Swimming Pool car park	Tonbridge	TN9 1HR	LS	23 hours	27	•Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/Yes	Swimming pool customers, shoppers and businesses
Nit Wood main car park	Tonbridge	TN11 9QR	N/A	N/A	est 100	FREE	Yes/Yes	Golf course visitors and staff
Sovereign Way East	Tonbridge	TN9 1QH	LS	23 hours	71	Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/Yes	Residents, shoppers and businesses
Sovereign Way Mid	Tonbridge	TN9 1RS	LS	23 hours	118	Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/Yes	Residents, shoppers and businesses
Tonbridge Farm Sportsground	Tonbridge	TN10 3JF	N/A	N/A	est 100	FREE	Yes/Yes	Users of sports ground and football events
Waterloo Road	Tonbridge	TN9 2SN	LS	23 hours	31	•Up to 1 hour £1.30 •Up to 2 hours £2.30 •Up to 3 hours £3.10 •Up to 6 hours £4.70 •Up to 23 hours £5.90	No/No	Residents including over night and businesses
Bow Road	Tonbridge	ME18 5DD	LS	23 hours	39	FREE	No/No	Residents including over night, businesses, visitors to the area and Parish Council Hall adjacent
High Street/Tesco	Tonbridge	ME19 6NA	SS	4 hours	120	•Up to 30 minutes 40p •Up to 1 hour 70p •Up to 2 hours £1.40 •Up to 3 hours £2.10 •Up to 4 hours £3.20	No/Yes	Shoppers
Ryarsh Lane	Tonbridge	ME19 6QR	LS	23	114	Permits only 8am to 3pm	No/Yes	Businesses

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CAPITAL PLAN LIST C – EVALUATIONS

Project		Street Scene, Leisure & Technical Services: Electric Vehicle Charging Points – Phase 1				
1	Specification:					
	(i)	Purpose of the scheme	To provide electric vehicle charging points in the Council's car parks across the borough in accordance with the Council's Climate Change Strategy.			
	(ii)	Relevance to National / Council's Objectives	(a) National: Addressing climate change and moving towards a carbon neutral environment. (b) Council: TMBC Climate Change Strategy, Kent and Medway Energy and Low Emissions Strategy.			
	(iii)	Targets for judging success	(a) Increase EV charging capacity. (b) Reduce greenhouse gas emissions from transport. (c) Improved air quality.			
z	2	Description of Project / Design Issues: The project will see the provision of a network of slow and possibly some fast chargers installed in a number of primarily long stay car parks across the borough. Design issues include on site power capacity, cost, location, risk of flooding and potential demand from users. Each location will be used to facilitate at least 2 charging points enabling 4 cars to charge at one time.				
	3	Milestones / Risks: Whilst the electric vehicle market is rapidly changing there is a need for the Council to progress the project otherwise the Council will fall behind other boroughs in increasing EV charging capacity and its objectives laid out in the Climate Change Strategy.				
	4	Consultation: The procurement approach has been brought forward following consultation with Kent County Council and involves the use of a concession model.				
	5	Capital Cost: £120,000				
	6	Profiling of Expenditure				
		2021/22 (£'000)	2022/23 (£'000)	2023/24 (£'000)	2024/25 (£'000)	2025/26 (£'000)
		120				
	7	Capital Renewals Impact: £12,000 per annum assuming replacement of the charging points every 10 years.				
	8	Revenue Impact: The project is funded in full through external funding and Kent Business Rates Pool monies held in the Business Rates Retention Scheme reserve and under the concession model there are no annual revenue costs. The annualised capital renewals cost at today's prices and assuming no external grant funding is available at the time of renewal is £12,000 per annum. As such, all other things being equal, represents revenue budget growth and, in turn, adding to the savings target.				

CAPITAL PLAN – EVALUATION

9	Partnership Funding: The provision of the electric vehicle charging points will be funded on a partnership basis. £80,000 will be met by the supplier and through government grants. The remaining £40,000 will be funded from the Business Rates Retention Scheme reserve.		
10	Project Monitoring / Post Implementation Review: Members of the Communities and Housing Advisory Board will be kept updated on progress including a Post Implementation Review 12 months after completion.		
11	Screening for equality impacts:		
	Question	Answer	Explanation of impacts
	a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
	b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	No	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?			
12	Recommendation: Scheme be added to the Capital Plan List A for implementation in 2021/22.		

Agenda Item 9

Recommendations from the Communities and Housing Advisory Board of 25 May are to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

25 May 2021

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020

Summary

This report recommends the charging of an application fee for the Council's function to determine if a manager of a mobile home/caravan/park home site is a fit and proper person to manage the site under the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

1.1 Introduction

- 1.1.1 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduces a fit and proper person test for site owners/caravan site licence holders or for their person appointed to manage the mobile home/caravan/park home site. This only applies to relevant protected sites other than non-commercial family occupied sites. A relevant protected site being a site for permanent residential occupation. The purpose of the Regulations is to improve the standards of management of permanent residential sites that are operated on a commercial basis.
- 1.1.2 The Regulations require site owners/caravan site licence holders to apply to be included or their appointed manager to be included on a register of fit and proper persons from the 1 July 2021. From that date and by the 1 October 2021 all relevant site owners/licence holders must have submitted an application.
- 1.1.3 The Regulations allow local authorities to charge a fee for their fit and proper person functions. If the local authority decides to charge a fee it must prepare and publish a fees policy. The fees should be transparent and reasonable, and may include an application fee and an annual fee to cover the cost of monitoring the scheme and conditions attached to entries on the register.

1.2 Fit and Proper Person Functions

- 1.2.1 The Council's fit and proper person (F&PP) functions will include to:

- Consider applications to determine if the relevant person is a fit and proper person to manage the site.
- Decide whether to place the person on the register with or without conditions, or not to place them on the register. An applicant will have the right of appeal to a decision or a condition to the First-tier Tribunal. If the relevant person fails the F&PP test and the site owner/licence holder is unable to appoint a suitable alternative manager, the Council could appoint a person to manage the site with the consent of the site owner. The Council can recover their reasonable costs in doing this from the site owner/licence holder.
- Establish and maintain a register of fit and proper persons.
- Make the register available for inspection by members of the public at Council offices.
- Publish the register online.

1.2.2 Where a person is included on the register unconditionally, they will be included on the register for a period of five years or if conditions are applied the inclusion can be less than five years.

1.2.3 If after the person is included on the register new evidence relevant to the person's inclusion comes to light, the Council may

- Remove the person from the register;
- Impose a condition on the inclusion of the person in the register;
- Vary a condition; or
- Remove a condition.

1.2.4 It is an offence under the Regulations for a site owner/licence holder to

- Operate the site unless they or the person appointed are a fit and proper person to manage the site.
- Provide false or misleading information or fail to provide information in an application.
- Fail to comply with a condition placed on the relevant person on the register.

1.2.5 On summary conviction for a breach of the fit and proper person requirements, the site owner/licence holder would be liable to an unlimited fine.

1.3 Matters for consideration in determining if a fit and proper person

1.3.1 When determining if a relevant person is a fit and proper person to manage the site, an applicant will be required to provide information in relation to the conduct of that person, namely if:

- a. Has committed any offence involving fraud or other dishonesty, violence, arson or drugs or listed in Schedule 3 to the Sexual Offences Act 2003 (offences attracting notification requirements);
 - b. Has contravened any provision of the law relating to housing, caravan sites, mobile homes, public health, planning or environmental health or of landlord and tenant law;
 - c. Has contravened any provision of the Equality Act 2010 in, or in connection with, the carrying on of any business;
 - d. Has harassed any person in, or in connection with, the carrying on of any business;
 - e. Is or has been within the past 10 years, personally insolvent;
 - f. Is or has been within the past 10 years, disqualified from acting as a company director;
 - g. Has the right to work in the United Kingdom;
 - h. Is a member of any redress scheme for dealing with complaints in connection with the management of the site; and
 - i. Have been rejected from the register of another local authority and the reasons why.
- 1.3.2 In some cases, the applicant will also be required to provide information about other responsible persons who are involved in the management of the site, for example, directors where the site owner/licence holder is a company.
- 1.3.3 As part of the application where the relevant person is an individual or information is required about other responsible persons a Criminal Records Certificate will be required.
- 1.3.4 The applicant will also be required to provide information on the financial and management arrangements in place for the site, and demonstrate the competence of the relevant person to secure the proper management of the site.

1.4 Fit and Proper Person Application Fee

- 1.4.1 The Tonbridge & Malling Borough Council has 41 relevant protected sites in the borough where the majority of these sites are small family occupied sites that are not run on a commercial basis. There are three caravan/park home sites where the fit and proper person test will apply those being Towngate Wood Park, Bourne Park Home Estate and the Hilltop Manor Hotel.
- 1.4.2 The items in table 1 below give a breakdown of how the application fee for the fit and proper test has been determined, where the HTO is the Housing Technical

Officer, HTA the Housing Technical Assistant and SEHO the Senior Environmental Health Officer.

Processing steps	Time (mins)	Officer	Standard cost of 1 hour of working time of officer	Cost £
Written pre-application advice	30	HTO	41.78	20.89
Application receipt, enter on data management system	10	HTA	27.37	4.56
Check application valid	30	HTO	41.78	20.89
Confirm receipt in writing and request further info if needed	20	HTO	41.78	13.93
Land registry and company search if applicable	10	HTA	27.37	4.56
Process application – check documents liaise with other LAs where needed.	120	HTO	41.78	83.56
Update data management system	10	HTA	27.37	4.56
Determine decision as to accept on register, accept with conditions or reject.	10	HTO	41.78	6.96
Draft conditions	30	HTO	41.78	20.89
Review conditions and decision	20	SEHO	53.42	17.8
Issue Preliminary decision notice or Final decision notice	20	HTO	41.78	13.92
Review any representations made	20	SEHO	53.42	17.8
Issue Final Decision Notice	20	HTO	41.78	13.93
Update data management system	10	HTA	27.37	4.56
Update Public Register	15	HTA	27.37	6.84
			Total	234.76

Table 1: Fit and Proper Person Assessment Costs

1.4.3 The total fee for processing an application for a relevant person to be included on the fit and proper person register is £235. This fee will be reviewed annually in line with other caravan site licensing fees. If the Council decides not to approve

the inclusion of the relevant person on the register, the application fee is not refundable.

1.5 Fit and Proper Person Annual Monitoring Fee

- 1.5.1 The Council is not seeking to introduce an annual fee at the current time for monitoring conditions attached to entries on the Fit and Proper Person register given the low number of caravan sites that fall under this requirement.

1.6 Legal Implications

- 1.6.1 The Council is under a statutory duty to enforce the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.

1.7 Financial and Value for Money Considerations

- 1.7.1 Under section 10 of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 the Council may fix a fee for processing an application and this has been calculated based on the costs to the Council to do this as indicated in 1.4.2.

1.8 Risk Assessment

- 1.8.1 Enforcement of the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 is a statutory function of the local authority. Without a fee policy in place, the Council would not be able to charge a fee for processing the fit and proper person application and therefore there would be an additional cost to the Council.

1.9 Equality Impact Assessment

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

1.10 Recommendations

- 1.10.1 That Council is **REQUESTED** to **ENDORSE** the charging of a fee of £235 for the processing of an application to determine if the site owner/caravan site licence holder or the person appointed by them to manage the relevant protected site is a fit and proper person to do so and be placed on the register of fit and proper persons.

Background papers:

Nil

contact: Hazel Skinner
Jason Wheble

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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Agenda Item 10

Recommendations from the Communities and Housing Advisory Board of 25 May are to follow

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TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

25 May 2021

**Joint Report of the Director of Central Services & Deputy Chief Executive and the
Director of Street Scene, Technical and Leisure Services**

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 POLICY ON THE USE OF THE COUNCIL'S OPEN SPACES

This report introduces a proposed new policy which sets out how applications made to use the Council's open spaces will be assessed

1.1 Background

- 1.1.1 The Council has always received numerous requests from a range of individuals and organisations to use the Council's open spaces for a diverse array of activities and events.
- 1.1.2 These activities and events can range from small scale, one-off, events run by local charities or volunteers, through to large scale, commercial activities.
- 1.1.3 In recent times, one-off events (no matter the size or scale) have been assessed via an Events on Open Spaces application process, led by Leisure Services, in consultation with a range of other Council services. Regular or re-occurring events or activities have tended to be progressed by Property Services as they often require a bespoke land agreement.
- 1.1.4 Since the commencement of the first COVID-19 'lockdown' the Council has seen the number of enquiries about using its open spaces rise sharply. A large proportion of these enquiries have centred around fitness and exercise following the closure of gyms and leisure centres but also include those looking to operate a new business or venture.
- 1.1.5 This increased level of interest prompted Officers to review how enquiries and applications were being managed. This identified a need for an overarching policy, setting out how the Council would assess applications. It was also felt Members needed to be given the opportunity to comment as to whether there were certain activities which they do not believe should be undertaken on Council owned open spaces.

1.2 Proposed Policy

1.2.1 A range of Officers from across the Council have been involved in drafting the Policy on Use of Council Owned Open Spaces, which can be found at **Annex 1**.

1.2.2 Set out below is some commentary against a number of the main headings contained in the policy:

Scope

1.2.3 Officers considered which areas and activities should be included within the policy, based on experience of previous applications. Officers were keen to include a range of different areas and activities to ensure a consistent approach was taken.

Assessment Criteria

1.2.4 Members will note there are a range of different criteria that applications would be assessed against. These have been drafted in such a way to make them applicable to both small and large scale events.

1.2.5 By setting out the criteria, those wishing to make applications will be able to consider them in advance, meaning more relevant information should be included from the outset with the aim of reducing the time Officers have to spend seeking clarification or additional information from organisers.

1.2.6 As highlighted in Section 1.1, the Council has seen a dramatic increase in the number of enquiries to use the Council's open spaces over 'lockdown', especially those related to fitness activities.

1.2.7 The Council's needs to be consider whether there are some activities which have the potential to impact too much on members of the public using the open space.

1.2.8 Council Officers have found, for example, fitness instructors operating small classes or one to one sessions where fitness equipment is being used which raises safety concerns for members of the public using the space.

1.2.9 If fitness classes, or 'bootcamps', are to be allowed to operate on Council owned open spaces it is suggested firm dates and times need to be agreed with operators so that the Council can manage the number of activities taking place on an open space at any given time to ensure areas do not become 'saturated', to the detriment of members of the public using the areas.

1.2.10 Members are invited to comment on whether there are any particular events or activities which they would not deem suitable to operate on the Council's open spaces, or whether there are any specific locations they would want to see restrictions in place.

Charging

- 1.2.11 Feedback from Officers administering the Events on Open Spaces application process was that a lot of administrative work is required to progress applications, including extensive consultation with Council services and ongoing liaison with the organisers.
- 1.2.12 The policy introduces an administration fee for processing applications, which is banded depending on the number of people attending and the type of organisation running the event. This is a similar approach adopted by a number of local authorities in Kent.
- 1.2.13 A proposed charging structure is also set out for one-off events, again, banded depending on the number of attendees and the type of organisation.
- 1.2.14 It is difficult to set out a charging regime for re-occurring events or activities as often the charge, or rent, will be determined by a range of factors. The policy sets out the criteria against which a charge or rent will be assessed.

1.3 Delegated Authority

- 1.3.1 The Policy states at 7.8 that where an application is refused the applicant be able to appeal the decision. Due to the timescales involved in assessing an application then arriving at a decision, it is felt that if an applicant wishes to appeal the decision they may have to wait some time before the matter could be considered by Members at a relevant Committee or Advisory Board, potentially resulting in the timescales for the proposed event being missed.
- 1.3.2 It is suggested that delegated authority be granted to the Cabinet Members for Finance, Innovation & Property and Community Services to consider and determine any appeals.
- 1.3.3 Although the Policy has been written with the intention of being able to cover a range of different events and scenarios, it may be the case in exceptional circumstances that the fees and charges set out in the policy are not appropriate for a particular event. To deal with this scenario it is suggested that delegated authority be given to the Cabinet Members for Finance, Innovation & Property and Community Services to determine fees, but only in exceptional circumstances.

1.4 Legal Implications

- 1.4.1 Members will note at Section 5.0 of the policy that it is envisaged a pro-former land use agreement will be completed for the majority of one-off events, which Legal Services are currently drafting. This will include all relevant terms and conditions associated with the use of Council owned land, including provisions related to insurance and reinstatement.

- 1.4.2 Member approval may be sought from the Finance, Innovation and Property Advisory Board where required to grant longer term agreements. Legal Services would then be instructed to draft any bespoke licences or leases based on the particular event.

1.5 Financial and Value for Money Considerations

- 1.5.1 The proposed charges set out in the policy are felt to be reasonable and will be reviewed annually.
- 1.5.2 For any re-occurring activity, the Council will need to demonstrate it is achieving best value from those arrangements, which will be determined on a case-by-case basis. This may involve identifying an opportunity which should be advertised more widely to provide other operators a chance to 'bid' for the opportunity.
- 1.5.3 The policy will provide a framework against which the Council can look to maximise the potential income generation of the Council's open spaces, while acknowledging and respecting the nature of those spaces.

1.6 Risk Assessment

- 1.6.1 If the Council does not have a clear policy on use of its open spaces it will be difficult to justify decisions where events or activities are refused. If no clear direction is given it may also lead to a 'saturation' of open spaces where a range of events have been given permission to operate.
- 1.6.2 Without a clear direction, operators may take the opportunity to try and operate on open spaces without the Council's permission, leading to a risk of injury to members of the public or those participating in the event if the Council has not had the opportunity to consider the relevant health and safety impacts of the activity.
- 1.6.3 If land use agreements are not put in place the Council risks inadvertently granting tenant rights which may result in them becoming protected under landlord and tenant legislation.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

- 1.8.1 Asset Management
- 1.8.2 Healthy Lifestyles

1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** to Cabinet and then Full Council that:

- 1.9.2 The policy be adopted;
- 1.9.3 Administration fees and charges are introduced as detailed in the policy;
- 1.9.4 Delegated authority be granted to the Cabinet Members for Finance, Innovation & Property and Community Services to consider and determine appeals, and;
- 1.9.5 Delegated authority be granted to the Cabinet Members for Finance, Innovation & Property and Community Services to determine fees and charges in exceptional circumstances

Background papers:

Nil

contact: Stuart Edwards
Darren Lanes

Adrian Stanfield
Director of Central Services & Deputy Chief Executive

Robert Styles
Director of Street Scene, Technical and Leisure Services

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TONBRIDGE AND MALLING BOROUGH COUNCIL

POLICY FOR USE OF COUNCIL OWNED PUBLIC OPEN SPACES

1.0 THE REQUIREMENT FOR A POLICY

- 1.1 Tonbridge and Malling Borough Council (the Council) own and manage a range of open spaces across the borough, ranging from small amenity areas within housing estates through to country parks. These open spaces are utilised by a wide range of different users all year round and it is important that the Council ensures they remain safe and available to access.
- 1.2 Requests are often received from organisations to utilise areas of Council open space for a variety of uses. The Council has an established Events on Public Open Spaces procedure for applications relating to one-off events, however there is currently no policy framework underpinning the process and it does not deal with regular events / activities.
- 1.3 Such is the number of requests now being received, especially for regular use, it is felt a policy setting out the criteria against which each request will be assessed against is required to establish a fair and transparent system.

2.0 AIMS OF THE POLICY

- 2.1 The overarching aim of the policy will be to ensure the Council's open spaces remain a safe place for members of the public to use, while also allowing organisations to benefit from them where it is deemed appropriate and not to the significant detriment of the general public use. In addition, the policy will aim to protect the Council's existing income streams and/or third-party arrangements as well as to identify additional income streams.
- 2.2 The policy will set out the framework against which applications to use the Council's open spaces will be made.

3.0 SCOPE

AREAS

- 3.1 Council owned areas which will be considered to fall within the scope of this policy include (but are not limited to):
 - Grassed areas

- Woodland
- Play areas
- Sportsgrounds
- Country parks
- Tonbridge Castle grounds
- Car parks

3.2 Any part of a Council owned open space which has been leased to, or is managed by, another organisation will be out of scope on the basis those organisations will have control over those areas and any applications to use them should be made to those organisations.

ACTIVITIES

3.3 The policy will be used whenever an application is received to use an area of Council owned open space that would be considered not to fall within the broad parameters of 'normal' use of a public open space, whether that be for a one-off event or regular activity.

3.4 These events will include those run by individuals, voluntary and charitable organisations as well as commercial organisations. Examples may include (but are not limited to):

- Fitness classes or events
- Dog walking and training for more than 1 household
- Sports events or classes
- Markets
- Entertainment events
- The sale of food and beverage
- Boat hire
- Fun fairs
- Fund raising events

4.0 ASSESSMENT CRITERIA

4.1 When an application is received it shall be assessed against the following criteria.

SAFETY

4.2 Officers will need to determine the impact of the proposed event on the potential safety of those attending the event and/or members of the public using the open space at the same time. This will be achieved through the requirement to submit relevant safety documentation to demonstrate the organiser has considered all relevant safety matters to the full satisfaction of the Council.

4.3 The Council will provide comments and advice on the applicant's plans but will not 'approve' them in a formal sense as the responsibility for managing health and safety will be that of the applicant.

4.4 For larger events, attracting a significant crowd, an Event Management Plan may also be required.

INSURANCE

- 4.5 The requirement for public liability insurance will be assessed on a case-by-case basis, which may involve seeking the advice from the Council's insurers. Where it is determined insurance is required then minimum cover of £5m should be in place and adequate proof provided, although some events may require a higher indemnity limit.

TYPE OF ACTIVITY

- 4.6 Officers will determine whether the proposed event is in keeping with the specific area of open space on which it is to be held. This will include an assessment of the following:
- 4.6.1 The purpose of the event. Is it in any way controversial or not in keeping with the Council's Corporate Strategy?
 - 4.6.2 The number of people attending. Can the area of open space cope with the proposed number of people whereby irreparable damage will not be caused?
 - 4.6.3 Duration and/or frequency of the event. On what day(s) will the event take place and at what time(s)? Will the duration or frequency of the event have an adverse impact on the location or other users?
 - 4.6.4 Infrastructure support for the event. Is the organiser providing enough facilities to manage the event, for example toilets, bins, barriers, marshalling, lighting, power generation etc.
 - 4.6.5 Proposed equipment to be used. Is the type of equipment appropriate for the particular open space and event? Are there any safety issues which may arise as a result of its use? In certain circumstances documents will be needed to demonstrate the piece of equipment is safe to use, such as electrical testing certification or testing and tagging for inflatable play equipment (PIPA).

TRAFFIC MANAGEMENT

- 4.7 If the proposed event is likely to impact on the movement of traffic in the surrounding area, then details will be required detailing what the impact will be and what mitigation measures will be put in place by the organiser. This will include an assessment of the following:
- 4.7.1 Will any proposed road closures and diversion routes cause unacceptable traffic issues elsewhere in the vicinity? Application for any road closures would need to be made to Kent County Council as the Highway Authority.
 - 4.7.2 Are traffic marshals required and, if so, have an adequate number been provided with appropriate experience? Has their health and safety been taken into consideration?

- 4.7.3 Are there adequate car parking arrangements in place for both visitors and organisers/volunteers?
- 4.7.4 Organisers will be responsible for closing any car parks, including advance warning signs and manning the closure
- 4.7.5 Car parks should not be used to store equipment or facilities in unless they are closed

IMPACT ON EXISTING USER/USE

- 4.8 If an application is received which would impact upon an existing event for which the Council has already granted permission, Officers will determine which should take precedence. In arriving at a decision, the following factors will be considered:

- 4.8.1 Is there a contractual or legal requirement which means a particular event has to occur?
- 4.8.2 Is there an existing contractual or legal requirement which means another similar event cannot take place? For example, where an existing agreement or permission has an exclusivity clause.
- 4.8.3 Is it more economically advantageous to the Council to cancel or offer an alternative location for an existing event to accommodate a new application, if contractual conditions allow?
- 4.8.4 Would the proposed event have a negative impact on an existing event or user for which the Council has already granted permission?
- 4.8.5 Would the proposed event have an unacceptable effect on members of the public using the open space?
- 4.8.6 Where events have already been given permission, can the Council agree with those organisers to change dates to allow concurrent uses, if deemed appropriate?

LOCATION

- 4.9 When assessing applications, Officers will have regard to the location of the proposed event and whether it is appropriate. This will include an assessment of the following:
- 4.9.1 Will the event cause an unreasonable nuisance or disturbance to adjacent sites or residents?
 - 4.9.2 Is there sufficient space at the proposed location to support the event?
 - 4.9.3 Is there a more appropriate location for the event?

- 4.9.4 Are there any existing restrictions or controls at the proposed location which would mean the event could not take place?
- 4.9.5 Is the proposed location not in keeping with the event and/or will have a negative impact on the location? Consideration will be made as to whether the site has any special designation (listed, ancient monument for example) or has any specific safety issues (water course/bodies for example)

5.0 LAND USE AGREEMENTS

- 5.1 When assessing applications, Officers will consider whether a land use agreement is required in order to protect the Council's land interests, as well as to set out standard terms and conditions for events taking place on the Council's open spaces. It is anticipated that in the majority of cases a licence agreement will be put in place for one-off events. A pro-forma licence agreement can be found at **Appendix A** which will be completed for one-off events.
- 5.2 Where a regular or re-occurring event is proposed, the views of Administrative & Property Services and/or Legal Services will be sought as to whether a lease agreement is required. Each case will be assessed on its merits, although it is anticipated where an activity takes place regularly (on the same day at the same time, for example) and at the same location or space then a lease will be required in order to ensure no tenant rights are established.
- 5.3 Any leases granted will be 'contracted out' of the Landlord and Tenant Act 1954.

6.0 CHARGING

ADMINISTRATION FEE

- 6.1 When inviting applications for events to take place on Council owned land, it is important to consider the Officer time involved in assessing the applications. An administration fee will be charged based on particular criteria which is set out below for one-off events:

Type of event	Maximum attendees (at once)	Administration fee
Commercial	Less than 500	£50
	Between 500 and 1,499	£300
	More than 1,500	£600
Charity or community	Less than 500	£25
	Between 500 and 1,499	£50
	More than 1,500	£100

- 6.2 Where events or activities require the production of bespoke legal agreements the Council will charge legal fees based on a rate of £217 per hour.

CHARGES

- 6.3 In addition to the administration fee, the following charges will apply to one-off events taking place on Council owned land:

Type of event	Maximum attendees (at once)	Charge
Commercial	Less than 500	£500
	Between 500 and 1,499	£1,000
	More than 1500	£1,500
Charity or community	Less than 500	£100
	Between 500 and 1,499	£100
	More than 1,500	£100

- 6.4 Additional charges may apply where events require use of Council equipment, car parks or buildings. These charges will be determined on a case-by-case basis. In the event of a car park needing to be closed, the charge would equate to the loss of car parking income.
- 6.5 The charges, or rent, for regular activities will be determined on a case-by-case basis and will be specified in the legal agreement. In arriving at a charge or rent, Officers will take into account the following criteria:
- 6.5.1 The requirement for the Council to obtain best value. This assessment may result in the opportunity being tendered to provide other operators a chance to apply
 - 6.5.2 The nature of the proposed activity, for example whether it is being run for commercial gain. The Council will assess the anticipated income/profit being generated and may seek comparable evidence from similar activities taking place in similar areas to arrive at a charge or rent
 - 6.5.3 The frequency and duration of use. Activities which take place more frequently or for a longer duration will attract a higher charge than those taking place for short durations
 - 6.5.4 The physical area on which the activity will take place. For example, the proposed location may result in additional income being generated
- 6.6 Charges for some areas may attract VAT.

7.0 PROCESS, CONSULTATION AND DECISION

ONE-OFF EVENTS

- 7.1 Applications to use an area of Council owned open space for a one-off event should be made to Leisure Services using the Event on Public Open Spaces Application Form, which can be found at **Appendix B**, available on the Council's website. Applications should be submitted at least 2 months prior to the event.

- 7.2 Upon receipt of a completed application form internal Council services shall be consulted depending on the application and the nature of the event. However, it should be made clear to the applicant that additional permissions may be required from other Council departments to hold the event, including (but not limited to):

- 7.2.1 Planning permission
- 7.2.2 Food safety
- 7.2.3 Noise
- 7.2.4 Drinks licence
- 7.2.5 Temporary events licence

- 7.3 By the Council granting permission as landowner, it does not mean additional permissions will be forthcoming. Operators will need to ensure compliance with all relevant statutory regulations and requirements.

REGULAR ACTIVITIES

- 7.4 Applications to use an area of Council owned open space for a regular or re-occurring activity should be made to Administrative & Property Services using the application form found at **Appendix C**, available on the Council's website.
- 7.5 Upon receipt of a completed application form internal Council services shall be consulted, depending on the application and the nature of the activity, and consideration given to whether a lease is required and what rent should be charged. Where an agreement over 5 years is proposed, Member approval will be required via the Finance, Innovation and Property Advisory Board.
- 7.6 Where the application concerns a regular commercial activity, Administrative & Property Services, in consultation with other relevant Council services, will assess whether the opportunity should be tendered to allow other potential operators to apply and so that the Council can demonstrate it is achieving best value.
- 7.7 Again, as outlined at 7.2, the application may require additional permissions from other Council departments to operate the activity.

DECISION

- 7.8 The applicant will be advised of the Council's decision to either permit the event or reject the application. If an application is rejected the applicant may appeal the decision, which will be considered by the Cabinet Members for Finance, Innovation & Property and Community Services, who's decision will be final.
- 7.9 The Council reserves the right to amend or cancel an event in the event of particular circumstances which may include (but are not limited to):

- 7.9.1 The Council or other public body requiring urgent use of the space

- 7.9.2 The Council becoming aware of new information which may have affected its decision to approve the event
- 7.9.3 Direction from the Police or other public authority that the event should be cancelled

8.0 UNAUTHORISED EVENTS

- 8.1 Where the Council becomes aware of an event or activity taking place on Council owned land which has not been approved, the organisers will be told to shut down the event. Should any substantial damage be caused as a result of the unauthorised event the Council may seek damages from the event organisers.
- 8.2 If the organisers of an unauthorised event make any future applications for additional events, the Council will factor into their decision making the fact an unauthorised event took place.

9.0 APPROVAL AND REVIEW OF THIS POLICY

- 9.1 This policy shall be considered by Members at an appropriate Advisory Board, Cabinet and then Full Council. The policy shall be formally reviewed every 4 years, with the charges being reviewed annually

Last reviewed:

May 2021

APPENDIX A – PRO-FORMA LICENCE AGREEMENT

APPENDIX B – EVENTS ON PUBLIC OPEN SPACES APPLICATION FORM

APPENDIX C – RE-OCCURRING EVENTS ON PUBLIC OPEN SPACES APPLICATION FORM

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 June 2021

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 2020/21

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 2021 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 2020/21 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 2020/21 were highlighted in the notes to the Annual Estimate papers presented to Members during the 2021/22 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 2020/21 will be presented to the **Audit Committee** for **approval**. The Director of Finance and Transformation is to present an unaudited copy of the Statement of Accounts to the Audit Committee on 26 July.

1.2 Overall Revenue Position

1.2.1 Members are advised that the contribution to the General Revenue Reserve is £509,287, some £64,787 more than the Revised Estimate figure of £444,500. This after having transferred a sum of £700,000 to the Budget Stabilisation Reserve; £150,000 to the Local Development Framework Reserve; and £50,000 to the Invest to Save Reserve.

1.2.2 The variance prior to the sums transferred to the three earmarked reserves detailed above of £964,787 can be attributed to, amongst other things, the sales,

fees and charges income compensation scheme, Covid-19 related grant funding and savings on the salary bill. 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 transfer of £700,000 initially to the Budget Stabilisation Reserve to allow time to consider how we might best make use of the positive outturn position. By way of an example, one option could be to establish a budget for the purchase of temporary accommodation funded in large part from the positive outturn position. This of course only one option of many, there being multiple demands on the Council's finances.
- The transfer of £150,000 to the Local Development Framework Reserve to meet costs in respect of the Local Plan.
- The transfer of £50,000 to the Invest to Save Reserve to fund future efficiency/ savings initiatives.

1.2.4 As mentioned above, the contribution to the General Revenue Reserve is £509,287, some £64,787 more than the Revised Estimate figure of £444,500. The principal reasons for the variance is given in the table below.

Description	Revised Estimate 2020/21 £	Provisional Outturn 2020/21 £	Variation £
Budget Stabilisation Reserve	-	700,000	700,000
Local Development Framework Reserve	-	150,000	150,000
Invest to Save Reserve	-	50,000	50,000
Business Rates Retention Scheme	(2,119,716)	(1,056,743)	1,062,973
Business Rates Retention Scheme Reserve	-	422,800	422,800
Legal Expenses	50,000	161,985	111,985
Temporary Accommodation	771,000	826,660	55,660
Payments to Principals / Ticket Refunds	284,000	233,537	(50,463)
Housing Benefits (Net)	87,000	(20,433)	(107,433)
Business Grants New Burdens Grant Funding	-	(166,800)	(166,800)
Salaries	10,613,600	10,399,732	(213,868)
Business Grants / KCC Covid-19 Grant Funding	-	(218,280)	(218,280)
Income Compensation Scheme	(1,200,000)	(1,559,164)	(359,164)
Tax Income Guarantee Scheme	(200,000)	(1,587,717)	(1,387,717)
Other Net Changes	2,288,680	2,174,200	(114,480)
Total	10,574,564	10,509,777	(64,787)

1.2.5 **[Annex 2]** provides details of Service specific issues in respect of the revenue outturn for 2020/21. 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 £1,164,000 against a budget provision of £2,271,000. Factors that contributed to the net underspend are given below.

- Capital renewals budgets totalling £433,000 with actual capital renewals expenditure totalling £116,000. 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. The measures taken in response to the Covid-19 pandemic has also had an impact on the level of spend in 2020/21. Scheme budget provisions that are to be rescheduled, reprofiled or subject to review include the Temporary Accommodation, Pembury Road, Tonbridge adaptation works – in year underspend £604,000 and CMS Website Solution – in year underspend £58,000.

1.3.2 **[Annex 3]** provides details of Service specific issues in respect of the capital outturn for 2020/21. 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 2020/21 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 2020		6,576,239
Contribution to / (from) Reserve		509,287
Balance at 31 March 2021		7,085,526

- 1.5.5 The Medium Term Financial Strategy anticipated a General Revenue Reserve balance at 31 March 2021 of £7,021,000.

1.6 Audit Committee

- 1.6.1 As mentioned earlier, an unaudited copy of the Statement of Accounts for 2020/21 is to be presented to the Audit Committee for approval on 26 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 budget year 2021/22 and review and update of medium term financial planning assumptions now the focus of attention.
- 1.8.2 The positive outturn position is clearly welcome, but does not unfortunately change what is a difficult financial outlook. The latest projected funding gap including those initiatives already built into the MTFs standing at £975,000 notwithstanding the assumption that income and expenditure impacted by Covid-19 will largely return to levels pre the pandemic over the short to medium term.

1.8.3 Progress on meeting this year's savings and transformation contribution of £100,000 along with those initiatives already built into the Medium Term Financial Strategy, but yet to be delivered will be reported 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.

1.10 Equality Impact Assessment

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

1.11 Recommendations

1.11.1 Cabinet is requested to:

- 1) Note and endorse the Revenue and Capital Outturn for the year 2020/21.
- 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 2020/21 **[Annex 4]**.
- 4) Give consideration to how this year's savings and transformation contribution of £100,000 is to be achieved.

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

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Revenue Outturn 2020/21 - Service Specific Issues

Corporate Services

The Outturn is £69,152 (£3,323,350 - £3,254,198) less than the 2020/21 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 £213,868.
- b) Training – Course Fees & Expenses (CS 2) – reduction in training courses attended due to Covid-19 and transferred to the training reserve £45,757.
- c) Council Offices (CS 3) – impairment following revaluation £63,833.
- d) Legal Expenses (CS 7) – legal fees are £111,985 more than estimated due to the engagement of solicitors during the year to provide asset related, procurement, contractual and employment advice, and in respect of the Winterfield Lane planning inquiry.
- e) Management and administration recharges are £121,597 less than estimated in part due to management savings generated on the permanent establishment.
- f) Building repairs expenditure is £74,324 less than estimated due to costs coming in under budget or where works no longer required and the balance rolled forward to 2021/22.
- g) Depreciation charged to Service Budgets is £56,418 less than estimated largely due to lower than anticipated expenditure on IT infrastructure and renewal of IT equipment.
- h) Recharges to Service Budgets are £330,399 less than estimated.
- i) The balance of £63,405 is spread throughout the remaining Corporate Services budgets.

Chief Executive

The Outturn is £1,244,941 (-£543,200 - £701,741) more than the 2020/21 Revised Estimate. The principal reasons for this are as follows:

- a) Conduct of Elections (CE 4) – payment from Medway Council in respect of the Chatham and Aylesford parliamentary election and transferred to the elections reserve £28,224.
- b) Climate Change (CE 5) – climate change initiatives budget rolled forward to 2021/22 £20,000.

- c) Economic Development & Regeneration (CE 6) – change in accounting in carrying forward Additional Restrictions Grant monies from an earmarked reserve to receipt in advance £1,321,500.
- d) The balance of £28,335 is spread throughout the remaining Chief Executive budgets.

Director of Central Services

The Outturn is £383,591 (£637,950 - £254,359) less than the 2020/21 Revised Estimate. The principal reasons for this are as follows:

- a) Local Land Charges (CEN 4) – income better than budgeted and attributed to the suspension of the payment of stamp duty £42,922.
- b) Licences (CEN 10) – adverse impact of Covid-19 on licensing income more than assumed £36,983.
- c) Building repairs expenditure is £315,467 less than estimated mainly due to the renewal of lighting in the Great Hall, Tonbridge Castle and the Council's contribution to repairs to the walkway at Martin Square and Twisden Road slipped to 2021/22.
- d) Management and administration recharges are £35,172 less than estimated in part due to management savings generated on the permanent establishment.
- e) The balance of £27,013 is spread throughout the remaining Director of Central Services budgets.

Director of Finance and Transformation

The outturn is £489,861 (£1,658,800 - £1,168,939) less than the 2020/21 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 £107,433 when compared to the revised estimate.
- b) Housing Benefits (FT 2) – additional New Burdens Grant received to meet the cost of administering the Self Isolation Payments Scheme £20,142.
- c) Housing Benefits (FT 2) – additional administration grant received in recognition of the impact of Covid-19 £16,077.
- d) Local Revenue & NNDR Collection (FT 3) – business support grant monies remaining post reconciliation exercise £94,995.

- e) Local Revenue & NNDR Collection (FT 3) – additional New Burdens Grant received to meet the cost of administering the Business Support Grant Funded Schemes £166,800.
- f) Local Revenue & NNDR Collection (FT 3) – write back of summons costs in 2020/21 £37,138.
- g) Management and administration recharges are £68,484 less than estimated in part due to management savings generated on the permanent establishment.
- h) The balance of £53,068 is spread throughout the remaining Director of Finance and Transformation budgets.

Director of Planning, Housing and Environmental Health

The outturn is £618,708 (£4,382,950 - £3,764,242) less than the 2020/21 Revised Estimate. The principal reasons for this are as follows:

- a) Development Management (PHEH 2) – planning application fee income is £205,592 more than estimated and attributed to the transition to a new Local Plan and volatility of the development environment.
- b) Building Control (PHEH 4) – adverse impact of Covid-19 on building regulations fee income less than assumed £43,503.
- c) Planning Policy (PHEH 6) – external costs associated with the Borough Green Gardens project less than estimated £36,538.
- d) Planning Policy (PHEH 6) – government grant received for the Borough Green Gardens project (£100,000) and Hildenborough Neighbourhood Plan (£5,000). Transferred to an earmarked reserve for future use.
- e) Homelessness (PHEH 9) – balance of Rough Sleeping Initiative Grant and Landlord Incentive Scheme rolled forward to 2021/22 £130,170.
- f) Homelessness (PHEH 9/ 10) – net cost of temporary accommodation is £55,660 more than estimated due to increased caseload.
- g) Private Sector Housing Renewal (PHEH 13) – balance of Minimum Energy Efficiency Project Grant rolled forward to 2021/22 £49,914.
- h) Private Sector Housing Renewal (PHEH 13) – repayment of Housing Assistance Grants exceeded actual spend giving a favourable budget variance of £59,859.
- i) Management and administration recharges are £35,777 less than estimated in part due to management savings generated on the permanent establishment.

- j) The balance of £8,015 is spread throughout the remaining Director of Planning, Housing and Environmental Health budgets.

Director of Street Scene, Leisure and Technical Services

The outturn is £114,510 (£9,732,050 - £9,617,540) less than the 2020/21 Revised Estimate. The principal reasons for this are as follows:

- a) Refuse Collection, Recycling and Street Scene (SSLTS 2/ 3/ 5) – contract payments, vehicle costs and related income are £35,521 more than estimated.
- b) Refuse Collection and Recycling (SSLTS 2/ 3) – publicity and promotion costs are £38,200 less than estimated due to delay in roll-out of new waste collection service for flats and associated publicity.
- c) Recycling (SSLTS 4) – garden waste collection income is £28,390 less than estimated.
- d) Tonbridge and Malling Leisure Trust (SSLTS 8) – of the financial support provided to the Trust in 2020/21 a sum of £175,000 is to be met from an earmarked reserve.
- e) Haysden and Leybourne Lakes Country Parks (SSLTS 17/ 23 – car parking income better than budgeted due to increased visitor numbers and attributed to the imposition of Covid-19 restrictions £48,966.
- f) Off-Street/ On-Street Car Parking (SSLTS 33/ 35) – car parking income net of refunds is £201,717 less than estimated due to the imposition of further lockdowns over the course of the year.
- g) Civil Contingencies (SSLTS 39) – external grant funding in support of budgeted expenditure £123,285.
- h) Building repairs expenditure charged to Service budgets is £265,757 less than estimated largely due to the impact of Covid-19 on progressing building repairs and maintenance works.
- i) Management and administration recharges are £60,438 less than estimated in part due to management savings generated on the permanent establishment.
- j) The balance of £18,492 is spread throughout the remaining Director of Street Scene, Leisure and Technical Services budgets.

Capital Outturn 2020/21 - Service Specific Issues

Planning, Housing and Environmental Health Services

- a) Housing Assistance Grants (CP3). Actual spend net of repayments of grants by householders is -£30,000 compared to budget provision of £30,000.
- b) Temporary Accommodation, Pembury Road, Tonbridge (CP3). Spend to March 2021 £38,000 compared to budget provision net of developer contributions of £642,00. Adaptation works to properties to be progressed in 2021/22.
- c) Ground Floor Unit, High Street, Tonbridge (CP 3). No spend compared to budget provision of £40,000. Purchase to be progressed in 2021/22.

Street Scene, Leisure and Technical Services

- a) Waste Bins (CP5). Spend to March 2021 £175,000 compared to budget provision of £150,000. Demand led service.
- b) Capital renewals budgets (CP9) totalling £205,000 with actual capital renewals expenditure totalling £81,000. Underspend can largely be attributed to a lower than anticipated spend on renewal of vehicles, plant and equipment at our leisure facilities.

Corporate Services

- a) General IT Developments (CP 11). No spend compared to budget provision of £30,000.
- b) Revenues and Benefits IT Digital Solution (CP11). No spend compared to budget provision of £15,000. Budget provision to be reviewed in 2021/22.
- c) CMS Website Solution (CP11). Spend to March 2021 £82,000 compared to budget provision of £140,000. Project to be completed in 2021/22.
- d) Capital renewals budgets (CP12) totalling £228,000 with actual capital renewals expenditure totalling £35,000. 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 2020/21

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 2020/21. 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 2020/21 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 2020/21 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 31 March 2021

1.2.1 At the beginning and the end of 2020/21 the Council's debt and investment position was as follows:

	31 March 2020 £m	Rate / Return %	Average duration Days	31 March 2021 £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	0.0	-	-
Core cash	13.0	1.09	75	8.0	0.38	134
Variable rate investments:						
Cash flow surpluses	13.6	0.36	9	15.8	0.04	7
Core cash	6.0	0.56	76	8.0	0.41	90
Sub-total	34.6	0.66	46	31.8	0.22	70
Long term investments:						
Property Funds	5.0	3.54	-	5.0	3.51	-
Total investments	39.6	1.02	-	36.8	0.67	-

1.2.2 The reduction in investment balances reflects surpluses / deficits on the council tax and business rates collection funds due to be paid / recovered in 2021/22; application of provisions to meet business rate appeals which were determined by the Valuation Office during the financial year; and changes in the level of year-end debtor and creditor provisions.

1.3 The Strategy for 2020/21

1.3.1 The treasury management strategy for 2020/21, based on November 2019 forecasts, assumed a trade agreement between the UK and EU would be reached. The beneficial impact on economic growth and upward inflationary pressure that would follow would see Bank Rate rising from 0.75% to 1.0% in March 2020. Bank rate was then expected to remain at 1.0% throughout 2020/21.

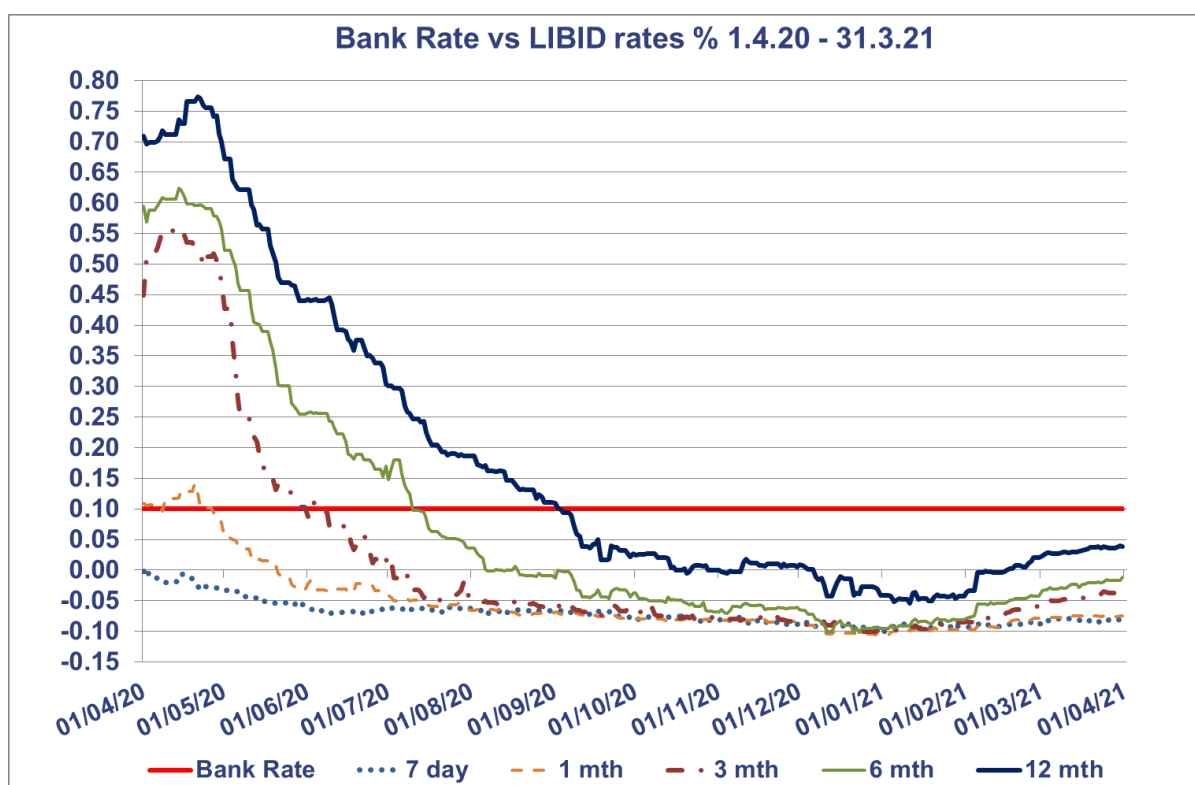
1.3.2 At the time the strategy was presented to Members in January 2020, Covid-19 didn't feature in news bulletins but by March 2020 the UK was in lockdown. The much hoped for short sharp shock to the economy followed by a rapid recovery, anticipated when lockdown commenced, didn't materialise. Governments and central banks responded to the pandemic with substantial support packages. Bank Rate is now expected to remain at its present level of 0.1% for some time to come. Link, the Council's treasury advisor, anticipate Bank Rate rising to 0.25% in September 2023 (forecast updated May 2021).

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 2020/21

- 1.4.1 Bank rate and investment returns across durations up to 12 months are depicted in the graph below. Bank Rate was cut from 0.75% to 0.10% in March 2020 to support the economy in response to Covid-19. Deposits rates from banks fell rapidly during the early part of 2020/21 with many short duration deposits (up to 6 months) attracting trivial, and in some cases, negative returns. Deposit rates available towards the end of the financial year showed little improvement.



1.5 Investment Outturn for 2020/21

- 1.5.1 The Council's investment policy sets out the approach for choosing investment counterparties 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 2020/21 Annual Investment Strategy was approved by Council in February 2020 and was subjected to a mid-year review in September 2020. In undertaking the review, no changes were made to the Council's minimum counter-party credit requirement (typically Fitch A-, F1 unless UK state owned) or counter-party exposure limits (maximum of 20% of funds per financial institution). Subject to constraints, discretion to extend investment duration for UK regulated financial

- institutions 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 2020/21 cash flow surpluses averaged £29.3m and earned an average rate of return of 0.13%. The average 7-day LIBID rate, used to compare performance, was minus 0.07%. 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 Government, precepting authorities, housing benefit recipients, suppliers, staff, etc.). Cash flow surpluses are required to meet regular payment obligations and 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 2020/21 core cash averaged £17.4m and earned an average rate of return of 0.53%. The 3-month LIBID rate used as a comparator was 0.02%. 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 2020/21 investment in property funds averaged £5.0m and income of £172,177 was received which represents an annualised return of 3.42%.
- 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 2021 (c) £	March sale value above (below) purchase price (c-a) £
LAPF (Primary, July 2017)	1,000,000	922,200	931,800	(68,200)
Lothbury (Primary, July 2017)	1,000,000	927,700	926,500	(73,500)
Hermes (Secondary, Oct 2017)	1,000,000	939,000	967,400	(32,600)
LAPF (Primary, June 2018)	1,000,000	922,200	893,500	(106,500)
Lothbury (Secondary, July 2018)	1,000,000	973,000	908,600	(91,400)
Total	5,000,000	4,684,100	4,627,800	(372,200)

1.5.9 Fund capital values rose in 2017/18, were broadly static in 2018/19 and 2019/20 until Covid-19 began to impact the economy. Capital values fell some 6% (£292,000) in the first nine months of 2020. However, since October 2020 fund values have been rising each month recouping some 40% (£116,000) of that decline. Capital values are expected to continue to rise over the long term as economic conditions improve. 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.

1.5.10 **Summary.** Investment performance for the year 2020/21 is summarised in the table below:

	2020/21 Average balance £m	Return %	2020/21 Interest/ dividends earned £	2020/21 Revised Estimate £	Variance Better (worse) £
Cash flow surpluses	29.3	0.13	36,821	42,000	(5,179)
Core cash	17.4	0.53	91,955	90,000	1,955
Long term investment	5.0	3.42	172,177	156,000	16,177
Total	51.7	0.58	300,953	288,000	12,953

- 1.5.11 The overall performance of the Authority's investments bettered the revised estimates by £12,953 (and £224,047 less than the 2020/21 original estimates reflecting the impact of Covid-19 on investment returns).
- 1.5.12 In finalising the Council's revised estimates, the income estimate for cash flow was reduced from £105,000 to £42,000; the return from core cash was reduced from £209,000 to £90,000; and income from property funds reduced from £211,000 to £156,000.

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 counterparty credit criteria; maximum exposure limits in respect of sovereigns, counterparties, and groups of related counterparties; the type of investment instrument that can be used; and investment duration limits. Throughout the period April 2020 to March 2021 the requirements set out in the Annual Investment Strategy for 2020/21, as approved by Council in February 2020, were complied with. No liquidity issues were experienced resulting in nil borrowing throughout 2020/21.

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 considered 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 2021

Prudential and Treasury Indicators

1 Prudential Indicators	2019/20 Actual £'000	2020/21 Original £'000	2020/21 Actual £'000
Capital expenditure	6,407	3,876	2,064
Ratio of financing costs to net revenue stream	-4.24%	-3.56%	-1.96%
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	£0.25	-£1.03	-£1.03

2 Treasury Management Indicators	2019/20 Actual £'000	2020/21 Original £'000	2020/21 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	19,610 (49.5%)	40 – 100%	23,794 (64.7%)
Upper limit for total principal sums invested for over 365 days	5,000 (12.6%)	60%	5,000 (13.6%)

3 Maturity structure of new fixed rate borrowing during 2020/21	Upper limit %	Lower limit %
Under 12 months	100	nil
Over 12 months	nil	nil

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TABLE 1

Special Projects Reserve	Revised £	2020/21 Outturn £	Variance £
Contribution to/(from) in Year			
Additional Restrictions Support Grant	1,321,500	0	(1,321,500)
Covid-19	(25,550)	(40,538)	(14,988)
Housing Survey	(26,450)	(26,453)	(3)
Minimum Energy Efficiency Project	0	38,500	38,500
Repossessions Prevention Fund	(2,000)	(5,823)	(3,823)
Waste & Street Scene Initiatives	(22,600)	(22,594)	6
Movement in Year	1,244,900	(56,908)	(1,301,808)

TABLE 2

Other Earmarked Reserves	Revised £	2020/21 Outturn £	Variance £
Contribution to/(from) in Year			
Asset Review	(3,000)	(3,000)	0
Budget Stabilisation	2,000,000	2,700,000	700,000
Business Rates Retention Scheme	9,232,300	10,185,832	953,532
Climate Change	(17,000)	0	17,000
Economic Development	(7,250)	(2,041)	5,209
Election Expenses	25,000	53,224	28,224
Homelessness Reduction	100,750	285,220	184,470
Housing Assistance	0	60,000	60,000
Invest to Save	(83,450)	2,671	86,121
Local Development Framework	(236,200)	109,568	345,768
Public Health	(17,150)	(17,466)	(316)
Tonbridge & Malling Leisure Trust	(59,500)	(241,620)	(182,120)
Training	0	45,000	45,000
Transformation	30,650	43,121	12,471
Movement in Year	10,965,150	13,220,509	2,255,359

TABLE 3

Revenue Adjustments	Revised £	2020/21 Outturn £	Variance £
Expenditure / (Receipts) in Year			
Rechargeable Works Admin.	-	646	646
Movement in Year	-	646	646

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 June 2021

Report of the Chief Executive and Management Team

Part 1- Public

Executive Non Key Decisions

1 CORONAVIRUS UPDATE

This report provides an update as to how the Council and our communities continue to respond and adapt to living with coronavirus, and updates on the government's latest advice.

1.1 Strategic Context

- 1.1.1 The last report to Cabinet in March 2021 set out the roadmap announced by the Prime Minister and also updated on the vaccination and testing arrangements. At the time of writing we have now moved, from 17 May, into Step 3 of the roadmap.
- 1.1.2 Whilst we continue to operate in the Emergency Structure in accordance with the Civil Contingencies Act 2004 led by the Kent Resilience Forum (KRF), the frequency of meetings is being significantly wound down as we move forward to the 'recovery' phase.
- 1.1.3 As Members are aware, the majority of our staff continue to work from home at this point in time. Preparations for the transitional working arrangements for staff as we progress towards Step 4 and beyond are underway.
- 1.1.4 Members are also aware through reports to both Overview and Scrutiny Committee and Cabinet, that the virtual meetings regulations have now expired and we are now operating once again a face to face meeting programme. As a decision is not scheduled to be taken on social distancing guidance until Step 4 of the Government's roadmap (i.e. no earlier than 21 June 2021), we are required to make every reasonable effort to ensure that any person attending a Council meeting can do so safely.
- 1.1.5 This report focuses on three key areas:
- 1) Step 3 of the roadmap
 - 2) Update on vaccination and testing sites
 - 3) Update of the Corporate Strategy Addendum and steps towards recovery.

1.2 Step 3 of the Roadmap

1.2.1 The easing the lockdown has been carried out in stages. On 17 May, England moved into Step 3 of the roadmap, predicated on England meeting the four tests for further easing of the lockdown.

1.2.2 The four tests being:

- The vaccine deployment programme continues successfully.
- Evidence shows vaccines are sufficiently effective in reducing hospitalisations and deaths in those vaccinated.
- Infection rates do not risk a surge in hospitalisations which would put unsustainable pressure on the NHS.
- Assessment of the risks is not fundamentally changed by new 'Variants of Concern'.

1.2.3 In Step 3, all but the most high-risk sectors are able to reopen. Sectors and venues which could reopen from Monday 17 May, include:

- 1) **Indoor hospitality.** There is no requirement for a substantial meal to be served alongside alcoholic drinks, and no curfew. The requirement to order, eat and drink while seated ('table service') remains.
- 2) **Remaining outdoor entertainment events**, such as cinemas, theatres, and other performance events are permitted.
- 3) **All remaining outdoor entertainment and visitor attractions will reopen.** This includes (amongst other things): cinemas; theatres and concert halls; museums and galleries, adventure playgrounds and activities, bingo halls; bowling alleys; games, recreation and entertainment venues; play areas (including soft play centres); aqua parks; indoor visitor attractions at theme parks, zoos, botanical gardens, and heritage sites; conference centres and exhibition halls.
- 4) **Remaining holiday accommodation**, such as hotels, hostels and B&Bs, saunas and steam rooms can open.
- 5) **Organised adult sport and exercise classes can resume indoors and saunas and steam rooms may reopen.**
- 6) **Support groups & parent and child groups:** 30 people will be able to attend a support group or parent and child group.

- 7) **Some larger events** will be able to take place, including conferences, theatre and concert performances, and sports events. (Restrictions on the number of attendees will remain as set out in the roadmap).
- 1.2.4 In terms of 'life event' ceremonies including **weddings** and other commemorative & life-cycle events, these are able to proceed with up to 30 attendees. They can take place outdoors or at any indoor Covid secure venue that is permitted to open.
- 1.2.5 For **funerals**, the legal limit of 30 mourners has been removed. The number of people who can attend a funeral will instead be determined by how many people the venue, such as the relevant place of worship or funeral home, can safely accommodate with social distancing. This includes both indoor and outdoor venues.
- 1.2.6 In **secondary schools**, face coverings in classrooms will no longer be required. All remaining **university students** were eligible to return to in-person teaching and learning from 17 May.
- 1.2.7 Up to six people or two households will be able **to meet indoors** and up to 30 people outdoors.
- 1.2.8 **Both outdoor and indoor gatherings or events**, organised by a business, charity, public body or similar organisation, can be organised, subject to specific conditions.
- 1.2.9 The '**Stay in the UK**' regulation will be lifted, meaning leisure travel from England will no longer be illegal, allowing people to go on foreign holidays to 'green list' countries.
- 1.2.10 Since 4 May, **care home** residents have been able to leave their care homes to visit a friend or family member's garden, or go on walks in places such as parks or public gardens.
- 1.2.11 Notwithstanding all of the above easing of restrictions, the **advice is still to continue to work from home** wherever possible. The Borough Council continues to operate a system of homeworking at this time as mentioned at paragraph 1.1.3.
- 1.2.12 As Members will appreciate, the above 'easing' has allowed services to reopen or expand (having regard to any rules, restrictions or general advice in the context of social distancing). Advisory Boards will be updated in respect of service changes.

1.3 Vaccination and Testing Sites

- 1.3.1 The vaccination programme is going extremely well and, at the time of writing this report, over two thirds of adults in the UK have received at least one dose of the

vaccine. At the time of writing, the NHS vaccine site offer the opportunity for those aged 36 and over to book their vaccine.

- 1.3.2 The vaccination centre at the Angel Centre in Tonbridge has proved to be an excellent and very welcome service. The NHS is in discussion with the Leisure Trust about extending its operation. A verbal update will be provided at the meeting.
- 1.3.3 Looking at local data for vaccination uptake, we were able to work with the NHS to facilitate a local drop in centre in East Malling where the uptake had not been as high as the average. This facility was well received and attendance exceeded expectations. The NHS used this model to inform best practice.
- 1.3.4 In terms of symptomatic testing, within the borough the walk-in symptomatic facility at Ditton community centre continues along with the facility at Upper Castle fields car park in Tonbridge. In addition, the mobile drive in facility at the Council offices in Kings Hill is offered on a 'rota' basis . These sites offer the lab-based polymerase chain reaction (PCR) tests for which results are normally delivered within 24 - 48 hours.
- 1.3.5 Symptom free testing, through the 'rapid result' lateral flow antigen tests has moved in the direction of "self-test" kits which can be collected free of charge from pharmacies and other approved sites, or ordered from GOV.UK (and take 24 to 48 hours to arrive). The only lateral flow test site in our borough is at the Hop Farm, as the Larkfield Library facility was closed down at the end of April. Results from these tests are generally available within 30 minutes.

1.4 Step 4, Road to Recovery and the Corporate Strategy

- 1.4.1 The final step of the roadmap, Step 4, is anticipated no earlier than 21 June. At that point, Government aims to remove all legal limits on social contact and will reopen the remaining closed settings, enable large events and remove all limits on weddings and other life events.
- 1.4.2 It is, however, important to remember that we are still susceptible to external influences such as 'variants of concern'; and therefore whilst we hope the date of 21 June will be achieved, it is still only an anticipated date and there are absolutely no guarantees.
- 1.4.3 Indeed, as Members are aware, the variant first identified in India continues to spread in the UK and in some hotspots (particularly Greater Manchester and parts of London), mass testing is being rolled out and in addition, the vaccination programme is being escalated in these areas. In the UK generally, the Prime Minister announced on 14 May that in response to the spread of the variant of concern, the 2nd dose programme for people at greater risk will be escalated to give them maximum protection earlier.

- 1.4.4 It is anticipated that the Government will announce on 14 June whether or not England can get ready to progress to Step 4.
- 1.4.5 Managing the 'transition' period between Step 3 and Step 4 in respect of Council meetings will be a challenge, and these issues have been aired with Members at other meetings.
- 1.4.6 Members will recall that at its meeting on 3 June 2020, Cabinet adopted a one year Addendum to the Corporate Plan. Various reports have been submitted to a range of Committees and Advisory Boards, and continue to be reported further over the coming months. At its meeting in January 2021, Cabinet resolved that the Corporate Plan Addendum should be reviewed at the end of the first year (2020/21). It has not been possible to prepare the review of the Addendum for this meeting due to other pressures, but this will be presented to Cabinet at its meeting on 6 July.

1.5 Legal Implications

- 1.5.1 The statutory framework governing the response to the pandemic continues to evolve in response to the restrictions placed on both individuals and Local Authorities. It is an absolute requirement that we implement any new responsibilities and restrictions in a timely fashion. This must continue to be a corporate priority.
- 1.5.2 The legal implications for any proposals emerging from the Corporate Plan Addendum, will be assessed at the time of individual reports to Members.

1.6 Financial and Value for Money Considerations

- 1.6.1 The Council set its budget for 2021/22, and the associated 10 year medium term financial strategy (MTFS), at its meeting on 23 February 2021 taking on board anticipated recovery from the pandemic. It is acknowledged that the assumptions made about recovery may not be right, and therefore the budget and MTFS need to be regularly reviewed.
- 1.6.2 Cabinet had recommended to Full Council during its consideration of the budget that the ethos of 'essential spend' be carried over into 2021/22 to protect the Council's finances.

1.7 Risk Assessment

- 1.7.1 The Council's Strategic Risk Register is regularly updated. The most recent iteration was considered by the Audit Committee on 6 April 2021.

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

1.9.1 Community

1.9.2 Business Continuity/Resilience

1.9.3 Healthy Lifestyles

1.9.4 Climate Change

1.9.5 Customer Contact

1.9.6 Health and Safety

1.9.7 Human Resources

1.10 Recommendation

1.10.1 It is **RECOMMENDED** that

- 1) the Council’s ongoing work in respect of the response to Covid-19 be endorsed; and
- 2) an update to the Corporate Plan Addendum be presented to Cabinet at its meeting on 6 July 2021.

Background papers:

Nil

contact:
Sharon Shelton
Julie Beilby

Julie Beilby
Chief Executive for Management Team

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D2100003EM
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:	6 April 2021

Decision(s) and Reason(s)
<p>Tonbridge and Malling Borough Council Restart Grant and Additional Restrictions Grant (ARG) Schemes (April) 2021</p> <p>A new set of business grants to support recovery from the coronavirus pandemic was announced by the Chancellor in March 2021.</p> <p>The first was a (mandatory) one-off ‘Restart Grant’ and the Borough Council had been allocated a sum of £5.154m for passing on to eligible businesses, including those that</p> <ul style="list-style-type: none"> - were liable for business rates and on the rating list as at 1 April 2021; - were trading as at 1 April 2021; and - fell within either Strand One (non-essential retail businesses) or Strand Two (hospitality, accommodation, leisure, personal care and gym businesses) <p>Details of the Scheme were set out in Annex 1.</p> <p>The second funding allocation was a top up to the Additional Restrictions Grant (ARG) for which the Borough Council was provisionally awarded £1.057m. This latest funding was to be used for awards during the ‘restart’ period.</p> <p>The Tonbridge & Malling Additional Restrictions Grant (ARG) Scheme April 2021 onwards (Restart) was attached at Annex 2 and was aimed at businesses that were in priority sectors but not covered by the mandatory Restart scheme. As with the mandatory scheme, businesses needed to be trading on 1 April 2021 and would need to meet other eligibility criteria set out in the scheme.</p> <p>A new round of applications would be launched once the Policies (set out in Annexes 1 and 2) were adopted and the funding received from Government. An application process would be made available via the Council’s website and applications</p>

administered by the Revenue and Benefits team. The Economic Development team would also review applications related to the ARG Restart Scheme. The Director of Finance & Transformation would arrange payment of the grant awards.

RESOLVED: That

- (1) the Tonbridge and Malling Borough Council RESTART Grants Scheme April 2021 (as set out at Annex 1) be approved; and
- (2) the Tonbridge and Malling Borough Council Additional Restrictions Grant (ARG) Scheme April 2021 onwards (Restart) (as set out at Annex 2) be approved.

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: 6 April 2021

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:	D2100004EM
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:	6 May 2021

Decision(s) and Reason(s)

Livestreaming of Council Meetings

As a result of the temporary legislation enabling local authorities to hold meetings via video-conferencing not being extended, the Borough Council were required to hold in person meetings from 7 May. It would be necessary to ensure that all meetings of the Borough Council were conducted in a covid safe manner and maintained social distancing measures whilst these restrictions remained in place.

Proposals regarding how meetings of the Borough Council would be conducted in the future were considered by the Overview and Scrutiny Committee and the Cabinet on Tuesday 27 April, where the continuation of livestreaming meetings had been agreed. Unfortunately, it hadn't been possible at these meetings to confirm the cost of a solution to enable livestreaming in the Council Chamber and Committee Room.

A quote had now been received from the Borough Council's supplier NTT as set out below:

- Professional services £11,442.25
- Equipment (screens, cameras, controllers etc) £16,653.86

Officers had discussed extensively with NTT the specifications required to support the Borough Council in providing livestreaming and were confident that they could deliver a suitable solution that offered value for money. To enable the implementation of a permanent solution within the Council Chamber and Committee Room as soon as possible a contract waiver had been authorised by the Chief Executive, the Director of Central Services and Deputy Chief Executive and the Director of Finance and Transformation.

RESOLVED: That:

- (1) the permanent solution to provide livestreaming within the Council Chamber and Committee Room be approved and progressed as soon as possible;
- (2) the works be funded from the General Revenue Reserve; and
- (3) the quoted costs set out above be noted.

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: 7 May 2021

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.

Agenda Item 14

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

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Agenda Item 15

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 16

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

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