

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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Gibson Drive  
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Kent ME19 4LZ  
West Malling (01732) 844522

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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](mailto:committee.services@tmbc.gov.uk)

17 May 2021

To: MEMBERS OF THE COMMUNITIES AND HOUSING ADVISORY BOARD  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Communities and Housing Advisory Board to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 25th May, 2021 commencing at 7.30 pm.

Members of the Committee 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 Regulations

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## **PART 1 - PUBLIC**

2. Apologies 7 - 8
3. Declarations of Interest 9 - 10

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

4. Minutes 11 - 14

To confirm as a correct record the Notes of the meeting of the Communities and Housing Advisory Board held on 16 February 2021

### **Matters for recommendation to the Cabinet**

5. Provision of Electric Vehicle Charging Points 15 - 28

*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.*

6. Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 29 - 34

*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.*

7. Policy on the Use of the Council's Open Spaces 35 - 48

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

8. Housing Funding Update 49 - 56

*The report updates Members on funding for homelessness functions over 2020/21 and into 2021/22 and clarifies proposals to utilise additional Homelessness Prevention Grant funding received in 2021/22.*

9. Temporary Accommodation Update 57 - 68

*The report provides an update on some key statistics relating to Temporary Accommodation, including the Landlord Incentive Scheme pilot*

10. Domestic Abuse 69 - 74

*This report update Members on the new Domestic Abuse Act and the new duties for local authorities including TMBC. It also makes a recommendation on the use of the new burdens funding attached to the new legislation.*

11. Community Safety Partnership 75 - 98

*The Community Safety Partnership (CSP) is required to publish an annual plan of its work. This gives details of the initiatives it has carried out during the previous year and details of the priorities for the forthcoming year.*

12. Tonbridge and Malling Anti-Social Behaviour Policy 99 - 112

*Tackling Anti-Social Behaviour (ASB) is a priority for Tonbridge & Malling Borough Council and for the Community Safety Partnership. In order to help this work we have updated our Anti-Social Behaviour Policy which lets people who are reporting ASB know what they can expect from us.*

**Matters submitted for Information**

13. Community Safety Partnership Update 113 - 116

*This report will provide an update of some of the recent work of the Community Safety Partnership.*

14. Urgent Items 117 - 118

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

**Matters for consideration in Private**

15. Exclusion of Press and Public 119 - 120

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

**PART 2 - PRIVATE**

16. Urgent Items 121 - 122

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**

Cllr Miss G E Thomas (Chairman)  
Cllr Mrs R F Lettington (Vice-Chairman)

Cllr Mrs J A Anderson  
Cllr Mrs P A Bates  
Cllr Mrs S Bell  
Cllr J L Botten  
Cllr R W Dalton  
Cllr N Foyle  
Cllr P M Hickmott

Cllr F A Hoskins  
Cllr S A Hudson  
Cllr K King  
Cllr L J O'Toole  
Cllr W E Palmer  
Cllr Mrs M Tatton  
Cllr D Thornewell

**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](mailto: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.**



Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 16th February, 2021

**Present:** Cllr J L Botten (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S Bell, Cllr R W Dalton, Cllr N Foyle, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs R F Lettington, Cllr L J O'Toole, Cllr W E Palmer, Cllr Mrs M Tatton, Cllr Miss G E Thomas and Cllr D Thornewell

Councillors M C Base, Mrs P A Bates, R P Betts, V M C Branson, G C Bridge, A E Clark, M A Coffin, N J Heslop, M A J Hood, D Lettington, B J Luker, P J Montague, Mrs A S Oakley, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S M Hammond and K King

#### PART 1 - PUBLIC

##### **CH 21/1 DECLARATIONS OF INTEREST**

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

##### **CH 21/2 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities and Housing Advisory Board held on 10 November 2020 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

##### **CH 21/3 TONBRIDGE ALLOTMENTS ASSOCIATION - PROPOSED CHARGES**

The report of the Director of Street Scene, Leisure and Technical Services provided details of the arrangements made with the Tonbridge Allotments and Gardens Association (TAGA) to manage and maintain allotments in Tonbridge on the Council's behalf and set out proposed charges and concessions to be implemented from 1 October 2022.

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

**\*Referred to Cabinet**

**CH 21/4 ANNUAL GRANTS TO KEY VOLUNTARY SECTOR BODIES**

(Decision Notice D210027MEM)

The report of the Chief Executive sought endorsement of the grants to be made to key voluntary and community sector organisations which provide support services to residents within the Borough.

**RECOMMENDED:** That

- (1) based on the good progress and vital support provided to residents from Involve, Imago and the Maidstone and West Kent Mediation Scheme, the grant funding be continued for year 2 of the 4 year agreement with each organisation; and
- (2) based on the good progress and vital support provided to residents from Age UK Sevenoaks and Tonbridge and Citizens Advice North and West Kent (CANWK), grant funding to each organisation be maintained at current levels for the financial year 2021/22.

**CH 21/5 LEYBOURNE LAKES COUNTRY PARK - FUTURE MANAGEMENT AND FACILITY DEVELOPMENT**

(Decision Notice D210028MEM)

Further to the report considered at the meeting of the Advisory Board held on 10 November 2020 (minute number CH 20/32 refers), this report updated and brought forward a revised timescale on both the proposed transfer of the site management of Leybourne Lakes Country Park (LLCP) to the Tonbridge and Malling Leisure Trust (TMLT) and the Capital Plan Scheme for the provision of additional lakeside facilities. Members were reminded that the proposed transfer had been identified in the Council's First Year Addendum to the Corporate Strategy.

**RECOMMENDED:** That subject to the Monitoring Officer being satisfied about the lawfulness of the actions in relation to the potential transfer, both the potential management transfer and the facility development be progressed as outlined in the report of the Director of Street Scene, Leisure and Technical Services.

**MATTERS SUBMITTED FOR INFORMATION****CH 21/6 PARKS AND LEISURE - RESPONSE TO COVID-19**

The report of the Director of Street Scene, Leisure and Technical Services provided updates on progress with the themes/activities identified within the Parks and Leisure section of the approved First Year Addendum to the Council's Corporate Strategy. This included updates

on the Council's Indoor and Outdoor Leisure Facilities, progress with Capital Plan Projects and the 2020/21 Events Calendar.

**CH 21/7 COMMUNITY SAFETY PARTNERSHIP - UPDATE**

The report of the Director of Central Services and Deputy Chief Executive provided an update on some of the recent work of the Community Safety Partnership.

**CH 21/8 SOCIAL HOUSING DECARBONISATION FUND DEMONSTRATOR**

The report of the Director of Planning, Housing and Environmental Health provided an update on the success of the Council's Social Housing Decarbonisation Fund Demonstrator competition consortia bid undertaken with Fenland District Council to secure funding to upgrade Clarion owned homes in Tonbridge and Wisbech.

**CH 21/9 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.18 pm

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

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

- 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  |
| Stit 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       | <b>Specification:</b> |  |   |                        |                        |                        |                        |
|         | (i)                   | <b>Purpose of the scheme</b>   | 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)                  | <b>Relevance to National / Council's Objectives</b>  | (a) National: Addressing climate change and moving towards a carbon neutral environment.<br>(b) Council: TMBC Climate Change Strategy, Kent and Medway Energy and Low Emissions Strategy. |                        |                        |                        |                        |
|         | (iii)                 | <b>Targets for judging success</b>   | (a) Increase EV charging capacity.<br>(b) Reduce greenhouse gas emissions from transport.<br>(c) Improved air quality.  |                        |                        |                        |                        |
| z       | 2                     | <b>Description of Project / Design Issues:</b><br>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                     | <b>Milestones / Risks:</b><br>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                     | <b>Consultation:</b><br>The procurement approach has been brought forward following consultation with Kent County Council and involves the use of a concession model.  |   |                        |                        |                        |                        |
|         | 5                     | <b>Capital Cost:</b> £120,000  |   |                        |                        |                        |                        |
|         | 6                     | <b>Profiling of Expenditure</b>  |   |                        |                        |                        |                        |
|         |                       | <b>2021/22 (£'000)</b>   | <b>2022/23 (£'000)</b>  | <b>2023/24 (£'000)</b> | <b>2024/25 (£'000)</b> | <b>2025/26 (£'000)</b> | <b>2026/27 (£'000)</b> |
|         |                       | 120  |   |                        |                        |                        |                        |
|         | 7                     | <b>Capital Renewals Impact:</b><br>£12,000 per annum assuming replacement of the charging points every 10 years.   |   |                        |                        |                        |                        |
|         | 8                     | <b>Revenue Impact:</b><br>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  | <b>Partnership Funding:</b><br>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 | <b>Project Monitoring / Post Implementation Review:</b><br>Members of the Communities and Housing Advisory Board will be kept updated on progress including a Post Implementation Review 12 months after completion.  |               |                               |
| 11 | <b>Screening for equality impacts:</b>  |               |                               |
|    | <b>Question</b>   | <b>Answer</b> | <b>Explanation of impacts</b> |
|    | <b>a.</b> 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>b.</b> Does the decision being made or recommended through this paper make a positive contribution to promoting equality?  | No            |                               |
|    | <b>c.</b> What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?  |               |                               |
| 12 | <b>Recommendation:</b> Scheme be added to the Capital Plan List A for implementation in 2021/22.  |               |                               |

**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.

| <b>Processing steps</b>  | <b>Time (mins)</b> | <b>Officer</b> | <b>Standard cost of 1 hour of working time of officer</b> | <b>Cost £</b> |
|--|--------------------|----------------|---|---------------|
| 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          |
|  |                    |                | <b>Total</b>  | <b>234.76</b> |

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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**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<br>(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<br>(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**  
**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 - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 HOUSING FUNDING UPDATE**

**Summary**

**The report updates Members on funding for homelessness functions over 2020/21 and into 2021/22 and clarifies proposals to utilise additional Homelessness Prevention Grant funding received in 2021/22.**

**1.1 Funding streams and expenditure 2020/21**

**1.1.1 Next Steps Accommodation Programme (NSAP)**

1.1.2 In total we received £125,086 in Next Steps Accommodation Funding. This funding was on the back of the Government's "Everyone In" rally at the beginning of the Covid pandemic for rough sleepers and the ongoing need to provide accommodation and support for this cohort.

1.1.3 Part of this funding (£80,086) has been used to offset the cost of accommodating rough sleepers so against the temporary accommodation budget.

1.1.4 The initial intention for the remaining £45,000 was to use for guaranteed rent/incentives however we have since had agreement to reprofile the spend to allow for a £18,000 contribution towards our temporary housing staffing arrangements as one of the roles is focussed on supporting the rough sleeper cohort, £1,000 towards the West Kent shared nurse project and £5,000 for flexible health interventions and personal budgets to support rough sleepers to register with GPs, get the Covid vaccinations etc. The remainder remains available to support rough sleepers into long term accommodation.

**1.1.5 Rough Sleeping Initiative Grant (RSI)**

1.1.6 TMBC received £164,520 RSI funding in 2020/21 (original amount was £278,850 however this was reduced to offset the underspend from the previous year because of a later mobilisation of the RSI projects). The purpose of the grant is to provide support to continue and/or establish Rough Sleeping Initiatives to immediately intervene in, prevent and reduce rough sleeping.

1.1.7 This funding covered the Housing First project in T&M as well as the dedicated young person navigator. It also covers the two complex needs workers and the supported lettings workers who cover the whole of West Kent.

1.1.8 Cold Weather Fund

1.1.9 TMBC would have been eligible to claim a maximum of £8,500 from MHCLG to cover the cost of any placements under the Severe Weather Emergency Protocol (SWEP). However, given the funding we have received via NSAP we were able to cover some of the placements made and have therefore made a claim for £5,000 only.

1.1.10 Covid-19 Contingency Fund

1.1.11 We submitted a claim in May 2020 to cover the net TA costs of rough sleepers that were accommodated in April 2020 and May 2020. We received £4,500 in August 2020.

**1.2 Funding streams 2021/22 (to date)**

1.2.1 Rough Sleeper Accommodation Funding (RSAP)

1.2.2 We have recently considered a bid under this funding stream which replaces NSAP in 2021/22. RSAP aims to deliver up to 6,000 units of supported move-on accommodation for rough sleepers over the course of this parliament. The £433 million programme includes funding for capital and revenue based longer-term accommodation schemes as well as provision for the support people need to recover from rough sleeping.

1.2.3 We have had discussions with both Moat and Clarion Housing regarding their ability to support a bid with unused accommodation that they may have that could be repurposed to deliver under this scheme. However, neither housing provider was able to assist at this point in time and therefore when we weighed up the amount of work required to submit any bid, the limited opportunities we have with accommodation and the tight timescales both for bidding and delivery we have concluded that it is not feasible at this time.

1.2.4 Contain Outbreak Management Fund (COMF)

1.2.5 We received KCC approval to utilise £10,000 of our COMF funding to support rough sleepers during increased rates of transmission of coronavirus & through the tier system as well as in any lockdown period. This would include advice/accommodation support/referrals/working with health partners etc. We will utilise this funding to offset the additional costs of the temporary housing staff arrangements as one of the roles is focussed on supporting the rough sleeper cohort.

### 1.2.6 Homelessness Prevention Grant

1.2.7 The Homelessness Prevention Grant (HPG) is made up of what was previously the Flexible Homelessness Support Grant and Homelessness Reduction Grant. This year it has been increased nationally by £47m to give local authorities more control and flexibility in managing homelessness pressures and supporting those who are at risk of homelessness.

1.2.8 The grant is ring-fenced and is to be spent in adherence with the following principles:

- 1) To fully enforce the Homelessness Reduction Act and contribute to ending rough sleeping by increasing activity to prevent single homelessness.
- 2) Reduce family temporary accommodation numbers through maximising family homelessness prevention and reduce the use of unsuitable B&Bs for families.
- 3) Ensure service financial viability of services by contributing to the costs of statutory duties, including implementing the Homelessness Reduction Act and supporting with the costs of temporary accommodation.

1.2.9 TMBC has received £382,715 for 2021/22. In the budget (homelessness reserve) we had assumed £223,201 (referred to as flexible homelessness support grant and homelessness reduction act new burdens grant) so we have an additional £159,514. We need to take off £25,535 of that to fully cover the current temporary housing posts we have in place in 2021/22 so we are left with an additional £133,979 unbudgeted for.

### 1.2.10 Rough Sleeping Initiative Grant (RSI)

1.2.11 TMBC has received £129,712 RSI funding for the first quarter of 2021/22. This is made up of £69,712 which is a quarter of the original Year 3 funding and a £60,000 uplift. As above the purpose of the grant is to provide support to continue and/or establish Rough Sleeping Initiatives to immediately intervene in, prevent and reduce rough sleeping. The amount for the remainder of the year is still unknown however we have bid for a total of £298,221 and it has been confirmed that we will not receive any less than the amount we received in 2020/21 (£278,850).

1.2.12 This funding will cover the continuation and extension of the very successful Housing First project in T&M. We aim to extend by a further 7 units taking it to 14 units in total and have another dedicated support worker. The young person navigator will be changed to cover both TMBC and T Wells. It also covers the two complex needs workers and the supported lettings workers who cover the whole of West Kent. Attached at **Annex 1** is a table of current external posts supporting the rough sleeper focussed work of the team.

1.2.13 The £60,000 uplift is to be viewed as an extension of NSAP funding to prevent a “cliff edge” after 31 March 2021 when the previous funding runs out, to cover those who are in temporary accommodation with no duty. The main aim is to prevent a mass return to the streets of rough sleepers. It is also likely that the Year 4 funding we have bid for may be reduced with an expectation we make up any shortfall from this uplift.

### **1.3 Additional Homelessness Support Grant**

1.3.1 With the additional £133,979 Homelessness Support Grant that is currently unbudgeted for we propose to strengthen the prevention role within the housing team. This appears to be the main drive from MHCLG across various pots of funding and we all know that early intervention can lead to the need for less support later including temporary accommodation. The MHCLG have been clear in their liaison with local authorities that they do not expect to see this additional funding solely used to offset growing temporary accommodation costs and that they want local authorities to think creatively about prevention and having an impact at an early stage.

1.3.2 A new prevention role would be created. This role would be additional to the existing temporary Homelessness Prevention Officer post who focusses very much on the rough sleeping and “at risk of rough sleeping” cohort as the funding for that post is mainly via the COMF and the NSAP. The new post would have a focus on the remaining cohorts – families etc - thus providing an emphasis on prevention across all approaches to the team. The existing Housing Solutions Officers do of course have prevention at the heart of their work however with the increasingly complex caseload they carry they are very reactive and planned prevention work is time consuming so is difficult to manage within existing resources. This new post would provide that support and flexibility to respond early when appropriate and focus in on practical prevention measures e.g. family mediation, liaison with landlords etc.

1.3.3 We propose to establish a temporary two-year fixed term contracted post at Scale 6 (equivalent to current Housing Solutions Officers) this would be £75,342 over two years allowing for 28.5% on costs and top of scale appointment.

1.3.4 We propose to use the remaining £58,637 additional funding to offset our temporary accommodation costs.

### **1.4 Legal Implications**

1.4.1 The Council has statutory duties under Part VI and Part VII of the Housing Act 1996 in relation to the allocation of housing and homelessness.

## 1.5 Financial and Value for Money Considerations

- 1.5.1 The housing team have actively sought to apply for funding at every opportunity where it has been appropriate to maximise the amount of funding that we have available to utilise on housing initiatives.
- 1.5.2 TMBC has received £382,715 for 2021/22 in Homelessness Prevention Grant which replaces the Flexible Homelessness Support Grant and the Homelessness Reduction Act new burdens grant. In the budget (homelessness reserve) we had assumed £223,201 so we have an additional £159,514.
- 1.5.3 The current additional temporary housing staff arrangements and the proposed new two-year post can all be funded from the additional funding received.

## 1.6 Risk Assessment

- 1.6.1 The MHCLG have been clear that with the additional funding in place they do expect to see local authorities to focus on prevention work whilst recognising that increasing temporary accommodation costs are also a significant concern.
- 1.6.2 Investment in an early intervention prevention focussed role will lead to less demand for higher levels of support later or the “crisis” response of having to provide temporary accommodation which is costly. With the number of approaches into the housing team increasing and the still uncertain fallout from the Covid pandemic on households housing situations and finances it is vitally important that we increase our emphasis on prevention work.

## 1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** to Cabinet that Members **AGREE** the following regarding the additional Homelessness Prevention Grant in 2021/22 as follows:
- 1) The additional £133,979 will be built into the Homelessness Reserve budget; and
  - 2) That £75,342 of this will be utilised to fund a temporary two year fixed term contracted post at Scale 6, which has Management Team approval to be created, subject to Members’ decision on the budget provision; and
  - 3) The remaining £63,638 additional funding will be utilised to offset our temporary accommodation costs.

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

Background papers:

Nil

contact: Linda Hibbs/Claire Keeling

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

## Summary of external posts

| Post                          | Number of posts  | Brief Outline of role  | Funding Stream                  | Employer   | Post funded till  |
|-------------------------------|--|--|---------------------------------|--|---|
| Rough Sleeper Coordinator     | 1 FTE (shared with T Wells and Sevenoaks)                    | Coordinates rough sleeper activity and roles across T&M and T Wells  | Rough Sleeping Initiative Grant | Tunbridge Wells BC   | End June 2021 (bid in to extend until end of financial year)                            |
| Housing First Support Workers | 1 FTE  | Provides intensive one to one support for clients in Housing First accommodation   | Rough Sleeping Initiative Grant | Look Ahead   | End June 2021 (bid in to extend until end of financial year plus one additional worker) |
| Young Person Navigator        | 1FTE   | Works with younger rough sleepers and those at risk of rough sleeping to provide support   | Rough Sleeping Initiative Grant | Porchlight   | End June 2021 (bid in to extend until end of financial year)                            |
| Complex needs workers         | 2FTE (shared with T Wells and Sevenoaks)                     | Manages a caseload of rough sleepers or those at risk of rough sleeping to provide support and ensure correct agencies are engaged                         | Rough Sleeping Initiative Grant | Porchlight   | End June 2021 (bid in to extend until end of financial year)                            |
| Supported Lettings Workers    | 2FTE (shared with T Wells and Sevenoaks)                     | Provide support for those who are at risk of rough sleeping and those who have rough slept and move into accommodation with shorter-term low-level support | Rough Sleeping Initiative Grant | Look Ahead   | End June 2021 (bid in to extend until end of financial year)                            |
| Nurse                         | 1FTE (shared between TMBC, Maidstone, T Wells and Sevenoaks) | Supports rough sleepers and those in TA with medical needs.  | Rough Sleeping Initiative Grant | West Kent CCG (funding awarded to Maidstone BC who manage SLA) | End June 2021 (bid in to extend until end of financial year)                            |
| Mental Health workers         | 2FTE (shared between TMBC, Maidstone, T Wells and Sevenoaks) | Supports rough sleepers and those in TA with mental health needs.  | Rough Sleeping Initiative Grant | West Kent CCG (funding awarded to Maidstone BC who manage SLA) | End June 2021 (bid in to extend until end of financial year)                            |

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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 - Non-Key Decision (Decision may be taken by the Cabinet Member)**

**1 TEMPORARY ACCOMMODATION**

**1.1 Current position**

1.1.1 Members last received an update on Temporary Accommodation figures as part of a report to this Advisory Board on 10 November 2020, recommending the adoption of a Temporary Accommodation Policy. The information below provides an update on some key statistics relating to Temporary Accommodation.

1.1.2 The table below details the number of households in TA at the end of the last 3 financial years. Members will note the significant increase in households and an up to date position will also be provided at the meeting.

| <b>Household type</b>      | <b>31 Mar '19</b> | <b>31 Mar '20</b> | <b>31 Mar '21</b> |  |
|----------------------------|-------------------|-------------------|-------------------|--|
| Accommodated under a Power | 0                 | 15                | 30                | Not a statutory duty but a response to a government requirement under Rough Sleeper guidance including 'Everybody In' programme and other programmes including Cold Weather Funding.     |
| Relief Duty                | 29                | 53                | 70                | s.188 duty; relief from homelessness, 56 days whilst duty is assessed. Occupants on licence. Rent still needs to be paid, T&M meet shortfall. Operate a 3 strikes (on same issue) policy |
| Main Duty                  | 18                | 25                | 30                | s.193 duty; main housing duty accepted. Occupants on licence. Rent still needs to be paid, T&M meets shortfall.  |
| <b>TOTAL</b>               | <b>47</b>         | <b>93</b>         | <b>130</b>        |  |

N.B. This will always be a point in time snapshot list as households move on from TA and new placements made. The Housing Solutions Service keeps detailed information on all TA households and the work with them on move on options.

- 1.1.3 When a household approaches the Housing service as potentially homeless, they are asked to complete a triage form to enable the team to assess their case efficiently. This practice was partially introduced in 2018/2019 and utilised consistently from May 2019, hence the non-standard years in the table below. The table below details how many forms the service has dealt with over the past 3 years. Members will note the significant increase in approaches over this time period, which has a direct impact on the level of households in TA, as these are households who may not be able to retain their current accommodation and to whom we may owe a housing duty.

| <b>Time period</b>              | <b>Number of forms</b> | <b>Average per month</b> |
|---------------------------------|------------------------|--------------------------|
| <b>1 Apr 2018 – 30 Apr 2019</b> | <b>135</b>             | <b>10</b>                |
| <b>1 May 2019 – 31 Mar 2020</b> | <b>697</b>             | <b>63</b>                |
| <b>1 Apr 2020 – 31 Mar 2021</b> | <b>974</b>             | <b>81</b>                |

- 1.1.4 At the same time as a significant rise in demand, the number of available affordable rented properties in the borough, advertised through the Kent wide Home Choice system, has been decreasing. This is likely due to lack of movement in the sector during COVID. This may therefore be a short to medium term issue.

| <b>Time period</b>              | <b>Number of properties</b> | <b>Average per month</b> |
|---------------------------------|-----------------------------|--------------------------|
| <b>1 Apr 2018 – 31 Mar 2019</b> | <b>480</b>                  | <b>40</b>                |
| <b>1 Apr 2019 – 31 Mar 2020</b> | <b>309</b>                  | <b>25</b>                |
| <b>1 Apr 2020 – 31 Mar 2021</b> | <b>256</b>                  | <b>21</b>                |

## **1.2 TA during COVID-19**

- 1.2.1 At the outset of the COVID-19 pandemic, MHCLG launched the 'Everybody In' programme to support Local Authorities in accommodating rough sleepers throughout the pandemic in self-contained accommodation to mitigate the public health risks. This programme has since been replaced with subsequent funding programmes designed to secure longer term accommodation for this cohort of households and to see a permanent and significant reduction in rough sleeping. A number of these households have now moved on from TA, but there are some waiting for suitable move on accommodation to be secured.
- 1.2.2 Some of the longer term potential impacts of the pandemic on TA provision include the extension of the furlough scheme until September 2021, which may

mean that households are able to maintain their accommodation for a longer time period and the impacts of their work situation aren't fully known until later and also the backlog in court processes and the stays on evictions, which will mean that the lag time between issues arising and households potentially being in a position to need our support may be much longer than usual.

### **1.3 Homelessness Prevention Agenda**

- 1.3.1 The prevention agenda is now central to government policy and programmes relating to housing. The term relates not only to the basic tenet of working to ensure that no one is without a home but also the goal of ensuring that there are sufficient, long term and sustainable housing solutions for everyone. Part of this is an aim to reduce both the numbers of households in TA, which by its very nature is not settled housing, and reducing the amount of time that households spend in TA. At present, one of our key opportunities to prevent homelessness in this way is through discharge of duties into the private rented sector.
- 1.3.2 Members previously approved a pilot Landlord Incentive Scheme in November 2020. This scheme was based on incentivising landlords to rent to tenants who were seeking housing via the Council, so therefore may be in receipt of benefits. There are financial introductory incentives and rent guarantees for the early stages of a tenancy to allow time for the tenant to embed into the arrangement. The scheme details are attached to this report as **Annex 1**. To date, we have had 11 enquiries to the Housing Team for the scheme and 1 successful letting. The scheme has been funded from the Discretionary Housing Payments budget and the Homelessness Reduction Initiatives budget.
- 1.3.3 The current low take up is considered likely to be a result of the COVID-19 pandemic. This is due to the fact that any such scheme requires landlords having empty properties to let and given the restrictions over movement and court proceedings over the past 18 months, the usual level of turnover in properties has been significantly reduced.
- 1.3.4 Members are asked to endorse the extension of this pilot for a further 6 months to allow officers to continue to work with landlords as COVID restrictions reduce and to collect more data on our current pilot offer before proposing a permanent Landlord Incentive Scheme to Members with a view to this being included in budget proposals for the 2022/23 financial year.

### **1.4 Managing Demand for TA**

- 1.4.1 Officers have been working closely with our largest RP partner, Clarion, to ensure that we make best use of their available housing stock. An arrangement has been in place for some time to utilise a small number of units for TA and during the pandemic, due to a very small supply of properties, the team established a 'Property Panel' where each available property was assessed to ensure it was utilised to strike a balance between the competing demands of general letting to those on the housing waiting list, the need for temporary accommodation and the

use of units for specific schemes such as Housing First. This approach proved very successful and remains in place for more complex properties (such as large units or sheltered properties) but has been replaced with a general agreement with Clarion that every second 2 bedroom property will be discussed between officers before being let to assess the suitability for use as TA.

- 1.4.2 As per previous updates to Members, a TA procurement exercise is being undertaken to manage the cost and supply of privately provided units. It is hoped that this approach of a longer term arrangement will provide TMBC and private providers with cost certainty. The tender exercise will be undertaken in May/June 2021.
- 1.4.3 The project to convert 4 houses on Pembury Road into 12 units of TA has now been submitted for planning approval. The Cabinet Member and ward Members have been briefed and letters sent to neighbouring properties to update them. Stage 4 (detailed) design work will now be undertaken by Kier; this stage includes confirming prices with their supply chain and providing additional cost certainty. It is envisaged that this next stage of financial information will be available to officers in time to report to Full Council on 13 July regarding final budget position and delivery timetable, which is likely to be 16-20 weeks after the Council decision, with some potential reductions for sectional completion of the scheme (i.e. some units may become available ahead of final completion). However, due to the committee schedule, there will not be an opportunity to report the detailed budget and programme position to an advisory board prior to the Council meeting. Therefore, the Cabinet Members for Housing and Finance, Innovation & Property and the Chairs of this Advisory Board and the Finance, Property and Innovation Advisory Board will be consulted ahead of the report being published for Council to ensure appropriate Member engagement in the process.
- 1.4.4 In general, the opportunity to own and manage TA directly represents potential ongoing revenue savings. This is not an absolute rule as there are many factors including maintenance and staffing costs, LHA rates and the source of the capital for the purchase. However, there are potential purchase opportunities ranging from individual properties to groups of units that may be suitable for TA and officers are recommending that a process is put in place to allow those to be considered on the basis of some agreed criteria and for officers to be able to make some initial progress with the offer process outwith the formal Member approval process. This second point is due to the fact that the property market often moves at a pace that is not matched by the Council's approval processes. A proposed procedure note is attached at **Annex 2** of this report for Member's consideration. Officers are intending to develop this further following Member comments and present a final procedure for approval to the Finance, Innovation and Property Advisory Board in due course. Members should note that at present, no specific budget has been identified for this area of work. There may be opportunities to utilise development contributions or the Council's own funds but these would be presented to Members as needed.

## 1.5 Improving supply of settled housing options

- 1.5.1 Whilst we are working hard to ensure we can meet our statutory requirements to accommodate households, we are also working closely with partners including RPs to ensure a good supply chain of settled affordable accommodation options for residents. This work includes regular meetings with RP partners to ensure good communication between operational teams, discussions on nomination agreements, early notification of completion of new build properties so that Local Lettings Plans can be put in place and discussions about potential development opportunities.
- 1.5.2 It is also important that we have appropriate policies in place to manage affordable housing delivery, supported by robust data. An Affordable Housing Delivery Statement will be presented to the Planning and Transportation Advisory Board this summer to provide guidance on how officers will work with applicants to ensure suitable affordable housing supply. This work will be supported by a Housing Needs survey and supporting research, which will be undertaken in the coming months, that has agreed funding from the Housing Strategy budget.

## 1.6 Legal Implications

## 1.7 Financial and Value for Money Considerations

- 1.7.1 The 21/22 budget position for TA is laid out below.

|   |                 |
|---|-----------------|
| Spend on Suppliers  | £1,500,000      |
| Receipt from Housing benefits & service recharges             | -£797,250       |
| Bad Debt Provision  | £25,000         |
| Rent from own Properties                                      | -£120,400       |
| Maintenance of own buildings (all "2" costs in budget book)   | £30,000         |
| Floating support for Union St (included in professional fees) | £22,500         |
| <b>Net Expenditure exc Gov Grants</b>                         | <b>£659,850</b> |

Notes: 1. there are other costs associated with TA that appear in the Housing Benefits budget. 2. The position on Pembury Road units becoming available will decrease the income from 'rent from own properties' in the current year. 3. Subject to Members' agreement on use of Homelessness Prevention Grant, some of the available funding will be utilised to offset TA costs.

- 1.7.2 In the Medium Term Financial Strategy, there is an assumption that the Council's net spend on TA will return to pre-COVID levels over a period of 4 financial years, starting from the 2022/23 financial year. In those years, additional provision has been made in the MTFs to seek to meet the additional costs of TA. The projects laid out in this report are the first stage of managing that required budget

reduction. However, it is important to note that homelessness prevention activity will be key in reducing the need for TA and therefore costs to the Council, as reducing unit costs can only go so far.

- 1.7.3 The proposed extension of the pilot Landlord Incentive falls within the Council's budgetary framework, as there are established budgets for Discretionary Housing Payments and Homelessness Reduction Initiatives budget. There is also potential to utilise the Next Steps Accommodation Programme funding for any rough sleepers or those at risk of rough sleeping.

## 1.8 Equality Impact Assessment

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

## 1.9 Policy Considerations

- 1.9.1 Customer Contact

- 1.9.2 Procurement

## 1.10 Recommendations

Members are asked to;

- 1.10.1 **APPROVE** the extension of the pilot Landlord Incentive Scheme for an additional 6 months;
- 1.10.2 **NOTE** the progress on the Pembury Road TA project and **ENDORSE** the proposed Member engagement approach; and
- 1.10.3 **ENDORSE** the proposed approach to future TA related property opportunities and **NOTE** that, if endorsed, these proposals will form part of a wider report to the Finance, Innovation and Property Advisory Board in due course.

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

Background papers:

Nil

contact: Eleanor Hoyle  
Linda Hibbs

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

## Rent guarantee pilot for private landlords

### 1.0 Summary

A pilot project offering rent guarantee and incentive payments for tenancies in the private rented sector has been in place since December 2020. Rent is guaranteed through a financial commitment to pay any rent arrears during a tenancy, giving financial reassurance to private landlords. A 'golden hello' incentive is made through one off payments to landlords.

Rents need to be in line with the applicable Local Housing Allowance (LHA) amounts or a maximum of 10% above LHA to be considered for the pilot. Where an incentive payment is made, tenancies need to be for a minimum of 12 or 24 months depending on level of incentive.

2.0 Tenancies will be between the landlord and occupier as normal. The Council will offer:

- a rent guarantee effectively underwriting the rent due for six months and/or
- an incentive payment.

3.0 To be considered for the pilot landlords will need to issue tenancies with a fixed term of 12 or 24 months and rents at Local Housing Allowance amounts or up to a maximum of 10% above, as set out in the table below. Tenancies with an initial fixed term of 6 months may be considered for rent guarantee only.

Table A

| LHA rent levels (monthly) & maximum levels | Room (LHA) | Maximum rent | 1bed (LHA) | Maximum rent | 2bed (LHA) | Maximum rent | 3bed (LHA) | Maximum rent | 4+bed (LHA) | Maximum rent |
|--|------------|--------------|------------|--------------|------------|--------------|------------|--------------|-------------|--------------|
| High Weald                                 | 433.81     | 477.19       | 693.12     | 762.43       | 897.52     | 987.27       | 1126.88    | 1239.57      | 1495.91     | 1645.50      |
| Maidstone                                  | 385.02     | 423.52       | 648.22     | 713.04       | 812.76     | 894.04       | 972.31     | 1069.54      | 1246.57     | 1371.23      |
| Medway & Swale                             | 315.64     | 347.20       | 593.36     | 652.70       | 747.93     | 822.72       | 847.69     | 932.46       | 1196.69     | 1316.36      |

4.0 Officers will prioritise properties best matched to the needs of households being assisted by the Council for involvement in the pilot. TMBC will have the final decision about the properties that are included for use in the pilot; this will be informed by a process of matching properties, rents and households in housing need and subject to suitability considerations.

5.0 The pilot will be used for Housing Options and Support cases where the Private Rented Sector has been identified as a housing option for a household in line with the Private Rented Sector Offer (discharge) Policy. This may include households currently placed in temporary accommodation or those with prevention cases.

6.0 The rent guarantee will be for six months within the tenancy (either 12 or 24 months) to provide financial support throughout the tenancy. Landlords can make a claim against the guarantee for rent arrears, of up to six months value/cost during this time.

- 7.0 If a Landlord claims against the guarantee the Council will pay the amount of any arrears and recharge the occupier as appropriate. Landlords will need to provide full information to evidence any request for payment including a copy of the rent statement.
- 8.0 The rent guarantee may be offered again at the request of the landlord, effectively giving another 6 months' rent guarantee within another fixed tenancy term. Requests will be considered on a case by case basis.
- 9.0 Incentives will be one off payments in line with the amounts below relating to the fixed term of the tenancy. Payments will be made to a Landlord once a valid tenancy agreement is evidenced, relating to an agreed property and rent for a specified household.

Table B Incentive amounts by property size

| Incentive amounts   | 1bed   | 2bed   | 3+bed  |
|---------------------|--------|--------|--------|
| 12 month fixed term | £1,500 | £2,000 | £2,350 |
| 24 month fixed term | £2,300 | £3,000 | £3,500 |

- 10.0 It is expected that only one incentive payment will be made per property. A landlord may receive more than one incentive payment in cases where they work with TMBC with multiple properties, but payments are not tenancy based, i.e. a landlord will not normally qualify for an incentive payment for a changeover of tenant at the same property they've already received an incentive for.
- 11.0 The incentive amounts equate to approximately 20% and 30% of LHA amounts over a 12 month period giving additional financial assurance to landlords.
- 12.0 Officers will signpost and make referrals for tenancy sustainment and support where appropriate, using the Kent Homeless Connect tenancy sustainment service and supported lettings project.
- 13.0 If rent arrears occur the landlord will need to contact the tenant in the first instance and follow their usual process to try to address rent arrears and seek payment. The landlord may claim against the rent guarantee providing the required evidence. TMBC officers will liaise with both the landlord and tenant to seek to address the arrears and remedy the situation to enable the tenancy to be sustained.
- 14.0 To help prevent arrears forming officers will liaise with the tenant and landlord to put an Alternative Payment Arrangement in place for any housing related benefits they're eligible for in cases where there's history of rent arrears, consistent late payment of rent or failure to keep to repayment plans.
- 15.0 The pilot will provide the same offer to landlords and households TMBC are working with but how the incentive payments and claims against the rent guarantee are funded will vary to make best use of available budgets. The pilot will be funded by using Discretionary Housing Payments (DHP) wherever possible, informed by a

household's entitlement to benefits assistance. In cases where DHP cannot be used, relevant housing budgets will be used.

- 16.0 TMBC will recharge the tenants for any amounts paid under the rent guarantee. The debt will be recharged through a debtor account and repaid through an agreed payment instalment plan.

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**Procedure for assessing potential property purchases for use as Temporary Accommodation**

1. A property may be identified through a number of routes, including but not limited to;
  - A notification through One Public Estate from another public sector organisation
  - Contact from an agent or developer who is aware of the Council's interest in purchasing TA
  - A publicly advertised property sale
2. When a potential property is identified, the first action undertaken will be a site visit by Housing and Property officers. This visit will be to ascertain whether the property is potentially suitable for TA use (in terms of location, layout and size), what a likely value of the property is and whether there are any works required to the property to bring it into use as TA. The criteria that will be utilised to assess whether a property might be suitable for a site visit are as follows;
  - Location; currently, TA properties are required across the borough. Properties that have good public transport links or are close to amenities are preferable and without these factors, a site visit would not be prioritised. Sets of co-located properties should be prioritised as this has management benefits.
  - Size; the main need for properties is 2 and 3 bed properties.
  - Parking provision; many of our TA households have employment or caring responsibilities that require them to have private transportation. This means that having access to parking is often useful, although not essential. This does not need to be a private parking space but could be on street provision where permits can be sought.
3. Following this site visit, officers will report back to a group of officers including;
  - Director of Planning, Housing & Environmental Health
  - Director of Finance & Transformation
  - Director of Central Services
  - Head of Housing
  - Head of Administrative and Property Services
  - Chief Financial Services Officer
  - Housing Strategy & Enabling Manager
  - Senior Accountancy Assistant
4. This group will then apply the following considerations to the potential purchase;
  - a. How many households can be accommodated.
  - b. What would the overall purchase and works cost be and how long they would take after purchase (for example, would planning permission be required)
  - c. What pre-purchase survey work might be required and what the cost of this would be.
  - d. Whether there is s106 funding available to make the purchase; in this instance, the saving generated would be the total net cost to the Council of providing an alternative unit in nightly paid accommodation.
  - e. If there is no s106 funding available, whether there are Council funds available to make the purchase; in this instance, the saving generated would be considered as above, with the additional requirement that the lost investment income (that would have been received by the Council should this money have been invested – this is set at a 4% return for the purposes of comparison)
  - f. The timing of the next cycle of FIP and Council meetings
5. Should the group agree that the purchase is worth pursuing and that funding can be identified, the relevant Directors will consult with the Cabinet Members for Finance,

Innovation & Property and Housing to gain their approval for a bid to be made at an agreed price, subject to Cabinet and Council approval. This will be on the basis that, where possible, a report will be brought to the Finance, Innovation & Property Advisory Board ahead of Council approval, but where this is not possible due to timescales, a briefing will be organised for the Chair and Vice Chair of that Board.

6. If the Cabinet Members are in agreement, the offer would be made by Property Services
7. If the bid is accepted, due diligence on the purchase could commence, with the final approval for funds to be released coming via Council at the next available opportunity.

Document date: May 2021

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**25 May 2021**

**Joint Report of the Director of Planning, Housing and Environmental Health &  
Director of Central Services and Deputy Chief Executive**

**Part 1- Public**

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

**1 DOMESTIC ABUSE ACT**

**Summary**

**This report update Members on the new Domestic Abuse Act and the new duties for local authorities including TMBC. It also makes a recommendation on the use of the new burdens funding attached to the new legislation.**

**1.1 Background**

1.1.1 The Domestic Abuse Bill was published in draft in January 2019 and has since been working its way through consultation, responses and now the legislative process. It received Royal Assent on the 29 April 2021.

1.1.2 The measures in the Act seek to:

- promote awareness - to put abuse at the top of everyone's agenda, including by legislating for the first time for a statutory definition of domestic abuse which incorporates a range of abuses beyond physical violence, including emotional, coercive or controlling behaviour, and economic abuse.
- protect and support victims, including by introducing a new Domestic Abuse Protection Notice and Order.
- transform the justice response, including by helping victims to give their best evidence in the criminal courts through the use of video evidence, screens and other special measures, and ensuring that victims of abuse do not suffer further trauma in family court proceedings by being cross-examined by their abuser.
- improve performance – the new Domestic Abuse Commissioner will help drive consistency and better performance in the response to domestic abuse across all local areas and agencies.

## 1.2 New Duties for local authorities

1.2.1 Tier 1 Local Authorities will be required to appoint a multi-agency Local Partnership Board (LPB) to support them in performing certain specified functions. These will be:

- 1) Assess the need for accommodation-based support for all victims and their children, including those who require cross border support.
- 2) Prepare and publish strategies for the provision of support to cover the locality and diverse groups of victims.
- 3) Give effect to strategies by making commissioning/de-commissioning decisions to meet the support needs of victims and their children.
- 4) Monitor and evaluate local delivery of the strategy.
- 5) Report back to Central Government which is expected to include:
  - Reporting on local delivery – setting out how the functions have been executed under the new duty (including reporting on strategy, as well as how partnership working has been approached working across key agencies and across neighbouring areas).
  - Evidence that adequate needs assessments have been undertaken.
  - Evidence that local strategies are in place and working effectively.
  - Evidence that local commissioning decisions have been informed by needs assessments and that there is adequate suitable provision.
  - An evaluation of the impact of decisions locally including service delivery outcomes.
  - Evidence on spend and feedback on delivery, including challenges faced and best practice.

1.2.2 Tier 2 authorities will be required to cooperate with the Tier 1 authority, so far as is reasonably practicable.

1.2.3 Other measures included in the Act are:

- extending the controlling or coercive behaviour offence to cover post-separation abuse.
- explicitly recognising children as victims if they see, hear or experience the effects of abuse.

- establishing in law the office of Domestic Abuse Commissioner and set out the Commissioner's functions and powers.
- placing a duty on local authorities in England to provide support to victims of domestic abuse and their children in refuges and other safe accommodation.
- providing that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance.
- placing the guidance supporting the Domestic Violence Disclosure Scheme ("Clare's law") on a statutory footing.

### **1.3 Memorandum of Understanding (MOU)**

1.3.1 The Council has signed up to a MOU with MHCLG. The purpose of the MOU is to formalise the working relationship and expectations relating to the payment from MHCLG to Councils to enable them to fulfil the functions of the new statutory duties.

1.3.2 While the document is not a legal or binding agreement, all parties enter into the MOU committed to honouring all their obligations within it.

### **1.4 New burdens funding allocation**

1.4.1 Kent County Council has been allocated £3,103,909 and TMBC allocated £34,242.

1.4.2 The Secretary of State has determined that to ensure that local authorities are able to continue funding support to victims and their children until the commencement of the new statutory duty, and to keep up the momentum enabling preparation so that local authorities are as ready as they can be, the grant funding for 2021/22 is to be paid on 1 April based on the understanding that:

- 1) The grant only covers revenue expenditure relating to the functions set out in the new statutory duty (within the Domestic Abuse Bill) on Tier 1 Local Authorities relating to the provision of support to victims of domestic abuse and their children residing within safe accommodation. For Tier 2 Local Authorities this funding is to enable cooperation with the Tier 1 authority.
- 2) The grant is distributed to Local Authorities for the period from 01 April 2021 to 31 March 2022 for the purpose of and the expectation that they start to prepare and fulfil their relevant functions under the duty from that date as if the new duty were in force and continue to fulfil these functions in line with the duty once it is commenced.

- 3) The Bill will put in place a statutory framework for the delivery of support to victims of domestic abuse and their children residing within safe accommodation.

## 1.5 Impact for TMBC

- 1.5.1 KCC have now considered membership of the Local Partnership Board with the first meeting planned for 11 May 2021. TMBC will initially have two representatives on this Board – Alison Finch, Safer & Stronger Communities Manager and Linda Hibbs, Head of Housing & Health. Membership will be reviewed as the work of the Board develops.
- 1.5.2 It is likely that we will need to feed into the Local Partnership Board our local information on domestic abuse cases and services to feed into the county wide assessment of need. This is likely to come from both the CSU and the housing service and work on this has already started.
- 1.5.3 We have already been considering the impact of the change in housing legislation to allow all eligible homeless victims of domestic abuse to automatically have ‘priority need’ for homelessness assistance. In many cases other household circumstances e.g. having children would automatically trigger the ‘priority need’ category and the required assistance, so our initial feeling is the impact may not be huge. However, we must recognise that the change could trigger single households who may previously not approached for assistance asking for help. It has also been flagged across Kent the need for awareness raising on this new requirement. We understand that Government will carry out a separate “new burdens” financial assessment in respect of this change. Clearly one of the impacts from this change could be an increase in use of temporary accommodation.
- 1.5.4 We have had 299 households since the start of the Homelessness Reduction Act (April 2018) approach who have cited domestic abuse as the reason for their approach. Some of these are duplicates and they have not progressed their case the first time but have subsequently come back – a feature of domestic abuse cases and the understanding that it often takes time to leave a partner, or that often there are new relationships with new perpetrators. Of the 299 households 194 had one child or more.
- 1.5.5 We currently have 11 at decision stage which means we have ended the relief duty and need to make a decision regarding any housing duty we owe them. We owe/have owed a final duty to 23 households. In addition, we have prevented 20 cases from becoming homeless and relieved the homelessness of a further 37 cases. 208 cases have been closed at triage, which means that they approached, we were unable to contact, or they withdrew, or we gave advice and they resolved their issue etc. What this means is that they did not progress to a case, and we accepted no duty to them. 66 households have had or are still in temporary accommodation.

- 1.5.6 It is very clear that the funding that has been paid to us (£34,242) is to cooperate with and support KCC in fulfilling their statutory duties under this Act. We anticipate that more detail on this will emerge as the Local Partnership Board develops and the needs assessment is completed. It could also be used to support our administration time in supporting the Local Partnership Board.

## 1.6 Legal Implications

- 1.6.1 The Domestic Abuse Bill received royal assent on 29 April 2021. There is now a period of time (estimates have said six weeks but Parliament currently prorogued until 11 May 2021) until the Act will come into force.
- 1.6.2 There is an expectation from MHCLG (and the funding has been allocated already) that local authorities start to prepare and fulfil their relevant functions under the duty as if the new duty were in force and continue to fulfil these functions in line with the duty once it is commenced.

## 1.7 Financial and Value for Money Considerations

- 1.7.1 The allocation for TMBC to fulfil their duties under this new legislation is £34,242. This funding has already been received.

## 1.8 Risk Assessment

- 1.8.1 Providing the right support for victims of domestic abuse is a priority for the Council. It is important that we have a place on the Local Partnership Board and play a full part in the needs assessment and ongoing work to ensure we can maximise the support available across our borough.
- 1.8.2 There is a risk that the amendment to enable all eligible homeless victims of domestic abuse to automatically have 'priority need' for homelessness assistance may increase the demand for temporary accommodation.

## 1.9 Recommendations

- 1.9.1 It is **RECOMMENDED** to Cabinet that appropriate expenditure of the allocated funding (£34,242) is authorised by the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing and the Cabinet Member for Community Services, once the domestic abuse needs assessment has been completed across Kent and further information is known.

The Director of Planning, Housing and Environmental Health & Director for Central Services and Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Linda Hibbs/Alison  
Finch/Claire Keeling

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**25 May 2021**

**Report of the Director of Central Services and Deputy Chief Executive**

**Part 1- Public**

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

**1 COMMUNITY SAFETY PARTNERSHIP PLAN 2021-22**

**The Community Safety Partnership (CSP) is required to publish an annual plan of its work. This gives details of the initiatives it has carried out during the previous year and details of the priorities for the forthcoming year.**

**1.1 The Tonbridge & Malling CSP Partnership Plan 2021/22**

1.1.1 The Community Safety Partnership is required to publish an annual plan of its work and the actions that it plans for the forthcoming year. A copy of the Plan is attached at **Annex 1** and gives details about the initiatives that were undertaken during 2020/21 and information about the Partnership's priorities for 2021/22.

1.1.2 Crime levels within the borough are low and the borough remains one of the safest in the county. From April 2020 to March 2021, there were 6,813 incidents of victim-based crime recorded within Tonbridge and Malling (a decrease of 18.8% compared to the same period last year). In the same time period there were also reductions in violent crime (-8.1%), residential burglaries (-16.1%) and vehicle crime (-6.1%). There was also an increase in recorded incidents of anti-social behaviour reported to the police (up from 1,693 to 2,962) and an increase in reports of Domestic Abuse (from 2,883 to 2,929).

1.1.3 The Partnership has agreed five priorities for 2021/22. These are

- Safeguarding Vulnerable People – to include mental health, child sexual exploitation, modern slavery and human trafficking, substance misuse, fraud and scams and youth diversion
- Violent Crime
- Domestic Abuse – including Stalking
- Anti-social behaviour including environmental crime
- Preventing extremism and hate

1.1.4 For each of these priorities an Action Plan has been developed with partners and these will be progressed during the year. These action plans are also included within the Partnership Plan. The actions will be monitored by the Community Safety Partnership Strategy Group.

## **1.2 Legal Implications**

1.2.1 None

## **1.3 Financial and Value for Money Considerations**

1.3.1 Any funding requirements are provided through the Community Safety Partnership.

## **1.4 Risk Assessment**

1.4.1 All risk assessments are under-taken as appropriate.

## **1.5 Equality Impact Assessment**

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

## **1.6 Policy Considerations**

1.6.1 Community Safety

## **1.7 Recommendations**

1.7.1 That the Community Safety Partnership Plan 2021/22 as set out in **Annex 1 BE SUPPORTED AND ENDORSED.**

The Director of Central Service and Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Alison Finch  
Safer & Stronger Communities  
Manager

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

# **Tonbridge and Malling**

# **Community Safety Partnership**

## **Partnership Plan**

## **2021 - 2022**



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## Partnership Plan 2021 - 2022

### Introduction

The Tonbridge and Malling Community Safety Partnership (CSP) produces an annual plan which sets out the objectives that the Partnership will work towards to address community safety issues in the Borough over the coming year. The Plan is based on a Strategic Assessment that looks at current data and trends to address the priorities for the Borough in reducing and tackling crime and disorder. This year the CSP has agreed to focus on five key priorities and these will be explained in further details later in the document.

During 2020/21 the Coronavirus Pandemic had a huge impact both in terms of general society (the economy, culture etc) but also on the work of the Partnership. As well as having to adapt our way of working (running online meetings), partners also saw increases in the number of people trying to access help and support. Despite this, the majority of the actions set by the Partnership last year have been completed and these will be reported on in more detail later in the document.

The Community Safety Partnership continues to develop and work to address different issues as they arise. The Community Safety Unit, based at Tonbridge & Malling Borough Council offices, Kings Hill is the operational arm of the Community Safety Partnership and meets on a weekly basis to share information about vulnerable people and other topics of concern. Due to the Coronavirus all meetings during 2020/21 were held virtually although partners found these easier to access and it may be that these will continue to be held virtually even once all restrictions are eased.

During the year the CSP was able to establish a number of new meetings including a Vulnerable Person's Group (focusing on creating action plans around some of the most vulnerable people within the borough) and a District Contextual Safeguarding meeting. We will continue to review the meetings held and if required will establish new meetings if the need arises.

The CSP links in to the 'Safer in Kent: Community Safety and Criminal Justice Plan' developed by the Police and Crime Commissioner (PCC) and we also link into the joint vision of the Chief Constable and Police and Crime Commissioner which is:

*"Our vision is for Kent to be a safe place for people to live, work and visit and by protecting the public from crime and antisocial behaviour, we will allow our communities to flourish. We will work closely with our partners to ensure that a seamless service is provided and that opportunities for joint working are explored. By working with partners and listening to the public we will provide a*

*first class policing service that places the victim first and is visible and accessible. We will ensure local visible community policing is at the heart of everything we do. We will be there when the public need us and we will act with integrity in all that we do.”*

Funding for Community Safety Partnerships from the PCC has been confirmed for 2021/22 and we will use this to address our local priorities. We need to ensure that we work to reflect the priorities of the PCC and that the use of the funding reflects these priorities.

### **Review of actions 2020/21**

Crime levels within Tonbridge and Malling are low and the borough remains one of the safest in the county. From April 2020 to March 2021, there were 6,813 incidents of victim-based crime recorded within Tonbridge and Malling (a reduction of 18.8% when compared to the same period last year). There were also reductions in violent crime (-8.1%), residential burglaries (-16.1%) and vehicle crime (-6.1%). In the same time period, there was also an increase in recorded incidents of anti-social behaviour reported to the police (up from 1,693 to 2,962) and reports of Domestic Abuse (from 2,883 to 2,929). Although victim-based crime levels have risen, the borough is still one of the safest in the county and we have the third lowest victim-based crime rate in Kent.

As mentioned above, the Coronavirus epidemic had an effect on some services during the year and although most services were able to continue and provide support/help to their clients, a number had to amend their services/work. This may therefore be seen in the data provided below. It is likely that there will continue to be an impact seen on services by the pandemic for some time to come and the CSP will continue to monitor this impact.

During 2020/21 the Partnership had five priorities:

***Vulnerable people – to include mental health, child sexual exploitation, modern slavery and human trafficking, substance misuse, youth diversion and doorstep crime***

| Action   | Owner/lead agency            | Update   | Status |
|--|------------------------------|--|--------|
| Provide and support diversionary activities for young people including the Y2 Crew scheme and Safety in Action | TMBC<br>KCC<br>Project Salus | The Y-2 Crew ran during the summer holiday period although due to Covid ran as a virtual programme. In total 19 sessions were held, with 15 young people benefitting.<br>During the year Salus were able to run virtual sessions to enable young people to still meet. |        |

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|  |  | Unfortunately, Safety In Action was not able to run this year due to Covid.  |  |
| Work with Kenward Trust to identify hotspot areas and individuals at risk of becoming involved in substance misuse issues    | Kenward Trust                                | During the year Kenward Trust continued to undertake outreach in the borough in areas such as Tonbridge, East Malling, West Malling and Snodland. They were able to engage with 1,645 young people and talk to them about their cannabis or alcohol use. |  |
| Work with schools to raise awareness of substance misuse issues  | Kent Police<br>Kenward Trust<br>Theatre ADAD | Kenward Trust were able to offer the 'Think Differently' project within schools. These are a set of films around the dangers of substance misuse and have been taken up well within schools.   |  |
| Work with the KCC Doorstep crime analyst to progress a database for victims of doorstep crime                                | KCC Trading Standards                        | This has been ongoing work throughout the year and the project is being developed to ensure that there is a consistent approach across Kent to tackling this issue.  |  |
| Communicate effective messages on how to report scams/doorstep crimes and raise awareness to remove stigma of embarrassment. | TMBC<br>KCC                                  | Social Media has been used by both TMBC and KCC to send out messages around scams and how to report these.   |  |
| Work with the Police to address Modern Slavery and Human Trafficking e.g. car washes, nail bars, and pop up brothels.        | Kent Police                                  | Kent Police have run a number of operations during the year to target these issues and have visited a number of car washes and nail bars.  |  |

### Violent Crime

| Action  | Owner/lead agency   | Update  | Status |
|---|---------------------|---|--------|
| Link in with the work of the Kent Violence Reduction Unit and progress initiatives as appropriate | TMBC<br>Kent Police | We have continued to link in with the Violence Reduction Unit and during the year were able to distribute Emergency Trauma Packs as well as |        |

|  |                                   |  |  |
|--|-----------------------------------|--|--|
|  |                                   | receive funding to run an Adverse Childhood Experience programme for professionals.  |  |
| Continue to hold a monthly Serious and Organised Crime meeting                     | Kent Police<br>TMBC               | This meeting continues to run on a monthly basis and is well attended by partners.   |  |
| Work in Partnership to disrupt recognised OCGs, emerging trends and county lines   | Serious and Organised Crime Group | There is currently one identified Organised Crime Group within the borough and work is ongoing to disrupt their activities.              |  |
| Work with 'Reform, Restore, Respect' to hold educational programmes within schools | Reform, Restore, Respect          | Reform, Restore and Respect were able to go into 2 schools in the borough and spoke to 52 pupils around gangs and county lines issues.   |  |
| Use the knife wands on Police operations and consider running a knife amnesty      | Kent Police                       | Police operations were held during the year where the knife wands were used (although no knives were found).                             |  |
| Consider running a parents event around knife crime/gangs                          | TMBC<br>Kent Police<br>KCC        | Unfortunately, due to Covid we were not able to progress this during the year. This is something we may look to progress during 2021/22. |  |

### Domestic Abuse including stalking

|   |                               |   | Status |
|---|-------------------------------|---|--------|
| Work with DAVSS to ensure that all victims of domestic abuse can receive support                              | DAVSS                         | In total during this year DAVSS have supported 368 victims from Tonbridge & Malling and received 1,848 calls to their helpline. |        |
| Work with the KCC Commissioned services to ensure all victims in the borough receive the support they require | Lookahead                     | During the year Lookahead support 119 clients through their IDVA service.   |        |
| Continue to support the One Stop Shop in Tonbridge  | DAVSS<br>Lookahead<br>Clarion | Due to Covid the One Stop Shop changed to a virtual support service. Once possible, a face-to-face service will start again.    |        |

|  |                                   |  |  |
|--|-----------------------------------|--|--|
| Run at least one Freedom Programme in the borough during the year                                    | DAVSS                             | Three Freedom Programmes have started during the year (one virtual and two face to face) Over 15 women have accessed these courses.  |  |
| Run preventative/educational programmes around healthy relationships in schools (subject to funding) | DAVSS<br>Choices<br>Lookahead     | Due to Covid it has been difficult to access schools during this year. However, this work will continue into 2021/22.  |  |
| Continue to support the CDAP programme in Tonbridge  | CDAP                              | At the end of March 2021, 15 men were active in the programme (4 from Tonbridge & Malling). Of these 7 joined, 1 completed, 1 ceased attending and 6 remain within the programme. Due to COVID19 restrictions the weekly group programme have been delivered via Zoom. |  |
| Raise awareness of domestic abuse with partners, staff and the public                                | TMBC<br>CCG                       | This has been ongoing work throughout the year and we continue to raise awareness wherever possible.   |  |
| Raise awareness of stalking with partners and the public   | Protection Against Stalking (PAS) | This has been ongoing work throughout the year and training has been arranged with PAS on a number of different topics including workplace stalking and cyber stalking.  |  |
| Establish a Cyber-Stalking Café in Tonbridge   | Lookahead                         | The Cyber stalking café has now been established (although it is currently being held virtually).  |  |

### Anti-Social Behaviour

| Action  | Owner/lead agency                           | Update   | Status |
|---|---|--|--------|
| Identify perpetrators of ASB and undertake actions to cease their behaviour | TMBC<br>Housing Associations<br>Kent Police | This is ongoing work and all agencies continue to work to resolve incidents of anti-social behaviour reported to them. During the year the Tonbridge & Malling Anti-social Behaviour Officer has helped over 300 people who have come to him for advice and support. |        |

|  |                    |   |  |
|--|--------------------|---|--|
| Provide and support diversionary activities for young people                                     | TMBC<br>KCC        | This is ongoing work and diversionary activities continue to be provided by agencies such as KCC Early Help, Salus and Olympia Boxing who now hold sessions for young people to attend. |  |
| Run at least three 'All out day's' or crime prevention events during the year to raise awareness | TMBC<br>KCC        | Due to Covid we were not able to hold events, however as restrictions start to ease, we will look to hold these again.  |  |
| Raise awareness of reporting ASB through social media, leaflets etc.                             | TMBC<br>KCC        | This has been ongoing throughout the year and social media posts have been used to encourage residents to report issues.  |  |
| Provide mediation to deal with neighbour disputes and family conflicts                           | Mediation services | During the year Maidstone Mediation received 3 Family Mediation referrals, 6 neighbour mediation referrals, 12 Anger management referrals and 6 parent and teen mediation referrals.    |  |

### Preventing Extremism and Hate

| Action   | Owner/lead agency               | Update   | Status |
|--|---------------------------------|--|--------|
| Promote the Prevent Strategy within the community via Social Media etc.                  | All partners                    | This has been ongoing work throughout the year.  |        |
| Attend Chanel Panels where appropriate and provide support to individuals when required. | TMBC<br>Kent Police             | Chanel Panels have been held throughout the year but no referrals relevant to Tonbridge & Malling have been discussed.                                     |        |
| Run Prevent training for staff, partners and Members (as appropriate)                    | TMBC                            | Due to Covid this did not take place during this year, however, we will look to run suitable training during 2021/22.                                      |        |
| Raise awareness with businesses through the Tonbridge Safer Towns Partnership            | TMBC<br>Safer Towns Partnership | Due to Covid this did not take place due to a number of the non-essential businesses being closed during this time. This will be taken forward in 2021/22. |        |

## **Review of projects and initiatives 2020/21**

During 2020/21 the Community Safety Partnership (CSP) undertook a variety of projects and initiatives linked to the actions above. Below are more details about some of the initiatives/projects mentioned above and also some additional projects which were run during the year to address issues which arose during the year.

Although it is sometimes difficult to measure success rates, the Partnership believes that these projects and their successes have made an impact and has resulted in positive outcomes for local people.

### **Vulnerable people – to include mental health, child sexual exploitation, modern slavery and human trafficking, substance misuse, youth diversion and doorstep crime**

Through funding from the PCC the CSP was able to provide funding towards a Kent wide doorstep crime project. The aim of the project is to look at the systems available to record victims of doorstep crime as currently there are a number of different systems and it is therefore difficult to know the scale of the problem in Kent. A number of options have now been presented to the CSP and we will be working with KCC to develop these into 2021/22 and to ensure that we can provide a consistent response to the victims of doorstep crime.

The CSP continues to commission The Kenward Trust to engage with young people in the borough around alcohol and substance misuse (and the associated anti-social behaviour linked to these substances). During the year they were able to visit seven different locations and engaged with 1,645 individuals. We will continue to commission their work (subject to confirmation from the Police and Crime Commissioner) during 2021/22.

Both the Tonbridge Community Alcohol Partnership and Snodland Community Alcohol Partnership continued to run during this year. The meetings were adapted so that we met virtually and were able to discuss how the Covid pandemic had affected both the businesses and young people in our CAP areas. Through the Snodland CAP, Roxanne Frost, Youth Services Manager for Salus was successful in receiving the 'Innovation' award for her work in supporting young people through the Covid lockdown and subsequent restrictions. The CAPs will continue to work throughout the coming year and develop actions to help reduce underage drinking in their respective locations.

A number of diversionary activities for young people ran during the year. This included the Y2 Crew summer holiday scheme which was organised by Tonbridge & Malling Borough Council and Kent County Council. Due to the Pandemic this had to be adapted and sessions were held online for the young people to join. Activities held included animal care, an escape room and bike fix, with 19

sessions held in total. Overall, 15 young people benefitted from the scheme with 85 places taken. These numbers are a lot lower than we would normally hope for, but the scheme was held differently this year which meant that the numbers were not as high as previous years.

### **Violent Crime**

The Serious and Organised Crime Group continues to meet on a monthly basis and this brings partners together to share information about individuals likely to be involved in organised crime. A number of operations have taken place, led by the Police, leading to a number of arrests, the seizure of cannabis and disruption to organised crime within the borough. There is currently one identified organised crime group within the borough and work is ongoing to disrupt this group and stop them from committing crime.

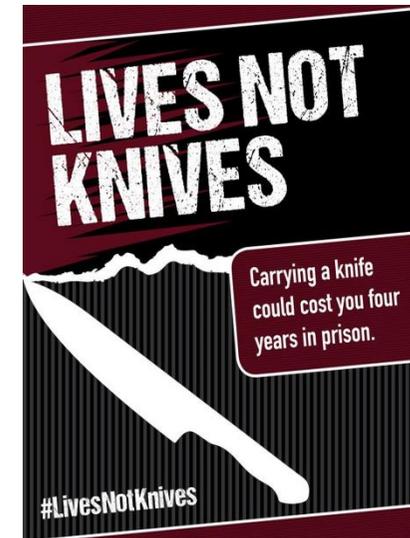
The CSP was also able to obtain funding from the Violence Reduction Unit (VRU) to run an Adverse Childhood Experience (ACE) programme for professionals within the borough. The aim of the programme was to inform them of ACE's but also to then encourage them to become 'ambassadors' and work to reduce ACE's in people they might come across through their work. We also received funding from the VRU to purchase knife wands and signage boards to advertise police knife operations (the picture to the right shows a copy of one of the posters used).

During the year a charity, Restore, Reform, Respect went into Longmead Community Primary School in Tonbridge to deliver an anti-crime workshop to 23 Year 6 students as part of their transitional move to big school in September 2021. They also went to Lunsford Primary School and delivered a Year 6 transitional anti-crime assembly to 30 students.

The feedback received from pupils and staff was positive with comments such as:

*'I have learnt a lot more about gangs and county lines and I will try not get a criminal record and try to pursue my dreams as a police officer and not to get into gangs'*

*'I have learnt a little bit more about gangs and county lines and some stuff I have never even heard of. I wish we had Francis for longer and listen to him more.'*



## **Domestic Abuse including stalking**

The Community Safety Partnership continued to provide funding for DAVSS to work with medium risk victims of domestic abuse and during the year they were able to receive 368 referrals, an increase from 310 the previous year. Of these 343 were female and 25 were male victims. We also continue to support Lookahead (who work with high-risk victims of domestic abuse) and they were able to support 119 throughout their IDVA service. The Freedom Programme ran in the borough with 17 women in total attending this programme looking at how to recognise signs of abuse and how to break the cycle of abuse. Two sessions were held face to face (when safe to do so) and one was held virtually.

The One Stop Drop-In service in Tonbridge continued to run throughout the year, although due to the Pandemic it had to move to an online support service. Numbers accessing the online support have been low, so once it is safe to do so the face-to-face sessions will be held again although online support will also be available.

The Community Domestic Abuse Perpetrators Programme (CDAP) also continued to run in Tonbridge and at the end of March 15 men were active in the programme (four from Tonbridge & Malling, six from Tunbridge Wells, two from Gravesend, one from Maidstone and two from Swale). Those from Gravesend and Maidstone self-funded their attendance on the programme. Of these, seven joined, one completed, one ceased attending and six remained within the programme during the year.

During the year a Cyber-Stalking Café was also established in Tonbridge. Initially this was held as a drop-in service, but then moved to an online service. In total over 20 people were able to get help and support. Training was also arranged for professionals around cyber stalking, workplace stalking and general awareness of stalking.

## **Anti-social Behaviour**

Anti-social behaviour continues to be a concern for residents. During the year the Borough Council's Anti-social Behaviour Officer has dealt with over 300 residents who have had anti-social behaviour issues. The majority of these related to neighbour disputes. As part of the response to tackle anti-social behaviour, two Community Protection Warning letters were issued for anti-social behaviour. These had the desired affect and did not lead to any Community Protection Notices.

We had seven Community Trigger applications during the year and one of these met the threshold for a Community Trigger. A Review Panel was held to discuss this case which resulted in a number of actions being suggested and carried forward which led to a reduction in the Anti-social behaviour being experienced by the victim.

To help resolve anti-social behaviour issues the Mediation service (Maidstone Mediation and West Kent Mediation) were able to provide a number of different types of mediation, including neighbour mediation, parent and teen mediation and anger management. During the year Maidstone Mediation received 3 Family Mediation referrals, 6 neighbour mediation referrals, 12 Anger management referrals and 6 parent and teen mediation referrals.



Tonbridge & Malling Community Safety Partnership

## Neighbourhood Engagement Meeting

Wednesday 27 January 2021  
7pm until 8pm  
Via MS Teams (a link will be sent to you).

If you live in Tonbridge & Malling this is your opportunity to talk to the Police and other agencies about community safety issues in your area. This might include issues around anti-social behaviour or community tensions.

To register your interest in attending this online meeting contact [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk) by 5pm on Monday 25 January.

For further information contact:

|   |  |
|---|--|
| Tonbridge & Malling Borough Council<br><a href="mailto:csp@tmbc.gov.uk">csp@tmbc.gov.uk</a> | Kent Police on<br><a href="mailto:csu.Tonbridge.and.malling@kent.police.uk">csu.Tonbridge.and.malling@kent.police.uk</a> |
|---|--|



[www.tmccommunitysafety.org.uk](http://www.tmccommunitysafety.org.uk) 01732 844522 @TM\_CSP

During the year a number of hotspot areas for anti-social behaviour were identified through the Community Safety Unit and actions were taken to address these issues including issuing dispersal orders to prevent large groups of people from gathering and causing distress as well as providing outreach work to engage with the people involved in the anti-social behaviour and educate them as to the effects their behaviour has on others.

We were also able to hold online Neighbourhood Engagement Meetings (NEMs) which offered residents the chance to raise issues of concern linked to community safety (the poster to the left shows a NEM held in January 2021). Over 30 residents attended and were able to raise issues such as off-road motorbikes, drug dealing and young people gathering. More of these engagement meetings will be arranged during 2021/2.

## Preventing Extremism and Hate

Representatives from the Community Safety Unit continue to attend Channel Panels (where individuals who may be at risk of being drawn into extremism are discussed). This year Panel meetings were moved online and continued to meet, although there were no Panel meetings in relation to Tonbridge & Malling residents during the year.

The CSP also linked in with Social Media campaigns to raise awareness of 'Prevent' and counter terrorism and a number of messages have been sent out to let the public know about how to report concerns or suspicious activity. We are hoping to arrange some Prevent training for professionals and Members during 2021/22.

## Priority Issues for 2021 – 2022

The Strategic Assessment undertaken during the autumn of 2020 identified the priority areas for the Partnership to tackle during 2021 – 2022 and the Partnership held a ‘workshop’ in March 2021 to discuss the areas that they would focus on during the next year. The Strategic Assessment used data provided by partners to recommend priorities for the forthcoming year.

The priorities agreed through the Strategic Assessment for 2021/22 are:

- Safeguarding Vulnerable People – to include mental health, child sexual exploitation, modern slavery and human trafficking, substance misuse, fraud and scams and youth diversion
- Violent Crime
- Domestic Abuse – including Stalking
- Anti-social behaviour including environmental crime
- Preventing extremism and hate

Action Plans will be developed which will establish specific actions for each of the priorities.

Reducing reoffending is a statutory requirement for the Community Safety Partnership and the Partnership will also consider this in the work that it does. During the year ahead the Government is looking to change the Integrated Offender Management (IOM) scheme so that they focus their work on offenders who commit neighbourhood crimes. The CSP will link in where appropriate to work with these offenders.

Although the main focus of the CSP will be the priorities as mentioned above, it will still continue to monitor other types of crime. The Community Safety Unit holds weekly meetings where issues of concern are raised and partners can be tasked to address issues as they arise. Information on repeat and vulnerable victims of anti-social behaviour is shared with partners on a regular basis.

The following pages set out the actions for the CSP for 2021/22. The action plans do not include details about the numerous activities already undertaken by partners, town and parish councils, the voluntary sector and others as part of their day to day work, but will highlight activities in addition to core work, which partners will undertake throughout the forthcoming year.

Funding for actions included within the Action Plan is available from a number of different sources, including the funding from the Police and Crime Commissioner (PCC) and Tonbridge & Malling Borough Council. The amount of funding that the CSP will receive

from the PCC has remained the same as last year and we have also again been given a 'tactical pot' of funding from the PCC that we can access during the year. Regular monitoring of each project will be undertaken by the Partnership and an evaluation will be provided on completion of the project.

When preparing the action plans, issues such as equality and diversity will be considered to ensure that any person, regardless of their protected characteristic feels safe in the Borough. The CSP takes reports of hate crimes seriously and works together to ensure that information is shared to ensure any issues are resolved.

## Action Plans 2021 – 2022

***Safeguarding Vulnerable People – to include mental health, child sexual exploitation, modern slavery and human trafficking, substance misuse, fraud and scams and youth diversion***

| <b>Action</b>   | <b>Owner/lead agency</b>                     | <b>Update</b> | <b>Status</b> |
|---|--|---------------|---------------|
| Provide and support diversionary activities for young people including the Y2 Crew scheme and Safety in Action            | TMBC<br>KCC<br>Project Salus                 |               |               |
| Work with Kenward Trust to identify hotspot areas and individuals at risk of becoming involved in substance misuse issues | Kenward Trust                                |               |               |
| Work with schools to raise awareness of substance misuse issues   | Kent Police<br>Kenward Trust<br>Theatre ADAD |               |               |
| Work with KCC Trading Standards around preventing doorstep crime  | KCC Trading Standards<br>TMBC                |               |               |
| Work with the Police to address Modern Slavery and Human Trafficking e.g. car washes, nail bars, and pop up brothels.     | Kent Police                                  |               |               |
| Organise training for partners to raise awareness of modern day slavery   | TMBC   |               |               |
| Run Operation Heart to promote personal safety across the borough and prevent sexual assaults                             | Kent Police<br>TMBC                          |               |               |
| Work with KCC Early Help around the mental health of young people   | KCC Early Help                               |               |               |

**Violent crime**

| <b>Action</b>   | <b>Owner/lead agency</b>          | <b>Update</b> | <b>Status</b> |
|---|-----------------------------------|---------------|---------------|
| Link in with the work of the Kent Violence Reduction Unit and progress initiatives as appropriate | TMBC<br>Kent Police               |               |               |
| Consider training such as the Bystander Approach or Trauma Informed training for partners         | TMBC                              |               |               |
| Work in Partnership to disrupt recognised OCGs, emerging trends and county lines                  | Serious and Organised Crime Group |               |               |
| Work with 'Reform, Restore, Respect' to hold educational programmes within schools                | Reform, Restore, Respect          |               |               |

**Preventing extremism and hate**

| <b>Action</b>  | <b>Owner/lead agency</b>        | <b>Update</b> | <b>Status</b> |
|--|---------------------------------|---------------|---------------|
| Promote the Prevent Strategy within the community via Social Media etc.                                    | All partners                    |               |               |
| Attend Chanel Panels where appropriate and provide support to individuals when required.                   | TMBC<br>Kent Police             |               |               |
| Run Prevent training for staff, partners and Members (as appropriate)                                      | TMBC                            |               |               |
| Raise awareness with businesses through the Tonbridge Safer Towns Partnership and other appropriate routes | TMBC<br>Safer Towns Partnership |               |               |

**Domestic Abuse – including stalking**

| <b>Action</b>   | <b>Owner/lead agency</b>                            | <b>Update</b> | <b>Status</b> |
|---|---|---------------|---------------|
| Work with DAVSS to ensure that all victims of domestic abuse can receive support  | DAVSS   |               |               |
| Continue to provide an IDVA and refuge service to support high risk victims of domestic abuse within West Kent.   | Lookahead   |               |               |
| Run a suite of survivor programmes for female and male survivors including the Freedom Programme, Own My Life and Hope 2 Recovery   | Lookahead<br>DAVSS                                  |               |               |
| Work with local partners to build the virtual One Stop Shop model in West Kent and increase engagement through posters and partner liaison. Following easing of Covid restrictions this should become a blended model with drop ins added across West Kent. | Lookahead<br>DAVSS<br>Clarion<br>Kent Police<br>PAS |               |               |
| Run preventative/educational programmes around healthy relationships in schools (subject to funding)  | Lookahead<br>DAVSS                                  |               |               |
| Continue to support the CDAP programme in Tonbridge   | CDAP  |               |               |
| Undertake training and awareness raising for partners and local businesses to include resources such as lip balms and posters.  | Lookahead<br>DAVSS<br>TMBC                          |               |               |
| Provide overnight emergency accommodation for high risk victims needing to flee immediately   | Lookahead<br>TMBC                                   |               |               |

|  |  |  |  |
|--|--|--|--|
| Welfare Fund- Provide emergency funding for items such as furniture, white goods, food and travel to high risk victims in the community. | Lookahead                                |  |  |
| Ensure all victims of stalking can receive support   | Protection Against Stalking              |  |  |
| Obtain future funding to continue the Cyber clinic   | Lookahead<br>Protection Against Stalking |  |  |
| Commission PAS to deliver a Stalking Workshop.   | Lookahead<br>Protection Against Stalking |  |  |

***Anti-social behaviour including environmental crime***

| <b>Action</b>  | <b>Owner/lead agency</b>                    | <b>Update</b> | <b>Status</b> |
|--|---|---------------|---------------|
| Identify perpetrators of ASB and undertake actions to cease their behaviour                    | TMBC<br>Housing Associations<br>Kent Police |               |               |
| Provide and support diversionary activities for young people                                   | TMBC<br>KCC                                 |               |               |
| Provide Mediation to deal with neighbour disputes and family conflicts                         | Mediation Services                          |               |               |
| Support National Stalking Awareness Week to raise awareness of stalking (and the links to ASB) | Protection Against Stalking<br>TMBC         |               |               |

## Membership of the Community Safety Partnership and contact details

|   |   |  |  |
|---|---|--|--|
| <b>Tonbridge &amp; Malling Borough Council</b><br>Tel: 01732 844522<br><a href="http://www.tmbc.gov.uk">www.tmbc.gov.uk</a> | <b>Kent Police</b><br>Tel 101<br><a href="http://www.kent.police.uk">www.kent.police.uk</a>   | <b>Kent Fire &amp; Rescue Service</b><br>Tel: 01622 692121<br><a href="http://www.kent.fire-uk.org">www.kent.fire-uk.org</a>                 | <b>Clinical Commissioning Group</b><br>Tel: 01732 375200<br><a href="http://www.westkentccg.nhs.uk">www.westkentccg.nhs.uk</a> |
| <b>KCC Integrated Youth Services</b><br>Tel: 03000 414 141<br><a href="http://www.kent.gov.uk">www.kent.gov.uk</a>          | <b>KCC Families and Social Care</b><br>Tel: 03000 414 141<br><a href="http://www.kent.gov.uk">www.kent.gov.uk</a>                       | <b>KCC Trading Standards</b><br>Tel: 01732 525291<br><a href="http://www.kent.gov.uk">www.kent.gov.uk</a>                                    | <b>Clarion Housing</b><br>Tel: 0800 197 2880<br><a href="http://www.myclarionhousing.com">www.myclarionhousing.com</a>         |
| <b>Victim Support</b><br>Tel: 0808 168 9276<br><a href="http://www.victimsupport.org.uk">www.victimsupport.org.uk</a>       | <b>National Probation Service</b><br>Tel: 01892 559350<br><a href="http://www.kentprobation.org">www.kentprobation.org</a>              | <b>Kent, Surrey &amp; Sussex Community Rehabilitation Co.</b><br>Tel: 03000 473216<br><a href="http://www.ksscrc.co.uk">www.ksscrc.co.uk</a> | <b>Neighbourhood Watch</b><br>Tel: 01622 604395<br><a href="http://www.westkentwatch.com">www.westkentwatch.com</a>            |
| <b>KCC Community Wardens</b><br>Tel: 03000 413455<br><a href="http://www.kent.gov.uk">www.kent.gov.uk</a>                   | <b>DAVSS (Domestic Abuse Volunteer Support Services)</b><br>Tel: 01892 570538<br><a href="http://www.davss.org.uk">www.davss.org.uk</a> | <b>Lookahead</b><br>Tel: 0333 010 4600<br><a href="http://www.lookahead.org.uk">www.lookahead.org.uk</a>                                     | <b>Porchlight</b><br>Tel: 01227 760 078<br><a href="http://www.porchlight.org.uk">www.porchlight.org.uk</a>                    |
| <b>Moat Housing</b><br>Tel: 0300 323 0011<br><a href="http://www.moat.co.uk">www.moat.co.uk</a>                             | <b>Hyde Housing</b><br>Tel: 0800 3282 282<br><a href="http://www.hyde-housing.co.uk">www.hyde-housing.co.uk</a>                         | <b>Southern Housing Group</b><br>Tel: 0300 303 1773<br><a href="http://www.shgroup.org.uk">www.shgroup.org.uk</a>                            | <b>CGL</b><br>Tel: 01732 367380<br><a href="http://www.changegrowlive.org">www.changegrowlive.org</a>                          |
| <b>Kenward Trust</b><br>Tel: 01622 814187<br><a href="http://www.kenward.org.uk">www.kenward.org.uk</a>                     | <b>Protection Against Stalking</b><br><a href="http://www.protectionagainststalking.org">www.protectionagainststalking.org</a>          | <b>Maidstone Mediation</b><br>Tel: 01622 692843<br><a href="http://www.maidstonemediation.co.uk">www.maidstonemediation.co.uk</a>            | <b>West Kent Mediation</b><br>Tel: 01732 469696<br><a href="http://www.wkm.org.uk">www.wkm.org.uk</a>                          |

## Glossary

|       |   |
|-------|---|
| ASB   | Anti-social behaviour   |
| CCG   | Clinical Commissioning Group  |
| CDAP  | Community Domestic Abuse Programme - for perpetrators of domestic abuse                     |
| CGL   | Change, Grow, Live – Substance misuse organisation providing rehabilitation services        |
| CRC   | Community Rehabilitation Company (Kent, Surrey and Sussex)                                  |
| CSP   | Community Safety Partnership  |
| CSE   | Child Sexual Exploitation   |
| CSU   | Community Safety Unit   |
| DASH  | Domestic Abuse, Stalking and Honour Based Violence risk identification and assessment model |
| DAVSS | Domestic Abuse Volunteer Support Service  |
| FPN   | Fixed Penalty Notice  |
| IDVA  | Independent Domestic Violence Advisor   |
| KFRS  | Kent Fire and Rescue Service  |
| OCG   | Organised Crime Group   |
| PAS   | Protection Against Stalking   |
| PCC   | Police and Crime Commissioner   |
| PCSO  | Police Community Support Officer  |
| TMBC  | Tonbridge and Malling Borough Council   |

**Tonbridge and Malling Community Safety Partnership**

**Tel: 01732 844522**

**Email: [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk)**

**Web: [www.tmcommunitysafety.org.uk](http://www.tmcommunitysafety.org.uk)**



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**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**25 May 2021**

**Report of the Director of Central Services and Deputy Chief Executive**

**Part 1- Public**

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

**1 TONBRIDGE & MALLING ANTI-SOCIAL BEHAVIOUR POLICY**

**Tackling Anti-Social Behaviour (ASB) is a priority for Tonbridge & Malling Borough Council and for the Community Safety Partnership. In order to help this work we have updated our Anti-Social Behaviour Policy which lets people who are reporting ASB know what they can expect from us.**

**1.1 Tackling Anti-Social Behaviour (ASB)**

1.1.1 Tackling Anti-social Behaviour is a key priority for the Community Safety Partnership and the Borough Council. Anti-Social Behaviour can have a huge impact on the lives of anyone experiencing it and the Borough Council (and Community Safety Partnership) want to ensure that anyone who is a victim of anti-social behaviour knows how to report this and once they do, will know what service to expect.

1.1.2 From April 2020 to March 2021 there were 2,962 reports of ASB to the Police (an increase from 1,269 the previous year). The Borough Council's Anti-Social Behaviour Officer also received reports from over 300 people who have reported ASB issues to him over the previous year. During the Covid lockdown period we saw a lot more reports of ASB, particularly linked to neighbour disputes as people were spending more time at home and in close proximity to their neighbours. Now that lockdown has eased, we are seeing more reports of ASB caused by groups of people.

**1.2 The ASB Policy**

1.2.1 To help us be able to respond to complaints of ASB we have developed two documents - an overarching Policy and an Operational Procedure document. Both documents will be available on the Borough Council's website so that the public will know what they can expect if they report anti-social behaviour to us.

1.2.2 Attached an **Annex 1** is the updated Anti-Social Behaviour Policy. Within this Policy document we define anti-social behaviour and our objectives around how

we (the Council) will deal with reports of anti-social behaviour. We also give details of the tools available to us to tackle ASB, how we will support victims and how we will share information.

- 1.2.3 At **Annex 2** is the Operational Procedure which sets out how the Council will respond to reports of ASB. In this we set out our minimum standard of service - we will aim to respond to reports of ASB within 5 working days and our initial investigation will take no longer than 20 working days (if it is going to take longer, we will update the complainant). We will record all reports in our ASB database and will keep victims informed regularly. The document also lets people know how to report ASB to us.
- 1.2.4 We hope that by clearly setting out our policy and procedures this will help any residents who need to report ASB so that they feel confident to do this and know what to expect when they do report anything.

### **1.3 Legal Implications**

- 1.3.1 None

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Any funding requirements are provided through the Community Safety Partnership.

### **1.5 Risk Assessment**

- 1.5.1 All risk assessments are under-taken as appropriate.

### **1.6 Equality Impact Assessment**

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

### **1.7 Policy Considerations**

- 1.7.1 Community Safety

### **1.8 Recommendations**

- 1.8.1 That the Anti-Social Behaviour Policy as set out in **Annex 1** and the Anti-Social Behaviour Operational Procedure as set out in **Annex 2 BE SUPPORTED AND ENDORSED.**

The Director of Central Services and Deputy Chief Executive confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Alison Finch

Nil

Safer & Stronger Communities  
Manager

Adrian Stanfield  
Central Services Director and Deputy Chief Executive

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# **Tonbridge & Malling Borough Council**

## **Anti-social Behaviour Policy**

### **2021 - 2024**



[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

# **Tonbridge & Malling Borough Council** **Anti- social behaviour Policy**

## **1. Introduction**

All Local Authorities and social landlords in England and Wales are required to prepare and publish policies and procedures in relation to anti-social behaviour (S12, Anti-Social Behaviour Act 2003).

This document fulfils the legal requirements and is designed to give a clear statement of our approach to anti-social behaviour.

Tonbridge & Malling Borough Council is committed to ensuring that we not only comply with this duty but that our neighbourhoods are safe and welcoming places to live. Incidents relating to Anti-Social Behaviour need to be addressed in a firm but fair manner. Residents are entitled to live in a quiet and peaceful environment and where appropriate the Council will endeavour to act quickly and efficiently to tackle incidents of ASB.

This policy will apply to all Tonbridge & Malling Borough Council residents, their families and any other occupants and visitors. The same principles apply to members of staff and other persons working on behalf of the Council, regardless of housing tenure.

We will not tolerate incidents of anti-social behaviour (ASB), we will intervene appropriately where we can, and enforce matters relating to ASB when required.

## **2. Scope and Purpose of this Policy Document**

This document is one of two that tells you about Tonbridge & Malling Borough Councils anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the policy statement. It tells you what we mean by “anti-social behaviour” and sets out our objectives for the Council’s ASB services.

It says what we want our services to achieve for people experiencing ASB, and details the kind of service level and quality we aim to provide. It also explains the broad approach we have agreed to adopt in order to support and advance our objectives.

This policy does not say how we will deal with ASB on a day to day basis. This is explained in our operational procedure documents, which should be read in conjunction with this policy.

## **3. What is anti-social behaviour?**

There is no commonly agreed definition of what is meant by the term anti-social behaviour, however, for the purpose of the policy, the definition of anti-social behaviour is consistent with that used in the Anti-Social Behaviour, Crime & Policing Act, 2014.

Section 2(1) of the Act defines the meaning of anti-social behaviour as:

- Conduct that has caused, or is likely to cause, harassment, alarm or distress to any person.
- Conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises, or
- Conduct capable of causing housing related nuisance or annoyance to any person

The term anti-social behaviour (ASB) can be applied to a wide range of behaviours, impacting on a persons or community's quality of life.

However, let us start with what is **not** ASB and will not be investigated by officers of the Borough Council's Community Safety Team.

- Children playing in the street or in communal areas
- Young people gathering socially unless they are being intimidating
- Being unable to park outside your own home
- DIY and car repairs unless they are taking place at night
- Civil disputes between neighbours e.g. shared driveways
- One off complaints against noise e.g. parties

### **Examples of ASB**

Anti-Social Behaviour may include but is not limited to the following:

Noise:

- Loud televisions and music
- Persistent, unnecessary or excessive noise
- Shouting or yelling
- Persistent alarms
- Excessively loud or frequent parties
- Dogs persistently barking

(Reports of noise may be passed to other departments in the Council to investigate as appropriate).

Intimidation, harassment and violence:

- Verbal or written abuse, which could also include social media posts
- Threats of violence
- Assault
- Damage to property
- Keeping or failing to control an aggressive dog
- Using or allowing the premises to be used for illegal activity such as prostitution, handling or storing drugs and handling or storing stolen goods

(Reports of intimidation, harassment and violence may be reported to the Police on your behalf or you may be advised to report it to the Police directly).

Environmental ASB:

- Dumping rubbish or littering
- Vandalism
- Dog fouling
- Graffiti

- Fly posting
- Abandoned vehicles
- Overgrown vegetation

(Reports of environmental ASB may be passed to other departments in the Council to investigate as appropriate).

Other ASB issues:

- Malicious behaviour from your neighbour
- Drone use which causes alarm, harassment, or distress
- Boundary issues/overgrown hedges

If you are a Housing Association tenant, you may also wish to report any ongoing ASB issues to them directly as they are also able to take actions against persistent anti-social behaviour.

#### **4. The Council's Objectives**

No one should have to put up with ASB.

Our policy is to:

- Make people aware of what anti-social behaviour is;
- Publicise and promote our various services to combat ASB;
- Encourage people to report ASB and make it possible for them to this using a range of reporting methods;
- Seek to respond to each reported case of ASB as quickly as possible and
- Support victims of ASB throughout the case to the extent the seriousness of the case requires.

Reports of ASB will be treated seriously and dealt with professionally.

- Treat all reports as confidential, sharing information only with other organisations that can help with the problem (for example the police) and observing data protection laws and information sharing agreements;
- Ensure that criminal ASB reported to the Council is quickly passed on to the Police.
- Electronically register each case we take on.
- Fully investigate the complaint, which may involve interviewing any alleged perpetrator and may involve interviewing third party witnesses;
- Quickly and appropriately refer cases between the different departments of the Council and to other agencies as necessary;
- Continue to treat any case referred by the ASB team to another council department or external agency as an open case until, in the opinion of the Anti-social Behaviour Officer, the case can be closed;
- Respond promptly to all complaints about the service and advise anyone not satisfied with the way their case was handled how to make a formal complaint; and
- Explain our reasons should we choose to take no action, and advise on self-help or other alternative courses of action whenever it is possible and appropriate to do so.

ASB will be dealt with firmly, fairly and proportionately.

Our policy is to:

- Take any necessary early action to protect people and property;
- Investigate the circumstances and seek to understand all the facts of the matter reported to us;
- Seek always to resolve cases at the lowest appropriate level of intervention taking formal action when the ASB is serious or persistent or when it threatens people's safety or health;
- Use any of the tools and powers available to us under the law and council policy, according to our best professional judgement;
- Take into account (adjust our approach as necessary) when a victim or perpetrator is a vulnerable person;
- Not intervene in low level disputes between households concerning minor lifestyle differences e.g. noise made by children playing in their home, garden or communal areas, or parking disputes involving non-allocated spaces;
- With consent of the people involved, we may refer suitable low-level cases to a mediation service.

We will work with partners in order to deliver an effective, value for money ASB services across the community.

Our policy is to:

- Play a full and active part as a key member of the Tonbridge & Malling Community Safety Partnership;
- Participate in relevant strategic or preventative initiatives
- Lead and participate in permanent or ad-hoc multi-agency working groups dealing with specific ASB issues
- Work with housing associations, private landlords, letting agents and businesses providing professional advice and support as required so that these organisations can act confidently to prevent or tackle ASB.

We will provide a high quality service which meets people's identified needs.

Our Policy is to:

- Ensure that staff dealing with ASB are appropriately trained;
- Ensure that staff dealing with ASB understand and follow agreed policies and procedures;
- The policy will be reviewed on a regular basis reflecting new legislation and lessons learnt;
- Formally seek the views of service users and partner organisations when the documents are reviewed;
- Seek to ensure that all our activities are prioritised and undertaken with regard to clear evidence of need; sound consideration of how effective the work undertaken is likely to be, and a clear understanding of the outcomes sought.

## **5. Tools and powers available to tackle ASB**

There are a number of different tools and powers available to use by the Borough Council and these will be used/applied where appropriate and in a proportionate way.

Tools used may include:

#### A warning letter or Acceptable Behaviour Agreement

Warning letters may be sent in the first instance and provide the perpetrator with information as to why they are being investigated and what behaviour should cease. The letter is not legally binding but can let people know that the behaviour they are undertaking is causing distress to someone else.

An Acceptable Behaviour Agreement (ABA) is an agreement which is normally signed by a parent when a young person has been found to be causing anti-social behaviour. The ABA sets out what the young person should or should not be doing. These are not legally binding but provide guidance for the young people and their parents.

#### Referral to Mediation services

Mediation is a process through which parties in dispute have the opportunity to understand one another's point of view and negotiate an agreement which is arrived at by the parties themselves rather than one which is imposed. The process is facilitated by trained mediators who ensure that both sides have equal say and any agreements reached are based on what both sides think is fair.

The Anti-social Behaviour Office is able to refer to Mediation (with consent) as a means to resolve low level ASB which enables issues to be resolved amicably by both parties.

#### Community Protection Warnings and Community Protection Notice (CPN).

The CPW and CPN are intended to deal with particular, on-going problems, or nuisances that negatively affect the community's quality of life by targeting those responsible. CPWs are the initial first response to alleviate the issue without a need for further escalation. If the matter is not resolved, a CPN can then be served. CPW and CPN's can be used to tackle a wide range of problem behaviours including (but not limited to) graffiti, rubbish and noise. CPW and CPN's can be served on any person over the age of 16 or a body, including a business. Failure to comply with the requirements of a CPN, the offender may be offered the opportunity to discharge their liability to conviction, when a Fixed Penalty Notice may be issued using powers contained within the Anti-social Behaviour, Crime and Policing Act 2014, it is the Policy of this Authority that the amount shall be set at the maximum amount specified, which is currently £100.

#### Public Space Protection Order

The PSPO is intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of the area which apply to everyone. This could include, but is not restricted to, placing restrictions on the use of parks, alleyways, or communal areas to prevent problems with misuse of alcohol, dogs or noise. Breach of a PSPO can lead to a Fixed Penalty Notice.

We will also work with our partners to utilise the tools that they have available to them. These tools may include Injunctions, Closure Orders and Acceptable Behaviour Agreements.

## **6. Legal Framework and Supporting Legislation**

As a minimum our approach to ASB is delivered in line with the legal requirements affecting the council including:

- Anti-Social Behaviour, Policing & Crime, Act, 2014
- Anti-Social Behaviour Act, 2003
- Housing Act, 1996
- Data Protection Act 1998 and 2003
- Environmental Protection Act 1990
- The Crime and Disorder Act 1998 (as amended)
- Human Rights Act 1998
- Police Reform Act 2002
- Police & Criminal Evidence Act (PACE)
- Mental Health Act 1983 (amended 2007)
- Criminal Justice and Police Act, 2001
- The Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environments Act 2005
- Children's Act 2004
- Harassment Act 1997
- Homelessness Act 2002
- Freedom of Information Act 2000
- Equalities Act 2010

## **7. Witness Support**

We recognise that witnesses are crucial to tackling anti-social behaviour; whether they are victims of anti-social behaviour or residents who have seen anti-social behaviour directed against someone else or in the wider neighbourhood.

We understand the needs of witnesses will differ from person to person and we will ensure that the support we provide is tailored to meet each individual's needs.

We are committed to providing a high level of service to both witnesses and victims of ASB.

Where possible (and subject to current Government advice) we will aim to visit you to discuss the issue with you. This could be at your home address or an address of your choice (e.g. the Borough Council's offices).

Victims of ASB will be kept updated with the action being taken. The Anti-Social Behaviour, Crime & Policing Act, 2014 includes new measures designed to put the victim and communities first and for them to have a voice in how ASB is dealt with. This is known as the Community Trigger. Community Trigger reviews give victims and communities the right to request a review of their case and bring agencies together to take a joined up problem

solving approach to find a solution. The Council as a statutory authority has a duty to participate in case reviews. Details about the Community Trigger can be found on the Borough Council's website

#### **8. Working with Perpetrators**

We acknowledge that some perpetrators of ASB may themselves be vulnerable or have been victims of ASB in the past. We will work with vulnerable people and tenants to ensure that they have access to appropriate support, whether this is through our own services or through our partners.

Where appropriate we will work with perpetrators to understand the reasons behind their behaviour and give them an opportunity to change.

#### **9. Information Sharing**

The Council will work within the provisions of the Kent & Medway Information Sharing Agreement which provides a background for the sharing of information and the need for confidentiality and privacy.

Where appropriate the council will share information with the Police and vice versa under the Information Sharing Agreement so that agencies can carry out their functions and duties in accordance with the Crime & Disorder Act, 1998.

The council will also work to ensure that residents are encouraged and are able to report incidents confident in the knowledge that they will be recorded and investigated where appropriate.



## Tonbridge & Malling Anti-Social Behaviour

### Operational Procedure

2021 – 2024

#### **1. Scope and Purpose of this Operational Procedure Document**

This document is one of two that tells you about Tonbridge & Malling Borough Councils anti-social behaviour (ASB) responsibilities and what we do to tackle ASB.

This is the operational procedure document. It tells you how you can expect us to deal with your case should you report ASB to the Council's Community Safety Team.

The ASB policy document tells you what we mean by 'anti-social behaviour' and sets out our responsibilities and objectives.

You can find a copy of the Borough Council's ASB Policy on our website.

#### **2. How we respond to ASB reports**

Tonbridge & Malling Borough Council employs one Anti-social Behaviour Officer (as of March 2021). At the time of writing this procedure, the Anti-social Behaviour Officer works office hours from Monday to Friday.

Tonbridge & Malling Borough Council is committed to ensuring that our staff are trained in the complexities of legislation and the law relating to ASB. Staff are trained to work with complainants, witnesses, perpetrators and partnership agencies. Staff attend accredited training courses with reviews of their skills and training needs as appropriate.

Tonbridge & Malling Borough Council has agreed the following minimum standard of service in terms of addressing issues in relation to reported and referred incidents of anti-social behaviour to the Council's Community Safety Team:

- We will make contact with the victim/witness as soon as we can, but we will aim to respond within a maximum of five working days.
- The incident to be fully investigated (if appropriate). The initial investigation should take no more than twenty working days depending on the complexity or severity of the complaint. Staff will maintain regular contact with you in the way and at the frequency agreed with you.
- Details will be recorded on our anti-social behaviour database.
- If a multi-agency response is required, the Anti-Social Behaviour Officer will raise with the appropriate agencies and co-ordinate a response if appropriate.

- Explore additional measures for gathering evidence and seek permission of the victim/witness if required.
- Regular updates to victim/witness throughout the investigation.
- On completion of the investigation, victim/witness to be informed of the outcome and also the reasons for that outcome.
- Any feedback received as a result of an investigation is reviewed.
- If dissatisfied with the outcome explain procedures for complaining to Tonbridge & Malling Borough Council to have their complaint investigated. (<https://www.tmbc.gov.uk/services/council-and-democracy/complaints/complaints-procedure>)

### **3. What we can do to deal with ASB**

Our ASB policy commits us to trying to reach a fair, realistic and lasting solution to ASB problems as quickly as possible. In most non-serious cases we will start with low level action and then, if this does not stop the problem or reduce it to a reasonable and acceptable level, start to take increasingly stronger measures depending on the level of ASB and the evidence available.

The council (on its own or in partnership with other agencies like the police) can deal with anti-social behaviour problems in a variety of ways. The approach we will take in any individual case will depend on a large number of things, in particular if it's housing related, whether it is ASB in the wider community or whether it is environmental ASB.

Council policy commits us to using any of the tools and powers available to us under law and council policy, according to our best professional judgement. However, legal remedies can take time. Officers will take the time to explain to victims of ASB the process and that it will be the court that decides whether an application is justified, therefore the better the evidence the more likelihood of success in court.

### **4. Reporting incidents of ASB**

Incidents of ASB can be reported in a number of different ways:

- Using the online incident reporting form (available via [Anti-social behaviour incident - Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/anti-social-behaviour))
- Telephoning the ASB Officer on 01732 876149 or 07717 883444
- Emailing [csp@tmbc.gov.uk](mailto:csp@tmbc.gov.uk)
- Write to the ASB Officer at Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ

**TONBRIDGE & MALLING BOROUGH COUNCIL**  
**COMMUNITIES and HOUSING ADVISORY BOARD**

**25 May 2021**

**Report of the Director of Central Services and Deputy Chief Executive**

**Part 1- Public**

**Matters for Information**

**1 COMMUNITY SAFETY PARTNERSHIP UPDATE**

**This report will provide an update of some of the recent work of the Community Safety Partnership.**

**1.1 Crime Statistics**

1.1.1 The latest crime statistics (available up to the end of March) show that during the year there were 6,813 incidents of victim-based crime recorded within Tonbridge and Malling (a reduction of 18.8% when compared to the same period last year). There were also reductions in violent crime (-8.1%), residential burglaries (-16.1%) and vehicle crime (-6.1%). In the same time period, there was also an increase in recorded incidents of anti-social behaviour reported to the police (up from 1,693 to 2,962) and an increase of reports of Domestic Abuse (from 2,883 to 2,929).

1.1.2 It is likely that Covid has made an impact on the crime statistics as there would have been less people around to commit violent crime and vehicle crime but as more people were at home this is what has probably caused the increase in ASB and Domestic Abuse reports. As stated in previous reports, unfortunately domestic abuse cases have increase as have the complexity of cases that professionals are dealing with.

**1.2 Community Alcohol Partnership Award**

1.2.1 Each year the national Community Alcohol Partnership (CAP) hold CAP Awards which recognise the work of individual CAPs across the country. There are a number of different criteria that CAPs can apply to and the Snodland Community Alcohol Partnership nominated Salus and Roxanne Frost, Youth Services Manager for the Innovation Award for the work they were able to do in Snodland (and surrounding areas) during the Covid pandemic which meant that young people were able to continue to receive support and a youth provision.

- 1.2.2 We were pleased that at the Award ceremony, held virtually on 31 March, Roxanne was announced as the winner of the Innovation Award and received her 'award' from Matthew Scott.

### **1.3 Operation Heart**

- 1.3.1 Kent Police are developing 'Operation Heart' linked to personal safety. As lockdown eases and the night-time economy opens up, West Kent Police, local councils, charities and the SARC want to promote personal safety on the streets. The aim of the campaign is to reduce sexual and violent offences against vulnerable people, make people feel safe at night-time and increase confidence in local police.
- 1.3.2 They hope to achieve this through community engagements, partnership work with licenced premises and taxi drivers, high visibility patrols and ensuring any reactive investigations meet demand. This will also include promoting the 'Ask for Angela' campaign – where people who feel uncomfortable on a date can ask bar staff or other night time economy workers to help by using the phrase 'Ask for Angela'. This has been used successful in other areas (such as Maidstone) and it is hoped that it can be developed within Tonbridge & Malling.
- 1.3.3 Further details about the campaign will be given as and when available.

### **1.4 Work to address issues at Hilltop, Tonbridge**

- 1.4.1 Following a number of reports from local residents regarding ongoing anti-social behaviour in and around Hilltop in Tonbridge a site meeting was arranged (following social distancing guidelines) which brought together representatives from Kent County Council, Taylor Wimpy, Kent Police and Tonbridge & Malling Borough Council.
- 1.4.2 The meeting identified a number of issues including overgrown land where young people are 'hiding' and causing intimidation to those walking past and the alleyway where young people are gathering and again causing intimidation.
- 1.4.3 We will be working with Taylor Wimpy (who own the overgrown land) to try and get a resolution to the issue, as well as working with residents to see if they can erect fences to stop people from accessing the alleyway from their gardens/driveways.
- 1.4.4 Issues being reported have already decreased due to a visible presence from the PCSO but we also hope that the additional actions identified will lead to a further decrease in issues.

### **1.5 Legal Implications**

- 1.5.1 None

### **1.6 Financial and Value for Money Considerations**

1.6.1 Any funding requirements are provided through the Community Safety Partnership.

**1.7 Risk Assessment**

1.7.1 All risk assessments are under-taken as appropriate.

**1.8 Policy Considerations**

1.8.1 Community Safety

Background papers:

Nil

contact: Alison Finch  
Safer & Stronger Communities  
Manager

Adrian Stanfield  
Central Services Director and Deputy Chief Executive

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# Agenda Item 14

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

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# 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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