

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

Gibson Building
Gibson Drive
Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 26th October, 2021 at 7.30 pm.

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

The following business is proposed to be transacted:-

PART 1 - PUBLIC

- | | | |
|----|---|---------|
| 1. | Apologies for absence | 5 - 6 |
| 2. | Declarations of interest | |
| | To declare any interests in respect of recommended items | |
| 3. | Minutes | 7 - 16 |
| | To confirm as a correct record the Minutes of the meeting of Council held on 13 July 2021 | |
| 4. | Mayor's Announcements | 17 - 18 |
| 5. | Questions from the public pursuant to Council Procedure Rule No 5.6 | 19 - 20 |
| 6. | Questions from Members pursuant to Council Procedure Rule No 5.5 | 21 - 22 |

7. Motion submitted under Council Procedure Rule No 5.27 23 - 24

To receive a Notice of Motion in respect of supporting the Climate and Ecological Emergency Bill submitted by Councillor April Clark on behalf of the Green Group.

Notice of Motion attached

8. Leader's Announcements 25 - 26

9. Reports, Minutes and Recommendations 27 - 28

To receive and consider reports, minutes and recommendations from the meetings of the Cabinet and Committees set out in the Minute Book and officers' reports on any matters arising from them, and to receive questions and answers on any of those reports.

Matters for recommendation to the Council are indicated below at items 10 to 16.

10. Local Code of Corporate Governance 29 - 54

Item AU 21//30 referred from Audit Committee of 26 July 2021

(Note: The tracking in the annex is intentional).

11. Leybourne Lakes Country Park - Future Management and Facility Development 55 - 56

Item CB 21/77 referred from Cabinet of 12 October 2021

(Note: The initial reports to the Communities and Housing Advisory Board of 20 July 2021 were discussed in private so that the financial or business affairs of any particular person were not disclosed and therefore have not been attached).

12. Pembury Road Options 57 - 58

Item CB 21/78 referred from Cabinet of 12 October 2021

(Note: The initial reports to the Finance, Innovation and Property Advisory Board of 15 September 2021 were discussed in private so that the financial or business affairs of any particular person were not disclosed and therefore have not been attached).

13. Treasury Management Update 59 - 62

Item CB 21/79 referred from Cabinet of 12 October 2021

14. Review of CCTV at Tonbridge Farm Sports Ground 63 - 68
Item CB 21/80 referred from Cabinet of 12 October 2021
(Note: Annexes 1 – 2 to the report of the Director of Central Services and Deputy Chief Executive have not been attached and are available as background papers)
15. Review of Tonbridge Forum and Parish Partnership Panel 69 - 76
Item CB 21/81 referred from Cabinet of 12 October 2021
16. Special Expenses Consultation 77 - 126
Item CB 21/82 referred from Cabinet of 12 October 2021.
17. Changes to the Constitution 127 - 130
The report recommends that changes are made to the constitution to allow additional speaking time for opposition group leaders, and to address concerns raised by Members concerning the Electoral Review Working Group.
A minor amendment is also required to the appointment of a proper officer for the purposes of public health functions, following the replacement of Public Health England by the UK Health Security Agency (UKSHA).
18. Changes to Political Balance 131 - 134
This report asks Members to determine the political balance arrangements for the Council's committees, sub-committees, advisory boards and panels, following (a) Cllr Stapleton's move to the Green Party and (b) the proposed abolition of the Electoral Review Working Group.
Revised Membership lists for affected Committees, Advisory Boards and Panels will be circulated as soon as possible
19. Armed Forces Covenant 135 - 146
To reconsider the Councils existing Armed Forces Covenant and nominate Armed Forces Champions for the Council
20. Appointments to Outside Bodies 147 - 150
21. Sealing of Documents
To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY
Chief Executive
Monday, 18 October 2021

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Apologies for absence

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 13th July, 2021

At the meeting of the Tonbridge and Malling Borough Council held at Hadlow Manor, Maidstone Road, Tonbridge on Tuesday, 13th July, 2021

Present: His Worship the Mayor (Councillor R V Roud), the Deputy Mayor (Councillor Mrs S Bell), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr R P Betts, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr J L Sergison, Cllr T B Shaw, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr D Thornevell, Cllr F G Tombolis and Cllr C J Williams.

Councillors M C Base, Mrs T Dean, N Foyle and K King participated via MS Teams and joined the discussion when invited to do so by the Mayor in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors C Brown, N J Heslop, Mrs C B Langridge, N G Stapleton, M Taylor and Miss G E Thomas.

PART 1 - PUBLIC

C 21/50 DECLARATIONS OF INTEREST

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

C 21/51 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 4 May 2021 be approved as a correct record and signed by the Mayor.

C 21/52 MAYOR'S ANNOUNCEMENTS

The Mayor advised that he had attended a number of Covid secure and/or socially distanced engagements since the meeting of Annual

Council. He highlighted that he had taken part in a litter pick at Larkfield; attended the finish event of the RBLI V.E. Day relay race where eight members of the armed forces had cycled from Scotland to Aylesford; he had visited a care home in Tonbridge to celebrate their three-year anniversary and a primary school which promoted Plant for the Planet; attended an event to mark RBLI Armed Forces Day, and had taken part in a webinar event with Kent Air Ambulance.

He advised that future events included the Civic Service, a garden party at Bradbourne House, the local primary schools debate and a charity quiz.

C 21/53 ELECTION OF LEADER

It was proposed by Councillor V Branson, seconded by Councillor D Lettington and

RESOLVED: That Councillor M Boughton be appointed Leader for the remaining term of office of two years (up to 2023).

C 21/54 APPOINTMENT OF CABINET

The Leader presented details of the composition of Cabinet.

RESOLVED: That it be noted that the Cabinet will comprise seven Members (in addition to the Leader) with the responsibilities as set out in Annex 1 and duplicated below:

Councillor M Boughton - Leader
Councillor D Lettington - Deputy Executive Leader; Strategic Planning and Infrastructure
Councillor R Betts - Environment and Climate Change
Councillor V Branson - Economic Regeneration
Councillor M Coffin - Finance, Innovation and Property
Councillor D Keers - Community Services
Councillor P Montague - Technical and Waste Services
Councillor K Tanner - Housing

C 21/55 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Council for the remainder of the 2021/22 municipal year be approved as set out at Annex 2.

C 21/56 APPOINTMENT OF ADVISORY BOARDS, PANELS AND OTHER MEMBER GROUPS

RESOLVED: That appointments to the Advisory Boards, Panels and other Member Groups of the Council for the remainder of the 2021/22 municipal year be approved as set out at Annex 3.

C 21/57 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED: That appointments of Chairmen and Vice-Chairmen of each Committee, Board, Panel and Group for the remainder of the 2021-22 municipal year be approved as set out at Annex 4.

C 21/58 APPOINTMENTS TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the remainder of the 2021/22 municipal year be approved as set out at Annex 5.

C 21/59 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

Three questions were received from a member of the public pursuant to Council Procedure Rule No 5.6. The following written responses were provided by the Cabinet members with responsibility for environmental and waste services:

Question 1

What active steps have been taken by TMBC to manage the floundering waste services contract and to improve the doorstep refuse services provided to residents of Leybourne?

We are very concerned about the issues that some residents have been experiencing with the waste collection service, even before the impact of the current driver shortage which recently led to the suspension of green-lidded bin and green box collections, and apologise to all those who are affected, not only in Leybourne but in other areas of the borough. The contractor's performance has been affected by a number of issues since taking over the contract, including significant changes and improvements to the kerbside collection services in late 2019; the impacts of the Covid-19 pandemic which led to staff shortages due to illness and self-isolation; and an increase in tonnages across all material streams over the past year due to most people working and schooling at home.

We are in discussions with Urbaser about resolving these problems and delivering the waste collection and recycling service our residents expect. We expect Urbaser to meet its contractual obligations in full and we are issuing financial penalties for poor quality performance where appropriate and in accordance with the terms of the contract. We will continue to apply pressure at senior levels at Urbaser to ensure the contract terms are delivered and will consider all options available to achieve that objective.

Question 2

What financial penalties imposed on the contractor for poor performance are included in the waste services contract? How many times have financial penalties been imposed since the start of the contract? How much revenue has been generated by TMBC as a result of contractual financial penalties?

I can confirm that defaults are being imposed in accordance with the Contract and that defaults have been issued on 47 occasions since the start of the contract. Deductions are made from the contractor's monthly invoices and 50% of the deductions are placed into a 'charges pot'. The contract states that "*Where appropriate this money may be used to facilitate areas of particular good practice or high performance in carrying out the Service in the relevant Administrative Area or towards any improvements or initiatives relating to the Service from time to time in the relevant Administration Area*". Defaults were suspended through the core of the Covid pandemic but have been reintroduced in recent months, therefore, consideration has not been given to the specific use of any funding to date though any funding will be used in accordance with the contract condition highlighted above.

Question 3

What improvements in the service can the residents of Leybourne expect to see in:

a) the short term (next 6 weeks)

It is anticipated that changes being made by Urbaser to its drivers' contracts and pay will result in increased recruitment to help reduce the current impact of the national shortage of HGV drivers, and the specific impact being experienced by councils across the country. We will continue to apply the terms of the contract to help improve the quality of service provided

b) the medium term (next 6 months)

We will continue to apply the terms of the contract to help improve the quality of service provided. We will continue to expect Urbaser to meet its contractual obligations in full and will continue to apply pressure at senior levels at Urbaser to ensure the contract terms are delivered and will consider all options available to achieve that objective.

c) the longer term (next 12 months and beyond)

As per (b) above.

C 21/60 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 21/61 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE 5.27

Consideration was given to a Notice of Motion pursuant to Council Procedure Rule No 5.27 submitted by Councillor K King on behalf of the Conservative Group, and seconded by Councillor V Branson, in the following terms:

Fireworks and Airborne Hazards

We ask TMBC to:

- (1) encourage all public firework displays within Tonbridge and Malling borough to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people. This should involve organisers sending letters, social media and other channels at their own expense, to anyone living within close proximity to the display.
- (2) encourage Wedding venues to provide notice to local residents about firework displays which may happen as part of wedding celebrations, by sending letters, using social media and other appropriate channels at their own expense.
- (3) ask the Council's Communication Team to:
 - promote details about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks – in advance of annual events in November and December
 - publish regular campaigns about the impact of Chinese sky lanterns to wildlife and the environment with a view to discourage to public to use them
- (4) write to Tracey Crouch MP and Tom Tugendhat MP asking them to:
 - work with the Government to consider limiting the maximum noise level of fireworks to 90dB and to petition for a block on manufacturing or importing fireworks which contain plastic
 - ask the government to ban the sale of Chinese lanterns in the UK

- encourage local suppliers of fireworks to stock 'quieter' fireworks for public and private displays.

RESOLVED: That the motion as written be carried.

C 21/62 LEADER'S ANNOUNCEMENTS

The Leader moved that Rule 5.25(b), Part 4 of the Constitution be suspended for the meeting and proposed that the Opposition Group Leaders be allowed three minutes each in response.

The Leader commented that it was a privilege to be elected as the new Leader and that he was grateful to his friends and colleagues for their support. The Leader paid tribute to his predecessor, Councillor Heslop, and stated that there was no doubt that the sheer amount of work that Councillor Heslop had done over such a long period of time had made a difference to thousands of people across the Borough, his influence over the Borough Council would last for decades and his success in attracting investment to the Borough was second to none, with the Panattoni investment at Aylesford Newsprint being the latest in a long list of triumphs that Councillor Heslop could be immensely proud of. The Council had made huge strides forward in recent years, not least with the purchase of Temporary Accommodation units.

The Leader stated that on a personal level, he had only known Tonbridge and Malling Borough Council with Councillor Heslop as Leader. He had been a good friend and always encouraged him to go ahead with some of the projects he wished to pursue, especially locally in Tonbridge. He had led the Group and the Council through some of the most testing challenges in its history and he firmly believed that the Borough was a better place due to the work Councillor Heslop had done. The Leader was pleased that Councillor Heslop remained on the Council to share his expertise and experience and help shape the future of the authority even further. On behalf of those present, he wished to thank Councillor Heslop for his nine years of dedication as Council Leader and as he prepared to step into the role of Leader, he could only try and emulate Councillor Heslop's achievements.

The Leader announced that under his leadership he would make the changes necessary to better deliver for residents across the borough and that difficult decisions would clearly have to be made, but would be done so with care, compassion, and integrity. The Leader stated that he wished to remove party politics from decisions and that all ideas and suggestions would be carefully considered and it was his plan to work together to achieve the best for all residents. He had already invited each Group Leader to meet with himself and the Deputy Leader to discuss their ideas and priorities.

The Leader highlighted that in the next few weeks, the Council would be consulting on a new vision for the Borough. All residents, businesses

and interested parties would be free to respond on how they would like their council tax spent and this would create a vision as part of the Corporate Strategy.

The Leader acknowledged that there were two key challenges facing the Authority in the immediate moment; the Local Plan and the Waste Contract. In respect of the Local Plan, it was clear from the recent recommendation of the Planning and Transportation Advisory Board that there was a degree of consensus on the way this were to be approached. However, as this is reviewed, brownfield sites would be relooked at as it was his view that future development needed to be placed here, before greenbelt and greenfield sites were considered. Recycling collections had recommenced, but the problems were far from over.

It was the Leader's view that there was a need to reset the Council's relationship with Parish Councils and community groups and he had asked that recommendations to the Overview and Scrutiny Committee be tabled at the earliest opportunity for an overhaul of the way that Parish Partnership Panel and Tonbridge Forum were structured and that he would contact all Parishes and Community Groups to seek their input into these reforms.

In conclusion, the Leader stated that he was humbled to have been elected as Leader of the Council and would do his best to deliver what the residents wanted. The challenges facing the authority were great but there were also exciting opportunities ahead. It was his intention to deal with the difficult decisions fairly and grasp any opportunity available that would enhance the lives of those living and working in the borough and work with officers and Members of all parties to deliver for residents.

The full Leaders announcement can be viewed via YouTube at [Leader's Announcements](#)

C 21/63 REVIEW OF CCTV CAMERAS

Item CB 21/55 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendation at Minute CB 21/55 be approved.

C 21/64 PROVISION OF ELECTRIC VEHICLE CHARGING POINTS

Item CB 21/56 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendations at Minute CB 21/56 be approved.

C 21/65 MOBILE HOMES (REQUIREMENT FOR MANAGER OF SITE TO BE FIT AND PROPER PERSON) (ENGLAND) REGULATIONS 2020

Item CB 21/57 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendation at Minute CB 21/57 be approved.

C 21/66 POLICY ON THE USE OF THE COUNCIL'S OPEN SPACES

Item CB 21/58 referred from Cabinet minutes of 2 June 2021.

RESOLVED: That the recommendations at Minute CB 21/58 be approved.

C 21/67 LOCAL PLAN DELIVERY APPROACH

Item CB 21/71 referred from Cabinet minutes of 6 July 2021.

RESOLVED: That the recommendation at Minute CB 21/71 be approved.

C 21/68 THE ADOPTION OF THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN

Item CB 21/66 referred from Cabinet of 6 July 2021.

RESOLVED: That the recommendations at Minute CB 21/66 be approved.

C 21/69 BOUNDARY REVIEW 2023 - INITIAL PROPOSALS FOR NEW PARLIAMENTARY CONSTITUENCY BOUNDARIES

The report of the Chief Executive provided information on the initial proposals for new Parliamentary constituency boundaries including the consultation process and background documents. The report proposed that a dedicated meeting of the Electoral Review Working group consider the proposals in relation to the Borough and that a formal response to the consultation be submitted thereafter.

To allow for consideration of the proposals in relation to the new Parliamentary constituency boundaries to be taken in public, the Leader proposed an amendment to the recommendation as follows:

That the General Purposes Committee be invited to consider the proposals and delegated Authority be given to the Chief Executive, in consultation with the Leader and Deputy Leader, to thereafter submit the Council's response to the Boundary Commission.

The proposal was duly seconded by Councillor Lettington and unanimously agreed.

RESOLVED: That the General Purposes Committee be invited to consider the proposals and delegated Authority be given to the Chief Executive, in consultation with the Leader and Deputy Leader, to thereafter submit the Council's response to the Boundary Commission.

C 21/70 BOUNDARY COMMISSION REVIEW - WARDING PATTERNS

An extraordinary meeting of the General Purposes Committee was held immediately prior to the meeting of Council to consider a submission to the Boundary Commission regarding the future warding arrangements of the Borough Council and recommended that an amended recommendation, as appended to the minutes, be recommended to Council.

In accordance with Council Procedure Rule No 8.5, Councillor Clarke requested that a recorded vote be undertaken. The request was supported by Councillor Lettington. The voting was recorded as follows:

Members voting in favour of the recommendation:

Cllr Mrs P A Bates, Cllr Mrs S Bell, Betts, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr R I B Cannon, Cllr M A Coffin, Cllr D Cooper, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr S M Hammond, Cllr S A Hudson, Cllr A P J Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr A Kennedy, Cllr D W King, Cllr J R S Lark, Cllr D Lettington, Cllr Mrs R F Lettington, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr M R Rhodes, Cllr J L Sergison, Cllr K B Tanner, Cllr F G Tombolis and Cllr C J Williams.

Total 30

Members voting against the recommendation:

Cllr Mrs J A Anderson, Cllr T Bishop, Cllr G C Bridge, Cllr A E Clark, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr R V Roud, Cllr T B Shaw, Cllr Mrs M Tatton and Cllr D Thornewell.

Total 13

Members abstaining:

Cllr H S Rogers

Total 1

(Total Members eligible to vote = 44).

RESOLVED: That the amended recommendation, as appended to the minutes, be agreed.

C 21/71 SEALING OF DOCUMENTS

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

The meeting ended at 10.14 pm
having commenced at 8.52 pm.

Mayor's Announcements

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Agenda Item 5

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 6

Questions from Members pursuant to Council Procedure Rule No 5.5

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Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27

To consider the following Notice of Motion proposed by Councillor A Clark on behalf of the Green Group in relation to supporting the Climate and Ecological Emergency Bill:

Preamble

Humans have already caused irreversible climate change, the impacts of which are being felt in the UK and around the world. Global temperatures have increased by 1.2°C from pre-industrial levels and the natural world has reached crisis point, with [28% of plants and animals](#) currently threatened with extinction.

Unless we drastically change course, the world is set to exceed the Paris Agreement's safe 1.5°C limit. Pledges like the Paris Agreement and updated emissions targets are not legally binding. The gap between pledges and policies leaves the world on course for catastrophic warming of [near 3%](#). As the [2018 report](#) by the Intergovernmental Panel on Climate Change (IPCC) made clear, every half a degree makes a world of difference: severe climate impacts with 1.5°C of warming, such as extreme weather patterns causing flooding and heat waves, get *significantly* worse with 2°C. According to the IPCC, limiting heating to 1.5°C may still be possible with ambitious action from national and sub-national authorities, civil society, the private sector and local communities.

The UK is [one of the most nature-depleted countries in the world](#) and more than one in seven of our plants and animals face extinction and more than 40% are in decline. We have lost [95% of our hedgehogs](#). The UK needs a legally-enforceable nature target so that by 2030 nature is visibly and measurably on the path of recovery, in line with the [Global Goal for Nature](#) and the [Leaders' Pledge for Nature](#) .

Council notes that:

- I. Many local authorities are playing an important role in the UK taking action to achieve net zero carbon emissions, and to protect and revitalise local wildlife and natural habitats.
- II. Parliament in May 2019 declared an Environment and Climate Emergency and this Council has already declared a Climate Emergency.
- III. There is a Bill before Parliament—the [Climate and Ecological Emergency Bill](#) (published as the “Climate and Ecology Bill”), which, if it became law, would require the government to develop a strategy to address the emergency that would ensure:
 - A. the **ecological emergency is tackled shoulder to shoulder with the climate crisis** in a joined-up approach;
 - B. the **Paris Agreement** is enshrined into law to ensure that UK does its real fair share to limit global temperature rise to the most stringent end of the Paris agreement **-1.5°C**.

- C. the **Leaders Pledge for Nature** is enshrined into law to ensure that the **UK's ecosystems are protected and restored** with a focus on biodiversity, soils and natural carbon sinks;
- D. the UK takes **full responsibility for our entire greenhouse gas footprint** (i.e. consumption emissions plus shipping, flights and land-based transport) by accounting for all of the emissions that take place overseas to manufacture, transport and dispose of the goods and services we import and consume;
- E. the UK takes **full responsibility for our ecological footprint** so that we protect health and resilience of ecosystems along both domestic and our global supply chains;
- F. an **independent, temporary Climate and Nature Assembly** is set-up, representative of the UK's population, to engage with the UK Parliament and UK Government to help develop the **emergency strategy**.

Council therefore resolves to:

- I. **Support** the Climate and Ecological Emergency Bill;
- II. **Inform the local media** of this decision;
- III. **Write an open letter to MPs Tom Tugendhat and Tracey Crouch** (shared with our residents through local and social media) urging them to sign up to support the Bill; and
- IV. Write to the [CEE Bill Alliance](#), the organisers of the campaign for the Bill, expressing its support (joinus@ceebill.uk).

Leader's Announcements

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Schedule July – October

The Minutes from meetings of the Cabinet and Committees held since the last meeting of Council are set out in the Minute Book.

Any recommendations for Council arising from these Minutes are identified in the Minute Book by an arrow and for ease of reference the relevant page and referral numbers are identified (in bold) in the Schedule set out below:

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
13 July: Extraordinary General Purposes Committee - Minute Numbers: GP 21/22 - 24	3-4	Cllr A Kemp
13 July: Council - Minute Numbers: C 21/50 – 71 - Annexes 1 - 5	5-34	Cllr Roud
26 July: Audit Committee - Minute Numbers: AU 21/27 - 40	35-40	AU 21/30 Cllr A Kemp
27 July: Extraordinary General Purposes Committee - Minute Numbers: GP 21/25 - 27	41-42	Cllr M Rhodes
5 August: Area 1 Planning Committee - Minute Numbers: AP1 21/11 - 15	43-46	Cllr D King
11 August: Area 2 Planning Committee - Minute Numbers: AP2 21/12 - 16	47-50	Cllr H Rogers
14 September: Licensing and Appeals Committee - Minute Numbers: LA 21/10 - 15	51-52	Cllr C Brown
27 September: Audit Committee - Minute Numbers: AU 21/41 – 48	53-56	Cllr A Kemp
30 September: Area 3 Planning Committee - Minute Numbers: AP3 21/18 – 23	57-60	Cllr D Davis
5 October: General Purposes Committee - Minute Numbers: GP 21/28 - 31	61-64	Cllr M Rhodes
7 October: Overview and Scrutiny Committee - Minute Numbers: OS 21/18 - 26	65-68	Cllr J Sergison

Meeting	Page Nos in Minute Book	Recs to Council/ Chairman
11 October: Joint Standards Committee - Minute Numbers: ST 21/1 - 5	69-70	Cllr J Sergison
12 October: Cabinet - Minute Numbers: CB 21/73 - 89	71-78	CB 21/77 to CB 21/82 Cllr M Boughton
Cabinet Member Decisions: - D210073MEM – D210074MEM - D210075MEM – D210077MEM - D210078MEM – D210082MEM - D210083MEM – D210085MEM - D210086MEM – D210091MEM	79-106	
Cabinet Decisions: - D210092CAB – D210096CAB	107-112	

Items marked 'to follow' will be published as a Supplement to the Minute Book.

LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 21/30 referred from Audit Committee of 26 July 2021

The report of the Chief Executive and Director of Central Services informed Members of the outcome of the annual review of the Local Code of Corporate Governance. The Committee received an amended Annex 1 at the meeting which highlighted the changes to the Local Code of Corporate Governance.

RESOLVED: That the amendments to the Local Code of Corporate Governance, as presented at the meeting, be commended to Council for adoption.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

26 July 2021

Report of the Chief Executive and Director of Central Services

Part 1- Public

Matters for Recommendation to Council

1 LOCAL CODE OF CORPORATE GOVERNANCE

This report informs Members of the outcome of the annual review of the Local Code of Corporate Governance.

1.1 Introduction

1.1.1 The Coronavirus pandemic necessitated a strategic response from the Council to guide the Council's recovery from the pandemic. This resulted in the production of a Corporate Strategy Addendum which was adopted in 2020.

1.1.2 Throughout the course of 2020/21 the Council has also adopted or refined a number of its procedures and policies which necessitate minor amendments to the Local Code including:

- The adoption of a Climate Change Strategy and annual Action Plans
- The replacement of the Records Management policy with a Data Retention Policy, to seek to ensure compliance with GDPR regarding the duration that the Council can hold the personal data of its residents

1.1.3 Audit Committee may recall the central government review of Ethical Standards in Local Government in January 2019 which was highlighted in the last report on the Local Code (July 2020). Whilst that review made a number of recommendations, these will require implementation through primary legislation before they take effect, if Government decides to adopt any or all of them. At the time of writing, no action had been taken by central government in this regard and therefore no changes are proposed on these matters.

1.1.4 The Council's last "Peer Review Challenge" took place in 2013/14 and it is therefore proposed that reference to this is now removed from the Local Code.

1.2 Legal Implications

1.2.1 Whilst there is no legal requirement for Councils to develop a Local Code of Corporate Governance, such a Code provides a public document that

demonstrates how the Council ensures it operates in a proper way and in accordance with the law.

1.3 Financial and Value for Money Considerations

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

1.4 Risk Assessment

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

1.5 Equality Impact Assessment

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

1.6 Recommendations

1.6.1 Members are asked to **approve** the amendments to the Local Code of Corporate Governance set out at **Annex 1** and **commend** it to Council for adoption.

Background papers:

contact: Kevin Toogood

CIPFA/SOLACE – “Delivering Good Governance in Local Government Framework 2016”

Julie Beilby
Chief Executive

Adrian Stanfield
Director of Central Services

Local Code of Corporate Governance	Supporting Evidence
1. Behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law.	
1.1 Behaving with Integrity	
<p>Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated thereby protecting the reputation of the organization</p>	<p>The Council has Codes of Conduct for both Members and Officers. The Member code is founded upon the seven Principles of Public Life (the Nolan Principles). This is enforced (where necessary) through the Council's Joint Standards Committee. The Officer code is enforced (where necessary) through disciplinary procedures.</p> <p>In addition the Council has:</p> <ul style="list-style-type: none"> • An Equalities Policy • a protocol for member/ officer relations • A Declaration of Interest Register for Members and for staff • A Register of Gifts and Hospitality offered to Members and staff • Financial Procedure Rules • Contracts Procedure Rules • A publicised complaints procedure • A fraud-aware culture, and an anti-fraud and corruption policy which is reviewed and updated annually.
<p>Ensuring members take the lead in establishing specific standard operating principles or values for the organization and its staff and that they are communicated and understood. These should build on the Seven Principles of Public Life</p>	<p>The Council's constitution sets out clearly the standard operating procedures, and any delegation of responsibility from Council (and Cabinet) and the decision making powers of the Council, cabinet and its committees and boards.</p> <p>The Seven Principles of Public Life are embedded within the Constitution and form part of the Members' Code of Conduct.</p>
<p>Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes which are reviewed on a regular basis to ensure that they are operating effectively</p>	<p>The Council's constitution clearly sets out the process for holding the executive to account through the debate of items at committees, and a system of reporting to the Council's Overview & Scrutiny committee.</p> <p>The Council has a Corporate Strategy for 2020-2023 which sets out an overarching vision for the Council.</p>

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

<p>1.3 Respecting the Rule of Law</p>	
<p>Ensuring members of staff demonstrate a strong commitment to the rule of law as well as adhering to relevant laws and regulations</p>	<p>The Council actively recognises the requirements and responsibilities placed on it by law and will act to observe all specific legal requirements placed upon it when taking decisions. Training is provided to new members of staff appropriate to their roles, and ongoing training (in particular in relation to regulatory functions) is also provided on both an ad hoc and programmed basis.</p> <p>This is underpinned by a series of policies and processes to ensure that staff adhere to legal requirements including:</p> <ul style="list-style-type: none"> • a Code of Conduct for Members and Officers • A Declaration of Interest Register for Members and for staff • A Register of Gifts and Hospitality offered to Members and staff • Financial Procedure Rules • Contracts Procedure Rules • an anti-fraud and corruption policy
<p>Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements</p>	<p>Training is provided to new members upon election, and ongoing training (in particular in relation to regulatory functions) is also provided on both an ad hoc and programmed basis.</p> <p>The Council's Monitoring Officer (<u>the Director of Central Services & Deputy Chief Executive</u>) and Deputy Monitoring Officers (<u>the Head of Legal & Democratic Services</u>), both of whom are qualified Solicitors with <u>current practising certificates</u> are responsible for ensuring that the Council acts in accordance with the law and that decisions made by the Council, however made, are made lawfully.</p>

<p>Striving to optimize the use of the full powers available for the benefit of citizens, communities and other stakeholders</p>	<p>All departments are encouraged to work closely with the Council's legal team and where necessary to consult the Monitoring Officer to ensure that the most effective use is made of the Council's powers.</p> <p>Legal staff receive regular training and updates when new powers become available to the Council.</p> <p>The Council also strives to utilise its statutory powers to work in the public interest and to the full benefit of its citizens, particularly in relation to regulatory activity.</p> <p>All committee reports include a section to ensure any legal implications are fully analysed when making decisions.</p> <p>In addition, many committees (in particular where the Council is carrying out regulatory functions) sit with a legal advisor.</p>
<p>Dealing with breaches of legal and regulatory provisions effectively</p>	<p>Staff in enforcement roles are appropriately trained and (where necessary) professionally qualified in the relevant field.</p> <p>The Council has individual service enforcement policies which set out how breaches are to be investigated and enforced. The Council has also adopted a Corporate Enforcement Policy. Investigations are carried out with the assistance of legal advice where needed. Any prospective prosecution is assessed in accordance with the Code for Crown Prosecutors and considered by a senior lawyer before a decision is made.</p> <p>Enforcement staff are encouraged to work closely with the Council's legal team to ensure that the most effective use is made of the enforcement powers available to the Council.</p> <p>In committees where the Council is carrying out a regulatory function, the committee usually sits with a legal advisor.</p> <p>The Council has appointed a Data Protection Officer and Deputy Data Protection Officer, in accordance with GDPR, to ensure that following an internal investigation data breaches are reported to the ICO where necessary. The posts of Data Protection Officer and Deputy Data Protection Officer are currently undertaken by the Director of Central Services & Deputy Chief Executive, and the Head of Legal & Democratic Services.</p>
<p>Ensuring corruption and misuse of power are dealt with effectively</p>	<p>The Council takes corruption and misuse of power very seriously. The Council has an anti-fraud and corruption strategy and a whistleblowing policy in place.</p>

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	<p>In addition, the Council has a Joint Standards Committee and Code of Conduct for Members which investigates complaints against members <u>(both at Borough and Parish level)</u>.</p> <p>The Council's Monitoring Officer and Deputy Monitoring Officers are responsible for ensuring that the Council acts in accordance with the law.</p> <p>All staff are required to confirm their acceptance of all policies, including the anti-fraud and corruption and whistleblowing policies through netConsent. Such policies are ultimately enforceable through disciplinary measures. Internal audit also carry out programmed audits on matters such as corporate crime.</p>
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2. Ensuring openness and comprehensive stakeholder engagement

2.1 Openness

<p>Ensuring an open culture through demonstrating, documenting and communicating the organization's commitment to openness</p>	<p>The Council follows both the mandatory and (where cost effective) recommended provisions of the Local Government Transparency Code for publication of information held by the Council, and has a detailed scheme of publication under the Freedom of Information Act. In addition, in relation to certain decisions made at officer level, the Council has implemented the requirements of the Openness in Local Government Regulations 2014.</p>
<p>Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes. The presumption is for openness. If that is not the case, a justification for the reasoning for keeping a decision confidential should be provided</p>	<p>The Council has an adopted and published Corporate Strategy for 2020-2023 which sets out the Council's vision for a 3-year period, which is supplemented by a Corporate Strategy Addendum, setting out the Council's strategy for recovering from the effects of the Coronavirus pandemic.</p> <p>The Council has established arrangements to communicate and consult with Members of the</p>

	<p>public on the Council's work and key policy changes and this consultation allows the development of strategic priorities and the Corporate Strategy.</p> <p>The Council's Constitution sets out clearly the decision- making powers of:</p> <ul style="list-style-type: none"> • The Council • The Cabinet (including the Executive Leader and delegated decision-making to the Cabinet Portfolio Holders), • Other Council committees; and • powers delegated to officers and the limits of such delegation <p>The Overview and Scrutiny Committee is responsible for reviewing and scrutinizing decisions made by and performance of the cabinet, committees and officers. Decisions made by cabinet, committee or a cabinet member can be subjected to scrutiny via a call-in procedure allowing challenge within five working days of the decision being taken. Feedback from the Overview and Scrutiny Committee, Cabinet, Committees and Advisory Boards is taken into account and given due consideration in the decision-making process.</p> <p>Forthcoming key decisions are published in advance at regular intervals. All Member meetings held by the Council are open to the public, unless the items being discussed are considered to be private under the Local Government Act 1972; these may include staffing and legal matters and those of a contractual nature. Where such an exemption applies, it is recorded in the relevant report and minute.</p>
<p>Providing clear reasoning and evidence for decisions in both public records and explanations to stakeholders and being explicit about the criteria, rationale and considerations used. In due course, ensuring that the impact and consequences of those decisions are clear.</p>	<p>Reports to members set out all relevant considerations in order to ensure that any decision taken is rational and lawful. In addition, reports of certain officer level decisions are required to be published under the Openness in Local Government Regulations 2014.</p>
<p>Using formal and informal consultation and engagement to determine the most appropriate and effective interventions/ courses of action.</p>	<p>The Council carries out consultation where this is a legal requirement.</p>
<p>2.2. Engaging comprehensively with institutional stakeholders</p>	
<p>Effectively engaging with institutional stakeholders to ensure that the purpose, objectives and intended outcomes for each</p>	<p>The Council's Corporate Strategy 2020/23 outlines the means by which local stakeholders (including institutional stakeholders) will be</p>

<p>stakeholder relationship are clear so that outcomes are successfully achieved and sustainably.</p>	<p>engaged and how constructive, challenging relationships will be built.</p> <p>The Council has put in place Committees / Boards with cross-party representation to ensure effective and robust discussion of issues.</p> <p>The Council also has an Overview and Scrutiny Committee to scrutinise decisions made by Cabinet.</p>
<p>Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved more effectively</p>	<p>The Council has a number of partnerships, such as Shared Service and Joint Working arrangements which are intended to share resources with neighbouring authorities to improve efficiency and economic sustainability.</p>
<p>Ensuring that partnerships are built on trust, a shared commitment to change, a culture that promotes and accepts challenge among partners and that the added value of partnership working is explicit</p>	<p>The Council is in the process of developing a partnership policy to guide these principles and ensure that any partnership adheres to these values.</p>
<p>2.3 Engaging with individual citizens and services users effectively.</p>	
<p>Establishing a clear policy on the type of issues that the organization will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service (or other) provision is contributing towards the achievement of intended outcomes</p>	<p>The Council is clear that it is ultimately accountable to the citizens of Tonbridge & Malling. The Council has a good understanding of who lives, works and plays in the borough and has mechanisms to listen to and respond to their needs, aspirations and concerns.</p> <p>All consultations are published on the Council's website. When considering consultation responses, the Council's decision considers the merit of the responses being made, regardless of the nature of the stakeholder group. The Council</p>

	<p>carries out consultation when legally required to do so.</p> <p>All reports and decisions include an equalities impact assessment which takes into account whether a decision would have a disproportionate impact on a certain section of society.</p>
<p>Ensuring communication methods are effective and that members and officers are clear about their roles with regard to community engagement</p>	<p>All consultations are published on the Council's website, and where legally required, are advertised in a relevant newspaper.</p> <p>The Council's constitution sets out the roles of members, and (in particular) cabinet members and their roles with regard to community engagement.</p> <p>Public-facing staff receive training relevant to their roles to ensure that their community engagement roles are clear.</p>
<p>Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</p>	<p>The Council has taken action to develop and support effective engagement opportunities with all groups of the local community:-</p> <ul style="list-style-type: none"> • The Council engages with the Parishes and unparished areas through the Parish Partnership Panel and Tonbridge Forum • The Council promotes the TM Youth Forum that represents the views of young people living in Tonbridge and Malling • The Council supports the Tonbridge & Malling Seniors' Forum (TAMS) which promotes and the needs of the older resident. • The Council engages with other key stakeholders through a number of partnerships that the Council has embarked upon. • The Council actively uses complaints received to learn and improve services, whether through the internal complaints system or via the Ombudsman. • The Council operates a petition scheme whereby matters of significant local interest can be raised for discussion at full Council.
<p>Implementing effective feedback mechanisms in order to demonstrate how views have been taken into account.</p>	<p>Consultation responses are reported upon to the relevant committee or board where Members have an opportunity to consider feedback received and how best to respond to such feedback.</p> <p>The Council also has in place a complaints procedure.</p>

Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity	When considering consultation responses, the Council's decision considers the merit of the responses being made, regardless of the nature of the stakeholder group.
Taking account of the impact of decisions on future generations of tax payers and service users.	All reports and decisions include an equalities impact assessment which takes into account whether a decision would have a disproportionate impact on a certain section of society.
3. Defining outcomes in terms of sustainable economic, social and environmental benefits.	
3.1 Defining Outcomes	
Having a clear vision, which is a clear formal statement of the organisation's purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation's overall strategy planning and other decisions	There is a clear statement of the organisation's purpose in the Tonbridge & Malling Borough Council Corporate Strategy 2020-23. This document sets out the key priorities for the authority and how the Council will work with a range of partners and the local communities towards achieving the objectives.
Specifying the intended impact on, or changes for, stakeholders including citizens and service users. It could be immediately or over the course of a year or longer	<p>Committee reports all contain an assessment of risk of the options being presented for a decision. Additionally, the Audit Committee has a role in scrutinizing corporate risk.</p> <p>Where any decision is recommended, reports contain an analysis of the intended impact or changes for stakeholders and the timescale on which that is anticipated to happen. Decisions which may have a disproportionate impact on a certain section of society are subject to an Equalities Impact Assessment.</p>
Delivering defined outcomes on a sustainable basis within the resources that will be available	The Council's Medium Term Financial Strategy covers both revenue and capital budgets, and it is this strategy that underpins the budget setting process for the forthcoming year and over the strategy period. The aim of the MTFS is to give us a realistic and sustainable plan that reflects the Council's priorities and takes us into the future. Alongside the MTFS sits a Savings and Transformation Strategy. Its purpose, to provide structure, focus and direction in addressing the significant financial challenge that lies ahead.
Identifying and managing risks to the achievement of outcomes	<p>The Council has arrangements in place to effectively monitor and manage risks to its business through the risk management strategy and strategic and service risk registers.</p> <p>Committee reports all contain an assessment of risk of the options being presented for a decision. Additionally, the Audit Committee has a role in scrutinizing corporate risk.</p>

Managing service users' expectations effectively with regard to determining priorities and making the best use of the available resources	The Council is accountable to the citizens of Tonbridge and Malling in delivering its duties and responsibilities. The Council manages relationships with partners and consults the public through a number of mechanisms, including regular reporting to members, partnership arrangements (supported by partnership agreements) and the provisions of the Council's constitution.
3.2. Sustainable economic, social and environmental benefits.	
Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decisions about service provision	<p>Value for money considerations are set out in all committee reports, and the Council's external auditors have consistently found that the Council does give value for money. The social impact of decisions is considered throughout the decision-making process, including the carrying out of an Equalities Impact Assessment where it is considered that a recommendation may have a disproportionate impact on a particular section of society.</p> <p>Where relevant, policies are subject to Strategic Environmental Impact Assessment prior to adoption.</p> <p>The Council intends to adopt a Climate Change Strategy in 2020 which will also set out the Council's aims for achieving carbon neutrality. adopted a Climate Change strategy in 2020 along with a one-year action plan for 2020/21. A further action plan for 2021/22 has been approved by the Council's executive.</p>
Taking a longer-term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between the organisation's intended outcomes and short-term factors such as the political cycle or financial constraints.	The Corporate Strategy, together with the Medium Term Financial Strategy and supported by the Savings and Transformation Strategy set out the long term high level objectives of the Council.
Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs	Council, Committee and advisory board reports set out all relevant considerations to enable members to make decisions which are appropriate and lawful.
Ensuring fair access to services	The Council has an equalities policy which seeks to ensure fair access to the Council's services by all sections of society.

4. Determining the interventions necessary to optimize the achievement of the intended outcomes	
4.1. Determining interventions.	
<p>Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks, therefore ensuring best value is achieved however services are provided.</p>	<p>Decision making mechanisms are set out in detail in the Council's constitution. Whether a decision is at council, cabinet or committee level it is informed by a report encompassing advice from relevant services across the Council.</p> <p>Where relevant, alternative options are presented within committee reports, with an assessment of the benefits and disadvantages of those options.</p> <p>The Council's enforcement policies will inform a decision where legal or regulatory action is an option and reports will detail the legal implications of such action.</p>
<p>Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets and bearing in mind future impacts</p>	<p>Where appropriate, the Council carries out consultation with stakeholders, which is taken into account in the decision-making process. Consultations are published on the Council's website, or where statutory rules apply to such consultation those rules are followed.</p> <p>In addition, the Council uses its complaints procedure to understand where services can be improved.</p>
4.2 Planning Interventions	
<p>Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets</p>	<p>Strategic and operational plans (such as the Corporate Strategy Plan) are reviewed on a regular basis.</p> <p>Feedback from consultations is taken into account in the decision making process and</p>

	<p>reported to the relevant committee, cabinet or Council meeting.</p> <p>The Savings & Transformation Strategy (STS) has been prepared in order to support the achievement of the Council's Medium-Term Financial Strategy and direct resources in line with the Council's Corporate Strategy. The STS recognizes that there is no one simple solution to addressing the financial challenges, and that the Council needs to embrace transformation in a multitude of ways in order to deliver savings within an agreed timetable. The STS sets out a measured structure and framework for delivering the necessary savings through a series of themes; each theme having a deliverable target.</p>
Engaging with internal and external stakeholders in determining how services and other courses of action should be delivered	The Corporate Strategy, medium term financial strategy and other key policies are set by cabinet or the Council following input from all service directors and the Chief Executive.
Considering and monitoring risks facing each partner when working collaboratively, including shared risks	Reports on proposals for shared services contain a risk assessment, and risks are mitigated through the shared service agreements.
Ensuring arrangements are flexible and agile so that mechanisms for delivering goods and services can be adapted to changing circumstances	The Council's Contract Procedure Rules and standard contract terms are reviewed regularly to ensure they are up to date with current best practice.
Establishing appropriate Key Performance Indicators as part of the planning process in order to identify how the performance of services and projects is to be measured.	Performance indicators are monitored within each service and reported to Management Team where appropriate.
Ensuring capacity exists to generate the information required to review service quality regularly	It is the responsibility of service directors and Management Team to ensure sufficient capacity exists.
Preparing budgets in accordance with objectives, strategies and the medium-term financial plan	<p>The Council's Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets, and it is this Strategy that underpins the budget-setting process for the forthcoming year and over the strategy period.</p> <p>Budgetary control is undertaken on a monthly basis by services, who report known variations to Financial Services. These variations along with detailed monitoring of the Council's Salary Budget and Major Income Streams are reported to the Corporate Management Team and then onto Members via the Finance, Innovation and Property Advisory Board as part of the cycle of Councils meetings programme.</p>

<p>Informing medium and long-term resource planning by drawing up realistic estimates for revenue and capital expenditure aimed at developing a sustainable funding strategy</p>	<p>The Council's Medium Term Financial Strategy (MTFS) covers both revenue and capital budgets, and it is this Strategy that underpins the budget setting process for the forthcoming year and over the strategy period.</p> <p>The Strategy sets out the high level financial objectives the Council wishes to fulfil over the agreed time span. The Strategy also sets out, based on current financial information, not only the projected budgets for the period, but also the levels of council tax that are projected to be required to meet the Council's spending plans.</p> <p>The aim of the MTFS is to give us a realistic and sustainable plan that reflects the Council's priorities and takes us into the future. Underneath the Strategy sits detailed estimates formulated in conjunction with Services taking into account past outturn, current spending plans and likely future demand levels / pressures. It is acknowledged that circumstances will change and for this reason the Strategy needs to, and will, be kept under regular review.</p>
<p>4.3 Optimising achievement of intended outcomes</p>	
<p>Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints</p>	<p>The medium-term financial strategy is aligned with the Corporate Strategy. Service priorities are aligned to the Corporate Strategy.</p>
<p>Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term</p>	<p>The budget monitoring process considers both revenue and capital budgets.</p> <p>Budget for the following financial year and longer term financial planning through the MTFS takes account of the impacts for service delivery through potential changes in client base, housing need and levels.</p> <p>The MTFS takes into account changes in Government Funding where these are known. Where these factors are unknown these are judged by officers and shared and confirmed with Members.</p>
<p>Ensuring the medium-term financial strategy sets the context for ongoing decisions on significant delivery issues or responses to changes in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimizing resource usage</p>	<p>In considering the preparation of the Budget for the current and future financial years, Chief Officers are asked to identify potential growth issues and savings for future years that can be assessed and included with the MTFS.</p>

	This may include changes in demand for services, including the growth in property, and proposed changes in fees and charges.
Ensuring the achievement of "social value" through service planning and commissioning	The Council has a Social Value Policy Statement. Whilst the issues of cost and quality remain of key concern, the concept of social value means that where appropriate, the Council can seek to achieve added social benefits in its procurement processes that may otherwise not have been achieved by other means.
5. Developing the entity's capacity, including the capability of its leadership and the individuals within it	
5.1. Developing the entity's capacity	
Improving resource use through appropriate application of techniques such as benchmarking and other options to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently	<p>The Council works towards improving value for money through:</p> <ul style="list-style-type: none"> • Exploration of innovative ways of working including potential for joint-working and shared services • Robust budgeting and financial monitoring arrangements including detailed reviews of budgets and potential savings opportunities • Internal and external audit • Publication of annual budget and accounts information
Recognizing the benefits of partnerships and collaborative working where added value can be achieved	The Council works in partnerships with other authorities in Kent. A commitment to working in partnership is one of the Council's stated Corporate Objectives.
Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources	<p>The Council has an extensive training programme for council officers including mandatory and voluntary training.</p> <p>The Council actively engages with its staff through:</p> <ul style="list-style-type: none"> • Team meetings • Regular performance management meetings • The Joint Employee Consultative Committee <p>The HR Strategy incorporates the Council's Workforce Development Plan which is reviewed and updated annually.</p>

	The Council's digital strategy seeks to develop solutions which will increase the efficiency of the Council's resources.
5.2. Developing the capability of the entity's leadership and other individuals.	
Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained	The Council examines the capability of its people with governance responsibilities through appraisals, identifying any training gaps – the relevant training programmes are updated accordingly.
Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body	The Council's constitution sets out clearly the decision-making powers of the Council and its bodies and officers.
Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads in implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and a balance for the other's authority	the roles of the Leader of the Council and Chief Executive are clearly defined in the Council's Constitution.
Developing the capabilities of members and senior management to achieve effective leadership and to enable the organization to respond successfully to changing legal and policy demands as well as economic, political and environmental changes and risks.	<p>The Council has undertaken steps through the "Peer Review Challenge" to review the effectiveness of the organization.</p> <p>The Council has a training programme for Members and holds regular training sessions (both on a programmed and ad hoc basis) for Members on a variety of topics:</p> <ul style="list-style-type: none"> • Induction training for all new members • Service-specific training, e.g. Community Safety • Committee-specific training, e.g. Audit Committee, Planning Committee
Ensuring that there are structures in place to encourage public participation	Consultations are published on the Council's websites. In relation to decisions taken by the Council on planning matters, and certain matters under the Licensing Act 2003, members of the public are able to make both written and oral representations to the committee. The Council also operates a petition scheme.
Holding staff to account through regular performance reviews which take account of training or development needs	<p>Staff have access to appropriate induction training, and ongoing training on both an ad hoc and programmed basis relevant to their roles.</p> <p>The annual appraisal process reviews staff performance and also identifies training needs.</p>

	Staff training takes place both through internal and external provision as appropriate.
Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing	The council has a Health and Wellbeing statement of intent recognizing that the Council's staff are its most valuable asset. The HR Strategy also recognizes the same. The Council has a Joint Employee Consultative Committee which enables employees to raise matters of concern, including health and wellbeing.
6. Managing risks and performance through robust internal control and strong public financial management	
6.1. Managing risk	
Recognizing that risk management is an integral part of all activities and must be considered in all aspects of decision making	Risk management practices are embedded within the organisation through the annual service and strategic planning processes, which is used to develop the Council's vision and objectives. This ensures that risks to the achievement of the Council's objectives are identified and managed appropriately. Risks identified are scored on the basis of their likelihood and impact and existing controls and required actions to further mitigate risks are captured in risk registers. The framework sets out the responsibility of Officers leading on areas with partnership arrangements to ensure that the partner has an adequate risk management strategy and sufficient insurance cover to protect the interests of the Council.
Implementing robust and integrated risk management arrangements and ensuring that they are working effectively	<p>The Council has arrangements in place to effectively monitor and manage risks to its business through the:</p> <ul style="list-style-type: none"> • Risk Management Strategy • Strategic Risk Register • Service Risk Registers • Audit Committee role in scrutinising corporate risk • Consideration of risk in all Committee reports • Annual Governance Statement <p>The strategic and service risk registers are updated regularly.</p> <p>Risks associated with decisions are set out on relevant committee, cabinet or council reports.</p> <p>The Council's standard report template requires Officers and Members to carry out a risk assessment of the action recommended in the report ensuring risk is considered in all decision-making of the authority. This assessment also</p>

	covers legal, financial and value for money considerations and equality issues where relevant.
Ensuring that responsibilities for managing individual risks are clearly allocated.	The service risk registers clearly identify responsibilities for managing individual risks.
6.2. Managing performance.	
Making decisions based on relevant, clear and objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook	The performance of the Council and its partners in achieving its objectives is monitored and measured by services and their respective Service Management Teams and subsequently Management Team and Members. Individual services are accountable to the Corporate Management Team for operational performance monitoring and measurement and are responsible for taking action to correct any adverse performance, in the first instance, as appropriate.
Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organization for which it is responsible (or for a committee system) encouraging effective and constructive challenge and debate on policies and objectives to support balanced and effective decision making	The overview and scrutiny committee is responsible for reviewing and scrutinizing the decisions made by and performance of the Cabinet and/ or Committees/ Advisory Boards and Council Officers. Decisions made by Cabinet, a Committee or by a Cabinet Member acting on the recommendation of an Advisory Board can be subjected to scrutiny via a call-in procedure allowing challenge within 5 working days of the decision being taken.
Providing members and senior management with regular reports on service delivery plans and on progress towards outcome achievement	The Council has in place committees & boards with cross-party representation to ensure effective and robust discussion of issues. Relevant boards, committees and the executive are provided with information reports on a regular basis to provide progress reports on service delivery and outcomes.
Ensuring there is consistency between specification stages (such as budgets) and post-implementation reporting (e.g. financial statements)	The medium-term financial strategy is aligned with the Corporate Strategy. Service priorities are aligned to the Corporate Strategy, which ensures consistency between budget-setting and service delivery.

	<p>Capital schemes are subject to evaluation prior to the approval for implementation; the criteria of the evaluations are set by Council.</p> <p>Following the scheme's completion a post implementation review will be prepared and shared with members in order to determine the accuracy of the initial evaluation and identify lessons to be learned and considered in future evaluations.</p>
6.3 Robust internal control	
Ensuring effective counter-fraud and anti-corruption measures are in place	The Council has an effective Internal Audit service and Anti-Fraud service in place. The Council also has an Anti-Fraud and Corruption Policy and Whistleblowing Policy.
Ensuring additional assurance on the overall adequacy and effectiveness of the framework of governance, risk management and control is provided by the internal auditor	<p>The Council has in place arrangements to effectively monitor and manage risks to its business through the:</p> <ul style="list-style-type: none"> • Risk management strategy • Strategic risk register • Service risk registers
Establishing an audit committee or equivalent group/function which is independent of the executive and accountable to the governing body	The core functions of an audit committee as defined by <i>CIPFA's Audit Committees: Practical Guidance for Local Authorities</i> are fulfilled by the Council's Audit Committee. The Council's Constitution sets out the responsibility of the Audit Committee to provide independent assurance of the adequacy of the risk management framework and associated control environment. To do so, the Audit Committee has adopted a Risk Management Strategy that sets out the roles of Officers and Members in the identification and minimisation of risk. The Risk Register is a standing item at every Audit Committee meeting
6.4 Managing Data	
Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data	<p>The Council maintains a number of local policies which support and embed information processes. These include</p> <ul style="list-style-type: none"> • Data Protection policy • Information Security policy • Records Management policy • Use of removable media policy • Remote access policy • Social media policy • Information Asset register • Information Governance Policy

Commented [KT1]: To be replaced by data retention policy imminently

	<p>The Council has a Data Protection Officer, appointed in accordance with GDPR, with overall responsibility for ensuring the Council follows proper data protection practices. The DPO chairs the Council's Information Governance Group ("IGG") which meets regularly to discuss data protection and related matters within the Council, including data breaches.</p> <p>Individual services have representatives appointed to sit on the IGG and feed back into their services to raise and maintain awareness of the requirements of GDPR.</p>
Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies	The Council is a signatory to the Kent & Medway Information Sharing Agreement, which prescribes the procedures that are to be followed when sharing data with other public sector bodies in Kent. The Data Protection Officer, or his appointed Deputies, attend the Kent & Medway Information Sharing Partnership, which seeks to share best practice under GDPR across all Kent authorities.
Reviewing and auditing regularly the quality and accuracy of data used in decision making and performance monitoring	An annual risk-based Internal Audit Plan is prepared to determine the priorities of the internal audit activity, consistent with the organisation's goals. The Plan aims to ensure that sufficient audit assurance work is carried out to enable the Chief Audit Executive to deliver an opinion regarding the adequacy and effectiveness of the internal control arrangements within the Council. Each audit review will cover data quality and accuracy relevant to the subject area.
6.5 Strong public financial management	
Ensuring financial management supports both long-term achievement of outcomes and short-term financial and operational performance	<p>The Council's Financial Procedure Rules support the provision of high quality financial advice. The Council also acts in consultation with stakeholders. The Council's Internal Audit Service provides assurance on the quality of financial and performance data reported.</p> <p>The ongoing budget-setting and monitoring process together with the Medium Term Financial Strategy supports the long-term achievement of outcomes and short-term financial and operational performance.</p>
Ensuring well-developed financial management is integrated at all levels of planning and control, including management of financial risks and controls	Annual budgets are set with involvement from budget holders across all council services. The MTFS is set considering longer-term risks.
7. Implementing good practices in transparency, reporting, and audit to deliver effective accountability	
7.1 Implementing good practice in transparency	

<p>Writing and communicating reports for the public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.</p>	<p>The Council has implemented the mandatory and (where cost effective) recommended principles set out in the Local Government Transparency Code. The Council has set up a steering group which meets to discuss changes to the code and its ongoing implementation.</p> <p>Reports for both historic and prospective meetings of the Council and its committees and boards are made available to the public through the Council's website.</p> <p>Where possible, reports are written in a public-facing and non-technical manner. All reports (save those which are exempt from publication for reasons set out in the Local Government Act 1972) are made public and can be accessed through the Council's website.</p>
<p>Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand</p>	<p>Where possible, reports are written in a public-facing and non-technical manner. All reports (save those which are exempt as discussed above) are made public and can be accessed through the Council's website.</p>
<p>7.2 Implementing good practice in reporting</p>	
<p>Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way</p>	<p>Annual Statement of Accounts report the Council's financial performance against the original estimate set for that financial year. The statement is prepared in accordance with the CIPFA Code for Local Authority Accounting.</p> <p>Included within the financial statements will be a judgement from the Council's external auditors on value for money and adequate use of resources.</p> <p>Included within the financial statements is the Annual Governance Statement. This is approved by Members and signed by the Chief Executive and Leader of the Council and provides evidence on the Council's adherence to the Code of Corporate Governance.</p>
<p>Ensuring members and senior management own the results reported</p>	<p>The Annual Governance Statement is approved by the leader and Chief Executive, and the financial statements are considered and approved by Management Team and the Audit Committee.</p>
<p>Ensuring robust arrangements for assessing the extent to which the principles contained</p>	<p>Compliance is reviewed on an annual basis and reported to Audit Committee.</p>

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

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LEYBOURNE LAKES COUNTRY PARK – FUTURE MANAGEMENT AND FACILITY DEVELOPMENT

Item CB 21/77 referred from Cabinet of 12 October

Consideration was given to the recommendations from the Communities and Housing Advisory Board meeting held on 20 July 2021 (as set out at Minute Number CH 21/29).

RECOMMENDED: That both the transfer of the site management and the construction of the building project proceed in accordance with the timescales outlined in the report.

***Referred to Council**

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PEMBURY ROAD OPTIONS

Item CB 21/78 referred from Cabinet of 12 October 2021

Consideration was given to the recommendations from the Finance, Innovation and Property Advisory Board meeting held on 15 September 2021 (as set out at Minute Number FIP 21/55).

RECOMMENDED: That Option 1 (to progress the current design) presented in the report be recommended as the preferred option to Council.

***Referred to Council**

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TREASURY MANAGEMENT UPDATE

Item CB 21/79 referred from Cabinet of 12 October 2021

The Director of Finance and Transformation advised that details of treasury management activity undertaken during the period April to August of the current financial year plus the outturn for 2020/21 had been considered by the Audit Committee at meetings held on 26 July and 27 September 2021 (Minute number AU 21/31 and AU 21/43 refers). The report invited Cabinet to recommend that Council note the outturn position for 2020/21, endorse the actions taken by officers in respect of treasury management activity and retain the current risk parameters.

RECOMMENDED: That Council

- (1) note the £3m being applied to investment asset (diversified income) funds;
- (2) note the 2020/21 outturn position;
- (3) endorse the action taken by officers in respect of treasury management activity for the period April to August 2021; and
- (4) retain the existing parameters intended to limit the Council's exposure to investment risks.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

12 October 2021

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Council

1 TREASURY MANAGEMENT UPDATE

Reports detailing treasury management activity undertaken during the period April to August of the current financial year plus the outturn for 2020/21 were considered by the Audit Committee at meetings on 26 July and 27 September. Following review by the Audit Committee, Cabinet are invited to recommend that Council note the outturn position for 2020/21, endorse the actions taken by officers in respect of treasury management activity to date and retain the current risk parameters.

1.1 Introduction

1.1.1 At its meetings on 26 July and 27 September 2021, the Audit Committee considered reports on the treasury management outturn for 2020/21, activity from April to August 2021 and also reviewed the risk parameters contained in the Council's 2021/22 Treasury Management and Annual Investment Strategy.

1.1.2 After full consideration of the reports, Audit Committee:

- noted the outturn position,
- noted the £3m being applied to investment asset (diversified income) funds,
- endorsed the action taken by officers in respect of treasury management activity for April to August 2021;
- further recommended that the existing parameters intended to limit the Council's exposure to investment risks contained in the 2021/22 Strategy should be retained.

1.1.3 The detailed reports can be found on the website under the agendas of Audit Committee on 26 July and 27 September respectively. For completeness Audit Committee minute references are AU21/31 and AU21/43.

1.2 Legal Implications

1.2.1 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority including securing effective arrangements for treasury management. In addition, Link are employed to provide independent advice on legislative and professional changes that impact on the treasury management function.

1.3 Financial and Value for Money Considerations

1.3.1 As set out in the reports to Audit Committee.

1.4 Risk Assessment

1.4.1 The application of best practice, including the regular reporting and scrutiny of treasury management activity, as identified by the CIPFA Code is considered to be an effective way of mitigating the risks associated with treasury management.

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.

1.6 Recommendations

1.6.1 Cabinet is invited to **RECOMMEND** that Council:

- 1) Note the £3m being applied to investment asset (diversified income) funds;
- 2) Note the 2020/21 outturn position;
- 3) Endorse the action taken by officers in respect of treasury management activity for the period April to August 2021; and
- 4) Retain the existing parameters intended to limit the Council's exposure to investment risks.

Background papers:

contact: Donna Riley

Audit Committee reports 26 July 2021 and
27 September 2021

Sharon Shelton
Director of Finance & Transformation

REVIEW OF CCTV AT TONBRIDGE FARM SPORTS GROUND

Item CB 21/80 referred from Cabinet of 12 October 2021

The report of the Director of Central Services and Monitoring Officer provided details of a petition set up by Mrs Marie Wheatley in relation to an incident involving her son at Tonbridge Farm Sports Ground and invited the Cabinet to consider whether improvements to the existing CCTV provision were required. Details of the current CCTV provision were set out at Annex 2 (restricted) to the report.

RECOMMENDED: That

- (1) the petition be accepted and noted; and
- (2) the CCTV provision currently in place continues with increased monitoring by the CCTV control room. The Borough Council and Police to work together to address any incidents of anti-social behaviour reported to them.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

12 October 2021

Report of the Director of Central Service Director and Deputy Chief Executive

Part 1- Public

Matters for Recommendation to Council

1 REVIEW OF CCTV AT TONBRIDGE FARM SPORTS GROUND

This report asks Members to consider the petition set up by Mrs Marie Wheatley in relation to an incident involving her son at Tonbridge Farm Sports Ground and to consider whether improvements to the existing CCTV provision are required.

1.1 Petition

1.1.1 On 13 September 2021 the Council received a petition from a local resident (attached as Annex 1). The full petition can be found at [Petition - CCTV down Longmead Park Tonbridge! - Change.org.](#)

1.1.2 The petition asks that the Council installs CCTV cameras at Longmead in Tonbridge in order to ensure the safety of children using the area of open space.

1.1.3 The petition contained 2953 signatories. Under the Council's adopted petition scheme (attached as Annex 1.1) petitions with more than 1,500 signatories will be debated at either full Council or Cabinet, depending on whether the matter relates to an Executive or Council responsibility. In the present case the appropriate forum for consideration of the petition is Cabinet.

1.1.4 This report sets out the details of the petition, and the relevant background information concerning the existing provision of CCTV in the area. Members are requested to consider whether any further action is required in response to the petition.

1.2 Incident at Tonbridge Farm Sports Ground (also known as Longmead Park).

1.2.1 The petition states that on Saturday 4 September, Marie Wheatley's son was attacked by another boy (we understand this boy was known to him) with a wrench at Tonbridge Farms Sports Ground. He was taken to hospital having suffered a badly bruised back. As a result of this assault, Mrs Wheatley started an online petition calling for better CCTV provision in this area. She is concerned about ongoing anti-social behaviour at the park, including intimidation and bullying by other youths.

1.3 Current CCTV provision

- 1.3.1 At present there are three live monitored cameras in the vicinity of Tonbridge Farm Sports Ground (details in restricted **Annex 2**).
- 1.3.2 The quality of the images here is as good as the rest of the town centre CCTV. When the cameras are being controlled by the operator they can be moved and zoomed in to obtain evidential quality footage. When the cameras are resting, they are zoomed out to get a general overview of the large area covered.
- 1.3.3 On a typical day the CCTV control room could look at these cameras 4-5 times and if anything unusual or suspicious is seen, the operator will investigate further. This can vary if other works or investigations are required. If anything is active on the Police radios, the operator can go straight to the CCTV and investigate. Footage is automatically saved for 30 days and can be viewed by the police at the control room.
- 1.3.4 There are some concerns around foliage from some of the trees that may be obscuring some views of the park area (mainly the car park area). This will be investigated further to see whether any foliage (or trees) needs removing (although as we are coming into the winter months this may not be an issue).
- 1.3.5 In summary, the cameras that are in place currently do give adequate coverage of the park as a whole and the image quality of the cameras is good. The CCTV Control Room can live monitor the area and can respond quickly if any incidents occur. The Police can access the images if required.
- 1.3.6 Whilst it is always possible to increase provision of cameras, lighting etc, it is not considered necessary given the current range and provision of coverage. The increased monitoring is felt to be the most important change to be made.

1.4 Addressing anti-social behaviour concerns

- 1.4.1 A number of low-level incidents of anti-social behaviour have been reported to the Police and Community Safety Unit at Tonbridge and Malling Borough Council, although it is not believed that these are linked to the assault which took place. The area is not viewed as a hotspot area for anti-social behaviour or crime by the Police or Borough Council. However, it should also be noted that not all incidents may be reported and therefore these agencies may not have an accurate account of the issues in this location.
- 1.4.2 The Police are aware of the assault on Mrs Wheatley's son and have been keeping Mrs Wheatley informed of the ongoing investigation.
- 1.4.3 Police and partners are actively patrolling the area (including the Community Policing Team, the Police Youth Engagement Officer and KCC Community Wardens). Any individuals raised as being a concern will be referred to the appropriate agencies for further discussion/support.

1.4.4 The Community Safety Partnership had already commissioned the Ember CIC (Community Interest Company) and Kenward Trust to undertake some engagement work with young people in this area. The St Giles Trust (commissioned through the Police and Crime Commissioner) also undertake youth engagement work in this area. This work will continue in order to speak to the young people about any anti-social behaviour and to also provide them with diversionary activities.

1.5 Legal Implications

1.5.1 None arising from this report.

1.6 Financial and Value for Money Considerations

1.6.1 There may be financial considerations if improvements/additions need to be made to the CCTV.

1.7 Risk Assessment

1.7.1 Any risk assessments required will be carried out as appropriate.

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 Community Safety, Young People

1.10 Recommendations

1.10.1 That the petition be accepted and noted

1.10.2 That the CCTV provision that is currently in place continues with increased monitoring by the CCTV Control Room. The Borough Council and Police to work together to address any incidents of anti-social behaviour reported to them.

Background papers:

Nil

contact: Alison Finch
Safer & Stronger Communities
Manager

Adrian Stanfield
Central Services Director and Deputy Chief Executive

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REVIEW OF TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

Item CB 21/81 referred from Cabinet of 12 October 2021

Consideration was given to the recommendations from the Overview and Scrutiny Committee meeting held on 7 October 2021 (as set out in Minute Number OS 21/23).

RECOMMENDED: That

- (1) the proposed changes to Tonbridge Forum, as set out at section 1.2.4 of the report to the Overview and Scrutiny Committee, be endorsed; and
- (2) the proposed changes to Parish Partnership Panel, as set out at section 1.3.2 of the report to the Overview and Scrutiny Committee, be endorsed.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Leader of the Council and the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

To review the format and engagement of Tonbridge Forum and Parish Partnership Panel, considering options for improvement.

1.1 Background

1.1.1 Tonbridge Forum and Parish Partnership Panel (PPP) have been operating for several years, to enhance engagement between the Borough Council and Tonbridge based community representatives, and between the Borough Council and Parish Councils across Tonbridge and Malling.

1.1.2 The Terms of Reference for each group are defined in the Council's constitution, as follows:

Tonbridge Forum:

A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and those Tonbridge-based organisations with a shared interest in enhancing the well-being of the town through the identification of problems and joint working towards solutions

Parish Partnership Panel:

A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and the parish councils in the Borough

1.1.3 For both Tonbridge Forum and PPP, the Council has sought views from its members (including any potential new members, in respect of Tonbridge Forum), regarding how they would like to see the meetings operate in the future. It was apparent that a reform was required for both, with a desire for change and improvement to the existing operation provided by most of the respondents.

1.2 Tonbridge Forum

- 1.2.1 An email was sent out to all existing community representatives on Tonbridge Forum, inviting them to have their say and help shape the future operation of the Forum. In addition, the Council sent out social media posts asking any other Tonbridge based groups, to share their thoughts or suggestions relating to a reform of the Forum.
- 1.2.2 A number of responses were received, which have been very helpful and allowed us to shape and plan for a Forum that best facilitates a relationship between the Borough Council and community groups across the town.
- 1.2.3 From the comments received, it was apparent that;
- Standing item agendas with a one-way information update were not popular
 - A greater diversity of members, including faith, under-represented groups, youth, and school representatives would be beneficial
 - A greater opportunity to hear from community groups in the town, regarding key events or activities that are taking place, would help with partnership working between different community groups
- 1.2.4 Having considered all the suggestions, the following is being proposed:
- Operate a more community focused forum, renaming it Tonbridge Community Forum.
 - Meetings to operate as a two-way discussion, with no standing agenda items.
 - The informal question session at the start of the meeting to be cancelled, instead each member can put questions for the Community Forum in advance of the meeting. Notice of the question shall be given in writing or by email not less than 10 working days before the date of the meeting. Issues that need to be raised on the evening, can be covered during the AOB section.
 - Agree a forward plan or work programme at the start of the year, to ensure that agendas are much more focused on the needs of the community groups.
 - Increase the frequency of meetings from 2 per year, to 4 meetings per year. Meetings will alternate with 2 meetings per year held “in person” and 2 meetings to be held virtually. The “in person” meetings will be held at the

Angel Centre and will not be live streamed (the Angel Centre does not have live streaming facilities).

- The Chairmanship of the meeting to be changed to a chairman from the majority group of TMBC and two vice chairmen, one from an opposition party and one from community group membership. The Chairman should not be a member of the Executive/Cabinet. The two vice chairman to be selected by the relevant groups.
- Membership from TMBC to consist of all Borough Councillors representing wards in Tonbridge.
- Membership from the community to include recognised, constituted groups, not affiliated with a political party. All existing and new members to complete an application form to ensure a balance of organisations that are representative of the town and to avoid multiple representatives from the same/ similar institutions.
- An AOB item included at each meeting to provide an opportunity for members to share forthcoming key events for the town.

1.2.5 The above suggested proposals will ensure that the focus is to provide voluntary and community groups an opportunity to work collaboratively for the benefit of the town.

1.2.6 A 'call for members' will be issued if this composition is accepted for community groups to apply for membership of Tonbridge Forum.

1.3 Parish Partnership Panel

1.3.1 As with the Forum, PPP members were contacted to seek their views on the existing structure of the meetings, to enable a better working relationship. From the comments received, it was apparent that:

- Some members felt that the discussions at the meeting were dominated by a vocal minority, making it difficult to contribute
- It would be useful to request that Cabinet Members and Council officers be present to answer pre-sent questions on a particular topic
- It would be useful for parishes to be able to call outside officers (e.g. police, utility companies, and public service providers) to the meetings, to enable a joint parish-borough voice on certain issues
- The Panel should be more action focused, with actions reviewed at subsequent meetings
- There was a preference noted by some to retain online meetings

- There was a suggestion that the chair should rotate between a Borough Councillor and a Parish Councillor
- The venue could be changed to a parish hall or community centre
- There should be more input from parishes when setting the agenda

1.3.2 Having considered all the suggestions, the following is being proposed in relation to PPP:

- PPP will enable the Borough and Parish Councils to share information and communicate on enhancing the well-being of the community through the identification of problems (within the remit of the borough and parishes) and the joint working towards solutions
- The chair of PPP will be a Borough Councillor. There will be two vice chairs, one a Borough Councillor from a different political party and another a parish councillor, selected by KALC T&M Area Committee. Neither the chair nor vice chair should be a member of TMBC executive
- Increase the frequency of meetings from 3 per year, to 4 meetings per year. Meetings will alternate with 2 meetings per year held “in person” at the Borough Council Offices and 2 meetings to be held virtually.
- Each Parish Council to nominate a representative (total: 27 Parish representatives). The 5 County Councillors covering parished areas in Tonbridge and Malling will be members. There will also be 13 Borough Council representatives, to include cross party representation. These members must represent the parished areas of Tonbridge and Malling.
- If a nominated representative of a parish cannot attend, then they may send a nominated substitute.
- Members who are both Borough and Parish Councillors cannot be on PPP in both capacities. If they are representatives of a parish on PPP, then they cannot sit as a borough representative, and vice versa.
- There will be no standing items on agendas, however it is within the gift of the chair/vice Chairs to invite whoever they wish to the meeting (such as local businesses, utility providers, police etc). The question-and-answer session will be retained, providing questions are submitted in advance of the meeting. Issues that need to be raised on the evening, can be covered during the AOB section.
- A forward plan of agenda items will be agreed each year.

- 1.3.3 The above proposals will enable a reformed PPP that will improve and enhance the relationship between Parishes and the Council, helping to achieve solutions collaboratively for the benefit of residents.

1.4 Legal Implications

- 1.4.1 The Forum and PPP are not decision-making bodies.

1.5 Financial and Value for Money Considerations

- 1.5.1 There is no set budget for PPP, although costs will be incurred in relation to staff time (administration, plus caretaking when meetings are held in the Council Chamber).
- 1.5.2 For the Forum, in addition to the cost of staff time, there is also room hire charges. During 2019/20 room hire was £128.25 per meeting, catering was £20.83 per meeting and audio services were £561.00 per meeting.

1.6 Risk Assessment

- 1.6.1 N/A

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 Communications
- 1.8.2 Community
- 1.8.3 Customer Contact

1.9 Recommendations

- 1.9.1 That Members **ENDORSE** the proposed changes to Tonbridge Forum as set out in section 1.2.4
- 1.9.2 That Members **ENDORSE** the proposed changes to Parish Partnership Panel as set out in section 1.3.2

Background papers:

contact: Gill Fox

Nil

Cllr Matt Boughton
Leader of the Council

Julie Beilby
Chief Executive

SPECIAL EXPENSES CONSULTATION

Item CB 21/82 referred from Cabinet of 12 October 2021

Consideration was given to the recommendations from the Finance, Innovation and Property Advisory Board meeting held on 15 September 2021 (as set out at Minute Number FIP 21/48) and the Overview and Scrutiny Committee meeting held on 7 October 2021 (as set out at Minute Number OS 21/21).

RECOMMENDED: That

- (1) the Special Expenses Policy should be updated to include the non-strategic public conveniences which are located in Tonbridge;
- (2) the Special Expenses Policy should not be updated to include Christmas lighting;
- (3) the Overview and Scrutiny Committee be invited to consider the position of public conveniences across the Borough.

***Referred to Council**

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 SPECIAL EXPENSES CONSULTATION

The Council launched a consultation on 22 June for a four week period regarding potential adjustments to the Special Expenses Policy. This report provides details of the responses to the consultation and seeks Members' recommendations on whether (or not) the cost of the non-strategic Public Conveniences in Tonbridge should be included within the Special Expenses policy; and also whether (or not) the cost of Christmas lights should be included within the Special Expenses policy.

1.1 Introduction

1.1.1 As reported to the Finance, Innovation & Property (FIP) Advisory Board in May, Members noted that a consultation exercise was to be launched to hear the public's views about the potential inclusion of (non-strategic) public conveniences and Christmas lighting in the Council's Special Expenses policy.

1.1.2 The public consultation opened on 22 June 2021 on the Council's website. In simple terms the questions posed were either **Agree or Disagree** to the following statements:

- Public toilets should be paid for by the local communities where they are provided through council tax bills (**Statement 1**)
- Public toilets should be paid for by all council taxpayers in the borough (**Statement 2**)
- Christmas lights should be paid for by the local communities where they are provided through council tax bills (**Statement 3**)
- Christmas lights should be paid for by all council tax payers in the borough (**Statement 4**)

1.1.3 A limited response was received from the public. The results of the consultation were presented to FIP Advisory Board on 15 September. In accordance with the Budget & Policy Framework, the results also need to be reported to this Committee in order that

Members can make their own recommendations in respect of the way forward.

1.2 Finance Innovation & Property Advisory Board

- 1.2.1 A copy of the report submitted to the FIP Advisory Board on 19 May 2021 recommending the launch of the consultation is attached at **[APPENDIX 1]** for background reading.
- 1.2.2 Following analysis of the results following the consultation, a detailed report was submitted to the FIP Advisory Board on 15 September 2021. A complete copy of the report and Annexes submitted to the Advisory Board is attached at **[APPENDIX 2]** rather than repeat the detail again in a separate report. Members are asked to read and review the attached appendices.
- 1.2.3 Following deliberation, the FIP Advisory Board agreed to recommend to Cabinet that the Special Expenses policy should be updated to include the non-strategic public conveniences only.
- 1.2.4 Members of this Committee need to make their own recommendations to Cabinet.
- 1.2.5 To assist Members of the Overview & Scrutiny Committee in interpreting some of the data in the APPENDICES, the following paragraphs 1.3 and 1.4 set out some of the key points, but Members are advised to read the appendices thoroughly before arriving at any conclusions.

1.3 Public Conveniences

- 1.3.1 In terms of the background, at its meeting on 30 October 2019, the Street Scene and Environment Services Advisory Board recommended to Cabinet (minute SSE19/26) a pathway in respect regarding the provision of the Council's existing Public Conveniences.
- 1.3.2 The SSES Advisory Board recommended that the transfer of the public conveniences to the relevant Parish/Town Council be progressed; and in relation to the (non-strategic) public conveniences situated in the non-parished area of Tonbridge, a consultation be undertaken during 2021/22 with a view to **updating the Special Expenses Policy to reflect the new arrangements for the provision of public conveniences as a concurrent function**. Cabinet subsequently endorsed these recommendations and the consultation did go ahead as outlined above.
- 1.3.3 The detail of the responses received (170) is set out in APPENDIX 2 and is not repeated. However, overall the majority of respondents (68%) disagreed that public conveniences should be paid for by local communities; and 74% felt that they should be paid for by all taxpayers across the borough.
- 1.3.4 It should be remembered that in accordance with previous decisions, from 2022/23, the public conveniences that have been transferred to 3 parish councils

(East Malling & Larkfield, East Peckham and Borough Green) will be paid for through parish precepts. These costs will therefore fall firmly on those local communities. In other parished areas, decisions previously taken by Members mean that facilities have been closed.

1.3.5 The consultation allowed “free form” comments to be made, **and what is not clear is whether respondents believe that the responses made to the very specific questions on this consultation will enable Members to reverse existing decisions, or make different decisions about service provision.**

1.3.6 For information, in no particular order, below are some of the key themes that arose in the comments:

- Public conveniences should not be closed anywhere (31 occurrences)
- Public conveniences in Tonbridge should be improved (7 occurrences)
- The effect on the bill is trivial (4 occurrences)
- Public amenities benefit visitors as well as residents (50 occurrences)
- Public conveniences should be pay to use (9 occurrences)

1.4 Christmas Lighting

1.4.1 Some Members may recall that the Overview and Scrutiny Committee carried out a review into the future funding of Christmas lighting following the original Special Expenses consultation in 2016. This was a result of an inconclusive set of results at that time; but at the same time a real ‘sense’ that there was an inequity with regard to the funding of Christmas lighting across the borough.

1.4.2 Members are referred to the detail in APPENDIX 2 regarding how Christmas lighting is presently paid for.

1.4.3 **Overall**, the recent responses received from residents are split almost ‘50:50’ as to how Christmas lighting should be paid for. This is not dissimilar to the original consultation back in 2016.

1.4.4 **In terms of the free-form comments**, residents generally feel that (in no particular order):

- Christmas lights should not be paid for by Council Tax (17 occurrences)
- The effect on the bill is trivial (4 occurrences)

1.5 Way Forward and Timetable

1.5.1 Full details of the public consultation responses are set out in APPENDIX 2 which Members needs to review carefully.

- 1.5.2 The logic and reasoning for considering whether either or both of these functions should be included in Special Expenses was set out by Members of the SSES Advisory Board in respect of public conveniences, and this Committee in terms of the history of Christmas lighting.
- 1.5.3 The Committee will appreciate that the number (170) of web respondents relative to the population of the borough is very small (amounting to only a fraction of a percentage). Therefore, Members may wish to bear this in mind when weighing up the way forward.
- 1.5.4 Members of this Advisory Board are **asked** to reflect on the results of the consultation from the limited number of respondents from across the borough, and recommend to Cabinet whether or not the cost of the non-strategic Public Conveniences in Tonbridge, and Christmas lighting should be included within the Special Expenses policy under the 'fairer charging' principle.
- 1.5.5 **If** the special Expenses policy is to be updated to include one or other of these functions, this will require a Full Council decision.
- 1.5.6 The timetable is:

7 October 2021	Consideration by O&S Committee, with the committee making its own recommendations to Cabinet
13 October 2021	Consideration by Cabinet and recommendations to Full Council as appropriate
26 October 2021	If appropriate, decision to update Special Expenses policy w.e.f. 1 April 2022

- 1.5.7 Members should note that if any update to the Special Expenses Policy were to be approved, it would not take effect until 1 April 2022.

1.6 Legal Implications

- 1.6.1 Provisions relating to special expenses are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what, if any, special items relate to those parts.

1.7 Financial and Value for Money Considerations

- 1.7.1 This consultation is about how the **incidence of cost** is borne by residents in different parts of the borough. It does not in itself generate savings.
- 1.7.2 As Members will recall from the original Fairer Charging consultation, the incidence of cost was shifted creating greater equity for residents across the borough. The greatest shift at that time was towards residents in Tonbridge.

- 1.7.3 If in due course it were to be agreed that public conveniences should be deemed a concurrent function for the purposes of Special Expenses, the incidence of cost would move to residents in Tonbridge given that conveniences in other parts of the borough have either been closed or taken over by a relevant parish council. Therefore the special expense levy in Tonbridge would increase.
- 1.7.4 If it were decided that public conveniences were not to be included in the Special Expenses policy, the cost of those facilities in Tonbridge would be shared across the entire borough. Members should note therefore that those residents living in the three parished areas where public conveniences have been transferred to the parish councils would effectively pay for their local facilities through parish precept, and also pay a share of the provision in Tonbridge through the Borough Council levy.
- 1.7.5 Similarly, if Christmas lighting was to be included in the Special Expenses policy, the local costs would fall on the local residents increasing any special expense levy.

1.8 Risk Assessment

- 1.8.1 The current Special Expenses policy established 'equity' across the borough in terms of council tax paid towards the cost of local services. This further consultation was designed to test the public's views about the inclusion or otherwise of additional concurrent functions.
- 1.8.2 If decisions are not made within the timescales set out, the Council may not be able to implement the changes (if any) in readiness for 2022/23.
- 1.8.3 The number of responses (170) is very small in the context of the population of the borough. Members need to bear this in mind when weighing up the options given that the vast majority of our residents have not offered an opinion either way.

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. There is no perceived impact on end users.

1.10 Policy Considerations

1.10.1 Community

1.10.2 Communications

1.11 Recommendations

- 1.11.1 Members are asked to **RECOMMEND** to Cabinet whether or not the Special Expenses Policy should be updated to include

- 1) non-strategic public conveniences which are located in Tonbridge; and
- 2) Christmas lighting

Background papers:

Nil

contact: Sharon Shelton
Jon Steel
Francis Gahan
Paul Worden

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance
& Transformation

Adrian Stanfield
Director of Central Services
& Monitoring Officer

For Management Team

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

Report of the Management Team

Part 1- Public

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

1 SPECIAL EXPENSES CONSULTATION

Members are advised of a consultation to be launched in June/July regarding a potential update to the Special Expenses Policy.

Members are asked to recommend that delegated authority be given to the Leader, the Cabinet Member for Finance, Innovation & Property and the Chairman of this Advisory Board to agree consultation material in advance of the launch.

1.1 Introduction

1.1.1 Some Members may recall that, during 2016, the Council launched an extensive 'Fairer Charging' consultation with residents, parish councils and other stakeholders regarding the introduction of a scheme of Special Expenses. The objective at that time was to deliver both financial savings and to achieve equity across the borough.

1.1.2 Following the consultation, Council agreed to adopt a Special Expenses policy **[Annex 1]** and this came into effect on 1 April 2017 fulfilling the objectives set. It has not been necessary to update the policy thus far.

1.1.3 Members are reminded that only functions that are fulfilled 'concurrently' by both district/borough council and a parish council can be considered for inclusion in Special Expenses. It is important to note that only local facilities/services are considered for inclusion; strategic functions/services being excluded.

1.2 Public Conveniences

1.2.1 At its meeting on 30 October 2019, the Street Scene and Environment Services Advisory Board recommended to Cabinet (minute SSE19/26) a pathway in respect regarding the provision of the Council's existing Public Conveniences.

1.2.2 The Advisory Board recommended that the transfer of the public conveniences to the relevant Parish/Town Council be progressed; and in relation to the (non-

strategic) public conveniences situated in the non-parished area of Tonbridge, a **consultation be undertaken during 2021/22 with a view to updating the Special Expenses Policy** to reflect the new arrangements for the provision of public conveniences as a concurrent function. Cabinet subsequently endorsed these recommendations.

1.2.3 The proposed consultation now fulfils this decision.

1.3 Christmas Lighting

1.3.1 Some Members may recall that the provision of Christmas lighting was included in the original consultation in 2016, but following feedback from residents, Council agreed that it should not be included within the Policy at that time. Instead, Cabinet recommended that a review be undertaken by the Overview and Scrutiny Committee into the future funding of Christmas Lighting.

1.3.2 The Overview and Scrutiny Committee has carried out a review, and in January 2017 at minute OS 17/5 recommended to Cabinet that *“alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council’s adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19”*. This was endorsed by Cabinet through a decision notice on 31 January 2017 (minute CB 17/10 refers).

1.3.3 Alternative funding options have not been found for the Tonbridge Christmas lights. Therefore, if Members still wish to progress as agreed in 2017, now is the opportunity to reconsult the public.

1.4 Consultation

1.4.1 Unless otherwise instructed by Members, the consultation with the public will include questions relating to both public conveniences and Christmas lighting.

1.4.2 It is important to note that at this stage no decisions are made about whether a function should be included in the Special Expenses Policy or not. Feedback from residents and stakeholders will assist Members in formulating recommendations about the way forward.

1.4.3 The Head of Communications will be leading on the consultation and plans to go out to residents during June/July for their feedback.

1.4.4 The timetable will be:

15 September 2021	Report to FIPAB with results of consultation. Formulation of recommendations to O&S/Cabinet
7 October 2021	Consideration by O&S Committee, with the committee making its own recommendations to Cabinet
13 October 2021	Consideration by Cabinet and recommendations to Full Council as appropriate
26 October 2021	If appropriate, decision to update Special Expenses policy w.e.f. 1 April 2022

- 1.4.5 The consultation material is being prepared in readiness for engagement with the public. It is recommended that delegated authority is given to the Leader, Cabinet Member for Finance, Innovation and Property and the Chairman of this Advisory Board to agree the material prior to launch.
- 1.4.6 Members should note that if any update to the Special Expenses Policy were to be approved, it would not take effect until 1 April 2022.

1.5 Legal Implications

- 1.5.1 Provisions relating to special expenses are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what, if any, special items relate to those parts

1.6 Financial and Value for Money Considerations

- 1.6.1 This consultation is about how the **incidence of cost** is borne by residents in different parts of the borough. It does not in itself generate savings.
- 1.6.2 As Members will recall from the original Fairer Charging consultation, the incidence of cost was shifted creating greater equity for residents across the borough. The greatest shift at that time was towards residents in Tonbridge.
- 1.6.3 If in due course it were to be agreed that public conveniences should be deemed a concurrent function for the purposes of Special Expenses, the incidence of cost would move to residents in Tonbridge given that conveniences in other parts of the borough have either been closed or taken over by a relevant parish council. Therefore the special expense levy in Tonbridge would increase.
- 1.6.4 Similarly, if Christmas lighting was to be included in the Special Expenses policy, the local costs would fall on the local residents increasing any special expense levy.

1.7 Risk Assessment

- 1.7.1 The current Special Expenses policy established 'equity' across the borough in terms of council tax paid towards the cost of local services. This further consultation is to test the public's views about the inclusion or otherwise of additional concurrent functions.
- 1.7.2 No decisions are made about whether a function should be included in the Special Expenses Policy or not. Feedback from residents and stakeholders will assist Members in formulating recommendations about the way forward.

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 Community

1.10 Recommendations

- 1.10.1 Members are asked to

- 1) **Note** that a consultation will be launched in June/July further to previous decisions made by Cabinet; and
- 2) **Delegate authority** to the Leader, the Cabinet Member for Finance, Innovation & Property and the Chairman of this Advisory Board to agree consultation material with the Head of Communications in advance of the launch.

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

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive

For Management Team

Sharon Shelton
Director of Finance & Transformation

TONBRIDGE & MALLING BOROUGH COUNCIL
FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 SPECIAL EXPENSES CONSULTATION

The Council launched a consultation on 22 June for a four week period regarding potential adjustments to the Special Expenses Policy.

This report provides details of the responses to the consultation and seeks Members' recommendations on whether (or not) the cost of the non-strategic Public Conveniences in Tonbridge should be included within the Special Expenses policy; and also whether (or not) the cost of Christmas lights should be included within the Special Expenses policy.

1.1 Introduction

1.1.1 The Council's current Special Expenses policy came into effect on 1 April 2017 and is attached at **[Annex 1]** for background information.

1.1.2 At the meeting of this Advisory Board in May, Members noted that a consultation exercise was to be launched to hear the public's views about the potential inclusion of (non-strategic) public conveniences and Christmas lighting in the Council's Special Expenses policy.

1.1.3 In accordance with the Advisory Board's recommendations to Cabinet following the May meeting, and Cabinet's subsequent endorsement, the public consultation opened on 22 June 2021 on the Council's website.

1.1.4 The detail of the information that appeared on the website is set out at **[Annex 2]**.

1.1.5 In simple terms the questions posed were either **Agree or Disagree** to the following statements:

- Public toilets should be paid for by the local communities where they are provided through council tax bills (**Statement 1**)
- Public toilets should be paid for by all council taxpayers in the borough (**Statement 2**)
- Christmas lights should be paid for by the local communities where they are provided through council tax bills (**Statement 3**)

- Christmas lights should be paid for by all council tax payers in the borough (**Statement 4**)

- 1.1.6 The consultation was open for 4 weeks and subsequently closed on 20 July.
- 1.1.7 Residents were encouraged to respond to the consultation via a range of publicity activities. This included messages on the website homepage, a news release which was reported by the local media and social media posts throughout June and July.
- 1.1.8 In total there were 170 responses to the questions posed via the website, plus one 'free form' written submission. The responses received are summarised at **[Annex 3]** for Members' consideration. In addition, **[Annex 4]** sets out some of the free-form comments received. It should be recognised that some of the comments relate to matters outside the scope of the consultation.
- 1.1.9 It is for Members to decide whether either, both or neither of the concurrent functions should be added to the Special Expenses policy. Each function needs to be considered on its own merits and recommendations made accordingly.
- 1.1.10 The role of this Advisory Board is to review the responses alongside the earlier 'reasoning' which led to the potential inclusion of these concurrent functions in the Special Expenses policy, and thereafter make recommendations to Cabinet.
- 1.1.11 A report will similarly be presented to the Overview and Scrutiny Committee at its meeting on 7 October 2021. The Committee will be advised of this Board's recommendations.
- 1.1.12 To assist deliberation, each function is considered separately in the following paragraphs. However, to set the 'scene', the overall **headline results** which are not broken down by area of the borough are as follows:

	AGREE number	AGREE %	DISAGREE number	DISAGREE %
Statement 1 (Pub Cons, paid by local communities)	55	32%	115	68%
Statement 2 (Pub Cons, paid by all taxpayers)	126	74%	44	26%
Statement 3 (Christmas Lights, paid by local communities)	85	50%	85	50%
Statement 4 (Christmas Lights, paid by all taxpayers)	83	49%	87	51%

1.1.13 Members will of course appreciate that the responses may vary dependent upon where in the borough a respondent resides. At Annex 2, Members will have noted that residents in Tonbridge (due to the incidence of cost for both non-strategic public conveniences and Christmas lights) and West Malling (due to the incidence of cost of Christmas lights) would have to pay slightly more through council tax and residents in other parts of the borough slightly less.

1.1.14 Of the 170 web respondents, the breakdown by area of the borough is as follows:

Aylesford	11
Borough Green	4
Burham & Eccles	2
Ditton	2
East Malling & Larkfield	22
East Peckham	1
Hadlow	9
Hildenborough	3
Ightham	1
Kings Hill	5
Leybourne	1
Mereworth	1
Offham	1
Platt	2
Plaxtol	1
Snodland	3
Tonbridge	78
Trottiscliffe	1
West Malling	14
West Peckham	1
Wouldham	5
Outside Borough	2

1.1.15 ***Members will appreciate that the number (170) of web respondents relative to the population of the borough is very small (amounting to only a fraction of a percentage). Therefore Members may wish to bear this in mind when weighing up the way forward.***

1.2 Public Conveniences

- 1.2.1 Members are reminded that at its meeting on 30 October 2019, the Street Scene and Environment Services Advisory Board recommended to Cabinet (minute SSE19/26) a pathway in respect regarding the provision of the Council's existing Public Conveniences.
- 1.2.2 The SSES Advisory Board recommended that the transfer of the public conveniences to the relevant Parish/Town Council be progressed; and in relation to the (non-strategic) public conveniences situated in the non-parished area of Tonbridge, a consultation be undertaken during 2021/22 with a view to **updating the Special Expenses Policy to reflect the new arrangements for the provision of public conveniences as a concurrent function**. Cabinet subsequently endorsed these recommendations.
- 1.2.3 In terms of the responses to the questions posed though the consultation, Members will note from paragraph 1.1.13 that overall the majority of respondents (68%) disagreed that public conveniences should be paid for by local communities; and 74% felt that they should be paid for by all taxpayers across the borough.
- 1.2.4 When breaking these responses down to the parished and non-parished (Tonbridge) areas of the borough, the results are a little more skewed:

<i>Public toilets should be paid for by the local communities where they are provided through council tax bills</i>		
	Agree	Disagree
Tonbridge	22%	78%
Other	41%	59%

<i>Public toilets should be paid for by all council taxpayers in the borough</i>		
	Agree	Disagree
Tonbridge	85%	15%
Other	65%	35%

Nevertheless, the balance of opinion from those who have responded seems to be that public conveniences should be paid for by all taxpayers, and therefore should not be included in Special Expenses.

- 1.2.5 Whilst not part of the consultation itself, Members will note from some of the free-form comments made that residents generally feel that (in no particular order):

- Public conveniences should not be closed anywhere (31 occurrences)
- Public conveniences in Tonbridge should be improved (7 occurrences)
- The effect on the bill is trivial (4 occurrences)
- Public amenities benefit visitors as well as residents (50 occurrences)
- Public conveniences should be pay to use (9 occurrences)

1.2.6 **What is not clear is whether respondents believe that the responses made to the very specific questions on this consultation will enable Members to reverse existing decisions, or make different decisions about service provision.**

1.2.7 As mentioned at paragraph 1.1.15, ***Members should also bear in mind that the number of responses is low.***

1.2.8 For the avoidance of any doubt, it has not been the purpose of this consultation to consider the above issues but instead to weigh up whether or not the non-strategic public conveniences in Tonbridge should be included in the Special Expenses policy given that earlier Member decisions have meant that facilities in parished areas have either been transferred to parish councils (for these bodies to operate and fund in future) or closed.

1.2.9 It is important to remember that from 2022/23, the public conveniences that have been transferred to 3 parish councils (East Malling & Larkfield, East Peckham and Borough Green) will be paid for through parish precepts. These costs will therefore fall firmly on those local communities. In other parished areas, decisions previously taken by Members mean that facilities have been closed. When Members of the SSES Advisory Board and subsequently Cabinet agreed the 'pathway' in respect of the provision of public conveniences, the principle of 'fairer charging' was a consideration.

1.2.10 Members of this Advisory Board are **asked** to reflect on the results of the consultation from the limited number of responses received alongside the original 'pathway' set out by SSES Advisory Board, and recommend to Cabinet whether or not the cost of the non-strategic Public Conveniences in Tonbridge should be included within the Special Expenses policy under the 'fairer charging' principle.

1.3 Christmas Lighting

1.3.1 Some Members may recall that the provision of Christmas lighting was included in the original consultation in 2016, but following feedback from residents, Council agreed that it should not be included within the Policy at that time. Instead, Cabinet recommended that a review be undertaken by the Overview and Scrutiny Committee into the future funding of Christmas Lighting.

1.3.2 Members are reminded that in Tonbridge, the Borough Council directly pays for **all** costs relating to Christmas lighting. No contributions are routinely made by other parties or traders.

1.3.3 In the parished areas of the borough, the Borough Council gives small grants to relevant trading areas as a contribution towards the lighting displays (this being based on the number of trading units etc). The remainder of the funding comes from relevant parish councils, local traders or public donations. In some areas, it is the parish council that takes responsibility for operating the lighting schemes; hence why Christmas lighting is a 'concurrent function'. West Malling receives the largest of those grants given that it is the largest trading area outside of Tonbridge.

1.3.4 For context, the direct costs Christmas lighting budget for 2021/22 is as follows:

	Budget per Book £	Direct Expenses £
Tonbridge Town Centre	32,950	23,650
Borough Christmas Lighting	13,750	12,800

Notes:

- For Tonbridge Town Centre, the difference between the 2 columns is central administration recharges. Direct expenses includes depreciation for the lights which need to be replaced periodically.
- For Borough Christmas lighting (covering all parts of the Borough excluding Tonbridge), the difference between the 2 columns is simply a small amount of central administration recharges.

1.3.5 Borough Christmas Lighting Direct Expenses included in the overall budget is based upon the Scrutiny review which was last undertaken in 2017. This review concluded the following broad allocations to the trading areas outside Tonbridge:

Parish	Maximum Award £
Aylesford	880
Borough Green	1,840
East Malling and Larkfield (Martins Sq)	1,290
East Peckham	490
Hadlow #	960
Snodland	2,460
West Malling	5,210
Wrotham	620

However, as Hadlow has not claimed for a number of years, the actual budget book provision does not include the £960 allocated by Overview & Scrutiny.

1.3.6 As alluded to in paragraph 1.3.1, the Overview and Scrutiny Committee did carry out a review into the future funding of Christmas lighting, and in January 2017 at minute OS 17/5 recommended to Cabinet that *"alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council's adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19"*. This was endorsed by Cabinet through a decision notice on 31 January 2017 (minute CB 17/10 refers).

- 1.3.7 Workable alternative funding options had not been found for the Tonbridge Christmas lights and, therefore, in accordance with the minute from Overview and Scrutiny Committee above, the public consultation went ahead.
- 1.3.8 In terms of the responses to the questions posed through the consultation, Members will note from paragraph 1.1.13 that, **overall**, responses received from residents are split almost '50:50' as to how Christmas lighting should be paid for. This is not dissimilar to the original consultation back in 2016.
- 1.3.9 When breaking these responses down to the parished and non-parished (Tonbridge) areas of the borough, the results are more skewed:

<i>Christmas lights should be paid for by the local communities where they are provided through council tax bills</i>		
	Agree	Disagree
Tonbridge	33%	67%
Other	64%	36%

<i>Christmas lights should be paid for by all council taxpayers in the borough</i>		
	Agree	Disagree
Tonbridge	60%	40%
Other	39%	61%

- 1.3.10 Members will note from some of the **free-form comments (Annex 4)** that residents generally feel that (in no particular order):

- Christmas lights should not be paid for by Council Tax (17 occurrences)
- The effect on the bill is trivial (4 occurrences)

- 1.3.11 As mentioned at paragraph 1.1.15, **Members should also bear in mind that the number of responses is low.**

- 1.3.12 In terms of some of the parished areas, traders and residents do already make contributions towards the costs of Christmas lighting. The Overview & Scrutiny Committee has considered how this principle could be adopted in the non-parished area (Tonbridge) but no solution had been found to date. Whilst not part of this report, Members may decide they wish to revisit this again, perhaps with the Town Team, given some of the comments made.

- 1.3.13 One proposal made by West Malling Parish Council was that if the cost of Christmas lighting were to be included in Special Expenses, then the additional

cost be spread over the neighbouring Malling parishes (with the exception of those parishes which will also be funding their own Christmas lights). Members are advised that unfortunately this would not be permissible within the legislation governing Special Expenses.

- 1.3.14 Members of this Advisory Board are **asked** to reflect on the results of the consultation from the limited number of respondents from across the borough, and recommend to Cabinet whether or not the cost of Christmas lighting should be included within the Special Expenses policy under the 'fairer charging' principle.

1.4 Timetable

- 1.4.1 If the special Expenses policy is to be updated to include one or other of these functions, this will require a Full Council decision.

- 1.4.2 The timetable will be:

7 October 2021	Consideration by O&S Committee, with the committee making its own recommendations to Cabinet
13 October 2021	Consideration by Cabinet and recommendations to Full Council as appropriate
26 October 2021	If appropriate, decision to update Special Expenses policy w.e.f. 1 April 2022

- 1.4.3 Members should note that if any update to the Special Expenses Policy were to be approved, it would not take effect until 1 April 2022.

1.5 Legal Implications

- 1.5.1 Provisions relating to special expenses are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what, if any, special items relate to those parts.

1.6 Financial and Value for Money Considerations

- 1.6.1 This consultation is about how the **incidence of cost** is borne by residents in different parts of the borough. It does not in itself generate savings.
- 1.6.2 As Members will recall from the original Fairer Charging consultation, the incidence of cost was shifted creating greater equity for residents across the borough. The greatest shift at that time was towards residents in Tonbridge.
- 1.6.3 If in due course it were to be agreed that public conveniences should be deemed a concurrent function for the purposes of Special Expenses, the incidence of cost would move to residents in Tonbridge given that conveniences in other parts of the borough have either been closed or taken over by a relevant parish council. Therefore the special expense levy in Tonbridge would increase.

- 1.6.4 If it were decided that public conveniences were not to be included in the Special Expenses policy, the cost of those facilities in Tonbridge would be shared across the entire borough. Members should note therefore that those residents living in the three parished areas where public conveniences have been transferred to the parish councils would effectively pay for their local facilities through parish precept, and also pay a share of the provision in Tonbridge through the Borough Council levy.
- 1.6.5 Similarly, if Christmas lighting was to be included in the Special Expenses policy, the local costs would fall on the local residents increasing any special expense levy.

1.7 Risk Assessment

- 1.7.1 The current Special Expenses policy established 'equity' across the borough in terms of council tax paid towards the cost of local services. This further consultation was designed to test the public's views about the inclusion or otherwise of additional concurrent functions.
- 1.7.2 If decisions are not made within the timescales set out, the Council may not be able to implement the changes (if any) in readiness for 2022/23.
- 1.7.3 The number of responses (170) is very small in the context of the population of the borough. Members need to bear this in mind when weighing up the options given that the vast majority of our residents have not offered an opinion either way.

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 Community
- 1.9.2 Communications

1.10 Recommendations

- 1.10.1 A report will similarly be presented to the Overview and Scrutiny Committee at its meeting on 7 October 2021. The Committee will be advised of this Board's recommendations.
- 1.10.2 Members are asked to **RECOMMEND** to Cabinet whether or not the Special Expenses Policy should be updated to include
- 1) non-strategic public conveniences which are located in Tonbridge; and
 - 2) Christmas lighting.

Background papers:

Nil

contact: Sharon Shelton
Jon Steel
Francis Gahan
Paul Worden

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance
& Transformation

Adrian Stanfield
Director of Central Services
& Monitoring Officer

For Management Team

TONBRIDGE & MALLING BOROUGH COUNCIL
SPECIAL EXPENSES ('LOCAL CHARGE') SCHEME

1. Introduction

- 1.1 The Provisions relating to “special expenses” are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what if any “special items” relate to those parts. The legal background is set out in the Appendix.
- 1.2 In resolving to implement a Special Expenses Scheme, the Council revokes the Financial Arrangements with Parish Councils Scheme which was effective from 1 April 1992 made under s136 Local Government Act 1972 with effect from the same date (1 April 2017).

2. Objectives of the Scheme

- 2.1 The borough consists of 27 parished areas, and one unparished area. Parish councils exercise certain functions in their respective areas, which the Borough Council must exercise directly in the unparished area. These are known as concurrent functions.
- 2.2 The Council has historically awarded grants under s136 Local Government Act 1972 to parish councils in order to contribute towards the cost of concurrent functions. Due to significant financial pressures, the Council finds that it is unable to continue providing this level of financial support and must make savings.
- 2.3 The Council has resolved to adopt a Scheme of Special Expenses in order to provide a fairer system in terms of financial equity for taxpayers across the borough.

3. Function to be included in Scheme

- 3.1 Cabinet, at its meeting on 28 July 2016, recommended that the following concurrent functions are included in the Scheme:
- Closed churchyards
 - Open spaces, parks and play areas maintained by TMBC in parished areas; excluding Leybourne Lakes Country Park (strategic site)
 - Open spaces, play areas, parks and sportsgrounds in Tonbridge; excluding Castle Grounds and Haysden Country Park (strategic sites)
 - Support given to ‘Local’ Events
 - Allotments

4. Calculation of Special Expenses

- 4.1 TMBC will calculate an average council tax across the whole of its area under section 31B of the Local Government Finance Act 1992. Included in that will be the amounts payable to parish councils under their precepts, plus the amounts TMBC will spend on performing functions which are performed in parts of its area by parish councils.
- 4.2 Under section 34 of the Local Government Finance Act 1992, TMBC must then deduct the total of any special items. For each part of its area, TMBC must then add back amounts for any relevant special items for that part of its area. The amount added back is calculated by dividing the special item (i.e. the authority's estimated cost of performing the function in that part of its area) by the tax base for the part of the area in which the authority performs the function.
- 4.3 Treating expenses as special expenses does not affect the overall amount that TMBC needs to raise through council tax, and does not, therefore, affect the average amount of council tax across the whole of the borough. It simply means that, compared with what would happen if the expenses were not treated by TMBC as special expenses, the council tax is:
- relatively lower for areas where the parish council performs the concurrent function, as it includes the parish's costs but not TMBC's costs of performing the function elsewhere; and
 - relatively higher for areas where TMBC performs the concurrent function, as all TMBC's costs of performing the concurrent function must be met by taxpayers in the area where TMBC performs it.

5. Implementation

- 5.1 This Scheme is effective from 1 April 2017, following resolution of Full Council on 1 November 2016.
- 5.2 The list of concurrent functions included within the Scheme will be reviewed from time to time and the Scheme updated as necessary.

February 2021

TONBRIDGE & MALLING BOROUGH COUNCIL
SPECIAL EXPENSES ('LOCAL CHARGE') SCHEME

LEGAL BACKGROUND

Section 34 of the Local Government Finance Act 1992, as amended by the Localism Act 2011, requires that certain items, which are referred to as 'special items', and which relate to a part only of a billing authority's area, be removed from the calculation of the overall basic amount of tax and added to that for the area concerned.

Section 35(1) defines these items as:

- Any precept issued to or anticipated by the authority which is, or is believed to be, applicable to a part of its area and was taken into account by it in making the calculation (or last calculation) in relation to the year under Section 31A(2) above (i.e. the parish precepts, as included in the calculation of the budget requirement).
- Any expenses which are its (the Council's) special expenses and were taken into account by it in making that calculation.

Section 35(2)(d) defines further 'Special Expenses' as:

“any expenses incurred by a billing authority in performing in a part of its area a function performed elsewhere in its area by the sub-treasurer of the Inner Temple, the under-treasurer of the Middle Temple, a parish or community council or the chairman of a parish meeting are the authority's special expenses unless a resolution of the authority to the contrary effect is in force”

In order for expenses incurred in performing any function of a district council to be special expenses the function must be carried out by the district in only part of its area, and the same function must be carried out in another part of the district by one or more parish councils. The detailed identification of concurrent functions is therefore essential for using this special expenses provision.

One of the reasons behind the special expenses regime is to allow a more equitable division of council expenses for council taxpayer funded services so that those receiving the benefit of certain services in a particular area are those who pay for them through their precept and do not pay twice for similar services carried out in any areas where there is not a parish or town council so as to avoid “double taxation” for the relevant services.

The power to charge special expenses is discretionary and in order for it to apply there must be a resolution of the billing authority in force. As the resolution has to refer to the matters which will be special expenses for these purposes the resolution will need to identify which function related activities will be included within the calculation.

Special Expenses must be applied consistently throughout a billing authority's area. There is no discretion to make selective application to some parts of the borough only.

Website information

Fairer charging for public toilets in Tonbridge and Christmas lights

Tonbridge and Malling Borough Council is consulting everyone in the borough on how we pay for the cost of two particular services:

- Public toilets in Tonbridge
- Christmas lighting across the borough

We want to hear your views on whether these local services should be paid for by the residents of the areas where they are provided, rather than the costs being shared across the whole borough as is the case currently. The council's overall income would not change as a result of these proposals.

This consultation closed at 5pm on 20 July 2021.

Background

Most services provided by the council are funded on a borough-wide basis through the council tax paid by residents. Since 2017, in some parts of the borough an additional sum has been added to council tax rates to pay for particular services which largely benefit those areas. These adjustments are called special expenses. They are currently used to fund things like local parks, playgrounds and allotments.

This approach is seen as fairer as residents are not asked to pay for facilities outside the areas where they live and from which they are unlikely to derive significant benefit.

The council now proposes to add public toilets in Tonbridge and Christmas lights to the list of services which are funded locally via special expenses.

The provisions relating to special expenses are contained in the Local Government Finance Act 1992 at sections 34 and 35. Our policy is reviewed annually as part of the budget setting process.

Proposals for public toilets

In 2021, the operation of public toilets in Tonbridge and Malling transferred to parish and town councils.

In future years, the parishes which have taken on this responsibility will raise funds to manage the toilets through their own part of the annual council tax bill received by residents. In those areas where the parish or town council have chosen not to take on running the local toilets, regrettably these facilities have closed.

Tonbridge is an exception as it has no parish or town council so the borough council will continue to pay for the provision of public toilets. Under current funding arrangements, this would mean that toilets in Tonbridge are paid for by all borough council tax payers.

To achieve consistency with new arrangements under which parishes meet the cost of their local public toilets, we are seeking your views as to whether the running costs of the three local public toilets in Tonbridge should be met by the council taxpayers in Tonbridge, rather than the whole borough. Toilets in our country parks and Tonbridge Cemetery would continue to be treated as a general expense paid for by all residents as these toilets are linked to more strategic land or buildings.

The running cost of the three public toilets in Tonbridge is approximately £75,300 a year. We estimate the additional cost for a band D home in Tonbridge would be approximately £4.02 per year. We estimate elsewhere, residents would see a reduction of approximately £1.47 a year as they would no longer be contributing to the cost.

Proposals for Christmas lights

Christmas lights in high streets and village centres across the borough are currently funded in a variety of ways. In Tonbridge they are paid for from the council's general budget, so everyone across the borough who pays council tax contributes to the cost.

Elsewhere, Christmas lights are paid for by a combination of retailers, local groups or charities, parish councils. The borough council provides small grants from our general budget to top up the funding. Parishes which currently receive these payments are:

- Aylesford
- Borough Green
- East Malling and Larkfield
- East Peckham
- Hadlow
- Snodland
- West Malling
- Wrotham

We currently operationally manage and pay for all the Christmas lighting costs in Tonbridge. For Christmas 2021 the overall budget is approximately £33,000. In other areas of the borough, we administer a small grants scheme instead for which the overall budget is £13,750 for Christmas 2021.

This funding arrangement is inconsistent because Tonbridge has lights paid for by all council tax payers while in other parts of the borough it is paid for via a mix of local groups and the council.

The proposal to include the costs of Christmas lights in special expenses would mean that residents meet the cost in places where the council contributes towards Christmas lighting. Residents elsewhere in the borough would no longer be asked to pay.

The cost to individual households would vary, depending on population size and the cost of the lights in that area.

In the areas where Christmas lights receive council funding, between approximately £2.40 and £4.58 could be added to the special expenses element of band D bills. Across the borough, this change would also see the main element of council tax bills reduce by approximately 91 pence.

The impact on council tax bills

The combined estimated impact on council tax bills of these increases and reductions is shown below. With the exception of Tonbridge and West Malling, the proposals would result in a slight reduction in council tax bills.

Net change in band D council tax (£)

Addington	-2.38
Aylesford	-2.18
Birling	-2.38
Borough Green	-1.29
Burham	-2.38
Ditton	-2.38
East Malling and Larkfield	-2.12
East Peckham	-2.00
Hadlow	-1.75
Hildenborough	-2.38
Ightham	-2.38
Kings Hill	-2.38
Leybourne	-2.38
Mereworth	-2.38
Offham	-2.38
Platt	-2.38
Plaxtol	-2.38
Ryarsh	-2.38
Shipbourne	-2.38
Snodland	-1.74
Stansted	-2.38
Tonbridge	+5.51
Trottscliffe	-2.38
Wateringbury	-2.38
West Malling	+2.20
West Peckham	-2.38
Wouldham	-2.38
Wrotham	-1.73

[View detailed breakdown](#) (see below)

Respond to the consultation

We want to hear what you have to say about this proposal. In particular, we want to know whether you agree or disagree that the cost of public toilets in Tonbridge and Christmas lights where they are provided should be met by residents in those areas, rather than by all council tax payers.

The deadline for responses is 5pm on Tuesday 20 July 2021.

Respond to this consultation

To request a paper copy and response form, please call our customer services team on 01732 844522.

Data protection statement:

Your personal information will be held and used in accordance with the Data Protection Act 2018. A summary of your response to this questionnaire may be published as part of the feedback document regarding the consultation but your name will not be published. The information you provide will only be used should we need to contact you about your response and will be permanently deleted three months after the end of the consultation.

Detailed breakdown :

This table shows the estimated impact on council tax bills of including public toilets and Christmas lighting in special expenses separately and also the combined effect if both were to be included

Area of Borough	Public Conveniences			Christmas Lighting			Overall Change
	Special Expense	General Expense	Net Change	Special Expense	General Expense	Net Change	
	£	£	£	£	£	£	£
Tonbridge	5.49	-1.47	4.02		-0.91	1.49	5.51
Addington		-1.47	-1.47	2.40	-0.91	-0.91	-2.38
Aylesford		-1.47	-1.47	0.20	-0.91	-0.71	-2.18
Birling		-1.47	-1.47		-0.91	-0.91	-2.38
Borough Green		-1.47	-1.47	1.09	-0.91	0.18	-1.29
Burham		-1.47	-1.47		-0.91	-0.91	-2.38
Ditton		-1.47	-1.47		-0.91	-0.91	-2.38
E. Malling & Larkfield		-1.47	-1.47	0.26	-0.91	-0.65	-2.12
East Peckham		-1.47	-1.47	0.38	-0.91	-0.53	-2.00
Hadlow		-1.47	-1.47	0.63	-0.91	-0.28	-1.75
Hildenborough		-1.47	-1.47		-0.91	-0.91	-2.38
Ightham		-1.47	-1.47		-0.91	-0.91	-2.38
Kings Hill		-1.47	-1.47		-0.91	-0.91	-2.38
Leybourne		-1.47	-1.47		-0.91	-0.91	-2.38
Mereworth		-1.47	-1.47		-0.91	-0.91	-2.38
Offham		-1.47	-1.47		-0.91	-0.91	-2.38
Platt		-1.47	-1.47		-0.91	-0.91	-2.38
Plaxtol		-1.47	-1.47		-0.91	-0.91	-2.38
Ryarsh		-1.47	-1.47		-0.91	-0.91	-2.38
Shipbourne		-1.47	-1.47		-0.91	-0.91	-2.38
Snodland		-1.47	-1.47	0.64	-0.91	-0.27	-1.74
Stansted		-1.47	-1.47		-0.91	-0.91	-2.38
Trottscliffe		-1.47	-1.47		-0.91	-0.91	-2.38
Wateringbury		-1.47	-1.47		-0.91	-0.91	-2.38
West Malling		-1.47	-1.47	4.58	-0.91	3.67	2.20
West Peckham		-1.47	-1.47		-0.91	-0.91	-2.38
Wouldham		-1.47	-1.47		-0.91	-0.91	-2.38
Wrotham		-1.47	-1.47	0.65	-0.91	-0.26	-1.73

Special Expenses Consultation 22 Jun 2021

Summary of responses

Response data

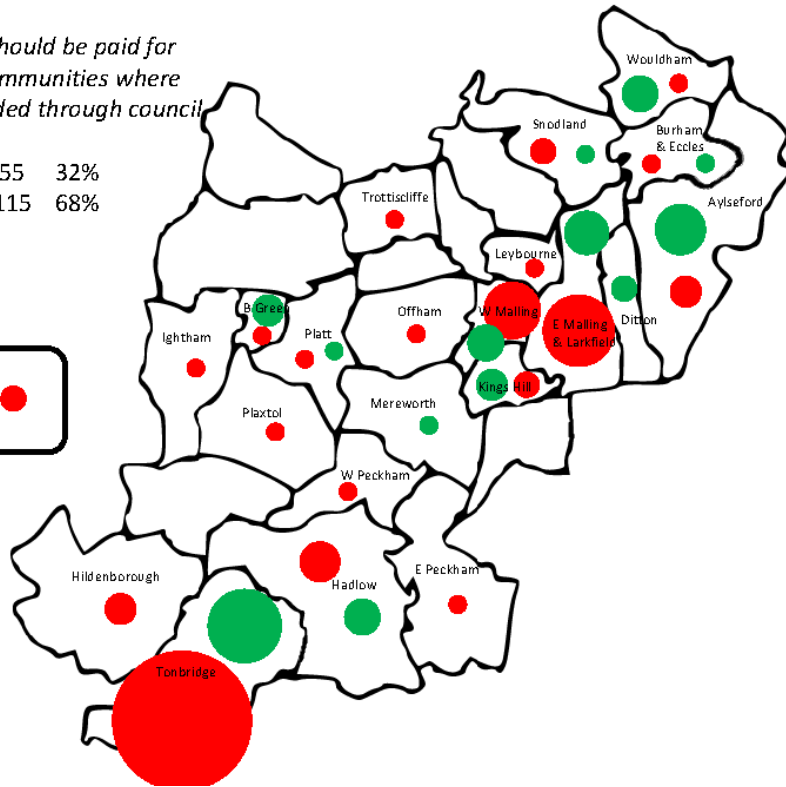
Statement 1	Public toilets should be paid for by the local communities where they are provided through council tax bills							
Statement 2	Public toilets should be paid for by all council tax payers in the borough							
Statement 3	Christmas lights should be paid for by the local communities where they are provided through council tax bills							
Statement 4	Christmas lights should be paid for by all council tax payers in the borough							
	Statement 1		Statement 2		Statement 3		Statement 4	
	Agree	Disagree	Agree	Disagree	Agree	Disagree	Agree	Disagree
Aylesford	8	3	3	8	8	3	3	8
Borough Green	3	1	2	2	3	1	2	2
Burham & Eccles	1	1	1	1	2	0	1	1
Ditton	2	0	0	2	2	0	0	2
East Malling & Larkfield	6	16	17	5	9	13	11	11
East Peckham	0	1	1	0	1	0	0	1
Hadlow	4	5	6	3	6	3	3	6
Hildenborough	0	3	3	0	2	1	1	2
Ightham	0	1	1	0	0	1	1	0
Kings Hill	3	2	2	3	4	1	1	4
Leybourne	0	1	1	0	0	1	1	0
Mereworth	1	0	0	1	1	0	0	1
Offham	0	1	1	0	0	1	1	0
Platt	1	1	1	1	2	0	0	2
Plaxtol	0	1	1	0	0	1	1	0
Snodland	1	2	2	1	3	0	0	3
Tonbridge	17	61	66	12	26	52	47	31
Trottiscliffe	0	1	1	0	1	0	0	1
West Malling	4	10	13	1	8	6	8	6
West Peckham	0	1	1	0	1	0	1	0
Wouldham	4	1	1	4	5	0	0	5
Outside Borough	0	2	2	0	1	1	1	1
Total	55	115	126	44	85	85	83	87

Statement 1

Public toilets should be paid for by the local communities where they are provided through council tax bills.

Agree ● 55 32%
Disagree ● 115 68%

Outside of
Tonbridge
and Malling



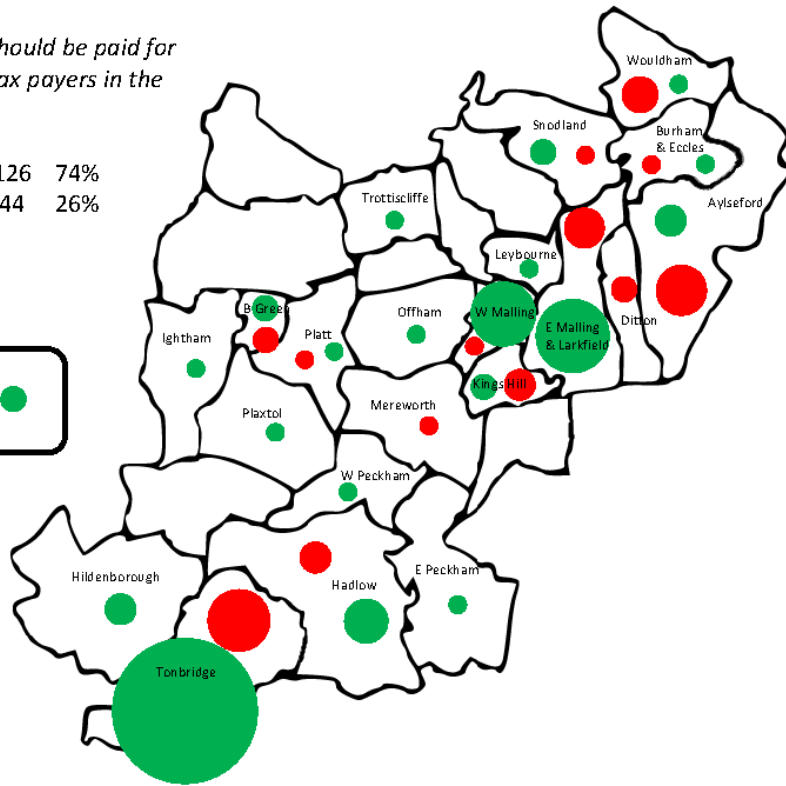
Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	1	1
Ditton	2	0
E Malling & Larkfield	6	16
E Peckham	0	1
Hadlow	4	5
Hildenborough	0	3
Ightham	0	1
Kings Hill	3	2
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	1	1
Plaxtol	0	1
Snodland	1	2
Tonbridge	17	61
Trottscliffe	0	1
West Malling	4	10
West Peckham	0	1
Wouldham	4	1
Outside the borough	0	2
Total	55	115

Statement 2

Public toilets should be paid for by all council tax payers in the borough.

Agree ● 126 74%
Disagree ● 44 26%

Outside of
Tonbridge
and Malling



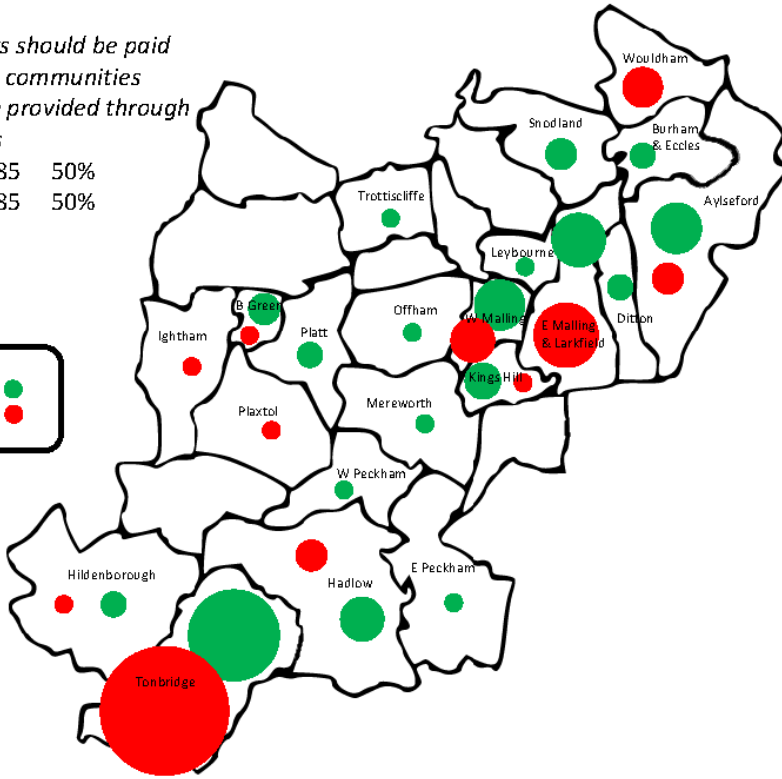
Area	Agree	Disagree
Aylesford	3	8
Borough Green	2	2
Burham & Eccles	1	1
Ditton	0	2
E Malling & Larkfield	17	5
E Peckham	1	0
Hadlow	6	3
Hildenborough	3	0
Ightham	1	0
Kings Hill	2	3
Leybourne	1	0
Mereworth	0	1
Offham	1	0
Platt	1	1
Plaxtol	1	0
Snodland	2	1
Tonbridge	66	12
Trottscliffe	1	0
West Malling	13	1
West Peckham	1	0
Wouldham	1	4
Outside the borough	2	0
Total	126	44

Statement 3

Christmas lights should be paid for by the local communities where they are provided through council tax bills

Agree ● 85 50%
Disagree ● 85 50%

Outside of
Tonbridge
and Malling ●



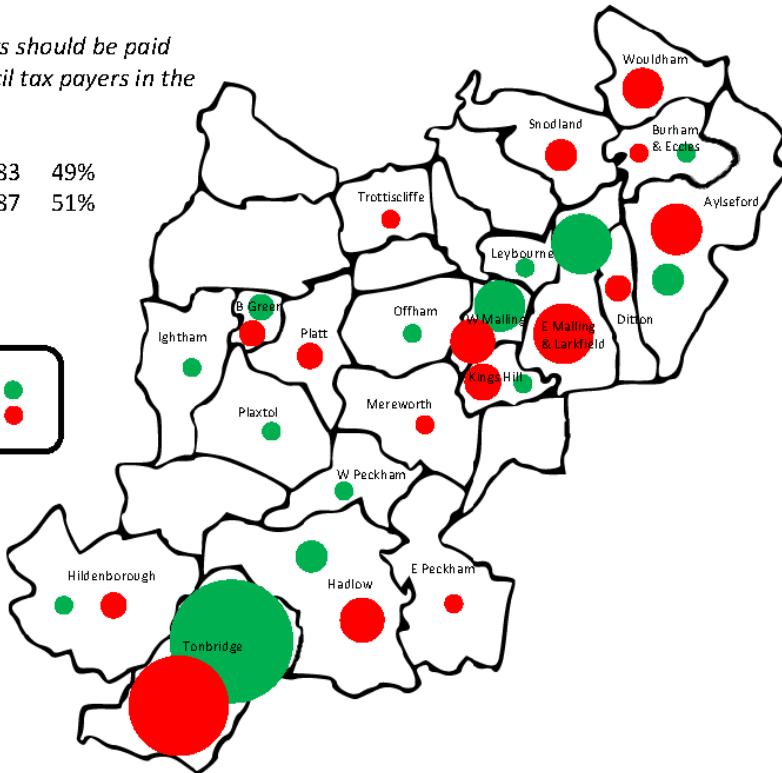
Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	2	0
Ditton	2	0
E Malling & Larkfield	9	13
E Peckham	1	0
Hadlow	6	3
Hildenborough	2	1
Ightham	0	1
Kings Hill	4	1
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	2	0
Plaxtol	0	1
Snodland	3	0
Tonbridge	26	52
Trottscliffe	1	0
West Malling	8	6
West Peckham	1	0
Wouldham	5	0
Outside the borough	1	1
Total	85	85

Statement 4

Christmas lights should be paid for by all council tax payers in the borough

Agree ● 83 49%
Disagree ● 87 51%

Outside of
Tonbridge
and Malling ●



Area	Agree	Disagree
Aylesford	3	8
Borough Green	2	2
Burham & Eccles	1	1
Ditton	0	2
E Malling & Larkfield	11	11
E Peckham	0	1
Hadlow	3	6
Hildenborough	1	2
Ightham	1	0
Kings Hill	1	4
Leybourne	1	0
Mereworth	0	1
Offham	1	0
Platt	0	2
Plaxtol	1	0
Snodland	0	3
Tonbridge	47	31
Trottscliffe	0	1
West Malling	6	8
West Peckham	1	0
Wouldham	0	5
Outside the borough	1	1
Total	83	87

Special Expenses Consultation 22 Jun 2021

Summary of free form comment responses

Sentiments expressed in comments:

Code	Sentiment	No. of comments expressing similar sentiment	
a	Special expenses should not include public conveniences	41	
b	Special expenses should include public conveniences	13	
c	Special expenses should not include Christmas lights	27	
d	Special expenses should include Christmas lights	13	
e	Public conveniences should not be closed anywhere	31	
f	Public conveniences in Tonbridge should be improved	7	
g	Christmas lights should not be paid for by Council Tax	17	
h	The effect on the bill is trivial	4	
i	Public amenities benefit visitors as well as residents	50	
j	Public conveniences should be pay to use	9	
k	Tonbridge should have a town council	4	
l	Council tax is too high	6	
o	Other individual comments (#s 48, 49, 61, 65, 77, 99, 115, 136)	8	

Full text of free form comments:

Comment		Statement				Sentiments	
Ref	Parish Or Town	1	2	3	4	Comments	
2	Tonbridge	D	A	D	A	I completely disagree with chopping up of budgets. The cost of toilets in the whole borough should be out of one pot. The result putting the cost of local toilets into more localised budgets has already led to closures. During the pandemic we have seen that councils closing toilet blocks in order to stop people travelling to popular destinations has simply led to people defecating in the streets instead. Town centres provide shared amenity for rural and urban dwellers alike and in the same way that rural services should be a shared cost with urban dwellers, so it works the other way around. I have sympathy with ongoing budget cuts from central government. How about a levy on Amazon and Online delivery vans pay for services, instead of letting these stateless companies get everything for free and off shoring their profits? Your car park revenues are about to fall off a cliff because of them.	(a)(e)(i)
6	Tonbridge	D	A	D	A	Tonbridge should provide free accessible toilets for members of the community. Paid for by the council	(a)
7	East Malling & Larkfield	D	A	A	D	I am disabled and need to use toilet facilities regularly, the closure of West Malling toilets will effect my ability to visit the town. This is an essential Public Health Service.	(e)
9	Tonbridge	D	A	D	D	Community fundraising and sponsorship by local businesses strikes me as being a fair and reasonable way to fund Christmas lights, and other seasonal decorations. Public toilets are for the use of *all*, not just Tonbridge residents, just as those in West Malling, East Peckham, or where one happens to be in the Borough. These being funded centrally by the Borough Council seems reasonable. Of course, even better would be for Tonbridge to have its own town council and budget, and thus all such matters could be determined and funded at town level, as elsewhere.	(a)(g)(i)(k)
13	Snodland	D	A	A	D	Tonbridge used to attract many shoppers. Public Toilets are a basic human right. Closing them deprives many people of the opportunity to visit anywhere. People will be using Public places as an emergency toilet stop to the detriment of everyone. Even the poorest countries provide free toilets. Why are we making the UK an exception.	(e)(i)
15	Tonbridge	D	A	D	A	Toilets are most likely to be used by those visiting the local area to visit, therefore all areas should contribute to the general running of public toilets.	(a)(i)
17	Tonbridge	D	A	D	D	Christmas lights should be paid for by the traders not by the Council Taxpayers If public conveniences are deemed necessary the cost should be borne by all Council Taxpayers in the Borough as the local community do not need them as they have toilets at home. Public conveniences are for the use of visitors.	(a)(g)(i)

18	Tonbridge	D	A	D	A	Tonbridge is an incredibly busy town, bringing in many thousands of students every day and many shoppers to the supermarkets. In addition, the parks and leisure facilities attract many people from outside the town. The residents live with the increased traffic of visitors, students and shoppers on a daily basis. Visitors also use the public toilet facilities and enjoy the Christmas lights. Therefore, they should contribute to the cost.	(a)(c)(i)
20	Tonbridge	D	A	D	A	The enjoyment of these facilities reaches further than the immediate community. It introduces the prospect of unintended competition. The sums are trivial rel to the bill (0.06% or 0.15%) so fully costed how many yrs will it take to break even?	(a)(c)(h)(i)
21	Tonbridge	D	A	D	A	Other boroughs come here to use the facilities. If you live locally you go home to go to the toilet	(a)(i)
22	East Malling & Larkfield	D	A	A	D	If we don't keep public toilets open, we will end up like a third world country with people using side streets and alleyways to urinate. It is the responsibility of the borough as a whole to stop this from happening.	(e)
24	Borough Green	A	D	A	D	There should be general consistency about how toilets and lights are paid for across the borough.	(b)(d)
26	Mereworth	A	D	A	D	In Mereworth there is no street lighting in fact no facilities so I see no reason to be the same council tax as an area with many facilities.	(b)(d)
27	West Malling	A	A	A	A	Please re- instated West Malling Public Toilets	(e)
28	Leybourne	D	A	D	A	I am happy that my taxes pay towards services that I might not often use, or use at all. This is a principle which extends across the country - I don't have children yet my taxes help pay for education. To start dividing costs down to local communities in a granular way removes an important element of shared community.	(b)(d)
29	Ditton	A	D	A	D	These are the comments from Ditton Parish Council. The Council feels it is right that the facilities are paid for by the residents that benefit from having them.	(b)(d)
30	Tonbridge	A	A	A	A	Public toilets are an important amenity. I would be very disappointed if we had to lose this in our town or introduce a paid for option (which would incur costs to maintain). It's a small cost for residents but improves the experience for visitors (both residents and not).	(e)(i)
31	Kings Hill	D	A	A	D	As someone who has medical issues and needs access to public toilets these should be funded by the Council residents as a whole. Where the council has put theses out to the local parish councils many of them are being closed which as a resident of TMBC causes me much distress and these toilets have been a god send during the pandemic when other businesses have been closed. Why does the council also set up a scheme where local businesses coffee shops allow toilets to be used for a 50p donation as they do in other European countries. The public need access to public toilets	(a)(e)
32	East Peckham	D	A	A	D	Public toilets are a necessary public convenience and should be run and supported by the borough. Closing the public toilets leads to public urination as evidenced in Hadlow recently by cyclists. Christmas lights are a nice to have, should be paid for by the parish councils.	(e)(g)

33	Tonbridge	D	A	D	A	Both toilets and Christmas lights are communal facilities which are enjoyed by ALL residents of the Borough, not just those living in the town. Tonbridge town is the local centre where residents of surrounding villages come to shop, eat, etc. Common benefit should be paid centrally	(a)(c)(i)
37	Hadlow	D	A	A	D	The closure of hadlow toilets is a blow. The public toilets provide relief for shoppers, travellers, cyclists and all manor of passers by - fewer people will stop in the village to use the shops. I'm sure local business will be keen to keep these facilities open. As a cyclist, I rely on being able to use public toilets - thcounty wide closures will have an impact on cyclists and other outsideactivity people like walkers etc..	(e)
39	Snodland	A	D	A	D	Costs should only be borne by people who benefit from these facilities. I do not want to pay for facilities and benefits which are in Tonbridge when I never go there.	(b)(d)
40	Tonbridge	D	A	D	A	Toilets are used by people visiting towns and villages and Christmas lights are provided in larger borough towns. These are both used / admired by people from surrounding villages and towns who are visiting for shopping, health, leisure or cultural purposes, as well as the local people that live there. The cost should therefore be shared across the borough.	(a)(c)(i)
43	Tonbridge	D	A	A	D	The big issue I have here is the assumption that those who don't live in Tonbridge don't benefit from the facilities in Tonbridge which in 2021 and the age of the car is simply not the case.	(a)(c)(i)
46	Tonbridge	A	A	D	A	Tonbridge is such a large town and people visit from all over kent benefiting from the local amenities.	(i)
47	Tonbridge	D	A	A	D	Firstly we have been asking for a Town council for years, we need one. Everything goes through TMBC and decided by people who don't live in the area. A good example has been the recent mess made of the cycle path on Quarry Hill and various other traffic calming measures. I would be more than happy to pay through my Town council, as I would have a better say on it. The toilet facilities in Tonbridge are woefully inadequate and are also unpleasant to use.	(f)(k)
48	Hadlow	A	D	A	D	CCTV monitoring should be paid for by the communities that claim to have benefit from this expensive service.	(o)
49	West Malling	D	A	D	A	Public toilets are for the public therefore it makes sense the public pay for them. Christmas lights a feel good factor which encourages people to go to the area and spend. Take the money needed from the taxes taken from the businesses in that area. If Council senior officials were less and remunerated according to their real value and not paid such over inflated and exorbitant salaries then there would be more money in the kitty to provide much needed services such as Public Toilets and Christmas Lights.	(a)(c)(g) (o)
50	Tonbridge	D	A	D	D	I might live in Tonbridge but I very rarely go into town as I have to pay to park so why should I pay for toilets and lights I won't use or see. I haven't seen the Christmas lights for many years as I certainly don't go into Tonbridge at night.	(a)(c)(g)

51	West Malling	D	A	D	A	In West Malling we have a Farmers Market, where are visitors supposed to go to the toilet, some people have said already that they will no longer come to it. We have already got some areas that are being used as a toilet, which is disgusting. Bus drivers, taxi drivers, and bin men all used the public toilets, where are they to go now?	(e)(i)
53	Tonbridge	D	A	D	A	Although I appreciate the attempt at fairer charging, the Public Toilets and Christmas lights are not exclusively for the benefit of the residents where they are located. Those living in outlying communities may visit the town centre and make use of the loos or enjoy the lights. I also feel it could set a precedent for other services, with residents being able to select those they believe would benefit them.	(a)(c)(i)
54	East Malling & Larkfield	A	D	D	D	Don't waste money on Christmas lights a way to save a little bit	(g)
55	East Malling & Larkfield	D	A	D	D	Local Christmas lights should not be paid for from Council Tax. They could be paid for by local business and or communities who wish to do so.	(g)
56	Tonbridge	D	A	A	D	Considering the amount of people that live in Tonbridge paying council tax which also pays for the smaller communities then keeping open the Public Toilets should be included in the overall council tax. With regards to Christmas lights etc that is inconsequential and should not even be included in this discussion also do object that there is only an ethnicity for white other !!	(a)(h)
59	East Malling & Larkfield	D	A	D	A	Public toilets should be available to everyone in every borough. As a relative of a person with bladder issues, lack of public toilets can cause a major problem and incur considerable stress. The proposed changes to the council tax bills due to these proposed changes are minimal. If you have to prioritise, we should all have access to public toilets which benefits everyone all year than have Christmas lights.	(a)(e)(g)(h)
60	Burham & Eccles	D	A	A	A	With regards public toilets....these are not just used by local residents but mostly visitors to an area so I don't believe they should be funded by locals. Christmas lights should be paid for through business sponsorship and the parish councils but with assistance from the borough council Yes locals enjoy them the most but so do all the people travelling through or visiting an area. Make it a mix ture of the 2.	(a)(c)(i)
61	East Malling & Larkfield	D	D	D	D	Public toilets should be paid for at point of use by those who wish to use them. Christmas lights should be paid for voluntarily by residents and or local businesses. They celebrate a Christian festival which not everyone celebrates.	(g)(j)(o)
63	East Malling & Larkfield	D	A	A	D	I dont care how you raise the funds .I dont even mind paying in a coin slot to go to the toilet. I just want our toilet back in west malling	(e)(j)
64	Tonbridge	D	A	D	D	I don't agree with closing public toilets and feel these facilities should be funded nationally. When travelling around the county and indeed the country we should all be able to access a public toilet. I would be happy to "pay to use" as we did years ago.	(e)(i)(j)

65	Kings Hill	A	D	A	D	Many Kings Hill residents pay a fee to Prologis for playgrounds, communal areas & other amenities. Will they get a reduction in council tax? West Malling raised funds privately in 2020 for Xmas lights. Is this private funding taken into account.	(o)
66	Platt	D	A	A	D	Public toilets should be made available across all Boroughs. Many people will not be able to visit towns, villages, & spend their money in these communities if there is not accessibility to toilets. It is a basic human need,& there are many with medical issues that would not be able to spend any length of time travelling to,& within our boroughs/towns, if toilets are not freely available.	(e)(i)
67	East Malling & Larkfield	A	A	A	A	The pandemic has shown the necessity for public conveniences as all other locations (cafes and shops etc.) were forced to close, and we were all encouraged to exercise. Being in an older age group I cannot walk too far with out toilet facilities at some point. So I am happy to pay for this service. Christmas lights make everyone whatever their age feel good.	(e)
68	Tunbridge Wells	D	A	D	A	Using a toilet is a basic human need: it is not a commodity. The whole borough should have some public toilet provision. You can't just go into a pub or supermarket to use their facilities. <i>(some abusive comments have been redacted)</i>	(e)
69	Aylesford & Walderslade	A	D	A	D	Ratepayers should only be charged for services they receive and those provided by government legislation. Council tax is already too high and gives poor value for money. Residents of this parish rarely benefit it seems Tonbridge and West Malling do very well.	(b)(d)(z)
72	East Malling & Larkfield	D	A	A	D	Toilets are a Health and Safety issue so should be paid by Borough. Parish Councils should not have had to take over. Local shopkeepers benefit from Lights so parish responsibility	(e)(g)
73	West Malling	D	A	D	A	There's no justification of why different areas have different increases of lights. Why do West Malling need to pay more than any other area in your proposals? Further, Tonbridge should have no free toilets after you refused to have any other toilets paid for by our already ridiculously high council tax. How can you cut services without cutting council tax bills? Finally, stop subsidising Tonbridge by making everyone else in the borough pay for that dump.	(b)(c)(j)(z)
75	Snodland	D	A	A	D	Lights are generally enjoyed by the local community, there they should pay, toilets are generally used by people from outside the local community, therefor the costs should be spread.	(i)
76	Tonbridge	A	A	D	A	"Tonbridge is an exception as it has no parish or town council " that there use part of the problem. Why does Tonbridge still not have a town council? Also Christmas lights are normally in business areas and businesses pay rates, why don't these fund the Christmas lights and they are a benefit to business.	(g)(k)
77	Tonbridge	D	A	D	A	You don't seek to apply other income only to the area it is received - property proceeds; rates etc are not spent only where they are generated.	(o)

78	Tonbridge	D	A	D	A	It doesn't matter where people live. All members of the borough benefit from travelling to the main town (Tonbridge), use the facilities there and enjoy the Christmas lights. We need to support our local town. It benefits everyone in the borough.	(a)(c)(i)
79	Tonbridge	A	D	D	A	Public toilets are necessary and should be provided for. Christmas lights are a luxury item and should either be cancelled or scaled down to an affordable level. Council tax bills are very high already.	(e)(g)(z)
81	Tonbridge	D	A	D	A	The proposal that only residents of the areas where these 'services' are provided should pay for them is completely ridiculous. Christmas lights are an amenity for anyone visiting the town during the Christmas season, not just the people living there. Indeed, the people living in the immediate vicinity may object to, or just not care about Christmas lights, so to charge only these people for their provision is absurd. Regarding the public toilets, surely people living in the immediate vicinity are the least likely to want to use them, with the vast majority of people preferring to use their own toilet facilities at home. One would imagine that the majority of users of public toilets are people visiting from outside the area. Having lived in Tonbridge for eight years, I have never used the public toilets - why would I?	(a)(c)(i)
82	Hildenborough	D	A	D	A	I may live in Hildenborough but Tonbridge is our closest Town so i feel i & the residents of Hildenborough still benefit, albeit in a small way, from the provision of Christmas lights & public toilets therefore i have no issue with contributing to the cost via my council tax bill.	(a)(c)(i)
84	Tonbridge	D	A	D	A	These facilities can be used by all residents so they should be paid out of the TMBC budget. Tonbridge is visited by residents across the borough - unlike the smaller villages which get a grant. If Tonbridge had a Town Council then that may trigger a different decision from me but this consultation is effectively asking those TMBC residents outside Tonbridge if they like a reduction to their Council Tax!	(i)(k)
85	Plaxtol	D	A	D	A	We shop in Tonbridge and use the toilets in Tonbridge. We visit Tonbridge to shop because the Christmas lights are an additional attraction. It makes sense that all in the TMBC area pay for the facilities of the town.	(a)(c)(i)
88	Hadlow	D	A	D	A	I firmly believe that the cost should be spread amongst the many. Not sure how you can differentiate between who will use and see.	(a)(c)
89	Tonbridge	D	D	D	D	Public toilets should be paid for from the existing council tax payments and not an addition. Christmas lights should be paid for by the principle beneficiaries - shop keepers etc.	(a)(g)
91	Tonbridge	D	A	D	A	The benefits of toilets tend to be an advantage to people outside the area they are paid for and so should be paid for by all in the borough. Christmas lights and the festival associated with the turning on in Tonbridge benefit the borough as a whole, along with people from outside visiting the town for this occasion.	(a)(c)(i)

						If you want to charge for public toilets, more should be provided and they should be better maintained. The facilities aren't just used by Tonbridge residents especially those in the park. The Christmas lights again enjoyed by and attract people to the area, other than those in the local borough.	
92	Tonbridge	D	A	D	A	Consider sponsorship as per the castle lawn.	(a)(c)(f)(i)
93	Tonbridge	D	A	D	A	Everyone in the borough enjoy the lights and the toilets, not just those living in the town, so the cost should be spread fairly amongst all.	(a)(c)(i)
94	East Malling & Larkfield	D	A	A	D	Public toilets are an essential service and should be improved not closed. They should be available for local residents and visitors throughout the year. I will not go to West Malling because the toilets are now closed. I am quite happy to pay for this as a Borough public service.	(b)(e)
96	Tonbridge	D	A	D	A	A visit to Hastings and their public toilet facilities puts Tonbridge to shame our facilities are grim and disgusting only fit to be used in a dire emergency.	(f)
98	Tonbridge	D	A	A	D	Public toilets should be uniformly provided and funded. By separating this out you end up with the closures you have described, which is a poor outcome.	(a)(e)
99	Wouldham	A	D	A	D	I'm not sure why Wouldham would even need public toilets so why does anyone need to pay for these? I would say that the toilets wouldn't be used by residents as we all live in the area so seems unfair that we would pay for these when it's unlikely we would use. The area is so small it doesn't seem worth the cost.	(o)
102	Hadlow	A	A	A	D	Public toilets are a basic need and as such be provided to all, in Hadlow we have many walkers, cyclists and people passing though the village in need of a public toilets, many of them due to medical conditions need to use a toilet at short notice. As a result of them being closed people are peeing and worst anywhere they can alleyways , on private land behind shops.	(e)
103	Tonbridge	D	A	D	A	Charge a small fee for using the toilets - there would less vandalism as well.	(j)
104	Tonbridge	A	D	A	D	My opinion regarding public toilets is that they are a necessary expense and, if parishes are bearing the cost of running them, then Tonbridge residents should also bear the cost of ones in the town although they may well be used by visitors as much as residents. And, we do want to encourage visitors! I am less concerned about the Christmas lights as I feel they are not such an important item.	(b)
105	East Malling & Larkfield	A	A	A	A	Keep the toilets and lights in West Malling. Divided by all is next to nothing.	(e)
106	Tonbridge	D	A	A	D	People who live in Tonbridge are less likely to use local public toilets as they are nearer home, surely? Has there been a survey of where toilet users come from?	(i)
107	Tonbridge	D	A	D	A	In this modern age people do not use public toilets close to their house, they have their own! This is a facility used when visiting the area for tourism or shopping etc, therefore something which should be shared across the wider area.	(a)(i)
108	East Malling & Larkfield	D	A	D	A	ALL CLOSURES OF PUBLIC TOILETS SHOULD BE REVERSED, THIS IS A HEALTH AND HYGIENE CONCERN.	(e)

110	Tonbridge	A	A	A	A	Both toilets and Christmas lights add a tourism benefit to the general area. Most users of public toilets in Tonbridge are likely to be by visitors to the town and in that respect provide a benefit to the whole borough.	(i)
112	West Malling	D	A	A	D	Public loos will n all towns and villages benefit all business all residents and all visitors and should be paid for via borough council tax bills, not specifically Parish councils.	(i)
113	Hadlow	D	A	D	A	I think ALL public toilets should be paid for and provided in all towns and villages by the main Council Tax, or better still central government. We all travel to different places and the facility is a basic function of life. Hadlow toilets closed 1st April 2021, yet I still have to pay a high council tax bill (Much higher than Medway that provided so much more). The population in Hadlow is elderly and young who need the facility more. In addition the number of trades people stopping to use them and buying their lunch at the same time in the village has decreased. Next the bakers and newsagents will close due to a drop in earnings. Why was "Pay-as-You-go" not considered. The "old spend a penny" always worked. These days I am sure there is a way that an app for payment could be created, or a pre-paid card that opens the door like in a hotel. An opportunity was missed, and us as residents had no say in the matter! You transferred the running to the Parish, they didn't have the money, so they closed! "Disgusted of TMBC and Hadlow!" doesn't even come close! In addition surely when we want people to shop local, use their High Streets and encourage tourism at home in the UK (and from abroad once safe), having public toilets is a God send! There are only ever benefits from having decent public toilets. You don't need a large number of them, but a few in key areas that are easy to clean, so all steel or moulded composite construction that can be jet washed. I still remember the wonderful free toilets that were at Castleton, Derbyshire with it's carpark. People came from miles around for the town the loos and to buy lunch before continuing their journey round Mam Tor and Ladybower Reservoir. They knew their priorities Up North! TMBC does not!	(e)(i)(j)(z)
115	Tonbridge	D	A	D	D	The public toilets in Tonbridge that I know of are frankly disgusting and even in a moment of total desperation I would probably either go home or use shop facilities ie Sainsbury's or one of the many coffee shops. I can't for the life of me figure out how they can possibly cost that much to maintain when the majority of people I know of wouldn't use under any circumstances. Christmas lights are lovely and very much appreciated. However I feel there is more that could be done to tempt retailers and shoppers back to the high street like free limited time parking ie half hour. I currently travel outside Tonbridge high street to buy essentials as I resent the parking charges. This has worked extremely well in Paddock Wood as an example. Something so daft would tempt many more shoppers and retailers back to the high street and potentially mean a bigger contribution from retailers towards such expenses	(f)(o)

116	Tonbridge	D	A	D	A	Christmas lights are travelled to and enjoyed by all within the borough	(i)
118	Aylesford & Walderslade	D	A	D	A	Everyone who visits or passes through enjoys both things so should be paid for by all.	
119	Tonbridge	D	A	D	A	I don't think public toilets should be provided at all. I would rather they're closed as the cost doesn't justify the need. Most places no longer have public toilets.	(i)
120	Tonbridge	D	A	D	D	Xmas lights are not a necessity. They should be fund raised for or alternatively funded . The lower I come in Tonbridge should not have to pay. Toilets benefit all, not just residents, but allow people to visit an area safely and are a necessity for disabled and young children. They are not a privalige to be paid for by Tonbridge residents only but something needed to help the whole area. As a very low income resident the idea of my bill going up by a fiver a month is staggeringly worrying. Public loos seem better funded in other areas without this additional cost and many non Tonbridge residents view the lights and they are not a necessity. Extra bulls for either seem unfair, and core council tax money paid by app residents should allow for public toilets in the whole county.	(a)(g)(i)(z)
121	Hadlow	D	A	A	D	The closure of our public toilet is one of huge loss probably very few parish residents would use them but always used by people with driving jobs who are on the road all day as there are very little in the way of an alternative. Access to a toilet in 2021 in my opinion is just the right thing a basic human function which people require somewhere to put there bodily waste and on the streets up alleys is not the right place, it's not like you can bring your own like a packed lunch!!	(e)
123	Tonbridge	A	D	A	D	As we are not charged a District/Town Council Precept in Tonbridge, unlike other parts of borough, it seems reasonable we should pay a little bit extra CT each year to cover things local toilets and Xmas lights.	(b)(d)
124	Tonbridge	D	D	D	D	Have the council investigated making the toilets 'cost neutral' by making a charge for their use (as for car parks). I can't believe that only Tonbridge residents use the. As for the Christmas lights. Again these are no solely enjoyed by Tonbridge residents. There would be a case to ask local businesses to contribute where they stand to benefit. Smaller businesses that have suffered in the pandemic may not have the resources to contribute, but larger food stores have not suffered in the same way. Has the council considered this as an option?	(g)(i)(j)
125	Tonbridge	D	A	A	D	Tonbridge is a hub town for many surrounding areas. The town centre is not just used by Tonbridge residents, but will surely be used by residents of local towns, villages and hamlets. Therefore it would stand to reason that all borough residents would benefit from them. Christmas lights are a show of local culture/engagement and therefore should stay locally funded.	(d)(i)

126	West Malling	A	A	A	A	Public toilets are essential in a town like West Malling if we want to attract visitors to the town, farmers' market, shops and restaurants. The upkeep of public toilets cannot be funded by local parish councils or local businesses. It is not acceptable, either to expect local businesses to provide public toilet facilities on their premises as was suggested! The funding should come out of borough council tax payments. Christmas lights are a benefit to everyone in the town and also helps to attract visitors. These, too, should be paid for out of borough council tax payments.	(a)(c)(e)(i)
128	Tonbridge	D	A	D	A	These services are used by all people who visit and live in the whole borough. As someone who works around the borough I use services all around not just my home town so why shouldn't we all pay for them.	(a)(c)(i)
129	Tonbridge	D	A	D	A	These facilities are not only used/enjoyed by local people but by everyone that visits. Maybe public toilets should be pay per use Regarding the Christmas lights I have lived in Tonbridge for three years and very rarely actually visit the high street, how do you justify raising my council tax to pay for lights that I would not see	(a)(c)(i)(j)
131	West Malling	A	A	A	D	The need for public toilets in West Malling is great. We have a lot of elderly residents, we want to encourage visitors to the village to use the shops. Bus drivers, taxi drivers, walkers etc	(e)
133	Tonbridge	D	D	D	D	I live in Tonbridge and can say that I do not use the public toilets provided because they are disgusting. They are not cleaned enough and have a foul smell. Personally I would rather purchase something from Sainsbury's and use their facilities. As for the Christmas lights, they are up for 4 weeks and you put the same lights up each year, please provide a breakdown of the £33000 you estimate it costs to use them. As I live in a band D property my council tax would increase by £10 a month. This is not acceptable in my eyes. Put the toilets as pay as you use and as a gesture of good will continue to fund the Christmas lights. We pay a ridiculous amount of council tax per year, I am not prepared to pay for toilets that I will never use	(a)(c)(f)(j)(z)

I am dismayed by the disgraceful partisan, divide and conquer attitude this appalling proposal brings. I am agog at the apparent low intelligence of who possibly could have thought this was a good idea? A bit like charging local residents to park at their own local shops! So, we're not allowed to go to the toilet in Tonbridge if we happen to work or go to school there because that's the preserve of the residents?!!!!! Because believe me, if I alone was paying for something, I would do everything in my power to ensure that only I could use it. HOW DARE YOU SELFISH IDIOTS IN POWER, EVEN PROPOSE THIS FOR CONSULTATION! Let's hope The Queen never attends Tonbridge and Malling Borough Council again, because she hasn't paid to have a wee! Oh, and don't get me started on the charge for Christmas lights!!!! Arrrrrrggggghhhhhh! Talk about season of cheer and goodwill t'ward all. My gosh! That you want to limit the charge to people that live there. Thank God the Borough Councils of Regents Street and Oxford Street in London don't feel the same selfish preserve that Christmas lights must be paid for by the residents alone! So, will you put hoarding around the lights with security codes issued to residents to enjoy this beautiful spectacle, ooooooo because non residents driving through and using the shops (BUT NOT HAVING A WEE BECAUSE THEY HAVEN'T PAID FOR IT!!!!!!) cannot possibly enjoy this. Selfish, small minded, divisive. Don't come into work on Monday if this is an example of the best you can come-up with to save money. In case you didn't understand my views on these two topics, it's that toilets and Christmas lights (God who would have thought I'd be commenting on those topics in the same consultation?!!!!!), must be universally paid for in the Borough. NOT by the Parish, NOT by residents; but by all residents. God give me strength. That you are consulting on this drivel proposal. You could be consulting on achieving a quality Refuse and Recycling contract; or whether we could have a quality transport system across the Borough. But, no. You're consulting on

134	East Malling & Larkfield	D	A	D	A	this! Unbelievable!	(a)(c)(i)
135	Offham	D	A	D	A	Let's work together rather than promoting segregation within the Borough	
136	West Malling	D	A	D	A	A bit late to undertake a consultation when the toiulets in WM have already closed!	(o)
137	Aylesford & Walderslade	A	D	A	D	We should only be paying for things that are likely to directly impact our area, I'd rather see investment in my parish than another's.	(b)(d)
138	Tonbridge	A	A	A	A	I would support paying for more facilities in Tonbridge, especially in and around the town centre and parks	(f)

139	Tonbridge	D	A	D	D	<p>The Christmas lights in Tonbridge are rubbish. They don't stretch right across the road, they look naff, and they're really expensive. Don't lumber people of Tonbridge with the costs of them. Take them away or ask local businesses to pay. Toilets: There are none in north Tonbridge at all, so if TMBC want to make local people pay for toilets, the residents of north Tonbridge should not be contributing to the upkeep of those in the south of the town. It would be like residents of Kings Hill paying for toilets in Wateringbury. £75k seems like a lot of money for 3 underused toilets. It would be better to either: (a) pay for them out of central funds, or (b) close them and invite local businesses to provide community toilets. Christmas lights: Let's be honest. The Christmas lights in Tonbridge are rubbish. They don't stretch right across the road, they look naff, and they're really expensive. Don't lumber people of Tonbridge with the costs of them. Take them away or ask local businesses to pay. Nobody visits the town to see the lights - they simply don't bring people, visitors or income in.</p>	(a)(g)
141	Tonbridge	D	A	A	D	<p>Public Toilets are an important part of the infrastructure of a town or village. They are an amenity for all residents and visitors from the surrounding communities to use. They should be funded by all council tax payers.</p>	(a)(i)
145	Tonbridge	D	A	D	A	<p>These facilities bring people into our towns and villages to spend their money and enjoy services and businesses whether or not they live here. This helps to benefit and to retain businesses and services for the wider community and should therefore be paid by all residents equally. The services do just serve the local residents in those areas.</p>	(a)(c)(i)

I think it is very important that public toilets remain open, maintained (ie that the facilities work - toilet seats, locks, running water, soap, drying provision) and are kept to a suitable clean standard. Families with young children, disabled individuals and people with medical conditions often have urgent need for toilet facilities. In large towns and cities there may well be private companies open where access to these facilities is straightforward. But this is not the case in villages and smaller towns (I count Tonbridge as a smaller town) In fact I am quite disgusted that you have transferred financial responsibility for this to small entities such as parish councils which are very unlikely have sufficient funds to be able to pay to keep these open. In addition you should have been able to benefit from economies of scale - clearly it is more expensive for individual organizations to source cleaning and maintenance for just 1 or 2 toilets. So I am slightly puzzled at the cost approx £75000 to clean 3 toilets per annum. That seems beyond excessive. I have commented that I think the cost of these should be paid for by the borough - as Tonbridge is the main town in the borough and will receive visitors from outside Tonbridge itself. Same for the Christmas lights - they hopefully bring joy to more than just the town residents. I would like someone to contact me please regarding your Diversity form on the next page. I believe that you are in breach of the Equalities Act 2010. Sex is the protected characteristic and the biology (M/F) actually affects use of toilet facilities. Women menstruate (whether they are adult born female or transmen) and men can use urinals (whether they are adult born men or transwomen). By not collecting the correct data and using the correct language your results are not accurate. Women are more likely to need safe secure cubicles. In addition your use in this survey of Ethnicity terms is also strange in that White British is not on the list. I work in the public sector and have to collect Ethnicity fields. So I am aware of current terms. White British has not been removed. You have made completion of the Diversity section compulsory so I will be answering not wish to answer to all the questions. This is not the case - I do wish to answer - but will only answer to proper questions.

147	Ightham	D	A	D	A	questions. This is not the case - I do wish to answer - but will only answer to proper questions.	(a)(c)(e)(i)
149	Kings Hill	A	D	A	D	It is unfair for all residents to pay more because Tonbridge do not have a parish council. I should not have to pay for Christmas lights twice while residents of Tonbridge don't pay for them at all - that makes no sense!	(b)(d)
150	East Malling & Larkfield	D	A	D	D	Public toilets are a blessing and they normally benefit more than just the people who live there. In my opinion, I'd rather have more public toilets around as they are all currently closing which stops people shopping local	(e)(i)
154	Tonbridge	D	A	D	A	Public toilets and Christmas lights are of benefit to all, including the many who regularly travel from surrounding villages into the town of Tonbridge. Therefore all should contribute to them. The use of the facilities or enjoyment of the displays is not exclusive to just residents of the town.	(i)

158	Aylesford	D	A	D	A	It's not only people who reside in those areas who enjoy the benefits of public access toilets or the Christmas lights. It would be wrong to think that visitors from outside of the parish do not travel to other towns and use their services. Therefore everyone should contribute.	(a)(c)(i)
159	Tonbridge	D	A	D	A	Everyone can benefit from & use these features. It is unfair to expect people who happen to live nearer to pay extra for them when they themselves may not use these features. The cost should be spread equal.	(a)(c)(i)
160	East Malling & Larkfield	D	A	D	A	Public toilets are an essential public amenity, especially for parents with small children and people with medical conditions. It is not feasible to expect shops, cafes and pubs to provide this service.	(e)
161	Borough Green	A	A	A	A	I think the best solution is we all pay council tax for lights and toilets for ALL areas. Because I worry that small areas won't sustain their facilities due to it costing proportionately more per resident. However as lots of areas currently pay their own, it's only fair that Tonbridge do too.	(b)(d)(e)
162	Tonbridge	A	A	A	D	Christmas lights are a frivolity which should only be paid for by those in the towns they live in. BUT should be opted in/out of being paid for by townsfolk, as might be considered vulgar to ask for a tax increase on something so inconsequential.	(d)
163	Hildenborough	D	A	A	D	Public toilets can be used by visitors to each parish regularly, and are a basic necessity. 2 pounds a year is a cup of tea. Christmas lights are one day a year and are really a luxury	(h)(i)
164	Tonbridge	D	A	A	D	Tonbridge residents do not need the public toilets as much as visitors to the town. Surely they are there for visitors to shops and the Castle and Racetrack Park.	
166	Tonbridge	D	A	D	A	I think in small places it makes sense for local people to pay. But Tonbridge is a town - facilities used by people across borough. Loads of people come from all over to use racecourse - for the river, football, playpark etc. They are more likely to use facilities as cant nip home	(i)
168	Tonbridge	D	A	A	A	We need more toilets all over the county. Someone needs to look at this. It's not a luxury it's a necessity.	(f)
169	West Peckham	D	A	A	A	I don't feel strongly either way as regards public toilets but as far as the Christmas lights are concerned, these lights are a benefit for those of us who use Tonbridge as our town centre even if we don't live there and so I am happy to contribute to the lighting costs.	(d)
170	Tonbridge	D	A	D	D	I can do without Christmas lights if it improves the public toilets abd bin collections!	(g)

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

26 October 2021

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO CONSTITUTION

The report recommends that changes are made to the constitution to allow additional speaking time for opposition group leaders, and to address concerns raised by Members concerning the Electoral Review Working Group.

A minor amendment is also required to the appointment of a proper officer for the purposes of public health functions, following the replacement of Public Health England by the UK Health Security Agency (UKSHA).

1.1 Introduction

Additional speaking time for opposition group leaders

- 1.1.1 Members will be familiar with the time limits imposed by the constitution relating to Leader's announcements.
- 1.1.2 Rule 5.25(b) of the constitution currently limits the time permitted for opposition group leaders to respond to announcements by the Leader (who is allowed up to twenty minutes), with the time permitted for such responses limited to five minutes in total. The rule does not provide for each opposition group leader to be given an equal share of the five minutes, thus creating the potential for an inequality between the respective leaders. Furthermore, as we currently have three opposition group leaders, the time permitted for the response of each leader is very short.
- 1.1.3 At the previous meeting of Council on 13 July 2021 the Leader requested that I bring forward a report to allow for opposition group leaders to be given a longer period of time to respond to his announcements, with the intention that each opposition group leader be allowed a period of three minutes. This report recommends appropriate amendments to the constitution.
- 1.1.4 It is proposed that Rule 5.25(b) of the Council and Committee Procedure Rules is amended so that it now reads

'the opposition group leaders shall be given an opportunity to comment upon the announcements and the total time allowed shall be limited to three minutes per opposition group leader'

Electoral Review Working Group

- 1.1.5 The Electoral Review Working Group (ERWG) has met on 3 occasions during 2021, all 3 meetings considering aspects of the Boundary Commission Review of Tonbridge and Malling.
- 1.1.6 The terms of reference for the ERWG (as set out in the constitution) are to advise the Council in respect of matters referred to it in respect of Constituency, Borough, ward and parish boundaries. The ERWG is not programmed to meet on a regular basis, and is instead convened as and when required. It has 9 Members – currently 7 Conservative, 1 Liberal Democrat and 1 Independent Alliance Kent.
- 1.1.7 Whilst the recommendations from the working group have been referred to General Purposes Committee/ Council for further consideration, Members in attendance at those meetings have expressed concern at the private nature of the working group, with members of the public unable to read the papers or watch the meeting via YouTube as would be the case for other Council meetings.
- 1.1.8 The private status of the working group is prescribed by the constitution and reflects the historical approach of the Council towards consideration of electoral review matters. It is not a statutory requirement for the working group to meet in private, so it is entirely within the gift of the Council to review the operation of the working group. Furthermore, there is no specific statutory requirement for the Council to create a working group or other Member meeting to deal solely with electoral review matters.
- 1.1.9 In order to promote the transparency of decision making, and to streamline the decision-making process, it is proposed that the Electoral Review Working Group is abolished, with all matters relating to electoral review to sit within the terms of reference for the General Purposes Committee.
- 1.1.10 The abolition of the ERWG will not require any changes to the terms of reference for the General Purposes Committee, as this Committee is already empowered to deal with all matters relating to European, Parliamentary and Local Elections and Parish Council Elections (in consultation with the Parish Council), electoral registration and representation.
- 1.1.11 The proposed changes will have a consequential impact on the political balance arrangements. These changes are dealt with in a separate report.

1.2 Proper Officer – Public Health

- 1.2.1 Part 3 of the Constitution currently designates any person for the time being employed as a consultant in Communicable Disease Control/ Consultant in Health

Protection (or such other title as may be notified to the Borough Council by Public Health England from time to time) at Public Health England as the Proper Officer for the purposes of exercising various public health functions under the Health Protection (Notification) Regulations 2010 and the Public Health (Control of Disease) Act 1984.

1.2.2 On 1 October 2021 Public Health England was replaced by the UK Health Security Agency (UKSHA) and the Office for Health Improvement and Disparities. We have therefore been requested by the UKSHA to update our Proper Officer appointment to reflect this transition.

1.2.3 It is proposed to replace reference to Public Health England within Part 3 of the Constitution (as set out in 1.2.1 above) with UKSHA.

1.3 Legal Implications

1.3.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

1.4 Financial and Value for Money Considerations

1.4.1 None.

1.5 Risk Assessment

1.5.1 The changes proposed in this report will promote transparent decision-making processes and ensure each opposition group leader is permitted an equal period of time to respond to the Leader's announcements.

1.6 Equality Impact Assessment

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

1.7 Recommendations

1.7.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in this report.

Background papers:

contact: Adrian Stanfield

Adrian Stanfield
Monitoring Officer

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

26 October 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

This report asks Members to determine the political balance arrangements for the Council's committees, sub-committees, advisory boards and panels, following (a) Cllr Stapleton's move to the Green Party and (b) the proposed abolition of the Electoral Review Working Group.

1.1.1 Under section 15 of the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) Regulations 1990, the Council is required to review the composition of any of its committees and sub-committees to which those provisions apply at the annual meeting of the Council and after any election.

1.1.2 Following the notification from Councillor Nick Stapleton that he has ceased to be a member of the Liberal Democrats and has joined the Green Party, the number of seats held by each of the political parties is as follows:

Conservative	39	(72.22%)
Liberal Democrat	8	(14.81%)
Independent Alliance (Kent)	3	(5.56%)
Green	3	(5.56%)
Labour	1	(1.85%)
Total	54	(100%)

1.1.3 This report also considers the impact of the proposed abolition of the Electoral Working Review Group on the overall political balance calculations.

1.1.4 The Council is required to determine the composition of its committees to reflect this political balance and to ensure that:

- (a) not all the seats on the committee to which appointments are made are allocated to the same political group;

- (b) the majority of seats on the committee is allocated to a particular political group if the number of persons belonging to that group is a majority of the authority's membership;
- (c) subject to (a) and (b), the total number of seats allocated to a particular political group reflects that group's proportion of the membership of the authority;
- (d) subject to (a) and (c) the number of seats on each committee allocated to a particular group reflects that proportion of the membership of the authority.

1.1.5 As a result of the change in Cllr Stapleton's group membership and the proposed abolition of the Electoral Review Working Group, the total number of seats held by political groups of the Council will be as follows (the numbers in brackets show the numbers held by each group prior to these recent changes):

Conservative Group	Liberal Democrat	Independent Alliance Kent	Green	Labour	Total Seats
118 (124)	24 (29)	9 (10)	9 (6)	3 (3)	163 (172)
72.22%	14.81%	5.56%	5.56%	1.85%	100%

1.1.6 The table below shows the number of committees etc of various sizes which need to be politically balanced and the way in which the total number of available seats might be allocated to reflect the proportions on the Council as a whole. In consequence, it is suggested that those committees requiring to be politically balanced be composed as follows (changes shown in brackets):

Committee	Size	Con	Lib Dem	Ind All	Green	Lab
Overview and Scrutiny	18	13	3	1	1	0
Licensing and Appeals	15	11	2	1	1	0
<i>Advisory Boards (x5):</i>						
Communities and Housing	16	11	2(-1)	1	1(+1)	1
Economic Regeneration	16	11	3	1	1	0

Finance, Innovation and Property	16	12	3	0	1	0
Planning and Transportation	16	12	2(-1)	1	1(+1)	0
Street Scene and Environment Services	16	12(+1)	2(-1)	1	1	0
General Purposes	14	10	2	1	1	0
Joint Standards	13	9	1(-1)	1	1(+1)	1
Audit	9	7	1	0	0	1
Electoral Review Working Group	9	7	1	1	0	0
JECC	9	6	2	1	0	0
Housing Association Liaison Panel	5	4	1	0	0	0
Total Number of Seats	163(-9)	118(-6)	24(-5)	9(-1)	9(+3)	3(-)

1.2 Legal Implications

1.2.1 The Council is required to review the composition of its committees in accordance with the Local Government and Housing Act 1989 (duty to allocate seats to political groups) and the Local Government (Committees and Political Groups) regulations 1990.

1.3 Financial and Value for Money Considerations

1.3.1 Not applicable.

1.4 Risk Assessment

1.4.1 Not applicable.

1.5 Equality Impact Assessment

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

1.6 Recommendations

- 1.6.1 RECOMMENDED that the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table at paragraph 1.1.6 and the Monitoring Officer make any consequential amendments to the Council's constitution in respect of political balance.

Background papers:

contact: Allison Parris

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

26 October 2021

Report of the Chief Executive

Part 1- Public

Matters For Decision

1 ARMED FORCES COVENANT

To reconsider the Councils existing Armed Forces Covenant and nominate Armed Forces Champions for the Council

1.1 Background

1.1.1 The Council signed an Armed Forces Covenant in 2013, in partnership with RBLI Aylesford and 220 Medical Squadron (attached at Annex 1). The principles of this Covenant aim to ensure that the Armed Forces Community should:

- Not suffer disadvantage compared to other citizens as a result of their service;
- Receive equality of outcomes;
- Receive special treatment where appropriate

1.1.2 The Covenant aims to integrate Service life with civilian life. It encourages all parties within a community to offer support to the local Armed Forces, making it easier for Service personnel, families, and veterans to access help and support services available from the MOD, from statutory providers and from the voluntary sector.

1.2 National Armed Forces Covenant Principles

1.2.1 The following core principles apply:

- Recognising the unique obligations of, and sacrifices made by, the Armed Forces.
- That it is desirable to remove disadvantages arising for service people from membership, or former membership, of the Armed Forces.
- That special provision for service people may be justified by the effect on such people of membership, or former membership, of the Armed Forces.

1.2.2 The Armed Forces Bill is currently going through Parliament. This will re-invigorate the Covenant and improve the way the Covenant is delivered locally

across the UK. It will introduce a new statutory duty to have **due regard** to the principles of the Armed Forces Covenant. This will apply to a specified list of public bodies when carrying out specific public functions in the areas of housing, healthcare and education.

- 1.2.3 The Bill will require those who are subject to it to consciously consider the Armed Forces Community and the principles of the Covenant, when developing policy and making decisions in specified policy areas. Statutory guidance will be issued to aid understanding and the Council will be required to have regard to this guidance.

1.3 Armed Forces Champions

- 1.3.1 It is recommended that Local Authorities annually appoint an Armed Forces Champion (AFC). The AFC will raise the profile and needs of the Armed Forces community. The guidance suggests that some Armed Forces experience would be an advantage for this role.
- 1.3.2 Both Cllr Dave Davis and Cllr Steve Hammond have a background of many years military experience and have indicated that they would be willing to share the role of AFC. The Council will benefit from their combined experience which will be fundamental in supporting the Armed Forces community in Tonbridge and Malling. To support this role the Council's Policy, Scrutiny and Communities Manager is the nominated Armed Forces Covenant Lead Officer.

1.4 Next Steps

- 1.4.1 As there have been several changes since the Council last signed the Covenant, it is suggested that an updated version of the Covenant is signed, once again in partnership with local military organisations.
- 1.4.2 The Council should also undertake the Defence Employer Recognition Scheme. This scheme encourages employers to support defence and inspire others to do the same. The scheme encompasses bronze, silver and gold awards for employer organisations that pledge, demonstrate or advocate support to defence and the armed forces community, and align their values with the Armed Forces Covenant.

1.5 Legal Implications

- 1.5.1 The Armed Forces Bill, as mentioned in section 1.2.2. and 1.2.3. Final statutory guidance will be available in early 2022 and by mid-2022 the new Covenant Duty enters into force. The Government is due to review the impact of the new duty on local authorities in 2023.

1.6 Financial and Value for Money Considerations

- 1.6.1 N/A

1.7 Risk Assessment

1.7.1 N/A

1.8 Equality Impact Assessment

1.8.1 Signing the Armed Forces Covenant aims to ensure that those who serve in the Armed Forces (regular or Reserve), those who have served in the past, and their families, should face no disadvantage.

1.9 Policy Considerations

1.9.1 Community

1.9.2 Customer Contact

1.9.3 Equalities/Diversity

1.9.4 Human Resources

1.10 Recommendations

1.10.1 That Members AGREE:

- 1) To sign an updated version of the Armed Forces Covenant.
- 2) To appoint Cllr Dave Davis and Cllr Steve Hammond into the shared role of Armed Forces Champion for Tonbridge & Malling Borough Council.
- 3) That the Council should take steps to progress through the Defence Employer recognition Scheme.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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Community Covenant

AN ARMED FORCES COMMUNITY COVENANT

between

TONBRIDGE AND MALLING BOROUGH COUNCIL

and

**THE ARMED FORCES COMMUNITY IN
TONBRIDGE AND MALLING**

6 September 2013



MINISTRY OF DEFENCE

We, the undersigned, agree to work and act together to honour the Armed Forces Community Covenant.

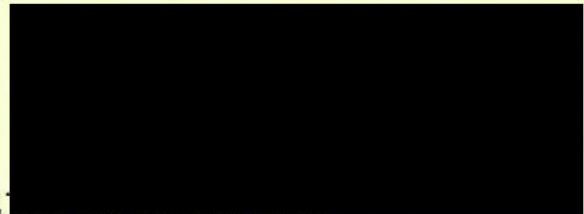
Signed on behalf of the Armed Forces Military Community



Name: Major G Austin RAMC
Position Held: Officer Commanding,
220 Medical Squadron



Signed on behalf of Tonbridge & Malling Borough Council



Name: Cllr Nicolas Heslop
Position Held: The Leader of the Council



Signed on behalf of RBLI Aylesford



Steve Sherry
Position Held: Chief Executive
Royal British Legion Industries



THE ARMED FORCES COMMUNITY COVENANT FOR TONBRIDGE AND MALLING

SECTION 1 – PARTICIPANTS

1. This Tonbridge and Malling Armed Forces Community Covenant is made between:
 - Serving and former members of the Armed Forces and their families working and residing in Tonbridge and Malling;
 - Tonbridge and Malling Borough Council; and,
 - RBLI Aylesford and other participating groups within Tonbridge and Malling.

SECTION 2 – PRINCIPLES OF THE ARMED FORCES COMMUNITY COVENANT

2.1 Themed Forces Community Covenant is a voluntary statement of mutual support between the Tonbridge and Malling civilian community and the Armed Forces Community in Tonbridge and Malling. It is intended to complement the Armed Forces Covenant, which outlines the moral obligation between the Nation, the Government and the Armed Forces at the local level. The core principle of the Armed Forces Covenant is that members of the Armed Forces Community should:

- Not suffer disadvantage compared to other citizens as a result of their service;
- Receive equality of outcomes; and,
- Receive special treatment where appropriate.

2.2 The purpose of this Community Covenant is to encourage support for the Armed Forces Community working and residing in Tonbridge and Malling and to recognise and to remember the sacrifices made by members of this Armed Forces Community, particularly those who have given the most. This includes Service personnel and Service veterans, their families and their widow(er)s.

2.3 For Tonbridge and Malling Borough Council, this Community Covenant presents an opportunity to bring its knowledge, experience and expertise to bear in the provision of support, help and advice to members of the Tonbridge and Malling Armed Forces Community. It also

presents an opportunity to build upon existing good work on other initiatives such as the Welfare Pathway.

2.4 For the Tonbridge and Malling Armed Forces Community, this Community Covenant encourages the integration of Service life with civilian life and encourages members of the Armed Forces Community to help their local community.

SECTION 3 – AIMS AND GENERAL INTENTIONS

3.1 The Armed Forces Community Covenant complements the principles of the Armed Forces Covenant which defines the enduring, general principles that should govern the relationship between the Nation, the Government and the Armed Forces Community.

3.2 It aims to encourage all parties within a community to offer support to the local Armed Forces Community and to make it easier for Service personnel, families and veterans to access the help and support available from the MOD, from statutory providers and from the Charitable and Voluntary Sector. These organisations already work together in partnership and at local level.

3.3 The scheme is intended to be a two-way arrangement and members of the Tonbridge and Malling Armed Forces Community are encouraged to do as much as they can to support the civilian community and to promote activity which integrates the Service community into civilian life.

SECTION 4 - MEASURES

4.1 To help build an understanding of the needs of the Armed Forces and ensure they are considered in the planning of local services, a representative from the Armed Forces will be a member of the Tonbridge & Malling Local Strategic Partnership (LSP). The LSP includes representatives from Borough and County Councils, business, tourism, education, faith, health and the voluntary and community sector. The aim will be to ensure that:

- There is regular and open communication between local community leaders and the Armed Forces Community
- Greater understanding and awareness of the work and ambitions of the Armed Forces are promoted amongst the public and local communities
- The importance of social enterprise activities undertaken by the RBLI in support of their wider work with Armed Forces personnel are recognised and promoted, as set out in a separate Community Covenant adopted on 29th June 2012 regarding the veteran community.

- Full support is given to RBLI and 220 Medical Squadron in supporting and meeting the needs of Armed Forces personnel, veterans and their families and their integration into local community life
- We will work together to identify and progress suitable, specific projects to support the Armed Forces Community residing in Tonbridge and Malling
- Sacrifices made by the local Armed Forces Community are fully acknowledged and remembered.

CONTACT PERSONNEL AND TELEPHONE NUMBERS

MOD DCDS (Pers&Trg) Covenant Team

Contact Name: Lisa Harper
Title: DCDS (Pers) Sec Covenant 1
Telephone: 020 7218 9110
Address: DCDS (Pers) Covenant Team
Zone D, 6th Floor
Ministry of Defence
Main Building
Whitehall
London
SW1A 2HB

220 Med Sqn Contact: Captain R Garrett RE
Title: Permanent Staff Administrative Officer
Telephone: 01622 767182
Address: TAC 461 London Road, Ditton, Aylesford, Kent, ME20 6DB

TMBC:Contact: Mark Raymond
Title: Corporate Services Manager
Telephone: 01732 876267
Email: mark.raymond@tmbc.gov.uk
Address: Gibson Building, Gibson Drive, Kings Hill, Kent, ME19 4LZ

THE ARMED FORCES COVENANT

An Enduring Covenant Between

The People of the United Kingdom
Her Majesty's Government

– and –

All those who serve or have served in the Armed Forces of
the Crown

And their Families

The first duty of Government is the defence of the realm. Our Armed Forces fulfil that responsibility on behalf of the Government, sacrificing some civilian freedoms, facing danger and, sometimes, suffering serious injury or death as a result of their duty. Families also play a vital role in supporting the operational effectiveness of our Armed Forces. In return, the whole nation has a moral obligation to the members of the Naval Service, the Army and the Royal Air Force, together with their families. They deserve our respect and support, and fair treatment.

Those who serve in the Armed Forces, whether Regular or Reserve, those who have served in the past, and their families, should face no disadvantage compared to other citizens in the provision of public and commercial services. Special consideration is appropriate in some cases, especially for those who have given most such as the injured and the bereaved.

This obligation involves the whole of society: it includes voluntary and charitable bodies, private organisations, and the actions of individuals in supporting the Armed Forces. Recognising those who have performed military duty unites the country and demonstrates the value of their contribution. This has no greater expression than in upholding this Covenant.

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

26 October 2021

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Decision

1 APPOINTMENTS TO OUTSIDE BODIES

Following the deaths of Dr Gordon Court and Mr David Cure it is necessary for the Council to consider appointments to the Tonbridge Town Lands and Richard Mylls, Sir Thomas Smythe and the Petley and Deakins Almshouses charities.

It is also necessary to consider an appointment to the Hospital of the Holy Trinity, Aylesford

1.1 Tonbridge Town Lands and Richard Mylls

1.1.1 Correspondence has been received from the Clerk to the Town Wardens asking the Borough Council to consider appointing Mr Owen Baldock and emphasising the value of having a person with a good knowledge of the local area.

1.1.2 The terms of the Charity require the income to be applied for the benefit of the inhabitants of the former Urban District of Tonbridge and persons appointed as Town Wardens to be residents or to have extensive knowledge of the area. They may be, but need not be, a member of the Council.

1.1.3 The Charity feels that Mr Owen Baldock would be an excellent appointment on the grounds that he was a long serving member of the Borough Council, representing Castle Ward, and is a long-time resident of Tonbridge.

1.1.4 Mr Baldock has indicated his willingness to accept this nomination.

1.1.5 The appointment would be until October 2024 which is when the four year term of office of Dr Court would have ended.

1.2 Sir Thomas Smythe's Charity

1.2.1 A vacancy has arisen due to the death of Mr David Cure.

1.2.2 In addition, the term of office of Councillor Pam Bates expired at the end of July 2021 which has created a further vacancy.

- 1.2.3 The Charity provides financial and pastoral support to individuals in need, usually older or disabled people living in various West Kent parishes.
- 1.2.4 The Leader of the Borough Council has nominated Councillor Vivian Branson and Councillor James Lark to serve as trustees for the Sir Thomas Smythe's Charity (St Peters and St Paul with St Saviour) and to fill the two vacancies.
- 1.2.5 The appointments would be for a four year term of office and would expire in October 2025.

1.3 Hospital of the Holy Trinity, Aylesford

- 1.3.1 A replacement is required for Councillor Des Keers who can no longer commit as much time to the Charity as it deserves.
- 1.3.2 Previously the Clerk to the Trustees has emphasised the value of having a person with local interests and contacts.
- 1.3.3 The Charity supports older persons by providing self-caring accommodation for individuals over 60 years of age and with some local connection to the village of Aylesford.
- 1.3.4 Councillor David Lettington has indicated his willingness to be appointed as a Trustee to the Board.
- 1.3.5 It is proposed that the term of office for this appointment is for 2 years (up to October 2023) which is when the term of office of Councillor Keers would have expired.

1.4 Petley and Deakins Almhouses

- 1.4.1 A vacancy has arisen due to the death of Mr David Cure.
- 1.4.2 In addition, the term of office for Mrs Maria Heslop expires at the end of December 2021.
- 1.4.3 The object of the Charity is 'to provide accommodation for poor persons of good character ordinarily residing the Ancient Parish of Tonbridge.'
- 1.4.4 The Leader has nominated Councillor Kim Tanner to serve as a trustee as part of her role as Cabinet Member for Housing.
- 1.4.5 The Charity has asked that the term of office for Mrs Maria Heslop be extended for a further 4 year term, which would expire in December 2025.

1.5 Legal Implications

- 1.5.1 N/A

1.6 Financial and Value for Money Considerations

1.6.1 N/A

1.7 Risk Assessment

1.7.1 N/A

1.8 Equality Impact Assessment

1.8.1 N/A

1.9 Policy Considerations

1.9.1 Community

1.10 Recommendations

That:

- (1) Mr Owen Baldock be appointed as the Borough Council representative to serve on Tonbridge Town Lands and Richard Mylls until October 2024;
- (2) Councillors Vivian Branson and James Lark be appointed as Trustees to the Sir Thomas Smythe's Charity (St Peters and St Paul with St Saviour) for a four year term of office (until October 2025);
- (3) Councillor David Lettington be appointed as a Trustee to the Board of the Hospital of the Holy Trinity Aylesford until October 2023;
- (4) Councillor Kim Tanner be appointed as a Trustee to the Petley and Deakins Almhouses for a four year term of office (until October 2025); and
- (5) the appointment of Mrs Maria Heslop as a Trustee to the Petley and Deakins Almhouses be extended for a further four year term (until December 2025).

Background papers:

Nil

contact: Allison Parris
Principal Democratic Services
Officer

Adrian Stanfield
Director of Central Services

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