

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

Contact: Democratic Services
committee.services@tmbc.gov.uk

7 September 2021

To: MEMBERS OF THE FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Finance, Innovation and Property Advisory Board to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 15th September, 2021 commencing at 7.30 pm.

Members of the Committee are required to attend in person. Other Members are encouraged to participate online via MS Teams.

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

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

PART 1 - PUBLIC

1. Apologies for absence

7 - 8

2. Declarations of interest 9 - 10

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

3. Minutes 11 - 16

To confirm as a correct record the Notes of the meeting of the Finance, Innovation and Property Advisory Board held on 21 July 2021

Matters for recommendation to the Cabinet

4. Capital Programme Post Implementation Review Monitoring 17 - 26

The report identifies the post implementation reviews carried out since the meeting of this Board in September 2020 and the capital plan schemes for which reviews will be due. The report also brings forward a post implementation review in respect of the General Data Protection Regulation (GDPR) Software for consideration and approval.

5. Customer Services - Corporate Call Centre 27 - 32

This report asks Members to consider proposals for a corporate call centre, following the Call Centre Pilot that has been running since January 2020, helping deliver TMBC Digital Strategy and in line with the "One Council" theme.

This will involve discussions with all Service areas, moving away from decentralised phone numbers, having these calls triaged through the corporate call centre / Bot, and understanding efficiency saving for each service area.

6. Special Expenses Consultation 33 - 72

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

The 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.

7. Financial Planning and Control 73 - 98

The report brings together information on three key budget areas - salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring are then summarised to provide an indicative overall budget position for the year. The report also updates Members on capital expenditure and variations that have been agreed in relation to the capital plan.

8. Applications for Discretionary Rate Relief 99 - 110

A report giving details of renewal applications for discretionary rate relief. Details of new applications for discretionary rate relief and amendments to previous awards are also brought forward for Members' consideration.

9. Rural Rate Relief - Rural Settlement List 111 - 114

A report informing Members of the requirement to review the Council's rural settlement list and recommending that the current list should be retained, unaltered, for the financial year 2022/23.

10. River Lawn, Tonbridge 115 - 126

The report updates Members on the proposed disposal of open space at River Lawn, Tonbridge and asks that the Advisory Board considers options for the future.

Matters submitted for Information

11. Revenue and Benefits Update 127 - 132

A report detailing recent developments in respect of council tax, business rates, council tax reduction and housing benefits.

12. Urgent items 133 - 134

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

Matters for consideration in Private

13. Exclusion of Press and Public 135 - 136

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

PART 2 - PRIVATE

Matters for Recommendation to the Cabinet

14. Pembury Road Options 137 - 152

The report sets out an update to the recent procurement of four properties for conversion to temporary accommodation in Pembury Road, Tonbridge. Members are asked to consider the options set out in the report having regard to the latest situation which is presented, and make appropriate recommendations on the way forward to Cabinet and Council.

15. Debts for Write Off 153 - 156

(Reasons : LGA 1972 – Sch 12A Paragraph 2 – Information which is likely to reveal the identity of an individual)

Approval is sought for the writing-off of debts that are considered to be irrecoverable.

Matters submitted for Information

16. Urgent items 157 - 158

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

MEMBERSHIP

Cllr M C Base (Chairman)
Cllr R I B Cannon (Vice-Chairman)

Cllr T Bishop
Cllr G C Bridge
Cllr C Brown
Cllr A E Clark
Cllr R W Dalton
Cllr M O Davis
Cllr K King

Cllr Mrs C B Langridge
Cllr L J O'Toole
Cllr M R Rhodes
Cllr H S Rogers
Cllr Mrs M Tatton
Cllr F G Tombolis
Cllr C J Williams

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE, INNOVATION AND PROPERTY ADVISORY BOARD

Wednesday, 21st July, 2021

Present: Cllr R I B Cannon (Vice-Chairman - in the Chair), Cllr G C Bridge, Cllr A E Clark, Cllr R W Dalton, Cllr M O Davis, Cllr M R Rhodes, Cllr H S Rogers, Cllr Mrs M Tatton and Cllr C J Williams

(Note: As Councillor F Tombolis was unable to attend in person and participated via MS Teams he was unable to vote on any matters)

Councillors Mrs J A Anderson, R P Betts, M D Boughton, V M C Branson, M A Coffin, N J Heslop, M A J Hood, S A Hudson, D Keers, Mrs F A Kemp, D Lettington, B J Luker, Mrs A S Oakley and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Chairman), T Bishop, C Brown, K King and Mrs C B Langridge

PART 1 - PUBLIC

FIP 21/32 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the item on Applications for Discretionary Rate Relief on the grounds that he was a Borough Council appointee to the Tonbridge and Malling Leisure Trust. In addition, he advised that his firm acted for one or two other organisations applying for rate relief. He withdrew from the meeting during consideration of the item and took no part in the discussion and voting thereon. Councillor M Tatton declared an Other Significant Interest in the same item in that she was a Trustee of the East Malling Centre. She took no part in the discussion or voting thereon in respect of the application relating to the East Malling Centre.

FIP 21/33 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Innovation and Property Advisory Board held on 19 May 2021 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

FIP 21/34 DISCRETIONARY RATE RELIEF

(Decision Notice D210075MEM)

The report of the Director of Finance and Transformation gave details of renewal applications for discretionary rate relief for the period 1 July 2021 to 31 March 2023. Details of four applications for Rural Rate Relief were also set out. The Council's policies in respect of discretionary rate relief and rural rate relief were attached at Annexes 1 and 2 of the report.

RECOMMENDED: That

- (1) discretionary rate relief be awarded with effect from 1 July 2021 and time-limited to 31 March 2023 in respect of the re-applications for relief as set out at Annex 3 to the report;
- (2) discretionary rate relief be awarded with effect from 1 July 2021 and time-limited to 31 March 2023 in respect of the re-applications for rural rate relief as set out at Annex 4 to the report; and
- (3) the Malling District Scout Council, Scout Camp Site Comp Wood, Seven Mile Lane, Offham be awarded the maximum 20% 'top up' discretionary rate relief with effect from 1 July 2021 with no time limit.

FIP 21/35 FINANCIAL PLANNING AND CONTROL

(Decision Notice D210076MEM)

The report of the Director of Finance and Transformation brought together information on three key budget areas, namely salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. The report also provided an update on capital expenditure and variations which had been agreed in relation to the capital plan.

RECOMMENDED: That

- (1) it be noted that, as at the end of June 2021, the projected overall outturn position for the year 2021/22 was a net favourable variance of circa £30,750 when compared to the budget set in February 2021;

- (2) the position in respect of the updated projected funding gap reported to Cabinet on 6 July 2021 of £1,775,000 and the need to identify and implement opportunities to deliver as a minimum this year's savings target of £100,000 be noted;
- (3) by 31st December 2021, or a date before, whichever is the earliest, concise information be supplied to all Members of the Council of the method(s) to achieve this year's required £100,000 saving (1st Tranche), or to report otherwise; and
- (4) the Council write to the two local Members of Parliament regarding the escalating cost of temporary accommodation and the need for additional Government support.

FIP 21/36 CUSTOMER SERVICES

The report of the Director of Central Services and Deputy Chief Executive invited the Board to consider proposals for the future opening hours and operation of Customer Services.

RECOMMENDED: That

- (1) the customer services operation be moved from a drop-in reception service at both the Kings Hill and Castle reception points to a triaged pre booked appointment service;
- (2) the Kings Hill reception and call centre opening times be changed to 09:00 hours to 17:00 hours Monday to Thursday and 09:00 hours to 16:30 hours on Friday, to align with Tonbridge Castle which already operates these hours; and
- (3) the KPR self service kiosks be removed and the Council moves to a bar coded bill for those more vulnerable residents who are unable to pay through digital/phone methods.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

FIP 21/37 DIGITAL STRATEGY UPDATE

The report of the Director of Finance and Transformation provided an update on progress made with the delivery of the Digital Strategy.

RESOLVED: That the content of the report be noted.

FIP 21/38 IT INFRASTRUCTURE UPDATE

The report of the Director of Finance and Transformation provided an update on progress made with the upgrade of the IT Infrastructure.

RESOLVED: That the content of the report be noted.

FIP 21/39 REVENUES AND BENEFITS UPDATE REPORT

The report of the Director of Finance and Transformation provided details of recent developments in respect of council tax, business rates, council tax reduction and housing benefits.

RESOLVED: That the content of the report be noted.

FIP 21/40 BUSINESS GRANTS SCHEMES

The report of the Director of Finance and Transformation provided details of Government schemes which had assisted businesses and charities affected by the COVID-19 lockdown.

RESOLVED: That the content of the report be noted.

MATTERS FOR CONSIDERATION IN PRIVATE

FIP 21/41 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

FIP 21/42 PROPOSED LETTING OF UNIT 29 MARTIN SQUARE, LARKFIELD

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

(Decision Notice D210077MEM)

The report of the Director of Central Services and Deputy Chief Executive provided details of the proposed lease for Unit 29, Martin Square, Aylesford.

RECOMMENDED: That the letting of the unit on the terms set out in the report be approved.

MATTERS SUBMITTED FOR INFORMATION

FIP 21/43 DEBTS FOR WRITE OFF

(Reasons: LGA 1972 Sch 12A Paragraph 2 – Information which is likely to reveal the identity of individual)

The report of the Director of Finance and Transformation provided details of debts that had been written off.

RESOLVED: That the content of the report be noted.

The meeting ended at 9.25 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Finance and Transformation

Part 1- Public

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

1 CAPITAL PROGRAMME: POST IMPLEMENTATION REVIEWS MONITORING REPORT

This report identifies the post implementation reviews carried out since the meeting of this Board in September 2020 and the capital plan schemes for which reviews will be due. The report also brings forward a post implementation review in respect of the General Data Protection Regulation (GDPR) Software for consideration and approval.

1.1 Background

1.1.1 The Council's Capital Strategy provides for the reporting of post implementation reviews to demonstrate the effectiveness of capital expenditure. A system for monitoring post implementation reviews for capital projects was endorsed by this Board and subsequent monitoring reports have been presented to meetings of the Board.

1.2 Progress

1.2.1 Capital projects for which a post implementation review has been carried out since the meeting of this Board on 16 September 2020 are detailed in **[Annex 1]**. The Annex covers the following schemes including the General Data Protection Regulation (GDPR) Software being reported to this meeting:

- Housing Document Management System (CHAB July 2021).
- Land Drainage – Drainage Improvement Programme (SSESAB June 2021).
- Car Parking Action Plan – Phase 8 & 9 (SSESAB June 2021).
- General Data Protection Regulation (GDPR) Software (FIPAB September 2021).

1.2.2 A copy of the PIR for the General Data Protection Regulation (GDPR) Software can be found at **[Annex 2]**.

1.2.3 The schedule of forthcoming and outstanding post implementation reviews is provided at **[Annex 3]**. The schedule comprises 25 schemes. Post implementation reviews in respect of those schemes listed as due (green) and, two schemes listed as overdue (orange), are expected to be reported to an appropriate advisory board before the next annual review.

1.3 Legal Implications

1.3.1 None.

1.4 Financial and Value for Money Considerations

1.4.1 The reporting of post implementation reviews is important for testing the effectiveness of the Council's capital expenditure and is in accordance with the Council's Capital Strategy.

1.5 Risk Assessment

1.5.1 There is a risk that not carrying out post implementation reviews may lead to the repetition of capital expenditure which is not effective or does not provide value for money.

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 The Post Implementation Review in respect of the General Data Protection Regulation (GDPR) Software **[Annex 2]** be approved.

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: Donna Riley

Nil

Sharon Shelton
Director of Finance and Transformation

Capital Plan Post Implementation Reviews - September 2021

Post Implementation Review Monitoring: Completed Reviews		Notes
<p>Scheme Category: Corporate Services - IT initiatives Scheme Title: Housing Document Management System Evaluation Meeting: Body / Date / Action CHAB / 14 November 2016 / Recommended for List A Capital Plan Year / Provision 2016/17 / £40,000 Completion Date / Final Payment: May 2018 Final Cost: £38,244 Post-implementation review (PIR): 12 Months after completion</p> <p>Criteria for judging success: The scheme will be judged against: - Successful implementation of a document management system for Housing</p> <p>PIR reported: Body / Date Communities and Housing AB / 20 July 2021</p>	<p>A system to enable Housing to manage documents and records digitally.</p> <p>Scheme completion has allowed Housing to cease using paper based files, many of which contained sensitive data and free up the physical space associated with paper files. The use of electronic records has also helped with the move to remote working.</p> <p>Scheme completed within budget.</p>	
<p>Scheme Category: SSL&T - Land Drainage / Flood Defence Scheme Title: Drainage Improvement Programme Evaluation Meeting: Body / Date / Action FIPAB / Jan 2008 / Recommended for List B Capital Plan Year / Provision 2007/08 - 2010/11 / £75,000 Completion Date / Final Payment: March 2018 Final Cost: £58,355 Post-implementation review (PIR): To be reviewed in year 4 of a multi-year programme</p> <p>Criteria for judging success: The scheme will be judged against: - Local priorities and targets to be determined on a scheme by scheme basis</p> <p>PIR reported: Body / Date Street Scene and Environmental Services AB / 08 June 2021</p>	<p>To assess and carry out improvement to areas within the borough as being identified at risk of local flooding.</p> <p>Scheme completion has provided local residents and the natural environment with improved drainage at Farm Lane, Leigh Road and Lavenders Hill which has reduced the risk of flooding</p> <p>Budget reduced to £72,000 Capital Plan Review 2010/11. Net cost of the scheme was within budget.</p>	

Capital Plan Post Implementation Reviews - September 2021

Post Implementation Review Monitoring: Completed Reviews		Notes
<p>Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action</p> <p>Capital Plan Year / Provision Completion Date / Final Payment: Final Cost: Post-implementation review (PIR):</p> <p>Criteria for judging success:</p> <p>PIR reported: Body / Date</p>	<p>SSL&T - Car Parking Car Parking Action Plan- Phase 8 & 9 FIPAB / Jan 2015 / Recommended for List B</p> <p>2015/16 / £40,000 December 2018 £23,056 12 Months after final payment</p> <p>The scheme will be judged against: - Successful implementation of all actions identified in the Parking Action Plan - Maintaining safe access.</p> <p>Street Scene and Environmental Services AB / 08 June 2021</p>	<p>Phased programme of car parking measures to progress the Council's Parking Action Plan.</p> <p>Scheme completion has reduced obstructive parking associated with a number of ongoing issues including traffic congestion and conflict, access for emergency vehicles, and health and safety concerns outside school grounds. In addition to this it has provided new parking bays including disabled parking across several wards. The implementation of additional parking restrictions including new time constraints and double yellow lines are enforceable to ensure the flow of traffic.</p> <p>Scheme completed within budget.</p>
<p>Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision Completion Date / Final Payment: Final Cost: Post-implementation review (PIR):</p> <p>Criteria for judging success:</p> <p>PIR reported: Body / Date</p>	<p>Corporate Services - Information Technology Initiatives General Data Protection Regulation (GDPR) Software Cabinet / 20 March 2018 / Recommended for List A 2018/19 / £66,000 January 2019 £69,678 12 Months after completion</p> <p>The scheme will be judged against: - Successful Implementation of GDPR software</p> <p>Finance, Innovation & Property AB / 15 September 2021</p>	<p>Implementation of General Data Protection Regulation (GDPR) software to reduce risks associated with the storage and access to data held on IT systems.</p> <p>Scheme completion has enabled sensitive data file access to be monitored. This has included reviewing and limiting access where appropriate and identifying documentation which needed to be captured within the sensitive data remit.</p> <p>Scheme overspent £3,678 (5.6%) against original budget.</p>

Capital Plan Post Implementation Review

Service:	Corporate Services – Information Technology Initiatives
Scheme Title:	General Data Protection Regulation (GDPR) Software
Scheme Description:	Software required to reduce risks under GDPR associated with the storage and access to unstructured data on Council IT Systems.
Evaluation:	Cabinet 20 March 2018
Capital Plan Year(s)	2018/19 and 2019/20
Approved budget	£66,000
National Priorities	EU General Data Protection Regulation (GDPR) 2018
Local Priorities	<ul style="list-style-type: none"> • Alignment of GDPR compliance and data security policies. • Mitigation of risk around data loss through preventative controls. • Greater control and visibility of user access to data. • Reduced storage costs through the identification of inactive data that can be removed. • Improved efficiency gains within the helpdesk for maintaining user access controls.
Targets for judging success:	<p>Within the first three months:</p> <ul style="list-style-type: none"> • Identification of sensitive GDPR and PCI-DSS data across files shares. • Identification of specific approved folders where sensitive data is permitted to be stored. • Identify sensitive data outside of the approved folders, quarantine folders that are over 14 month old, monitor access to these areas and contact users who are accessing them. • Understand who has access to the approved folders where sensitive data is permitted, and remove access for any users that are not permitted. • Monitor for any new sensitive data being saved outside of the approved folders by scheduling and running regular reports. <p>Milestones set at three month intervals to further refine and review the control of sensitive data.</p>
Completion date (work completed):	January 2019
Completion date (final payment):	January 2019
Projected date for post implementation review:	Twelve months after completion
Final cost:	£69,678
Performance against National and Local Priorities and Targets:	Success targets achieved.
Budget performance / Value for money:	£3,678 (5.6%) overspend against budget.
Other performance / procurement issues:	None
Ongoing / Outstanding issues:	None

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Forthcoming and Outstanding Capital Plan Post Implementation Reviews

Post Implementation Review Monitoring: Forthcoming and Outstanding Reviews		Notes	Current if listed in the 2021-22 Capital Plan or year of last payment
1	Service: PH&EH - Housing Scheme Category: Sustainable Communities Programme Scheme Title: Temporary Accommodation - Ton High Street / Pembury Rd Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: Cabinet / 20 March 2018 / Recommended for List A 2018/19 / £1,600,000	Part funded by developer contributions. Gross budget increased to £3.688m, Cabinet October 2019, to purchase additional properties. Gross budget increased by a further £157k to £3.845m, Council October 2020, re higher than expected cost of refurbishment works to the Pembury Road properties.	Current
2	Service: PH&EH - Housing Scheme Category: Sustainable Communities Programme Scheme Title: Temporary Accommodation - Ground Floor Unit Tonbridge High St Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: Council / 27 October 2020 / Approved for List A 2020/21 / £40,000		Current
3	Service: PH&EH - Environmental Health Scheme Category: Air Quality Scheme Title: Air Quality Monitoring Station Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 9 Jan 2019 / Selected for List B 2019/20 / £20,000	Budget increased to £25,000 2019/20 Capital Plan Review.	Current
4	Service: SSL&T - Street Scene Scheme Category: Waste Collection & Recycling Scheme Title: Containers for new Waste / Recycling Service Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: SSESAB / 4 Sep 2018 / Selected for List B 2019/20 / £600,000	Budget increased to £695,000 2019/20 Capital Plan Review.	Last payment 2019/20 Gross spend £706,000 (1 year)
5	Service: SSL&T - Leisure Scheme Category: Larkfield Leisure Centre Scheme Title: Ventilation, Boiler and Pool Hall Roof Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 3 Jan 2018 / Selected for List B 2018/19 / £505,000	Budget increased to £1.4m, 2018/19 Capital Plan Review, to incorporate updated cost estimates and expand the scheme to include replacement of the Pool Hall Roof. Budget increased to £2.129m following reports to FIPAB June 2019 and Cabinet October 2019. A further £199k was added 2020/21 Capital Plan Review.	Current
6	Service: SSL&T - Leisure Scheme Category: Sports Grounds Scheme Title: Tonbridge School Athletics Track Improvements Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 7 Jan 2015 / Selected for List B 2018/19 / £150,000	Funded in full by grants and other contributions. Gross budget increased to £161,000 funded in full by additional developer contributions, Capital Plan Review 2017/18.	Current
7	Service: SSL&T - Leisure Scheme Category: Sports Grounds Scheme Title: Racecourse Sports Ground Riverside Rivetment Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 4 Jan 2017 / Selected for List B 2017/18 / £120,000	Part funded by Environment Agency Grant of £28,000. Gross budget increased to £225,000 following a tender exercise and cost review in 2018, 2018/19 Capital Plan Review.	Current
8	Service: SSL&T - Leisure Scheme Category: Sports Grounds Scheme Title: Racecourse Sports Ground Rugby Pitch Drainage Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 3 Jan 2018 / Selected for List B 2018/19 / £25,000	Gross budget reduced to £16,000 and developer contributions reduced from £25,000 to £8,000, 2018/19 Capital Plan Review. Gross budget increased to £26,000 following receipt of a £10,000 grant from Sport England.	Current
9	Service: SSL&T - Leisure Scheme Category: Sports Grounds Scheme Title: Racecourse Sports Ground Swimming Pool Bridge Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision: FIPAB / 9 Jan 2019 / Selected for List B 2019/20 / £120,000	Part funded by developer contributions of £65,000	Current

Forthcoming and Outstanding Capital Plan Post Implementation Reviews

Post Implementation Review Monitoring: Forthcoming and Outstanding Reviews		Notes	Current if listed in the 2021-22 Capital Plan or year of last payment
10	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision:	SSL&T - Leisure Open Spaces Site Improvements Phase 2 F&PAB / 4 January 2012 / Selected for List B 2012/13 / £69,000	Original scheme funded in full by developer contributions. Gross budget increased to £74,000 2019/20 Capital Plan Review by way of a virement from Memorial Safety Scheme. Last payment 2019/20 Gross spend £74,000 (1 year)
11	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision:	SSL&T - Leisure Open Spaces Haysden Country Park Sewerage Treatment FIPAB / 3 Jan 2018 / Selected for List B 2018/19 / £75,000	Funded in full by developer contributions. Gross budget increased to £130,000 2019/20 Capital Plan Review. Current
12	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Leisure Open Spaces Leybourne Lakes Country Park Path Improvements F&PAB / 8 Jan 2020 / Selected for List B 2020/21 / £60,000	Current
13	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Leisure Open Spaces Leybourne Lakes Country Park Built Facility F&PAB / 16 September 2020 / Recommended for List A 2020/21 / £741,000	Funded in full by developer contributions. Current
14	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Leisure Other Schemes Tonbridge Cemetery Memorial Garden Vaults F&PAB / 8 Jan 2020 / Selected for List B 2020/21 / £16,000	Current
15	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Technical Car Parking Car Park Improvement Works F&PAB / 8 Jan 2020 / Selected for List B 2020/21 / £210,000	Current
16	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision:	SSL&T - Technical Transportation Initiatives Local Transport Plan Partnership Programme Various 2001/02 to 2008/09 / £318,000.	Gross budget amended to £224,000 offset by £9,000 in external funding 2015/16 Capital Plan Review. Last payment 2018/19 Gross spend £ 224,000 (2 years)
17	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Technical Land Drainage / Flood Defence Wouldham River Wall FIPAB / 8 Jan 2014 / Selected for List B 2015/16 / £700,000	Budget increased to £1,125,000 2018/19 Capital Plan Review. Current
18	Service: Scheme Category: Scheme Title: Evaluation Meeting: Body / Date / Action Capital Plan Year / Provision	SSL&T - Technical Land Drainage / Flood Defence Leigh Flood Storage Area Cabinet / 6 September 2016 / Recommended for List A 2020/21 / £500,000	Current

Forthcoming and Outstanding Capital Plan Post Implementation Reviews

Post Implementation Review Monitoring: Forthcoming and Outstanding Reviews		Notes	Current if listed in the 2021-22 Capital Plan or year of last payment
19	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: Council Chamber Conference System Evaluation Meeting: Body / Date / Action: FIPAB / 4 January 2017 / Selected for List B Capital Plan Year / Provision: 2017/18 / £95,000	Budget reduced to £65,000 2019/20 Capital Plan Review.	Current
20	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: Virtual Desktop Infrastructure Evaluation Meeting: Body / Date / Action: FIPAB / 4 January 2017 / Selected for List B Capital Plan Year / Provision: 2017/18 / £200,000	Budget reduced to £188,000 2019/20 Capital Plan Review.	Last payment 2018/19 Gross spend £ 188,000 (2 years)
21	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: Revenues & Benefits IT Digital Solution Evaluation Meeting: Body / Date / Action: FIPAB / 21 June 2017 / Recommended for List A Capital Plan Year / Provision: 2017/18 / £65,000	Budget reduced to £20,000 2019/20 Capital Plan Review.	Current
22	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: Enterprise Mobile Working Solution Evaluation Meeting: Body / Date / Action: FIPAB / 17 July 2019 / Recommended for List A Capital Plan Year / Provision: 2019/20 / £23,000		Last payment 2019/20 Gross spend £ 23,000 (1 year)
23	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: CMS Website Solution Evaluation Meeting: Body / Date / Action: FIPAB / 18 Sept 2019 / Recommended for List A Capital Plan Year / Provision: 2019/20 / £140,000		Current
24	Service: Corporate Scheme Category: Information Technology Initiatives Scheme Title: Enterprise Document Management Solution Evaluation Meeting: Body / Date / Action: FIPAB / 16 Sept 2020 / Recommended for List A Capital Plan Year / Provision: 2020/21 / £17,000		Current
25	Service: Corporate Scheme Category: Other Scheme Title: Electric / Hybrid Pool Car Evaluation Meeting: Body / Date / Action: FIPAB / 6 January 2021 / Selected for List B Capital Plan Year / Provision: 2021/22 / £24,000		Current

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION & PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

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

1 CUSTOMER SERVICES – CORPORATE CALL CENTRE

This report asks Members to consider proposals for a corporate call centre, following the Call Centre Pilot that has been running since January 2020, helping deliver TMBC Digital Strategy and in line with the “One Council” theme

This will involve discussions with all Service areas, moving away from decentralised phone numbers, having these calls triaged through the corporate call centre / Bot, and understanding efficiency saving for each service area.

1.1 Background

1.1.1 Still paramount to considering the establishment of the corporate call centre for TMBC, is to understand and satisfy the “**Customer need**”, which is front and centre of the call centre pilot, while structuring and assigning the resources within the Customer Services team, to enable TMBC in the delivery of high-quality customer service and aiming to support the delivery of the Council’s Digital Strategy.

1.1.2 **The Pilot Call Centre** - On the 21 January 2020 Management Team approved the proposals for a Pilot Call Centre. It was agreed that:

- **Phase 1** - to second the 2 vacant posts within the Revenues team into Customer Services
- **Phase 2** - Integrate the Kings Hill and Castle Customer Service teams within the Call Centre
- **Phase 3** - Move across Service area calls together with appropriately defined resources into the Call Centre. Staff consultations to take place for each service area

- 1.1.3 **Interim Gateway and Customer Services Manager** - At a subsequent meeting on 28 January 2020, Management Team also supported the appointment of the Gateway Manager, to the post of Interim Gateway and Customer Services Manager, in order to provide a consistent approach to managing Customer Services staff during the pilot phase and to oversee the call centre pilot. The duration of this appointment was initially until the 31 January 2021, this has since been extended until 31 October 2021.
- 1.1.4 **COVID-19** - a change in delivery of Customer Services was the result of lockdown, as restrictions created due to Coronavirus took effect. In line with other services, TMBC implemented an operational model of Customer Services working remotely from home, except for a small group working from Tonbridge Castle.
- 1.1.5 Due to the unforeseen operational trading environment created by COVID-19, we found that the pilot of the Call Centre Phases 1 and 2 took on a slightly different shape, from initially having two Customer Service advisors dealing with revenues calls only, to having the whole team working as one large Call Centre operation working remotely. This challenged all the individual Customer Service Advisors, who were assigned different level of tasks, depending on skill and competency, from Switchboard duty to all calls and Webchat.
- 1.1.6 The unique circumstances brought about by COVID-19 resulted in certain changes to phases of the pilot. The revised phasing then took the following shape-
1. Take Revenue calls
 2. All customer services advisors working remotely covering all calls on five queue work streams.
 - a. Switchboard calls (always managed switchboard)
 - b. Revenue Calls (from 24 March 2020)
 - c. Benefit Calls (from 16 June 2020)
 - d. Community Hub Calls (from 27 March 2020)
 - e. Housing (from 20 July 2020)
 - f. Private Sector Housing (from 15 February 2021)
 3. Integration of the Kings Hill and Castle Customer Service teams within the Call Centre
 4. Move across Service area calls together with appropriately defined resource into the Call Centre. Staff consultations to take place for each service area.
- 1.1.7 **Shaping Customer Services to adapt to ever-changing “Customer need”** has become a priority as a result of COVID-19, resulting in TMBC changing their delivery model.
- 1.1.8 For delivery of a service, it is irrelevant whether the Customer is external or internal, as it makes no difference to customer service delivery. The Customer does not

differentiate between different Directorates or individual service areas, they see one council delivering their services and needs.

One number contact for the public

- 1.1.9 In line with the digital strategy, it is proposed that the authority will move to a one number contact methodology for the public. All calls will feed through the one number and into our switchboard as opposed to being disseminated to back offices and individual officers direct as is the case currently. This practice also supports the Call Centre pilot, whereby all customer contact is initially handled, (and predominantly resolved) by customer services staff as opposed to taking up valuable case officer time. Whilst we can embed technology into our switchboard, such as IVR, AI (Artificial Intelligence) etc, this strategy will ultimately increase call flows through switchboard and into the Customer Services team in the short term.
- 1.1.10 Ultimately this will provide back-office efficiencies as the services will not receive calls direct from the public.

Reducing the number of calls by using a BOT

- 1.1.11 A BOT (short for "robot") is a software program that operates on the Internet and performs repetitive tasks.
- 1.1.12 IT have worked exhaustively to find a suitable replacement for our current telephony within budget. This has been realised and agreed with a market leader for Call Centre telephony, one that is integrated with MS Teams and also can embed service improvements and agent performance monitoring for us from day one. The new telephony has been purchased with future proofing in mind so not only will it be performance management telephony for the Call Centre but also a system that we can drive service improvement, efficiency, and transformation through directly linking it with the Digital agenda.
- 1.1.13 To enable us to fully utilise the system's potential and our full digital strategy, additional technology is needed that sits outside the original scope of delivering only a telephony system. To deliver a 24/7 Artificial Intelligence (AI) system that can learn and answer queries for our residents without the need of a human agent we would need to purchase a BOT. This BOT is driven by AI and can answer up to 10,000 standard telephone queries a month releasing staff time to answer more technical questions for more complex queries. Standard questions such as: When is my bin collection? What is my council tax band? and more generic standard queries can be directed through the BOT. As this is driven by AI as we feed the BOT more data, the more we can utilise this to support our services. The BOT can also deliver webchat, currently our webchat is only available when advisors are working – i.e., Monday to Friday 09:00 hours until 17:00 hours and they juggle webchat between answering technical calls for example, however the BOT can therefore support our residents 24/7.

1.1.14 When we look at our digital strategy an AI BOT embedded into our telephony and website supporting those residents that wish to have a quick transaction with us, is imperative. This is not to say a BOT replaces our customer service team but embeds within it for those residents in our borough that are happy not to discuss directly with a member of staff but wish a quick transactional experience for their easy to deal with queries.

1.1.15 The realisation of this is that whilst we do need to make a purchase and increase our expenditure by 20k per annum (this costing was provided by Head of IT), the technology will afford us future savings in time and resource along with delivering a 24/7 service to our residents.

1.2 Engagement with Service Managers

1.2.1 The focus of the discussions with Service Managers thus far has been:

- With all incoming calls proposed to go through main switchboard (Moving away from decentralised numbers), we need to understand what incoming calls are proposed to be going straight to each Service areas, and understand why these calls cannot be triaged through the call centre / Bot?
- Understand efficiency savings for each Service area when digital processes are in place (Bot / forms etc), and what full-time equivalent (FTE) savings for each Service area can be transferred to the Call Centre.
- Understand the timeline for the realisation of each efficiency saving, streamlining the customer journey, and identified resource from each Service area.
- With a Senior Financial Officer being part of these meetings, they will be assessing the potential savings from each Service area, ensuring a consistent approach across all service areas.
- All identified efficiency savings will be assessed and confirmed by Management Team, prior to implementation.

1.2.2 Priority List

Priority	Service area
N/A	Revenue Calls
N/A	Benefits calls
1	Waste Services calls
2	Environmental Health (Environmental Protection) calls

Priority	Service area
3	Environmental Health (Food and Safety) calls
4	Parking Services calls
5	Housing calls
6	Private Sector Housing calls
7	Streetline calls
8	Planning calls
9	Building Control calls
10	Election Services calls
11	Licensing Services calls
12	Pest Control calls
13	Complaint calls

1.3 Legal Implications

1.3.1 None arising from this report.

1.4 Financial and Value for Money Considerations

1.4.1 The move to a corporate call centre has two objectives within our digital strategy: Firstly, to provide an efficient service to the public on the basis of the 'One Council' ethos, and secondly to achieve financial efficiencies in due course.

1.4.2 It is envisaged that expansion into 'Bot' technology will enhance the service to the public and should not lead to ongoing growth in budgets, but be funded from other efficiency savings.

1.5 Risk Management

1.5.1 If it is decided not to consolidate call handling into a corporate call centre, there is a risk that there will be inconsistent service offers to the public, with the public using many different phone numbers to contact the Council, which may lead to confusion over who to contact.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

1.7.1 Asset Management

1.7.2 Healthy Lifestyles

1.8 Recommendations

1.8.1 It is **RECOMMENDED** that the Corporate Call Centre model is adopted in principle following the success of the Call Centre Pilot subject to Management Team continuing to work towards ensuring that any costs are paid for through efficiency savings with the Council.

Background papers:

Nil

contact: Anthony Garnett
Laura Mason

Adrian Stanfield
Director of Central Services & Deputy Chief Executive

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%
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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 1.1.12 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 1.1.12 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.

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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
Trottiscliffe	-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	2.40	-0.91	1.49	5.51
Addington		-1.47	-1.47		-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

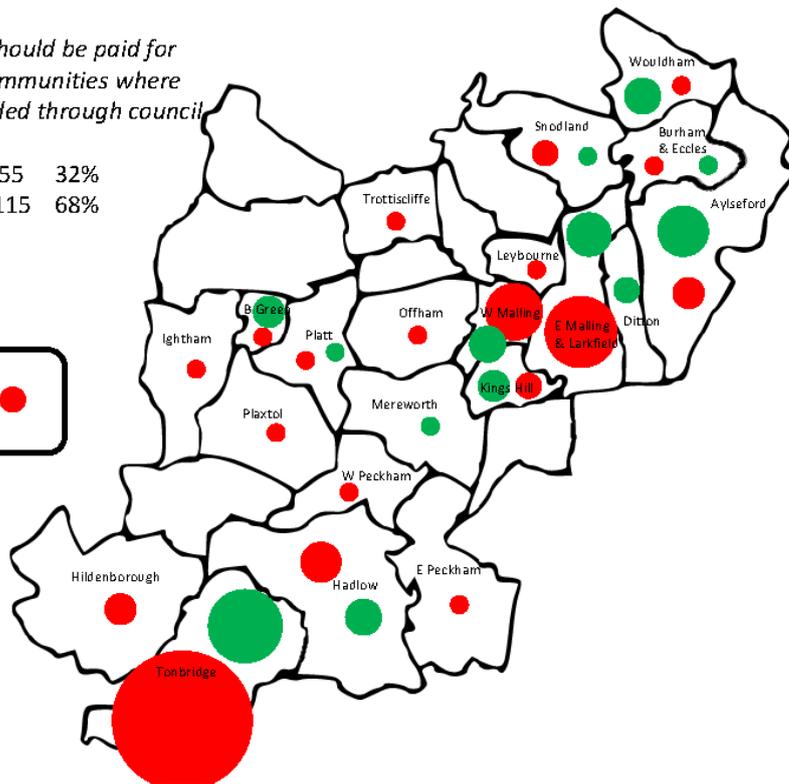
Statement 1	Public toilets should be paid for by the local communities where they are provided through council tax bills							
Statement 2	Public toilets should be paid for by all council tax payers in the borough							
Statement 3	Christmas lights should be paid for by the local communities where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



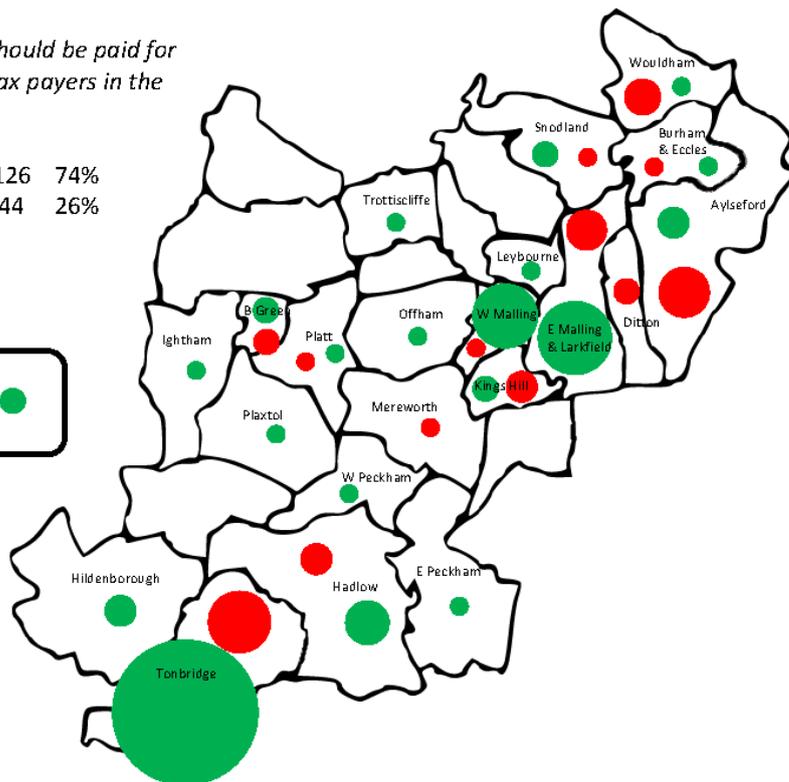
Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	1	1
Ditton	2	0
E Malling & Larkfield	6	16
E Peckham	0	1
Hadlow	4	5
Hildenborough	0	3
Ightham	0	1
Kings Hill	3	2
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	1	1
Plaxtol	0	1
Snodland	1	2
Tonbridge	17	61
Trottscliffe	0	1
West Malling	4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



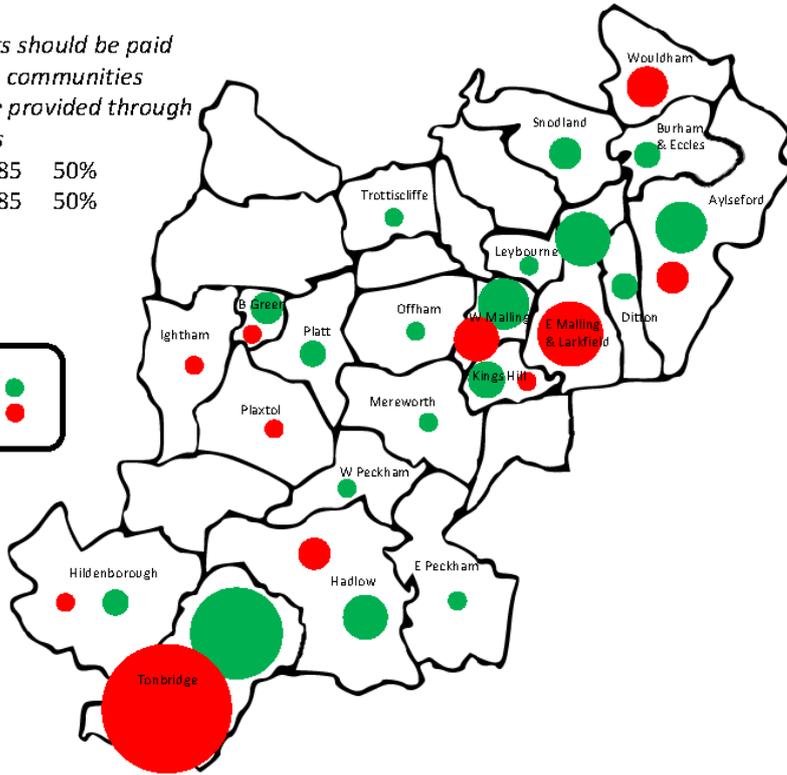
Area	Agree	Disagree
Aylesford	3	8
Borough Green	2	2
Burham & Eccles	1	1
Ditton	0	2
E Malling & Larkfield	17	5
E Peckham	1	0
Hadlow	6	3
Hildenborough	3	0
Ightham	1	0
Kings Hill	2	3
Leybourne	1	0
Mereworth	0	1
Offham	1	0
Platt	1	1
Plaxtol	1	0
Snodland	2	1
Tonbridge	66	12
Trottscliffe	1	0
West Malling	13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



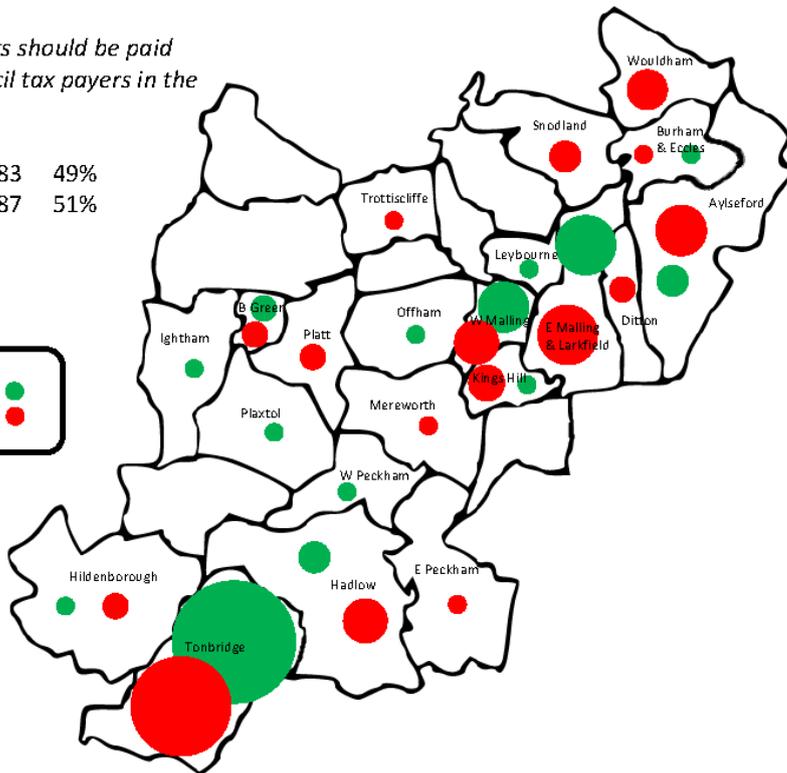
Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	2	0
Ditton	2	0
E Malling & Larkfield	9	13
E Peckham	1	0
Hadlow	6	3
Hildenborough	2	1
Ightham	0	1
Kings Hill	4	1
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	2	0
Plaxtol	0	1
Snodland	3	0
Tonbridge	26	52
Trottscliffe	1	0
West Malling	8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

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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	
	Public amenities benefit visitors as well as residents	50	
	Public conveniences should be pay to use	9	
	Tonbridge should have a town council	4	
	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 this! Unbelievable!

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

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Finance and Transformation

Part 1- Public

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

1 FINANCIAL PLANNING AND CONTROL

The report brings together information on three key budget areas - salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring are then summarised to provide an indicative overall budget position for the year. The report also updates Members on capital expenditure and variations that have been agreed in relation to the capital plan.

1.1 Salaries Monitoring Statement

1.1.1 Appended for information at **[Annex 1]** is a budgetary control statement that compares actual expenditure on basic salaries, temporary staff, overtime, superannuation and national insurance to the end of July 2021, with the appropriate proportion of the original estimate for 2021/22.

1.1.2 Members will note that management savings to the end of July are **£69,100 more** than anticipated.

1.2 Income Monitoring Statement

1.2.1 Appended for information at **[Annex 2]** is a budgetary control statement that compares actual income from fees and charges to the end of July 2021, with the appropriate proportion of the original estimate for 2021/22.

1.2.2 Members will note that overall income to the end of July is **£45,800 less** than anticipated, a contributing factor being the third national lockdown and delay in the relaxation of Covid-19 restrictions.

1.3 Treasury Management

Core Funds

- 1.3.1 The Council achieved a return of 0.32% on its core fund investments for the period ended July 2021, compared to the 3-month LIBID benchmark of minus 0.05%. Investment income achieved for the period ended July 2021 is £19,200.
- 1.3.2 At the end of July 2021 the value of core funds stood at £19m. This was invested at an average rate of 0.28% and an average maturity of 197 days.

Cash Flow Funds

- 1.3.3 The Council achieved a return of 0.04% on its cash flow investments for the period ended July 2021, compared to a 7-day LIBID benchmark of minus 0.08%. Investment income achieved for the period ended July 2021 is £3,300.
- 1.3.4 At the end of July 2021 the value of cash flow investments stood at £25.1m. This was invested at an average rate of 0.04% and an average maturity of 5 days.

Property Investment Funds

- 1.3.5 Property funds pay dividends quarterly based on activity to the end of March, June, September and December. Investment income achieved for the period ended June 2021 is £40,350 which represents a return of 3.23%.
- 1.3.6 At the end of July 2021, the sum of £5m was invested in property investment funds spread across three different funds.

Multi Asset (Diversified Income) Funds

- 1.3.7 As reported to Audit Committee on 26 July 2021, the Council has begun to use multi asset (diversified income) funds for medium-term investments. The sum of £1m was invested in Aegon Diversified Monthly Income Fund at the end of July 2021, with a further two funds identified and set up in August 2021. A total of £3m will be invested evenly across the diversified income funds.

All Investments

- 1.3.8 The combined return figure for core, cash flow and property investment funds is compared with the original estimate for 2021/22 later in this report.

1.4 Approved Variations to the Revenue Budget

- 1.4.1 Listed below are the variations that have been agreed to the revenue budget. It has been based upon those variations approved by Portfolio Holders, Committees, Cabinet and Council up to the meeting of Street Scene and Environment Services Advisory Board on 31 August 2021.

1.4.2 General Purposes Committee 23 March 2021

- Approved various changes to Building Control and Planning Technical teams on the cessation of the shared Building Control Service with Sevenoaks District Council (SDC). The changes will result in growth of £19,349 per annum, that is more than offset by the partnership payment of £45,000 paid to SDC. The net saving of £25,651 is to be ring fenced to meet additional costs in Customer Services and membership of Local Authority Building Control.

1.4.3 Finance, Innovation and Property Advisory Board 19 May 2021

- Recommended the disposal of a small piece of amenity land at Welland Road, Tonbridge in the sum of £5,000.

1.4.4 Communities and Housing Advisory Board 25 May 2021

- Recommended the provision of electric vehicle charging points in Council car parks at an annualised capital renewals cost of £12,000.
- Recommended that £75,342 of the additional Homeless Support Grant to be received in 2021/22 be used to fund a temporary Homelessness Prevention Officer post for two years and the remaining £58,637 be used to offset increased temporary accommodation costs. Please also see paragraph 1.6.2.

1.4.5 Street Scene and Environment Services Advisory Board 8 June 2021

- Recommended that a formal consultation be undertaken in respect of the proposed one-year trial of a new Tonbridge Town Centre Residents Season Ticket scheme. Should the consultation result in the trial being implemented, the scheme could generate additional income of £29,000.

1.4.6 General Purposes Committee 16 June 2021

- Approved the regrading of the Private Sector Housing Initiatives Officer post at an annual cost of £3,870 (£1,300 reflected in Salaries Monitoring Statement above).
- Approved various changes to Planning Services with immediate effect. The changes will result in short term growth of £60,095 per annum for two years and ongoing growth of £6,130 per annum thereafter. It is intended to use section 106 monitoring fees (as reported to Planning and Transportation Board on 11 November 2020) as well as management savings and funding from the Homes England "Garden communities" programme to fund the increased costs.

1.4.7 Planning and Transportation Advisory Board 29 June 2021

- Recommended that the current local plan be withdrawn, reviewed, refreshed and resubmitted. This is expected to cost in the region of £650,000 to £750,000, spread over three years. Third party expenditure on the local plan is funded from the Local Development Framework Reserve which receives a current annual contribution of £80,000. The estimated cost of resubmission exceeds the anticipated levels in the reserve over the next three years and additional amounts will need to be set aside in the reserve. This will be addressed within the wider context of the review of the Council's finances over the coming months.

1.4.8 Communities and Housing Advisory Board 20 July 2021

- Recommended that the management of Leybourne Lakes Country Park be transferred to Tonbridge and Malling Leisure Trust from 1 November 2021 delivering an estimated net saving of £17,150 in 2021/22, £8,050 in 2022/23 and £13,050 in 2023/24.

1.4.9 Finance, Innovation and Property Advisory Board 21 July 2021

- Recommended that the payment kiosks at Gibson Building and Tonbridge Castle be removed and an alternative method of payment be explored for those more vulnerable residents who are unable to pay by other methods. This is expected to generate net savings of £8,500 per annum. A one-off set-up fee of £10,000 for an alternative method may be required to be funded from the Invest to Save Reserve.

1.4.10 Street Scene and Environment Services Advisory Board 31 August 2021

- Recommended that a contribution of £20,000 be made to the Natural Flood Management Project. This is to be funded from the Council's Business Rates Retention Scheme Reserve.

1.4.11 A summary of the approved variations to the revenue budget is given in the table below.

Description	Paragraph Reference	2021/22 £	2022/23 £
Building Control Service	1.4.2	-	-
Amenity Land, Welland Road	1.4.3	(5,000)	-
Electric Vehicle Charging Points	1.4.4	-	12,000 *
Homeless Support Grant	1.4.4	(58,650)	-

Tonbridge Residents Season Ticket	1.4.5	(29,000)	-
Private Sector Housing Initiatives Officer	1.4.6	2,600	3,900 *
Planning Services	1.4.6	-	-
Local Plan	1.4.7	-	-
Leybourne Lakes Country Park	1.4.8	(17,150)	(8,050) *
Payment Kiosks	1.4.9	(8,500)	(8,500) *
Natural Flood Management Project	1.4.10	-	-
Total		(115,700)	(650)

Those items marked with an asterisk* will need to be considered and reflected as appropriate in updating the Medium Term Financial Strategy beyond 2022/23.

1.5 Virements

- 1.5.1 There have been no virements made to the original revenue estimates for 2021/22 reported to Council on 23 February 2021.

1.6 Revenue Budget Monitoring

- 1.6.1 As part of our budget monitoring and control arrangements Chief Officers confirm that budgetary control has been undertaken within the Service areas under their control each month and at the same time highlight those areas, if any, which they wish to bring to the attention of the Director of Finance and Transformation. In addition, the Accountancy Section also monitors budgetary performance across the whole range of services during the year. At the time of writing this report the following areas have been brought to my attention.
- 1.6.2 Homeless caseload has continued to increase since the 2021/22 budget was prepared in Autumn 2020. In addition, measures expected to reduce expenditure on temporary accommodation (TA), for example, conversion of houses at Pembury Road, Tonbridge into TA units, has been delayed. Should caseload remain at current levels, the estimated net increased cost in respect of TA in 2021/22 will be around £300,000.
- 1.6.3 In response to anti-social behaviour, the Council has employed a private security company to open/close the gates at Holly Hill public open space near Snodland at an annual cost of £7,300.
- 1.6.4 The Non-Domestic Rating (Public Lavatories) Bill received Royal Assent in April 2021. As a result the Council received a refund of £18,900 in respect of business rates paid in 2020/21.
- 1.6.5 The Council Tax Support administration grant awarded by the MHCLG for 2021/22 is £17,800 more than budgeted.

- 1.6.6 The Council has received a local council tax support (LCTS) grant in the sum of £224,557 in recognition of the impact of LCTS on council tax income.
- 1.6.7 Kent County Council have paid £205,585 in recognition of the increased council tax yield as a result of changes made to council tax discounts and exemptions.
- 1.6.8 An agreement has been reached with Tonbridge and Malling Leisure Trust whereby the Council pay a capital grant in lieu of a capital renewals provision in return for the transfer of responsibility for all telephony hardware and systems and its replacement to the Trust delivering an annual revenue saving of £3,530.
- 1.6.9 Estimated increased costs of £120,000 as a result of the engagement of solicitors to provide, amongst other things, contractual and employment advice and related payments.
- 1.6.10 Estimated reduction of £7,000 in the payment due to the TMLT in respect of pension payment obligations under the management agreement.
- 1.6.11 As reported to Cabinet on 2 June 2021, under emergency powers the Leader of the Council authorised works in the sum of £28,000 to facilitate the permanent live streaming of in-person Council meetings following the end of legislation allowing meetings to be held remotely. The cost to be funded from the General Revenue Reserve.
- 1.6.12 Following changes to Cabinet positions made at Council on 4 May 2021 and 13 July 2021, the number of Cabinet members is now two more than budgeted representing an increased cost of £17,600 per annum.
- 1.6.13 The Council is to repay to the Department of Business, Energy and Industrial Strategy £94,995 in respect of incorrectly/fraudulently claimed business grants recovered in 2020/21.
- 1.6.14 The Council has received New Burdens Grant of £26,502 from the Department of Health and Social Care for administering the Self Isolation Payments Scheme.
- 1.6.15 A payment of £8,950 is due to Kent County Council in respect of Kent Intelligence Network software for the previous financial year.
- 1.6.16 Consultants are to be appointed to assist with the review of the banking contract at a cost of £4,000.
- 1.6.17 Public Sector Audit Appointments Ltd are to distribute surplus funds to opted-in eligible bodies following the approval of its 2020/21 audited annual report. The amount to be paid to Tonbridge and Malling is £6,950.
- 1.6.18 Taking into account the sum received in 2020/21 and the ongoing disruption to waste collection services the recycling performance payment received by the Council is expected to be below budget by circa £100,000.

1.6.19 Management Team have made the following establishment changes under delegated authority:

- The temporary Waste Contract Officer has been extended by ten months to the end of March 2022 at a cost of £31,400 (£6,300 reflected in Salaries Monitoring Statement above).
- The temporary arrangements in Waste and Street Scene Administration team have been extended by seven months to the end of October 2021 at a cost of £12,050 (£6,900 reflected in Salaries Monitoring Statement above).
- A reduction in the hours of the Administrator / Assistant Cemetery Registrar generating a saving of £6,150 (£2,050 reflected in Salaries Monitoring Statement above).

1.6.20 The Council has been awarded the following grants from central government which will be used to fund as yet unbudgeted expenditure or reductions in other government funding streams:

- Contain Outbreak Management Funding £156,173
- Domestic Abuse Duty New Burdens Grant £34,242
- Rough Sleeping Initiatives £129,712 (April 2021 to June 2021)
- Rough Sleeping Initiatives £260,787 (July 2021 to March 2022)
- Verify Earnings and Pensions Alerts Grant £25,488
- Welfare Reform Grant £27,879

1.6.21 A summary of the items identified through budgetary control is given in the table below.

Description	Paragraph Reference	2021/22 £	2022/23 £
Temporary Accommodation	1.6.2	300,000	150,000
Holly Hill Open Space	1.6.3	7,300	7,300 *
Public Conveniences Business Rates	1.6.4	(18,900)	-
Council Tax Support Admin Grant	1.6.5	(17,800)	-
Local Council Tax Support Grant	1.6.6	(224,550)	-
Council Tax Discounts / Exemptions	1.6.7	(205,600)	-
TMLT Telephony	1.6.8	(3,550)	(3,550) *

Legal Expenses and Related Payments	1.6.9	120,000	-
TMLT Pension Payment Obligation	1.6.10	(7,000)	(7,000) *
Live Streaming of Council Meetings	1.6.11	28,000	-
Cabinet Members	1.6.12	14,300	17,600 *
Business Grants Funded Schemes	1.6.13	95,000	-
Self-Isolation Payments Scheme	1.6.14	(26,500)	-
Kent Intelligence Network Software	1.6.15	8,950	-
Banking Contract	1.6.16	4,000	-
Public Sector Audit Appointments Ltd	1.6.17	(6,950)	-
Recycling Performance Payment	1.6.18	100,000	-
Establishment Changes	1.6.19	26,150	(6,150) *
Central Government Grants	1.6.20	-	-
Total		192,850	158,200

Those items marked with an asterisk* will need to be considered and reflected as appropriate in updating the Medium Term Financial Strategy beyond 2022/23.

1.7 Revenue Budget Summary

The table below brings together information on the key budget areas, the variations agreed to the revenue budget and items identified through budgetary control to provide an indicative overall budget position for the year.

Description	Budget to July £	Actual to July £	Variance £
Salaries Monitoring Statement	3,616,100	3,547,000	(69,100)
Income Monitoring Statement	(1,679,750)	(1,633,950)	45,800
Treasury Management	74,500	62,850	11,650
Approved Variations to the Revenue Budget			(115,700)
Revenue Budgetary Control			192,850
Net Adverse Variance			65,500

- 1.7.1 This would suggest if nothing else changed, the contribution to the General Revenue Reserve would be £339,550 compared to £405,050 anticipated when the budget was set in February 2021.

1.8 Savings and Transformation Strategy

- 1.8.1 Alongside the Medium Term Financial Strategy sits a Savings and Transformation Strategy. The purpose of the Strategy is to provide structure, focus and direction in addressing the financial challenge faced by the Council. In so doing, it recognises that there is no one simple solution and as a result we will need to adopt a number of ways to deliver the required savings and transformation contributions within an agreed timescale.
- 1.8.2 Members attention was drawn to the updated projected funding gap of £1,775,000 excluding the initiatives already built into the Medium Term Financial Strategy at the last meeting of the Board and where consideration as to how we might address the funding gap over the medium term required pressing and concerted focus of attention, in addition to delivering as a minimum this year's savings target of £100,000.

1.9 Capital Monitoring Statement

- 1.9.1 Appended for information at **[Annex 3]** is a capital monitoring statement which compares actual capital expenditure for the period 1 April 2021 to 31 August 2021 with the 2021/22 Capital Plan. The Capital Plan for 2021/22 is based on the 2021/22 budgets that were approved by Council on 23 February 2021, amended for slippage from 2020/21.
- 1.9.2 Prior year's expenditure is only shown for finite schemes for which there is a budget in 2021/22. Where schemes are of a rolling programme nature, prior year's expenditure has not been shown in order to avoid large, generally meaningless, totals building up.
- 1.9.3 Capital Plan schemes which are scheduled to start in 2022/23 and beyond have not been shown. The budget profile for these schemes can be found in the 2021/22 Revenue and Capital Budgets Book.
- 1.9.4 Members will note a Capital Plan spend (net) at the end of August 2021 of £224,000 against a budget for the year of £3.95m.

1.10 Approved Variations to the Capital Plan

- 1.10.1 Cabinet on 16 March 2021 recommended that the total capital budget for the new lakeside facility at Leybourne Lakes Country Park be increased from £741,000 to £774,000 with the increase of £33,000 funded from developer contributions. Communities and Housing Advisory Board on 20 July 2021 recommended that the budget be further increased to £880,000 (to be approved by full Council) with the increase of £106,000 funded from developer contributions (£42,000) and the Climate Change Reserve (£64,000).
- 1.10.2 An agreement has been reached with Tonbridge and Malling Leisure Trust whereby the Council pay a capital grant of £35,300 in lieu of a capital renewals

provision in return for the transfer of responsibility for all telephony hardware and systems and its replacement to the Trust. Please also see paragraph 1.6.8.

1.10.3 Communities and Housing Advisory Board on 25 May 2021 recommended the installation of electric charging points in Council car parks across the borough at a cost of £120,000. Of this, £80,000 will be funded by government grants and the supplier. The remaining £40,000 will be funded from the Council's Business Rates Retention Scheme Reserve.

1.10.4 As reported to Cabinet on 2 June 2021, under emergency powers the Leader of the Council authorised works in the sum of £28,000 to facilitate the permanent live streaming of in-person Council meetings following the end of legislation allowing meetings to be held remotely. The cost to be funded from the General Revenue Reserve.

1.11 Capital Plan Issues

1.11.1 The capital plan monitoring statement, as presented to this Board, is essentially aimed at monitoring the financial performance of the capital plan overall and on a Service and scheme basis. Notes have been provided to supply further information where this is felt to be particularly relevant. Other monitoring reports, which provide greater information about individual schemes, are presented by the Services to the relevant Advisory Board.

1.12 Legal Implications

1.12.1 This report fulfils the requirement of the Local Government Act 2003 which places a statutory duty on the authority to monitor income and expenditure against budget and to take action if overspends or shortfalls in income emerge. If monitoring establishes that the budget situation has deteriorated, authorities are required to take such action as they consider necessary. This might include action to reduce spending in the rest of the year, to increase income or to finance all or part of the shortfall from reserves.

1.13 Financial and Value for Money Considerations

1.13.1 As set out above.

1.14 Risk Assessment

1.14.1 Budgetary control is a prerequisite of good financial management, financial planning and control and needs to be kept under review to ensure it remains effective and relevant.

1.15 Equality Impact Assessment

1.15.1 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.

1.16 Recommendations

1.16.1 Members are asked to:

- 1) Note that as at the end of July 2021 the projected overall outturn position for the year 2021/22 is a net adverse variance of £65,500 when compared to the budget set in February 2021 (favourable variance of £30,750 reported to the Board meeting in July).

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: Neil Lawley

Nil

Sharon Shelton
Director of Finance and Transformation

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Salaries Budgetary Control Monitoring Statement

Annex 1

Period Ended Last Day of July 2021**2021/22 Financial Year**

	Annual Budget 2021/22	Budget to end of July (a)	Actual to end of July (b)	Above (Below) Budget (b - a)
Service	£	£	£	£
Central				
Administration & Property	875,150	291,700	277,500	(14,200)
Legal	576,150	192,050	186,800	(5,250)
Personnel	495,000	165,050	157,500	(7,550)
Executive	532,800	176,950	181,200	4,250
Finance & Transformation				
Finance	1,747,750	582,400	583,700	1,300
Information Technology	1,072,600	357,550	321,850	(35,700)
Planning, Housing & Environmental Health				
Environmental Health & Housing	1,495,250	498,450	528,050	29,600
Planning	1,072,600	686,850	601,050	(85,800)
Street Scene, Leisure & Technical				
Street Scene & Leisure	1,353,050	453,000	447,200	(5,800)
Technical	685,300	228,450	218,100	(10,350)
Management Savings	9,905,650	3,632,450	3,502,950	(129,500)
Shared Working Arrangements	(26,700)	(5,900)	(5,900)	0
Sub-total	9,878,950	3,626,550	3,497,050	(129,500)
Non-budgeted spend on recruitment & other expenses to the end of July				4,200
Payments outstanding for the period to the end of July				45,750
Budgeted ring-fenced sum to the end of July				(29,550)
Budgeted management savings to the end of July				40,000
Net Management Savings				(69,100)

Financial Services
13 August 2021

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Income Budgetary Control Monitoring Statement

Annex 2

Period Ended Last Day of July 2021**2021/22 Financial Year**

Service	Annual Budget 2021/22	Budget to end of July (a)	Actual to end of July (b)	(Above) Below Budget (b - a)
	£	£	£	£
Central				
Land Charges	(243,000)	(93,250)	(100,150)	(6,900)
Licensing	(339,400)	(97,600)	(80,950)	16,650
	-----	-----	-----	-----
Sub-Total	(582,400)	(190,850)	(181,100)	9,750
	-----	-----	-----	-----
Planning, Housing & Environmental Health				
Planning Fees	(792,000)	(264,000)	(299,500)	(35,500)
Building Regulations	(404,000)	(101,050)	(103,150)	(2,100)
	-----	-----	-----	-----
Sub-Total	(1,196,000)	(365,050)	(402,650)	(37,600)
	-----	-----	-----	-----
Street Scene, Leisure & Technical				
Garden Waste Collection	(1,175,000)	(33,000)	(97,900)	(64,900)
Recycling Performance Payment	(590,000)	0	0	0
Bulky Refuse Collection	(120,000)	(40,000)	(47,950)	(7,950)
Short Stay Car Parking	(1,640,000)	(555,000)	(480,700)	74,300
Long Stay Car Parking	(620,000)	(217,000)	(156,950)	60,050
Penalty Charge Notices	(273,000)	(91,000)	(79,400)	11,600
Car Parks Season Tickets	(166,000)	(85,000)	(70,650)	14,350
Residents Parking Permits	(140,000)	(53,000)	(48,750)	4,250
Country Parks Parking	(121,200)	(49,850)	(67,900)	(18,050)
	-----	-----	-----	-----
Sub-Total	(4,845,200)	(1,123,850)	(1,050,200)	73,650
	-----	-----	-----	-----
Grand Total	(6,623,600)	(1,679,750)	(1,633,950)	45,800
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Financial Services
13 August 2021

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CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
SUMMARY OF SERVICES

	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021
	£'000	£'000	£'000
Capital Plan Schemes			
Planning, Housing & Environmental Health	1,490	799	45
Street Scene, Leisure & Technical Services	12	1,139	75
Corporate	87	190	67
Sub-total	1,589	2,128	187
Capital Renewals			
Planning, Housing & Environmental Health	n/a	0	0
Street Scene, Leisure & Technical Services	n/a	1,416	30
Corporate	n/a	410	7
Sub-total	n/a	1,826	37
Total	1,589	3,954	224

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
PLANNING, HOUSING AND ENVIRONMENTAL HEALTH

	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021
	£'000	£'000	£'000
Capital Plan Schemes			
Housing			
Grants	n/a	155	(1)
Temporary Accommodation	1,490	644	46
Sub-total	1,490	799	45
Capital Renewals	n/a	0	0
Total Planning, Housing and Environmental Health	1,490	799	45

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021
	£'000	£'000	£'000
Capital Plan Schemes			
Street Scene	n/a	106	68
Leisure			
Sports Grounds	4	201	6
Open Spaces	0	60	0
Technical Services			
Car Parking	8	232	1
Transportation	0	40	0
Land Drainage / Flood Defence	0	500	0
Sub-total	12	1,139	75
Capital Renewals	n/a	1,416	30
Total Street Scene, Leisure & Technical Services	12	2,555	105

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Code	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021	Notes
		£'000	£'000	£'000	
Street Scene					
(a) Green Waste Bins Growth / Replacement	P02BC	n/a	31	26	
(b) Refuse Bins Growth / Replacement	P02DA	n/a	61	42	
(c) Garden Waste Bin Replacement	P03CF	n/a	14		
Total Street Scene to Summary		n/a	106	68	
Sports Grounds					
(d) Racecourse Sports Ground Riverside Revetment Less Grants	P05DD	21 (17)	204 (11)	6	
Sub-total		4	193	6	
(e) Racecourse Sportsground Rugby Pitch Drainage Less Developer Contributions	P05DE	10 (10)	16 (8)		
Sub-total		0	8	0	
Total Sports Grounds to Summary		4	201	6	
Open Spaces					
(a) Leybourne Lakes Country Park Path Improvements	P05FH		60		
(b) Leybourne Lakes Country Park Facility Improvements Less Grants & Developer Contributions	P05FF	34 (34)	740 (740)	73 (73)	
Sub-total		0	0	0	
Total Open Spaces to Summary		0	60	0	

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Code	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021	Notes
		£'000	£'000	£'000	
Car Parking					
(a) Existing Car Parks Improvement Rolling Programme Less Grants & Contributions	P01AB	n/a	30	1	
Sub-total			30	1	
(b) Car Parking Improvement Works	P01AD	8	202		
Total Car Parking to Summary		8	232	1	
Transportation					
(c) Electric Vehicle Charging Points Less Grants & Contributions	P01EA		120 (80)		New scheme added CHAB 25 May 2021.
Total Transportation to Summary		0	40	0	
Land Drainage / Flood Defence					
(d) Leigh FSA Enhancement Contribution	P01HV		500		
Total Land Drainage / Flood Defence to Summary		0	500	0	

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
CORPORATE

	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021
	£'000	£'000	£'000
Capital Plan Schemes			
Information Technology Initiatives	87	131	32
Other schemes	0	59	35
Sub-total	87	190	67
Capital Renewals	n/a	410	7
Total Corporate	87	600	74

CAPITAL PLAN MONITORING STATEMENT 2021/22 TO 31 AUGUST 2021
CORPORATE

	Code	Expenditure To 31/03/21	2021/22 Including Prior Year Slippage	2021/22 Actual to 31 August 2021	Notes
		£'000	£'000	£'000	
Information Technology Initiatives					
(a) General IT Developments	P06DA	n/a	30		
(b) Revenues and Benefits IT Digital Solution	P06EW	5	15		
(c) CMS Website Solution	P06EX	82	58	32	
(d) Hybrid Meetings	P06ER		28		New scheme added Cabinet 2 June 2021.
Total Information Technology Initiatives to Summary		87	131	32	
Other Schemes					
(e) Electric / Hybrid Pool Car	P06EZ		24		
(f) TMLT Telephony Capital Grant	P06EP		35	35	New scheme added FIPAB 19 May 2021.
Total Other Schemes to Summary		0	59	35	

OTONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Finance and Transformation

Part 1- Public

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

1 APPLICATIONS FOR DISCRETIONARY RATE RELIEF

A report giving details of renewal applications for discretionary rate relief. Details of new applications for discretionary rate relief and amendments to previous awards are also brought forward for Members' consideration.

1.1 Renewal applications for discretionary rate relief

- 1.1.1 Members will be aware that discretionary rate relief can be granted (as shown at **[ANNEX 1]**) either as a top-up to mandatory rate relief (in respect of charitable organisations and community amateur sports clubs) or, on its own, to non profit-making organisations that are not charities etc. (and do not therefore qualify for mandatory rate relief).
- 1.1.2 Organisations that had awards of discretionary rate relief time-limited to 31 March 2020 were not required to reapply for the 2020/21 financial year as all were entitled to 100% Expanded Retail Discount.
- 1.1.3 As this discount has now reduced to 66% effective 1 July 2021, organisations have been invited to re-apply for discretionary relief from that date, and I have listed, at **[ANNEX 2]**, applications that have recently been received.
- 1.1.4 The annex details the levels of discretionary rate relief awarded in 2019/20 and the proposed amount of relief the organisations would receive in 2021/22.
- 1.1.5 For Members' information, under the discretionary relief rules, relief can be backdated to 1 April 2020 providing applications are received before 30 September 2021. The applications were received during June, July and August this year.
- 1.1.6 There is no longer a direct cost to the Council in awarding relief. However, Members should note that all awards of relief affect the Council's business rate yield; for 2021/22, based on previous criteria and level of applications, it has been estimated that £206,933 discretionary relief will be awarded.

- 1.1.7 In respect of the organisations shown at **[ANNEX 2]**, I have considered the applications and believe that they comply with the policy and are of particular benefit to the needs of the residents of the Borough. Therefore, there appear to be good grounds for continuing the current level of discretionary rate relief in all cases.
- 1.1.8 The Council's own financial position is, of course, still very challenging and it is important to recognise that whilst it may be possible to provide the level of assistance at the current time, it may not be sustainable into the future. Accordingly, Members might consider that, when writing to the organisations concerned, it would be prudent to advise the organisations that there could be a reduction in the level of relief awarded by the Council in the future should further applications for relief be made.
- 1.1.9 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the re-applications for relief as shown at **[ANNEX 2]**, discretionary rate relief be awarded with effect from 1 July 2021 and time-limited to 31 March 2023.

1.2 Amendments to previous awards of discretionary rate relief

- 1.2.1 It has come to light that two applications for discretionary relief were incorrectly reported at the last meeting of this Board on 21 July 2021. I apologise to members for these oversights.
- 1.2.2 In respect of the renewal application for 1st Ditton Scout Group, the recommendation should have stated that no time limit on the award was appropriate. This is consistent with similar applications that have been received (Decision No. D180029MEM refers).
- 1.2.3 The renewal application for K Sports Management Ltd also stated on ANNEX 3 to the 21 July 2021 report that 90% discretionary relief was awarded in 2019/20. This should have been 70%, the amount that was awarded for the period 1 April 2018 to 31 March 2020.
- 1.2.4 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the renewal application for 1st Ditton Scout Group, the award of 20% discretionary relief be amended to show no time limit.
- 1.2.5 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the renewal application for K Sports Management Ltd, the award of 90% discretionary relief be amended to 70% discretionary relief for the period 1 July 2021 and time-limited to 31 March 2023.

1.3 New application for discretionary rate relief

Since the last meeting of the Board, I have received one new application for rate relief that has reached a stage where it is ready for Members' consideration. I give below further details of this application.

- 1.3.1 **Tonbridge & Malling Leisure Trust, The Sports Pavilion, 200 Beacon Avenue, Kings Hill, West Malling, Kent, ME19 4FX. Rateable Value £5,100.**
- 1.3.2 The applicant is a registered charity and I have therefore granted 80% mandatory rate relief. It is for Members to decide whether discretionary relief should be granted as well.
- 1.3.3 The Leisure Trust took over the property from Kings Hill Parish Council on 14 June 2021.
- 1.3.4 The property is used as the Trust's head office, and for the provision of indoor leisure and golf. It is also used for catering and retail associated with the delivery of the objects outlined within their Articles of Association.
- 1.3.5 The Trust has been awarded 100% expanded retail discount for the period 14 June 2021 to 30 June 2021 and 66% expanded retail discount from 1 July 2021.
- 1.3.6 An award of 20% discretionary relief for the period 1 July 2021 to 31 March 2023 seems appropriate as this would be consistent with similar applications that have been received (Decision No. D210075MEM refers).
- 1.3.7 Should Members decide to award the maximum 20% 'top up' relief, the applicant will receive £133.29 for the period 1 July 2021 to 31 March 2022.
- 1.3.8 Members are **REQUESTED** to consider the application and make an appropriate **RECOMMENDATION** to Cabinet regarding discretionary rate relief.

1.4 Legal Implications

- 1.4.1 As the granting of relief is a discretionary action, the only implication would be a challenge by way of judicial review if an organisation were unhappy with a decision. Such a challenge can succeed only when the Council behaves unreasonably.

1.5 Financial and Value for Money Considerations

- 1.5.1 In respect of all applications for rate relief, the financial considerations of granting relief are as set out in the body of the report. If relief is not granted, there is a beneficial impact on the Council's finances. This should not prevent each application being considered on its own merits however, as there must be some degree of consistency to prevent a legal challenge.

1.6 Risk Assessment

- 1.6.1 The only risk that I am aware of is a legal challenge to the Council's decisions (see above). This is unlikely.

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 Community

1.9 Recommendations

- 1.9.1 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the re-applications for relief as shown at **[ANNEX 2]**, discretionary rate relief be awarded with effect from 1 July 2021 and time-limited to 31 March 2023.
- 1.9.2 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the renewal application for 1st Ditton Scout Group, the award of 20% discretionary relief be amended to show no time limit.
- 1.9.3 Members are **REQUESTED** to **RECOMMEND** to Cabinet that, in respect of the renewal application for K Sports management Ltd, the award of 90% discretionary relief be amended to 70% discretionary relief for the period 1 July 2021 and time-limited to 31 March 2023.
- 1.9.4 Members are **REQUESTED** to consider the application for Tonbridge & Malling Leisure Trust and make an appropriate **RECOMMENDATION** to Cabinet regarding discretionary rate relief.

The Director of Finance & 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: Glen Pritchard
01732 876146

Applications for relief from the organisations referred to in the main body of the report received since June 2021 and held in Financial Services.

Sharon Shelton
Director of Finance and Transformation

DISCRETIONARY RATE RELIEF POLICY 2021/22

Background

The Council is empowered to award Discretionary Rate Relief (DRR) under S.47 of the Local Government Finance Act 1988. This may be awarded as a 'top-up' to those organisations qualifying for Mandatory rate relief (mandatory relief amounts to 80% of the rates due) or up to 100% DRR to other organisations who do not qualify for mandatory relief.

The Council wishes to promote equality between organisations when granting discretionary rate relief. In deciding whether to award rate relief it will take into account previous awards that have been made to similar organisations/bodies.

Awards of rate relief will be reviewed on an annual basis by Members of the Finance, Innovation & Property Advisory Board unless a longer award date has been previously agreed.

The Council may also award relief to any local ratepayer to encourage new business and investment as well as to support local shops or community services.

Any relief granted is used to reduce the amount that the organisation is required to pay in Non-Domestic Rates, commonly known as Business Rates.

Charity Relief – Mandatory Relief (80%)

Section 43 of the Local Government Finance Act 1988 allows mandatory relief (80%) to be granted on premises if the ratepayer is a charity or trustees for a charity and the premises are wholly or mainly used for charitable purposes. From 1st April 2008 Section 45A of the Local Government Finance Act 1988, as amended, allows for no charge to be made in respect of unoccupied premises where it appears that when next in use it will be wholly or mainly used for those purposes.

Charity registration

Charities are defined by s.67 (10) of the Local Government Finance Act 1988 as being an institution or other organisation established for charitable purposes only or by persons administering a trust established for charitable purposes only.

Community Amateur Sports Club (CASC) – Mandatory Relief (80%)

The legislation was amended by the Local Government Act 2003 to include a club/organisation with CASC (Community Amateur Sports Club) status. They automatically receive 80 per cent mandatory relief which is fully paid for by the Government.

Non profit-making bodies - Discretionary Relief (20% Top-up)

Registered as a charity or CASC - up to 20% top-up relief can be granted to:

- Sports clubs if registered as Community Amateur Sports Clubs (CASC)
- Recreational facilities, sports grounds and playing fields occupied by charities
- Applications where special considerations may apply

Discretionary 'Top-up' – up to 20% paid by:

- 40% TMBC
- 9% Kent County
- 1% Kent Fire
- 50% Government

Discretionary Relief (up to 100%)

Section 69 of the Localism Act 2011 allows a local authority to grant discretionary relief in any circumstances where it feels fit.

The provisions are designed to give authorities flexibility in granting relief where it is felt that to do so would be of benefit generally to the area and be reasonable given the financial effect to Council Tax payers.

The Council has a duty to carefully consider every application on its merits, taking into account the contribution that the organisation makes to the amenities of the area.

Discretionary – up to 100% paid by:

- 40% TMBC
- 9% Kent County
- 1% Kent Fire
- 50% Government

It is acknowledged that if a club or organisation has no recognised accreditation it is still entitled to apply for up to 100% discretionary rate relief and the officers will use this criteria to assess whether there are specific circumstances which should be taken into account in making a decision to award rate relief to such an applicant.

Factors to be used in determining awards of Discretionary Rate Relief

In determining awards of relief, the Council will bear in mind all the facts of each case including the following factors;

- The hereditament must be used wholly or mainly for the purpose of the organisation.
- There must be evidence in the Constitution or Articles of Association that the organisation is non-profit making.
- Membership or access is open to all sections of the community. Membership fees should be set so as to be accessible to people on low incomes.
- The facilities are made available to other sections of the community, e.g. schools.

- The organisation provides training/education or coaching to its members and/or the local community.
- There is suitable evidence of safeguarding and equality measures in place for its members or those using the facilities, e.g. for safeguarding children or vulnerable adults and an inclusion policy.
- Consideration will be given to the income and expenditure accounts for as many financial years as deemed necessary and must be provided on request or the application will be refused. Surpluses must be reinvested in the organisation and there must be no substantial reserves which would suggest that support is not necessary.
- Consideration will be given to all sources of income.
- If the organisation operates a bar, it will need to prove that its profits are used solely for the benefit of the organisation and its members.
- The organisation must be a local organisation.
- Consideration will be given to the impact of the organisation on other local businesses.
- Consideration will be given to the use of the property and if it appears to be proportionate to the size of the property.
- The ratepayer must occupy the premises (no discretionary rate relief will be granted for unoccupied premises)
- The organisation must directly benefit Tonbridge & Malling residents and must relieve the Council of providing similar facilities.

In addition, relief may also be granted if the applicant body caters for special needs (see below).

Meaning of 'special needs'

Does the organisation cater for a section of the community which the Authority considers particularly deserving of support, e.g. persons with disabilities, persons with learning difficulties, the very young or the very old?

Where the applicant body provides such special needs or supplies facilities that would not otherwise be available in the area or supports the Council's key priorities, the maximum amount of relief will generally be awarded, subject to the following;

Restrictions on the granting of relief

In determining whether relief should be awarded, the Council will be inclined not to grant relief or to limit the amount of relief awarded in the following cases.

- As a general rule, the Council is unlikely to grant relief to national charities located within the Council's area unless there is some specific benefit to the residents of Tonbridge & Malling Borough Council over and above the benefit to the residents of other areas in which the charity operates;
- The Council is unlikely to grant relief to charity shops or shops operated by the trading arms of charities;
- Where an applicant body is a national organisation but operates only in part of the Council's area, any relief that may be awarded will generally be reduced pro rata the population of the area of the Borough that receives benefit from that

organisation. This restriction will not generally apply if the body is not a national body and has been established to benefit only a part of the Council's area;

- Membership of the organisation is restricted by the amount of the subscription or other limiting factors which preclude the whole of the public from having effective access to the organisation's activities;
- A substantial portion of the organisation's income comes from bar receipts (unless profits are used solely for the benefit of the organisation and its members);
- A club is run for political purposes;
- There would be duplication of financial assistance where grant aid of any other kind is being given by the local authority directly or under Section 48 of the Local Government Act 1985;
- The applicant is a Housing Association.

Special cases

The Council recognises that there will be occasions when an applicant body does not satisfy the above criteria. The criteria are not restrictive and nothing in them shall be taken as restricting the Council's ability to depart from its general policy as to the granting of relief if it sees fit to do so bearing in mind the facts of the case

Application Process

Ratepayers will be obliged to make a written application to the Council, for which forms are provided.

All awards of Discretionary Rate Relief will be subject to Member approval.

In all cases, the Council will notify the ratepayer of decisions made.

Where an application is successful, the following will be notified to them in writing;

- the amount of relief granted and the date from which it has been granted;
- the date on which any relief granted will end;
- the new chargeable amount;
- the details of any planned review dates and the notice that will be given in advance of a change to the level of relief granted; and
- a requirement that the applicant should notify the authority of any change in circumstances that may affect entitlement to relief.

Where relief is not granted then the following information will be provided, again in writing;

- an explanation of the decision within the context of the authority's statutory duty; and
- an explanation of the appeal rights

Relief is to be granted from the beginning of the financial year in which the decision is made. Since 1997 decisions can be made up to 6 months after the end of the financial year for which the application was made.

Under the Local Government Finance Act 1992, there is no right of appeal against the Council's use of discretionary powers. However, the Council operate an internal review process and will accept a customer's request for an appeal of its decision.

All requests must be made in writing to the Revenues Manager, within one month of the Council's decision, and should state the reasons why the ratepayer is aggrieved with the decision of the council. New information may be submitted at this stage to support the ratepayer's appeal. Requests will be considered by Members of the Finance, Innovation & Property Advisory Board.

If an unsuccessful applicant decides to make a request for an internal review they will still need to continue to pay their rates bill. If the request is successful, the rates bill will then be adjusted.

For ratepayers who remain aggrieved and wish to pursue the matter further, the next step is to make an application for judicial review.

Affordability

Discretionary Relief is not a matter of right. The Council is entitled through this policy to determine different levels of discretionary relief according to the nature and circumstances of individual organisations.

The above criteria will be subject to budgetary provision being available. Although the Council will aim to achieve equality between organisations in terms of the level of relief that it grants, this might not always be possible. The Council has the right, subject to giving the requisite notice required by law, to vary the level of relief that it has previously granted either in respect of a particular organisation or in respect of a class of organisation or to all organisations in receipt of relief. The Council also has the right to apportion rate relief based on the levels of budget available at the time of applying.

Decision Form

Name of Organisation:

Reason for Application:

Liability.....

Discretionary Rate Relief Awarded

YES

NO

If yes Amount Awarded.....

Awarding Discretionary Rate Relief – Factors Considered by Members of the Finance, Innovation & Property Advisory Board

Reason for refusing Discretionary Rate Relief, if applicable

Signed.....

Dated.....

CASC Organisations			
Organisation	Address	Relief awarded 2019/20	Proposed relief to be awarded 2021/22
Eccles Football Club	Eccles Football Club, Bull Lane, Eccles	20% Top Up	£52.27
Aylesford Bulls Rugby Football Club	Ferryfield, Hall Road, Aylesford	20% Top Up	£594.59
Hugh Christie Sports Association	Hugh Christie School, Norwich Avenue, Tonbridge	20% Top Up	£117.61
Town Malling Cricket Club	West Malling Cricket Club, Norman Road, West Malling	20% Top Up	£130.68
			£895.15

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Finance and Transformation

Part 1- Public

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

1 RURAL RATE RELIEF – RURAL SETTLEMENT LIST

A report informing Members of the requirement to review the Council's rural settlement list and recommending that the current list should be retained, unaltered, for the financial year 2022/23.

1.1 Members will be aware that the Council grants relief to certain types of businesses that are located in rural settlements. For the purpose of granting relief, the rural settlements within the area of Tonbridge and Malling Borough Council are shown in the Council's rural settlement list. The list is in the form of a map, which shows the location and boundaries of each rural settlement. The map is shown at **ANNEX 1.**

1.2 At this time of year, the Council has to consider whether it wishes to amend the rural settlement list for the forthcoming financial year. If it wishes to do so, then it must consult on any changes that it proposes to make.

1.3 Members should be aware that I have received no suggestions for amendment of the list. I am also unaware of any problems arising from the definitions of the rural settlements in the current list.

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 None.

1.6 Risk Assessment

1.6.1 No risks identified.

1.7 Equality Impact Assessment

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

1.8 Recommendations

1.8.1 In view of the above, Members are **REQUESTED** to **RECOMMEND** to Cabinet that the current rural settlement list should remain in force for the year 2022/23.

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: Glen Pritchard

Nil

Tel: 01732 876146

Sharon Shelton
Director of Finance and Transformation

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Joint Report of the Leader, Cabinet Member for the Environment & Climate Change and Director of Central Services & Deputy Chief Executive

Part 1 - Public

Matters for Recommendation to Cabinet - Key Decision

1 RIVER LAWN, TONBRIDGE

This report updates Members on the proposed disposal of open space at River Lawn, Tonbridge and asks that the Advisory Board considers options for the future.

1.1 Background

- 1.1.1 The identification of the area of open space land at River Lawn Road, Tonbridge for potential redevelopment first arose in 2015. Following the withdrawal by Sainsbury's from the proposed scheme to redevelop the Botany Quarter, Officers commenced a review of Council owned assets within Tonbridge Town Centre with the intention of identifying a range of potential redevelopment opportunities. The aim was to utilise these assets to help add vitality to the town centre as well as optimising their use in terms of service delivery and financial return.
- 1.1.2 The review identified at an early stage an opportunity to redevelop land and buildings owned by the Borough Council on River Lawn Road. The opportunity to redevelop this land at this time arose in part following an approach by Assura Medical Group Ltd ('Assura'), who wished to acquire land in this area for the purposes of constructing a new medical centre to be occupied by the Tonbridge Medical Group. As Members will be aware, the proposals for the new Medical Centre were agreed and following disposal of the land to Assura, the new Centre opened in December 2020.
- 1.1.3 Hartnell Taylor Cook, who were instructed to conduct the review on behalf of the Borough Council, also identified the land adjacent to the site of the proposed Medical Centre as a suitable site for residential development, ideally as Retirement Living Accommodation. A plan detailing the area of land in question is attached as **Annex 1**.
- 1.1.4 At the Cabinet meeting on 11 October 2017, Cabinet resolved to dispose of the area of open space, subject to any process arising from the inclusion of the land on the register of the Assets of Community Value (the land had been accepted for

inclusion in the Borough Council's register of Assets of Community Value following an application in August 2017).

- 1.1.5 On 19 March 2018 the Council gave notice of its intention to dispose of the land as required under the provisions of the Localism Act 2011 relating to Assets of Community Value. No eligible community interest group expressed an interest to be treated as a bidder for the land within the relevant period.
- 1.1.6 On 24 November 2017 an application was made to Kent County Council ('KCC') to register certain paths which cross River Lawn as public rights of way ('PROW'). Currently the paths are tarmacked and are used both as footpath and as a cycle path which link with the River Walk along the side of the River Medway and onwards. A plan detailing the paths in question is attached as **Annex 2**.
- 1.1.7 Around the same time an application was made to KCC to register the land as a Village Green – this application (which was opposed by the Borough Council) was ultimately rejected by KCC in January 2020.
- 1.1.8 In respect of the public rights of way application, the Borough Council wrote to KCC in August 2018 to register its objection to the proposed PROW. 2 legal points were raised at that time by way of objection –
1. That River Lawn and all paths over it have been used by the public for many years with TMBC's consent and permission and under TMBC's control at all times and as such they have not been used as of right as required to support the application. The ways have not been enjoyed as of right and without interruption for 20 years so the presumption that the paths are dedicated as a highway has not arisen.
 2. In addition, the land and the footpaths have been closed on various occasions during the necessary twenty-year period. So even if any presumption had been raised, this would then have been broken and the necessary period of 20 years of continuous use is not demonstrated.
- 1.1.9 Notwithstanding the objections of the Borough Council at the time, KCC proceeded to modify the definitive map in November 2020 by the addition of 3 new Public Rights of Way –
- a) from River Lawn Road to Buley's Weir Bridge
 - b) from Weir View Scout Hut to Lambert's Yard
 - c) from Lambert's Yard to the Buley's Weir Bridge.
- 1.1.10 In December 2020 the Borough Council submitted a formal objection to the Order modifying the definitive map (attached as **Annex 3**). The submission of a formal objection means that KCC is not able to confirm the Order (unless the objection were to be withdrawn). The matter must instead be submitted to the Secretary of

State for the Environment, Food and Rural Affairs for determination. It is expected that this would be heard by the Planning Inspectorate by way of local inquiry, as the representation has been made by another local authority. If this is the route the Inspectorate follow, then the Inspectorate advises that it will normally take up to 45 weeks from the start date for the decision to be issued. The start date may itself be up to 10 weeks after the date KCC submit all the necessary paperwork to the Inspectorate, so realistically we might potentially be looking at 55 weeks or more from submission of the paperwork to the Inspectorate before we get a decision. At the time of preparing this report we have not been notified that KCC has submitted the necessary paperwork to the Inspectorate.

- 1.1.11 Members are asked to note that the inclusion of the proposed PROWs on the definitive map would not preclude the sale of the land, as any prospective developer could apply to divert existing public rights of way under the Town & Country Planning Act 1990. However, there can be no guarantee that such an application would be successful, nor how long it would take. The existence of PROWs across the land may also affect the level of financial offer that any prospective developer would be prepared to make. The approach to date has therefore been to delay marketing of the land until the PROW application has been determined.
- 1.1.12 In the event that the Borough Council were successful in opposing the PROWs, we would not therefore be in a position to consider marketing of the land for disposal until mid to late 2022 at the earliest. The completion of any subsequent sale may take at least 12 months thereafter, potentially longer if the sale were to be conditional on the purchaser obtaining planning consent.
- 1.1.13 The Council would also be required to give a new Notice of Intended Disposal under the Asset of Community Value provisions, which would trigger a new moratorium period i.e., to allow community interest groups to express an interest to be treated as a bidder for the land. Whilst this Notice could be given in parallel with marketing the site, the operation of the Asset of Community Value provisions may create a delay of up to 6 months in the disposal process.
- 1.1.14 Given the uncertainties relating to both the local inquiry process and other projected timescales set out above, in addition to a reassessment of priorities by the new administration since it came into office in July, the Leader and Cabinet Member for Environment and Climate Change have investigated the area further and are recommending that Members of the Advisory Board consider other alternative options open to the Council for the future of the open space land.

1.2 Alternative options

- 1.2.1 If Members do not wish to continue with the proposed sale of the land, a suggested option would be to allow the site to rewild. This would have the potential to increase biodiversity in the area by significantly reducing the existing cutting frequency. The option would be progressed in liaison with the Medway

Valley Countryside Partnership and would contribute to the Council's Climate Change Strategy.

- 1.2.2 Alongside this, officers are presently working up a detailed brief to commission design work for improvements to the length of the riverside walk from Cannon Lane to Town Lock and onwards to the Avebury Avenue bridge. Opportunities are being investigated for how the project could be brought forward using a combination of committed developer contributions along with the potential for integrating the improvements with upcoming development opportunities along the route. The overarching concept being that the improvement works would have a holistic design-based approach at its core but could take place in phases to account for the likely phased approach developments commencing to facilitate the works either via contributions being paid or in terms of physical works on the ground. These aspects are all to be contained within the brief for the design work. Equally, the creation of a biodiverse environment at River Lawn could be incorporated as one of the options contained within the wider brief for these improvement works.
- 1.2.3 Members are advised that 3 of the trees on the area of open space (1 Horse Chestnut and 2 Lime trees immediately to the south of the River Medway) are subject to a Tree Preservation Order (TPO number 20/00006/TPO) in the interests of visual amenity. The remaining 6 trees are not subject to a TPO. However in accordance with the Tree Charter approved by the Cabinet Member for the Environment and Climate Change following consideration by the Street Scene and Environment Advisory Board on 31 August 2021, the Council will minimise the removal of trees on Council owned land, unless there are overriding arboriculture or health and safety needs for felling.

1.3 Legal Implications

- 1.3.1 As set out in paragraph 1.1 above.
- 1.3.2 Should Members decide to discontinue the proposed sale of the land and withdraw the formal objection to the proposed PROWs, the County Council would then be in a position to confirm the Order and update the definitive map.

1.4 Financial and Value for Money Considerations

- 1.4.1 It is intended that any capital receipts obtained from the sale of the land would be re-invested into property investment funds, so as to provide a long-term revenue stream to support the continued delivery of services. Indeed, the proposed sale of the land at River Lawn and generation of investment income is specifically identified within the adopted Savings and Transformation Strategy (STS) as contributing £73,000 towards the 'banked' savings targets within the Medium-Term Financial Strategy (MTFS).
- 1.4.2 The non-delivery of this proposed sale will have a detrimental impact on the STS and MTFS, and in the event that Members were not minded to proceed with the

sale, something else must take its place in order to preserve the integrity of our financial plans.

- 1.4.3 Within List C of the Capital Plan is a proposal for environmental improvements along sections of the River Medway, including along River Walk and through River Lawn. This scheme was originally brought forward following residents and Member requests to improve security of pedestrian access to the town centre. £42,000 has currently been secured through developer contributions and further opportunities for developer contributions may be forthcoming. The evaluation of the scheme was delayed due to the impact of Covid-19 and it was felt that the appointment of an external consultant to ensure a coordinated approach across the 3 sections was required. A budget for an external consultant has been included in the 2021/22 revenue budget to enable the scheme to be evaluated in this financial year.
- 1.4.4 Members should note that if a capital plan scheme was to be approved it could result in revenue budget growth further adding to the funding gap that currently exists. There will be no capital or ongoing revenue costs of allowing the site to rewild

1.5 Risk Assessment

- 1.5.1 The realisation of capital and/ or increased income streams from the Council's existing asset base supports the 'Asset Management' theme of the Savings and Transformation Strategy. In the event that capital and/ or increased income was not delivered pursuant to this theme then additional savings would need to be identified and delivered elsewhere in the Strategy.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

- 1.7.1 Asset Management

1.8 Recommendations

- 1.8.1 Members are requested to consider whether they wish to discontinue the proposed sale of the open space land at River Lawn Road (including withdrawal of the objection to the public rights of way application) and allow the site to rewild to support biodiversity.

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

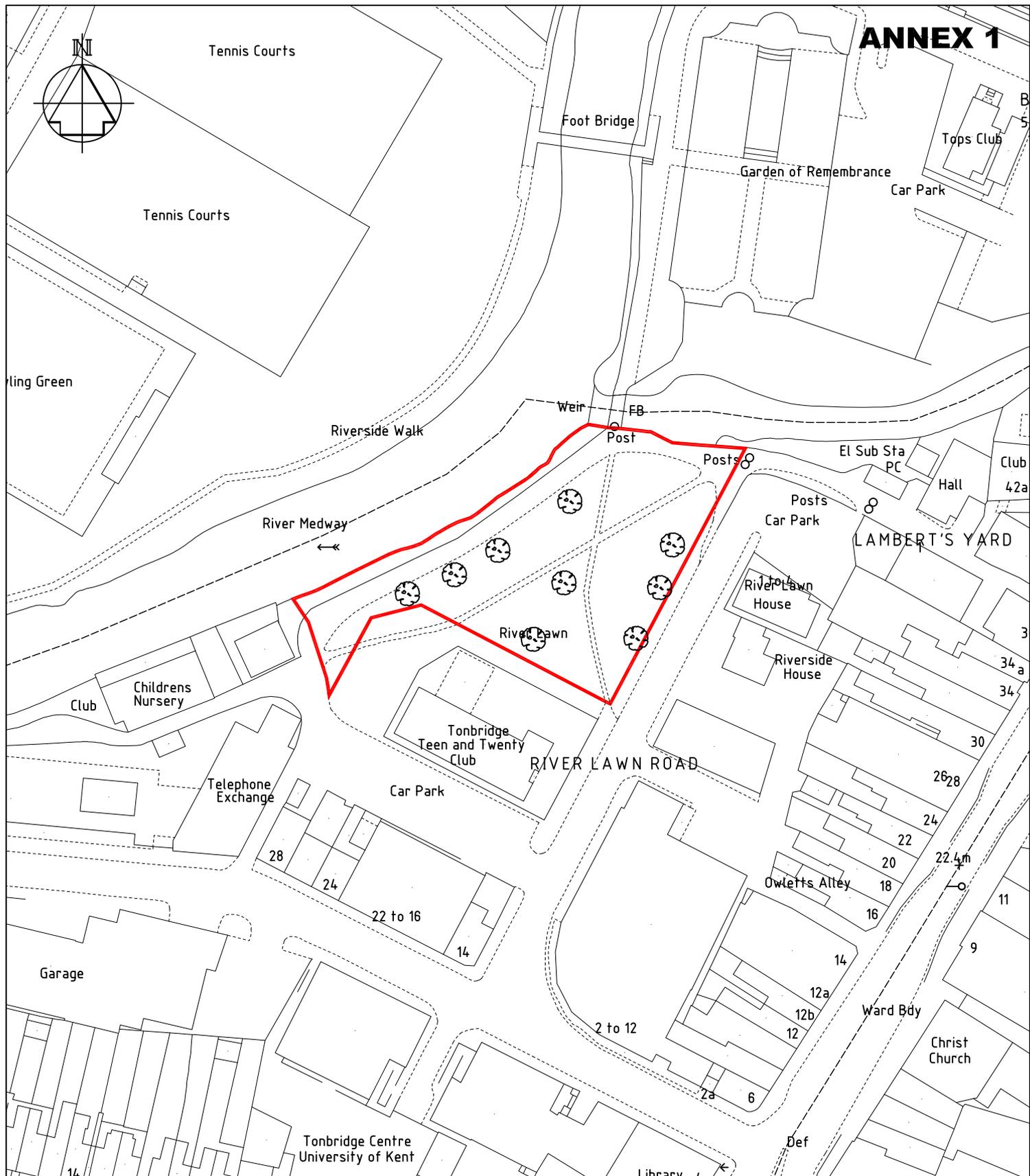
contact:

Matt Boughton
Leader of the Council

Robin Betts
Cabinet Member for the Environment and Climate Change

Adrian Stanfield
Director of Central Services & Deputy Chief Executive

ANNEX 1



ANNEX 1

Land at
River Lawn Road
Tonbridge
Page 121

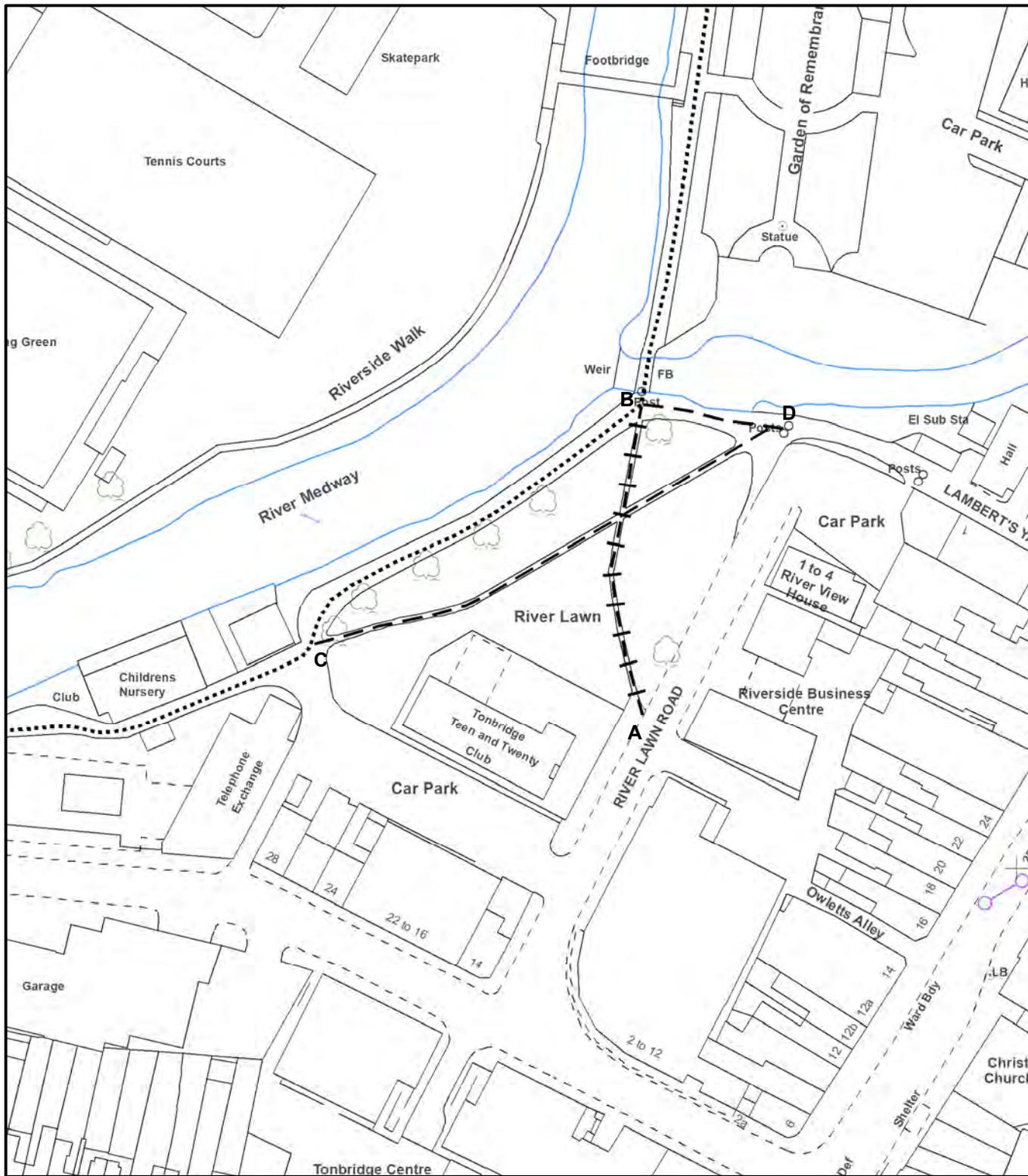


PROPERTY SERVICES

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REVISIONS		
Rev	Date	Description
Date SEP2017		
Scale NTS		
Drawing No.		Rev
ANNEX-1		

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Key

--- Routes to be Added

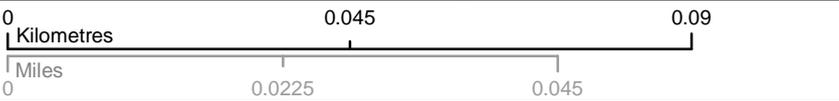
..... Unaffected Routes

Wildlife & Countryside Act 1981
Claimed bridleway from River Lawn Road to Buley's Weir Bridge;
claimed footpath from Weir View Scout Hut to Lambert's Yard;
claimed footpath from Lambert's Yard to Buley's Weir Bridge
at Tonbridge

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Reference:	PROW/TM/C402		



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RE AN APPLICATION TO REGISTER PUBLIC RIGHTS OF WAY
ACROSS RIVER LAWN, TONBRIDGE

OBJECTION BY
TONBRIDGE & MALLING BOROUGH COUNCIL

The Kent County Council (Footpaths MU98, MU99 and MU100 at Tonbridge)
Definitive Footpath Map Modification Order 2020

Tonbridge & Malling Borough Council ('TMBC') OBJECTS to the above order.

It does so on the following grounds:

1. The land of which the footpaths the subject of the order form part was acquired by the Urban District Council of Tonbridge (predecessor to TMBC) for recreational purposes in 1922, and at all times thereafter has been held (subject to paragraph 3 below) by TMBC or a predecessor authority for such purposes under s164 of the Public Health Act 1875 and/or s19 of the Local Government (Miscellaneous Provisions) Act 1976.
2. Accordingly, the use of the footpaths by the public has at all times been 'of right', not 'as of right' as required in order for a public right of way to have arisen by reason of s31(1) of the Highways Act 1980 or at common law (and in particular the reasoning in paragraphs 20-21 of *R (Barkas) v North Yorkshire County Council & Anr* [2015] AC 195 is relied on).
3. Further or in the alternative, the footpaths identified as numbers MU98 and MU99 for part of their length (marked approximately A-B and C-D for identification purposes on the maps appended to the Order and produced hereto) form part of land appropriated by TMBC to the provision of an old

people's club on 26 July 1971, which appropriation was confirmed by the Secretary of State by letter dated 16 March 1972 with effect from 14 March 1972. A copy of the appropriation Order is attached.

4. Dedication of the land referred to in paragraph 3 above as public rights of way (by use over the period of time relied on to make the modification) would have been incompatible with the statutory powers under which that land was held by TMBC, and the purposes for which it was so held, and there was no capacity in TMBC to so dedicate it (and in particular the reasoning in paragraphs 55- 58 of *R (Lancashire CC) v Secretary of State* [2020] 2 WLR 1, and s31(8) of the Highways Act 1980, is relied on).
5. Further or in the alternative, the footpaths the subject of the order have not been used without interruption for a sufficient period preceding the application to Kent County Council to support an implication of dedication of the land as public rights of way or for the modification order to be made. The closures referred to in paragraph 44 of the report of the County Council's Public Rights of Way Officer dated 30 April 2020 are relied on (together with further evidence that TMBC reserves the right to produce should it be necessary to do so).

STEVEN GASZTOWICZ QC

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 REVENUES AND BENEFITS UPDATE REPORT

A report detailing recent developments in respect of council tax, business rates, council tax reduction and housing benefits.

1.1 Collection of council tax and business rates

- 1.1.1 As at 31 August 2021, the collection rate for council tax stood at 45.71%. For the same period in the year 2020/21, the collection rate was 45.19% (45.95% in 2019/20).
- 1.1.2 As at 31 August 2021, the collection rate for business rates stood at 46%. For the same period in the year 2020/21, the collection rate was 48.07% (48.29% in 2019/20).
- 1.1.3 The collection rate for business rates is quite volatile at present, with many businesses requesting the retail discount awarded from 1 July to be cancelled due to 'cash caps' being exceeded.
- 1.1.4 This has increased the collectible debit, which has an adverse effect on collection. These increased charges will be collected over the remaining monthly instalments, so I am confident the collection rate will improve gradually over the course of this year.
- 1.1.5 Members will note that the number of recovery notices issued this financial year (see ANNEX 1) is considerably higher than last year. This is having a positive effect on our collection rates and is helping to reduce the arrears that were accrued last year.
- 1.1.6 At the time of writing this report, we are still waiting for the Magistrates' Court to schedule another liability order hearing. Until then, the recovery action we can take is limited, so it is encouraging that the collection rates are holding up quite well compared to the previous year.

1.2 Performance and Workload of the Benefits Service

- 1.2.1 New claims for housing benefit and council tax reduction are consistently taking on average around 13 days to process, however most remain dealt with between two and three working days. It is only those few needing further information or clarification where it may take longer.
- 1.2.2 The number of households receiving assistance with housing benefit continues to fall, now standing at 4171. This is a drop of 163 since 1 April 2021 and is primarily due to the numbers switching to Universal Credit. In March 2020 the number of households we helped with housing benefit was down to 4950, 2900 of which were working age, the number of working age claims is now 2222. The rate of fall is slowing.
- 1.2.3 The number of discretionary housing payment applications continues to rise. My Service is looking to develop ways to pro-actively target households identified as at potential risk of hardship using data-matching and analytical software.

1.3 Temporary Accommodation Administration

- 1.3.1 As I reported to the Board at the last meeting, the recovery team within the my Revenues & Benefits Service has taken on work from the Exchequer and Housing Services to enable the end to end billing and recovery of temporary accommodation costs process to be handled by one team. The process has been streamlined, developing the use of IT, to enable the quick and accurate issue of invoices. The work started in March, coinciding with the Service's restructuring and is now bedding in. Those households placed in temporary accommodation by our Housing Service now receive weekly, accurate invoices, by email wherever possible and can simply make contact with an officer for any queries or advice relating to payments. The importance of making this as efficient as possible has become more apparent as numbers have grown in temporary accommodation.

1.4 Self Isolation Payments

- 1.4.1 The self isolation payment support scheme provides a fixed payment of £500 for anyone on a low income instructed to self isolate due to covid contact where the result would be a loss of pay through inability to work.
- 1.4.2 At our last meeting I reported the scheme had recently been extended to parents of children having to self isolate, where the parent could not work, having to stay home to look after a child. Around that time, the number of claims rapidly increased as the Delta Variant took hold, with more and more adults and children having to self isolate.
- 1.4.3 As Members will be aware, on 16 August, a change to self isolation rules took place removing the need for double vaccinated adults, and children under 18 to self isolate through close contact of a person confirmed as Covid positive.

Following that change the number of incoming applications rapidly fell, leaving a backlog of cases, which have gradually been processed.

1.5 Legal Implications

1.5.1 Nil.

1.6 Financial and Value for Money Considerations

1.7 Risk Assessment

1.7.1 Nil.

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 at this point.

1.9 Policy Considerations

1.9.1 Community

1.9.2 Customer Contact

Background papers:

1. In respect of the collection of council tax and business rates, data held within Financial Services.

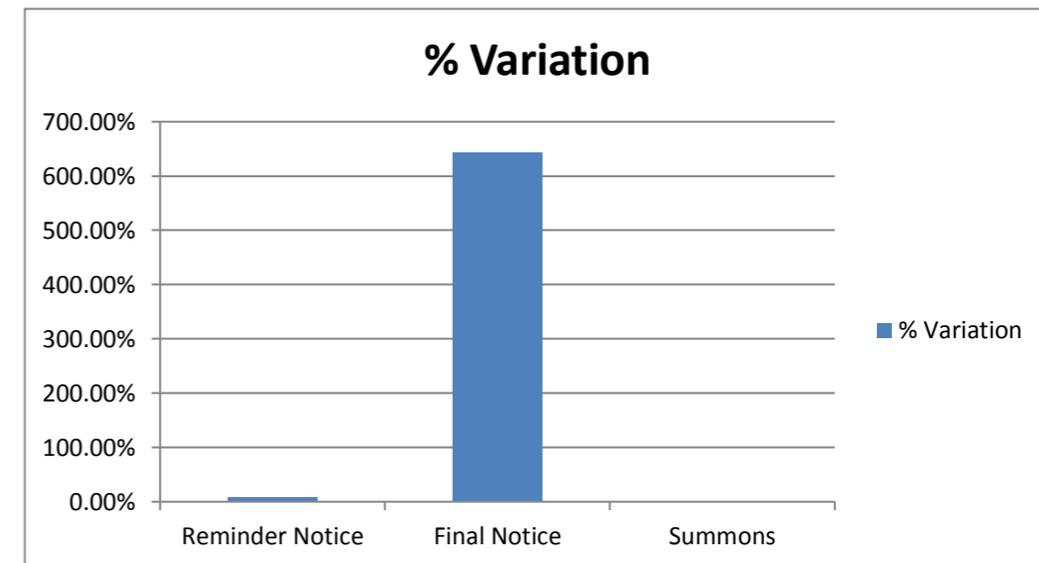
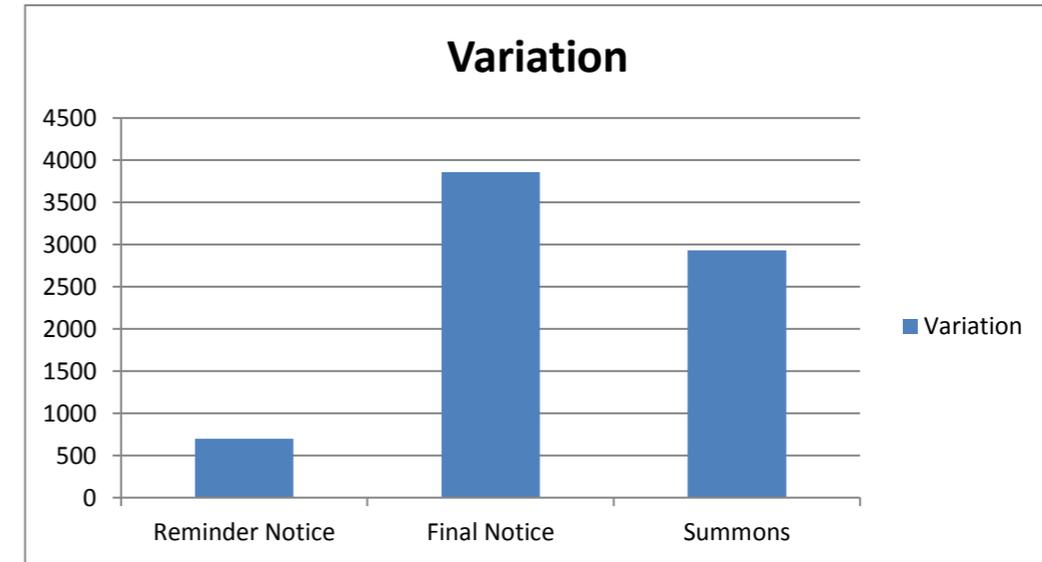
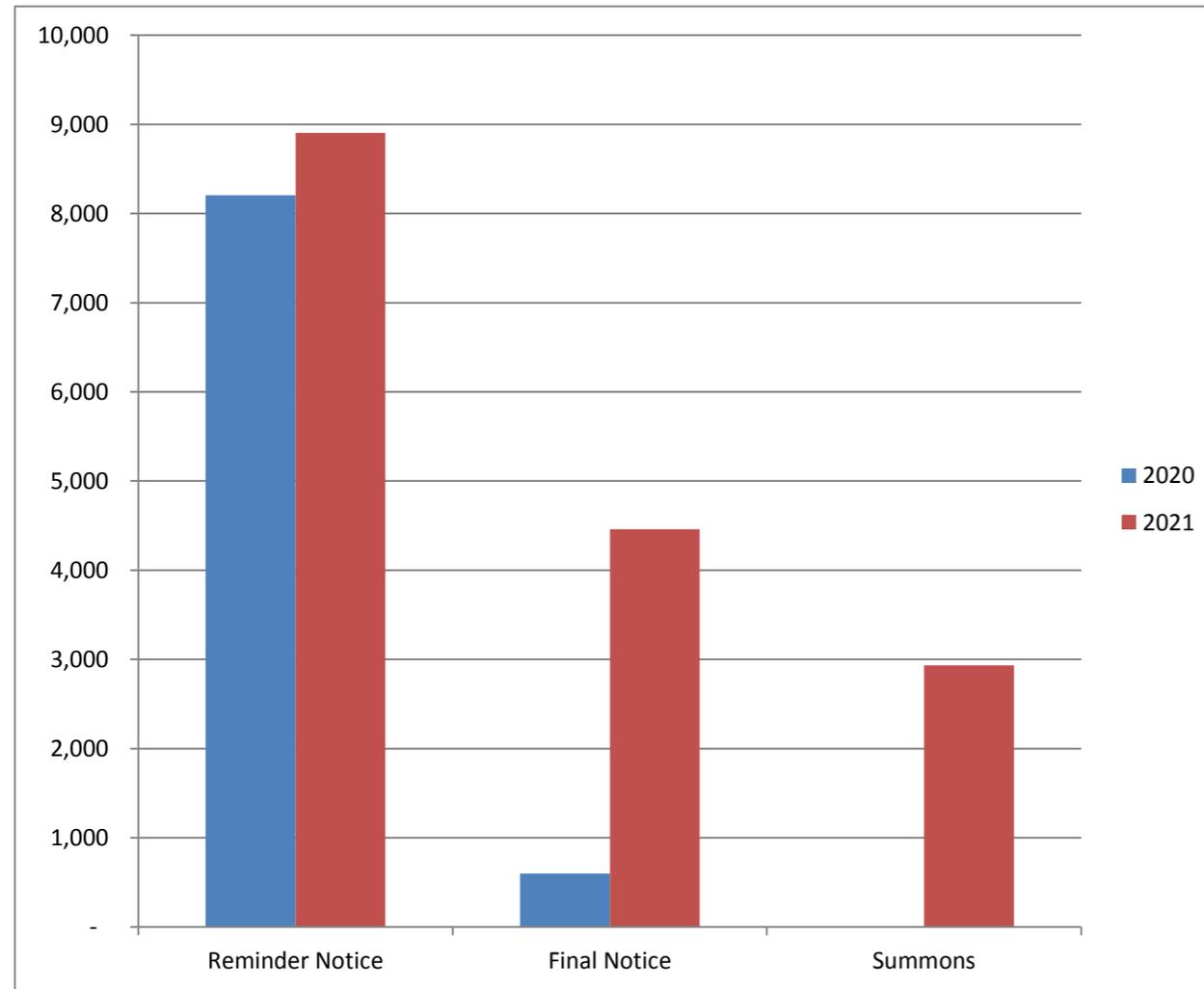
contact: Glen Pritchard
01732 876146
Andrew Rosevear
01732 876143

Sharon Shelton
Director of Finance and Transformation

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	Reminder Notice	Final Notice	Summons	Total
2020	8,203	600	-	8,803
2021	8,902	4,460	2,934	16,296
Variation	699	3860	2934	7493
% Variation	8.52%	643.33%	#DIV/0!	85.12%

ANNEX 1



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Agenda Item 12

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

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Agenda Item 13

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

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

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Agenda Item 16

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

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