

Public Document Pack



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

29 September 2021

To: **MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE**
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 7th October, 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

A G E N D A

PART 1 - PUBLIC

- | | | |
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6.	Special Expenses Consultation	49 - 96
	<i>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.</i>	
7.	Final Report: Marketing and Promotion	97 - 108
	<i>This report brings forward a revised protocol for marketing and promotion across the Council</i>	
8.	Review of Tonbridge Forum and Parish Partnership Panel	109 - 114
	<i>Review of the format and engagement of Tonbridge Forum and Parish Partnership Panel, considering options for improvement.</i>	
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9.	Scoping Report: Equality and Diversity Policy	115 - 118
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Matters for Information

10. Local Government and Social Care Ombudsman - Annual Review Letter 119 - 130

This report sets out the annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2020 to 31 March 2021.

11. Urgent Items 131 - 132

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

12. Exclusion of Press and Public 133 - 134

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

13. Urgent Items 135 - 136

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 J L Sergison (Chairman)
Cllr Mrs A S Oakley (Vice-Chairman) and Cllr M O Davis (Vice-Chairman)

Cllr M C Base
Cllr J L Botten
Cllr C Brown
Cllr R I B Cannon
Cllr R W Dalton
Cllr M A J Hood
Cllr F A Hoskins
Cllr S A Hudson

Cllr Mrs F A Kemp
Cllr D W King
Cllr J R S Lark
Cllr H S Rogers
Cllr M Taylor
Cllr D Thornewell
Cllr F G Tombolis

Agenda Item 1

Apologies for absence

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Agenda Item 2

Declarations of interest

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Agenda Item 3

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 11th March, 2021

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr T Bishop, Cllr J L Botten, Cllr M D Boughton, Cllr R W Dalton, Cllr M O Davis, Cllr M A J Hood, Cllr D Keers, Cllr H S Rogers, Cllr M Taylor and Cllr Miss G E Thomas

Councillors Mrs P A Bates, Mrs S Bell, R P Betts, V M C Branson, A E Clark, M A Coffin, N J Heslop, D Lettington, P J Montague, W E Palmer, M R Rhodes, R V Roud and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

OS 21/8 DECLARATIONS OF INTEREST

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

OS 21/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 19 January 2021 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 21/10 VIRTUAL MEETINGS AND HOMEWORKING

The report of the Director of Central Services and Deputy Chief Executive provided an update on the review of virtual meetings and homeworking and set out initial proposals for amendments to the existing Protocol for the Use of Video-conferencing Facilities.

It was explained that uncertainty around the ability to hold meetings virtually after 7 May 2021 remained as there was no indication from Government that the temporary arrangements would be extended. This position represented a significant challenge for local authorities as the Government did not intend to review social distancing restrictions until 21 June at the earliest.

As part of the overall review of virtual meetings, Officers had considered whether the effectiveness of the Protocol, attached at Annex 1 to the report, could be improved. The Chairs and Vice-Chairs of the Area

Planning Committees had been consulted on the rules for public speaking at virtual planning committees.

A number of amendments were proposed and included reference to the Borough Council's Privacy Notice, the retention of live streams for a period of 6 months and clearer processes related to rules for voting, revised motions and the use of a 'roll call'.

In addition, amendments to the rules for public speaking at planning committees related to the submission of written statements and the removal of points of clarification. However, Members asked that flexibility around the management of meetings, especially those with public participation, be retained and that the use of Chairman's 'discretion' be allowed.

Members welcomed the ongoing review of virtual meetings and homeworking and reiterated support for the continuation of livestreaming of meetings so that residents were able to observe proceedings in whatever format they were held.

Finally, the Director of Central Services was not in a position to provide a verbal update on the outcome of the Phase 8 bid process, as referenced in paragraph 1.3.4 of the report, as the Secretary of State had not made any formal announcements.

RECOMMENDED: That

- (1) the amended Protocol, at Annex 2, be approved;
- (2) subject to noting the comments related to the use of Chairman's 'discretion', the amended temporary arrangements for Public Speaking, at Annex 2.1, be approved;
- (3) the Protocol for Use of Video-conferencing Facilities would continue to apply in the event that the Borough Council was lawfully able to hold remote meetings, whether under the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 or other enabling legislation; and
- (4) support for the continuation of livestreaming of meetings, in whatever format, be noted.

***Referred to Cabinet**

DECISIONS TO BE TAKEN BY THE COMMITTEE**OS 21/11 SCOPING REPORT: COUNCIL MARKETING AND PROMOTION**

The report of the Chief Executive provided an overview of existing marketing and promotion arrangements. A proposed focus for the next stage of the review to identify opportunities for improvement or best practice was also set out.

Particular reference was made to poster sites and Members supported consideration of a modest charge that could be used to supplement new sites.

RESOLVED: That the Review of Council Marketing and Promotion, as detailed in 1.3 of the report, be approved and to include:

- (1) an audit of marketing and promotional budgets across the Council to establish existing costs;
- (2) the need to establish if paper forms of marketing and promotion should continue, or if the Council could move away from paper entirely;
- (3) an assessment of recent marketing and promotional items to ascertain the consistency of approach and/or branding; and
- (4) consideration to be given to a consolidated system, with central oversight of published material to ensure a consistent and professional approach.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 21/12 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.40 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 27th April, 2021

Present: Cllr J L Sergison (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr T Bishop, Cllr J L Botton, Cllr M D Boughton, Cllr C Brown, Cllr R W Dalton, Cllr M O Davis, Cllr M A J Hood, Cllr D Keers, Cllr H S Rogers, Cllr M Taylor and Cllr Miss G E Thomas

Councillors Mrs P A Bates, Mrs S Bell, R P Betts, V M C Branson, A E Clark, M A Coffin, N J Heslop, F A Hoskins, S A Hudson, D W King, J R S Lark, D Lettington, P J Montague, W E Palmer, M R Rhodes, R V Roud, N G Stapleton and Mrs M Tatton were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

OS 21/13 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 21/14 VIRTUAL MEETINGS

The report of the Director of Central Services and Deputy Chief Executive provided an update on virtual meetings and asked Members to approve arrangements for the return to face to face meetings post 7 May 2021. Members were also invited to give consideration to the future streaming of Council meetings.

Members were advised that the judgement on the proceedings brought by Lawyers in Local Government (LLG), the Association of Democratic Services Officers (ADSO) and Hertfordshire County Council to allow virtual meetings to proceed past the 6 May 2021 was expected to be handed down from the High Court on the 28 April 2021. If the claim was unsuccessful, the default position was that the Council would be required to revert to a fully face to face meeting programme post 7 May 2021. To allow for the possibility that the pending judgement may allow for the continuation of remote meetings, the Director of Central Services and Deputy Chief Executive put forward the following amendments to the recommendations:

- a) In the event that the Borough Council is lawfully able to continue holding remote meetings (as a result of the proceedings brought by LLG/ ADSO/ Hertfordshire County Council) then all meetings shall continue to be held remotely until all social distancing restrictions due to coronavirus are removed or expire;
- b) In the event that the Borough Council is not lawfully able to continue holding remote meetings, the arrangements set out in the report for holding physical face to face meetings post 7 May 2021 are approved;
- c) The draft response to the 'Call for Evidence' at Annex 2 is approved;
- d) The Borough Council shall continue to livestream all Council meetings.

Members discussed the advantages and disadvantages of the continuation of virtual meetings, including the financial implications, health benefits, transparency and accessibility, logistical issues, voting rights and the consequence of a member's non-physical attendance at a meeting and the positive impact on the Climate Change Strategy.

RECOMMENDED: That

- (i) In the event that the Borough Council is lawfully able to continue holding remote meetings (as a result of the proceedings brought by LLG/ ADSO/ Hertfordshire County Council) then all meetings shall continue to be held remotely until all social distancing restrictions due to coronavirus are removed or expire;
- (ii) In the event that the Borough Council is not lawfully able to continue holding remote meetings, the arrangements set out in the report for holding physical face to face meetings post 7 May 2021 are approved;
- (iii) The draft response to the 'Call for Evidence' at Annex 2 is approved;
- (iv) The Borough Council shall continue to livestream all Council meetings.

***Referred to Cabinet**

MATTERS FOR RECOMMENDATION TO GENERAL PURPOSES COMMITTEE

OS 21/15 REVIEW OF HOMEWORKING POLICY

The report of the Director of Central Services and Deputy Chief Executive requested Members to undertake a fundamental review of the Council's existing Homeworking Policy (Annex 1) and presented for

member consideration a new policy in Annex 2, entitled Transitional Working Arrangements for Covid-19 Recovery.

Whilst introducing the report, the Director of Central Services and Deputy Chief Executive provided some context. The review of homeworking had looked at the feasibility of rationalising the Borough Council's office accommodation at the Gibson Building, with a view to increasing the amount of homeworking to support the Climate Change Strategy and reduce overheads, whilst being mindful of the work/life balance and the potential impact of staff of different working arrangements. It was noted that the government review of social distancing was not scheduled to be completed earlier than 21 June 2021 and that the recommended new transitional policy would be subject to continuous review and would take cognisance of emerging guidance from the Government as well as the development of key strategic Council policies.

During discussion, Members considered the benefits and potential detriments of homeworking, whilst recognising that the working from home option would be voluntary during the proposed transitional period. Members welcomed the involvement of trade union representation and employee consultation with regards to the trial transitional working arrangements and assurance was given that feedback from all staff would be considered.

RECOMMENDED: That

- (i) the transitional working arrangements for Covid-19 Recovery Policy and Procedure in Annex 2 attached to the report, be adopted; and
- (ii) budgetary provision of £15,000 is made for any property related costs associated with the transitional working arrangements, to be funded through the Building Repairs Reserve Expenditure plan, be approved.

*Referred to General Purposes Committee

MATTERS FOR CONSIDERATION IN PRIVATE

OS 21/16 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

OS 21/17 URGENT ITEMS

There were no urgent items of business.

The meeting ended at 8.34 pm

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Agenda Item 4

Any Executive Decisions which have been “called in”

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Agenda Item 5

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Joint Report of the Chief Executive, Director of Finance & Transformation and Director of Central Services & Monitoring Officer

Part 1- Public

Matters for Recommendation to Cabinet

1 NORTHAMPTONSHIRE COUNTY COUNCIL – INTERVENTIONS REPORT

A report summarising the key issues arising from the Commissioners' Interventions Report at the former Northamptonshire County Council. Members are asked to review the issues raised, and consider whether TMBC is adequately equipped to avoid these issues occurring. Members of this Committee are also asked to consider what role the Committee can play in supporting the 'financial agenda', and more generally whether Members feel that specific training might be needed.

1.1 Introduction

- 1.1.1 Members may be aware that in January 2018, the Secretary of State for Communities and Local Government announced an independent inspection of Northamptonshire County Council in the light of evidence including the external auditor's (KPMG) "adverse" value for money opinion in relation to the 2015-16 and 2016-17 accounts, publicly available budget documents, and the September 2017 Local Government Association peer review into the council's financial planning and management.
- 1.1.2 A report was published in March 2018 and this noted that the inspector had found that failures at the council were not due to a lack of funding, but instead were a result of **poor management, a lack of budgetary control as well as a culture which discouraged challenge.**
- 1.1.3 Subsequent to this, in May 2018 the Secretary of State announced that Commissioners were to be sent to the council. Regular reports have followed culminating in a "lessons learned" report published in June 2021.
- 1.1.4 For those interested, the entire history of this review can be found on the Gov.uk website at: <https://www.gov.uk/government/collections/inspection-into-the-governance-of-northamptonshire-county-council>

- 1.1.5 The last “lessons learned” report (June 2021) is appended at [Annex 1] for Members’ attention at this meeting.
- 1.1.6 It is not the purpose of this report to consider the detailed issues that occurred in another authority. The purpose is to reflect on the key issues raised and ensure that Tonbridge & Malling Borough Council is satisfactorily equipping itself to ensure that the issues raised in the interventions report are not able to be repeated here.
- 1.1.7 The report makes specific reference to the role of the Scrutiny Committee in this respect. It says:

“If financial circumstances deteriorate, the influence of the scrutiny committee should be boosted in respect of financial overview. For example, provide impartial and independent training and advice to Councillors through the Centre for Governance and Scrutiny, to enable the committee to scrutinise effectively key decisions on services, income and expenditure and learn how to question without aggression”.

In addition, it adds:

“Robust scrutiny arrangements reduces the potential for ill thought-through decisions and are an indication of strength and confidence in decision making. Conversely, weak and disempowered scrutiny easily admits the possibility of untested and over-optimistic decisions, and, ultimately, failure”.

- 1.1.8 It is clear that the Scrutiny arrangements within a local authority are fundamentally important in the delivery of adequate challenge.
- 1.1.9 The interventions report is broken down into 6 separate topics as follows, and each is discussed further below.
 - 1) Leadership
 - 2) Strategic Direction
 - 3) Financial Management
 - 4) Service Failures/Service Transformation
 - 5) Challenge
 - 6) Culture
- 1.1.10 At the end of the interventions is a series of recommendations for the sector that Members (and officers) should review and consider.

1.2 Leadership

- 1.2.1 The report from the commissioners is blunt in its condemnation of the leadership demonstrated from both Members and senior management stating:

"There had been a complete failure of political and senior managerial leadership at the Council in the years preceding the Intervention. Rather than face up to its challenges, the leadership failed to tackle emerging issues, looked to lay blame elsewhere and chose instead to pursue fanciful solutions and remedies which were unlikely to succeed. It did not consider realistic or practical 'bottom-up' solutions.

From the outset of the intervention it was clear that Max Caller's [head of the investigation] judgement was an accurate reflection of the lack of leadership and despite there being 'many good, hard working dedicated staff' the problems at the Council were a direct consequence of management failure. The wider failings of the Council flowed from this fault-line."

- 1.2.2 Essentially, the stark conclusion is that 'flawed' leadership was the central catalyst for the wider failings.
- 1.2.3 The interventions report itself sets out the stance that the commissioners took in dealing with this 'central' failing. Ultimately, however, as Members may already be aware, a local government reorganisation was undertaken and Northamptonshire County Council ceased to exist from April 2021.

TMBC

- 1.2.4 Over the years, TMBC has prided itself on the solid working relationship between senior Members and the Management Team. As a key foundation block, this has helped this Council address critical issues in times of stress and challenge, and plan for the future.
- 1.2.5 Self appraisal is crucial to ensure that key foundations remain in place. This applies to both the Member dimension, and the senior management core.
- 1.2.6 Whilst it is obviously very important to recognise that key decisions are the responsibility of the democratically elected Members, as set out in the Constitution some level of decision making is delegated to officers. Striking the right balance for the operation, management and direction of the Council is essential. At the same time, a collaborative, respectful and professional working between Members and the officer core needs to be maintained.
- 1.2.7 The Protocol on Member-Officer relations contained within Part 5 of the Constitution seeks to encourage best practice and promote greater clarity and certainty between Members and Officers. It also sets out specific arrangements for the role of the Overview and Scrutiny Committee in ensuring that decisions of the Council are lawful and within the Budget & Policy Framework.

1.3 Strategic Direction

- 1.3.1 The commissioners reported that Northamptonshire council suffered from a lack of strategic direction. They stated:

"At the outset it was clear that there wasn't a realistic Council plan, county plan, workforce plan, IT plan, or a transformation plan and the approach to risk-management could best be described as under-developed."

- 1.3.2 The commissioners worked with the council to agree a clear programme of work and define the benchmarks that would indicate success. Thereafter, performance was then measured against delivery.
- 1.3.3 One of the points made in the report is that getting the 'basics' right is essential. It would appear that the council in question had 'lost its way' in terms of some service delivery due to experimentation with shared services and the lack of governance which went with it. Whilst this might have saved money in the short term, it was not 'best value' for the council in terms of the outcomes.

TMBC

- 1.3.4 As Members are aware, TMBC has a number of high level plans and policies including: a Corporate Strategy, a Climate Change Strategy, an IT Strategy, a Digital Strategy (incorporating transformation) and of course a Medium Term Financial Strategy and Savings and Transformation Strategy. These strategies are reviewed by Members and are open to scrutiny by this Committee. Members need to ensure that these strategies are 'fit for purpose' and address the key issues affecting the borough.
- 1.3.5 During the first year of the pandemic, an addendum to the Corporate Strategy was developed in response to the pandemic and naturally steered the Council and its services in different ways. A second year addendum is being informed by the covid recovery process.
- 1.3.6 In recent years TMBC moved away from having a corporate set of performance indicators, but as Members are aware performance is reported to Advisory Boards. Members can, and should, seek as much performance information as they need in order to ensure that the Council is progressing in the right direction. Discussion is underway with the new cabinet regarding corporate performance indicators.
- 1.3.7 Management Team regularly review strategic indicators including income monitoring, salary monitoring, sickness rates, temporary accommodation rates, waste collection performance and complaints. These provide a context for organisational health and performance.

1.4 Financial Management

- 1.4.1 When the inspectors arrived, Northamptonshire council had exhausted its reserves, had an unfunded deficit and had issued a section 114 notice.
- 1.4.2 One of the key issues and potential ‘fault lines’ was that strategic financial management had been outsourced and there was little in-house expertise or capacity. In addition, basic housekeeping measures and good financial management were lacking.
- 1.4.3 In particular, the detailed points made, which could be relevant to any council, were:
 - 1) an under-estimation of revenue budgets to a material level leading to overspending;
 - 2) an imbalance between income and expenditure;
 - 3) the use of one-off resources to fund ongoing revenue expenditure with no plans to replace them;
 - 4) an adverse opinion from the external auditor on the authority’s ability to deliver best value;
 - 5) a lack of financial resilience when measured against CIPFA’s financial resilience model;
 - 6) a poor outcome from benchmarking financial services against CIPFA’s financial management model;
 - 7) a failure to close the accounts and publish the Statement of Accounts on time;
 - 8) a failure to respond in a timely fashion to matters raised by the auditor in the ISA260 report;
 - 9) a failure to disclose to the external auditor and / or to the Audit Committee weaknesses in the Council’s financial systems, management or processes;
 - 10) a poor outcome from independent inspections including an LGA Peer Review, and an Ofsted inspection that although rated as requires improvement has since proved to be a misplaced judgement;
 - 11) a persistent failure to deliver savings targets in the short, medium and long term, and the lack of an appropriately skilled transformation team to support and monitor the progress of projects designed to deliver savings;
 - 12) a high level of reliance on the use of reserves to fund ongoing revenue expenditure;

- 13) an inappropriate use of government grant funding;
- 14) an over-reliance on short-term funding sources such as the flexible use of capital receipts;
- 15) use of reserves for purposes for which they were not originally intended;
- 16) a weak system for financial monitoring and reporting and for informing members of cabinet, scrutiny and Council which is less than timely, complete, clear and relevant to decision making;
- 17) the likely issuing by the external auditor of a Report in the Public Interest; Later a decision was taken by auditors not to progress.
- 18) the issuing by the external auditor of an advisory notice under the Local Audit and Accountability Act 2014;
- 19) weak financial stewardship leading to routine financial processes (e.g. clearing suspense and control accounts and reconciliations) not operating effectively;
- 20) opaque, confused and jargon riddled reporting, written for the benefit of finance ‘experts’ rather than for the benefit of understanding by Councillors, residents and Council Tax payers;
- 21) weak governance associated with shared service arrangements and a lack of understanding of roles, remit and responsibilities.

TMBC

- 1.4.4 At TMBC, Members will be aware that rules pertaining to Financial Procedures are set out with the Council’s Constitution. The Council’s statutory (s151) finance officer is the Director of Finance & Transformation and is part of the Council’s Management Team.
- 1.4.5 The Director of Finance and Transformation has two deputies for the statutory finance role – the Chief Financial Services Officer and the Financial Services Manager. The three officers work together to ensure that statutory financial requirements are maintained, and that appropriate advice is given to officers and Members. As Members are aware, all three officers are directly and exclusively employed by TMBC.
- 1.4.6 Regular financial monitoring reports (“Financial Planning and Control”) are presented to the Finance, Innovation and Property Advisory Board. These are decision reports requiring Members to examine and note the financial position portrayed. In addition, information reports on council tax and business rates collection are reported routinely to the Advisory Board, giving Members assurance that key cashflow is being maintained. Investment performance is regularly reviewed by the Audit Committee.

- 1.4.7 During the budget cycle, the Advisory Board also receives detailed draft Estimates for Scrutiny – and the same information is similarly presented to this Committee under the Budget and Policy Framework. This is the opportunity for Members to scrutinise the draft estimates and consider whether or not the allocation of resources is meeting the Council’s objectives and vision. Recommendations made to Cabinet by both Board and Committee assist Cabinet in determining the budget for the forthcoming year.
- 1.4.8 More strategic financial matters are reported directly to the Council’s Cabinet. Members are aware that our financial planning takes the form of a 10 year Medium Term Financial Strategy. This is supported by a detailed 6 year capital plan and a Savings and Transformation Strategy.
- 1.4.9 Members are aware that the Council is facing the need to find significant financial savings in order to ensure there is a balanced budget by the end of the MTFS period, and that reserves are not depleted beyond the minimum thresholds Members have set.
- 1.4.10 Currently, the identification of new savings and the delivery of some other savings is at a difficult point and **Members should reflect on this within the context of some of the points set out in the list above (with particular reference to items 11 and 12)**. Members may want to refer to our joint report to Cabinet in July 2021 which set out the latest position and made a number of recommendations. The Director of Finance & Transformation will be reporting again to Cabinet on the MTFS at its meeting on 12 October.
- 1.4.11 Ultimately, Members working with senior officers have a duty to ensure the Council’s long term financial position is sustainable, and that ‘short term’ decisions do not jeopardise that longer term sustainability.

1.5 Service Failures/ Service Transformation

- 1.5.1 This section of the Intervention report referred very much to failings of ‘upper tier’ statutory services at Northamptonshire such as Children’s Services, Trading Standards and Emergency Planning.
- 1.5.2 The commissioners were keen to point out that the failures were **not** linked to a lack of funding (as in fact one of the service areas had received significant investment), but to poor management and decision making. Ultimately of course as we have already mentioned at paragraph 1.2.3, a local government reorganisation was undertaken and Northamptonshire County Council ceased to exist from April 2021.
- 1.5.3 The fact that the failings were NOT linked to lack of funding is a point of reflection because as we all know, this is often the reason cited for service failure.

TMBC

- 1.5.4 Whilst TMBC does not provide the same breath of services as Northamptonshire, the same principles apply nonetheless.
- 1.5.5 Members should reflect and consider whether they are receiving adequate performance information in order to assist them in determining whether strategic focus, management and decision making is resulting in satisfactory delivery of services and the best use of resources.
- 1.5.6 On reflection, if Members do not feel they are receiving sufficient information in order to make those judgements, formal requests should be made via Advisory Boards and Committees. In addition, where there are concerns, specific reports can also be commissioned via this Committee (fulfilling the scrutiny function) or the Audit Committee (particularly where there is a financial focus).

1.6 Challenge

- 1.6.1 The commissioners' report stated that there had been a 'mentality' at Northamptonshire whereby the challenges were not faced and the reality of the organisation's predicament was simply not acknowledged or accepted.
- 1.6.2 The adoption of this stance marginalised the Council's scrutiny function which should have provided effective checks and balances. It is reported that any dissenting voices were effectively ignored.
- 1.6.3 It was also noted that the council in question had a dismal track record in dealing with customer complaints, with the Local Government Ombudsman directly raising concerns.
- 1.6.4 Challenge was a **fundamental issue** in the interventions report. The commissioners said:

"A critical part of the intervention has been the establishment of meaningful challenge, scrutiny and transparency to the business of the Council."

We asked the Centre for Governance and Scrutiny to review how scrutiny functioned and propose an effective structure for the Council which we then adopted in full.

This included the scrutiny committee being chaired by an opposition Councillor and focusing exclusively on financial matters, as this was the most significant burden the Council was addressing."

TMBC

- 1.6.5 The importance of the scrutiny function cannot be underestimated. Positive challenge and transparency is 'healthy' and can tease out issues that may not

have come to the surface in the first instance. It also helps Members to ensure that best value for residents is being achieved.

- 1.6.6 As Members of this Committee are well aware, TMBC's Constitution provides for decisions taken by the Executive to be "called in" and reviewed once more before the decision is finally enacted. Members are reminded that the Constitution can be found at:

<https://www.tmbc.gov.uk/downloads/download/304/tmbc-constitution>

- 1.6.7 The specific responsibilities of this Committee, Overview and Scrutiny, are set out in the extract at **[Annex 2]**.
- 1.6.8 As mentioned earlier, this Committee reviews the Budget proposals under the Budget and Policy Framework each year and has also undertaken a programme of reviews to identify potential savings.
- 1.6.9 However, with the **significant** financial challenges facing the Council (Members are referred to the report to Cabinet in July 2021), it is perhaps timely for the scrutiny programme to be 'beefed up' in this regard.
- 1.6.10 Members of this Committee are asked to consider how they can contribute to the review of the Council's financial forecasts to assist in identifying options for consideration.
- 1.6.11 It may be that refresher training is required on the scrutiny role, and Members are asked to consider what might assist them in their roles.

1.7 Culture

- 1.7.1 The commissioners report a "weary" organisation at Northamptonshire where failure was expected and aspiration for improvement was weak.
- 1.7.2 It is clear from the commissioners' report that a clear management plan and good working culture for staff is key:

"The introduction of proper management practices has benefited staff and the new-found financial discipline has enabled an across the board pay increase for the first time since 2016."

The lack of pay increase in the intervening years was because of the decision to opt out of the local government pay structure. This, together with the removal of mandatory unpaid leave and the reinstatement of benefits that had been curtailed, such as appropriate sick pay, has been positively welcomed by staff and unions."

- 1.7.3 In their recommendations, the commissioners make the point that it is essential to energise the workforce by supporting what works and changing what doesn't, as they believe that nothing demoralises staff more than bad management. This of course links back to the theme about leadership and direction.

TMBC

- 1.7.4 It has long been recognised that our staff are the key foundation of this Council. Through the Joint Employee Consultative Committee, Members have a direct sounding board with staff where any issues can be heard.
- 1.7.5 We are however fortunate that generally speaking, we have a good working culture at TMBC where the roles of officers and Members are mutually respected.
- 1.7.6 Keeping staff informed of issues and changes is imperative in maintaining a health and positive culture, and this is something we always strive to achieve. This takes place in a number of ways e.g. through the JECC, regular all-staff emails from the Chief Executive, directorate-wide meetings on MS Teams etc. Feedback from staff is also encouraged through surveys and via the JECC.

1.8 General Observations

- 1.8.1 It is clear that the Scrutiny Committee in a local authority has a fundamental role, and that the challenge that should be provided by that Committee is essential in the overall decision-making framework. Challenge should not be seen as a negative act, but one which brings confidence.
- 1.8.2 It is of course appreciated that some more recent Members to the Committee may not have received specific training, and it may be that other Members may feel that they too could benefit from a greater training to enhance their input.
- 1.8.3 **Members are asked to consider their additional training would assist them in delivering their important roles within the Council's constitution.**
- 1.8.4 The Council has significant financial challenges ahead and much will be expected of the Cabinet in driving forward options for change. This Committee has the ability to support this role through challenge.

1.9 Legal Implications

- 1.9.1 Section 151 of the Local Government Act 1972 requires every local authority to make arrangements for the proper administration of their financial affairs and requires one officer to be nominated to take responsibility for the administration of those affairs.
- 1.9.2 Section 114 of the Local Government Finance Act 1988 requires a councils' chief finance officer to issue a s114 Notice reporting to all elected members an actual or impending seriously unbalanced budget.

1.10 Financial and Value for Money Considerations

- 1.10.1 None through this report.

1.11 Risk Assessment

- 1.11.1 The Scrutiny Committee has a unique role to play in the Council's operations. Failure to fulfil that role could lead to a lack of challenge and transparency which could have future repercussions.

1.12 Equality Impact Assessment

- 1.12.1 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.

1.13 Policy Considerations

- 1.13.1 Budgetary and policy framework is relevant to all areas of the Council's business.

1.14 Recommendations

- 1.14.1 Members of the Committee are asked to:

- 1) Review the Northamptonshire Interventions Report and consider whether there are any issues or principles which need to be investigated further at TMBC;
- 2) Consider what role the Committee can play in supporting the 'financial agenda' and if appropriate design programmes of work accordingly; and
- 3) Consider whether Members of the Committee would wish to engage in training programmes in order to assist them in their roles.

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby

Chief Executive

Adrian Stanfield

Director of Central Services

Sharon Shelton

Director of Finance & Transformation

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Northamptonshire Commissioners

One Angel Square, Angel Street, Northampton, NN1 1ED

Lessons Learned Report from the Intervention at Northamptonshire County Council

We were appointed by the Secretary of State in May 2018 following the identification of critical failures within Northamptonshire County Council highlighted in a Best Value Inspection led by Max Caller CBE.

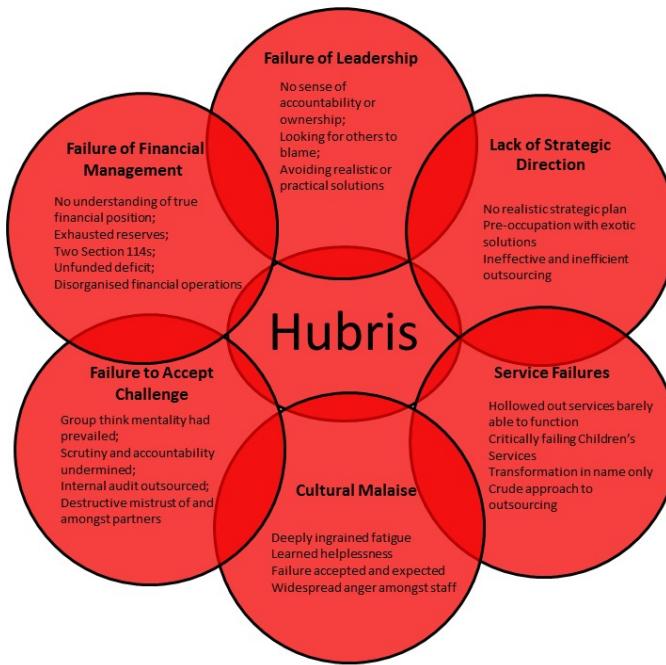
This is our report on the lessons learned during the Intervention. It supersedes our first and second annual interim reports which we developed as aide memoires to ensure that we captured the essence of the Intervention as it progressed.

Introduction

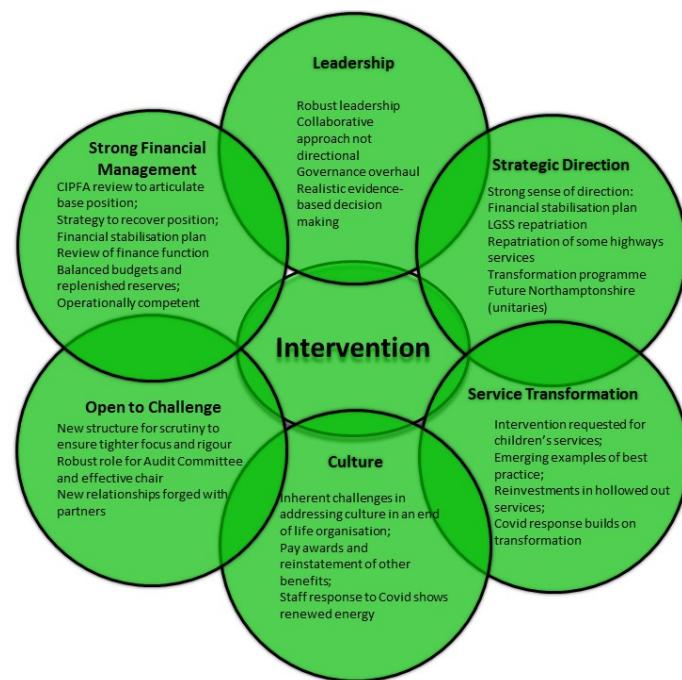
When we arrived, the Council had exhausted its reserves, had an unfunded deficit and had issued a section 114 (s114) notice – effectively declaring itself bankrupt. It was an organisation that had been hollowed out, with many of its in-house services and its out-sourced services neither efficient nor effective. The former leadership had developed a transformation agenda that existed in name only and, if the Council at that time could be identified with one word, that word would be hubris.

Almost three years later and in contrast we are pleased to state that when the Council ceases to exist at the end of March it will do so as a substantially restored organisation. It can end its existence with its head held high as its final three years can be defined by improvement worthy of note across its governance, financial management and services organisation and delivery.

We identified in the first year of the Intervention that there were six fault lines which were central to the Council's failure, and would need to be repaired in order to reverse that failure. These were:



At the centre of these faults was a state of hubris, characterised here as dangerous over-confidence. Addressing them has required a great deal of effort by the staff, and the senior leadership at officer and political level. However, the Council at the end of the Intervention is thankfully different from the Council we found on our arrival.



This paper will outline the nature of each fault-line, what measures were put in place to address them and what lessons can be learned as a result.

Leadership

There had been a complete failure of political and senior managerial leadership at the Council in the years preceding the Intervention. Rather than face up to its challenges, the leadership failed to tackle emerging issues, looked to lay blame elsewhere and chose instead to pursue fanciful solutions and remedies which were unlikely to succeed. It did not consider realistic or practical ‘bottom-up’ solutions.

From the outset of the intervention it was clear that Max Caller’s judgement was an accurate reflection of the lack of leadership and despite there being ‘*many good, hard working dedicated staff*’ the problems at the Council were a direct consequence of management failure. The wider failings of the Council flowed from this fault-line.

The first action we took was to tackle this fundamental flaw. We sought, and were successful in appointing an experienced and determined chief executive. She had a strong track record with the right approach and leadership style to tackle head-on the challenges the organisation faced in what was the most challenging role in local government. Alongside the chief executive we also strengthened the senior leadership team. Over the course of the intervention there was also significant strengthening of the wider management team.

It was this new team, alongside a new political leadership committed to open and transparent decision-making, that delivered balanced budgets without the emergency use of reserves each year over the full lifespan of the Intervention; a feat not achieved previously for the best part of a decade.

We agreed with the political leadership that we would support their aspiration to ‘do all the right things’ to restore the Council. We would work with them from the earliest point in the development of policies and priorities for action, in financial decision-making and in the development of relationships with partners. Consistently adhering to this, coupled with tightening of the Council’s processes meant we didn’t need to use the formal powers of direction given to us. We made clear that if at any time there was an attempt to avoid difficult choices or make weak or poor decisions (as in the manner of their predecessors) we would override these. This arrangement held throughout the intervention, with local decision makers strengthening their confidence and the quality of their decision-making as the relationship and their experience matured.

The impending ‘end-of-life’ status of the Council meant that a review of the council’s formal deliberation and decision making processes, entailing a re-write of the Council’s Constitution, Standing Orders and Financial Regulations would have been an exercise with very limited value. It is something that we would have done had the Council been set to continue in existence since there were structural flaws in these arrangements. Under the circumstances we took a decision to address just those things that simply needed to be fixed, and quickly, in order to move pragmatically through the short life span of the Council

Key to sustaining stability, improvement, and performance was the maintenance of organisational grip at all times and a constant guard against complacency. Failure

had become so ingrained and embedded that intense focus and visible leadership was required throughout the Intervention. Improvements remained fragile and constant vigilance at a macro and micro level were required to ensure momentum was maintained. The strengthened leadership worked relentlessly to restore a demoralised wider team who had come to lack confidence in their own abilities and the freedom to use those abilities.

Strategic direction

The Council suffered from a lack of strategic direction. At the outset it was clear that there wasn't a realistic Council plan, county plan, workforce plan, IT plan, or a transformation plan and the approach to risk-management could best be described as under-developed.

Instead there was a preoccupation with far-fetched experiments and ill-thought through exotic solutions. One such 'solution' had been the outsourcing of large parts of the organisation (bizarrely including core strategic services) into a shared service arrangement called LGSS. This was done badly, and it left the organisation without a corporate centre or a sense of corporate direction. It was framed by a worrying lack of governance and unaddressed performance issues with, in effect, no connection between the outsourced corporate functions and the services which they underpinned. Many of these services themselves had been floated off into arms-length organisations. The Council, as a result, was dangerously under-governed.

We worked alongside the new leadership team to set the strategic direction, agree a clear programme of work and define the benchmarks that would indicate success, then we measured performance against delivery. Not rocket science, just the basics, done well.

Despite local fears that this would result in the decimation of services, the financial stabilisation plan focussed on concepts of efficiency and improvement to guarantee the Council lived within its means, weaning it off of its habit of overspending.

Core strategic services such HR, Organisational Development, IT, Democratic Services and Finance were repatriated. In conjunction with Cambridgeshire and Milton Keynes Councils a lead authority model was developed for the transactional functions that remained shared. This has given the Council an ability to forge a corporate direction as well as properly commission and performance manage its frontline services – and gain the benefits of a proper 'shared service'.

The failure of this shared services experiment provides a valuable lesson in outsourcing – the importance of considering what is suited to out-sourcing and what isn't.

The Council also began a substantial transformation programme led by proven experts. Once the Secretary of State had taken the decision to replace all eight councils in the county with two unitary authorities, the transformation programme incorporated the wider aspects of the Future Northamptonshire programme led by the Council's chief executive.

Financial management

Emanating from the first two fault lines was the failure of financial management – the Council had outsourced its strategic financial expertise and support services meaning it was left without in-house capacity. Many elementary tenets of sound financial management were either beyond the Council's control, or simply not in place.

In the first week of the Intervention we had little sense that the Council fully understood its financial position. It was clear all of its reserves had been exhausted but it was not clear what the revenue position was. Having issued its first s114 notice in February 2018 three months before the Intervention, there was an absence of urgency and a plan to address the situation did not exist when we arrived. It was essential therefore that we uncovered the full extent of the problem before we could plot the recovery.

We instructed CIPFA to conduct an independent review to provide a reliable, impartial and forensic assessment. This revealed an in-year gap of £30m – as opposed to the £8m forecast by the Council and an unfunded deficit for the previous year of £34m, increasing to £41m once misuse of grants and ring-fenced reserves were taken into account. A total gap of over £64m.

The review gave us confidence that we then understood the magnitude and the scale of the recovery plan required. As a result, we supported the issuing of a second s114 notice to concentrate minds and provide transparency about the financial position.

The practical steps taken to balancing the books weren't complex but the application of basic housekeeping measures and good financial management that forms business as usual for most authorities. These included:

- Liquidation of arms-length services and return of assets to NCC
- Better management of demand and contract monitoring in Adult Social Care
- Greater grip on spending in Children's Services, including reviewing and realigning home to school transport
- Renegotiation of highways contracts
- Capitalisation of equipment
- Agency staff reductions and conversion to permanent
- International social worker recruitment
- More effective treasury management and other measures

We also made it clear that we expected directors to be accountable for their budgets.

Simultaneously we constructed a credible medium-term financial plan and successfully applied for a capital dispensation to address the Council's un-funded deficit.

It was this work which set the foundation of enabling the Council to subsequently deliver successive balanced budgets throughout the Intervention.

In addition to this we commissioned a thorough and independent review of the Council's finance function and systems which, we were grateful, was funded by the LGA; improvements had been made during the first year which enabled early identification of issues and consequently the ability to deal with them quickly, but evidence indicated there was a bigger piece of work to do, including developing a comprehensive training programme for budget managers. All of the recommendations from this review have been adopted.

We appointed two first-rate Finance Directors during the Intervention, one taking over from the other upon retirement. We also appointed a former Finance Director as independent advisor to the Finance Commissioner, doubling up on our challenge capacity. Working closely ensured an unyielding focus on improvement and reinforced financial discipline which delivered a balanced budget in every year of the Intervention.

This achievement should not be underestimated given the position at the start of the Intervention, as set out above. As a result, the two new unitary Councils will inherit a far stronger financial base than looked remotely possible three years ago.

Our concerns about delays with external audit reports have been well documented and we were disappointed when the Council's auditors decided not to publish a Public Interest Report.

We felt it entirely reasonable that taxpayers should be informed as to how the Council had got itself into this situation and the sector as a whole advised as to how such a failure could be avoided in the future.

Our frustrations with external audit have continued throughout the intervention. Delays with process mean the annual accounts for 2018/19 and 2019/20 may have to be signed off following the close down of the Council as well as the completion of the annual accounts for 2020/21. This is far from ideal.

Service failures

The Council had significant scars from years of mismanagement, the most publicly apparent of these being a series of service failures. By pursuing specious service delivery models some services had received significant investment without any credible improvement plan, others were starved of resources and in some cases almost ceased to exist.

The most pressing and obvious example of failure was within Children's Services. During our first year we raised significant concerns about this service and asked for support from the Department for Education in appointing Commissioners to intervene.

The subsequent Intervention, despite some changes in approach along the way, has led to improvement, for example in the sustained reduction in unallocated cases, a reduced reliance on agency workers, improved financial discipline and the

successful establishment of a Children's Trust to take over the running of the service on behalf of the Council.

It is essential to understand from the Northamptonshire example that the failure of Children's Services was in no way linked to a lack of funding. In fact, it was quite the reverse; the service had received significant investment every year since its assessment as inadequate by Ofsted in 2013. This investment was often at the expense of other services which had their funding diverted to support Children's Services without an effective plan in place to use this funding wisely. This led to an ever worsening, inefficient position within Children's Services while also leaving other services unable to properly fulfil core functions.

Of particular cause for concern were services such as Trading Standards, Heritage and Emergency Planning. Through the reintroduction of financial rigour across the Council these services and others have received reinvestment in the Council's final budget and will therefore be moving into the new unitary structures on a more capable footing.

There have also been some examples of best practice; one service that stands out is Adult Services. Of particular note has been the exceptionally difficult work to renegotiate an extremely poor value PFI contract that has been in place since 2004. The contract was for the provision of respite care services at specialist care centres. Millions of pounds of public money have been wasted because of the poor construction of the contract and the Council's inability to hold the contractor firmly enough to account. This renegotiation was protracted and involved the Council working closely with both the Department for Health and Social Care and HM Treasury to deliver better quality and value.

Furthermore, the service's revised operating model combined with a new reablement programme has enabled the re-routing of people from long-term hospital placements to more appropriate care, either in a residential setting or in their own homes. This service was recognised in the annual Municipal Journal awards with the Director of Adult Social Care receiving the 'DASS of the year' accolade. An unintended, but fortunate, consequence of the new model has been its particular helpfulness in assisting the county and partners manage the approach to the Covid emergency.

Challenge

A 'group-think' mentality had prevailed at the Council for many years, with senior officers and politicians inclined to pursue misguided courses of action while failing to accept the reality of the organisation's predicament. Dissenting voices were ignored, partners were brushed aside if they didn't adhere to the Council's view and offers of help from within the sector were rebuffed until it was too late. All the Council's troubles were placed at the door of the Government for failing to provide enough money – even though a number of neighbouring counties were continuing to do well with less.

This stance marginalised the Council's scrutiny function which should have provided effective checks and balances. Added to this, the Council's internal audit function had been outsourced.

The 'we know best' mentality was also reflected in the Council's dismal track record in dealing with customer complaints, with the Local Government Ombudsman directly approaching Max Caller to raise his concerns.

A critical part of the intervention has been the establishment of meaningful challenge, scrutiny and transparency to the business of the Council. We asked the Centre for Governance and Scrutiny to review how scrutiny functioned and propose an effective structure for the Council which we then adopted in full. This included the scrutiny committee being chaired by an opposition Councillor and focusing exclusively on financial matters, as this was the most significant burden the Council was addressing.

We have also seen some much needed improvement in the handling of complaints; although performance remains patchy in some areas.

We found it valuable throughout the Intervention to engage directly with the public in a series of surgeries across the county. Here we tested our approach and enabled residents to raise concerns or grievances and give their views on the Council's progress.

Culture

When we arrived in Northamptonshire we found a deeply ingrained weariness and a learned helplessness throughout the organisation. A cultural malaise had enveloped the Council where failure was expected and aspiration for improvement was weak.

Given that the Intervention was put in place to see out an end-of-life organisation there have naturally been inherent difficulties in addressing some aspects of the organisation's culture. We were clear that some of the approaches that we would have adopted for an organisation with a future made no sense for an organisation that was coming to an end. A Workforce Strategy, for example, which would address a new organisational structure, the recruitment and retention of staff within that structure, and a progressive pay and reward policy for those staff would have been pointless work in many, while not all, respects. The successor Councils would be bound to do these things anyway and doing them twice in succession – and differently – would have been an unreasonable confusion for the workforce.

Nonetheless, progress has been made without such an all-enveloping approach. The introduction of proper management practices has benefited staff and the new-found financial discipline has enabled an across the board pay increase for the first time since 2016. The lack of pay increase in the intervening years was because of the decision to opt out of the local government pay structure. This, together with the removal of mandatory unpaid leave and the reinstatement of benefits that had been curtailed, such as appropriate sick pay, has been positively welcomed by staff and unions.

The response of the Council's staff to the Covid emergency demonstrates a clear shift in the culture of the organisation; a committed, capable workforce with significantly less sickness than recent years and a willingness to be redeployed on responding to the pandemic has been demonstrated.

Working with partners, most noticeably districts, boroughs and health sector colleagues, has created a more integrated approach to social care that is working well and should continue to deliver benefits for residents once the sector returns to more business as usual operations. This collaborative partnership working would have been unthinkable three years ago, such was the breakdown in local relationships. It is impossible to ignore the connection that exists between 'doing the boring well' on a day-to-day basis and delivering an effective operational response in the testing circumstances of an emergency. One cannot exist without the other and together they are indicators of good corporate health in a complex organisation.

Summary

The Intervention in Northamptonshire has been a success. The Council is now financially secure, its services are competent and it is in a good place to hand over to the new unitary authorities. In particular, we are pleased to be ending the Intervention without having resorted to using our powers under Directions on any single occasion.

The claims of Northamptonshire being unfairly treated were fictional. The reality is that it had ceased to manage well the business of being a local authority, had avoided making difficult decisions at every turn and had run out of excuses.

We had conviction from the beginning that the Council must deal with the problems it had created for itself with its own resources. We are pleased to say it has. Its historic deficit was eliminated through the use of its own capital and its reserves have been replenished via the same route and through additional Council Tax contributions. Its operations however have been entirely met within the bounds of its normal income – indeed it has contributed over £40m surplus to its reserves during the same time, so effective has its efficiency programme been. The very fact that a sound performance has been achieved without the need to cut services but rather by 'doing the boring well', reducing inefficiencies and pursuing real transformation speaks volumes.

There are Councils within the sector who are showing signs of distress and the fault lines we have outlined here are likely to be present to some degree within those Councils. Appended to this document are some recommendations that we hope may help.

Lessons Learned from Northamptonshire County Council Intervention

Appendix: Recommendations

1. Recommendations to the sector

- 1.1** Choose your leadership team with rigorous care and for the right reasons. Do not compromise simply so that posts can be filled.
- 1.2** Recognise that for Members, leading a recovery may be particularly difficult, and many may be new to senior positions. Decisions will never be more tested than at times like this, and must be based on evidence with well-founded, unambiguous recommendations.
- 1.3** That 'challenge' in the widest sense, whether internal or external, should be regarded as an opportunity to consider and improve, not a threat to leadership. Do not close your ears to messages that you do not want to hear.
- 1.4** Plan and plan properly - A clear, transparent and overarching sense of direction is crucial in order to drive forward Council activity and set it up for success. It is central to sensible and rational decision making, other plans flow from it. It should be commensurate with your purpose as a public body. Monitor and measure against delivery.
- 1.5** Ensure an unrelenting focus on financial management & discipline and a culture of continual improvement. They are the foundations of every good organisation. Deliver on budget and ensure savings agreed at the start of the financial year are delivered.
- 1.6** Dedicate proportionate resources to monitoring delivery of programmes to transform/modernise.
- 1.7** Take action, without delay, to address shortfalls in savings targets and do not work under a misguided assumption that 'it will all be all right in the end'. NCC, during the 7 years prior to the intervention, achieved annual savings significantly below those identified as necessary during its budget setting process (never more than 49%). This suggests that budgeted savings were not systematically or robustly challenged during the budget setting process and no account was taken of historical delivery performance. Local authorities should have robust processes in place to challenge the veracity of savings proposals – a lot depends on them being delivered.
- 1.8** Consider carefully what is suitable for out-sourcing and what isn't suitable – don't be led by trend or fashion.
- 1.9** Ensure robust and equitable contracts are in place with partners for all shared service arrangements in order to avoid subsidy or disadvantage.
- 1.10** If financial circumstances deteriorate, the influence of the scrutiny committee should be boosted in respect of financial overview. For example, provide impartial and independent training and advice to Councillors through the Centre for Governance and Scrutiny, to enable the committee to scrutinise effectively key decisions on services, income and expenditure and learn how to question without aggression.
- 1.11** Where services are under-performing be clear about why before corrective action is taken.

1.12 Robust scrutiny arrangements reduces the potential for ill thought-through decisions and are an indication of strength and confidence in decision making. Conversely, weak and disempowered scrutiny easily admits the possibility of untested and over-optimistic decisions, and, ultimately, failure.

1.13 Energise your workforce by supporting what works and changing what doesn't.
Nothing demoralises staff more than bad management.

2. Recommendations to future Commissioners

2.1 As Commissioners ensure you are assigned as chief of staff a top quality civil servant who understands local government and how local authorities work. Advice and guidance on all aspects of the intervention, as well as navigating central government has helped a lot with our strategy, tactically and with relationship development, as well as solving a multitude of practical issues.

2.2 As a commissioner team ensure you meet as a group before the first day at the Council to agree operating practices/approach. We took a very early decision to work through the authority rather than use the powers provided by directions because we felt ownership by the authority was key to success. We presented this approach as our 'modus operandi' to the Council on day 1 and invited them to buy into it allowing it to be known that Members would not be absolved of decision making.

2.3 The authority should provide PA and other administrative support and logistics (IT, offices, hotel accommodation etc.) and ensure they are in place promptly. Commissioners should take care to ensure the efficacy of these from the outset. They are easier to remedy at an early stage if that proves necessary.

2.4 Very early on in the Intervention, the Council's HR should ensure the appropriate method of payment of Commissioners' fees is applied (HMRC IR35 test etc.). The key to this is the designation of the end client – HMRC regards the end client as the local authority, not the Secretary of State. However the Civil Service has a duty of responsibility to ensure the correct method is applied (<https://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2019-07-22/HCWS1774>). As office holders PAYE is likely to be the method of taxation.

2.5 Clearly the circumstances of interventions and the problems to be addressed differ. In our case it has been important that the lead commissioner has had the following skills and attributes:

- an experienced chief executive with a realistic view of Best Value and the various means by which it can be secured;
- experience of working in difficult political environments and a thorough respect for democratic accountability;
- an ability to communicate effectively and with presence, collaborate with and command the respect of all interested parties including the Secretary of State, members of the public, Members, partner organisations, local businesses, staff, service users and media;
- an ability to identify reasons for service failure and instigate the measures necessary to stabilise service delivery and implement improvement;
- proven ability to provide effective leadership in challenging circumstances;
- a decision-maker who can quickly adapt when proposed solutions don't work first time.

2.6 The skills and attributes of other Commissioners are the same as for the lead Commissioner except that relevant subject matter expertise replaces the need for experience as a chief executive.

2.7 In order to ensure transparency Commissioners should publish on the local authority's website:

- the Directions that set out their objectives together with periodic reports on progress to the Secretary of State;
- their contact details and the arrangements made to be accessible to Members, members of the public, partners and other interested parties;
- their fees and expenses.

2.8 Commissioners should make it clear to stakeholders how decisions will be made. In Northamptonshire, we worked on the basis that while we do have the powers through our Directions we would not utilise them if the Council itself made sound decisions. There was little recent history of doing so, making this self-evident requirement a challenging one for the authority. We emphasised that this approach would require the Council to make decisions that would be particularly difficult given the circumstances. Although it would do so with the benefit of our early input, advice and guidance in setting the parameters for those decisions, there could be no question of dodging difficult issues and leaving them for us to resolve. This act of faith would be of immense benefit in restoring confidence in local democracy, but would not survive its first failure. Despite the challenges, this approach endured and the Council is the better for it.

2.9 Commissioners should act quickly to create stability at the upper levels of leadership – we took full advantage of our powers to make appointments to statutory roles to achieve this within the first six weeks. Good fortune played a part in this as we managed to recruit a chief executive of the highest calibre when the odds were against us.

2.10 Commissioners should develop a continuous engagement plan early. This should include staff, partners (including other local councils - districts and boroughs in Northamptonshire) and residents. Commissioners should listen to what they are saying – in Northamptonshire we have heard the same messages of anger and frustration from many different sources.

2.11 Commissioners should develop key messages based on facts – it will likely vary from the messages previously used by the organisation. In Northamptonshire some Councillors (past and present) as well as officers refused to accept the facts of the situation, so strong fact-based messages are critical to counter myths.

2.12 Commissioners should confirm for themselves whether effective financial management exists. This may seem an obvious point to make but during our first year all of the following became apparent (some were clearer than others when we arrived). There was:

- an under-estimation of revenue budgets to a material level leading to overspending;
- an imbalance between income and expenditure;
- the use of one-off resources to fund ongoing revenue expenditure with no plans to replace them;
- an adverse opinion from the external auditor on the authority's ability to deliver best value;
- a lack of financial resilience when measured against CIPFA's financial resilience model;
- a poor outcome from benchmarking financial services against CIPFA's financial management model;
- a failure to close the accounts and publish the Statement of Accounts on time;

- a failure to respond in a timely fashion to matters raised by the auditor in the ISA260 report;
- a failure to disclose to the external auditor and / or to the Audit Committee weaknesses in the Council's financial systems, management or processes;
- a poor outcome from independent inspections including an LGA Peer Review, and an Ofsted inspection that although rated as requires improvement has since proved to be a misplaced judgement;
- a persistent failure to deliver savings targets in the short, medium and long term, and the lack of an appropriately skilled transformation team to support and monitor the progress of projects designed to deliver savings;
- a high level of reliance on the use of reserves to fund ongoing revenue expenditure;
- an inappropriate use of government grant funding;
- an over-reliance on short-term funding sources such as the flexible use of capital receipts;
- use of reserves for purposes for which they were not originally intended;
- a weak system for financial monitoring and reporting and for informing members of cabinet, scrutiny and Council which is less than timely, complete, clear and relevant to decision making;
- the likely issuing by the external auditor of a Report in the Public Interest; Later a decision was taken by auditors not to progress.
- the issuing by the external auditor of an advisory notice under the Local Audit and Accountability Act 2014;
- weak financial stewardship leading to routine financial processes (e.g. clearing suspense and control accounts and reconciliations) not operating effectively;
- opaque, confused and jargon riddled reporting, written for the benefit of finance 'experts' rather than for the benefit of understanding by Councillors, residents and Council Tax payers;
- weak governance associated with shared service arrangements and a lack of understanding of roles, remit and responsibilities.

2.13 It is fundamental that Commissioners work within the organisation as the representatives of the Secretary of State and are not perceived as being officers accountable to local politicians or substitute politicians. It is also important that, in being available to advise and assist officers of the Council, Commissioners do not do their jobs for them.

2.14 Challenge the evidence or the accepted wisdom that is provided. There will never be a greater opportunity to drive change for the better.

3. Recommendations to CIPFA

3.1 CIPFA should issue a guidance note to s151 officers and auditors setting out the circumstances which may give rise to the need for a s114 Notice to be issued and the steps that should be taken to respond.

4. Recommendations to Government

4.1 That MHCLG continues to maintain a systematic way of gathering and recording concerns about the performance of individual local authorities. From our perspective as Commissioners this could include:

- statutory recommendations including section 24 notices, advisory notices and public interest reports by the external auditor;

- an adverse opinion for Best Value made by the external auditor;
- judgements on critical services as inspected by Ofsted, CQC, or any other inspectorate as well as the opinion of the Local Government Ombudsman.
- Such concerns could be understood as 'red flags' and may form part of the evidence to support an earlier than normal intervention.
- Inability to manage finances adequately should be regarded primarily as a leadership concern as well a financial issue.

4.2 MHCLG should review the CIPFA resilience index to identify at risk authorities.

4.3 MHCLG should give powers to the external auditor to require local authorities to act upon their recommendations and there should be sanctions introduced if the authority fails to do so within a given timescale.

4.4 A stepped approach to providing support to local authorities is developed as a continuum e.g. an independent review (not commissioned by the authority) through to statutory intervention.

4.5 Greater effort could be made to ensure local authority reporting is written for the benefit of Members and residents rather than officers.

6.	Overview and Scrutiny Committee
	<p>Size and Membership: (Quorum: 4 Members of the Committee)</p>
	<p>To consist of 18 members and shall be politically balanced, none of whom may be a member of the Executive.</p> <p>The Overview and Scrutiny Committee will have the power to co-opt any person(s) it thinks appropriate (except for members of the Executive and officers of the Council) onto the committee, on whatever basis it thinks appropriate. Co-opted members may speak in debates but not vote.</p> <p>The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.</p>
	<p>Terms of Reference:</p> <p>The Overview and Scrutiny Committee shall discharge the following general functions</p>
1.	review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
2.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
3.	review or scrutinise decisions (other than individual regulatory decisions) made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
4.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Executive;
5.	make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area; and
6.	exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive
	<p>The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:</p>
7.	to recommend that the decision be reconsidered by the person who made it; or

8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.
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Specific Functions:

Policy Development and Review

The Overview & Scrutiny Committee may

9.	assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
10.	conduct research, community and other consultation in the analysis of policy issues and possible options;
11.	consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
12.	question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
13.	liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;

Scrutiny

The Overview & Scrutiny Committee may

14.	review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
15.	review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
16.	question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
17.	make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
18.	review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
19.	question and gather evidence from any person (with their consent).

Finance	
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it
Annual Report	
21.	The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
Officers	
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.
The Overview and Scrutiny Committee or a sub-committee of such a committee:	
(a)	may require members of the Executive, and officers of the authority, to attend before it to answer questions;
(b)	may require any other member of the Borough Council to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England); and
(c)	may invite other persons to attend meetings of the committee.
It is the duty of any member or officer mentioned in paragraphs (a) or (b) above to comply with any requirement mentioned in that paragraph. However, a person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.	
The Borough Council has designated the Chief Corporate Policy Officer as the Scrutiny Officer for the purposes of the Local Government Act 2000.	

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 SPECIAL EXPENSES CONSULTATION

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

1.1 Introduction

- 1.1.1 As reported to the Finance, Innovation & Property (FIP) Advisory Board in May, Members noted that a consultation exercise was to be launched to hear the public's views about the potential inclusion of (non-strategic) public conveniences and Christmas lighting in the Council's Special Expenses policy.
- 1.1.2 The public consultation opened on 22 June 2021 on the Council's website. In simple terms the questions posed were either **Agree or Disagree** to the following statements:
 - Public toilets should be paid for by the local communities where they are provided through council tax bills (**Statement 1**)
 - Public toilets should be paid for by all council taxpayers in the borough (**Statement 2**)
 - Christmas lights should be paid for by the local communities where they are provided through council tax bills (**Statement 3**)
 - Christmas lights should be paid for by all council tax payers in the borough (**Statement 4**)
- 1.1.3 A limited response was received from the public. The results of the consultation were presented to FIP Advisory Board on 15 September. In accordance with the Budget & Policy Framework, the results also need to be reported to this Committee in order that

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

1.2 Finance Innovation & Property Advisory Board

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

1.3 Public Conveniences

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

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

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

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

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

1.4 Christmas Lighting

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

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

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

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

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

1.5 Way Forward and Timetable

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

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

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

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

1.6 Legal Implications

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

1.7 Financial and Value for Money Considerations

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

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

1.8 Risk Assessment

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

1.9 Equality Impact Assessment

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

1.10 Policy Considerations

1.10.1 Community

1.10.2 Communications

1.11 Recommendations

- 1.11.1 Members are asked to **RECOMMEND** to Cabinet whether or not the Special Expenses Policy should be updated to include
 - 1) non-strategic public conveniences which are located in Tonbridge; and
 - 2) Christmas lighting

Background papers:

Nil

contact: Sharon Shelton
Jon Steel
Francis Gahan
Paul Worden

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance
& Transformation

Adrian Stanfield
Director of Central Services
& Monitoring Officer

For Management Team

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

19 May 2021

Report of the Management Team

Part 1- Public

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

1 SPECIAL EXPENSES CONSULTATION

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

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

1.1 Introduction

- 1.1.1 Some Members may recall that, during 2016, the Council launched an extensive 'Fairer Charging' consultation with residents, parish councils and other stakeholders regarding the introduction of a scheme of Special Expenses. The objective at that time was to deliver both financial savings and to achieve equity across the borough.
- 1.1.2 Following the consultation, Council agreed to adopt a Special Expenses policy **[Annex 1]** and this came into effect on 1 April 2017 fulfilling the objectives set. It has not been necessary to update the policy thus far.
- 1.1.3 Members are reminded that only functions that are fulfilled 'concurrently' by both district/borough council and a parish council can be considered for inclusion in Special Expenses. It is important to note that only local facilities/services are considered for inclusion; strategic functions/services being excluded.

1.2 Public Conveniences

- 1.2.1 At its meeting on 30 October 2019, the Street Scene and Environment Services Advisory Board recommended to Cabinet (minute SSE19/26) a pathway in respect regarding the provision of the Council's existing Public Conveniences.
- 1.2.2 The Advisory Board recommended that the transfer of the public conveniences to the relevant Parish/Town Council be progressed; and in relation to the (non-

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

- 1.2.3 The proposed consultation now fulfils this decision.

1.3 Christmas Lighting

- 1.3.1 Some Members may recall that the provision of Christmas lighting was included in the original consultation in 2016, but following feedback from residents, Council agreed that it should not be included within the Policy at that time. Instead, Cabinet recommended that a review be undertaken by the Overview and Scrutiny Committee into the future funding of Christmas Lighting.
- 1.3.2 The Overview and Scrutiny Committee has carried out a review, and in January 2017 at minute OS 17/5 recommended to Cabinet that “*alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council’s adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19*”. This was endorsed by Cabinet through a decision notice on 31 January 2017 (minute CB 17/10 refers).
- 1.3.3 Alternative funding options have not been found for the Tonbridge Christmas lights. Therefore, if Members still wish to progress as agreed in 2017, now is the opportunity to reconvene the public.

1.4 Consultation

- 1.4.1 Unless otherwise instructed by Members, the consultation with the public will include questions relating to both public conveniences and Christmas lighting.
- 1.4.2 It is important to note that at this stage no decisions are made about whether a function should be included in the Special Expenses Policy or not. Feedback from residents and stakeholders will assist Members in formulating recommendations about the way forward.
- 1.4.3 The Head of Communications will be leading on the consultation and plans to go out to residents during June/July for their feedback.
- 1.4.4 The timetable will be:

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

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

1.5 Legal Implications

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

1.6 Financial and Value for Money Considerations

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

1.7 Risk Assessment

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

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

- 1.9.1 Community

1.10 Recommendations

- 1.10.1 Members are asked to

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

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

Background papers:

contact: Sharon Shelton

Nil

Julie Beilby
Chief Executive

For Management Team

Sharon Shelton
Director of Finance & Transformation

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, INNOVATION and PROPERTY ADVISORY BOARD

15 September 2021

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet - Council Decision

1 SPECIAL EXPENSES CONSULTATION

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

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

1.1 Introduction

- 1.1.1 The Council's current Special Expenses policy came into effect on 1 April 2017 and is attached at **[Annex 1]** for background information.
- 1.1.2 At the meeting of this Advisory Board in May, Members noted that a consultation exercise was to be launched to hear the public's views about the potential inclusion of (non-strategic) public conveniences and Christmas lighting in the Council's Special Expenses policy.
- 1.1.3 In accordance with the Advisory Board's recommendations to Cabinet following the May meeting, and Cabinet's subsequent endorsement, the public consultation opened on 22 June 2021 on the Council's website.
- 1.1.4 The detail of the information that appeared on the website is set out at **[Annex 2]**.
- 1.1.5 In simple terms the questions posed were either **Agree or Disagree** to the following statements:
 - Public toilets should be paid for by the local communities where they are provided through council tax bills (**Statement 1**)
 - Public toilets should be paid for by all council taxpayers in the borough (**Statement 2**)
 - Christmas lights should be paid for by the local communities where they are provided through council tax bills (**Statement 3**)

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

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

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

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

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

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

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

1.2 Public Conveniences

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

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

	Agree	Disagree
Tonbridge	22%	78%
Other	41%	59%

Public toilets should be paid for by all council taxpayers in the borough

	Agree	Disagree
Tonbridge	85%	15%
Other	65%	35%

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

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

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

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

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

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

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

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

1.3 Christmas Lighting

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

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

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

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

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

Notes:

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

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

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

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

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

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

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

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

- 1.3.10 Members will note from some of the **free-form comments (Annex 4)** that residents generally feel that (in no particular order):
- Christmas lights should not be paid for by Council Tax (17 occurrences)
 - The effect on the bill is trivial (4 occurrences)
- 1.3.11 As mentioned at paragraph 1.1.15, **Members should also bear in mind that the number of responses is low.**
- 1.3.12 In terms of some of the parished areas, traders and residents do already make contributions towards the costs of Christmas lighting. The Overview & Scrutiny Committee has considered how this principle could be adopted in the non-parished area (Tonbridge) but no solution had been found to date. Whilst not part of this report, Members may decide they wish to revisit this again, perhaps with the Town Team, given some of the comments made.
- 1.3.13 One proposal made by West Malling Parish Council was that if the cost of Christmas lighting were to be included in Special Expenses, then the additional

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

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

1.4 Timetable

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

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

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

1.5 Legal Implications

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

1.6 Financial and Value for Money Considerations

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

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

1.7 Risk Assessment

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

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

- 1.9.1 Community
- 1.9.2 Communications

1.10 Recommendations

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

Background papers:

Nil

contact: Sharon Shelton
Jon Steel
Francis Gahan
Paul Worden

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance
& Transformation

Adrian Stanfield
Director of Central Services
& Monitoring Officer

For Management Team

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

1. Introduction

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

2. Objectives of the Scheme

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

3. Function to be included in Scheme

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

4. Calculation of Special Expenses

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

5. Implementation

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

February 2021

Appendix

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

LEGAL BACKGROUND

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

Section 35(1) defines these items as:

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

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

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

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

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

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

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

Website information

Fairer charging for public toilets in Tonbridge and Christmas lights

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

- Public toilets in Tonbridge
- Christmas lighting across the borough

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

This consultation closed at 5pm on 20 July 2021.

Background

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

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

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

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

Proposals for public toilets

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

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

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

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

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

Proposals for Christmas lights

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

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

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

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

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

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

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

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

The impact on council tax bills

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

Net change in band D council tax (£)

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

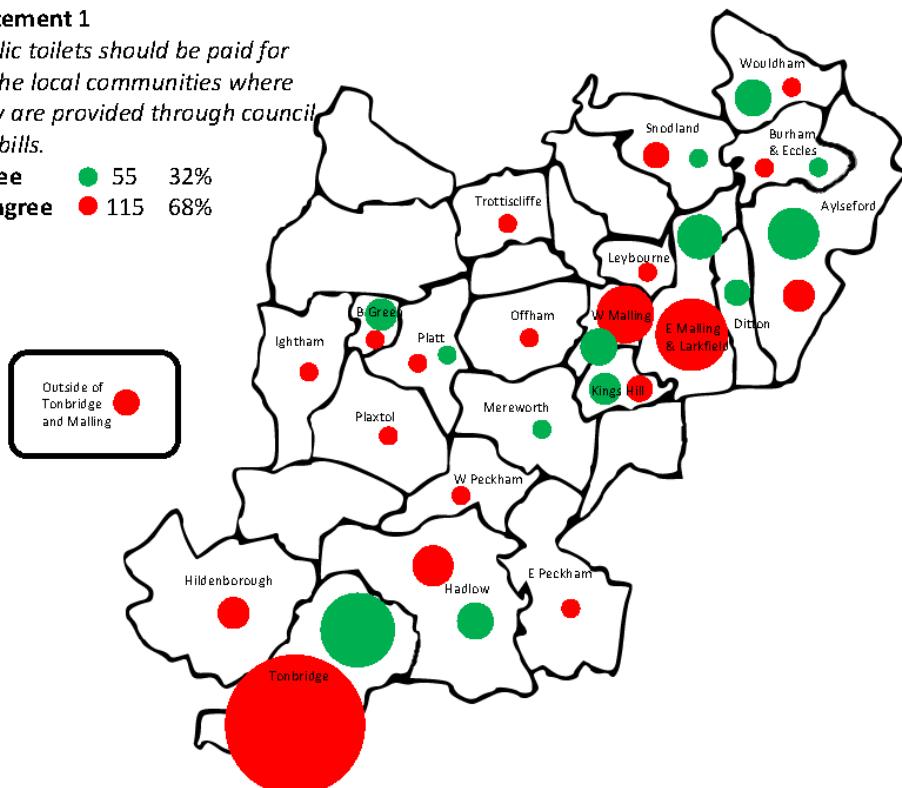
Response data

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%

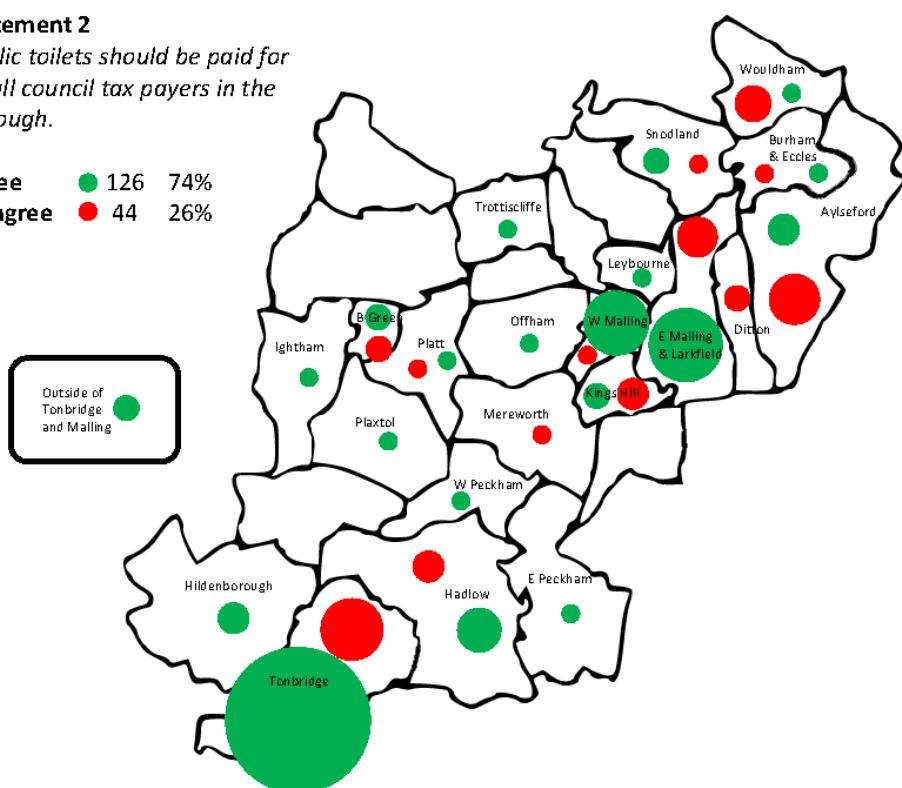


Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	1	1
Ditton	2	0
E Malling & Larkfield	6	16
E Peckham	0	1
Hadlow	4	5
Hildenborough	0	3
Igham	0	1
Kings Hill	3	2
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	1	1
Plaxtol	0	1
Snodland	1	2
Tonbridge	17	61
Trottiscliffe	0	1
West Malling	4	10
West Peckham	0	1
Woudham	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%



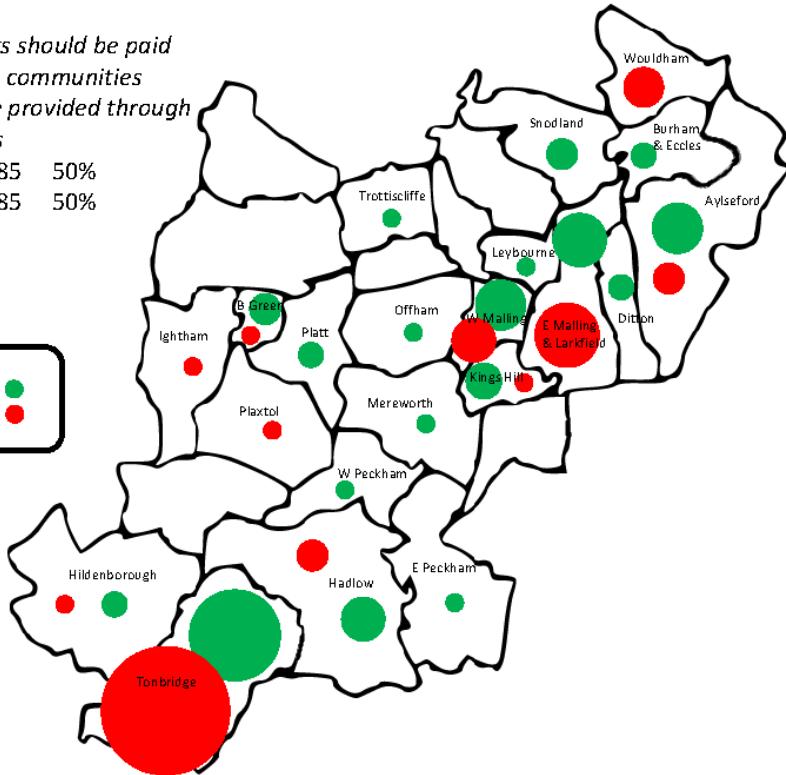
Area	Agree	Disagree
Aylesford	3	8
Borough Green	2	2
Burham & Eccles	1	1
Ditton	0	2
E Malling & Larkfield	17	5
E Peckham	1	0
Hadlow	6	3
Hildenborough	3	0
Igham	1	0
Kings Hill	2	3
Leybourne	1	0
Mereworth	0	1
Offham	1	0
Platt	1	1
Plaxtol	1	0
Snodland	2	1
Tonbridge	66	12
Trottiscliffe	1	0
West Malling	13	1
West Peckham	1	0
Woudham	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
● 85 50%



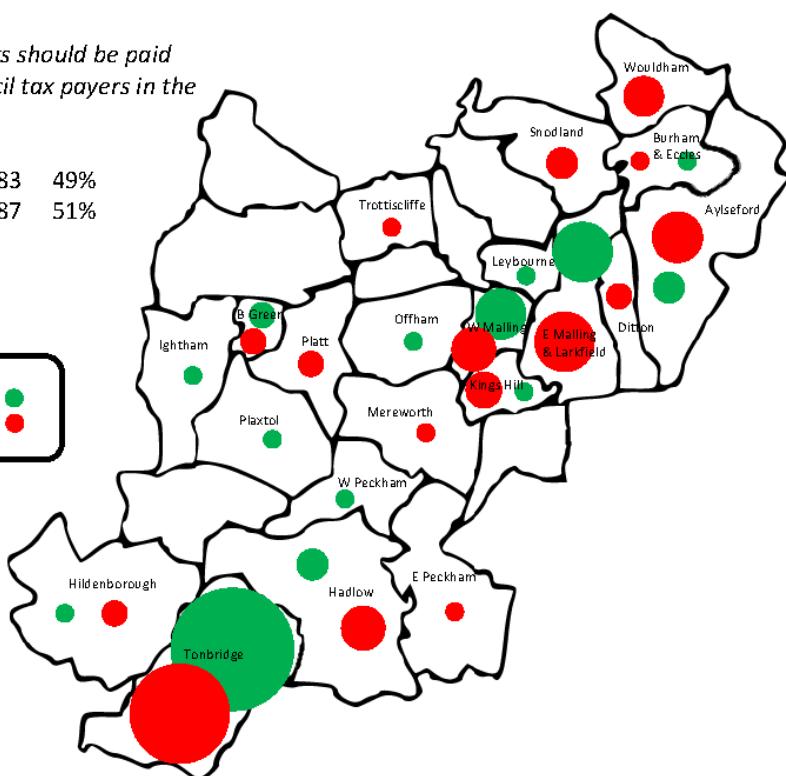
Area	Agree	Disagree
Aylesford	8	3
Borough Green	3	1
Burham & Eccles	2	0
Ditton	2	0
E Malling & Larkfield	9	13
E Peckham	1	0
Hadlow	6	3
Hildenborough	2	1
Ightham	0	1
Kings Hill	4	1
Leybourne	0	1
Mereworth	1	0
Offham	0	1
Platt	2	0
Plaxtol	0	1
Snodland	3	0
Tonbridge	26	52
Trottiscliffe	1	0
West Malling	8	6
West Peckham	1	0
Woudham	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
● 83 49%

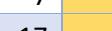


Area	Agree	Disagree
Aylesford	3	8
Borough Green	2	2
Burham & Eccles	1	1
Ditton	0	2
E Malling & Larkfield	11	11
E Peckham	0	1
Hadlow	3	6
Hildenborough	1	2
Ightham	1	0
Kings Hill	1	4
Leybourne	1	0
Mereworth	0	1
Offham	1	0
Platt	0	2
Plaxtol	1	0
Snodland	0	3
Tonbridge	47	31
Trottiscliffe	0	1
West Malling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

Special Expenses Consultation 22 Jun 2021

Summary of free form comment responses

Sentiments expressed in comments:

Code	Sentiment	No. of comments expressing similar sentiment	
a	Special expenses should not include public conveniences	41	
b	Special expenses should include public conveniences	13	
c	Special expenses should not include Christmas lights	27	
d	Special expenses should include Christmas lights	13	
e	Public conveniences should not be closed anywhere	31	
f	Public conveniences in Tonbridge should be improved	7	
g	Christmas lights should not be paid for by Council Tax	17	
h	The effect on the bill is trivial	4	
P a g e 8 →	Public amenities benefit visitors as well as residents	50	
g	Public conveniences should be pay to use	9	
z	Tonbridge should have a town council	4	
o	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 Ref	Statement Parish Or Town					Sentiments	
		1	2	3	4		
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)

		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.	
18	Tonbridge	D A D A	(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 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 without toilet facilities at some point. So I am happy to pay for this service.	(e)
68	Tunbridge Wells	D A D A	Christmas lights make everyone whatever their age feel good. 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)
Page 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, therefore 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)
P a d e 8 8	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)
	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 through 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)
102	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	<p>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!</p> <p>"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!</p>	(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 privilage 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)

					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.	
126	West Malling	A	A	A	These, too, should be paid for out of borough council tax payments.	(a)(c)(e)(i)
128	Tonbridge	D	A	D	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	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	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	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!!!! Arrrrrgggghhhhhh! Talk about season of cheer and goodwill t'ward all. My gosh! That you want to limit the charge to people that live there. Thank God the Borough Councils of Regents Street and Oxford Street in London don't feel the same selfish preserve that Christmas lights must be paid for by the residents alone! So, will you put hoarding around the lights with security codes issued to residents to enjoy this beautiful spectacle, ooooooo because non residents driving through and using the shops (BUT NOT HAVING A WEE BECAUSE THEY HAVEN'T PAID FOR IT!!!!!) cannot possibly enjoy this. Selfish, small minded, divisive. Don't come into work on Monday if this is an example of the best you can come-up with to save money. In case you didn't understand my views on these two topics, it's that toilets and Christmas lights (God who would have thought I'd be commenting on those topics in the same consultation?!!!!), must be universally paid for in the Borough. NOT by the Parish, NOT by residents; but by all residents. God give me strength. That you are consulting on this drivel proposal. You could be consulting on achieving a quality Refuse and Recycling contract; or whether we could have a quality transport system across the Borough. But, no. You're consulting on

134	East Malling & Larkfield	D	A	D	A	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!!!! Arrrrrgggghhhhhh! 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	(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 toilets 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	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.	(a)(g)
141	Tonbridge	D A A D	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.	(a)(i)
145	Tonbridge	D A D A	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.	(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.	(a)(c)(e)(i)
147	Ightham	D	A	D	A	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!
149	Kings Hill	A	D	A	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
150	East Malling & Larkfield	D	A	D	D	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.
154	Tonbridge	D	A	D	A	(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.	(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.	
165	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)
166	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)
167	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

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 FINAL REPORT: MARKETING AND PROMOTION

1.1 To bring forward a revised protocol for marketing and promotion across the Council

1.2 Background

1.2.1 In March 2021 a scoping report was brought to this Committee, which considered marketing and promotion, seeking opportunities for improvement or best practice. It was agreed that further investigation would be undertaken as follows:

- 1) An audit of marketing/promotional budgets across the Council to establish existing costs
- 2) Establish if paper forms of marketing/promotion need to continue, or if we can move away from paper entirely
- 3) An assessment of recent marketing/promotional items to ascertain the consistency of approach/branding
- 4) Consideration be given to a consolidated system, with central oversight of published material to ensure a consistent and professional approach

1.2.2 Officers were also asked to provide details of poster site locations and to consider a charging structure for the sites (which are currently provided free of charge). An administration fee would bring the Council in line with other districts who charge for this service. In addition, further investigation was to be undertaken to establish if the large roadside boards in Tonbridge, could be contracted out to operate as digital advertising boards.

The importance of providing a timely supply of information to remove and manage demand on services was noted. Most of the public information provided by the Council is primarily online, however some marketing is undertaken via brochures, leaflets, and poster sites. In addition, reports and corporate publications are usually published on the Council website.

1.3 Billboards/Poster sites

- 1.3.1 The Council has 6 large roadside AO Billboards at the following sites in Tonbridge:

Cannon Lane = TN9 1GG (double sided board)
 London Road = TN10 3DB
 Hadlow Road = TN10 4HD
 Pembury Road = TN11 0LZ
 York Parade = TN10 3EX

- 1.3.2 In addition to the Large Roadside boards the Council also has 12 smaller billboards at the following sites in Tonbridge, (these can accommodate 2 A2 posters):

Hadlow Road
 London Road
 York Parade
 Watergate
 Bradford Street
 Angel Centre Car Park x 2
 Botany
 St Stephens Church
 Station Walk
 Tonbridge Station
 Norwich Avenue

- 1.3.3 There is also one board within West Malling Car Park, the content of which is currently overseen by the Parish Council

1.4 Suggested Charging Structure for Billboards

- 1.4.1 The billboards are used by a variety of organisations. Bookings over the last couple of years (for the large boards) have included: OBS Gallery, Tonbridge Model Railway, Luna, band concerts, music festival, Castlemas, Christmas Festival and Tonbridge Music Club. The smaller boards have included bookings from: South East Open Studios, Bravo, Andy Brett Music Festival, Luna, Dragon Boat, Lions Fete, Rotary and Tonbridge Model Railway.

- 1.4.2 The billboards are currently free to use but require an annual maintenance cost of £300. A sub-contractor is used to put up the posters at an annual cost of £500. This approach ensures a quick and efficient service is provided. To cover these costs, whilst still ensuring the boards are available to local groups, the following outline charging structure has been proposed:

	Billboards – Duration 2 weeks	Charge
Commercial	A0 – (Large boards) – 3no. Max A2 – (Small Boards) – 6no. Max	£250 £150
Type of event	Billboards – Duration 2 weeks	Administration Fee
Charity or community	A0 – (Large boards) – 3no. Max A2 – (Small Boards) – 6no. Max	£20 £20

- 1.4.3 The suggested charges have been derived from a comparative cost of local newspaper advertising, bus stop advertising and radio advertising and are considered to offer good value for money.
- 1.4.4 Consideration has been given to the large roadside A0 boards in Tonbridge being contracted out to a company to operate digital advertising assets. However, on discussion with our current provider this is not a viable business case for them due to the expensive installation costs at the suggested locations and planning restrictions in rural areas. It was therefore not considered to be a viable option.

1.5 Audit of existing marketing budgets

The table below illustrates a summary of the spend coded to publicity and marketing over the last 3-year period:

Publicity and Marketing Budgets

		2018/19 Outturn £	2019/20 Outturn £	2020/21 Outturn £	2021/22 Estimate £
Tourism & Promotion of Facilities					
Haysden Country Park	Advertising	610	580	439	700
Youth Partnerships	Marketing	7,650	5,741	-	1,000
Tourism	Marketing	2,555	4,198	-	-
Events Development	Poster Sites	-	-	1,077	-
Events Development	Marketing	426	387	-	4,000
Tonbridge Castle - Council Chamber	Marketing	644	349	70	300
Tonbridge Castle - Gatehouse	Marketing	3,880	3,807	735	7,000
		15,764	15,062	2,321	13,000
Public Relations					
Media & Communications		9,480	10,982	2,512	7,000
Planning					
Development Management	Advertising	13,118	10,794	13,038	13,000
Refuse Collection & Recycling					
Refuse Collection	Information Leaflets	600	-	-	1,000
Refuse Collection	Publicity & Promotion	15,174	26,988	-	2,000
Dry Recycling	Publicity & Promotion	11,969	61,251	1,250	2,450
Food Recycling	Publicity & Promotion	-	3,850	-	2,500
Garden Waste Recycling	Publicity & Promotion	-	14,671	-	2,500
		27,743	106,760	1,250	10,450
Recruitment & Training					
Recruitment & Training	Advertising	37,638	12,610	9,905	6,500
Other					
Housing Strategy	Publicity & Promotion	335	40	-	100
Public Accountability	Advertising	-	208	208	250
Local Revenue & NNDR	Advertising	305	333	333	450
Parking (Off-street)	Advertising	-	1,027	-	1,000
Parking (On-street)	Advertising	(210)	568	280	1,000
Licences Fee Paying	Advertising	189	83	83	300
		619	2,260	904	3,100
Total		104,363	158,468	29,930	53,050

- 1.5.1 In respect of a pre/post covid comparison a reduction can be seen in relation to tourism and promotion of facilities. Consideration should be given to a continuation of this reduction to help achieve savings targets.
- 1.5.2 In respect of refuse and recycling, the spend on publicity in 2019/20 included additional marketing costs associated with the new refuse and recycling contract, so it is a lot higher than in previous years.

1.6 Paper forms of Marketing

- 1.6.1 In line with objectives in both the Digital Strategy and the Climate Change Strategy, we should aim to cease all but essential paper copies of materials sent

to residents. It is suggested that all promotional and marketing material is now adapted to be available on the Council website, with electronic versions of documents promoted via social media. This will need to be managed carefully to ensure documents published on the website, meet accessibility rules. Electronic versions of leaflets (such as bin hangers and bank holiday refuse changes) will continue to be made available on the website and emailed out to residents on request.

- 1.6.2 It is recognised that there may be some older or vulnerable residents that have not got access to the website or social media platforms. Hard copies of information will be sent out if this need arises, but this should be minimal.

1.7 Consistency of Approach and Branding

- 1.7.1 Attached as Annex 1 to this report are some examples of marketing and promotional material. Documents that have been produced internally along with those that have been undertaken by consultants, on our behalf, are included.
- 1.7.2 At present marketing materials are largely designed by individual services across the Council. This has resulted in a variety of styles, quality, and branding.
- 1.7.3 It is suggested that the Council seek to move to a more consistent approach. With Member approval, further work to explore the costs of working with design agents to develop a corporate style and brand for the Council, will be considered. This would tie in with the new website, with a standard format and “look” for all electronic leaflets, posters, and messaging. This could include set PowerPoint slides, signature strips, background settings for MS Teams, etc. All staff would then be able to use the same format for Policy/Strategy documents as well as promotional material. A uniform approach with a TMBC brand, will make it instantly clear to all where the document has come from.

1.8 Consolidation of Published Information

- 1.8.1 Linking in with the above need for greater consistency, it is suggested that we assess the resource implications of changing from individual services undertaking their own marketing and promotion, to the Media Team having oversight of all outbound publications in relation to marketing and promotion.
- 1.8.2 The Media Team are currently responsible for all content added to the website and all outgoing social media posts. Taking on an oversight role for marketing and promotion will build effective integration across the Council’s communication channels. It will enable greater opportunities for robust corporate messaging, promotion of “good news” items and a more professional on brand approach to engagement with residents. The staff time involved in this additional work will need to be considered by the Media Team, with a report brought to the relevant advisory board.

1.9 Legal Implications

1.9.1 None

1.10 Financial and Value for Money Considerations

1.10.1 Details of the existing marketing/promotional budgets are included in section 1.5.

1.10.2 The suggested charging structure for billboards and poster sites is set out in 1.4.

1.10.3 Initial quotes provided from two design agents, indicate that the cost for development of templates with a corporate style and brand, would be between £2,000 - £4,000.

1.11 Risk Assessment

1.11.1 N/A

1.12 Equality Impact Assessment

1.12.1 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.

1.13 Policy Considerations

1.13.1 Climate Change

1.13.2 Communications

1.13.3 Customer Contact

1.14 Recommendations

1.14.1 That Members **ENDORSE:**

- 1) The proposed charging structure for billboards as set out in section 1.4.
- 2) The move to promotional and marketing materials to be made available in digital formats only (in all but a limited number of exceptions).
- 3) The use of design agents to develop a corporate style and brand for the Council.
- 4) Further evaluation to be undertaken to better integrate the Council's communication channels, looking at the possibility of future marketing and promotion to go via the Head of Communications. Findings to be reported to the relevant Board.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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Marketing & Promotion – Samples:

[View this email in your browser](#)


**Tonbridge & Malling
Business Bulletin**

Covid-19 Discretionary Fund Now Open!

COVID-19: Business Support Hotline

03333 602300

 **KENT & MEDWAY
Growth Hub**
Your gateway to business growth

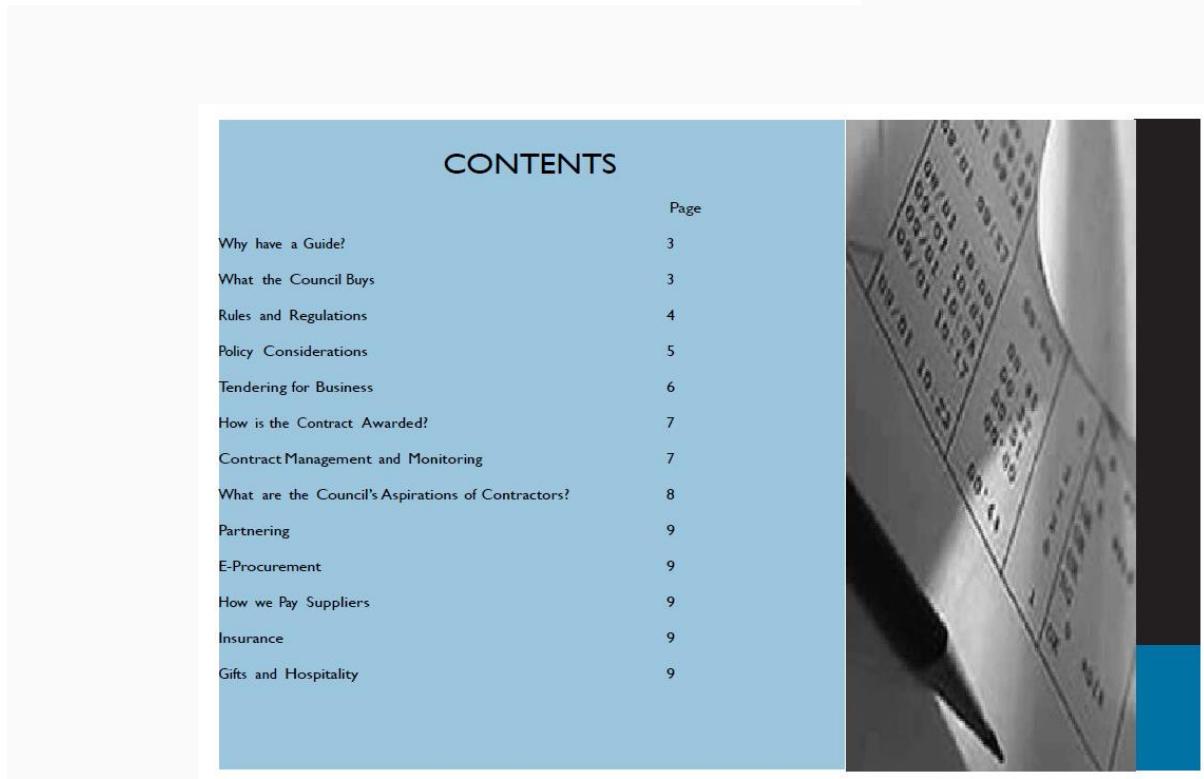
Phone lines open from 8:30 - 17:00 | Monday to Friday

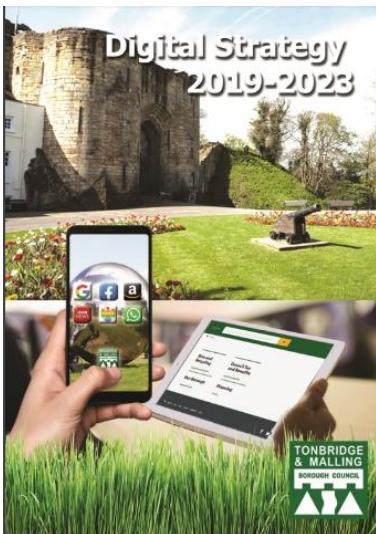
Following the release of further guidance from Central Government, we have now launched our Covid-19 Discretionary Fund.

In line with Government guidance, our Policy sets out clear criteria for determining eligibility:

- Businesses with ongoing fixed building-related costs
- Businesses which can demonstrate that they have suffered a significant fall in income due to the Covid-19 crisis
- Small Businesses as defined by the Company Act 2006
- Businesses that were trading on 11th March 2020.
- Businesses which occupy property, or part of a property, with a rateable value or annual rent or annual mortgage payments below £51,000

However, in exceptional circumstances, the Borough Council will consider applications from businesses where the rateable value is £51,000 or above.





Foreword

New technologies are developing all around us and the way we interact with each other is constantly changing. Tonbridge & Malling Borough Council recognises the importance of this changing landscape, and the publication of this Digital Strategy launches our statement of intent to becoming a digital borough.

We want to ensure that our residents and businesses are able to take advantage of the digital opportunities that are available, accessing services and transacting with us seamlessly.

We want our councillors and staff to be able to work efficiently and effectively embracing the new technological advances, ensuring at all times that our communities are served in the best way we can.

We want to make "digital" Tonbridge and Malling a smarter place to live and work, and I am delighted to launch this Digital Strategy.

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



For young people aged 8-18 years

Y2 Crew is for residents of Tonbridge and Malling and run as a partnership between Tonbridge and Malling Early Help & Preventative Services and Tonbridge & Malling Borough Council, with funding from Parish Councils, Tonbridge Lions Club and the Police.

This year due to Covid-19 and social distancing measures we are unable to offer our usual trips and activities. Instead we have put together a fun online programme, free of charge.

The scheme provides a wide range of activities with something to suit all ages and abilities so why not experience a summer with a difference!



HOLIDAY ACTIVITIES SUMMER 2019

Including Summer Playscheme See page 8 for details

Discounts for Leisure Pass holders!

Exciting activities including:
brushcoring • pottery • cookery • fishing
bushcraft • archery • den building • drama
kayaking • plus many more...
www.tmbc.gov.uk/holidayactivities

TONBRIDGE & MALLING BOROUGH COUNCIL
www.tmbc.gov.uk

PLEASE RECYCLE THIS PAPER TAG IN YOUR GREEN BOX

2019 Christmas & New Year Collection Dates

Collection due:	New date:
Wed 25 Dec	Fri 27 Dec
Thurs 26 Dec	Sat 28 Dec
Fri 27 Dec	Mon 30 Dec
Mon 30 Dec	Tues 31 Dec
Tues 31 Dec	Thurs 2 Jan
Wed 1 Jan	Fri 3 Jan
Thurs 2 Jan	Sat 4 Jan
Fri 3 Jan	Sun 5 Jan

You can check your collection dates on our website, along with details of the **Saturday Bulky Freighters** schedule over the festive period: www.recycleforall.tmbc.gov.uk/home

CHRISTMAS TREE COMPOSTING
If you have signed up to the new garden waste collection, remove decorations and put it in, or next to, your brown bin (up to 6ft height).

Real Christmas trees can also be recycled at KCC Household Recycling site: www.kent.gov.uk/waste

You can recycle so much more from home this Christmas! Please see overleaf for more information

Tonbridge & Malling Borough Council

Climate Change Strategy 2020 - 2030

TONBRIDGE & MALLING BOROUGH COUNCIL
www.tmbc.gov.uk

Foreword

It is recognised by Government and scientists internationally, that climate change is the most important environmental challenge that we face. As a local authority Tonbridge & Malling Borough Council has an important leadership role to play in responding to the challenges posed by climate change, particularly relating to the delivery of our key services, but also more widely through working with partners and other agencies to influence mitigation and positive change. We believe our role is to lead and act as an advocate to all sectors of our communities, in promoting sustainable processes to deliver a reduction in carbon emissions across the Borough.

A motion adopted by full Council in July 2019 sets out the "aspiration for Tonbridge and Malling to be carbon neutral by 2030" and for a strategy to be developed to support this ambition.

This strategy sets out our commitment to local action on climate change, our commitment to biodiversity protection and enhancement and our approach to partnership working.

The strategy takes us to 2030, however meeting the challenges and delivering on the aspirations within the strategy will be driven forward through a different climate change action plan which will be developed annually and progress will be reported and published on our website each year. The targets within the action plan will help us move towards a low carbon future, improve our resilience to the effects of a changing climate as well as capturing the opportunities and benefits of transitioning to a low carbon future.

Climate change will directly impact how we, as a Council plan our activities in order to meet the needs of all residents in the Borough today and in the future. We recognise that climate change is a collective issue and that we all need to make changes to our lifestyles to reduce our impact on the environment. We believe statutory bodies, local government, business, voluntary groups and individuals, to raise awareness and help to influence change. The Council has a key role in supporting and promoting local actions, we recognise that we don't solely have all the required powers and resources to do this. Only by working in partnership can we help to influence the effects of climate change now and for generations to come.

Cllr Nicolas Heslop
Leader of Tonbridge & Malling Borough Council



Air Quality Action Plan

Tonbridge and Malling Borough Council

June 2021



Move Forward with Confidence

Roadside Nature Reserve Trial

Why is this area not being cut as often as other areas?

This area has been selected as a trial. We are cutting the area less frequently to see what plants grow here.

Will this area be cut at all this year?

The main verge will be cut in March and October. The edges against the path and road will be cut 15 times between these times.

What's a Roadside Nature Reserve?

Roadside Nature Reserves can link existing wildlife areas, increase biodiversity and be a key area for pollinators.

Why hasn't this been done in other areas?

We need to understand the cost of this change in terms of maintenance, what grows here and the positive and negative benefits it may have to the area. Once this assessment has taken place, we can determine whether it is practical to replicate this in other areas.

We would be most grateful if you could avoid walking across this area.



TONBRIDGE CASTLE
SUMMER
BAND
CONCERTS
LIVE OPEN
AIR MUSIC
3PM - 5PM FREE ADMISSION!

PERFORMANCE DATES

- 14 July - Jon Hamilton Big Band
- 28 July - Second Wind Concert Band
- 11 August - Invicta Jazz Orchestra
- 18 August - Sevenoaks and Tonbridge Concert Band
- 25 August - East Grinstead Concert Band
- 15 September - Cranbrook Town Band leading a massed bands concert in aid of Macmillan Cancer Charity

For more details please visit:
www.tmbc.gov.uk or contact
Tonbridge Castle on 01732 770929

TONBRIDGE & MALLING
BOROUGH COUNCIL
www.tmbc.gov.uk

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Leader of the Council and the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

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

1.1 Background

- 1.1.1 Tonbridge Forum and Parish Partnership Panel (PPP) have been operating for several years, to enhance engagement between the Borough Council and Tonbridge based community representatives, and between the Borough Council and Parish Councils across Tonbridge and Malling.
- 1.1.2 The Terms of Reference for each group are defined in the Council's constitution, as follows:

Tonbridge Forum:

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

Parish Partnership Panel:

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

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

1.2 Tonbridge Forum

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

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

- The Chairmanship of the meeting to be changed to a chairman from the majority group of TMBC and two vice chairmen, one from an opposition party and one from community group membership. The Chairman should not be a member of the Executive/Cabinet. The two vice chairman to be selected by the relevant groups.
 - Membership from TMBC to consist of all Borough Councillors representing wards in Tonbridge.
 - Membership from the community to include recognised, constituted groups, not affiliated with a political party. All existing and new members to complete an application form to ensure a balance of organisations that are representative of the town and to avoid multiple representatives from the same/ similar institutions.
 - An AOB item included at each meeting to provide an opportunity for members to share forthcoming key events for the town.
- 1.2.5 The above suggested proposals will ensure that the focus is to provide voluntary and community groups an opportunity to work collaboratively for the benefit of the town.
- 1.2.6 A 'call for members' will be issued if this composition is accepted for community groups to apply for membership of Tonbridge Forum.

1.3 Parish Partnership Panel

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

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

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

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

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

1.4 Legal Implications

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

1.5 Financial and Value for Money Considerations

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

1.6 Risk Assessment

- 1.6.1 N/A

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

- 1.8.1 Communications

- 1.8.2 Community

- 1.8.3 Customer Contact

1.9 Recommendations

- 1.9.1 That Members **ENDORSE** the proposed changes to Tonbridge Forum as set out in section 1.2.4

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

Background papers:

contact: Gill Fox

Nil

Cllr Matt Boughton
Leader of the Council

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Chief Executive

Part 1- Public

Delegated

1 SCOPING REPORT: EQUALITY AND DIVERSITY POLICY

A scoping report looking at the existing Policy and to identify opportunities for improvement or best practice

1.1 Background

- 1.1.1 The Council has had an Equality Policy Statement in place for a number of years, which aims to ensure that everyone has the opportunity to reach their potential and that Council services meet the needs of all residents. The commitments in the document apply to Councillors and staff and set standards for others who deliver services on the Council's behalf.
- 1.1.2 Objectives within the existing policy include the Council's role as a community leader to listen and respond to the views of communities, the role as a service provider to monitor and evaluate services to identify whether they are meeting people's needs as well as the role as an employer to provide a safe and accessible workplace where staff treat each other with dignity and respect.
- 1.1.3 It is now necessary to review and update the existing policy and consider if there are further opportunities to improve the policy, identifying best practice that could be adopted by the Council.

1.2 Scope of the Review

- 1.2.1 To enhance the existing policy and practices at the Council, it is suggested that the following be considered:
 - Seek opportunities for proactive engagement and action, beyond the minimum legal requirements
 - Consider best practice in other authorities and in other public organisations
 - A clear plan for training for officers and members
 - Examine existing recruitment processes to ensure equality and diversity issues are considered, determine if the Council can join current schemes such as the "Disability Confident Scheme".

- Identified goals and targets within the policy to be reviewed annually by the appropriate Board.

1.3 Legal Implications

1.3.1 Equality Act 2010, includes the following protected characteristics:

- Disability
- Age
- Sex (gender)
- Race
- Religion or belief
- Sexual orientation
- Pregnancy or maternity
- Marital or civil partnership status
- Gender reassignment

1.3.2 Public Sector Equality Duty 2011

1.4 Financial and Value for Money Considerations

1.4.1 There is a budget of £3,000 for temporary staff provision, retained for external support as and when required.

1.5 Risk Assessment

1.5.1 If a public authority doesn't comply with the general equality duty, its actions or failure to act can be challenged through an application to the High Court for judicial review. An application could be made by a person or group of people with an interest in the matter, or by the Equality and Human Rights Commission.

1.6 Equality Impact Assessment

1.6.1 A revised Policy will aim to better support those with identified protected characteristics, to ensure equality for all.

1.7 Policy Considerations

1.7.1 Equalities/Diversity

1.7.2 Community

1.7.3 Customer Contact

1.7.4 Human Resources

1.8 Recommendations

- 1.8.1 That Members **ENDORSE** the approach identified in section 1.2 to review and update the existing Equality Policy Statement.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

07 October 2021

Report of the Monitoring Officer

Part 1- Public

Matters for Information

1 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN – ANNUAL REVIEW LETTER

To set out the annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2020 to 31 March 2021.

1.1 The Annual Letter

- 1.1.1 Each year, the Ombudsman provides the Borough Council with a report of the formal complaints he has dealt with and the outcomes of those complaints. This report covers the period for 1 April 2020 to 31 March 2021.
- 1.1.2 The Ombudsman has dealt with 9 formal complaints received over that period. The following outcomes were as follows:

Complaints upheld – 1

Not upheld - 1

Complaints referred back for local resolution –1

Complaints closed after initial enquiries - 4

Complaints incomplete/invalid – 1

Advice given - 1

- 1.1.3 A copy of the Ombudsman's letter is attached at **Annex 1**. Further details on the complaint upheld by the Ombudsman are attached at **Annex 2**.

1.2 Legal Implications

- 1.2.1 As set out above

1.3 Financial and Value for Money Considerations

- 1.3.1 None

1.4 Risk Assessment

1.4.1 N/A

1.5 Policy Considerations

1.5.1 N/A

Background papers:

contact: Adrian Stanfield

Nil

Adrian Stanfield
Monitoring Officer

Local Government & Social Care **OMBUDSMAN**

21 July 2021

By email

Ms Beilby
Chief Executive
Tonbridge and Malling Borough Council

Dear Ms Beilby

Annual Review letter 2021

I write to you with our annual summary of statistics on the decisions made by the Local Government and Social Care Ombudsman about your authority for the year ending 31 March 2021. At the end of a challenging year, we maintain that good public administration is more important than ever and I hope this feedback provides you with both the opportunity to reflect on your Council's performance and plan for the future.

You will be aware that, at the end of March 2020 we took the unprecedented step of temporarily stopping our casework, in the wider public interest, to allow authorities to concentrate efforts on vital frontline services during the first wave of the Covid-19 outbreak. We restarted casework in late June 2020, after a three month pause.

We listened to your feedback and decided it was unnecessary to pause our casework again during further waves of the pandemic. Instead, we have encouraged authorities to talk to us on an individual basis about difficulties responding to any stage of an investigation, including implementing our recommendations. We continue this approach and urge you to maintain clear communication with us.

Complaint statistics

This year, we continue to focus on the outcomes of complaints and what can be learned from them. We want to provide you with the most insightful information we can and have focused statistics on three key areas:

Complaints upheld - We uphold complaints when we find some form of fault in an authority's actions, including where the authority accepted fault before we investigated.

Compliance with recommendations - We recommend ways for authorities to put things right when faults have caused injustice and monitor their compliance with our recommendations. Failure to comply is rare and a compliance rate below 100% is a cause for concern.

Satisfactory remedy provided by the authority - In these cases, the authority upheld the complaint and we agreed with how it offered to put things right. We encourage the early resolution of complaints and credit authorities that accept fault and find appropriate ways to put things right.

Finally, we compare the three key annual statistics for your authority with similar types of authorities to work out an average level of performance. We do this for County Councils, District Councils, Metropolitan Boroughs, Unitary Councils, and London Boroughs.

Your annual data will be uploaded to our interactive map, [Your council's performance](#), along with a copy of this letter on 28 July 2021. This useful tool places all our data and information about councils in one place. You can find the decisions we have made about your Council, public reports we have issued, and the service improvements your Council has agreed to make as a result of our investigations, as well as previous annual review letters.

I would encourage you to share the resource with colleagues and elected members; the information can provide valuable insights into service areas, early warning signs of problems and is a key source of information for governance, audit, risk and scrutiny functions.

As you would expect, data has been impacted by the pause to casework in the first quarter of the year. This should be considered when making comparisons with previous year's data.

Supporting complaint and service improvement

I am increasingly concerned about the evidence I see of the erosion of effective complaint functions in local authorities. While no doubt the result of considerable and prolonged budget and demand pressures, the Covid-19 pandemic appears to have amplified the problems and my concerns. With much greater frequency, we find poor local complaint handling practices when investigating substantive service issues and see evidence of reductions in the overall capacity, status and visibility of local redress systems.

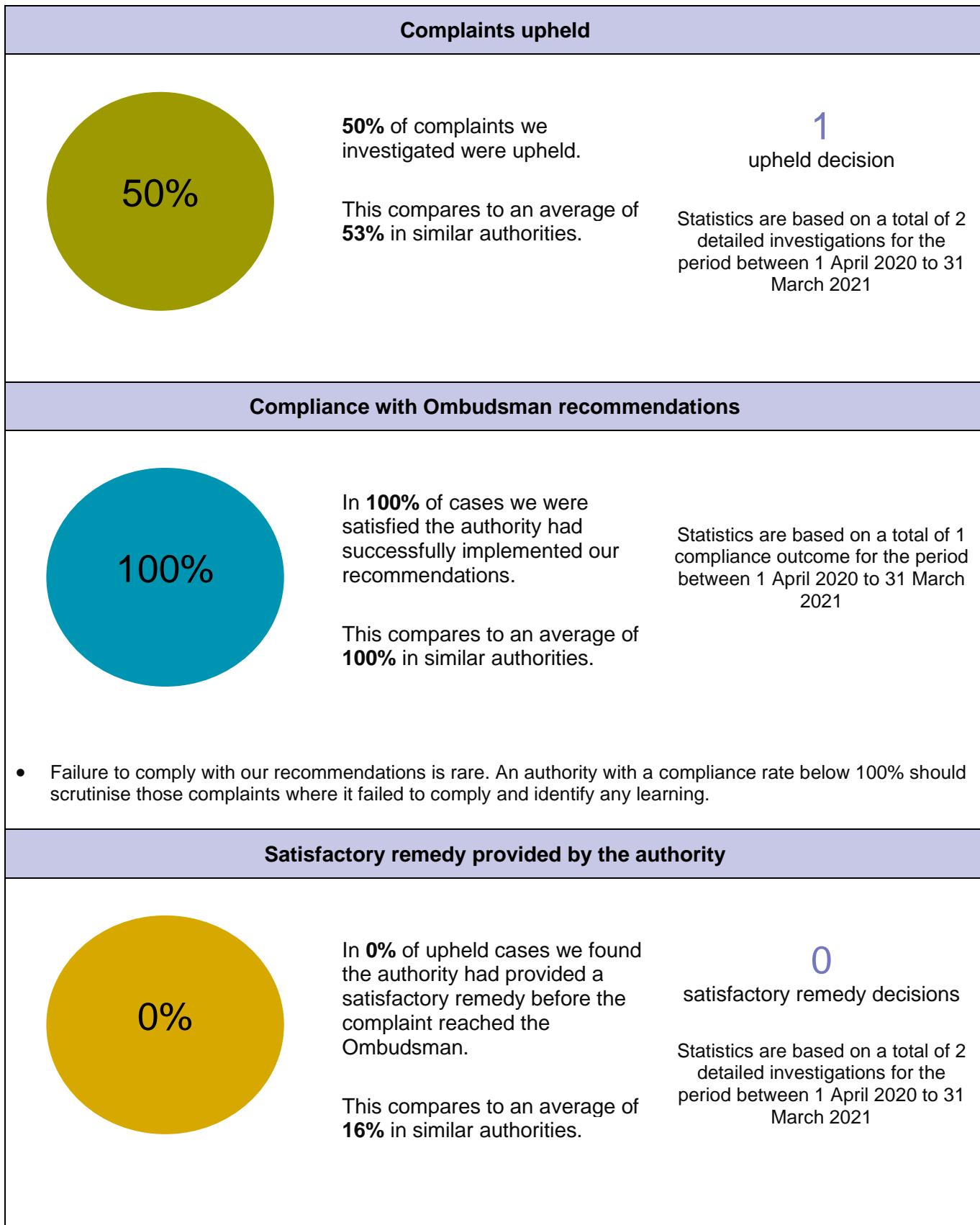
With this context in mind, we are developing a new programme of work that will utilise complaints to drive improvements in both local complaint systems and services. We want to use the rich evidence of our casework to better identify authorities that need support to improve their complaint handling and target specific support to them. We are at the start of this ambitious work and there will be opportunities for local authorities to shape it over the coming months and years.

An already established tool we have for supporting improvements in local complaint handling is our successful training programme. During the year, we successfully adapted our face-to-face courses for online delivery. We provided 79 online workshops during the year, reaching more than 1,100 people. To find out more visit www.lgo.org.uk/training.

Yours sincerely,



Michael King
Local Government and Social Care Ombudsman
Chair, Commission for Local Administration in England



NOTE: To allow authorities to respond to the Covid-19 pandemic, we did not accept new complaints and stopped investigating existing cases between March and June 2020. This reduced the number of complaints we received and decided in the 20-21 year. Please consider this when comparing data from previous years.

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Reference	Authority	Category	Received
20002849	Tonbridge and Malling Borough Council	Benefits & Tax	10 Sep 2020
20003632	Tonbridge and Malling Borough Council	Other	18 Aug 2020
20003747	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	21 Aug 2020
20004337	Tonbridge and Malling Borough Council	Benefits & Tax	09 Sep 2020
20008833	Tonbridge and Malling Borough Council	Planning & Development	03 Dec 2020
20009082	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	08 Dec 2020
20010273	Tonbridge and Malling Borough Council	Other	07 Jan 2021
20014395	Tonbridge and Malling Borough Council	Environmental Services & Public Protection & Regulation	30 Mar 2021
20010852	Tonbridge and Malling Borough Council	Planning & Development	19 Jan 2021
20012528	Tonbridge and Malling Borough Council	Planning & Development	22 Feb 2021

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Reference	Authority	Category	Decided	Decision	Decision Reason	Remedy	Service improvement recommendations
19014078	TMBC	Planning &	24 Sep 2020	Not Upheld	no mal		
20002849	TMBC	Benefits & Tax	22 Sep 2020	Closed after initial enquiries	Sch 5.1 court proceedings		
20003632	TMBC	Other	21 Sep 2020	Advice given	Body not in jurisdiction		
20003747	TMBC	Environmental Services & Public Protection &	30 Oct 2020	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
20004337	TMBC	Benefits & Tax	19 Feb 2021	Upheld	mal & inj	Apology, Financial redress: Avoidable distress/time and	
20008833	TMBC	Planning & Development	28 Jan 2021	Closed after initial enquiries	Sch 5.1 court proceedings		
20009082	TMBC	Environmental Services & Public Protection &	20 Jan 2021	Closed after initial enquiries	No worthwhile outcome achievable by investigation		
20010273	TMBC	Other	07 Jan 2021	Referred back for local resolution	Premature Decision - advice given		
20014395	TMBC	Environmental Services & Public Protection &	30 Mar 2021	Incomplete/Invalid	Insufficient information to proceed and PA		

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Reference	Authority	Category	Decided	Remedy	Remedy Target Date	Remedy Achieved Date	Satisfaction with Compliance
20004337	Tonbridge and Malling Borough Council	Benefits & Tax	19-Feb-21	Apology Financial redress: Avoidable distress/time and trouble	19-Mar-21	05-Mar-21	Remedy complete and satisfied

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Agenda Item 11

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 12

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 13

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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