

### Public Document Pack TONBRIDGE & MALLING BOROUGH COUNCIL

#### EXECUTIVE SERVICES

Chief Executive Julie Beilby BSc (Hons) MBA Gibson Building Gibson Drive Kings Hill, West Malling Kent ME19 4LZ West Malling (01732) 844522

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

17 January 2022

To: <u>MEMBERS OF THE CABINET</u> (Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 25th January, 2022 commencing at 7.30 pm.

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

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

Yours faithfully

JULIE BEILBY

Chief Executive

### AGENDA

1. Guidance for the Conduct of Meetings

#### PART 1 - PUBLIC

2.	Apologies for absence	9 - 10

3.Declarations of interest11 - 12

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

4. Minutes 13 - 20

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 12 October 2021

5. Matters Referred from Advisory Boards 21 - 42

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

(NB. Items related to the budget will be referred to the Cabinet meeting of 10 February 2022.)

6. Matters Referred from Advisory Panels and Other Groups 43 - 52

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

#### Executive Key Decisions

7. Local Plan Update

Items PE 21/22 and PE 21/29 referred from Planning and Transportation Advisory Board of 10 November 2021

53 - 78

The report providing details of financial and value for money implications was considered in private so that the financial or business affairs of any particular person were not disclosed and therefore has not been attached.

#### Executive Non-Key Decisions

8. Leybourne Lakes Country Park - Cafe Petition 79 - 90

The Borough Council has received a petition from the existing catering concessionaire in respect of the future provision of catering services at Leybourne Lakes Country Park.

A copy of the paper petition is available as a background paper but has not been included to avoid disclosing personal information of signatories.

9. Northamptonshire County Council - Interventions Report 91 - 122

Item OS 21/29 referred from the Overview and Scrutiny Committee of 2 December 2021

10. Review of Councils Public Health Function 123 - 152

A report relating to a Review of the Council's Public Health Function was considered by the Overview and Scrutiny Committee on 18 January 2022.

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

#### Matters submitted for Information

11. Pembury Road Temporary Accommodation Update 153 - 158

A report updating Members on the status of the project and advising of alternative options that are presently being progressed.

12. Decisions Taken Under Emergency Provisions 159 - 162

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

D210006EM – Household Support Fund D220001EM – Omicron Hospitality and Leisure Support Grant

13. Urgent Items

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

14. Exclusion of Press and Public

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.

163 - 164

165 - 166

#### PART 2 - PRIVATE

#### **Executive Key Decisions**

15. Contract Arrangements covering the Council's Banking, 167 - 176 Merchant Acquirer, Insurance and Cash Collection Service Contracts

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

This matter was considered by the Finance, Innovation and Property Advisory Board on 12 January 2022. Due to the timescales and print deadlines for Cabinet, any recommendations arising from the Advisory Board will be circulated to Members in advance of the meeting. Alternatively, a verbal update will be provided at the meeting.

16. Urgent Items

177 - 178

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

#### MEMBERSHIP

Councillor M D Boughton, (Leader) Councillor R P Betts, (Environment and Climate Change) Councillor V M C Branson, (Economic Regeneration) Councillor M A Coffin, (Finance, Innovation and Property) Councillor D Keers, Community Services Councillor P J Montague, (Technical and Waste Services) Councillor K B Tanner, (Housing)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote. This page is intentionally left blank

## Agenda Item 1

#### GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

 All meetings of the Borough Council will be livestreamed to YouTube here, unless there is exempt or confidential business be discussed:

https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on <u>committee.services@tmbc.gov.uk</u> in the first instance.

#### Attendance:

- Members of the Committee/Advisory Board are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chairman, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee/Advisory Board are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.
- Members of the public addressing an Area Planning Committee can participate in person or online. Please contact <u>committee.services@tmbc.gov.uk</u> for further information.

Before formal proceedings start there will be a sound check of Members/Officers in the room. This is done as a roll call and confirms attendance of voting Members.

#### Ground Rules:

The meeting will operate under the following ground rules:

- Members in the Chamber should indicate to speak in the usual way and use the fixed microphones in front of them. These need to be switched on when speaking or comments will not be heard by those participating online. Please switch off microphones when not speaking.
- If there any technical issues the meeting will be adjourned to try and rectify them.
  If this is not possible there are a number of options that can be taken to enable the meeting to continue. These will be explained if it becomes necessary.

For those Members participating online:

- please request to speak using the 'chat or hand raised function';
- please turn off cameras and microphones when not speaking;
- please do not use the 'chat function' for other matters as comments can be seen by all;
- Members may wish to blur the background on their camera using the facility on Microsoft teams.
- Please avoid distractions and general chat if not addressing the meeting
- Please remember to turn off or silence mobile phones

#### Voting:

Voting may be undertaken by way of a roll call and each Member should verbally respond For, Against, Abstain. The vote will be noted and announced by the Democratic Services Officer.

Alternatively, votes may be taken by general affirmation if it seems that there is agreement amongst Members. The Chairman will announce the outcome of the vote for those participating and viewing online.

# Agenda Item 2

Apologies for absence

This page is intentionally left blank

# Agenda Item 3

Declarations of interest

This page is intentionally left blank

## Agenda Item 4

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### **CABINET**

#### Tuesday, 12th October, 2021

**Present:** Cllr M D Boughton, Cllr R P Betts, Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr D Lettington and Cllr K B Tanner

Councillors Mrs T Dean and M Hood were also present pursuant to Access to Information Rule Number 23.

Councillors Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, G C Bridge, A E Clark, F A Hoskins, S A Hudson, D W King, K King, Mrs A S Oakley, W E Palmer, M R Rhodes, H S Rogers and J L Sergison were also present via MS Teams pursuant to Access of Information Rule Number 23.

An apology for absence was received from Councillor P J Montague

#### PART 1 - PUBLIC

#### CB 21/73 DECLARATIONS OF INTEREST

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

#### CB 21/74 MINUTES

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 6 July 2021 be approved as a correct record and signed by the Chairman.

#### CB 21/75 MATTERS REFERRED FROM ADVISORY BOARDS

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Communities and Housing Advisory Board of 20 July 2021
- Finance, Innovation and Property Advisory Board of 21 July 2021
- Street Scene and Environment Services Advisory Board of 31 August 2021
- Economic Regeneration Advisory Board of 1 September 2021
- Finance, Innovation and Property Advisory Board of 15 September 2021

#### CB 21/76 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Parish Partnership Panel of 2 September 2021
- Tonbridge Forum of 6 September 2021
- Joint Transportation Board of 20 September 2021

#### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### CB 21/77 LEYBOURNE LAKES COUNTRY PARK - FUTURE MANAGEMENT AND FACILITY DEVELOPMENT

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

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

#### \*Referred to Council

#### CB 21/78 PEMBURY ROAD OPTIONS

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

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

#### \*Referred to Council

#### CB 21/79 TREASURY MANAGEMENT UPDATE

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

<

#### **RECOMMENDED**: That Council

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

#### \*Referred to Council

#### CB 21/80 REVIEW OF CCTV AT TONBRIDGE FARM SPORTS GROUND

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

#### **RECOMMENDED:** That

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

#### \*Referred to Council

#### CB 21/81 REVIEW OF TONBRIDGE FORUM AND PARISH PARTNERSHIP PANEL

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

#### **RECOMMENDED:** That

 the proposed changes to Tonbridge Forum, as set out at section 1.2.4 of the report to the Overview and Scrutiny Committee, be endorsed; and

<

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

#### \*Referred to Council

#### CB 21/82 SPECIAL EXPENSES CONSULTATION

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

#### **RECOMMENDED:** That

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

#### \*Referred to Council

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

#### CB 21/83 RIVER LAWN, TONBRIDGE

Decision Notice D210092CAB

Consideration was given to the recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 15 September 2021 (as set out at Minute Number FIP 21/52).

#### **RESOLVED:** That

(1) the proposed sale of the open space land at River Lawn Road be discontinued.

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

#### CB 21/84 MEDIUM TERM FINANCIAL STRATEGY UPDATE

Decision Notice D210093CAB

The report of the Director of Finance and Transformation provided an update on the Medium Term Financial Strategy. The Cabinet noted the current position and agreed that a programme for investigating and identifying options to achieve the necessary savings referenced in the report was required.

The Borough Council's financial position remained significantly challenging and it was reported that the funding gap had increased to  $\pounds 2,150,000$  based upon the information included within the report. The Director of Finance and Transformation stressed that, to protect the integrity of the Medium Term Financial Strategy, all savings would need to be delivered by April 2026.

#### **RESOLVED:** That

- the latest forecast of the Medium Term Financial Strategy and the funding gap of £2,150,000, as detailed in paragraph 1.2.17 of the report, be noted;
- (2) the income expectation from the introduction of charging for parking in the Aylesford, Martin Square and Snodland Car Parks be removed from the Medium Term Financial Strategy increasing the funding gap by a further £95,000 to a new total of £2,245,000;
- (3) subject to the deletion of the items relating to the Sale of River Lawn land and to new income from charging in Aylesford/Martin Square and Snodland Car Parks, the need to deliver as soon as possible the savings and/or transformation contributions already included in the Medium Term Financial Strategy, as set out in paragraph 1.2.5 of the report, be noted;
- the savings and/or transformation contributions for Tranche 1 totalling £52,000, as set out in paragraph 1.3.2 of the report, be agreed;
- (5) further consideration be given to how the balance of £48,000 savings for Tranche 1 could be found; and
- (6) a programme for investigating and identifying the necessary savings for Tranches 2 – 5, now totalling £2,145,000 as a result of recommendation 2 above, be considered and implemented.

#### CB 21/85 CUSTOMER SERVICES

Decision Notice D210094CAB

Consideration was given to the recommendations from the meeting of the Finance, Innovation and Property Advisory Board of 21 July 2021 (as set out at Minute Number FIP 21/36).

#### **RESOLVED:** That

- the customer services operation be moved from a drop-in reception service at both the Kings Hill and Castle reception points to a triaged pre-booked appointment service;
- (2) the Kings Hill reception and call centre opening times be changed to 09.00 hours to 17.00 hours Monday to Thursday and 09.00 hours to 16.30 hours on Friday, to align with Tonbridge Castle which already operates these hours; and
- (3) the KPR self service kiosks be removed and the Council move to a bar coded bill for those more vulnerable residents who are unable to pay through digital/phone methods.

#### CB 21/86 NORTHAMPTONSHIRE COUNTY COUNCIL - INTERVENTIONS REPORT

Decision Notice D210095CAB

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 7 October 2021 (as set out at Minute Number OS 21/20).

#### **RESOLVED:** That

- (1) the strategic review of cemetery charges, requested by Cabinet to go to Overview and Scrutiny Committee, be considered by the Communities and Housing Advisory Board instead and that the Overview and Scrutiny Committee give detailed consideration to the Interventions Report at its meeting to be held on 2 December 2021; and
- (2) the training programmes provided through the Local Government Association be explored with the appropriate Officer and all members of the Overview and Scrutiny Committee encouraged to register for the LGA's "Leadership Webinar on Scrutiny Essentials" to be held at 2.30pm on 22 November 2021. The booking information and link to be circulated to Members.

#### CB 21/87 FINAL REPORT - MARKETING AND PROMOTION

Decision Notice D210096CAB

Consideration was given to the recommendations from the meeting of the Overview and Scrutiny Committee of 7 October 2021 (as set out at Minute Number OS 21/22).

#### **RESOLVED:** That

- the proposed charging structure for billboards in respect of commercial and community organisations, as set out at section 1.4 to the report, be endorsed and no charge be made in respect of charity events;
- (2) the move to promotional and marketing materials to be available in digital formats only (in all but a limited number of exceptions) be endorsed;
- (3) the use of design agents to develop a corporate style and brand for the Borough Council be endorsed; and
- (4) further evaluation be undertaken to better integrate the Borough 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 Advisory Board/Committee in due course.

#### CB 21/88 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

#### CB 21/89 REVIEW OF CCTV AT TONBRIDGE FARM SPORTSGROUND

(LGA 1972 Sch 12A Paragraph 7 – Prevention, investigation or prosecution of criminal offences)

Annex 2 to the report of the Director of Central Services in respect of the Review of CCTV at Tonbridge Farm Sports Ground (Minute Number CB 21/80 refers).

The meeting ended at 8.50 pm

This page is intentionally left blank

### Agenda Item 5

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

This page is intentionally left blank

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### ECONOMIC REGENERATION ADVISORY BOARD

#### **MINUTES**

#### Tuesday, 2nd November, 2021

**Present:** Cllr F G Tombolis (Chairman), Cllr Mrs J A Anderson, Cllr G C Bridge, Cllr R I B Cannon, Cllr N Foyle, Cllr N J Heslop, Cllr M A J Hood, Cllr F A Hoskins, Cllr J R S Lark, Cllr B J Luker, Cllr L J O'Toole and Cllr J L Sergison.

Councillors Mrs S Bell, V M C Branson, D Keers, D Lettington, Mrs A S Oakley, M R Rhodes and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs R F Lettington and C J Williams.

#### **ERG 21/23 DECLARATIONS OF INTEREST**

There were no declarations of interest made, however for reasons of transparency, Councillor N Heslop advised that he was a paid adviser to the Baker Educational Trust; Chair of South East Councils, a member of the Governing Body of the Tonbridge Federation, and a member of the Kent and Medway Employment Task Force.

#### ERG 21/24 MINUTES

**RESOLVED:** That the notes of the meeting of the Economic Regeneration Advisory Board held on 1 September 2021 be approved as a correct record and signed by the Chairman, subject to an amendment to reflect that Councillor J Sergison was present at the meeting.

#### ERG 21/25 PRESENTATION: THE ECONOMIC IMPACT OF COVID-19

Members received a comprehensive update on the continuing impact of the Covid-19 crisis on the national and local economy, in particular the impact of the budget on Local Government, supply issues, inflation and wage growth.

The Borough had been affected by staffing shortages and supply. Unemployment in Tonbridge and Malling was 3.1% at the end of September, compared to 5% nationally and 4.6% in Kent. Unemployment in the Borough reduced by 30.1% over the last year.

Businesses were suffering from long Covid due to having utilised their reserves and burdened by loans taken during the height of the pandemic

and the reduced financial support previously provided by the furlough scheme and the Additional Restrictions Grant.

In terms of local recovery from Covid, a focus would be on key issues including consumer trends and in particular the move to online retail, working trends, employment and skills and national developments.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

#### ERG 21/26 JOBS AND TRAINING FAIRS - ANALYSIS

(Decision Notice D210097MEM)

The report provided a brief update on the delivery of jobs and training fairs to support local employers with their recruitment needs and assist residents seeking new job opportunities and training courses. The report outlined proposals for an analysis of the jobs and training fairs to help identify lessons learnt and to gain an appreciation of their economic impact.

Particular attention was brought to the comparatively high percentage of unemployment in the borough whilst the economy was recovering from a period of restrictions. In addition, 7% of the local workforce had no qualifications, half of whom were in the 50-64 year age range, and as such, this was clearly an area where continued support was needed. The next jobs and training fair would be held in Tonbridge during March 2022.

Members requested that for the future analysis, in addition to those groups listed within the report at paragraph 1.3.2, that input also be sought from schools and colleges, the Invicta Chamber of Commerce and the Federation of Small Businesses.

#### **RECOMMENDED:** That

- (1) the report be noted;
- (2) the initial findings, set out at paragraph 1.2.2 of the report, and the actions to improve promotion and tackling barriers to employment be endorsed; and
- (3) the proposed approach to analysing the Jobs and Training Fairs, as set out at section 1.3, and the timeframe set out at section 1.4, be agreed.

#### ERG 21/27 WELCOME BACK FUND

(Decision Notice D210098MEM)

The report provided an update on progress on the Welcome Back Fund and sought support for the plan and progress made to date.

The Council were allocated a combined total of £235,062 from the Re-Opening of the High Street Safely Fund and Welcome Back Funding. A Grant Action Plan had been submitted and confirmed, attached at Annex 1. The Council were able to claim on a quarterly basis, with the first claim having been submitted for £11,919.70 for the period up to the end of September 2021. The next claim would be submitted in December 2021 and would cover projects such as graffiti removal, the procurement of consultants to help businesses with the medium-term impact of Covid-19 and the promotion of farmers markets across the borough.

**RECOMMENDED:** That the Welcome Back plan be supported and the progress and spend be noted.

#### ERG 21/28 APPRENTICESHIPS

(Decision Notice D210099MEM)

The report provided details of work undertaken in recent years to address worklessness and improve skills attainment, including the employment of apprentices at the Council, and outlined additional measures which could be taken to increase the availability of apprenticeship opportunities in the borough.

During discussion, Members supported raising the status of apprenticeships in the borough and recognised a need to avoid any duplication of work.

#### **RECOMMENDED:** That

- (1) the report be noted;
- (2) the options for intervention, as outlined at section 1.3 of the report, be given further consideration; and
- (3) the next steps, as set out at paragraph 1.4.1, be agreed.

#### **ERG 21/29 TONBRIDGE SAFER TOWNS PARTNERSHIP**

(Decision Notice D10100MEM)

The report set out details of a proposed contribution from the remaining Business Rates Retention Pilot towards the purchase of new equipment to ensure that the Safer Towns Partnership remained an effective mechanism through which crime against Tonbridge town centre businesses was prevented.

#### **RECOMMENDED:** That

- (1) the report be noted; and
- (2) the proposed £8,000 contribution towards new equipment for the Tonbridge Safer Towns Partnership and the arrangements set out at section 1.2 of the report be agreed.

#### MATTERS FOR CONSIDERATION IN PRIVATE

#### ERG 21/30 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.51 pm

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### COMMUNITIES AND HOUSING ADVISORY BOARD

#### MINUTES

#### Tuesday, 9th November, 2021

Present: Cllr Mrs J A Anderson (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr N Foyle, Cllr S M Hammond, Cllr F A Hoskins, Cllr S A Hudson, Cllr A Kennedy, Cllr Mrs R F Lettington, Cllr W E Palmer, Cllr M R Rhodes, Cllr N G Stapleton and Cllr Mrs M Tatton.

> Cllr R P Betts, Cllr V M C Branson, Cllr M A Coffin, Cllr M A J Hood, Cllr D Keers, Cllr D Lettington, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr J L Sergison and Cllr K B Tanner participated via MS Teams and joined the discussion when invited by the Chairman in accordance with Council Procedure Rule No 15.21.

> Apologies for absence were received from Councillors Miss G E Thomas (Chairman), N J Heslop and P M Hickmott.

#### PART 1 - PUBLIC

#### CH 21/30 DECLARATIONS OF INTEREST

With reference to the item on Review of Cemetery Charges, in the interests of transparency, Councillor A Kennedy advised that a member of his family was a Funeral Director.

#### CH 21/31 MINUTES

**RESOLVED:** That the notes of the meeting of the Communities and Housing Advisory Board held on 20 July 2021 be approved as a correct record and signed by the Chairman.

#### CH 21/32 PRESENTATION BY MARTIN GUYTON, CHIEF EXECUTIVE OF TONBRIDGE AND MALLING LEISURE TRUST

The Advisory Board received a presentation from Mr Martin Guyton, Chief Executive of Tonbridge and Malling Leisure Trust, providing an update on matters of the Trust. Particular reference was made to the formation, scope and structure of the Trust and a number of topical matters including the impact of the coronavirus and operational performance.

After answering questions from Members on the leisure facilities across the borough, the Chairman thanked Mr Guyton for his contribution to the meeting.

≺

<

#### MATTERS FOR RECOMMENDATION TO THE CABINET

## CH 21/33 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2022/23

The report provided an update of the existing fees charges to licence a house in multiple occupation (HMO) or caravan site for permanent residential use and the recommended fee charge following a review of the costs to process the respective applications. The proposals if adopted would result in fee increases for both HMO and Caravan site licencing.

**RECOMMENDED:** that charges from the 1 April 2022 be agreed as follows:

- (1) £570 for processing a new mandatory HMO licence application;
- (2) £520 for the processing of a renewal application for a mandatory HMO licence;
- (3) £410 for processing a new caravan site licence application where the use of the site is for permanent residential use;
- (4) £200 for the transfer of a caravan site licence for a permanent residential use site; and
- (5) £235 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites.

#### \*Referred to Cabinet

#### CH 21/34 REVIEW OF CEMETERY CHARGES

Consideration was given to the joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation regarding a strategic approach to the review and implementation of charges applied at Tonbridge Cemetery. A list of existing charges for the cemetery compared where possible with charges applied by other Kent councils were set out at Annex 2 to the report.

#### **RECOMMENDED:** That

- the approach to pass the increase in material costs directly on to the purchasers to ensure the subsidy currently provided did not increase, be agreed; and
- 2) Option 3, to apply a one-off increase to eliminate the entire subsidy and allow fees and charges to cover the full management and

maintenance costs of the Cemetery site, which would need an 89% increase to be applied across all charges based on the 2021/22 Original Estimates, be agreed.

#### \*Referred to Cabinet

#### CH 21/35 TONBRIDGE AND MALLING HOUSING STRATEGY 2022-2027

(Decision Notice D210101MEM)

The report presented a draft Housing Strategy for members review and approval ahead of public consultation. The Housing Strategy set out the Council's strategic approach to housing in the borough for 2022-2027. A revised and final draft of the Housing Strategy would be presented for further review, approval and adoption as soon as possible.

#### **RECOMMENDED:** That

- (1) the draft Housing Strategy 2022-2027 be approved for public consultation (as set out at Annex 1); and
- (2) approval of the final consultation material be delegated to the Director of Planning, Housing and Environmental Health in liaison with the Cabinet Member for Housing.

#### CH 21/36 ROADSIDE NATURE RESERVES

(Decision Notice D210102MEM)

The report presented the outcome of the recent 'Roadside Nature Reserve' (RNR) trial and proposed a future approach for Member consideration that could be adopted at other sites across the borough.

#### **RECOMMENDED:** That

- (1) that Medway Valley Countryside Partnership report be noted;
- (2) the cutting regime trialled and outlined in the report at 1.3.1 be adopted at other sites across the borough; and
- (3) future sites be identified for Member's approval and implementation in the 2022 growing season.

#### CH 21/37 COMMUNITY TRIGGER REVIEW

(Decision Notice D210103MEM)

The report provided Members with information about the revised Community Trigger process. Details on the available interim protection steps were provided and timescales for each stage of the process outlined.

**RECOMMENDED:** That the Community Trigger process be endorsed.

#### MATTERS SUBMITTED FOR INFORMATION

#### CH 21/38 TONBRIDGE RACECOURSE SPORTSGROUND DRAINAGE

The report of the Director of Street Scene, Leisure and Technical Services providing an update following recent drainage investigations into the long-term ponding of water on the Tonbridge Racecourse Sportsground following high rainfall or flooding was noted.

#### CH 21/39 UPDATE FROM THE COMMUNITY SAFETY PARTNERSHIP

The report of the Director of Central Service and Deputy Chief Executive providing an update on some of the latest work of the Community Safety Partnership was noted.

#### MATTERS FOR CONSIDERATION IN PRIVATE

#### CH 21/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.21 pm

#### TONBRIDGE AND MALLING BOROUGH COUNCIL

#### PLANNING AND TRANSPORTATION ADVISORY BOARD

#### MINUTES

#### Wednesday, 10th November, 2021

Present: Cllr J L Botten (Chairman), Cllr D J Cooper (Vice-Chairman), Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr A P J Keeley, Cllr Mrs F A Kemp, Cllr D W King, Cllr H S Rogers, Cllr N G Stapleton and Cllr M Taylor

Councillor D Lettington was also present in the Council Chamber pursuant to Council Procedure Rule No 15.21

Councillors Mrs J A Anderson, R P Betts, V M C Branson, A E Clark, M A Coffin, N J Heslop, P M Hickmott, M A J Hood, F A Hoskins, D Keers, B J Luker, Mrs A S Oakley, W E Palmer, M R Rhodes, R V Roud, J L Sergison, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21

Apologies for absence were received from Councillors S A Hudson and D Thornewell

#### PE 21/20 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda items relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 19/13 (General Purposes Committee of 19 June 2019).

#### PE 21/21 MINUTES

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 29 June 2021 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE CABINET

#### PE 21/22 LOCAL PLAN UPDATE

The report of the Director of Planning, Housing and Environmental Health provided an update on progress made in preparing a revised Plan following the decision made at Council in July 2021 to withdraw the Local Plan submitted to the Secretary of State on 23 January 2021. The report set out the priority pieces of evidence which needed to be

<

updated to prepare a document for the Regulation 18 consultations, including a Call for Sites exercise, and sought approval for a revised Local Plan Development Scheme setting out the key milestones to Adoption. It was noted that a report on the Local Plan Update, to be considered in private, provided details of financial and value for money implications (Minute Number PE 21/29 refers).

#### **RECOMMENDED:** That

- (1) the contents of the report, including the proposed way forward in respect of the new Call for Sites exercise set out in Section 1.1.9 to 1.1.16 and Annex 2 to the report, be noted; and
- (2) the Local Development Scheme, set out at Annex 3 to the report, be approved subject to the financial implications detailed in the Part 2 report on the Local Plan Update.

#### \*Referred to Cabinet

#### PE 21/23 REVIEW OF PRE-APPLICATION ADVICE SERVICE

The report of the Director of Planning, Housing and Environmental Health provided a review of the pre-application advice service offered by the Council and set out details of a number of revisions to the service and proposed new charges for the 2022/23 financial year.

**RECOMMENDED:** That Cabinet approve the following amendment with

• Adopt the updated Pre-application Charging Schedule 2022/23 as attached at Annex 2 to the report to the Planning and Transportation Advisory Board.

#### \*Referred to Cabinet

#### PE 21/24 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE

The report of the Director of Planning, Housing and Environmental Health provided details of a review of the planning performance protocol and set out the proposed new charges for 2022/23.

#### **RECOMMENDED:** That

(1) the following amendment be approved with effect from 1 April 2022:-

- Adopt the updated Planning Performance Agreement Charging Schedule 2022/23 as attached at Annex 2 to the report to the Planning and Transportation Advisory Board
- (2) the amendment and publication of the Planning Performance Agreement Protocol after 11 November 2021 be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Transportation.

#### \*Referred to Cabinet

#### PE 21/25 DEVELOPMENT MANAGEMENT UPDATE

(Decision Notice D210104MEM)

The report of the Director of Planning, Housing and Environmental Health provided an update on various matters pertaining to the Development Management function over the course of the year. It was noted that actions contained within the report would result in some savings in wider service efficiencies to support the Council's medium term financial strategy.

**RECOMMENDED:** That the contents of the report be noted and regard be had to the following:

- Officers will commence a review of the Council's local validation requirements in accordance with the recommended processes set out in the Planning Practice Guidance;
- (2) Improvements will be made to messaging contained on the Council's website concerning use of the pre-application advice service and the Council's approach to not accepting amendments/additional information post submission where Planning Performance Agreements are not in place; and
- (3) Officers will continue to review the effectiveness of the adopted Section 106 Protocol with a substantive update to be reported to the Board after a further period of implementation.

#### PE 21/26 GATWICK NORTHERN RUNWAY CONSULTATION

(Decision Notice D210105MEM)

The report of the Director of Planning, Housing and Environmental Health provided an overview of the Gatwick Northern Runway consultation and draft consultation response.

<

#### **RECOMMENDED:** That

- (1) The content of the report be noted; and
- (2) The Borough Council's objection to the northern runway proposals, as set out in the draft consultation response appended to the report, be approved and submitted to Gatwick Airport.

#### PE 21/27 AFFORDABLE HOUSING PROTOCOL

(Decision Notice D210106MEM)

The report of the Director of Planning, Housing and Environmental Health set out the policy approach for addressing affordable housing and sought approval to use it for Development Management purposes until the Local Plan was adopted.

**RECOMMENDED:** That the Affordable Housing Protocol, as set out at Annex 1 to the report, be approved for adoption by the Council for Development Management purposes, and that final approval of any changes required to the document before publication be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Members for Strategic Planning and Infrastructure and Housing.

#### MATTERS FOR CONSIDERATION IN PRIVATE

#### PE 21/28 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

#### PE 21/29 LOCAL PLAN UPDATE

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

Further to the item considered in public (Minute Number PE 21/22 refers) the report of the Director of Planning, Housing and Environmental Health provided details of the financial and value for money implications in respect of the Local Plan Update.

#### **RECOMMENDED:** That

(1) the additional funding requirement of circa £200,000 for the delivery of the Local Plan, as laid out in the Part 1 report on the Local Plan Update, be approved; and (2) it be noted that the increased budget provisions will be reflected in the budget setting processes for 2022/23 and 2023/24.

#### \*Referred to Cabinet

The meeting ended at 9.53 pm

This page is intentionally left blank

### TONBRIDGE AND MALLING BOROUGH COUNCIL

### STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

#### MINUTES

#### Tuesday, 23rd November, 2021

Present: Cllr J R S Lark (Chairman), Cllr Mrs S Bell, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr D A S Davis, Cllr M O Davis, Cllr M A J Hood, Cllr F A Hoskins, Cllr A Kennedy, Cllr B J Luker and Cllr T B Shaw.

(Note: As Councillors Mrs J Anderson and D Cooper were unable to attend in person and participated via MS Teams they were unable to vote on any matters.)

Councillor R P Betts was also present in the Council Chamber pursuant to Council Procedure Rule 15.21

Councillors Mrs P A Bates, M D Boughton, A E Clark, N J Heslop, P M Hickmott, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes, H S Rogers and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21

Apologies for absence were received from Councillors S A Hudson (Vice-Chairman) and Miss G E Thomas

### PART 1 - PUBLIC

### SSE 21/28 DECLARATIONS OF INTEREST

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

### SSE 21/29 MINUTES

**RESOLVED**: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 31 August 2021 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE CABINET

### SSE 21/30 REVIEW OF FEES AND CHARGES

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Planning, Housing and Environmental Health set out the proposed fees and charges for the provision of services in respect of green waste subscriptions, household bulky refuse and fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2022.

Members expressed particular concern about the renewal date and proposed increase in charge for subscriptions to the green waste service which had been suspended in July 2021 and the implications this could have on renewals and future take-up of the scheme. An amendment was proposed and agreed to remove the proposed increases to garden waste subscriptions from the scale of charges for 2022/23.

### **RECOMMENDED:** That

- (1) the proposed scale of charges for household bulky refuse and fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies, as detailed in the report, be approved; and
- (2) the proposed scale of charges be implemented from 1 April 2022.

### \*Referred to Cabinet

### SSE 21/31 REVIEW OF CAR PARKING FEES AND CHARGES

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation brought forward recommendations for existing car parking fees and charges for implementation from 1 April 2022.

### **RECOMMENDED**: That, subject to

- the removal of the proposal to extend the Tonbridge car park charging period from 8am-6pm to 8am-8pm, Monday to Saturday (paragraph 1.5.2 refers); and
- (2) the addition of a quarterly payment regime in respect of Season Tickets, Tonbridge (paragraph 1.6.4 refers),

the proposed fees and charges outlined in the report be implemented from 1 April 2022.

### \*Referred to Cabinet

### SSE 21/32 RIVER LAWN, TONBRIDGE

### (Decision Notice D210107MEM)

The joint report of Director of Central Services & Deputy Chief Executive and the Director of Street Scene, Leisure and Technical Services provided details of a number of options in respect of the land at River Lawn including applications for Village Green status or Local Green space designation in the Local Plan and the future rewilding of the site.

There was also an update provided on the Public Rights of Way (PROW) which the Borough Council had previously objected to. It was reported that a decision from the Planning Inspectorate on the Order made by Kent County Council might not be made until 2023 due to the backlog of cases.

### **RECOMMENDED:** That

- the area of land at River Lawn, Tonbridge (shown at Annex 1 to the report) be considered for designation in the Local Plan as a Local Green Space;
- (2) the proposal to partially rewild the land in partnership with the Medway Valley Countryside Partnership be progressed in consultation with the Cabinet Member for Environment and Climate Change; and
- (3) the objections to the Public Rights of Way Order (PROW) be withdrawn.

### MATTERS SUBMITTED FOR INFORMATION

### SSE 21/33 WASTE SERVICES UPDATE

The report provided updates on a number of issues and initiatives managed by the Waste and Street Scene Services team, including service performance, fly tipping and enforcement, and the recycling bin pilot to flats in Tonbridge.

**RESOLVED:** That the report be noted.

### SSE 21/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.35 pm

This page is intentionally left blank

Notes of the Finance, Innovation and Property Advisory Board of 12 January – to follow or to be reviewed by Cabinet on 10 February 2022.

This page is intentionally left blank

# Agenda Item 6

The minutes of meetings of Advisory Panels and Other Groups are attached, any recommendations being identified by an arrow.

This page is intentionally left blank

### TONBRIDGE AND MALLING BOROUGH COUNCIL

### PARISH PARTNERSHIP PANEL

### <u>MINUTES</u>

### Thursday, 4th November, 2021

Present: Cllr R W Dalton (Chairman), Cllr Mrs M Tatton (Vice-Chairman), Cllr P M Hickmott, Cllr Mrs F A Kemp, Cllr D Lettington, Cllr B J Luker, Cllr M R Rhodes, Cllr M Taylor, the representatives of Burham, Kings Hill, Platt and Plaxtol Parish Councils and County Cllr H Rayner.

> (Note: Borough Councillor Mrs J A Anderson and the representatives of Addington, Aylesford, Hadlow, Hildenborough, Shipbourne and Wouldham Parish Councils were unable to attend in person and participated via MS Teams).

> Councillors M D Boughton, D Keers, Mrs A S Oakley, R V Roud and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Borough Councillors Mrs S Bell and N G Stapleton, East Malling and Larkfield Parish Council and County Councillors Mrs S Hohler, S Hudson and A Kennedy.

### PART 1 – PUBLIC

### PPP 21/13 MINUTES

**RESOLVED:** That the Minutes of the meeting held on 2 September 2021 be approved as a correct record and signed by the Chairman.

### PPP 21/14 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

The Chairman advised that no updates had been identified in advance of the meeting. However, further to Minute Number PPP 21/22 of the meeting held on 2 September 2021, he advised that the outcomes of the Borough Council's review of the operation of the Panel would be presented at Item 5 of the agenda.

### PPP 21/15 ROAD SAFETY

Gabriella Grain, Road Safety Co-ordinator for Kent Police, provided an update on recent deployment and planned activities relating to speeding and road safety hotspots. She answered a number of questions on 'hotspot' mapping, education and enforcement activity and, in particular, the options available for controlling speed limits on the A227 Stumble Hill, Shipbourne and on Seven Mile Lane.

### PPP 21/16 REVIEW OF PARISH PARTNERSHIP PANEL - OUTCOMES

The Leader of the Council, Matt Boughton, provided details of the outcome of the Borough Council's review of the Parish Partnership Panel which had been considered by the Overview and Scrutiny Committee on 7 October and at the meeting of Council on 26 October 2021. He expressed the hope that the following would enable a reformed PPP which would improve and enhance the relationship between the authorities and help achieve solutions collaboratively for the benefit of residents.

- PPP would enable the Borough and Parish/Town 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 would be a Borough Councillor. There would be two Vice-Chairs, one a Borough Councillor from a different political party and the other a Parish Councillor selected by KALC T&M Area Committee. Neither the Chair nor Vice-Chair should be a member of the TMBC Executive;
- The frequency of meetings would be 4 per year. Meetings will alternate with 2 meetings per year being held 'in person' at the Borough Council Offices and 2 meetings to be held virtually;
- Each Parish/Town Council to nominate a representative (total 27 representatives). The 5 County Councillors covering parished area 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 Mallling;
- 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 'Any Other Business' section; and

• A forward plan of agenda items will be agreed each year.

It was noted that the appointment of the Chair and Vice-Chairs, the Future Work Programme 2022/23 and the Future Programme of meetings would be considered at agenda items 6, 7 and 8.

### PPP 21/17 APPOINTMENTS OF CHAIRMAN AND VICE-CHAIRMEN

The Chairman, Councillor Roger Dalton, advised that he would continue to hold this position for the current municipal year. He welcomed Councillor Michelle Tatton to the new post of Vice Chair (as a Borough Councillor from another political party). He invited the KALC T&M Area Committee, following consultation with Kings Hill Parish Council, to provide details of nominees for the post of Vice Chair (representing the Parishes) to Democratic Services by Monday 20 December 2021 so that this appointment could be confirmed at the meeting of the Panel scheduled to be held on 27 January 2022.

### PPP 21/18 FUTURE WORK PROGRAMME 2022/23

The Chairman advised that the Work Programme was a way to identify any items or issues parish councils wished to discuss during the forthcoming year which assisted with agenda setting/management and ensured that meetings had at least one item to discuss. He stressed that this did not prevent further agenda items being submitted in advance of the meeting, so long as these conformed with the timescale of publication. Additionally, he confirmed that if any urgent matters arose these would continue to be accepted under 'Any Other Business'. He invited the parish/town councils to submit details of any matters/items for the Future Work Programme (Forward plan), either directly or via the KALC T&M Area Committee, to either the Chair, Vice-Chair or Democratic Services by Monday 20 December 2021 so that the programme could be considered at the meeting of the Panel scheduled to be held on 27 January 2022.

The following items were suggested:

- Waste Disposal Service
- Review of Parish Charter

### PPP 21/19 FUTURE PROGRAMME OF MEETINGS

It was noted that Panel would meet in the format indicated on the following dates:

Thursday 27 January 2022 – online, via MS Teams Thursday 26 May 2022 – in person at Gibson Building, Kings Hill Thursday 1 September 2022 – online, via MS Teams Thursday 3 November 2022 – in person at Gibson Building, Kings Hill

### PPP 21/20 ANY OTHER BUSINESS

The following items were raised:-

### (1) <u>Recent Boundary Review Consultation</u>

A number of parish council representatives expressed disappointment about the lack of liaison with parish councils in the early stages of the consultation and that there had been an expectation of greater transparency on the Borough Council's response to the Boundary Commission. The Deputy Leader responded that, while he regretted this perception, the Borough Council was, like the parishes, a consultee, and could not take the views of the parishes into account in preparing its response, particularly if those views were in conflict with those submitted by the Borough.

### (2) <u>Planning Enforcement</u>

In response to comments about the lack of visibility/transparency about the way in which planning enforcement is undertaken/reported in respect of issues raised by parish councils the Chairman suggested that a meeting be arranged between the Council's Enforcement Officers and those parishes who had raised concerns about particular sites.

### (3) <u>Climate Change Officer</u>

The representative of Kings Hill parish welcomed the recruitment of a Climate Change Officer and asked that, once appointed, they be invited to give a presentation to the Panel.

The meeting ended at 9.11 pm

### TONBRIDGE AND MALLING BOROUGH COUNCIL

### JOINT TRANSPORTATION BOARD

### MINUTES

### Monday, 22nd November, 2021

Present: Cllr D Lettington (Chairman), County Cllr H Rayner (Vice-Chairman), Cllr M D Boughton, Cllr V M C Branson, Cllr D A S Davis, Cllr M Taylor, County Cllr Mrs T Dean, County Cllr M Hood, County Cllr S Hudson, County Cllr A Kennedy and County Cllr P Stepto.

Councillor Mrs P A Bates, R P Betts, G C Bridge, A E Clark, N J Heslop, F A Hoskins, D Keers, Mrs F A Kemp, B J Luker, Mrs A S Oakley, M R Rhodes, H S Rogers and J L Stapleton participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor D Thornewell.

### PART 1 - PUBLIC

### JTB 21/30 DECLARATIONS OF INTEREST

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

### JTB 21/31 MINUTES

**RESOLVED:** That the Minutes of the meeting of the Joint Transportation Board held on the 20 September 2021 be approved as a correct record and signed by the Chairman.

### JTB 21/32 TONBRIDGE TOWN WIDE 20MPH ZONE TRIAL

The report of the Head of Transportation, Kent County Council provided an update on the Tonbridge town-wide 20mph limit trial that was funded by the Department for Transport's Emergency Active Travel Fund. The report was to enable discussion and to consider and debate the officer recommendation. The Independent Evaluation and review of 20mph trials in Faversham and Tonbridge undertaken by Agilysis Research Services was provided at Appendix B.

### **RESOLVED:** That

(1) a 30mph speed limit be reintroduced in Shipbourne Road to the previous extents prior to the trial;

- (2) subject to a separate consultation being undertaken, the 30mph gateway on Shipbourne Road near Willow Lea be extended further north to cover Whistler Road, Cherry Tree Road, Horns Lodge Lane and Shandon Close;
- the 20mph speed limit be retained at Sites 1 & 2 Brook Street, Site
  11 The Ridgeway and Site 14 Yardley Park Road;
- a 30mph speed limit be reintroduced to the previous extents prior to the trial at Site 3 A26 Quarry Hill Road, Sites 4 & 5 Pembury Road and Site 8 B245 London Road;
- (5) officers investigate whether additional complementary measures could be implemented to support the extended 20mph zone; and
- (6) a targeted behavioural change campaign to promote the benefits of lower speeds to all road users be undertaken to raise awareness, increase knowledge and positively influence intended behaviours.

### MATTERS SUBMITTED FOR INFORMATION

# JTB 21/33 HIGHWAYS FORWARD WORKS PROGRAMME: 2021/22 AND 2022/23

The report of the Kent County Highways, Transportation and Waste summarised schemes programmed for delivery in 2021/22 and 2022/23 and provided an update on Road, Footway and Cycleway Renewal and (Appendix Preservation Schemes A), Drainage Repairs and Improvements (Appendix B), Street Lighting (Appendix C), Transportation and Safety Schemes (Appendix D), Developer Funded Works (Appendix E), Bridge Works (Appendix F), Traffic Systems (Appendix G) and the Combined Members Grant (Appendix H). Representatives from Kent County Council Highways offered to respond direct to Members outside of the meeting on a number of matters identified during consideration of this item.

In response to concerns expressed by Members regarding the charges made for the use of street light columns, the County Officers offered to present a report to the next meeting.

**RESOLVED:** That the content of the report be noted.

### JTB 21/34 UPPER HAYSDEN LANE, TONBRIDGE - PROPOSED TRAFFIC CALMING SCHEME AND GENERAL UPDATE

The report outlined progress made to date in relation to the request for a reduction in speed limit to 30mph along with traffic calming measures on Upper Haysden Lane, outside The Nexus School, following the previous report to the Joint Transportation Board on 7 June 2021.

**RESOLVED:** That the content of the report be noted.

### MATTERS FOR CONSIDERATION IN PRIVATE

### JTB 21/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.55 pm

This page is intentionally left blank

# Agenda Item 7

### LOCAL PLAN UPATE

### Item PE 21/22 and PE 21/29 referred from Planning and Transportation Advisory Board of 10 November 2021

The report of the Director of Planning, Housing and Environmental Health provided an update on progress made in preparing a revised Plan following the decision made at Council in July 2021 to withdraw the Local Plan submitted to the Secretary of State on 23 January 2021. The report set out the priority pieces of evidence which needed to be updated to prepare a document for the Regulation 18 consultations, including a Call for Sites exercise, and sought approval for a revised Local Plan Development Scheme setting out the key milestones to Adoption. It was noted that a report on the Local Plan Update, to be considered in private, provided details of financial and value for money implications (Minute Number PE 21/29 refers).

### **RECOMMENDED:** That

- (1) the contents of the report, including the proposed way forward in respect of the new Call for Sites exercise set out in Section 1.1.9 to 1.1.16 and Annex 2 to the report, be noted; and
- (2) the Local Development Scheme, set out at Annex 3 to the report, be approved subject to the financial implications detailed in the Part 2 report on the Local Plan Update.

### \*Referred to Cabinet

\*\*\*\*\*\*

### Item PE 21/29 was considered in private

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

Further to the item considered in public (Minute Number PE 21/22 refers) the report of the Director of Planning, Housing and Environmental Health provided details of the financial and value for money implications in respect of the Local Plan Update.

**RECOMMENDED**: That

- (3) the additional funding requirement of circa £200,000 for the delivery of the Local Plan, as laid out in the Part 1 report on the Local Plan Update, be approved; and
- (4) it be noted that the increased budget provisions will be reflected in the budget setting processes for 2022/23 and 2023/24.

### \*Referred to Cabinet

### TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

### 10 November 2021

Report of the Director of Planning, Housing and Environmental Health Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

### 1 LOCAL PLAN UPDATE

This report provides Members with an update of progress made following the decision of Full Council in July to withdraw the Local Plan submitted in January 2021 and prepare a revised Plan at the earliest opportunity.

It also sets out the priority pieces of evidence that need to be updated in order to prepare a document for Regulation 18 consultations to commence in 2022, including a Call for Sites exercise.

Approval is sought for a revised Local Development Scheme setting out the key milestones to Adoption.

### 1.1 **Progress since July 2021**

### Withdrawal of the 2019 Local Plan

- 1.1.1 Following the decision of Full Council on 13<sup>th</sup> July endorsing the recommendation of this Board on 29<sup>th</sup> June, the Local Plan submitted in January 2019 was formally withdrawn during the week commencing 1<sup>st</sup> November 2021. All Members were advised of this in advance by email. Regulation 27 of the Town and Country Planning (Local Plan) Regulations 2012 requires that a statement explaining that the Plan has been withdrawn is published (a copy of the statement can be found at **Annex 1** to this report) and that the general consultation bodies are informed. The Regulations also state that any documents relating to the withdrawn Local Plan should no longer be made available and consequently, arrangements have been made to remove relevant documents from the Council's website.
- 1.1.2 The decision also agreed the recommendation that resubmitting the Local Plan based on the current development strategy with some adaptions and additions to meet the higher housing requirement as the preferred option for adopting a Plan at the earliest opportunity.

### Refreshing the Local Plan Evidence Base

- 1.1.3 In order to resubmit a revised Local Plan, it will be necessary to reset the base date and update the evidence to reflect the new plan period.
- 1.1.4 The base date and plan period in the 2019 Plan was 31<sup>st</sup> March 2011 and 2011-2031 respectively. The new dates will be 31<sup>st</sup> March 2021 and 2021-2039. This reflects the latest version of the National Planning Policy Framework (NPPF) that suggests Local Plans should include a plan period of at least 15 years post anticipated adoption. The revised Local Development Scheme (LDS) is appended to this report.
- 1.1.5 The housing need for this Plan will be set by the Standard Methodology, which is generated by the Government and kept under review. This is currently 839 new dwellings per annum (dpa) for Tonbridge and Malling, which compares to 696 dpa in the previous Plan. Members will recall that this was derived using a local methodology for calculating housing need in accordance with the 2012 NPPF. The effect of using 839 instead of 696 for the new plan period is an increase of 2,574 (+21%).
- 1.1.6 The total need for the previous plan period was for 13,920 new dwellings (696x20 years). The new need to be planned for equates to 15,102 (839x18 years).
- 1.1.7 In order to ensure the most effective use of land and maximise the use of brownfield sites before considering any additional greenfield options to meet these needs consultants have been appointed to prepare an Urban Capacity Study for the first time and also carry out a new Call for Sites exercise. This is explained in more detail below.
- 1.1.8 To update the development strategy to reflect these changes requires prioritising a review of parts of the evidence base in order that an issues and options consultation required by Regulation 18 can take place as soon as practicably possible. The following consultants have recently been appointed to review these parts of the evidence base.
- Housing Delivery Study (GL Hearn and Partners)
- Gypsy and Traveller Accommodation Assessment (TBC)
- Economic Development Needs Study (Lichfields)
- Strategic Flood Risk Assessment (JBA)
- Sustainability Appraisal (JBA)
- Urban Capacity Study (Urban Intelligence)
- Call for Sites Exercise (Urban Intelligence)

### The Call for Sites exercise

- 1.1.9 The Call for Sites exercise invites landowners and those with an interest in land to promote sites for inclusion in the Local Plan in order to meet future identified needs. The previous exercise took place in 2014/15 and generated over 200 proposals, which were assessed for their suitability, availability and deliverability. Planning judgements were then made to identify those sites for inclusion in the development strategy that could best meet the aims and objectives of the Plan.
- 1.1.10 As there may have been changes since the last exercise (e.g. a change of ownership could affect the availability of a site) it is appropriate to reopen the exercise to update our records and also to invite additional sites for consideration, for meeting the needs for housing (including pitches for Travellers and self-build plots), employment, infrastructure and other land uses over the plan period.
- 1.1.11 The consultants Urban Intelligence have been appointed to carry out the Call for Sites exercise. Their previous clients include Birmingham City Council and the London Borough of Hounslow. The consultants have devised computer software called 'Placemaker' to assess the whole borough based on a methodology agreed with the Local Authority. This has the effect of significantly reducing the time it takes to assess sites once they have been submitted in the normal way.
- 1.1.12 It also has the added benefit of highlighting prospective sites that have not been submitted that could be more suitable, for example, brownfield sites that we wish to prioritise. In these cases there would be the option of contacting landowners to see if they would be willing to promote these sites to ensure previously developed land can be considered before turning to greenfield options.
- 1.1.13 The criteria for identifying suitable sites reflects the high level constraints that were applied to the previous exercise (e.g. removing areas at high risk of flooding), but the computer modelling allows for more filters to be applied. These can be found at **Annex 2**.
- 1.1.14 An invitation to submit to our Call for Sites was issued in early November. The exercise will be split into two broad categories, with owners/promoters of sites identified as part of the previous exercise (i.e. those which form part of the existing Development Strategy on which the new Strategy will be based) being asked to confirm the position on their site with updated delivery timescales. Where appropriate, there will also be an opportunity for these sites to indicate whether they feel there is additional capacity on their site. This will be tested against the 'Placemaker' modelling and against key criteria such as infrastructure capacity.
- 1.1.15 The second category will be for additional sites to augment the Development Strategy, which will be needed in order to meet the housing delivery target now identified for the borough as at 1.1.5 above. These sites will be asked to provide relevant information relating to their site and the officer team will also use the

outcomes of the modelling exercise based on the criteria at **Annex 2** to contact prospective sites and invite them to submit.

1.1.16 The Call for Sites exercise will run for 4 weeks. This is a much shorter time period than previously, however this is mitigated by the facts that the existing development strategy will remain as the starting point for consideration and that we are using technology to support the process.

### Member engagement

- 1.1.17 The Leader and Deputy Leader have been kept regularly updated on Local Plan progress and the LDS timetable proposed in this report is based on discussions to date with them about Members' aspiration to have a Local Plan adopted as soon as possible.
- 1.1.18 A Member briefing session has been held for representatives of the political groups. Further briefing sessions will be organised at key points throughout the development of the Local Plan.

### 1.2 Next Steps

- 1.2.1 The outputs of the Call for Sites exercise will be a crucial input to the other pieces of evidence, particularly the Sustainability Appraisal, which will have to assess the development strategy options and the sites included.
- 1.2.2 All of the consultants will then complete their tasks and the updated evidence can be used to form the development strategy options for the Regulation 18 consultation anticipated to take place next spring.
- 1.2.3 The remainder of the evidence base will be updated during 2022 in time for drafting a new Local Plan document for member approval for the purposes of Regulation 19 consultations and subsequent submission to the Secretary of State. It is expected that this approval will be secured before the end of 2022, enabling the Plan to be submitted in the first half of 2023.
- 1.2.4 These key milestones and a timetable to adoption (expected to be during 2024) are set out in a new Local Development Scheme a copy of which can be found at **Annex 3** for approval.

### 1.3 Duty to Cooperate

- 1.3.1 Since the 2019 Local Plan was deemed to have failed in respect of the Duty to Cooperate with regard to the single cross boundary issue of unmet housing need in Sevenoaks District, it will be important to ensure that the requirement of the duty are met in full as we prepare to resubmit a Local Plan.
- 1.3.2 To address this issue the regular officer level meetings with all of our neighbouring Local Planning Authorities will be supplemented by Member level meetings involving the Portfolio Holder/Deputy Leader and other Members as appropriate.

1.3.3 The current status of neighbouring authorities Local Plan preparation can be found at **Annex 4** to this report.

### 1.4 Legal Implications

- 1.4.1 The Local Plan submitted in January 2019 has been withdrawn in accordance with Regulation 27 of the Town and Country Planning (Local Plans) Regulations (2012).
- 1.4.2 The consultants listed in paragraph 1.1.8 have been appointed in accordance with the Council procurement procedures.

### 1.5 Financial and Value for Money Considerations

1.5.1 The full Financial implications are laid out in the attached part 2 report (restricted due to LGA 1972 - Schedule 12A Paragraph 3 – Financial or business affairs of any particular person). However, it important for Members to note that the additional cost of the proposed timetable for Local Plan delivery, compared to a longer programme, is estimated to be in the region of £200,000.

### 1.6 Risk Assessment

1.6.1 Any delay in the Local Plan process carries the risk of the Council's adopted policies becoming more out of date and extends the period of time before the Council can re-establish a 5-year housing land supply (5YHLS). This is likely to result in a significant increase both in 'speculative' applications (i.e. those that are not draft allocations in the current Local Plan draft) and those in areas with certain protections where applicants consider the Local Plan and 5YHLS in conjunction with other special circumstances for their scheme may be sufficient to make an acceptable planning case.

### 1.7 Equality Impact Assessment

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people. The results of this analysis are set out immediately below.
- 1.7.2 There is no perceived impact on end users.

### 1.8 Recommendations

1.8.1 That the contents of the report, including the proposed way forward in respect of the new Call for Sites exercise in Section 1.1.9-1.1.16 and **Annex 2** of the report are **NOTED**; and

1.8.2 that the Local Development Scheme appended at **Annex 3** is **AGREED** subject to the Financial Implications detailed in the Part 2 report of Local Plan Update.

Background papers:

Nil

contact: Ian Bailey Planning Policy Manager

Eleanor Hoyle Director of Planning, Housing and Environmental Health

### NOTICE OF WITHDRAWAL OF LOCAL PLAN

### PLANNING AND COMPULSORY PURCHASE ACT 2004 & THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012, AS AMENDED

# Tonbridge and Malling Borough Council – Tonbridge and Malling Local Plan 2019

In accordance with Regulation 27 of the Town and Country Planning (Local Planning)(England) Regulations 2012, as amended, this statement gives notice that Tonbridge and Malling Borough Council has withdrawn the Tonbridge and Malling Local Plan, which had been submitted to the Secretary of State for Examination on 23<sup>rd</sup> January 2019.

The resolution to withdraw the Tonbridge and Malling Local Plan 2019 was made at a Full Council meeting held on 13<sup>th</sup> July 2021. The resolution to withdraw was under the provisions of Section 22 of the Planning and Compulsory Purchase Act 2004, which provides for a local planning authority to withdraw a local development document at any time up to its adoption.

Any questions regarding the withdrawal of the Tonbridge and Malling Local Plan 2019 should be directed to the Planning Policy Team at:

Planning Policy Council Offices Gibson Building Gibson Drive Kings Hill WEST MALLING ME19 4LZ

localplan@tmbc.gov.uk

This page is intentionally left blank

# Suitability and Sustainability Assessment of Sites -Methodology

This explanatory note provides an overview of the methodology for assessing the development suitability and sustainability of sites within Tonbridge & Malling Borough Council (TMBC), using Urban Intelligence's PlaceMaker software.

# Suitability

Initially, all Land Registry parcels and Call-for-Sites (CfS) submissions will be assessed for suitability with a standardised approach for individual constraints. These constraints include environmental layers, infrastructure, and others.

An approach for how each constraint is treated in the assessment has been drafted by Urban Intelligence in collaboration with TMBC officers, who advised on the judgements that needed to be made. This approach is shown in Table 1. The approaches are defined here:

Approach	Explanation
Clip	These layers have been judged to be not compatible with development. Accordingly, the extent of these layers will be removed from the 'Developable Area' of sites, i.e. they are unsuitable for development.
Balance	These layers may be compatible with development individually, however a cumulation of these layers on a site may make the site unsuitable. These have been categorised into levels of impact, with constraints that have a 'High' impact on suitability being the most severe. The cumulative impact allows a balanced assessment to take place.
For Information	Layers designated as 'For Information' will not have an automatic impact on site suitability. They are markers for matters that may need to be taken account of at a more detailed stage of plan-making.
lgnore	These layers have been judged as not relevant for this stage of assessment, and therefore will not be used or displayed within PlaceMaker.

Table 1: Suitability			
Layer Name	Suitability Treatment	Suitability Impact (Negative)	
Administrative Layers			
Wards	N/A	N/A	
Constituencies	N/A	N/A	
Local Policy Layers			
Air Quality	Clip	N/A	
AOCV Accepted	Balance	Low	
AOCV Not Accepted	Ignore	N/A	
AOCV Under Consideration	Balance	Low	
Area of Special Control for Adverts	Ignore	N/A	
Article 4 Direction	Ignore	N/A	
Discontinuance Order	Ignore	N/A	
Environmental Health Directive	Ignore	N/A	
Extinguishment Order	Ignore	N/A	
LDF - E1 (Core Employment Areas)	For Information	N/A	
LDF - E2	For Information	N/A	
LDF - E3	For Information	N/A	
LDF - Housing Allocations	For Information	N/A	
LDF - Gypsy and Traveller Site	For Information	N/A	
LDF - Safeguarded Land (White Land)	For Information	N/A	
LDF - Area of Opportunity	For Information	N/A	
Local Development Orders - Rochester Airport Innovations Park	For Information	N/A	
Section 106 and Section 52 Agreements	For Information	N/A	
Environmental Layers			
Agricultural Land - Grade 1 (DEFRA)	Clip	N/A	
Agricultural Land - Grade 2 (DEFRA)	Balance	Medium	
Agricultural Land - Grade 3 (DEFRA)	Balance	Low	
Allotments (OS1 and OS2 in LDF)	For Information	N/A	
Ancient Woodland	Clip	N/A	
Ancient Woodland 50m Buffer	Balance	Medium	
Area of Outstanding Natural Beauty	Balance	High	

Table 1: Suitability			
Layer Name	Suitability Treatment	Suitability Impact (Negative)	
AONB 100m Buffer	Balance	Medium	
AONB 500m Buffer	Balance	Low	
Common Land	Clip	N/A	
Consultation with Env Protection Needed	Ignore	N/A	
Educational playing Fields (OS1 LDF)	Balance	High	
Golf Courses (OS1 LDF)	Balance	Medium	
Greenbelt	Balance	Medium	
Historic Landfill Sites	Balance	Low	
Active Landfill Area	Balance	High	
Local Nature Reserves Policy NE1	Clip	N/A	
Local Nature Reserves Policy NE1 15m Buffer	Balance	Medium	
Local Wildlife Site	Clip	N/A	
Local Wildlife Site 15m Buffer	Balance	Medium	
Min Consultation Area	Ignore	N/A	
Mineral Safeguarding	Balance	Low	
Minerals, Waste Safeguarded Facilities	Balance	Low	
Parks and Gardens (OS1 LDF)	Clip	N/A	
Private Open Space	Ignore	N/A	
Private Playing Fields	Balance	Low	
Public Open Space (OS1 LDF)	Balance	High	
Public Playing Fields (OS1 LDF)	Balance	High	
Radon	Ignore	N/A	
Regional Important Geological Site NE1	Clip	N/A	
Revocation Order	Ignore	N/A	
Roadside Nature Reserves	Clip	N/A	
Special Area of Conservation	Clip	N/A	
Special Area of Conservation 200m Buffer	Balance	Medium	
SSSI	Clip	N/A	
SSSI 100m Buffer	Balance	Medium	
Protected Trees (Polygons)	Balance	High	
Protected Trees (Points)	Ignore	N/A	

Table 1: Suitability			
Layer Name	Suitability Treatment	Suitability Impact (Negative)	
Village Green	Clip	N/A	
Ecological Layers			
Priority Habitats	Clip	N/A	
Marginal Priority Habitats	Balance	Medium	
Kent Habitat Survey	For Information	N/A	
Rivers & Flooding Layers			
Aquifers Bedrock Geology	Ignore	N/A	
Aquifers Superficial Deposits	Ignore	N/A	
Detailed River Network Main	Ignore	N/A	
Detailed River Network Nodes	Ignore	N/A	
Detailed River Network Offline	Ignore	N/A	
Flood plain	Ignore	N/A	
Flood Zone 1	Ignore	N/A	
Flood Zone 2	Balance	Medium	
Flood Zone 3a (High Risk)	Balance	High	
Flood Zone 3b (Functional Floodplain 1 in 20yr Event)	Clip	N/A	
Groundwater Special Protection Zone	Balance	Low	
Water Bodies (OSMM topo)	Clip	N/A	
Water gathering area	Ignore	N/A	
Heritage Layers			
Ancient Monuments	Clip	N/A	
Ancient Monuments 10m Buffer	Balance	Low	
Area of Archaeological Potential	For Information	N/A	
Conservation Area	Balance	High	
Historic Conservation Area	Ignore	N/A	
Historic Park and Garden Non-Designated	Balance	Medium	
Historic Park/Garden	Clip	N/A	
Listed Buildings	Clip	N/A	
Economic Layers			
Local/District/Village Centres	For Information	N/A	
Primary Shopping Area (LDF TCA3)	For Information	N/A	

Table 1: Suitability			
Layer Name	Suitability Treatment	Suitability Impact (Negative)	
Other Constraints			
Civil Aviation Authority	lgnore	N/A	
Gas pipeline	lgnore	N/A	
Govt oil pipeline	For Information	N/A	
Limit of airfield site	lgnore	N/A	
M2 widening	lgnore	N/A	
Major gas pipeline	For Information	N/A	
Medium and Intermediate Gas Pipe Lines	lgnore	N/A	
Ministry of Defence (CONNAME Mereworth Woods)	Clip	N/A	
Ministry of Defence (CONNAME RAF Thurnham)	lgnore	N/A	
Ministry of Defence (CONNAME Wrotham Technical Site)	lgnore	N/A	
Modification Order	lgnore	N/A	
Private Water Supply	lgnore	N/A	
Unusual Restrictions	lgnore	N/A	
Transport Layers			
Classified road	lgnore	N/A	
Public Rights of Way	lgnore	N/A	
Site Specific Layers			
Brownfield Register Sites	lgnore	N/A	
SHLAA	For Information	N/A	
TMBC Ownership			
TMBC Ownership	Ownership Information	N/A	
TMBC Planning Applications			
PD General	Planning History Info	N/A	
PD Residential Conversion	Planning History Info	N/A	
Extant Permissions	Planning History Info	N/A	

# Sustainability

As well as suitability, sites will also be automatically assessed for their high-level sustainability credentials based upon the proximity of sites to transport, education, health facilities and other local essential facilities, and also by their location in relation to the settlement hierarchy.

Table 2: Sustainab	ility	
Access to Services		
Facility/Infrastructure		
	Sustainable	Unsustainable
Transport	Distance	Distance
Bus Stops	<400m	>400m
Train Stations	<1600m	>1600m
Local Facilities		
Education	Sustainable Distance	Unsustainable Distance
Preschool/Nursery	<800m	>800m
Primary School	<800m	>800m
Secondary Schools	<1600m	>1600m
	Sustainable	Unsustainable
Health	Distance	Distance
GP	<1000m	>1000m
Dentists	<1000m	>1000m
Pharmacy	<1000m	>1000m
	Sustainable	Unsustainable
Essentials	Distance	Distance
Convenience Retail	<800m	>800m
Supermarket	<1600m	>1600m
Post Office	<800m	>800m
Pub	<800m	>800m
Site Location		
Settlement Classification	Sustainability	
LDF - CP11 (Urban Areas)	High	
LDF - CP12 (Rural Service Centres)	Medium	
LDF - CP13 (Other Rural Settlements)	Low	
LDF - CP14 (Development in the Countryside) - Adjacent to		
CP11, 12, 13	Low	
LDF - CP14 (Development in the Countryside) - Isolated Development	Low	

# Tonbridge & Malling Borough Council Local Development Scheme November 2021

### 1. Introduction

- 1.1 Tonbridge and Malling Borough Council is required to prepare and maintain a Local Development Scheme (LDS) in accordance with Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011).
- 1.2 As set out in the Planning and Compulsory Purchase Act 2004 (Section 15) the LDS must specify:
  - The local development documents which are to be development plan documents.
  - The subject matter and geographical areas to which each development plan document is to relate.
  - Which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities.
  - Any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29.
  - The timetable for the preparation and revision of the development plan documents.
- 1.3 The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents which will form the Council's Local Development Plan. This LDS sets out a work programme for the Council's Local Plan over the period to the end of 2024 and its anticipated adoption. Progress against this LDS will be reviewed annually through the Authority Monitoring Report.
- 1.4 The Council produced its most recent timetable for the Local Plan, which could form the basis of a new LDS, in March 2020. It was reported to, and approved by, the Planning and Transportation Advisory Board on 03/03/20. This related to the summitted Local Plan (Submitted Jan 2019). However, following the receipt of the Inspectors Final Report on 8th June 2021, at a meeting of Full Council on 13th July 20021, a resolution was made to withdraw the current Plan and Review, Refresh and Resubmit the Local Plan. This LDS supersedes the March 2020 version and contains a new Local Plan programme.

# 2. The current adopted development plan documents for Tonbridge and Malling

- 2.1 The current statutory adopted elements of the development plan for Tonbridge and Malling Borough are:
  - Core Strategy (Adopted September 2007)
  - Development Land Allocations DPD (Adopted April 2008)
  - Tonbridge Central Area Action Plan (Adopted April 2008)
  - Managing Development and the Environment DPD (Adopted April 2010)
  - The Kent Minerals and Waste Local Plan (Adopted XXX)

## 3. Current Supplementary Planning Documents

- 3.1 The Local Development Framework (LDF) is supported by a number of existing Supplementary Planning Documents (SPDs) which provide greater details on the policies. All these documents were subject to public consultation.
- 3.2 Currently adopted SPDs for the Borough are:
  - Affordable Housing SPD (Adopted July 2008)
  - Kent Design SPD
  - Character Area Appraisals SPD (Adopted February 2011-February 2012)

### 4. Other Relevant Documents

### Statement of Community Involvement

4.1 Tonbridge and Malling's Statement of Community Involvement (February 2015) sets out the Council's approach to public and key stakeholder participation in all planning matters, including the preparation of the local plan, supplementary planning documents and arrangements for consultations on planning applications.

### Sustainability Appraisal

4.2 The council will meet the requirements of sustainability appraisal throughout the local plan preparation process, which will involve carrying out iterative appraisals of the sustainability of the options, proposals and draft policies in the local plan and prepare reports on the findings. These will be carried out at the key stages of plan preparation and will inform progress on the Plan. The sustainability appraisals carried out at the

key stages of plan preparation will also accompany consultation drafts of the plan for public comment.

### Authority Monitoring Report

4.3 The Council publishes an Annual Monitoring Report (AMR) relating to the previous monitoring year (which runs 1 April – 31 March). This provides updates on the status of the LDS timetable; progress on the Local Plan; reports on public consultations; duty to cooperate consultations; neighbourhood planning and borough wide statistics on planning topics such as housing, employment, environment, and transport.

### **Policies Map**

4.4 The Council is required to produce a Policies Map which shows the location of development proposals in all current, adopted development plan documents on an ordnance survey base map. For Tonbridge and Malling, this is the Proposals Map which accompanies the adopted development plan.

### 5. Emerging Development Plans for Tonbridge and Malling

### Tonbridge and Malling Local Plan 2024-2039

- 5.1 The Local Plan will set the vision and framework for development needs for the whole of Tonbridge and Malling Borough area from 2024-2039. This will include addressing revisions to the National Planning Policy Framework and associated Practice Guidance (2021); addressing housing need; the local economy; environmental considerations; community infrastructure needs; plus, transport and other physical infrastructure needs. The plan will include strategic policies to address these matters and put forward a development strategy for the Borough. It will also include site specific allocations to meet identified need and retain; update or include new detailed topic development management policies to guide determination of planning applications.
- 5.2 Work began on the Local Plan following the resolution by Council (13 July 2021), with early scoping and evidence gathering/commissioning, within the context of major review of national planning policy and Government policy to significantly boost housing delivery. The key stages of the process are set out at Appendix 1. The complete timetable for the production and public examination of the Local Plan is set out at Appendix 2.
- 5.3 Although the Council is keeping up Duty to Cooperate consultation with neighbouring planning authorities and on the London Plan, to identify potential cross boundary

issues no scope or intention for joint plan making has been identified at this point in time.

### **Neighbourhood Plans**

- 5.4 No Neighbourhood Plans have yet been progressed in the borough. However, applications have been made to Tonbridge and Malling Borough Council for the designation of the following neighbourhood areas:
  - Ditton Neighbourhood Area Application (Approved June 2015)
  - West Malling Neighbourhood Area Application (Approved September 2016)
  - Hildenborough Neighbourhood Area Application (Approved January 2021)
- 5.5 Approved neighbourhood plans sit alongside the Local Plan to inform decisions on planning applications.
- 5.6 They give communities direct power to develop a shared vision for their neighbourhood and shape the development and growth of their local area. Plans must be led by parish or town councils or neighbourhood forums with the involvement of local stakeholder groups.
- 5.7 Although neighbourhood plans, once adopted, form part of the development plan, they are not programmed by the local planning authority and are therefore not included within this LDS timetable. They must be in general conformity with the strategic policies of the adopted local plan and have regards to any emerging local plans.

### **Resources and Project Management**

5.8 Tonbridge and Malling Borough Council has strong corporate commitment to the preparation and adoption of a Local Plan. The Local Plan will be led by the Planning Policy Team. The importance of the work is recognised and supported across the authority with input and expertise from other teams across the Council; and the use of outside consultants (where appropriate); plus, engagement with stakeholders; organisations and the public to help inform and develop the plan.

# Appendix 1: Tonbridge and Malling Local Plan Key Stages

Event	Date
Local Plan Review, Refresh and Resubmit decision	July 2021
Refresh evidence base	Ongoing – June 2022
Regulation 18 consultation	April – June 2021
Regulation 19 consultation	Nov-Dec 2022
Submission of Plan for Examination (Reg 22)	March 2023
Examination (timing to be determined by the Planning Inspectorate)	July 2023 – March 2024
Inspector's Report	April 2024
Main Modifications consultation	June – July 2024
Adoption of the Local Plan by Tonbridge and Malling BoroughCouncil	September 2024

[	Year	20	21											20	22											20	23										
_																																					
	Stage	J	F	Μ	А	Μ	J	J	А	S	0	Ν	D	J	F	Μ	А	М	L	L	А	S	0	Ν	D	J	F	Μ	А	М	J	J	А	S	0	Ν	D
	Refresh of Evidence Base																																				
Pane	SA Scoping Report Consultation (Stat consultees only)																																				
1 <u>9</u> 74	Reg 18 Consultation (inc Interim SA report)																																				
	Reg19 Consultation (inc SA Environmental Report																																				
	Submission to Secretary of State																																				

Year	2023	2024	2025

Stage	J	F	Μ	А	Μ	J	J	А	S	0	Ν	D	J	F	Μ	Α	Μ	J	J	Α	S	0	Ν	D	J	F	Μ	Α	Μ	J	J	А	S	0	Ν	D
Examination																																				
Inspector's Report received																																				
Main Modifications consultations																																				
Adoption																																				

This page is intentionally left blank

### Annex 4

#### Status of Neighbouring Authorities Local Plan Preparation (correct at time of writing)

(<u>Please Note</u>: This Table will become a regular item for future Local Plan update reports. Columns will be added to record Duty to Cooperate meetings at officer and Member level and a summary of the cross-boundary issues discussed)

Local Planning Authority	Local Plan Status	Comments
Sevenoaks	Preparing a new Local Plan	Duty to Cooperate meetings at
	(similar timescales to T&M)	officer and Member level
		currently being arranged.
	New LDS agreed at	
	Development and	
	Conservation Advisory	
	Committee on 19.10.21	
	Call for Sites exercise launched	
	14.10.21 (open to 20.1.22)	
Tunbridge Wells	Preparing to Submit a Local	Statement of Common Ground
	Plan to the Secretary of State.	incorporating the comments of this Board being finalised.
	Latest LDS (Feb 2021) is out of	
	date (anticipates submission in	Member level Duty to
	June 2021)	Cooperate meeting held
		14.6.21.
		Officer attendance at Strategic
		Sites Working Group
Maidstone	Preparing for Regulation 19	Member level Duty to
	consultation (October start).	Cooperate meeting held on
		28.9.21.
	Latest LDS (July 2021)	
		Statement of Common Ground
		drafted (September 2021)
Gravesham	Preparing for Regulation 19	Duty to Cooperate meetings at
	consultation. No dates	officer and Member level
	currently published.	currently being arranged.
	Regulation 18 Stage 2	
	consultations closed 31.12.20	
	Latest LDS (Oct 2019) is out of	
	date.	
Medway	Preparing for Regulation 19	Officer level meeting 13.10.21
	consultation.	
		Member meeting to be
	Latest LDS (September 2021)	arranged.
	suggests Autumn 2021, but	
	may slip to January 2022.	

This page is intentionally left blank

# Agenda Item 8

# **TONBRIDGE & MALLING BOROUGH COUNCIL**

# CABINET

#### 25 January 2022

### **Report of the Director of Street Scene Leisure and Technical Services**

#### Part 1- Public

#### **Executive Non Key Decisions**

# 1 <u>PETITION – CATERING PROVISION AT LEYBOURNE LAKES COUNTRY</u> <u>PARK</u>

#### Summary

The Borough Council has received a petition from the existing catering concessionaire in respect of the future provision of catering services at Leybourne Lakes Country Park.

#### 1.1 Introduction

- 1.1.1 On the 20 August the Borough Council received a request to host an e-petition on its website asking that the current café operator at Leybourne Lakes Country Park be allowed to run the proposed new cafe.
- 1.1.2 This e-petition was open for signatures for a six week period and had received 163 responses when it closed on 5 October.
- 1.1.3 At the same time, the café operator had organised a paper petition requesting the same action. This was given to the Cabinet Member for Community Services (Councillor Des Keers) on 6<sup>th</sup> October.
- 1.1.4 The petition states that the owners of the café have built their business over the last 5 years and have not been consulted about the new café planned for the park. The petition advises that the current caterers have just been informed that TM Active will be running the café and as a direct result they will lose their business. This is felt to be a disgraceful act by the Council to destroy a small family business. The petition requests that 'we the users of the Park wish to see the café remain in the hands of the current business'.
- 1.1.5 At the time of submission, the petition had 1,920 signatures. On 6<sup>th</sup> October 2021 the organiser submitted an electronic copy of the petition which is attached at Annex 1.

- 1.1.6 In accordance with the Borough Council's adopted petition scheme, attached at Annex 2, petitions containing more than 1,500 signatures will be debated by Cabinet or Full Council, whichever body is appropriate.
- 1.1.7 The petition organiser is also allowed five minutes to present the petition at the meeting prior to discussion by Councillors.
- 1.1.8 As the provision of services at Leybourne Lakes Country Park is an executive function it is appropriate for the matter to be discussed by the Cabinet.
- 1.1.9 The organiser has been invited to address the Cabinet.
- 1.1.10 The Cabinet may recommend the following:
  - To take the action requested
  - Not to take the action requested, for reasons put forward in the debate
  - To commission further investigation into the matter
- 1.1.11 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.
- 1.1.12 The meeting will also be livestreamed onto the Borough Councils YouTube channel.

# **1.2** Catering provision at this location

- 1.2.1 The current catering provision at the Park is a temporary mobile catering unit selling cooked food and hot and cold drinks. The unit, similar to those found in roadside laybys and at outdoor events and is served by a number of outdoor picnic tables.
- 1.2.2 Following a procurement exercise the current concessionaire was originally on a four year fixed term contract, which expired in March 2021. There was no commitment beyond this date, and if there were no changes being proposed at LLCP, then the contract would have been retendered in the open market. With the proposed development of a new indoor café and water sports centre being planned by the Council, to be operated by the Leisure Trust, it was not appropriate to retender the existing contract for a short-term period, and a Tenancy at Will was put in place with the existing catering concessionaire until the transfer was agreed. This was signed by both parties in July 2021 and gave each party the right to terminate the contract at any time.
- 1.2.3 Throughout last year the existing catering concessionaire was made fully aware in writing of both the new development and the pending transfer to the Leisure Trust. No commitment was made to the existing concessionaire. The management of the Park was transferred to the Leisure Trust on 1<sup>st</sup> November 2021 and the Tenancy at Will with the Council was terminated. The Trust has been in liaison

with the concessionaire and agreed for it to continue to operate until the opening of the new facility.

- 1.2.4 Following the opening of the new building at the Park in the Spring it is the Trust's intention to operate the permanent indoor catering operation directly itself, as is the case at its other sites including Larkfield Leisure Centre and Tonbridge Pool. This was a key factor in the Trust's Business Plan submitted to the Council and reported to the Communities and Housing Advisory Board and is reflected in the financial arrangements with the Trust. The nature of the future catering operation at the Park will be very different to the existing approach and will not require a mobile unit.
- 1.2.5 Both the Leader and Cabinet Member have met with the current operator and it has been agreed that if any appropriate opportunity arises for a mobile catering unit on Council owned land in the future the operator will be invited to tender.

#### 1.3 Legal Implications

- 1.3.1 The legal arrangements with the current provider are outlined in sub section 1.2 of the report.
- 1.3.2 At the October 2021 meeting of Cabinet the transfer of the operation of the site to the Trust was approved and a lease and formal management agreement between the Council and the Trust are now in place. The lease grants the Trust exclusive possession of the site, which therefore precludes the Council from granting any further leases within this area.

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

1.4.1 The transfer of the management of the Country Park to the Leisure Trust generated a saving to the Council which incorporated the operation of the new permanent Café being operated directly by the Trust.

#### 1.5 Risk Assessment

1.5.1 Any change to the proposed arrangements with the Trust will significantly impact on the financial agreement and undermine the agreed Business Plan.

#### **1.6 Equality Impact Assessment**

1.6.1 The new lakeside café and water sports centre will significantly improve access arrangements to the community.

#### 1.7 Policy Considerations

1.7.1 Community

#### 1.8 Recommendations

#### 1.8.1 It is Recommended that -

- Members note and accept the petition at Annex 1;
- Members do not take the action requested for the café to remain in the hands of the current business
- the catering operator is included on the tender list for any future appropriate opportunities.

Background papers:

Nil

contact: Darren Lanes Stuart Edwards

Robert Styles Director of Street Scene Leisure and Technical Services

# **Review e-Petition**

# Title: LEYBOURNE LAKES CAFE

# Statement:

We the undersigned petition the Borough Council to Allow the current cafe at leybourne lakes country park to run the proposed cafe at leybourne lakes.

# Justification:

The owners of the existing cafe at leybourne lakes have built their business over the last 5 years and have not been consulted about the new cafe planned for the park. They have just been informed that TM Active will be running the cafe and as a direct result they will lose their business. This is a disgraceful act by the council to destroy a small family business and profit from their hard work over the last 5 years.

We the users of the park wish to see the cafe remain in the hands of the current business Leybourne Lakes Cafe. (<u>Show truncated justification text</u>)

Status: Requested

Date submitted: 20/08/2021

# **Possible actions:**

- Edit e-Petition
- Update the status of this e-Petition
- <u>Reject this e-Petition</u>
- <u>Send email to originator</u>
- Add internal note
- <u>Administer ePetition signatures</u>
- Administer paper petition signatures
- Send email to all signatories
- Hide notes

This page is intentionally left blank

# PETITION SCHEME

The Borough Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. All petitions sent or presented to the Council will receive an acknowledgement from the Council within 10 working days of receipt. This acknowledgement will set out how the petition is to be dealt with. We will treat something as a petition if it is identified as being a petition or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to:

- Democratic Services, Tonbridge and Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

Alternatively, in electronic form if created, signed and submitted online by following the procedure set out on the Council's website.

Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis and dates and times are published by Notice and on the Council's website. To present a petition to the Council in person, or to request your Councillor or someone else to present it on your behalf, please contact our Democratic Services team on: <u>committee.services@tmbc.gov.uk</u> at least 10 working days before the meeting for further advice.

#### What are the guidelines for submitting a petition?

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. It should state what action the petitioners wish the Council to take;
- the name and address and signature of the persons supporting the petition; and
- a closing date should be set by the petition organiser. Where no closing date has been identified, the Borough Council will set this as six weeks from the date the petition was received.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the Council's website.

If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

#### What will the Council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council or Cabinet debate (as appropriate depending on whether the matter relates to an Executive or Council responsibility), or a senior officer giving evidence, then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply and the matter will be dealt with accordingly. Further information on all these procedures and how you can express your views is available on our website.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Wherever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

# How will the Council Respond to Petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council or Cabinet meeting (whichever is appropriate)

- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee\*
- calling a referendum
- writing to the petition organiser setting out our views on the request in the petition

\*The Overview and Scrutiny Committee is a committee of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider what specific actions are available to address the issues highlighted in a petition.

The Council's response to a petition will set out the steps we intend to take and the reasons for taking this approach.

If the petition is about something over which the Council has no direct control we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to the petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the Council is responsible on our <u>website</u>.

If the petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

# Full Council/ Cabinet Debates

If a petition contains <u>more than 1,500 signatures</u> it will be debated by the Full Council or Cabinet as appropriate (depending on whether the matter relates to an Executive or Council responsibility) unless it is a petition asking for a senior Council officer to give evidence at a public meeting.

The Council/ Cabinet will endeavour to consider the petition at its next ordinary meeting although on some occasions this may not be possible and it will then be referred to the next following meeting.

A maximum of two members of a deputation may address the Council/ Cabinet for no longer than five minutes each, in line with the Council and Committee Procedure rules. One of these speakers should be the petition organiser.

The Council/ Cabinet will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee or Board. The petition organiser will receive written confirmation of the decision. This confirmation will also be published on the Council's website.

# Officer Evidence

A petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, the petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at <u>least 750 signatures</u>, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Management Team. Their details can be found on the Council's <u>website</u>.

The Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition; for instance if the named officer has changed jobs. The committee may also decide to call the relevant Portfolio Holder to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chairman of the Committee by contacting the Democratic Services team at the above postal address or on <u>committee.services@tmbc.gov.uk</u> up to three working days before the meeting.

# **E-Petitions**

A committee management system (Modern.Gov) provides a facility for members of the public to create and submit an e-petition through the Council's website. This allows petitions and supporting information to be made available to a potentially much wider audience than a traditional paper based petition.

E-petitions will follow the same guidelines as paper petitions.

The petition organiser will need to provide their name, postal address and email address and will also need to decide how long the petition is to be open for signatures. Most petitions are expected to run for six months, but you will be able to choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of the petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website. When an e-petition has closed for signature, it will automatically be submitted to our Democratic Services team. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services as above within 10 working days of receipt of the acknowledgement. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgement and response will also be published on this website.

All the e-petitions currently available for signature will be on our website.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

There is a preference for e-petitions to be submitted via the Borough Council's online system as it cannot be guaranteed that other e-petition platforms, such as Change.org or other similar providers, can be verified sufficiently to meet the required criteria. Where e-petitions are submitted via an alternative provider the Borough Council require hard copies to be provided for administration and audit purposes.

By signing an e-petition you are giving permission for your information to be held and used by the Borough Council in connection with the e-petition.

# What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

This page is intentionally left blank

# Agenda Item 9

# NORTHAMPTONSHIRE COUNTY COUNCIL - INTERVENTIONS REPORT

# Item OS 21/29 referred from Overview and Scrutiny Committee of 2 December 2021

The joint report of the Chief Executive, Director of Finance and Transformation and Director of Central Services and Deputy Chief Executive summarised the key issues arising from the Commissioners' Interventions Report at the former Northamptonshire County Council.

Members reviewed the issues raised and assessed whether the Borough Council was adequately equipped to avoid these occurring within Tonbridge and Malling. Particular reference was made to the major financial challenges facing the Council and consideration given to what role the Overview and Scrutiny Committee should have in supporting the 'financial agenda'. In addition, Members discussed what specific training might be required to assist in the overview and scrutiny role.

After careful consideration, it was

#### RECOMMENDED: That

- (1) Officers be invited to consider how the agenda for each meeting of the Committee include an item on an element of financial matters which identifies any changes in the budgetary position since the previous meeting;
- (2) the Risk Register be reported to the Committee on a regular basis to provide an update on those identified as 'red' and identify actions taken to negate those risks;
- (3) Officers be invited to identify suitable training for members of the Committee in light of its scrutiny role and to enable a better understanding of financial issues; and
- (4) Officers investigate best practice at other local authorities and invite their officers to present details of this at a future meeting of the Committee.

#### \*Referred to Cabinet

This page is intentionally left blank

# **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: <u>https://www.gov.uk/government/collections/inspection-into-the-governance-of-northamptonshire-county-council</u>

- 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.

#### тмвс

- 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:

4

"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 riskmanagement 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.

#### тмвс

- 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:
  - 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;
  - 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;
  - 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.
- 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.

#### тмвс

- 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.

#### тмвс

- 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."

#### тмвс

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.

Page 101

Overview & Scrutiny - Part 1 Public

#### тмвс

- 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:
  - 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 BeilbyAdrian StanfieldChief ExecutiveDirector of Central Services

Sharon Shelton Director of Finance & Transformation This page is intentionally left blank

# 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.

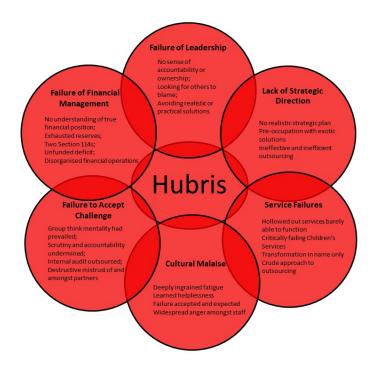
This is our report on the lessons learned during the Intervention. It supersedes our first and second annual interim reports which we developed as aide memoires to ensure that we captured the essence of the Intervention as it progressed.

#### Introduction

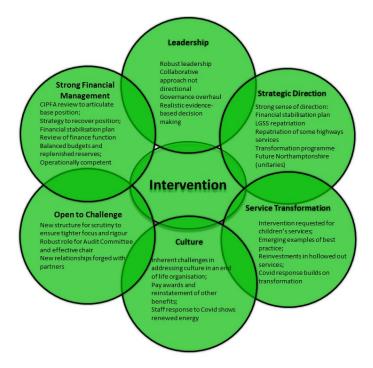
When we arrived, the Council had exhausted its reserves, had an unfunded deficit and had issued a section 114 (s114) notice – effectively declaring itself bankrupt. It was an organisation that had been hollowed out, with many of its in-house services and its out-sourced services neither efficient nor 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 decisionmaking 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 armslength 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  $\pm 30m - as$ opposed to the  $\pm 8m$  forecast by the Council and an unfunded deficit for the previous year of  $\pm 34m$ , increasing to  $\pm 41m$  once misuse of grants and ring-fenced reserves were taken into account. A total gap of over  $\pm 64m$ .

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 (<u>https://www.parliament.uk/business/publications/written-questions-answersstatements/written-statement/Commons/2019-07-22/HCWS1774</u>). 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.

## Annex 2

# 6. **Overview and Scrutiny Committee**

Size and Membership:

Terms of Reference

(Quorum: 4 Members of the Committee)

To consist of 18 members and shall be politically balanced, none of whom may be a member of the Executive.

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.

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.

Terms	Terms of Reference:							
The C functio	Overview and Scrutiny Committee shall discharge the following general ons							
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							
-	The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:							
7.	to recommend that the decision be reconsidered by the person who made it; or							

0	to express for its function under subsection 4 as for as it relates to the						
8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.						
Speci	Specific Functions:						
Polic	Policy Development and Review						
The C	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;						
Scrut	iny						
The C	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).						

Finan	Finance						
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it						
Annua	al 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.						
Office	rs						
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.						
The O	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.						
comply oblige	e duty of any member or officer mentioned in paragraphs (a) or (b) above to y with any requirement mentioned in that paragraph. However, a person is not d to answer any question which the person would be entitled to refuse to er 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.							

# Agenda Item 10

Recommendations of the Overview and Scrutiny Committee meeting of 18 January will be circulated in advance of the meeting of Cabinet.

# **TONBRIDGE & MALLING BOROUGH COUNCIL**

# **OVERVIEW AND SCRUTINY COMMITTEE**

## 18 January 2022

Report of the Director of Planning, Housing and Environmental Health

## Part 1- Public

## Matters for Recommendation to Cabinet

## 1 **REVIEW OF COUNCIL'S PUBLIC HEALTH FUNCTION**

#### Summary

This report makes recommendations to amend the structure of the Council's One You team in order to bring the cost of the service within the annual grant allocation received from Kent County Council (KCC).

## 1.1 Background

- 1.1.1 The Council work in partnership with KCC to deliver a One You programme across the borough. This work focusses on healthy lifestyles including healthy eating, exercise, drinking less and stopping smoking. In addition, the team work on supporting low level mental health needs for clients and make referrals into wider Council services e.g., housing, benefits. The service focusses on individual assessments of clients to establish needs and goals and ongoing support to achieve those goals. In addition, the team run Counterweight a weight management programme and support other initiatives such as healthy walks and wider health campaigns.
- 1.1.2 Tonbridge & Malling BC operates this service within a wider West Kent partnership with Sevenoaks DC and Tunbridge Wells BC and there is some shared staffing and resources e.g., call centre, IT system.
- 1.1.3 Tonbridge & Malling BC receive an annual grant from KCC for the One You delivery. For 2021/22 the grant was £120,720.07.
- 1.1.4 The Council's Overview & Scrutiny Committee considered a scoping report on the Council's Public Health function on 29 August 2019 (provided as background information). On 15 January 2020 a further paper was taken to the Committee (provided as background information) exploring the three options that had been identified for the future provision of the One You Kent service within Tonbridge & Malling BC. The recommendation from that meeting was that a formal request for an increased contribution to cover management costs to enable delivery of the One You Service on a cost neutral basis be submitted to Kent County Council. This request was submitted, and discussions were underway when the Covid-19 pandemic occurred and understandably the Public Health team at KCC were

otherwise diverted. At the same time the Council's One You team played an integral part in the Council's Community Hub response to the pandemic and provided a much-valued befriending service and support to some of our most vulnerable residents.

- 1.1.5 Further reports to the Committee were presented on 18 June 2020 and 27 August 2020 which, as part of a wider scrutiny refocus and reporting on the Council's response to the pandemic, highlighted both the crucial role of the One You team in the pandemic and the ongoing need for the provision of this service at a time when healthy living has been highlighted as an important contributor to the short-and long-term effects of Coronavirus.
- 1.1.6 It has been clear from previous Member discussion at the Overview & Scrutiny Committee that the desire was to see the service cost brought within the available KCC grant budget including any management costs so that in effect the service is a nil cost to Tonbridge & Malling BC. Considering the Council's financial situation, it is now thought that it is the right time to revisit this intention for implementation from April 2022.

## **1.2** Current structure and cost

- 1.2.1 The structure and current cost of the service is provided at **Annex 1**.
- 1.2.2 Members will note that management costs have been apportioned to reflect the time actually spent on the One You team. Both the Head of Housing and Health and the Director of Planning, Housing & Environmental Health spend a considerable amount of time on health-related work e.g., West Kent Improvement Board, Local Care Delivery Board, Local Care Hub work that often relates to wider aspects of the Council's work e.g., housing, mental health etc. This would happen irrespective of where the One You delivery sits. Moving forwards, it is intended to separate out the salary allocations between Public Health and Health to provide a more accurate picture.
- 1.2.3 Members will also note that there is a shared post of Health Improvement Support Assistant across the West Kent partnership and both Sevenoaks DC and Tunbridge Wells BC contribute towards this post.
- 1.2.4 Further Members will note a gap in funding of the current structure of £35,367.93. To bring the service cost within the available grant budget it will be necessary to amend the current staffing structure.

## **1.3 Proposed structure and cost**

1.3.1 A revised staffing structure and cost is proposed at **Annex 2**. It is proposed that this structure would be implemented from April 2022 subject to Cabinet endorsement and approval of the staffing elements at General Purposes Committee on 31/01/22.

- 1.3.2 For the purposes of this report, it is assumed that the salaries and grant allocation remain the same however there may of course be an increase in salaries and an increase/decrease in the grant allocation. Members will see there is a "buffer" of £8,125 to allow for any changes to the overall figures.
- 1.3.3 Both Sevenoaks DC and Tunbridge Wells BC have also raised similar concerns about the grant being received not covering the cost of their service either now or moving forwards (although they do not include management costs within their calculations) and this has resulted in a joint letter being sent to Kent County Council to highlight the concern across West Kent and to request increased funding. To date no response has been received and any update on this will be provided at the meeting. If the funding was to increase this is likely to be a one-off increase and therefore we would likely be in the same position next year. During these discussions Sevenoaks DC have indicated they are unlikely to be able to continue to support the shared Health Improvement Support Assistant beyond the end of 2021/22. As this role is not involved in direct delivery it is unfortunately felt that this role can no longer be supported. One of the major impacts of this will be felt around marketing and promotion of the service, however it is felt that a discussion with KCC should be held around their responsibility for marketing and how to improve this.
- 1.3.4 With the funding gap we have it is inevitable that we will also have to lose some direct delivery resources. We are therefore proposing that we reduce the number of One You Advisor posts from 2FTE to 1.2FTE. This will clearly have an impact on the number of clients that we can assist at any one time. However to counteract some of this we propose to utilise an allocation of the "buffer" of £8,125 to allow for the employment of casual staff when needed. This could be at certain times of the year when we are supporting campaigns or to run our Counterweight programmes allowing our One You advisors and the caseload the Health Team Leader carries to focus on our resident's one to one assessments and support.
- 1.3.5 When considering our reporting requirements to KCC the focus is on the outcomes for residents and the impact of the service rather than a target number of assessments. Clearly any proposed changes to the staffing levels will have to be notified to KCC and the impact of this change will be highlighted.
- 1.3.6 It is considered important to maintain the role of the Health Team Leader who as well as carrying a caseload, manages the partnership with KCC including monitoring requirements and represents the service at key meetings.
- 1.3.7 As part of this revised structure new job descriptions will be developed for the remaining roles to reflect changes from the loss of the Health Improvement Support Assistant within the team plus changes to the ways of working because of on-line delivery.
- 1.3.8 Members will note that it is proposed to maintain the Healthy Living Initiatives budget at £10,000. This budget is used to fund the call centre, IT, campaigns and

Counterweight literature. One previous expenditure from this budget was the hiring of venues to run the Counterweight programmes however this has now moved successfully online, and some delivery will remain so moving forwards so costs in this respect are reduced.

#### 1.4 Legal Implications

1.4.1 If KCC were to decide to withdraw funding from the districts because of raising concerns about delivery and award the contract to Kent Community Health Foundation Trust (other delivery organisation in Kent) then a TUPE transfer of staff may apply. There is however no expectation that KCC will make this decision in the immediate future.

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

- 1.5.1 The Council receives an annual grant allocation for delivery of One You services from KCC. For 2021/22 this was £120,720.07.
- 1.5.2 When considering the cost of the current structure in 2021/22 there is a funding gap of £35.367.93. The overspend on public health has been funded via the public health reserve (see 1.5.4)
- 1.5.3 The proposed new structure will bring the cost of the service within the annual grant allocation and allows for a "buffer" of £8,125 for potential variation in salaries/grant allocation and the employment of casual staff.
- 1.5.4 A public health reserve is held by the Council and the balance at 1 April 2021 was £28,760. Due expenditure on public health exceeding income, based on the latest estimates (without any changes to the structure) it is expected the reserve will be fully used up during 2022/23.
- 1.5.5 The difference between the grant funding that we receive, and the actual cost of the service has been funded through the public health reserve. However as explained previously this reserve will shortly run out. Bringing the service within the cost of the annual grant application will mean the Council will avoid growth of £35,367.93 per annum based on 2021/22 costings.
- 1.5.6 A restructure may incur redundancy costs. Any reserve left as at April 2022 (as a result of bringing the service within the grant allocation) could be utilised towards these costs or used to support the "buffer" for potential variation in salaries/grant allocation and the employment of casual staff.

#### 1.6 Risk Assessment

1.6.1 None

## 1.7 Equality Impact Assessment

- 1.7.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and varies between groups of people. The results of this analysis are set out immediately below:
  - A number of the equality groups are targeted as part of the One You service as they are seen as higher risk of obesity etc. These include males, residents with learning disabilities, BAME groups. In addition residents in quintile groups 1 & 2 areas are also targeted. Therefore any reduction in service could potentially impact on these groups.
  - The existing numbers of service users comprising of BAME groups and residents with a learning disability are very low.
  - In order to minimise impact on these groups we could commit to ensuring that delivery of weight management programmes (as opposed to other work) is a priority and that we continue to target the required equality groups to ensure the service is provided where it is most needed.
  - A further emphasis on the targeted groups along with a reduction in service could mean that other (non targeted) residents cannot access the service through TMBC directly.

## 1.8 Recommendations

1.8.1 That Cabinet is **REQUESTED** to **ENDORSE** the proposed structure to bring the One You service within the annual KCC grant allocation

Background papers:

contact: Linda Hibbs

Overview & Scrutiny Committee papers 29/8/19 & 15/1/20

Eleanor Hoyle Director of Planning, Housing & Environmental Health

#### Annex 1

#### One You team costings 2021-22

	Post No.	Grade	Hours	Annual Salary (assume top of scale)	Oncosts @ 28.5%	Sub-Total	Car Allowance	Total Cost
Staffing				£	£	£	£	£
Health Te	DV0201	M9	37.0	40,440	11,525	51,965	1,500	53,465 CP
Health Im	DV0297	3	37.0	20,679	5,894	26,573	0	26,573 SB
One You ,	DV0202	5	22.0	15,808	4,505	20,313	1,500	21,813 NB
One You ,	DV0202	5	15.0	10,778	3,072	13,850	1,500	15,350 SW
One You ,	DV0203	5	22.0	15,808	4,505	20,313	1,500	21,813 SL
One You ,	DV0203	5	15.0	10,778	3,072	13,850	1,500	15,350 AB
Managem	ent							
								4,415 1,989 6,021
Budget								
Healthy Living Initiatives budget								10,000

**TOTAL** 176,789

\*within the salary allocations process there is no code to allocate time spent on health work as opposed to public health work. So all the time spent on CCG activities e.g. WKICPDB & Local Care Board are allocated to public health. This misrepresents the amount of management for public health. The amounts in the table above have therefore been reduced from the amounts in the revised salary estimates

KCC grant120,720.07Income20,701 For shared Health Improvement Support Assistant

GAP IN FUNDING 35,367.93

Car allowance of £1,500 reflects top rate essential car user allowance plus mileage at pre covid levels (approx 700 miles pa across the team)

#### Annex 2 - Revised staffing structure and cost

# One You team proposal

I	Post No.	Grade	Hours	Annual Salary (assume top of	Oncosts @ 28.5%		Car Allowance	Total Cost	Notes
Staffing				scale) £	£	£	£	£	
Health Team Leader*		M9	37.0	40,440	11,525	51,965	200	52,165	Casual car user allowance based on changes to service.
One You Advisor*		5	22.0	15,808	4,505	20,313	200	20,513	Casual car user allowance based on changes to service.
One You Advisor* * New JDs will be produced		5	22.0	15,808	4,505	20,313	200	20,513	Casual car user allowance based on changes to service.
Management									
Head of Housing & Health allocat Director of P, H & EH*	tion*							4,415 1,989	Discussion with Admin manager and likely ongoing support for
Street scene & Leisure managem	nent & adn	nin support	t*					3,000	OY team is reduced with amended structure/ways of working etc.
Budget									
Healthy Living Initiatives budget								10,000	
						-	TOTAL	112,595	

\*within the salary allocations process there is no code to allocate time spent on health work as opposed to public health work. So all the time spent on CCG activities e.g. WKICPDB & Local Care Board are allocated to public health. This misrepresents the amount of management for public health. The amounts in the table above have therefore been reduced from the amounts in the revised salary estimates

KCC grant	120,720
Income	0

SURPLUS GRANT -8,125

Health Improvement Support A	3	37.0	20,679	5,894	26,573	0	26,573
One You Advisor	5	15.0	10,778	3,072	13,850	1,500	15,350
One You Advisor	5	15.0	10,778	3,072	13,850	1,500	15,350

# **TONBRIDGE & MALLING BOROUGH COUNCIL**

# **OVERVIEW AND SCRUTINY COMMITTEE**

## 29 August 2019

# Report of the Director of Planning, Housing & Environmental Health

## Part 1- Public

## Delegated

## 1 SCOPING REPORT FOR REVIEW OF PUBLIC HEALTH

## Summary

This report provides Members with background information on the Public Health team and work carried out by Tonbridge & Malling BC. Options for inclusion in the review of the service are presented for consideration.

## 1.1 Background

- 1.1.1 Kent County Council as the public health authority commissions Tonbridge and Malling Borough Council as part of a wider West Kent partnership (including Sevenoaks DC and Tunbridge Wells BC) to deliver the One You Kent Service to help achieve the common objective of promoting healthier lifestyles among the population of Tonbridge and Malling in order to:
  - Extend healthy life expectancy through prevention of chronic conditions such as obesity, cardiovascular diseases and diabetes;
  - Reduce health inequalities; and
  - Reduce avoidable demand on the health and care system in Kent.
- 1.1.2 Within the One You Kent Service the following work is carried out:
  - Integrated Lifestyle Services One You Kent focusing on healthy weight, being more active, reducing alcohol intake and stopping smoking
  - Weight Management Services
  - Workplace Health
  - Health in all policies
  - Healthy Communities including smoke free initiatives
- 1.1.3 The vision of the One You Kent Service is to motivate people to achieve and maintain a healthy lifestyle by supporting them to make positive lifestyle choices.

- 1.1.4 A number of principles have been developed for the model. These include:
  - **Integrated** People can get all the help they need to be healthier from one service.
  - **Targeted** Aimed at people who need help most but still available to everyone.
  - **Motivating** Encouraging people to be healthier.
  - **Promoting independence** Helping people to be healthier so they don't need to rely on a service.
  - **Flexible** Meeting the needs of local people creating better choice and tailored service.
- 1.1.5 The service contributes to achievement of outcomes set out in the Public Health Outcomes Framework (PHOF), and Public Health England's (PHE) vision to improve and protect the nation's health and wellbeing and improve the health of the poorest, fastest; through the following two key outcomes:
  - PHE Outcome 1: Increased healthy life expectancy taking account of the health quality as well as the length of life.
  - PHE Outcome 2: Reduced differences in life expectancy and healthy life expectancy between communities through greater improvements in more disadvantaged communities such as those in the most deprived quintile.
- 1.1.6 The team currently consists of four established posts: DV0201 Health Team Leader (37 hours per week, grade M9); DV0297 Health Improvement Support Assistant (37 hours per week, scale 3); DV0202 and DV0203 One You Advisors (37 hours per week, scale 5). Both the One You Advisor posts are currently resourced by job sharers, two of whom work 22 hours per week and two who work 15 hours per week.
- 1.1.7 In addition there are some resources (approximately one day a week for Tonbridge & Malling work) provided from the Council's Environmental Projects Coordinator who focusses on workplace health. This involves liaising with local businesses and workplaces to encourage and support with healthy lifestyle choices and opportunities for employees. Sevenoaks DC also commission Tonbridge & Malling BC to deliver their workplace health programme and this is carried out by the Environmental Projects Coordinator in again approximately one day a week staffing resources.
- 1.1.8 The One You Advisors provide one to one sessions with clients to help with lifestyle choices and behaviour and continue to support that client with their ongoing journey over typically six one to one sessions. The team also provide

weight management classes and attend many local events to promote healthy lifestyles.

- 1.1.9 We work in partnership with Sevenoaks DC and Tunbridge Wells BC to deliver One You across West Kent. The teams work closely together and provide resilience for one another when required. The teams share an administrative resource, a central contact number for One You in West Kent (managed by the call centre at Sevenoaks DC) and have commissioned a joint database to manage the caseload. All these elements are jointly funded by the three authorities. Clearly any decision Tonbridge & Malling BC takes with regard to the future of the service would have some effect on these two partners.
- 1.1.10 When the partnership for West Kent was set up to deliver the One You service there was a real focus on incorporating the services that districts provide to ensure a holistic approach to health. Services such as housing and benefits are now completely embedded into the One You service and often we find that by getting to the root cause of an issue e.g. too much drinking due to concern about rent arrears we can then help to tackle that cause as well as provide healthy lifestyle advice thus leading to a much more sustained outcome. This approach to service provision was one of the selling points of the boroughs' bid to undertake the One You service and is additional to the standard One You model utilised by KCC when commissioning other organisations.

# 1.2 Finance

1.2.1 Tonbridge & Malling have received funding from Kent County Council for healthy lifestyles for a number of years. More specifically a Healthy Lifestyle One You Kent (OYK) grant has been received from Kent County Council over the last three years. The details are provided in the following table:

Year	Amount of OYK grant
2015/16	£132,242
2016/17	£131,493
2017/18	£127,697
2018/19	£127,697
2019/20	£125,143

- 1.2.2 Members will note that over the period shown there has been a gradual reduction in the grant received other than in 2018/19 whilst costs have increased.
- 1.2.3 In terms of future funding Kent County Council's Director of Public Health, Andrew Scott-Clark has advised that "(KCC) are waiting for the results of the 2019

spending review, which will inform the Public Health (PH) grant allocation for 2020/21 and beyond. In addition, a national review around mandation will affect use of the grant. It has been possible on this occasion to apply only 2% cut but if there are further cuts announced for 2020 and beyond, we will need to apply any national reductions to the PH grant to your grant allocations." However, it is also important to note that in the most recent discussions with KCC they have indicated that they are not currently minded to alter the arrangements with the West Kent boroughs and re-commission the service, should the boroughs wish to continue delivery. Although as a commissioning body they do retain the right to recommission how they wish.

1.2.4 The Council's revenue budget position for public health for 2019/20 is as below:

Item	£
Staff costs	141,500*
Partnership Receipts from Sevenoaks DC and Tunbridge Wells BC	(17,300)*
Managerial and other direct staff costs	34,250
Healthy Living Initiatives (budget to assist with delivery of programmes)	23,000*
Income from PH grant (does not match the actual grant of £125,143 as this is only confirmed after budget setting process)	(127,700)*
Income from other bodies (contribution from Sevenoaks DC for workplace health delivery)	(9,000)*
Central, Departmental & Technical Support Services	82,000
Summary	126,750

1.2.5 When examining direct costs and income (those items marked with an asterisk\*) attributable to the One You Healthy Living service expenditure exceeds income to the sum of £10,500. When the service was introduced it was on the understanding that the 'commissioning role' would be fiscal neutral. The shortfall is currently funded from an earmarked reserve (balance as at 1/4/19 £54,477), but will in due course, were it to continue, represent budget growth and in turn add to the Corporate funding gap and the savings and transformation target.

#### 1.3 Performance

- 1.3.1 The activity of the One You service is summarised in their annual return, which is attached at **Annex 1** to this report for information.
- 1.3.2 Some of the key highlights include the Counter Weight programme, a 12 week evidence based weight loss programme. Aimed at a moderate weight loss of 5-10%, it has demonstrated evidence of both clinical and cost-effectiveness. It is a structured weight management intervention delivered over a 12 week period, using behavioural strategies to assist people to change their lifestyle. In TMBC this year:
  - 135 participants engaged in at least one session on the programme;
  - 87 participants engaged in the programme;
  - 87 engagers lost weight;
  - 48 (55.17%) of engagers lost <3% weight;
  - 20 (22.99%) of engagers lost 3-4.9% weight; and
  - 19 (21.89%) of engagers lost >5%.
- 1.3.3 Across the One You Service as a whole, the following key statistics show very good performance levels against expected levels of engagement:
  - 370 Referrals received into the One You Service;
  - 72.7% Referrals contacted within 48 hours of receiving the referral;
  - 176 Referrals were seen by a One You advisors; and
  - 48 of the people seen were from quintiles 1 and 2.

## 1.4 HR Policy Implications

1.4.1 Depending upon the final outcome of the review, the Council's Reorganisation, Redundancy and Redeployment Procedure may apply. It may also transpire that relevant employment law such as TUPE may be applicable.

## 1.5 Legal Implications

1.5.1 There are none arising from this report.

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

- 1.6.1 When introduced it was on the understanding that the arrangement would be fiscal neutral. The funding provided has reduced over time whilst costs have increased where the Council is now meeting a shortfall in funding from an earmarked reserve. The reserve can 'plug' the shortfall in funding in the short term. If the shortfall were to continue this would represent budget growth and, in turn, add to the funding gap.
- 1.6.2 Each of the options as set out in paragraph 1.9 below will have a cost implication summary attached as part of the second O&S report.

# 1.7 Risk Assessment

1.7.1 With any externally funded service, the core risk is the funding being discontinued. This consideration will be built into the options appraisal.

## **1.8 Equality Impact Assessment**

1.8.1 An equality impact assessment will need to be undertaken as part of this review.

## 1.9 Next steps

- 1.9.1 A number of options have been provisionally identified, and are set out below. Members are requested to consider which of these options they wish to see included in the review or to identify any other options they would like to explore.
- 1.9.2 Identified options for consideration
  - 1) Adopt the principle that TMBC wishes to continue to deliver the programme by direct provision of funding above the KCC grant funding i.e. to continue the service in its current format and to continue to meet the current shortfall in funding up to a predetermined limit recognising in doing so this will generate budget growth (once the earmarked reserve is used up) and, in turn, add to the funding gap.
  - 2) Adopt the principle that TMBC should only deliver the programme at a level fully funded by KCC i.e. to do as originally planned when the 'commissioning role' was introduced that the arrangement would be fiscal neutral.
  - 3) Adopt the principle that TMBC should not be delivering this programme of work i.e. to discontinue delivering directly the One You service across Tonbridge & Malling and inform KCC that they would need to commission this service from another organisation.
- 1.9.3 In considering these various options, it is suggested that Members may be assisted by hearing from key partners in the delivery of public health services that could include the Director of Public Health at Kent County Council, GPs, Tonbridge & Malling Leisure Trust (exercise referral).

1.9.4 A further report with final recommendations will be reported to the December meeting of this Committee.

## 1.10 Recommendations

1.10.1 That the contents of this report **BE NOTED** and that a further report be made to the December meeting of this Committee regarding the options identified in section 1.9 of this report and any other options identified by this Committee.

Background papers:

contact: Eleanor Hoyle/Linda Hibbs/Claire Potter

Nil

Eleanor Hoyle Director of Planning, Housing & Environmental Health

# **TONBRIDGE & MALLING BOROUGH COUNCIL**

# **OVERVIEW AND SCRUTINY COMMITTEE**

## 15 January 2020

# Report of the Director of Planning, Housing & Environmental Health

## Part 1- Public

## Matters for Recommendation to Council

# 1 <u>REVIEW OF PUBLIC HEALTH</u>

## Summary

This report explores the three previously identified options for the future provision of the One You Kent service within Tonbridge & Malling BC. Dependent on the option chosen by Members there may be future financial implications for the Council.

## 1.1 Background

- 1.1.1 At the meeting of this Committee on 29 August 2019 Members agreed to explore the following three options for ongoing provision of the One You Kent programme:
  - 1) Adopt the principle that TMBC wishes to continue to deliver the programme by direct provision of funding above the KCC grant funding i.e. to continue the service in its current format and to continue to meet the current shortfall in funding up to a predetermined limit recognising in doing so this will generate budget growth (once the earmarked reserve is used up) and, in turn, add to the funding gap.
  - 2) Adopt the principle that TMBC should only deliver the programme at a level fully funded by KCC i.e. to do as originally planned when the 'commissioning role' was introduced that the arrangement would be fiscal neutral.
  - 3) Adopt the principle that TMBC should not be delivering this programme of work i.e. to discontinue delivering directly the One You service across Tonbridge & Malling and inform KCC that they would need to commission this service from another organisation.
- 1.1.2 The scoping report from the previous meeting is attached at **Annex 1**.
- 1.1.3 At the meeting on the 29 August 2019 Members confirmed that they wished to hear more about this service from the Director of Public Health, Kent County Council who commission the One You Kent programme as well as a local GP. Andrew Scott-Clark and Becky Prince (GP – Snodland surgery) have both accepted the invite to this meeting Members may wish to draw out from Andrew

Scott-Clark the impact of the One You service and any benefits of it being delivered through the district Council partnership approach in West Kent. It would be useful to hear Becky Prince's direct experience of the One You programme and the outcomes it has for her patients.

- 1.1.4 The scoping report laid out the budget position on current service delivery, which is the base position for option 1. KCC currently fund £125,143.06 per annum and TMBC currently have a savings reserve of £55,727 as at 31/3/20. Ahead of this report, KCC have informally indicated (ahead of their Public Health grant amount being confirmed) that they are intending to fund at the same level in 2020/21.
- 1.1.5 In 2015 a report was commissioned by the District Councils' Network (DCN). Its intention was to contribute to the understanding, assessment and development of the role of district councils in improving the health of their citizens and communities. It focussed on district councils' role in promoting public health through some of their key functions and enabling roles. It concluded that:
  - a) Our health is primarily determined by factors other than health care. District councils are in a good position to influence many of these factors through their key functions and in their wider role supporting communities and influencing other bodies.
  - b) District councils face key challenges, the biggest of which is a fall in central government income. But public health reform and localism also create opportunities for them to increase their contribution to the health of their citizens. Moreover, many of their actions are likely to release savings to the public purse primarily (but not solely) in the NHS. District councils therefore need to be more integrated in local health and social care policy than many currently are.
  - c) Among their core functions, housing, leisure and green spaces, and environmental health are key areas that affect public health.
  - d) District councils have an important role to play in supporting social capital by strengthening social networks and community-centred approaches to health, potentially through enabling greater volunteer involvement in health care support. These approaches have been shown to have strong and direct links to health, being as powerful predictors of mortality in older populations as common lifestyle risks, such as moderate smoking, obesity, and high cholesterol and blood pressure. They are also important in determining or averting health behaviours as well as resilience to, and recovery from, illness.
- 1.1.6 The One You team is integral to the delivery of the conclusions drawn out above by the DCN commissioned report.

# 1.2 Option 1 – TMBC continue to deliver One You programme in its current format

1.2.1 The table below provides a SWOT analysis for this option:

Strengths	Opportunities
Continues the positive and holistic approach to delivery of One You service within the wider district Council services.	Further develop the strong health links across the Council and with partner organisations particularly with housing and leisure
Continues the positive and strong working partnership across West Kent.	Further develop the health in all policies agenda across the Council.
Retain committed and hardworking team who are making a difference for residents.	Relook at the partnership across West Kent and if this provides any opportunity for rationalisation.
Continue with the progression of the newly formed One You Kent Countywide Partnership Meeting which focuses on continuous improvement	To continue to raise the profile of this preventative work such that other partners e.g. health, community services will seek to also invest.
and sharing best practice across all districts and KCHFT.	Seek income generation opportunities.
Enables the current level of activity – dealing with 370 referrals and 135	Improved efficiency in service through IT improvements.
participants in weight loss programmes.	Seek additional funding opportunities.
Helps to meet our corporate strategy aims where we state we remain committed to developing our dialogue with partners including those for health improvement and one of our key outcomes is to maintain effective joint working across West Kent on key issues such as health provision.	
Weaknesses	Threats
This is not a mandatory service however has strong links into other such duties of the Council e.g. housing.	Future funding is uncertain so will represent budget growth once reserve fully spent.
Impact on senior management time - service needs to be managed within a head of service and Director portfolio so has an effect on resources available	

for the rest of the service, many of which are statutory.	
Funding burden on Council if there is a funding shortfall.	

- 1.2.2 This option enables TMBC to continue to deliver the One You services with all the wider benefits this has for the Council further detail is provided in 1.3.3 below.
- 1.2.3 However it is recognised that this option is highly likely to represent budget growth once the Public Health reserve has been used up and the length of time that will take is unknown due to the commissioning funding coming from KCC and staff costs rising through inflation. Members will recall from the last report that when the service was introduced it was on the understanding that the 'commissioning role' would be fiscally neutral for TMBC. This option will not achieve that objective and indeed the gap may widen each year.

# 1.3 Option 2 – TMBC continue to deliver One You programme at a level funded by KCC

Strengths	Opportunities
There will be no budget growth for the Council – the service will be managed within the annual KCC funding utilising the reserve (£55,727 as at 31/3/20,	Further develop the strong health links across the Council particularly with housing and leisure.
made up of underspends in public health in previous financial years) for	Further develop the health in all policies agenda across the Council.
any difference and staffing adjusted as required.	Relook at the partnership across West Kent and if this provides any
Retains positive and holistic approach to delivery of One You service within the wider district Council services.	opportunity for rationalisation. We continue to raise the profile of this preventative work such that other
Continues the positive and strong working partnership across West Kent.	partners e.g. health, community services will seek to also invest.
Retain committed and hardworking team (subject to level of KCC funding) who are making a difference for residents.	Seek income generation opportunities. Increased efficiency in service through IT improvements.

1.3.1 The table below provides a SWOT analysis for this option:

Continue with the progression of the newly formed One You Kent Countywide Partnership Meeting which focuses on continuous improvement and sharing best practice across all districts and KCHFT.	Seek additional funding opportunities.
Helps to meet our corporate strategy aims where we state we remain committed to developing our dialogue with partners including those for health improvement and one of our key outcomes is to maintain effective joint working across West Kent on key issues such as health provision.	
Weaknesses	Threats
This is not a mandatory service however has strong links into other such duties of the Council e.g. housing.	Future funding is uncertain so shortfall for TMBC to fund (if any) will be determined year to year and may require staffing level changes, which
Impact on senior management time - service needs to be managed within a head of service and Director portfolio so has an effect on resources available for the rest of the service, many of which are statutory.	could have staff retention and HR implications.
There may be a reduction in the	

- 1.3.2 This option enables TMBC to continue to deliver the One You services and all the wider benefits this has for the Council within the budget provided by KCC. In 2019/20 this has already happened with a reduction in the "Healthy Living Initiatives" budget from £23,000 to £10,000.
- 1.3.3 Without a doubt the delivery of the One You service by TMBC has paid dividends for our residents. The service has been able to influence the assessment criteria and process to enable wider district services as highlighted above e.g. housing to be explored with residents and where required issues to be addressed. It offers a

holistic approach to the resident ensuring that any underlying issues e.g. financial difficulties, poor housing conditions are also addressed at the same time as any lifestyle intervention. This is more likely to create a scenario where improving lifestyles can be maintained and prioritised. The West Kent partnership maintains that the districts are well placed to bring a number of additional benefits to the One You service and can help in offering a holistic approach for users. This combined with the strengths that KCHFT offer such as the stop smoking service mean that there are a variety of services and support on offer.

- 1.3.4 The One You team has successfully developed an extremely strong relationship with housing, leisure, benefits, environmental health and others that have many interlinked approaches, policies and aims around the improvement of the health and wellbeing of our residents.
- 1.3.5 The service has recently been through a "process mapping" exercise led corporately by IT services. This will result in the reengineering of the processes to determine if more efficient ways of working can be implemented. This could lead to assisting with the reduction in cost of the service without impacting on service delivery. In addition the IT system in use at the moment is being considered by the Head of IT as to whether any improvement can be sought in light of the Council's move to improved mobile working etc.
- 1.3.6 Once the annual grant (or hopefully in the future longer term grant funding periods) are known T&M could plan accordingly to deliver the service within budget. If required this may mean some amendment to revenue budget/staffing changes within the team and the Public Health reserve could be used to allow for any period of adjustment.
- 1.3.7 We are aware that Sevenoaks DC operate to this model and apart from management costs do not top up the grant received from KCC. They have however been successful in accessing other sources of funding to add benefit to the work of the team. This is something we have identified

## 1.4 Option 3 - TMBC do not deliver the One You programme

1.4.1 The table below provides a SWOT analysis for this option:

Strengths	Opportunities
No financial risk to the Council.	The management resources currently used to manage the service can be utilised elsewhere in the wider Housing & Environmental Health service.

Weaknesses	Threats
The strong links to other Council services that often adds value both for the Council and the resident may be lost. The ability to steer the direction of the One You service e.g. ensuring housing needs are being identified may be lost.	There remains a need for the Council to ensure that the health and wellbeing of residents is considered across all services. The momentum and focus for this may be lost. A loss of focus on staff health and wellbeing.
The often "good news" and positive stories for the Council of residents being helped to transform their lives will be lost. Residents are not guaranteed the holistic support to maintain a healthy lifestyle.	Possible HR costs associated with six members of staff. Impact on wider partnership. Becomes less sustainable for other parties to continue.
Loss of a committed and dedicated team who make a difference for our residents.	

1.4.2 This option could lead to an external organisation delivering the One You service across T&M. In East Kent KCC commission Kent Community Health Foundation Trust (KCHFT) to deliver the One You service. Historically there have been some challenges in this approach in terms of the links between district services and the KCHFT delivering the One You Service in a joined up and holistic approach centred around the person. In order to address these challenges KCC launched a Quarterly One You Kent Countywide Partnership Meeting to identify areas for improvement, share best practice and to ensure all partners are linked up with the delivery of the service across Kent. This is still in its infancy but a number of improvements have already taken place such as KCHFT opening up their training offer to the districts at a very reduced rate. The development of a Network event for all advisors in West Kent and KCHFT has also been scheduled for January 2020. Advisors will hear a number of presentations from drug and alcohol services and social prescribing in their areas. This is also an opportunity for the Districts to present to the KCHFT staff the benefits the district advisors can offer (such as housing and debt advice and how/when to refer) and likewise KCHFT can offer advice on how to signpost into their stop smoking services in West Kent. KCHFT do have some One You advisor resource in the T&M area targeting the lower guintile areas and although we have never received a housing referral for any of their clients they have confirmed that they regularly signpost to districts when housing/debt or other district related issues are raised. Currently T&M One You advisors are in touch with the housing team on a very regular basis and taking advice on how best to help residents sustain healthier living. This difference leads

officers at TMBC to conclude that there is a huge advantage for the resident to receive the One You service via the district Council and they receive a much better service.

1.4.3 This option also poses a serious risk to the West Kent partnership. Sevenoaks have expressed concern should this option be taken as shared resources and posts have been established e.g. One You support officer, IT and call centre. Although there are no contractual implications for TMBC there is a significant impact on the remaining two local authorities within the partnership.

#### 1.5 Legal Implications

- 1.5.1 There is no mandatory duty for Tonbridge & Malling B.C. to deliver this service although it does link in strongly with other parts of Council services where there are mandatory duties e.g. housing.
- 1.5.2 Should option 2 or 3 be preferred, there will be HR implications for current staff. These have already been discussed with the HR Manager and staff have been briefed on the Overview & Scrutiny process and offered the opportunity to discuss their individual circumstances.

## 1.6 Financial and Value for Money Considerations

- 1.6.1 There is currently a Public Health reserve that stands at £55,727 as at 31/3/2. This is made up from savings on previous years Public Health grant. KCC currently fund TMBC £125,143.06 per year. The grant from KCC does not increase year on year in line with expected rate of living increases.
- 1.6.2 Option 1 will have the most impact with future year's delivery representing budget growth and in turn adding to the corporate funding gap and the savings and transformation target once the Public Health reserve is used up. The KCC grant does not increase with cost of living pay awards so the gap will increase.
- 1.6.3 Option 2 will maintain a status quo with the KCC Public Health grant funding so that the programme is amended each year in line with the grant received. The Public Health reserve could be utilised in this option to fund any period where staffing changes are required to bring the service in line with the available funding.
- 1.6.4 Option 3 may incur initial costs from redundancies however in the medium and long term will have no impact on Council's budget. This scenario would be dealt with following the Council's Retention, Recruitment and Redundancy policy.

#### 1.7 Risk Assessment

1.7.1 None arising from this report.

#### 1.8 Recommendations

1.8.1 Members are recommended to consider the three options in light of the information provided in this report and input from the invited speakers and APPROVE an option for the One You (Public Health) function from the following;

a) continue to deliver the One You service in its current format, accepting that this will require funding input from TMBC at current or higher than current levels depending on KCC Public Health funding grant

b) continue to deliver the One You service within the budget envelope of the KCC Public Health funding grant, accepting that this will require dynamic service management and work with partners to consider rationalisation of the West Kent service to maintain that budget position

c) discontinue delivery by TMBC of the One You Service, accepting that this may, dependant on the outcome of discussions with the other West Kent partners, result in redundancies

Background papers:

contact: Linda Hibbs/Eleanor Hoyle

Nil

Eleanor Hoyle Director of Planning, Housing & Environmental Health

## Agenda Item 11

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

## CABINET

## 25 January 2022

Report of the Director of Planning, Housing and Environmental Health Part 1- Public

#### FOR INFORMATION

#### 1 PEMBURY ROAD TEMPORARY ACCOMMODATION PROJECT UPDATE

A report updating Members on the status of the project and advising of alternative options that are presently being progressed.

#### 1.1 Background

- 1.1.1 A report to Members laying out options for progressing the TA project at Pembury Road was presented to FIPAB on 15 September 2021 and subsequently approved at Council on 26 October 2021. Members approved the continuation of the scheme to deliver 12 self-contained TA units.
- 1.1.2 This report laid out the potential risks with each option. For the continuation of the self-contained conversion scheme, the key risk was considered to be the potential for further cost increases, that would make the conversion via a main contractor unaffordable.

## 1.2 Current position

- 1.2.1 Since reporting to Members, officers have continued to work with Kier on confirming the cost plan for the scheme. Kier have reported to officers that having run their costing exercise with their subcontractors, costs are now at c.£400k over previous estimates, with no guarantees that this cost profile could be maintained due to unpredictable prices across the construction industry.
- 1.2.2 Officers' assessment of this latest cost information is that the Value for Money position presented to Members cannot continue to be supported at this potential level of spend.
- 1.2.3 In addition to this, a piece of consultancy work is currently being concluded, examining all aspects of the Council's approach to the provision of Temporary Accommodation. The details recommendations and proposed actions as a result of this piece of work will be reported in detail to Members via CHAB in February. However, as part of the review, the consultants have offered advice on TMBC's approach to procuring TA, including the suggestion the consideration of ownership and use of HMO accommodation as part of managing our TA requirements.

1.2.4 The Leader, Deputy Leader and Cabinet Member have been briefed on the position with the costs of the contractor led conversion option and the TA consultancy recommendations. The next steps below have also been discussed with those Members.

#### 1.3 **Options analysis**

- 1.3.1 The paragraphs below explore the potential options for taking the project forward, given the financial position of the currently approved delivery approach.
- 1.3.2 Self-contained conversion there is an option to consider alternative routes to delivery of the existing proposals, including different procurement options. This is likely to reduce the overheads element of the costs, although the added risks would be that a smaller contractor may have a less resilient supply chain and material costs may still rise, as well as the fact that this is likely to require more intensive officer oversight. This option will require a further full-tender process. It would however still provide larger units that could house families requiring TA at a much-reduced cost from nightly paid provision, albeit with some delays on existing programme.
- 1.3.3 HMO conversion – the works required to create a HMO property will be significantly less than a self-contained conversion. The most significant costs will be complying with fire safety requirements and furnishing. A HMO for up to 6 residents can be delivered without planning permission. The properties have capacity for more than this, however they could be used as a 6 person HMO alongside a planning application being made to expand that use. HMO accommodation will have a management and maintenance requirement that is not currently budgeted for or provided for within the TMBC staffing structure, as this is projected to be higher than with a fully self-contained conversion approach. Officers are exploring with existing housing providers what arrangements can be put in place through a management contract, given that these organisations already manage their own properties to the required standard. Although there are some preparatory actions to be undertaken, it is envisaged that this approach could result in units being available to occupy early in the new financial year. It should be noted that during the COVID pandemic, guidance from central government was to minimise the use of shared facility accommodation, due to the obvious increased risks of infection. However, given the changes in guidance around isolation and testing in recent months, this is potentially less of an issue for this type of accommodation in the future. Moreover, given the financial benefits of using this type of accommodation, even if further measures were required in the future, partial use of this type of accommodation would still be feasible. In terms of HMO use, the cost benefit analysis rests on the number of separate bedrooms that are in use, not the number of occupants. So for example using 4 separate rooms for 4 singles is financially more cost effective than using 3 rooms for couples. Therefore it is important that the operating model is to utilise all 4 bedrooms whenever possible to ensure the maximum financial benefits are realised. There may be exceptions to this should there be a need to use 3 rooms

for couples, although this would be a secondary option. The initial approach would be to seek to move 4 households into each property, up to a maximum of 6 people, from other TA currently in use at nightly paid rates to see an immediate reduction in cost.

1.3.4 Sale – a revised valuation of the 4 properties was undertaken during the last reporting cycle. This value now sits at £1.993million, an increase of £83,000 on purchase price and £76,000 on the current balance sheet value and therefore has the potential to see a gross return on investment to the Council. (Members are aware that the Council has been liable for council tax payments for the four properties during the period of ownership). This option would result in further significant delays in bringing any additional TA provision on stream, as any funds released from the sale would need to be available before any other properties could be purchased.

#### 1.4 Next steps

- 1.4.1 All of the options proposed carry some risks. It is therefore considered prudent to pursue a hybrid option. As such, officers are currently pursuing the following approach;
  - Convert 2 of the properties into HMO accommodation for 6 residents as soon as possible.
  - Procure a management contract for the HMO units.
  - Progress a tender exercise to deliver works to 2 of the properties to create self-contained units as per the existing planning approval.
  - Submit a revised planning application to increase the number of potential residents in the 2 HMO units and retain the self-contained conversion approach for 2 of the properties. Progressing this alongside works to the units for HMO accommodation will minimise the time during which occupancy is limited to 6 people.

#### 1.5 Legal Implications

1.5.1 The previous approved recommendation was as follows;

It is AGREED that Members approve option 1, the continuation of the project to deliver 12 temporary accommodation units at the Pembury Road site, including the increased budget requirement for the Council of up to £200,000, noting that due to current supply and cost issues in the construction industry may result in this figure increasing from the currently required £171,000 and agreeing that any such increases would be agreed with the Cabinet Members for Finance, Innovation & Property and Housing by the Director of Central Services and the Director of Planning, Housing & Environmental Health before contracts are

signed. The increased budget requirement will be funded from the reserve for capital schemes.

On this basis, given that the current proposed way forward will not incur any costs in addition to the agreed budget, and is likely to represent a saving, as well as the fact that the project as proposed will still provide a minimum of 12 temporary accommodation units (6x self-contained units and initially up to 8x HMO units), it is not considered that an additional formal Member decision is required whilst officers are investigating the potential to deliver that option but a full report (including VFM statement) will be prepared in due course.

- 1.5.2 As the proposed approach maintains the use of the properties for affordable housing delivery, the s106 commuted sum contributions to the project can remain in use.
- 1.5.3 In all instances, the Council is required to consider the suitability of the temporary accommodation utilised. The size of the accommodation is a key factor in this and a full suitability assessment is carried out for each TA household.

## 1.6 Financial and Value for Money Considerations

- 1.6.1 As outlined previously to Members, owned and managed TA is significantly more cost effective for the Council in whatever format, due to the fact that the Council is able to claim the Housing Benefit subsidy rate for the units without paying out additional rental costs to private providers (although retaining the requirement to fund management and maintenance). HMO type accommodation is the most cost effective approach for housing single households and an increased use of this type of accommodation within the Council's own portfolio would be the most cost effective way of housing temporary accommodation households.
- 1.6.2 Members should note that the maximum financial benefit in terms of HMO will come from using 4 rooms as bedrooms in each property. As mentioned earlier in the report, without planning permission the number of occupants would need to be restricted to 6; however, this allows for two "double" occupancies and two "singles" in each property. To be clear, using less than 4 rooms will produce a lower financial return and should therefore be minimised
- 1.6.3 HMO provision will require management and maintenance, which will be a revenue cost to the Council.

#### 1.7 Risk Assessment

1.7.1 The options analysis section at 1.3 of this report highlights key risks for each option under consideration.

#### **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 Business Continuity/Resilience
- 1.9.2 Asset Management
- 1.9.3 Procurement

Background papers:

contact: Eleanor Hoyle

Nil

Eleanor Hoyle Director of Planning, Housing and Environmental Health

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

## RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D210006EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	17 December 2021

## Decision(s) and Reason(s)

## HOUSEHOLD SUPPORT FUNDING

Kent County Council had received a substantial allocation of grant funding from Government to support those most in need this winter. Further guidance was available on the Gov.uk website <u>Household Support Fund: final guidance for County</u> <u>Councils and Unitary Authorities in England - GOV.UK (www.gov.uk)</u>

In response to the requirement to work closely with district/borough councils, and other local partners to identify a broad range of vulnerable households across their local area, Tonbridge and Malling Borough Council had been allocated a sum of  $\pounds160,227.59$  to distribute.

The purpose of the grant was "to support households who would otherwise struggle to buy food or pay essential utility bills or meet other essential living costs or housing costs (in exceptional cases of genuine emergency) this winter as the economy recovers." Eligible spend included:

- Food
- Energy and water (including sewerage);
- Essentials linked to energy and water (including sanitary products, warm clothing, soap, blankets, boiler service/repair, purchase of equipment including fridges, freezers, ovens, etc.);
- Wider essentials including but are not limited to, support with other bills including broadband or phone bills, clothing, and essential transport-related costs such as repairing a car, buying a bicycle or paying for fuel;
- Housing Costs in exceptional cases of genuine emergency (eligibility for Discretionary Housing Payments must first be considered and whether the claimant is at statutory risk of homelessness and therefore owed a duty of support through the Homelessness Prevention Grant); and

The passported sum of £160,227.59 was to be spent in accordance with the eligibility criteria set out above and number of options were reviewed as immediate priorities ahead of the Christmas period.

Finally, all Borough Councillors would be asked to assist in the identification and nomination of other partners for future tranches of support.

**RESOLVED:** That

- (1) £15,000 be awarded to Tonbridge Baptist Church for food and fuel vouchers for those residents of the TMBC area;
- (2) £15,000 be awarded to NW Kent CAB for food and fuel vouchers for those residents of TMBC area;
- (3) £2,000 be awarded to each of the following food banks
  - East Malling Community Larder
  - Snodland Food Assist
  - Aylesford food bank
  - Feast (Tonbridge)
- (4) future waves of funding set within the context of the eligible spend above be agreed under delegated authority to the Chief Executive and Director of Finance & Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation & Property.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:	M Boughton
Signed Chairman of Overview and Scrutiny Committee:	J Sergison
Signed Chief Executive:	J Beilby

Date of publication:

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

17 December 2021

## **TONBRIDGE & MALLING BOROUGH COUNCIL**

## RECORD OF DECISION TAKEN UNDER EMERGENCY POWERS

Decision No:	D220001EM
Decision Taken By:	Leader of the Borough Council
Authority under which Decision Taken:	Emergency provisions for decision making during a period of serious and unexpected disruption under Part 7 of the Constitution.
Decision Type:	Executive Key Decision
Date:	10 January 2022

## Decision(s) and Reason(s)

## OMICRON HOSPITALITY AND LEISURE GRANT SCHEME

Following the Government announcement of 21 December 2021 that additional support would be available for hospitality, leisure and accommodation businesses, it was proposed that the Borough Council adopted a policy, based on Government guidance, in order to seek applications from relevant businesses.

The proposed Tonbridge and Malling Borough Council Omicron Hospitality and Leisure Grant Scheme (December 2021) was attached at Annex 1.

It was reported that the Borough Council had been allocated circa £996,000 to distribute to businesses that had a business rates liability and met the criteria set out in the Policy.

Businesses would be invited to submit applications before the end of February 2022 and it was anticipated that the online application portal would be 'live' as soon as possible.

RESOLVED: That:

(1) The Omicron Hospitality and Leisure Grant Scheme (December 2021) as set out at Annex 1 be adopted.

Taken in accordance with the Emergency Provisions set out at Part 7 Paragraph 1.3 of the Constitution and in agreement with the Chairman of Overview and Scrutiny Committee.

Signed Leader:

M Boughton

Signed Chairman of Overview and Scrutiny Committee: J Sergison

Signed Chief Executive:

J Beilby

Date of publication:

11 January 2022

This decision is urgent and therefore not subject to call-in (in accordance with Overview and Scrutiny Committee Procedure Rule 15 (i) as set out in Part 4 of the Constitution) and may be implemented immediately.

## Agenda Item 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.

## Agenda Item 14

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

## Agenda Item 15

Recommendations of the Finance, Innovation and Property Advisory Board meeting of 12 January will be circulated in advance of the meeting of Cabinet.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

## Agenda Item 16

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