



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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

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

26 May 2022

To: MEMBERS OF THE CABINET
(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, 7th June, 2022 commencing at 7.30 pm.

Members of the Cabinet are required to attend in person. Other Members may attend in person or participate online via MS Teams.

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

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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3. Declarations of interest 9 - 10

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

4. Minutes 11 - 20

To confirm as a correct record the Minutes of:

- the meeting of the Cabinet held on 15 March 2022; and
- the extraordinary meeting of the Cabinet held on 12 April 2022

5. Matters Referred from Advisory Panels and Other Groups 21 - 30

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

Executive Key Decisions

6. Car Parking Fees and Charges - Outcome of Public Consultation 31 - 60

This report considers the objections and comments received during the statutory consultation period relating to proposed off-street parking charges and relates to existing car parks where charges are already in place in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks.

Executive Non-Key Decisions

7. Revenue and Capital Outturn 2021/22 61 - 84

In accordance with the Council's Financial Procedure Rules the report and accompanying information details actual Revenue and Capital Outturn for the year ended 31 March 2022, subsequent adjustments made in light of the Outturn position and, in the light of the current economic situation, also sets out how the Medium Term Financial Strategy and Savings & Transformation Strategy might be impacted moving forward.

Due to its size the Revenue and Capital Outturn booklet (Annex 1) is attached as a supplement

Matters submitted for Information

8. Council Tax (Energy) Rebate Scheme 2022 85 - 118

A report updating Members on the arrangements for payment of the £150 rebates.

9. Budget Heading: 'General advice to Parish Councils' 119 - 122

An information report providing details requested by Members at the former Finance, Innovation & Property Advisory Board on staff resource allocations to the budget heading General Advice to Parish Councils.

10. Decisions taken by Cabinet Members 123 - 130

A record of the decisions taken by portfolio holders since the last meeting of Cabinet are attached

11. Decisions Taken Under Emergency or Urgency Provisions

The decisions taken under emergency and/or urgency provisions since the last meeting of Cabinet are attached.

12. Urgent Items 131 - 132

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

Matters for consideration in Private

13. Exclusion of Press and Public 133 - 134

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

PART 2 - PRIVATE

14. Proposed Letting of Unit 29, Martin Square, Larkfield 135 - 140

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

This report sets out the proposed letting of Unit 29 Martin Square, Larkfield

15. Urgent Items 141 - 142

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 A S Davis, (Strategic Planning and Infrastructure)
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.

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) 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 committee.services@tmhc.gov.uk 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 committee.services@tmhc.gov.uk 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.

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 15th March, 2022

Present: Cllr M D Boughton (Chairman), Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Councillors Mrs J A Anderson, P Bates, R I B Cannon, D Harman, S A Hudson, W E Palmer, M R Rhodes and H S Rogers participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor R P Betts.

PART 1 - PUBLIC

CB 22/34 DECLARATIONS OF INTEREST

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

CB 22/35 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 February 2022 be approved as a correct record and signed by the Chairman.

CB 22/36 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.

- Street Scene and Environment Services Advisory Board of 8 February 2022
- Communities and Housing Advisory Board of 15 February 2022
- Economic Regeneration Advisory Board of 16 February 2022
- Planning and Transportation Advisory Board of 1 March 2022

RESOLVED: That the report be received and noted.

CB 22/37 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 27 January 2022
- Joint Transportation Board of 7 March 2022

The Notes of the Tonbridge Community Forum held on 28 February 2022 would be presented to the next meeting of Cabinet.

EXECUTIVE KEY DECISIONS**CB 22/38 LOCAL PLAN UPDATE**

Decision Notice: D220034CAB

Consideration was given to the recommendations of the Planning and Transportation Advisory Board meeting held on 1 March 2022 (PE 22/5).

RESOLVED: That

- (1) the contents of the report be noted; and
- (2) the Local Development Scheme appended at Annex 2 be agreed.

CB 22/39 ON-STREET PARKING FEES AND CHARGES

Decision Notice: D220035CAB

Consideration was given to the recommendations of the Joint Transportation Board meeting held on 7 March 2022 (JTB 22/3).

RESOLVED: That

- (1) the consultation for proposed on-street parking fees and charges be progressed as outlined in the report; and
- (2) the outcomes of the consultation be reported to the next meeting of the Joint Transportation Board.

EXECUTIVE NON-KEY DECISIONS**CB 22/40 DEVELOPMENT MANAGEMENT PROTOCOLS**

Decision Notice: D220036CAB

Consideration was given to the recommendations of the Planning and Transportation Advisory Board meeting held on 1 March 2022 (PE 22/5).

RESOLVED: That

- (1) the protocols at Annexes 1 and 2 be adopted for Development Management purposes, with final approval for any changes required to the documents before publication, or any minor changes required to keep the protocols up to date with legislation, be delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure; and
- (2) a report on arrangements for public speaking be presented to a future meeting of the Planning and Transportation Advisory Board for further consideration.

CB 22/41 PUBLIC TOILETS

Decision Notice: D220037CAB

Consideration was given to the recommendations of the Overview and Scrutiny Committee meeting of 10 March 2022 (OS 22/13).

RESOLVED: That

- (1) it be noted that the future of the toilets in Borough Green, Wrotham, Tonbridge, Larkfield, East Peckham and Aylesford, as set out in 1.1.2 of the report, was resolved;
- (2) the toilets in Hadlow and Snodland remain closed and that a report be taken to a future meeting of the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal; and
- (3) in respect of West Malling, the toilets remain open until July 2022, as funded under the current arrangement with the County Member, and a further report be taken to the Finance, Innovation and Property Advisory Board to consider alternative uses and/or disposal.

CB 22/42 EQUALITY POLICY STATEMENTS AND OBJECTIVES

Decision Notice: D22038CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting of 10 March 2022 (OS 22/13).

RESOLVED: That the updated Equality Policy Statement and Objectives, set out in Annex 1 to the report and summarised above, be approved.

CB 22/43 SCRUTINY TRAINING

Decision Notice: D220039CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting held on 10 March 2022 (OS 22/14).

RESOLVED: That the approach to training as set out in the report, and detailed in Annex 1, be endorsed.

CB 22/44 ENERGY REBATE SCHEME 2022

Decision Notice: D220040CAB

The report advised the Cabinet of the Government's Energy Rebate Scheme 2022 and sought approval of policies for its implementation within Tonbridge and Malling.

Attention was drawn to the Borough Council's role as a billing authority in providing a cash payment (grant) of £150 in April to council taxpayers in properties with a Band A, B, C or D. Payment was a grant and not expected to be repaid by the recipient.

In addition, the Government had announced that billing authorities were required to administer a discretionary fund for taxpayers whose properties did not fall into Bands A-D but who otherwise might fall into financial hardship as a result of the rise in the energy price cap.

RESOLVED: That

- (1) the arrangements underway in order to deliver phase 1 of the national Energy Rebate Scheme be noted;
- (2) the Energy Rebate Scheme 2022 for Tonbridge and Malling for those properties in Bands A – D as set out in the supplementary paper be approved; and
- (3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member

for Finance, Innovation and Property, to agree the discretionary policy for those properties not in Bands A-D.

MATTERS SUBMITTED FOR INFORMATION

CB 22/45 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS

Details of the Decisions taken in accordance with emergency and/or urgency provisions were presented for information.

RESOLVED: That the report be received and noted.

CB 22/46 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.

MATTERS FOR RECOMMENDATION TO COUNCIL

CB 22/47 REPLACEMENT OF UNIFORM SYSTEMS

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

The report advised the Cabinet of the procurement exercise to replace the current Uniform application which was used for a number of key frontline services within the authority. It was anticipated that ongoing revenue savings from 2023/24 could be achieved and approval was sought for the use of 'Invest to Save' funds for the implementation of a new system during 2022/23.

RECOMMENDED: That

- (1) The outcome of the procurement process and the planning implementation programme, as set out in the report, be noted;
- (2) The estimated annual saving of circa £50,000 compared to the current software platform from 2023/24 be noted; and
- (3) The use of £100,000 from the Invest to Save Reserve be approved to support the implementation and training programme.

***Referred to Council**

EXECUTIVE NON-KEY DECISIONS**CB 22/48 DEBTS FOR WRITE OFF**

Decision Notice D220041CAB

(Reasons: LGA 1972 – Sch 12A Paragraph 2 – information likely to reveal information about an individual)

The report sought approval for the writing off of debts that were considered to be irrecoverable.

RESOLVED: That the four items shown in the schedule of amounts over £5,000 (set out at Annex 1) totalling £71,513.17 be written off the reason stated within the schedule.

The meeting ended at 8.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 12th April, 2022

Present: Cllr M D Boughton (Chairman), Cllr V M C Branson, Cllr M A Coffin, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

Councillors Mrs S Bell, F A Hoskins, Mrs A S Oakley, H S Rogers, R V Roud were also present pursuant to Access to Information Rule No 23.

Councillors M A J Hood, S A Hudson, J R S Lark, W E Palmer, J L Sergison, Mrs M Tatton, D A S Davis, N Foyle and D Harman participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Access to Information Rule No 23.

An apology for absence were received from Councillor R P Betts

PART 1 - PUBLIC

CB 22/49 DECLARATIONS OF INTEREST

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

EXECUTIVE NON-KEY DECISIONS

CB 22/50 PEER REVIEW

Decision Notice D220045CAB

The report of the Chief Executive provided an update on the recent Corporate Peer Challenge and presented an Action Plan (attached at Annex 2) which illustrated how the Borough Council aimed to meet the recommendations of the Peer Team.

Overall, feedback had been positive and it was recognised that the Borough Council was dependable, creditable and trusted. However, a number of recommendations designed to strengthen, complement and add value to the Borough Council's performance had been identified.

There was in-depth discussion in respect of the Corporate Peer Challenge report and how communication and co-operation with other political Groups could be a valuable tool in supporting political stability.

Other views expressed related to strengthening partnerships, local leadership for the benefit of residents and communities and governance arrangements.

It was indicated that the recommendations and actions set out in the Action Plan would be carefully considered by the Borough Council and all options would be explored.

In conclusion, it was recognised that without challenge there was no opportunity to identify areas of improvement which supported a modern, efficient and effective organisation.

RESOLVED: That the Peer Review Action Plan, as set out at Annex 2 of the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

CB 22/51 UKRAINIAN REFUGEES

Members were advised of the current position in relation to Ukrainian refugees and the Borough Council's role in the Homes for Ukraine Scheme was outlined.

The following points were noted:

- Home visits and inspections of potential host families were undertaken by Borough Council Officers;
- DBS and welfare checks were the responsibility of Kent County Council, with Clarion Housing commissioned to provide 'wraparound' support for Ukrainian families;
- The Community Hub Helpline had been reinstated to provide advice and guidance and local community groups had offered to support where required.

Attention was drawn to the potential risks around points of failure and breakdown in sponsor arrangements, which could result in families approaching the Borough Council seeking alternative accommodation and creating a pressure on housing services.

Particular concern was expressed in respect of the Ukraine Family Scheme and further guidance and clarity on addressing a number of concerns was being sought from Government.

CB 22/52 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS

Details of the Decisions taken in accordance with emergency and/or urgency provisions were presented for information.

RESOLVED: That the report be received and noted.

CB 22/53 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

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Agenda Item 5

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE COMMUNITY FORUM

MINUTES

Monday, 28th February, 2022

Present: Cllr J R S Lark (Chairman), Cllr G C Bridge (Vice-Chairman),
Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson,
Cllr M O Davis, Cllr F A Hoskins, Cllr D W King,
Cllr Miss G E Thomas and Cllr F G Tombolis.

Together with County Councillors M Hood and P Stepto and representatives of:

- Angel Indoor Bowls Club
- EMBER Community Interest Company
- Feast
- Friends of Mill Stream
- Rotary Club of Tonbridge
- Tonbridge and Malling Seniors
- Tonbridge Civic Society
- Tonbridge District Scout Council
- Tonbridge Historical Society
- Tonbridge Line Commuters
- Tonbridge Lions Club
- Tonbridge Sports Association
- Tonbridge Town Team

Apologies for absence were received from Councillors Mrs P A Bates and A E Clark and the representative of Tonbridge Parish Church and Tonbridge U3A.

TF 22/1 MINUTES

RESOLVED: That the Minutes of the meeting of the Tonbridge Forum held on the 6 September 2021 be approved as a correct record and signed by the Chairman.

TF 22/2 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified. Members were informed that Kent Police Authority would be invited to future meetings if matters that required their comment were on the agenda for that meeting.

MATTERS RAISED IN ADVANCE OF THE MEETING**TF 22/3 REVIEW OF TONBRIDGE FORUM - OUTCOMES**

The Chairman provided a verbal statement on the outcomes of the review of Tonbridge Forum. The proposals relating to the review of the Forum and engagement were set out at paragraph 1.2 of the Overview and Scrutiny Committee report of the 7 October 2021 which were subsequently agreed by Cabinet on 12 October 2021 and Council on 26 October 2021.

The Chairman advised that the Forum was initially set up as a means for disseminating information between the Council and groups working in the Tonbridge Community and had therefore been renamed as the Tonbridge Community Forum as it better illustrated that the forum was a town group focussed on residents of the town and not the wider borough.

The purpose of the forum was to enable the Borough Council and Tonbridge based organisations to share information, consult and communicate on enhancing the well-being of the town through the identification of problems and the joint working towards solutions. The hope was for the groups to work together with the sole purpose of co-operation to benefit the residents, to enhance the experience for the residents of the town and for the voluntary groups/organisations to exchange ideas, work collaboratively and seek advice and guidance from Tonbridge and Malling Borough Council, Kent County Council and the Kent Police.

The Chairmanship of the Forum would consist of a Chairman from the majority group of Tonbridge and Malling Borough Council and two vice chairman, one from an opposition party and one from the Community Group membership (who must not be a Councillor). The membership of the Forum would be councillors from each of the Tonbridge Wards plus the Chairman. It was highlighted that all member groups must be a recognised bona fide group with regular meetings, records of Minutes of Meetings and not be affiliated with any particular political party.

With regards to the agenda for meetings, this would be agreed by the Chairman and Vice Chair at least 10 days before the meeting date and Tonbridge and Malling Borough Councillors, Kent County Council and Kent Police may be called to the meeting to make official statements if there was relevant news to report and respond to questions.

TF 22/4 APPOINTMENTS OF CHAIRMAN AND VICE-CHAIRMEN

Councillor James Lark advised that his appointment as Chairman would continue for the remainder of the current municipal year and that Council had approved the appointment of Councillor Gary Bridge as vice-chairman with immediate effect.

Nominations were sought for a second vice-chairman from the community representatives and it was requested that nominations be submitted by email to the Chairman, Vice-Chairman and Committee Services by the deadline of 31 March 2022.

TF 22/5 COMMUNITY GROUP REPRESENTATIVES

Members reviewed and endorsed the community group representatives for the Tonbridge Community Forum as set out at in the agenda and noted that these had been approved by the Council. Each community group representative was invited to provide a brief introduction to the group that they were representing.

TF 22/6 FUTURE PROGRAMME OF MEETINGS

Members noted that a recommendation of the Overview and Scrutiny Committee was to increase the frequency of meetings of the Tonbridge Community Forum, and that this view was supported by Cabinet and Council. There would be four meetings of the Forum per year and these would be included in the Borough Council's programme of meetings 2022/23 which was due to be considered by Council. Members agreed that the meetings be alternated between in-person and online and agreed the following meeting dates for the 2022-23 municipal year:

- 9 May 2022 (to be held online)
- 5 September 2022 (to be held in person)
- 28 November 2022 (to be held online).

TF 22/7 FUTURE WORK PROGRAMME 2022-23

Members were invited to submit any matters/items they wished to be considered for inclusion in the Work Programme for the next year by notifying the Chairman, Vice-Chairman and Committee Services by 31 March 2022.

TF 22/8 ANY OTHER BUSINESS

The Leader of the Council, Councillor M Boughton advised that a bid would be submitted for a British Railway hub in the Borough and asked that members support the local authority's intention of interest which if successful, would generate new jobs and employment opportunities across the Borough.

The Leader requested the Active Travel Strategy be included as an agenda item for the next meeting and offered to provide an update on the Council's asset review.

Members sought an update on the Council's approach to the Local Plan and noted the Civic Society's contribution to legal fees. Details of available research data was sought, and members directed to contact the Strategic Economic Regeneration Manager, Tonbridge and Malling Borough Council.

The Chairman paid tribute to Brian Davison who had sadly recently passed away. Brian Davison was a community champion who was recognised for taking an active role in the Scout and Guide band.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE COMMUNITY FORUM

MINUTES

Monday, 9th May, 2022

Present: Cllr J R S Lark (Chair), Cllr G C Bridge (Vice-Chair),
Cllr Mrs P A Bates, Cllr M D Boughton, Cllr V M C Branson,
Cllr A E Clark, Cllr A Cope, Cllr M O Davis, Cllr M A J Hood,
Cllr F A Hoskins, Cllr Miss G E Thomas and
Cllr F G Tombolis.

Together with County Councillors M Hood and P Stepto and
representatives of:

- Angel Indoor Bowls Club
- EMBER Community Interest Company
- Feast
- Friends of Mill Stream
- Rotary Club of Tonbridge
- TBUG
- Tonbridge Dementia Friendly Community
- Tonbridge District Scout Council
- Tonbridge Line Commuters
- Tonbridge Lions Club
- Tonbridge Parish Church and Tonbridge Sports Association

Apologies for absence were received from Councillors J L Botten and
D W King and the representative of Tonbridge and Malling Seniors,
Tonbridge Historical Society, Tonbridge Town Team and
Tonbridge U3A.

Councillors D Harman, M R Rhodes and K B Tanner were also in
attendance and joined the discussion when invited to do so by the
Chairman in accordance with Council Procedure Rule No 15.21.

TF 22/9 MINUTES

RESOLVED: That the Minutes of the meeting held on 28 February 2022
be approved as a correct record and signed by the Chairman.

TF 22/10 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified.

TF 22/11 APPOINTMENT OF VICE CHAIR

Nominations for the appointment of Vice Chair from community representatives had been received for Lee Athwal and Tom Simmonds. Upon voting, 6 community representatives voted in favour of Lee Athwal being appointed and 5 in favour of Tom Simmonds, following which Lee Athwal was duly appointed as the second Vice Chair of the Tonbridge Community Forum.

RESOLVED: That Lee Athwal be appointed as the second Vice Chair of the Tonbridge Community Forum.

MATTERS RAISED IN ADVANCE OF THE MEETING**TF 22/12 ACTIVE TRAVEL STRATEGY**

Members of the Forum received a presentation from Ms F Long, Tonbridge Bicycle Users Group, on Active Travel. The presentation is attached at Annex 1 to these Minutes.

Members discussed a number of points, including crossing points within the Borough and safety concerns, the infrastructure in the Borough compared to European countries and the need for Government funding to implement highway improvements.

TF 22/13 CHARGES FOR USE OF BOROUGH COUNCIL PUBLIC OPEN SPACES AND CAR PARKS FOR CHARITY AND COMMUNITY GROUPS

Mr P Jesson, Tonbridge District Scouts, introduced the item on charging charities and community groups for the use of Borough Council public open spaces and car parks, during which concern was raised regarding the impact that the fees were having on charity and community group budgets when organising events for residents. It was requested that the issue be taken forward and the decision to charge rescinded. The Leader advised that the local authority's adopted Open Space Policy included such charges due to the need for accelerated works because of increased wear and tear.

TF 22/14 SHARING OF CONTACT DETAILS

A request had been received from Tonbridge Dementia Friendly that contact details of members of the Forum be shared amongst its members. The Chair would ask Lee Athwal to facilitate the collation and distribution of contact details.

TF 22/15 PROMOTION OF UPCOMING EVENTS

Members noted the forthcoming events to be held in Tonbridge:

- Tonbridge Calling fund raising disco/bingo night - 12 May 2022
- Understanding Dementia session at First Tonbridge Scout Hut at Lambeth Yard - 18 May 2022
- Dementia Information stand in Town Centre - 21 May 2022
- Kids Out Day - 8 June 2022
- Tonbridge Carnival – 12 June 2022
- Tonbridge Lions Fete and Dog Show – 12 June 2022
- Repair Café, St. Stephen's Church - 18 June 2022
- Kingfisher Cruises – June and July 2022
- EMBER event at Longmead Park – 23 July 2022
- Car tour at Tonbridge School – 24 July 2022
- Tonbridge Pride – 6 August 2022
- Tonbridge Castle Lawn Concerts - July and August 2022
- Tonbridge Half Marathon - 9 October 2022
- Christmas Festival - 27 November 2022
- Outreach event at St. Phillip's Church on Saturday mornings and weekly health walks.

Tonbridge Calling Charity extended an invitation to charities to have a promotional stall at their summer festival event to be held on the 13 August 2022.

TF 22/16 ANY OTHER BUSINESS

The Chair invited the County Councillors to speak on any matter, upon which County Councillor Mark Hood provided reassurance that he was working closely with Highway Officers at Kent County Council to ensure that emergency road works by utility companies were completed expediently and roads reopened.

Members expressed a desire for an audit of the current provision of live and passive cameras and the effectiveness of their locations and requested that a report be presented to the next meeting of the Forum on the CCTV provision in Tonbridge.

The Leader took the opportunity to invite members to respond to the consultation on the future use of Tonbridge Castle and provided reassurance that the historical aspect would be taken into consideration.

The meeting ended at 8.56 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 June 2022

Report of the Director of Street Scene, Leisure & Technical Services and the Director of Finance & Transformation

Part 1- Public

Executive Key Decisions

1 **CAR PARKING FEES AND CHARGES – OUTCOME OF PUBLIC CONSULTATION**

Summary

This report considers the objections and comments received during the statutory consultation period relating to proposed off-street parking charges. The report relates to existing car parks where charges are already in place in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks.

1.1 Introduction

- 1.1.1 At the November 2021 meeting of the former Street Scene and Environment Advisory Board, Members considered a number of proposals to change the Council's off-street parking charges and made a number of recommendations to Cabinet. At the meeting of Cabinet on 10th February 2022 it was agreed that the proposed charges would be approved for consultation in accordance with the requirements of Statutory Regulations. To enable the charges to be introduced a new off-street Traffic Regulation Order is required.
- 1.1.2 Where there is a statutory process a local authority should comply with the process as laid out. In the case of the proposed car parking charges this is under the Road Traffic Regulation Act 1984, following the procedure set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. Regulation 8 of the 1996 Regulations requires a 21 day consultation period.
- 1.1.3 This report covers proposals for the changes to tariffs in the Council's existing car parks in Tonbridge, West Malling, Borough Green, Blue Bell Hill and the Council's two Country Parks. On-Street parking charges have followed a similar process but produced no objections and were reported back to the Joint Transportation Board on 6th June 2022.

1.2 Consultation

- 1.2.1 The statutory consultation was carried out between 18th February and 13th March 2022.
- 1.2.2 The proposed charges considered in this report are outlined in the Intends Notice, shown at **Annex 1**.
- 1.2.3 The statutory consultation process followed a number of steps inviting comments or objections as follows:-

- Notices were placed in each car park by each pay and display machine;
- Adverts were placed in a local newspaper;
- Letters were sent to each Parish/Town Council and Borough Council Member;
- Letters were sent to all statutory consultees (Police, Fire, Bus operators etc.);
- Consultation documents were placed “on-deposit” for inspection at the Council Offices in Kings Hill and Tonbridge Castle.

The consultation documents were also placed on the Council’s website. In line with the Council’s new Digital Strategy respondents were able to make comments online.

- 1.2.4 During the consultation period, 67 responses were received which represents a very low level of return given the 1.4 million transactions per annum.
- 1.2.5 One of the responses did not relate to the proposals in the Notice but related to changes to on-street parking in Blue Bell Hill – a consultation that had been previously run by the Council and has already been subject to a report to the Joint Transportation Board. The total responses has been reduced accordingly.
- 1.2.6 The 66 discrete responses that related to this consultation raised a number of issues which are outlined below. The full text of each response (redacted of personal details) is shown at **Annex 2**.
- 1.2.7 West Malling Parish Council responded to the consultation and its response is also included as **Annex 3**.
- 1.2.8 Ryarsh Lane Allotment Association also responded to the consultation and though their response was outside the time of the consultation, their response is also included as **Annex 4**.

1.3 Summary Of Responses Received

1.3.1 A number of the comments raised similar points, and these have been collated together.

Comment	Times Raised	Officer Response
Charges should be applied evenly everywhere	32	The level of charges across the Borough has to consider the services and facilities on offer, and the demand for parking in those areas. The demand for and availability of parking in the smaller towns and villages is significantly different, as is the purpose and the duration of stay. At a previous meeting of Cabinet it was agreed not to introduce charges to car parks in Larkfield, Aylesford and Snodland.
Objection to price increases on economic grounds	16	The setting of the level of parking charges takes into consideration the charges in similar facilities in neighbouring Districts and Boroughs, rising inflationary costs, and nearby private parking provision.
Objections on environment reasons	7	The level of charge must be a balance between service provision and encouragement of alternative forms of transport. Station commuters have already adopted multi-modal transport (whether on economic or environmental grounds), and the Council's long-stay facilities assist this.
Higher prices put shops at risk	8	Unfortunately costs across the board are rising, not only for parking, but for goods and services, and the requests for additional services and improvements to facilities have to be factored in.
More enforcement is needed	1	Parking enforcement is provided from the Council's Parking Team, and resources are deployed as effectively as possible, whilst considering the safety of staff. The service is continually reviewed to ensure resources are suitable and sufficient.
Ryarsh Lane Sat charge objection/ Would like resident permits	13	A number of nearby residents have requested the facility to buy a season ticket for the Ryarsh Lane car park. This has historically been a car park to support those working in the town, rather than supplementary parking for those who live nearby. However, if Members are agreeable we can extend the existing Season Ticket offer to nearby residents, in addition to those working in the town, but this may place more demand on the car park.
Leybourne Lakes displacement	1	Whilst there is an element of avoidance of charges, parking on The Lakes development and access to the Leybourne Lakes Country Park from The Lakes is more a function of convenient parking at the eastern end of the Country Park than avoidance of charges.

1.4 Consideration of Objections

- 1.4.1 Of the relevant public responses, 5 were in favour of the changes and 61 objected, though some of the objections on environmental grounds wanted further charges to deter parking, and some of the objections wanted charges to be considered in other areas of the Borough as well.
- 1.4.2 The reasons and principles for the introduction of the proposed parking charges were outlined in the report to the November 2021 meeting of the Street Scene and Environment Advisory Board.
- 1.4.3 The introduction and management of parking charges have proven effective in maintaining accessible short-stay parking and in managing demand for long-stay parking. This in turn assists in generating availability of spaces for short-stay shopping visits and people working in and commuting from the Borough.
- 1.4.4 Cabinet is asked to consider the consultation responses received and the officer advice as summarised in the table above. For the reasons summarised, officers recommend that the season ticket scheme in Ryarsh Lane car park be extended to nearby residents as suggested in the consultation responses.

1.5 Legal Implications

- 1.5.1 The consultation on the proposed parking charges followed the requirements of statutory regulations as detailed in sub-sections 1.1.1 and 1.1.2 of the report.

1.6 Financial and Value for Money Considerations

- 1.6.1 The proposed charges were reviewed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service.

1.7 Risk Assessment

- 1.7.1 The estimated additional income outlined in the report to the November 2021 meeting of this Board was modelled on the basis that future parking patterns and demand match current activity. It does not reflect any potential adverse customer reaction or the possibility of increased take up of the dual ticketing arrangement in Angel and Botany car parks.

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.
- 1.8.2 Blue Badge holders can park free of charge in the Council's car parks for up to 23 hours. The Blue Badge scheme has recently been extended by Central Government to include people with "hidden disabilities". This includes people with learning disabilities, autism, and mental health conditions.

1.9 Policy Considerations

1.9.1 Asset Management

1.9.2 Community

1.9.3 Customer Contact

1.10 Recommendations

1.10.1 It is **RECOMMENDED TO CABINET** that it **APPROVE** the following actions to be progressed prior to the proposed parking charges outlined in the report coming into effect in July 2022:-

- i) nearby residents to the Ryarsh Lane car park in West Malling be offered the ability to purchase an annual season ticket;
- ii) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

Background papers:

Annex 1 – Consultation “Intends” notice

Annex 2 – Redacted consultation responses

Annex 3 – West Malling Parish Council response

contact: Andy Bracey
Parking Manager

Robert Styles

Director of Street Scene, Leisure & Technical Services

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THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2022

Notice is hereby given that Tonbridge & Malling Borough Council intends to make the above Order under Sections 32 and 35 of the Road Traffic Regulation Act 1984, the effect of which will be as per the Council's existing Off-Street Parking Places Order, save for the following changes;

Definitions

Introduction of new definitions relating to electric vehicles and the deletion of references to "invalid carriages"

Parking Charges

In the town of Tonbridge,

The Council is revising the operation of its short stay car parks, to allow users the choice of longer stay parking, but at higher rates. Lower increases are proposed the long-stay car parks. This is to give more customer choice, flexibility, and encourage better use of the short and long-stay parking.

Group 1 (Short Stay), covering Angel car park, Botany car park, Bradford Street car park, Kinnings Row car park, Lamberts Yard car park and River Lawn car park

- no change to the charge for parking for up to 30 minutes, remaining at 70 pence
- no change to the charge for parking for up to 1 hour, remaining at £1.40
- an increase of 30 pence to £2.80 for parking up to 2 hours
- an increase of 80 pence to £4.20 for parking up to 3 hours
- an increase of £1.40 to £5.60 for parking up to 4 hours
- additional hours at £2.80 per hour, to a maximum of 23 consecutive hours
- an increase of £30 (to £320) for 12 month off-peak season tickets.

Group 2 (Long Stay), covering Sovereign Way Mid car park and Waterloo Road car park

- no change to the charge for parking for up to 1 hour, remaining at £1.40
- an increase of 10 pence to £2.60 for parking up to 2 hours
- an increase of 10 pence to £3.50 for parking up to 3 hours
- an increase of 10 pence to £5.40 for parking up to 6 hours
- an increase of 10 pence to £6.80 for parking up to 23 consecutive hours
- an increase of £30 (to £320) for 12 month off-peak season tickets.
- the introduction of a new 3 month Town Centre residents' season ticket, at £87.50
- no change to the 12 month Town Centre residents' season ticket, remaining at £350

Groups 3 & 6 (Long Stay), covering Sovereign Way East car park, Sovereign Way North car park and Lower Castle Field car park

- no change to the charge for parking for up to 1 hour, remaining at £1.40
- an increase of 10 pence to £2.60 for parking up to 2 hours
- an increase of 10 pence to £3.50 for parking up to 3 hours
- an increase of 10 pence to £5.40 for parking up to 6 hours
- an increase of 10 pence to £6.80 for parking up to 23 consecutive hours
- no change to the monthly season ticket, remaining at £120

- an increase of £30 (to £1050) for 12 month season tickets
- an increase of £30 (to £320) for 12 month off-peak season tickets.
- the introduction of a new 3 month Town Centre residents' season ticket, at £87.50
- no change to the 12 month Town Centre residents' season ticket, remaining at £350

Group 4 (Long Stay), covering Vale Road car park on Saturdays only

- no change to the charge for parking for up to 1 hour, remaining at £1.40
- an increase of 10 pence to £2.60 for parking up to 2 hours
- an increase of 10 pence to £3.50 for parking up to 3 hours
- an increase of 10 pence to £5.40 for parking up to 6 hours
- an increase of 10 pence to £6.80 for parking up to 23 consecutive hours
- no change to the monthly season ticket, remaining at £120
- an increase of £30 (to £1050) for 12 month season tickets
- an increase of £30 (to £320) for 12 month off-peak season tickets.
- the introduction of a new 3 month Town Centre residents' season ticket, at £87.50
- no change to the 12 month Town Centre residents' season ticket, remaining at £350

Groups 5 & 7 (Short Stay), covering Upper Castle Field car park and Castle Grounds car park

- no change to the charge for parking for up to 30 minutes, remaining at 70 pence
- no change to the charge for parking for up to 1 hour, remaining at £1.40
- an increase of 30 pence to £2.80 for parking up to 2 hours
- an increase of 80 pence to £4.20 for parking up to 3 hours
- a new charge of £5.60 for parking up to 4 hours
- additional hours at £2.80 per hour, to a maximum of 23 consecutive hours
- an increase of £30 (to £320) for 12 month off-peak season tickets.

In the town of West Malling,

Group 16, covering High Street car park

- an increase of 10 pence to 50 pence for parking up to 30 minutes
- an increase of 30 pence to £1.10 for parking up to 1 hour
- an increase of 20 pence to £1.80 for parking up to 2 hours
- an increase of 20 pence to £2.60 for parking up to 3 hours
- an increase of 20 pence to £3.40 for parking up to 4 hours

Group 10, covering Ryarsh Lane car park

- no change to the 12 month car park season ticket, at £255
- the introduction of a 1 month car park season ticket, at £26
- the introduction of parking charges (managed by phone payment) on Saturdays between 8am and 5:30pm
 - £1.10 for parking up to 1 hour
 - £1.80 for parking up to 2 hours
 - £2.60 for parking up to 3 hours
 - £3.40 for parking up to 4 hours

In the town of Borough Green

Group 13, covering Western Road car park

- no change to the charge for parking for up to 30 minutes, remaining at 20 pence
- an increase of 10 pence to £0.50 for parking up to 1 hour
- an increase of 20 pence to £0.80 for parking up to 2 hours
- an increase of 40 pence to £1.50 for parking up to 4 hours
- an increase of 60 pence to £2.20 for parking up to 6 hours

- an increase of 90 pence to £3.10 for parking up to 9 hours
- no change to the charge for parking all day (23 consecutive hours), remaining at £5.30
- an increase of £30 to £350 for the residents car park season ticket

Country Parks

Groups 14.1 & 14.2, covering Leybourne Lakes and Haysden Country Parks

- an increase of 40p (to £1.80) to the “up to 4 hour” tariff
- no change to the over 4 hour tariff, at £4.00
- an increase of £10 (to £60) for 12 month car park season tickets

A copy of the draft Order and the Statement of Reasons for proposing to make the Order may be inspected (on an appointment only basis due to Covid-19 restrictions – call 01732 844522 for more details) during normal working hours at the offices of Tonbridge and Malling Council Offices, Kings Hill, West Malling or at Tonbridge Castle and also at the Kent County Offices, Sessions House, County Hall, Maidstone, Kent.

The proposed Order may also be viewed on www.tmbc.gov.uk/offstreetcharges

Anyone wishing to support these proposals, or object to them, should write stating reasons, and quoting the name of the Order, by no later than 13th March 2022.

If you have any questions concerning this notice, require further information or have difficulty in reading this notice, please contact, during normal office hours, the Parking Office tel: (01732) 844522, email: parking.office@tmbc.gov.uk or by post to;

The Parking Office, Tonbridge & Malling Borough Council,
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.

Dated 18th February 2022

Julie Beilby
Chief Executive

For enquires relating to these proposals please contact Tonbridge & Malling Borough Council on 01732 844522.

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Redacted consultation responses

Name	Response Method	Response	Comment
Not given	Online	Object	I don't see why I'm subsidising free car parks in other parts of the borough so they can retain free parking. We either all pay or not at all.
Not given	Online	Object	Further increases to parking costs discourages people from using our rather sad looking high street...an hour in Tonbridge high street most certainly isn't worth £1.70, it's just a handful of charity shops and barbers. How about encouraging people back to the high street by introducing free parking for short periods. Introducing free parking at lunchtime so that people can enjoy what's left of the coffee shops whilst working from home. First half hour free allowing people to nip and do what they need to do without continually making life difficult for people
Not given	Online	Object	I think it unfair that residents in Tonbridge pay car parking charges but those elsewhere don't. I thought that in order to address the climate emergency and also to improve air quality and health people were to be encouraged to use active travel and/or public transport. TMBC is effectively subsidising car drivers to park on their land by not charging.
Not given	Online	Object	Parking charges are applied inconsistently across the Borough. All council car parks should be subject to parking charges on a basis that is comparable between locations. So town centre parking in Aylesford or Tonbridge should be comparable, as should countryside parking charges at places like Leybourne Lakes and Haysden Country Park (which appears consistent from a quick view but I have not looked at all equivalent car parks).
Not given	Online	Object	The rise in cost of parking is just ridiculous. There are people who have no choice but to travel to Tonbridge for school or working commitments. After the covid pandemic putting many people out of work for months on limited money, plus the increase rise in household bills asking someone to pay nearly £10 to park for work is daylight robbery. Also asking people to pay this to visit a dead town with nothing to offer. You should be ashamed of yourselves.
Not given	Online	Object	Because there is no provision to introduce car parking charges in the north of the borough.
Not given	Online	Object	Every time you need money you treat motorists as cash cows. This has to stop. This is the council that can't even take our garden waste away after nearly 8 months

Name	Response Method	Response	Comment
Not given	Online	Object	Charges in Tonbridge are ill thought through. The town economy is struggling. It needs free or low short term parking for say 3 or 4 hours but then hefty longer term charges to discourage commuters etc. abusing them.
Not given	Online	Object	Excessive rise in the cost of 2 and 3 hour parking in Group 1. Unfair that Tonbridge town is paying much higher charges than other area in the Borough (including some areas that do not get charged at all) Why should Tonbridge town users subsidise areas like Larkfield?
Not given	Online	Object	Whilst not usually being a Green Party supporter, I wholeheartedly support the views recently expressed by our Tonbridge Green Party councillors. We should be ensuring that the cost of parking is shared equally across the borough and all communities and their local economies should be treated fairly. If it is correct that Cllr Matt Boughton has performed a u-turn on plans to introduce charging for car parking in Aylesford, Larkfield or Snodland, which would have raised £95,000 a year and would help prevent some of the cuts to services being implemented - why? In essence while the borough council is paying for the maintenance of all our car parks it is only being financed by charging in three of our towns. The cost of parking in Tonbridge is far higher than elsewhere leaving residents there under the impression they are subsidising the rest of the borough. This is unacceptable. Times are tough for everyone in 2022, but all should share the burden equally. If it is true that Cllr Boughton has claimed that the local economies in the north of the borough needed to be protected in the wake of the pandemic which begs the question, why are residents and visitors in Tonbridge, West Malling and Borough Green being charged when other well-used car parks elsewhere are not? The pandemic has affected all of our communities and local economies including those where charges are now being increased. I would prefer no additional charges were being levied but if there is a funding gap which needs to be addressed because of cuts in funding by the Government over the past 12 years, then we all need to contribute to that, but more equally than proposed.
Not given	Online	Object	Why does the cost to park in Tonbridge continuously go up yet other towns still have free parking? Why should we pay for everyone else?
Not given	Online	Object	Parking charges should be applied to all council owned car parks.
Not given	Online	Object	The car park charges should be the same right across the borough, not penalising Tonbridge and Malling

Name	Response Method	Response	Comment
Not given	Online	Object	If TMBC are really keen to raise money to fill the budget shortfall, they should penalise car drivers across the whole council area for driving and adding to the climate emergency with their filthy polluting vehicles and should put up the car parking fees by at least 20% which is what KCC have done to the Secondary school bus pass. The poor children have no choice to use the bus but all of these car drivers probably do have a choice. The prices for parking vary widely, with Tonbridge getting the highest fees. Why can't you charge some fees in others car parks that are currently free? I suppose it's too expensive for to patrol those village sites, but it is therefore unfair to charge more to those who are already paying most.
Not given	Online	Object	I feel it's wrong for some part of the council's area to effectively subsidise other areas.
Redacted	Online	Object	Tonbridge area should not be taking the brunt of these increases. Car parking charges should be shared across the whole of tonbridge and malling council areas
Redacted	Online	Object	Far to costly at the moment. An increase is unjust. How are people expected to shop on the high street
Redacted	Online	Object	Living in a flat above a shop on the high street we have no where to park as it is. Our local car park is Bradford Street. Persons who live above commercial businesses should have preferential treatment by being given FREE parking. As a nurse the last thing I want to do after a long day at work is to park at a church hall car park, walk home then walk back to the car in the morning the next day. Free parking at Bradford Street would assist so much as I would only be parking there one or two days on my days off.
Redacted	Online	Object	I don't mind paying a fair price for parking IF EVERYONE IN THE BOROUGH paid their fare share. ALL of Tonbridge & Malling car park should be included in the charging regime. Already Tonbridge is expensive for parking and that is why we travel to Bluewater to shop or use the shops on the industrial estate where parking is free. Tonbridge town centre is dying and part of the reason is the cost of parking.

Name	Response Method	Response	Comment
Redacted	Online	Object	Why has the borough council done a U turn to introduce car parking charges in Aylesford, Larkfield and Snodland when the borough council pays for the maintenance of all car parks? Why is it being financed by only 3 towns, one of them being Tonbridge, of which I am a resident? To add insult to injury, why is the cost of car parking far higher in Tonbridge? It leaves me with a nasty taste in my mouth that we are being taken advantage of and subsidising the rest of the borough. Please, no excuses about hardship in those 3 towns, we are all in the same boat with hikes in food, car fuel, gas and electricity prices. Please treat Tonbridge fairly so that all towns in the borough pay the same car parking charges
Redacted	Online	Object	Once again the few pay for the many
Redacted	Online	Object	Every town in the borough should be treated equally, and some shouldn't be free while others' are having the already charges increased.
Redacted	Online	Object	Tonbridge is being disproportionately hit by cost over other areas in Kent not even inline with need
Redacted	Online	Object	Outrageous, reduce the parking charges in Tonbridge and start charging in other areas. Utter disgrace that you use Tonbridge as the cash cow and us residents get nothing in return.
Redacted	Online	Object	Parking fees are much too low currently. Fees should be charged in all parts of the borough at higher rates. Fees should be charged on Sundays. Shoppers who drive to supermarkets should not be refunded their parking. People who walk or cycle to supermarkets who currently incentivise drivers should receive a benefit.
Cllr Paul Stepto	Online	Object	I think it unfair that parking charges should be increased in Tonbridge, West Malling and Borough Green, but not in Aylesford, Larkfield or Snodland, and residents of the South of the borough should effectively subsidise those in the North. It has been claimed elsewhere that the local economies in the North of the borough need to be protected in the wake of the pandemic but surely all of Tonbridge & Malling has suffered from the economic fallout of Covid? Also, we are told that the Council's finances are in a parlous state so where is the sense in ignoring a potential annual revenue of some £100,000, which could be realised if the three areas noted above were not to be exempted from the increase in parking charges? Is this some kind of reverse-Midas policy?

Name	Response Method	Response	Comment
Redacted	Online	Object	Parking charges should be fairly increased in all areas to ensure that proper funding is there. Other towns and villages should not have to subsidise the areas that don't have parking charges increased. Additionally as the council is much in need of funds this cost should be shared equally.
Redacted	Online	Object	Why should Tonbridge be subject to higher charges when when other towns pay nothing? This does not seem fair.
Redacted	Online	Object	Parking charges should be made across the borough, not just one town. That way the increase can be kept relatively low as it distributed more widely.
Redacted	Online	Object	Living in Tonbridge costs the same as elsewhere in daily living - let the other boroughs share the cost of parking - it's not fair that we are penalised! Everyone should be treated equally and Tonbridge should not suffer or support other areas.
Redacted	Online	Object	Parking charges are already too high
Redacted	Online	Object	ALL Towns pay, or NONE at all. This is only fair. You cannot expect one area to subsidise the other, unless of course, you are refusing the monies gained to be only used in the increase areas. I expect this is not the plan. We do not need this divisionary policy.
Redacted	Online	Object	Why are parking charges so high in Tonbridge yet free elsewhere? Putting parking charges up higher will kill the town, people will not be able to afford to park here. I already only visit the town on Sundays when it is free. Why not charge to park in other areas rather than raising charges in Tonbridge again? Why isn't Tonbridge treated fairly?
Redacted	Online	Object	Fair treatment is needed across the board. Share the cost. Everyone is struggling financially.
Redacted	Online	Object	Day light robbery. Just pushing shoppers out of the high street and then the council wonder why there are no shops in the High street
Redacted	Online	Object	Why only three towns and not every town in the district?
Redacted	Online	Object	Parking charges must be standardised across the borough. It's not fair that costs are rising in tonbridge while remaining free in other areas

Name	Response Method	Response	Comment
Redacted	Online	Object	TMBC seem intent on increasing costs significantly in Tonbridge, a small amount in other areas, and not introduce charges elsewhere in the Borough. To be fair and equitable (and in line with the Public Sector Equality Duty), people from different communities should not be treated differently. All car parks owned by TMBC should be charged on the same scale (one for short stay, one for long stay), including those currently free to park in. Tonbridge town centre is suffering due to covid, inflation and the coming recession; pushing up prices to park even more will drive another nail into the coffin. There are better shopping facilities in Tunbridge Wells and Sevenoaks, so customers will be pushed to travel there, further damaging Tonbridge retail.
Redacted	Online	Object	Surely that's very unequal in an area where many residents do not fall into 'we can afford to live here' bracket. With petrol in Tonbridge being the highest in the area (it's cheaper to fill up in London). Do something nice for the residents and visitors of Tonbridge. Don't believe that we are all super rich that live here. !!!! Very ' area' ism.
Redacted	Online	Object	We have already had a recent price hike in Tonbridge and are taking on a disproportionate share of the parking charges for the borough. I would prefer you start to monitor and charge for unlawful parking in loading bay or have more speed cameras in the area to support your funding needs. Having to pay above residents in other areas just to shop on the high street is unfair.
Redacted	Online	Object	Every town/area should pay for parking. This council cannot afford for some parts of the Borough to be exempt . We all use parking across the Borough at some time or other ,whether it be for shopping, recreation or residential purposes and we should all pay for it.
Redacted	Online	Object	Parking charges in Tonbridge are much higher than in other areas of the borough. They should be brought into line.
Redacted	Online	Object	Every town should be paying the increase
Redacted	Online	Object	I believe the current charges are fair. And to give us the best chance of attracting people to the town and using our local businesses is to keep the prices as they are. We are at a moment in time where there are price increases on many basic and necessary products, let's not keep people away by adding cost to parking. And remember this was free of charge not too long ago.

Name	Response Method	Response	Comment
Redacted	Online	Object	As a local business owner, there has been a decrease in trade especially at lunchtimes. After talking to various customers, the main issue is trouble with parking. Raising the price and any other restriction will just add further pressures on the local businesses.
Not given	Online	Object	There is limited parking in West Malling and charging on a Saturday for parking is ridiculous. The cost of living and inflation is going up. I am very upset.
Not given	Online	Object	I object to the off-Street Parking charges proposal for the town of West Malling, Group 16, covering High Street car park & Group 10, covering Ryarsh Lane car park. Especially the suggestion of charging people to pay to park in Ryarsh Lane car park on a Saturday. I would also like to propose no change whatsoever to the High Street car park increases as this is already a deterrent for people visiting the town and will have a direct effect on the shops, pubs and restaurants in the town.
Not given	Online	Support	It's still far too cheap. Cheap parking is directly correlated with congested roads and bad air. Up the price more and use the money to fund alternatives, cycling and public transport
Not given	Online	Support	I think parking charges should be higher to deter people driving.
Not given	Online	Support	With inflation the way it is, it can't really be avoided. The increases don't effect a short trip to the shops. I know a lot of people will complain as cost of living is going up, but TMBC have staff to pay who face the same costs as the rest of us.
Redacted	Online	Support	West Malling needs to become more attractive to cyclists and walkers. We should be discouraging short car journeys and encouraging electric vehicle parking and cycle parking
Redacted	Online	Support	The out lying car parks ate pop on shops as opposed to long stay style shopping car parks. Charles for the small local shop car parks would devastate local businesses.
Redacted	Online	Support	I propose to use yellow lines throughout the close and just leave 4 parking spaces at the very end of the close for visitors, see attached drawing, this will also stop people parking with 2 wheels on the grass verges and ruining the grass when wet
Redacted	Email/letter	Object	I write with regard to the proposed rise in parking charges in Tonbridge, West Malling and Borough Green. I note that one reason advised for the increase was that the other areas covered by TMBC were hit harder by the pandemic and would like to know how the effects of the pandemic per town were measured. Was it loss of income to traders, loss of income per household etc.? I would also like to know how the affect of the pandemic has an impact on parking charges.? As you will be aware Tonbridge is a commuter town and commuters have been hit year after year with huge fare hikes and these parking charge increases will

Name	Response Method	Response	Comment
			add further to travel costs. Tonbridge residents were also affected by the Pandemic but appear to being penalised. I cannot understand, when the council is in need of funds, why only these three towns have been singled out.
Redacted	Email/letter	Object	As a business in West Malling we are horrified to see that there will be potentially parking fees charged in the West Malling Carpark- please confirm that business permits will cover Saturdays - we have never had to ask this question previously but there are a lot of businesses in West Malling that open at weekends and the current permits must cover the weekends. Are you intentionally trying to cripple businesses in West Malling- this is yet another nail in the coffin for the village. Visitors will stay away from West Malling and travel just a little further up the road to Kings Hill where they have a Dr's surgery (we do not any more) restaurants, pubs, shops etc and ALL FREE OF CHARGE TO PARK.
Redacted	Email/letter	Object	I have just read in the West Malling Bulletin no 99, that you propose parking increases for car parking, particularly in the main West Malling car park, behind Tesco's. I object to this, as car parking charges disincentivise people to visit - indeed it would make more sense to make the first 30 minutes free. This would have the added benefit of reducing the amount of selfish/illegal parking when people drop children off for school or nursery, with obvious road safety issues as a direct consequence.
Redacted	Email/letter	Object	I am a resident on Ryarsh Lane and also a REDACTED who works for the REDACTED. As you are hopefully already aware there are insufficient parking spaces on Ryarsh Lane meaning that residents make use of the Ryarsh Lane car park from 3.00pm to 8.00am and at weekends. I work from home often on weekdays and it is often difficult for me to find a space on the lane. The carpark is often fairly empty on weekdays - which makes this a little frustrating. Please could residents - especially those who work from home - be given the opportunity to apply for parking pennits in the carpark? This could bring in more revenue to the council and make it easier for keyworkers to do their work. if possible these residential permits could include Saturdays - especially if charges are going to be implemented. If a parking charge is implemented on Saturdays this could mean that shoppers are more likely to attempt to find free parking and try to park on Ryarsh Lane which means a residential permit would be more important and free up space for residents on lane who haven't got a permit. I do not feel I was fully informed about this review by the council and found out via another neighbour. I hope that in future we are consulted more fully. I hope that an

Name	Response Method	Response	Comment
			arrangement that meets the needs of all residents/business owners and shoppers can be found as I do not feel there are conflicting interests but there is a need for some thought and coordination to make this work.
Redacted	Email/letter	Object	I am a resident of Ryarsh Lane, West Malling. Due to lack of parking on the lane and nearby permitted streets, I frequently use the Ryarsh Lane Car Park after 3pm on weekdays, and over the weekend period. I cannot of course park here during the hours of 8am to 3pm, as it is Business Permits only. I believe there is currently a review taking place regarding parking charges across the borough, and that potentially, there will be a new charge introduced for the Ryarsh Lane Car Park. Due to the increased need to park (working from home etc), I would like to express my wish that you review an option to add residents permits for this car park, so it gives us the option of paying for a permit to park here. I would welcome this addition, and am aware of other residents on the street that would also be interested. Please do not hesitate to contact me if you require further detail, and I look forward to hearing the outcome of the review and this request
Redacted	Email/letter	Object	With reference to the above, I understand that the TMBC review of arrangements for car parks within the Borough is currently taking place and that this is open to comments and requests until 13th March 2022. I am a resident in Ryarsh Lane and my house overlooks Ryarsh lane car park. From the document dated 23rd November 2021, and published on the Street Scene part of the TMBC website, I see that some changes are being suggested and I wanted to ask about this. Currently, this car park is Business Permits only, although when the car park was first built there had been a suggestion that residents of Ryarsh Lane would be eligible for a permit for this car park (this idea seemed to have been quietly dropped). I see that there is a proposal to increase the number of permits by 25% and that Season Tickets may be offered. Can I make a very strong plea that you offer permits to the cottages in Ryarsh lane that have no parking facilities at all (other than the purchase of a WM3 permit that means parking up on King Street/Town Hill - if there are spaces left).

Name	Response Method	Response	Comment
Redacted	Email/letter	Object	I feel that several residents, including myself, would wish to buy a season ticket out of this 25% increase and I would ask that we be considered for this, whether by introducing an annual option for us in the car park. A monthly season ticket would not be a great option depending on whether we were guaranteed that we could renew this every month because we would not want to lose the place once it has been gained. It has been interesting to read that about the current season ticket holders for the 114 spaces and the fact that they are not all present at the same time because on any given week day my view of the car park shows that it is usually less than 50% occupied and by increasing the number of tickets by 25% would more than satisfy the likely demand from residents in Ryarsh Lane (especially, for example, if we were limited to one season ticket per household). If there are to be any further meetings regarding this, I would be very grateful if you could let me know when these are planned and if I could attend to put our case to you. I realise that Council revenue is a very important matter and to maximise income from the car park is a good idea. As part of this, the residents of Ryarsh Lane would very much like to be part of this. Please can you consider the above and let me know if there is anything else I can do or details of meetings that I can attend.
Redacted	Email/letter	Object	I understand the council is currently reviewing the usage and charges of the Ryarsh Lane Car Park. As a Ryarsh Lane resident I would welcome the introduction of a monthly residents season ticket for this car park as it is increasingly difficult to park in the vicinity of Ryarsh Lane, as most houses in the lane do not have off road parking and there are only a limited number of parking spaces in the lane and surrounding roads. The building of new housing adjoining the carpark and the proliferation of homeworking has further exacerbated the problem and yet frustratingly we overlook the business car park which is empty every night and only partially full on week days. I look forward to hearing the council's decision on this.

Name	Response Method	Response	Comment
Redacted	Email/letter	Object	<p>I wish to contact you regarding the current review of the uses of the Ryarsh Lane TMBC carpark and it's permit system. Myself and my partner live at REDACTED and do not have a parking space within our property deed. We are therefore reliant on parking down the Lane of Ryarsh Lane or using the Ryarsh Lane TMBC car park. My neighbour REDACTED has been in contact with our local councillor, Paul Boxall, regarding Ryarsh Lane residents being allocated a paid for permit to the Ryarsh Lane car park. Both myself and my partner work from home 2/3 days a week, and have found that we struggle to park our cars on the Lane and have to park them in the town (Tesco car park) and pay for a full day parking. This is an expensive situation, and as young, first time buyers, puts an unnecessary strain on finances when we sometimes pay £30+ a week for parking per vehicle. I also have a registered disability, and even though I have an intention of attending work, there have been instances when I have been unable to leave the house, and thus move my car, which has resulted in fines on the permit car park. Thus far I have received x5 fines over the past 6 months due to this circumstance, adding further strain. After living on Ryarsh Lane for the past 6 months, it is noticeable during the week how few car parking spaces are being occupied. In the week, there has never, to my knowledge, been a lack of spaces, and if anything, the free spaces outweigh the ones in use. It is for this reason I would like to suggest a Ryarsh Lane residents permit for the Ryarsh Lane car park. At the suggested rate of £26 for a monthly season ticket, we would be happy to pay this for each car to help resolve the issues described above. It has been noted in the Feb 10th Council meeting that it has been suggested that the car parking charging period will be extended until 5pm and will now include Saturdays. This situation will make our car parking almost impossible and far more expensive than what it is now. However, the opportunity to obtain a residential permit would resolve this and we would have no objections to the suggested changes. It would be appreciated if this solution could be considered and passed through, and I look forward to hearing back.</p>
Redacted	Email/letter	Object	<p>I have a Allotment in Ryarsh Lane and also a elderly mother who lives in REDACTED I visit both regularly I am great full for the free parking after 3.00 o'clock and weekends as you know parking is a problem in west malling! Ryarsh Lane car park is used regularly by family visiting relatives and Allotment holders in Ryarsh Lane, tools and materials need to brought there and produce we harvest taken home so a vehicle is needed, most people spend</p>

Name	Response Method	Response	Comment
			there weekends at there Allotment as most work, most of the day will be spent at the Allotment or even visiting a relative, so we would have to buy the maximum stay ticket which I think is very unfair as for me growing my own fruit and vegetables is a way of saving money which you will take away by adding parking charges! You also say it will be payment by phone I have a basic phone that makes calls and texts how would I pay if proposed charges are made and I'm probably not alone, this car park is well used by people visiting the village many leave cars over night on a Friday after visiting pubs and restaurants to collect there car Saturday to find a parking ticket on it that's not right, this will also put Saturday shoppers off shops are finding it hard in the village this will not help them
Redacted	Email/letter	Object	Good Afternoon, Further to the newsletter regarding car parking charges at Leybourne lakes country park I would like to ask the following. What will the council do to protect the residents living on the lakes housing estate? Visitors to the country park already avoid the parking charges by parking on the housing estate and at weekends in particular it is very busy! Residents and their visitors have few places to park and it is unacceptable that visitors to the country park are using the housing estate to avoid parking charges. The gates leading onto the country park are there for residents only and with the parking charges increasing, this problem will only get worse. Please can you put some consideration into this issue.

Name	Response Method	Response	Comment
Redacted	Email/letter	Object	<p>I wish to object to the level of the proposed increase in car parking charges in TMBC, and in particular for the High Street Car Park in West Mallig. General comment The proposal is to generate additional receipts for TMBC. Whilst the Report to the Street Scene and Environment Services Advisory Board states that this is expected to amount to £218,000, no information is given as to the overall percentage increase, nor the amounts or percentage increases for the individual car parks where it is proposed to increase charges. It is therefore impossible to judge how the overall increase relates to inflation and whether the increase in charges at each car park is equitable. I feel that the consultation document is flawed for this reason alone. I have calculated the percentage increases for the West Mallig High Street car park as below. An increase of 10p (to 50p) for parking up to 30 minutes – a 25% increase An increase of 30p (to £1.10) for parking up to 1 hour – a 37.5% increase An increase of 20p (to £1.80) for parking up to 2 hours – a 12.5% increase An increase of 20p (to £2.60) for parking up to 3 hours – an 8.3% increase An increase of 20p (to £3.40) for parking up to 4 hours – a 6.25% increase I appreciate that the date of the previous increase (April 2021) was delayed because of the pandemic, but fail to see how TMBC can justify percentage increases of 25%, 37.5%, and 12.5% in the three tariffs for parking up to 30 minutes, up to 1 hour and up to 2 hours which are all well above inflation. Indeed Para 1.1.4 of the Report states :”It is also worthy of note that a number of the proposals within the report do not involve any increase in the existing charge. This includes no increase in the 30 minute or 1 hour tariff in all short stay car parks....” The Report itself rules out the proposed increases of 25% and 37.5% in the West Mallig High Street car park. These increases must therefore be rejected. I understand from my local Councillor that the overall increase in charges for the West Mallig High Street car park is 15%, yet the Borough-wide increase is 7%. The consultation document gives no justification for this difference (and, indeed, makes no mention of it), which will adversely affect the ability of West Mallig to attract customers which is already difficult in the present cost of living crisis, with petrol, national insurance and energy all showing sharp increases. I shall be grateful if you will quote this email in full to members of the Street Scene and Environment Services Advisory Board (with my personal details redacted) since any summary of it will not properly cover the points raised.</p>

Name	Response Method	Response	Comment
Redacted	Email/letter	Object	<p>You want to build a new public toilet, supposedly in the small high st car park, which would cut the parking spaces, when we already have toilets, which just need a proper sign post in the high st, so visitors know where they are. Now you are proposing to charge for Saturday parking in the business car park in King St, the busiest trading day, even less reason for people to come here. Unfortunately TMBC has not used the powers they have to prevent too many eating places opening in close proximity to each other, therefore causing a lot of places to close because the footfall in the weekdays has dropped greatly. The only reason people come here now is to visit a hairdressers, estate agents to eat, or go to the pubs, and now it wont be worth coming here for them even, it will be better to go to Bluewater, or even Maidstone. Now with this new proposal you have caused a huge problem with allotment holders, some are saying it wont be worth having an allotment if they now have to pay to park to be able to carry their tools and bags of compost etc. It would no longer be viable to grow their own. There is nowhere else to park. I would be grateful for your comments, so that I can understand what you have in mind for West Malling, and the reasons, ie why you want to close us off. Perhaps it's because Kings Hill doesn't cause you any problems, the houses have parking, the shopping area has parking, there are public toilets, the business give you a large income and no trouble, so is this is where you would like the hub of West Malling to be. We look forward to your reply in great anticipation.</p>
Redacted	Email/letter	Object	<p>The Parish Council strongly objects to the proposed increase in car park charges and in particular, the introduction of charges in the Ryarsh Lane car park. The increases / introduction of charges will be introduced at a time when the High Street is attempting to recover from Covid 19 and difficult trading conditions; these charges will have a detrimental impact on the High Street. The introduction of charges in the Ryarsh Lane car park will impact on Saturday shopping with shoppers losing the ability to park in a long stay car park. The Parish Council is surprised that the proposal mirrors the scheme in the short stay car park. The Parish Council does not support the introduction of Saturday charges, but would ask that if charges are to be introduced, that any new charging structure enables shoppers to stay in excess of 4 hours which will allow shoppers to enjoy all of the shops and businesses that West Malling has to offer. Any monies raised from parking charges should be reinvested back into West Malling, including the provision of traffic enforcement.</p>



WEST MALLING PARISH COUNCIL

9 High Street, West Malling, Kent ME19 6QH

Telephone: 01732 870872

email: clerk@westmallingspc.org

website: www.westmallingspc.org

Clerk to the Parish Council: Claire Christmas

Andy Bracey
Parking Manager
Tonbridge & Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
ME19 4LZ

11th March 2022

Dear Andy,

Further to your email of 17th February regarding off street parking charges, West Malling Parish Council would like to make the following comments:

The Parish Council strongly objects to the proposed increase in car park charges and in particular, the introduction of charges in the Ryarsh Lane car park. The increases / introduction of charges will be introduced at a time when the High Street is attempting to recover from Covid 19 and difficult trading conditions; these charges will have a detrimental impact on the High Street.

The introduction of charges in the Ryarsh Lane car park will impact on Saturday shopping with shoppers losing the ability to park in a long stay car park. The Parish Council is surprised that the proposal mirrors the scheme in the short stay car park. The Parish Council does not support the introduction of Saturday charges, but would ask that if charges are to be introduced, that any new charging structure enables shoppers to stay in excess of 4 hours which will allow shoppers to enjoy all of the shops and businesses that West Malling has to offer.

Any monies raised from parking charges should be reinvested back into West Malling, including the provision of traffic enforcement.

Yours sincerely,

A black rectangular box redacting the signature of Mrs Claire Christmas.

Mrs Claire Christmas
Clerk to West Malling Parish Council

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Ryarsh Lane Allotment Society,

Ryarsh Lane,

West Malling,

Kent. ME19 6QP.

[REDACTED]

31st March 2022

Dear Sir/Madam,

We write with regard to the proposed car parking charges to the Ryarsh Lane Business Car Park in West Malling. This is a matter that has only recently come to our attention; but which has caused concern for many members of the Allotment Society, due to the adverse impact it will have upon them.

Could you please explain how you have publicised these proposed charges? It seems that bar one or two of us, most people had absolutely no idea and this is despite regular reading of the Kent Messenger and Downs Mail and the regular leaflets through the door from the Liberal Democrat Party. As a result, we feel that we have not been able to put forward our views before a Consultation and describe the negative impact.

As a Society, we have canvassed opinion and had many replies. I am adding some of the responses below, as emailed to me, in the RLAS member's own words ...

" Most weekends I have to use this car park as I can never find a residents parking bay on Saturdays. As a resident of West Malling this seems very unfair, and unreasonable and would cost an awful lot of money over the year. What a ridiculous way to help local businesses stay afloat in these testing times, customers will abandon the need to visit West Malling if they have to pay to park! This is an essential amenity in West Malling, for businesses and residents. West Malling is beautiful place, of historical importance and an envy of a lot of towns. Let's hope someone with sense is listening! "

"Yes, I do use the long stay car park – it's an absolute Godsend because, as we all know, Ryarsh Lane is a nightmare, assuming that you can even get a parking space there. And a charge of £4.50 seems to be excessive, bordering on greed. What with no public loos, the loss of a number of public parking spaces in the Tesco car park, and extortionate parking rates in the long stay car park, TMBC seem determined to make West Malling as unattractive to visitors as possible!"

"I live close enough to walk but I do think allotment holders should NOT be charged for parking. "

"We use the business car park after 3pm weekdays and at the weekend. A charge for its use is clearly a way for the council to grab additional income. Simply no other reason although in sure the council will try to dress it up some other way!"

"Yes I do sometimes use the car park when I am bringing things to or from the allotment that would be awkward to carry. I sometimes need to load the car with garden rubbish that cant be composted, to take to the dump. I live in a flat with no garden so dont have a garden bin. I also might park there if I have decided to drive down to the plot when i need to visit to collect produce and the weather isn't good or dropping by on my way home from work."

"We don't use the car park but are naturally opposed to any parking charges. You can add our names to any objections raised."

" We think it's terrible about the proposed car parking charges. This will not help West Malling at all. Not everyone will be able to afford such charges and this will then impact the pleasure of renting an allotment. It has long been documented that loneliness is a growing issue in the UK and we are becoming more aware on a daily basis that we also have a parallel mental health Pandemic. It is very well known that the benefits of working an allotment help mind, body and soul heal from stress and trauma and can provide much needed socialisation. Why would TMBC wish to add fuel to an already very toxic fire? Food poverty, excessive fuel hikes, ever increasing energy bills! And now this, money that we literally cannot afford. We implore TMBC not to implement these charges. Basically, what is being proposed may seem like a small change of no real significance to TMBC - but to us it may just be the straw which breaks the camel's back! "

"Regarding the car park, I do sometimes have to use it - I live very close to the Bull Inn Pub on Town Hill and have a parking permit for the roads close by, but often can't park there as the spaces are all taken by visitors, so I have to use the car park. Sadly I suspect parking fees in the car park would make it worse :("

The above are just some of the responses I've received. As you can tell, these proposed charges strike very deep for some people. I hope that these views be heard as part of any Consultation process.

Looking forward to your earliest response,

Yours Faithfully,

 on behalf of the RLAS.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 June 2022

Joint Report of the Chief Executive and Director of Finance and Transformation

Part 1- Public

Executive Non Key Decisions

1 REVENUE AND CAPITAL OUTTURN 2021/22

In accordance with the Council's Financial Procedure Rules we present a report and accompanying information detailing actual Revenue and Capital Outturn for the year ended 31 March 2022 and subsequent adjustments made in light of the Outturn position.

In the light of the current economic situation, the report also sets out how the Medium Term Financial Strategy and Savings & Transformation Strategy might be impacted moving forward.

1.1 Introduction

1.1.1 A detailed revenue and capital outturn position for the year 2021/22 is provided in the Revenue and Capital Outturn Booklet attached at **[Annex 1]** which has been compiled in liaison with Chief Officers, including, where appropriate, explanatory notes of variations between revised estimates and outturn. Variations between the original and revised estimates for 2021/22 were highlighted in the notes to the Annual Estimate papers presented to Members during the 2022/23 budget cycle.

1.1.2 In accordance with the Council's Constitution the Statement of Accounts which shows the outturn in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom 2021/22 will be presented to the **Audit Committee** for **approval**. The Director of Finance and Transformation is to present an unaudited copy of the Statement of Accounts to the Audit Committee on 25 July.

1.2 Overall Revenue Position

1.2.1 Cabinet is advised that the contribution to the General Revenue Reserve is £576,095, some £149,095 more than the Revised Estimate figure of £427,000. This after having set aside £100,000 to meet time limited one-off costs following the outcome of the Peer Review; and transferring a sum of £300,000 to the Budget Stabilisation Reserve, £500,000 to the Climate Change Reserve and £200,000 to the Planning Services Reserve.

- 1.2.2 The variance prior to the adjustments detailed above of £1,249,095 can be attributed to, amongst other things, above profile performance in our major operational income streams most notably planning application fee income, cost of temporary accommodation as work continues to reduce costs, increased summons costs on recommencement of court hearings following none in 2020/21 and Covid-19 grant monies used to fund costs incurred retrospectively offset by waste services contract payments. See paragraph 1.2.4 for further detail.
- 1.2.3 We have, as part of the closedown process, undertaken a review of the specific earmarked reserves held by the Council. As a result of this review and in liaison with Management Team, and referred to above, Cabinet is asked to note and endorse:
- Setting aside £100,000 to meet one-off costs following the outcome of the Peer Review.
 - The transfer of £300,000 to the Budget Stabilisation Reserve (giving a balance of £3.0m) and from where what will be a significant claim under the utility cost sharing agreement with Tonbridge and Malling Leisure Trust for 2022/23 is to be funded and in recognition of the current challenging economic conditions.
 - The setting aside of £500,000 to support energy efficiency measures – funds to be held in the Climate Change Reserve and ‘ring-fenced’ to support energy efficiency initiatives.
 - The transfer of £200,000 to the Planning Services Reserve to fund planning services related work and or potential planning inquiry costs.
- 1.2.4 As mentioned above, the contribution to the General Revenue Reserve is £576,095, some £149,095 more than the Revised Estimate figure of £427,000. The principal reasons for the variance is given in the table below.

Description	Revised Estimate 2021/22 £	Provisional Outturn 2021/22 £	Variation £
Energy Efficiency (Climate Change Reserve)	-	500,000	500,000
Budget Stabilisation Reserve	-	300,000	300,000
Planning Services Reserve	-	200,000	200,000
Peer Review Reserve	-	100,000	100,000
Waste Services Contract Payments	3,524,500	3,672,073	147,573
Housing Benefits (Net)	96,000	189,893	93,893
IT Supplies & Services	912,950	975,935	62,985
Business Grants New Burdens Grant Funding	(104,000)	(130,680)	(26,680)
Car & Travelling Allowances	177,150	149,779	(27,371)
Reimbursement of Court Costs	-	(40,659)	(40,659)
Payment to Principals / Ticket Refunds	349,000	306,566	(42,434)

Investment Income	(296,100)	(355,049)	(58,949)
Salaries	10,927,300	10,859,935	(67,365)
KCC Covid-19 Grant Funding	(269,750)	(381,759)	(112,009)
Summons Costs Recovered	(250,000)	(385,893)	(135,893)
Temporary Accommodation	1,101,000	956,722	(144,278)
Major Income Streams	(5,352,300)	(6,133,667)	(781,367)
Other Net Changes	34,012	(82,529)	(116,541)
Total	10,849,762	10,700,667	(149,095)

1.2.5 **[Annex 2]** provides details of Service specific issues in respect of the revenue outturn for 2021/22. A more detailed analysis of the outturn position is to be found in the attached Revenue and Capital Outturn Booklet.

1.3 Capital Plan

1.3.1 Members will note a Capital Plan spend net of specific government grants and other contributions of £857,000 against a budget provision of £2,393,000. Factors that contributed to the net underspend are given below. In the year 2021/22 the Covid-19 pandemic also continued to have an impact on the level of spend.

- Capital renewals budgets totalling £758,000 with actual capital renewals expenditure totalling £260,000. Capital renewals provisions reflect predictions as to when assets will need to be replaced. Underspend can largely be attributed to a lower than anticipated spend on capital renewals at our leisure facilities; and in respect of information technology.
- The very nature of capital expenditure and funding can see the rescheduling, reprofiling and review of future budget provision. Scheme budget provisions that are to be rescheduled, reprofiled or subject to review include the Temporary Accommodation, Pembury Road, Tonbridge adaptation works – in year underspend £740,000; 47 High Street, Tonbridge including the ground floor unit – in year underspend £260,000; and Tonbridge Castle Offices: Re-tile Roof – in year underspend £60,000.

1.3.2 **[Annex 3]** provides details of Service specific issues in respect of the capital outturn for 2021/22. A more detailed analysis of the outturn position is to be found in the attached Revenue and Capital Outturn Booklet.

1.4 Treasury Management and Investment Strategy Review

1.4.1 Updates to both the Prudential Code and Treasury Management Code were published by the Chartered Institute of Public Finance and Accountancy (CIPFA) in December 2021 and uphold a key principle that borrowing primarily for return on investment is not permissible.

1.4.2 The Treasury Management Code requires an annual review report of the previous year to be presented and endorsed by Members. A copy of the annual review report for the year 2021/22 is attached at **[Annex 4]**.

1.4.3 As this is a **technical document**, if Members have any questions, could we please ask that you contact **Donna Riley on extension 6381** in advance of the meeting.

1.5 Balances and Reserves

1.5.1 **[Annex 5]** Table 1 shows the movement on the Special Projects Reserve.

1.5.2 **[Annex 5]** Table 2 details the movement on Other Earmarked Reserves.

1.5.3 **[Annex 5]** Table 3 gives details of some revenue adjustments agreed by the Director of Finance and Transformation during the closedown process.

1.5.4 The Council is required to have regard to the level of its balances and reserves before making decisions concerning its finances. The Council's General Fund working balance is set at £1,250,000 and this sum is considered appropriate for an authority of our size and scale. The position in respect of the Council's General Revenue Reserve is given below.

General Revenue Reserve		
	£	£
Balance at 1 April 2021		7,085,526
Contribution to / (from) Reserve		576,095
Balance at 31 March 2022		7,661,621

1.5.5 The Medium Term Financial Strategy anticipated a General Revenue Reserve balance at 31 March 2022 of £7,513,000.

1.6 Audit Committee

1.6.1 As mentioned earlier, an unaudited copy of the Statement of Accounts for 2021/22 is to be presented to the Audit Committee for approval on 25 July. The Accounts reflect the revenue and capital outturn position as detailed in this report and accompanying information, together with the subsequent adjustments as appropriate.

1.7 Medium Term Financial Strategy / Savings and Transformation Strategy

1.7.1 When the budget was set in February 2022 the projected funding gap was £2,350,000 including the initiative already built into the Medium Financial Strategy – scaling back of office accommodation – in the sum of £200,000. Cabinet will not be surprised to hear that the position outlined only in February is now exacerbated by the conflict in Ukraine and its impact on global economic conditions.

1.7.2 The extent of the impact on the Council's finances and, in turn, funding gap are, not surprisingly, very difficult to determine. Factors to consider (not exhaustive):

- 1) Inflation – over what time period will the current high levels of inflation return to the Bank of England target rate used in the MTFS? That aside, the current high levels of inflation (CPI April 2022 at 9%) are currently adding further budgetary pressure and increasing the funding gap.
- 2) Energy – rising energy prices - albeit not a significant cost relative to the Council's 'direct' budget. The same cannot be said, however, for the Tonbridge and Malling Leisure Trust where the Council can expect a significant claim under the utility cost sharing agreement for 2022/23. What happens beyond 2022/23 is of course dependent on where energy prices are at the time and whilst the increases that we are presently seeing are almost unprecedented, there is little intelligence on when the price rises will subside.
- 3) Interest rates – recent interest rate rises will help mitigate cost pressures in the short term, but not over the medium term. In other words, we will potentially see a 'cash flow' benefit.
- 4) Fees and charges – bearing in mind the high inflation levels at the present time, Cabinet is urged to consider, in the forthcoming budget setting process, increases in fees and charges of more than those modelled in the MTFS.
- 5) Government support – will the government provide any financial support bearing in mind the fact that such unprecedented levels of inflation and energy costs were not factored into the local government finance settlement? As of today, there has been no indication that any 'ad-hoc' assistance will be given by central government.
- 6) Council tax – will the government set the council tax increase above which a referendum is to be held at more than 2% or £5 whichever is the higher for 2023/24 in recognition of the uplift in inflation seen following the 2022/23 local government finance settlement? As Members will appreciate, the current threshold is below the current CPI (April) level.
- 7) Income – potential adverse impact on income including council tax and fees and charges more widely as cost of living pressures deepen.
- 8) Business Rate Retention – on a more positive note, the progress with the Panattoni Park development on the old Aylesford Newsprint site will generate additional business rates for the borough. With the current business rate retention system, this will benefit TMBC all the time the threshold remains the same. However, there will be a reset of thresholds at some point, and therefore any additional income generated could be relatively shortlived.

- 1.7.3 During the regular liaison between the Cabinet and Management Team, Cabinet has already been briefed on the potential impacts of the above matters. As a result, Cabinet instructed Management Team to implement an “Essential Spend Only” ethos once again in order to assist in containing in-year budget pressure as a result of these external factors. In-year ‘unavoidable’ increased costs – such as the Council’s contribution under the utility cost sharing agreement for example – will be funded from the Budget Stabilisation Reserve.
- 1.7.4 The medium-term impact on the Council’s finances will be dependent on how the factors set out above, amongst other things, ‘play out’ over time. **Undoubtedly there will be an adverse impact** – it is the scale of that impact that is difficult to determine, albeit significant.
- 1.7.5 It is very difficult at this point to give an indication of what this means for our “funding gap” within the MTFs. However, if we had to give a sense of where we believe it might now sit (emphasising the word ‘might’), we would suggest somewhere between £2.5m and £3.0m, although it could be more. This would, of course, represent an increase to the figure we referenced in the report during the Budget cycle (£2.15m).
- 1.7.6 It is of paramount importance given the matters set out above that the Council forges ahead to identify and achieve this year’s savings target of £350,000 prior to the start of 2023/24. Whilst this is not an easy ask given the tough choices that have contributed to the Savings & Transformation Strategy over the past few years, it is at least something that is in our own hands.
- 1.7.7 A number of strands of work are underway and it will be important that these are reported back in a timely fashion to Cabinet in order to seek approval (or otherwise) at the earliest opportunity. **Cabinet may wish to consider setting a timetable for this.**
- 1.7.8 In terms of matters which are outside of our control – namely the rate of inflation and energy prices impacted by the Ukraine conflict – Cabinet might agree that it is worthwhile lobbying government, via MPs and other local government collectives, to put pressure on ministers to consider additional ‘ad-hoc’ funding, or at least to reflect this major issue in forthcoming settlements. **Cabinet is asked to consider whether lobbying would be appropriate, and through what channels.**

1.8 Legal Implications

- 1.8.1 There are a number of legislative requirements to consider as we move through the closedown process, and prepare and publish the Statement of Accounts.

1.9 Financial and Value for Money Considerations

- 1.9.1 The budget year 2022/23 and review and update of medium term financial planning assumptions now the focus of attention.

- 1.9.2 The positive outturn position is clearly welcome, but does not unfortunately change what is a difficult and challenging financial outlook and exacerbated by the conflict in Ukraine and its impact on global economic conditions.

1.10 Risk Assessment

- 1.10.1 The compilation and presentation of the revenue and capital outturn forms part of the closedown process, leading to the preparation and publication of the Statement of Accounts which is a statutory document. Failure to prepare and publish the Accounts within the statutory timescale and in accordance with the Regulations could adversely affect the Council.
- 1.10.2 The Council's financial sustainability at increased risk following the Ukraine conflict and its adverse impact on global economic conditions.
- 1.10.3 Inflation is at a 40 year high and could creep higher. These levels were not reflected in local government finance settlements.

1.11 Equality Impact Assessment

- 1.11.1 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.

1.12 Policy Considerations

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

1.13 Recommendations

- 1.13.1 Cabinet is requested to:
- 1) Note and endorse the Revenue and Capital Outturn for the year 2021/22.
 - 2) Note and endorse the action taken following a review of specific earmarked reserves set out at paragraph 1.2.3.
 - 3) Note and endorse the Treasury Management and Investment Strategy Review 2021/22 **[Annex 4]**.
 - 4) Give consideration to a timetable for the programme of savings and transformation contributions in order to ensure the target of £350,000 is achieved by the start of the financial year 2023/24.
 - 5) In respect of the significant external factors of high inflation and energy prices affecting in-year budgets, consider whether lobbying of central government would be appropriate, and if so through what channels.

Background papers:

Nil

contact: Neil Lawley

Sharon Shelton

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation

Revenue Outturn 2021/22 - Service Specific Issues

Corporate Services

The Outturn is £124,587 (£3,382,100 - £3,506,687) more than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Salaries, Recruitment Costs and Partnership Receipts (CS 2/ CS 7) – Net management savings on the salary bill £67,365.
- b) Car & Travelling Allowances (CS 7) – lower level of mileage claims than originally anticipated in part because of staff vacancies £27,371.
- c) Telephones (CS 7) – Costs now part of IT Services budget on change to telephony system £19,517.
- d) Information Technology Services (CS 9) – Supplies and Services costs are £62,985 more than estimated largely due to the transition to “cloud” based services.
- e) Building repairs expenditure is £23,962 less than estimated due in part where works no longer required or deferred to 2022/23.
- f) Impairment charged to Service Budgets is £335,419 and can largely be attributed to impairment of council offices following revaluation.
- g) Recharges to Service Budgets are £34,992 more than estimated.
- h) The balance of £100,610 is spread throughout the remaining Corporate Services budgets.

Chief Executive

The Outturn is £72,527 (£1,009,950 - £937,423) less than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Economic Development & Regeneration (CE 6) – expenditure in support of economic development and regeneration initiatives in year £37,511 less than estimated. Costs met from an earmarked reserve(s).
- b) The balance of £35,016 is spread throughout the remaining Chief Executive budgets.

Director of Central Services

The Outturn is £417,084 (£703,400 - £286,316) less than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Tonbridge Castle Gatehouse (CEN 2) – ongoing adverse impact of Covid-19 on income less than assumed £21,970.

- b) Community Safety (CEN 3) – includes Tunbridge Wells Borough Council grant allocation under the new Domestic Abuse Act of £33,361. Grant allocations of both councils transferred to an earmarked reserve to fund the appointment of a joint Domestic Abuse Coordinator for a fixed period.
- c) Building repairs expenditure is £377,086 less than estimated mainly due to the renewal of lighting in the Great Hall, Tonbridge Castle and the renewal of the flat roof at 32 Martin Square deferred to 2022/23 along with the Council's contribution to repairs to the walkway at Martin Square and Twisden Road.
- d) The balance of £15,333 is spread throughout the remaining Director of Central Services budgets.

Director of Finance and Transformation

The outturn is £159,406 (£1,404,350 - £1,244,944) less than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Housing Benefits (FT 2) – reflects actual level of benefit payments, recoupments and contribution to the bad debts provision with an overall net increase of £93,893 when compared to the revised estimate.
- b) Housing Benefits (FT 2) – grants awarded to assist with the costs of implementing welfare reform and other changes are £26,570 more than estimated. Balance transferred to an earmarked reserve to fund transformation initiatives.
- c) Local Revenue & NNDR Collection (FT 3) – reimbursement of court fees overcharged in prior years by HM Courts and Tribunal Service £40,659.
- d) Local Revenue & NNDR Collection (FT 3) – additional New Burdens Grant received to meet the cost of administering the various Business Grant Funded Schemes £26,680.
- e) Local Revenue & NNDR Collection (FT 3) – increased number of summonses on recommencement of court hearings following none in 2020/21 £135,893.
- f) Treasury Management & Banking Arrangements (FT 5) – interest on investments and cash flow is £58,949 more than estimated due in part to improvement in investment rates and higher cash balances.
- g) Contributions to Provisions (FT 7) – lower than anticipated contribution to the bad debt provision required following receipt of an interim dividend of 45p in the £ from the administrators of Aylesford Newsprint £22,246.
- h) Management and administration recharges are £64,326 more than estimated funded from New Burdens Grant.

- i) The balance of £6,628 is spread throughout the remaining Director of Finance and Transformation budgets.

Director of Planning, Housing and Environmental Health

The outturn is £1,084,399 (£4,655,800 - £3,571,401) less than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Development Management (PHEH 2) – application & appeals expenditure £21,703 less than estimated.
- b) Development Management (PHEH 2) – planning application fee income £593,761 more than estimated attributed to the transition to a new Local Plan and volatility of the development environment.
- c) Building Control (PHEH 4) – building regulations fee income £23,628 more than estimated.
- d) Planning Policy (PHEH 5) – expenditure on development of new Local Plan £79,704 less than estimated. Costs met from an earmarked reserve.
- e) Planning Policy (PHEH 6) – external costs associated with the Borough Green Gardens project £65,310 less than estimated. Costs met from an earmarked reserve.
- f) Planning Policy (PHEH 6) – Garden Communities funding (£50,000) and Biodiversity Net Gain Grant (£10,047) received in 2021/22. Transferred to an earmarked reserve for future use.
- g) Homelessness (PHEH 9/10) – net cost of temporary accommodation (TA) is £144,278 less than estimated as work continues to reduce the number of households in TA.
- h) Homelessness (PHEH 9) – balance of Landlord Incentive Scheme monies rolled forward to 2022/23 £41,578.
- i) Homelessness (PHEH 9) – contribution to the bad debt provision £22,619 more than estimated due to increased use of accommodation with service charges not covered by housing benefits.
- j) Homelessness (PHEH 9) – Protect and Vaccinate grant (£34,717) is to be repaid. Offset by an additional Ex-Offenders grant (£14,370) instalment transferred to an earmarked reserve for future use.
- k) Private Sector Housing Renewal (PHEH 13) – Minimum Energy Efficiency Project direct costs net of grant less than estimated £31,717.

- l) Private Sector Housing Renewal (PHEH 13) – repayment of Housing Assistance Grants exceeded actual spend giving a favourable budget variance of £40,482.
- m) The balance of £25,157 is spread throughout the remaining Director of Planning, Housing and Environmental Health budgets.

Director of Street Scene, Leisure and Technical Services

The outturn is £428,422 (£9,277,350 - £9,705,772) more than the 2021/22 Revised Estimate. The principal reasons for this are as follows:

- a) Refuse Collection, Recycling and Street Scene (SSLTS 2/ 3/ 5) – contract payments are £147,573 more than estimated.
- b) Recycling (SSLTS 4) – recycling performance payment is £67,586 more than estimated.
- c) Open Spaces and Amenity Areas (SSLTS 18) – bridge maintenance expenditure in year £23,199 less than estimated.
- d) Off-Street/ On-Street Car Parking (SSLTS 33/ 36) – car parking income net of ticket refunds is £116,391 more than estimated.
- e) Civil Contingencies (SSLTS 39) – COMF received from KCC used retrospectively to fund costs incurred in managing Covid-19 £112,009.
- f) Building repairs expenditure charged to Service budgets is £277,553 less than estimated largely due to competing resource pressures and impact of Covid-19 on progressing building repairs and maintenance works.
- g) Depreciation charged to Service Budgets is £59,438 less than estimated spread across several budget heads.
- h) Impairment charged to Service Budgets is £979,318 more than the revised estimate and can largely be attributed to impairment of council car parks due to reduced income expectations following Covid-19.
- i) The balance of £42,293 is spread throughout the remaining Director of Street Scene, Leisure and Technical Services budgets.

Capital Outturn 2021/22 - Service Specific Issues

Planning, Housing and Environmental Health Services

- a) Housing Assistance Grants (CP 3). Actual spend net of repayments of grants by householders is -£10,000 compared to budget provision of £30,000.
- b) Temporary Accommodation, Pembury Road, Tonbridge (CP 3). Spend to March 2022 £64,000 compared to budget provision net of developer contributions of £804,000. Adaptation works to properties reconfigured and works to be progressed in 2022/23.
- c) 47 High Street, Tonbridge (CP 3). No spend compared to budget provision of £260,000 including the ground floor unit. Purchase of the freehold of the property completed in early 2022/23.

Street Scene, Leisure and Technical Services

- a) Waste Bins (CP 5). Spend to March 2022 £217,000 compared to budget provision of £106,000. Demand led service, together with rising prices.
- b) Electric Vehicle Charging Points (CP 6). Spend to March 2022 £3,000 compared to budget provision of £40,000 net of grants and contributions. Scheme to be completed in early 2022/23.
- c) Capital renewals budgets (CP 7) totalling £561,000 with actual capital renewals expenditure totalling £225,000. Underspend can largely be attributed to a lower than anticipated spend on renewal of vehicles, plant and equipment at our leisure facilities.

Corporate Services

- a) Tonbridge Castle Offices: Re-tile Roof (CP 9). No spend compared to budget provision of £60,000. Works deferred to a future date.
- b) Capital renewals budgets (CP 10) totalling £197,000 with actual capital renewals expenditure totalling £35,000. Underspend can largely be attributed to a lower than anticipated spend in respect of information technology.

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Tonbridge and Malling Borough Council

Treasury Management Annual Report 2021/22

1.1 Introduction

1.1.1 This Council is required by regulations issued under the Local Government Act 2003 to produce an annual treasury management review of activity and the actual prudential and treasury indicators for 2021/22. This report meets the requirements of both the CIPFA Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

1.1.2 During 2021/22 the minimum reporting requirements were that full Council should receive the following treasury reports:

- an annual strategy in advance of the year;
- a mid-year review; and
- an annual review following the end of the year describing the activity compared to the strategy (this report).

In addition, treasury management updates have been presented to each meeting of the Audit Committee throughout the 2021/22 financial year. Treasury performance was also considered at the Finance, Innovation and Property Advisory Board through the regular Financial Planning and Control reports.

1.1.3 Changes in the regulatory environment place a much greater onus on Members for the review and scrutiny of treasury management policy and activities. This report is important in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

1.1.4 This Council also confirms that it has complied with the requirement under the Code to give prior scrutiny to all of the above treasury management reports by the Audit Committee before they were reported to full Council.

1.2 Treasury Position 31 March 2022

1.2.1 At the beginning and the end of 2021/22 the Council's debt and investment position was as follows:

	31 March 2021 £m	Rate / Return %	Average duration Days	31 March 2022 £m	Rate / Return %	Average duration Days
Variable rate debt:						
Overdraft	0.0	-	-	0.0	-	-
Total debt	0.0	-	-	0.0	-	-
Fixed rate investments:						
Cash flow surpluses	0.0	-	-	0.0	-	-
Core cash	8.0	0.38	134	21.0	0.69	120
Variable rate investments:						
Cash flow surpluses	15.8	0.04	7	22.1	0.52	5
Core cash	8.0	0.41	90	3.0	0.15	95
Sub-total	31.8	0.22	70	46.1	0.62	63
Medium term investments:						
Multi-Asset Income Funds	-	-	-	4.3	3.87	-
Long term investments:						
Property Funds	5.0	3.51	-	5.0	3.17	-
Total investments	36.8	0.67	-	55.4	0.82	-

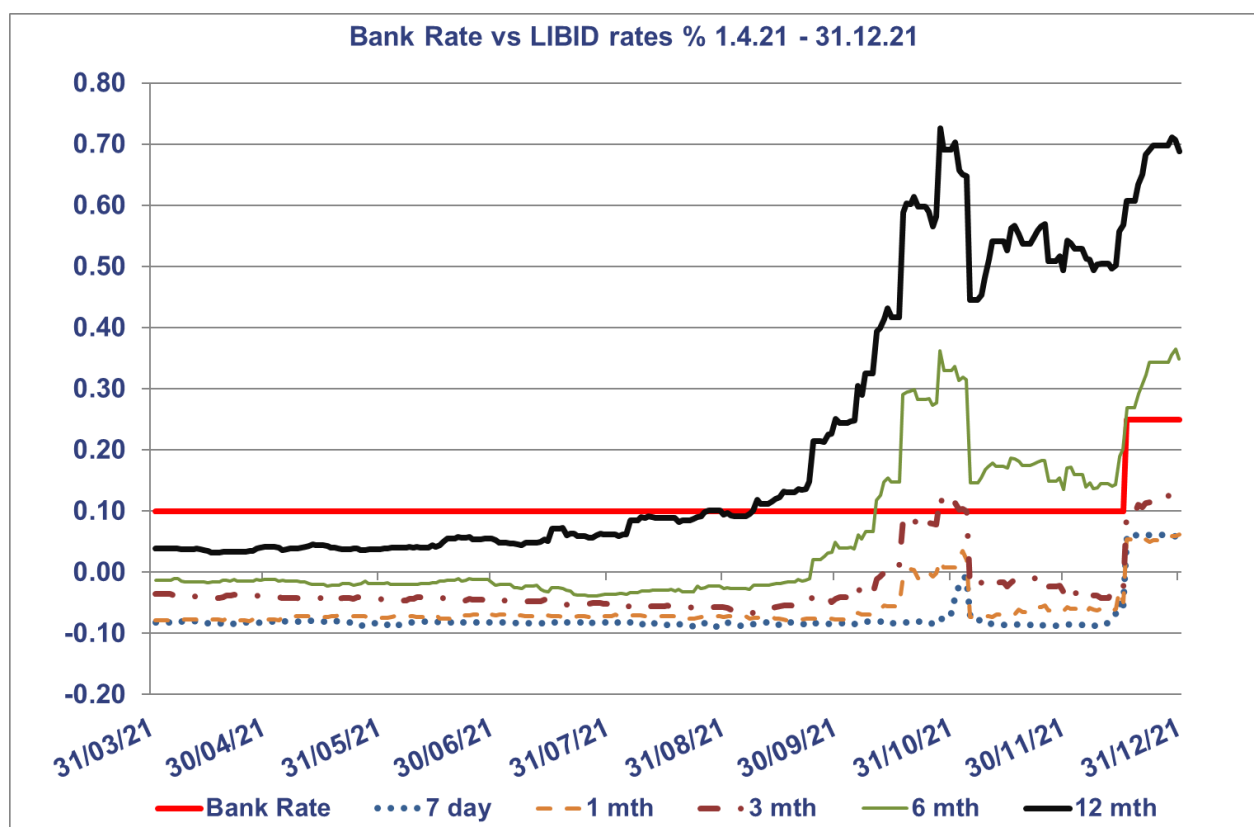
- 1.2.2 The increase in investment balances can be attributed to a number of factors including surpluses / deficits on the council tax and business rates collection funds due to be paid / recovered in 2022/23; unspent provisions for business rate appeals which are yet to be determined by the Valuation Office during the financial year; receipt of energy relief grant for distribution; and changes in the level of year-end debtor and creditor provisions.

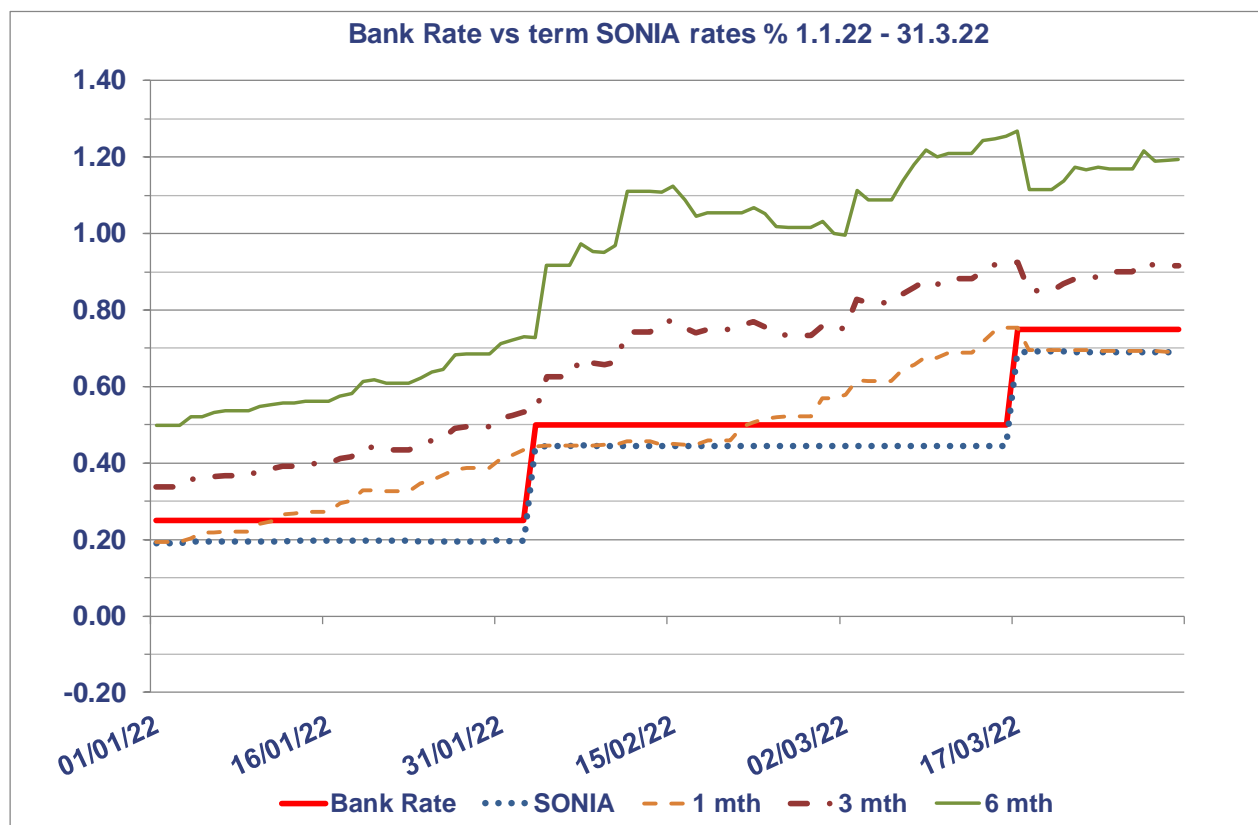
1.3 The Strategy for 2021/22

- 1.3.1 The treasury management strategy for 2021/22 was based on the November 2020 forecast and assumed a trade deal would be agreed with the EU; no further national lockdowns or severe regional restrictions were imposed; inflation was unlikely to pose a threat and bank rates would remain at 0.10% for the next three years. In actuality, energy costs sit at unprecedented levels; the conflict in Ukraine took place in February 2022 and inflation is at the highest level in three decades. Upward inflationary pressures have seen the Bank of England opting to increase the Bank Rate in December 2021 with additional increases in February and March 2022 in an attempt to suppress soaring inflation. Bank Rate is expected to continue to rise over the next two years.
- 1.3.2 While the Council has taken a cautious approach to investing, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the financial crisis. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme market stress and economic conditions.

1.4 Investment Rates in 2021/22

- 1.4.1 Bank rate and investment returns across durations up to 12 months are depicted in the graphs below. LIBID rates were phased out at the end of December 2021 with SONIA rates being considered as the industry accepted alternative. Since November 2021 Bank Rates have increased to 0.75% taking the rates back to the pre-virus and post-Global Financial Crisis high of 0.75% at 31 March 2022. Deposit rates made available towards the end of the financial year showed significant improvement and market expectation is for further increases in 2022/23.





1.5 Investment Outturn for 2021/22

1.5.1 The Council's investment policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies. This is supplemented by additional market information including credit rating outlooks and credit default swap data (CDS). The 2021/22 Annual Investment Strategy was approved by Council in February 2021 and was subjected to a mid-year review in September 2021. In undertaking the review, no changes were made to the Council's minimum counter-party credit requirement (typically Fitch A-, F1 unless UK state owned) or counter-party exposure limits (maximum of 20% of funds per financial institution). Subject to constraints, discretion to extend investment duration for UK regulated financial institutions by up to six months over the Council's external treasury advisor's suggested duration was also retained.

1.5.2 **Cash flow investment.** In 2021/22 cash flow surpluses averaged £22.3m and earned an average rate of return of 0.14%. The benchmark used to compare performance, (LIBID/SONIA Hybrid) was 0.03%. Cash flow surpluses arise from the timing difference between the receipt of monies (from council tax, business rates, grants, etc.) and its subsequent payment (to Government, precepting authorities, housing benefit recipients, suppliers, staff, etc.). Cash flow surpluses are required to meet regular payment obligations and are invested in bank deposit accounts and money market funds which allow next day access. The opportunity to invest for longer durations and generate additional yield is taken when cash flow surpluses permit.

- 1.5.3 **Core cash investment.** In 2021/22 core cash averaged £20.3m and earned an average rate of return of 0.34%. The benchmark used to compare performance, (LIBID/SONIA Hybrid) was 0.03%. Core cash comprises the authority's revenue and capital reserves. Unlike cash flow, core cash is not required to meet regular payment obligations and is available to invest for longer durations including durations exceeding one year. This added flexibility allows core cash to generate a better return relative to cash flow surpluses.
- 1.5.4 **Medium-term investment.** In recent years multi asset (diversified income) funds have grown in popularity. Like property funds, multi asset funds aim to generate returns over and above inflation and thus preserve spending power.
- 1.5.5 A total of £3m was initially invested equally across three funds in July and August, with a further £1.25m invested in November 2021 across two of the funds with the proceeds from the sale of River Walk offices. Additional multi asset fund investments could be made in the future as resources become available from asset disposals and other windfalls.
- 1.5.6 During the period July 2021 to March 2022 the investment in multi asset funds generated dividends of £95,869 which represents an annualised return of 3.87%.
- 1.5.7 As at 31 March 2022, the capital investment has depreciated in value by £143,000. The value of multi asset diversified income funds at 31 March stood at £4.107m. Members are reminded that our multi asset diversified income funds are medium term investments (5+ years) and the funds applied to them are not required to meet day to day spending commitments.
- 1.5.8 **Long-term investment.** The availability of cash balances over the longer term (10 years) and the suitability of different types of long-term investment (equities, bonds, and commercial property) was explored in the report to Audit Committee, January 2017. Of the alternatives, investment in property funds was considered best suited to meet the Council's more immediate funding need: a sustainable, stable income stream.
- 1.5.9 This does not however, preclude consideration of an alternative investment opportunity that meets the Council's strategic priorities and objectives, achieves value for money and delivers a financial return commensurate with the Council's risk appetite. Each such opportunity to be considered on a case-by-case basis as appropriate.
- 1.5.10 At the start of the year £5m was invested in property investment funds and no further sums were invested during the year. Investment was spread across three funds to ensure, as far as is possible, stability of annual income and capital growth over time. Additional property fund investments may be made in the future as resources become available from asset disposals and other windfalls.
- 1.5.11 In 2021/22 investment in property funds generated dividends of £158,725 which represents an annualised return of 3.17%.

- 1.5.12 Property funds issue and redeem primary units at a buy and sell price with the difference between the two prices reflecting the costs associated with buying and selling property (legal and other fees, stamp duty, etc.). The price spread varies from fund to fund but is typically in the region of 8% (6% on entry to a fund and 2% on exit). Where units are traded on a secondary market the impact of the spread can be reduced and delays in the purchase or redemption of units avoided. The table below compares the sale value of each investment if sold to the fund manager with the initial purchase price.

Property fund (Primary = units in the fund purchased from the fund manager. Secondary = units purchased from another investor at a discount. Date = first month the investment attracted dividends)	Purchase price (a) £	Sale value at date of purchase (b) £	Sale value March 2022 (c) £	March sale value above (below) purchase price (c-a) £
LAPF (Primary, July 2017)	1,000,000	922,200	1,095,400	95,400
Lothbury (Primary, July 2017)	1,000,000	927,700	1,061,400	61,400
Hermes (Secondary, Oct 2017)	1,000,000	939,000	1,131,000	131,000
LAPF (Primary, June 2018)	1,000,000	922,200	1,050,300	50,300
Lothbury (Secondary, July 2018)	1,000,000	973,000	1,041,000	41,000
Total	5,000,000	4,684,100	5,379,100	379,100

- 1.5.13 As at 31 March 2022, the capital investment has appreciated in value by £379,100. Members are reminded that our property fund investments are long-term (10 years) and the funds applied to them are not required to meet day to day spending commitments.
- 1.5.14 **Summary.** Investment performance for the year 2021/22 is summarised in the table below:

	2021/22 Average balance £m	Return %	2021/22 Interest/ dividends earned £	2021/22 Revised Estimate £	Variance Better (worse) £
Cash flow surpluses	22.3	0.14	30,581	9,200	21,381
Core cash	20.3	0.34	69,874	55,000	14,874
Medium term investment	4.3	3.87	95,869	61,900	33,969
Long term investment	5.0	3.17	158,725	170,000	(11,275)
Total	51.9	0.82	355,049	296,100	58,949

- 1.5.15 The overall performance of the Authority's investments bettered the revised estimates by £58,949 (£105,049 when compared to the 2021/22 original estimates).
- 1.5.16 In finalising the Council's revised estimates, the income estimate for cash flow was reduced from £31,000 to £9,200; the return from core cash was increased from £49,000 to £55,000; and income from property funds held at £170,000.

1.6 Compliance with the Annual Investment Strategy

- 1.6.1 The Annual Investment Strategy aims to limit the Council's exposure to investment risks by prescribing: minimum counterparty credit criteria; maximum exposure limits in respect of sovereigns, counterparties, and groups of related counterparties; the type of investment instrument that can be used; and investment duration limits. Throughout the period April 2021 to March 2022 the requirements set out in the Annual Investment Strategy for 2021/22, as approved by Council in February 2021, were complied with. No liquidity issues were experienced resulting in nil borrowing throughout 2021/22.

1.7 Treasury and Prudential Codes of Practice

- 1.7.1 Updates to both the Prudential Code and Treasury Management Code were published by the Chartered Institute of Public Finance and Accountancy (CIPFA) in December 2021 and uphold a key principle that borrowing primarily for return on investment is not permissible.
- 1.7.2 Also re-emphasised that the risks associated with investment in '**non-financial assets** which are held primarily for financial returns' are properly evaluated, reported, subject to scrutiny and managed over time. The Council has no material non-financial investments.
- 1.7.3 The requirements of both the Treasury Management and Prudential Codes of Practice published by CIPFA have been considered and reflected as appropriate in this annual review.

Financial Services
May 2022

Prudential and Treasury Indicators

1 Prudential Indicators	2020/21 Actual £'000	2021/22 Original £'000	2021/22 Actual £'000
Capital expenditure	2,064	4,693	2,251
Ratio of financing costs to net revenue stream	-1.96%	-4.89%	-6.91%
Net borrowing requirement:			
Brought forward 1 April	nil	nil	nil
Carried forward 31 March	nil	nil	nil
In year borrowing requirement	nil	nil	nil
Capital financing requirement as at 31 March	nil	nil	nil
Annual change in capital financing requirement	nil	nil	nil
Incremental impact of capital investment decisions:			
Increase in Council Tax (Band D) per Annum	£1.03	£0.05	£0.05

2 Treasury Management Indicators	2020/21 Actual £'000	2021/22 Original £'000	2021/22 Actual £'000
Authorised limit for external debt:			
Borrowing	nil	7,000	nil
Other long-term liabilities	nil	nil	nil
Total	nil	7,000	nil
Operational boundary for external debt:			
Borrowing	nil	4,000	nil
Other long-term liabilities	nil	nil	nil
Total	nil	4,000	nil
Actual external debt	nil	nil	nil
Upper limit for fixed rate exposure over one year at year end	nil	0 – 60%	nil
Upper limit for variable rate exposure under one year at the year end	23,794 (64.7%)	40 – 100%	22,131 (40.0%)
Upper limit for total principal sums invested for over 365 days	5,000 (13.6%)	60%	9,250 (16.7%)

3 Maturity structure of new fixed rate borrowing during 2021/22	Upper limit %	Lower limit %
Under 12 months	100	nil
Over 12 months	nil	nil

TABLE 1

Special Projects Reserve	Revised £	2021/22 Outturn £	Variance £
Contribution to/(from) in Year			
Borough Signage	(3,600)	(3,606)	(6)
Minimum Energy Efficiency Project	(38,500)	0	38,500
Reorientation / Post Emergency	(200,000)	(200,000)	0
Waste & Street Scene Initiatives	1,750	0	(1,750)
Movement in Year	(240,350)	(203,606)	36,744

TABLE 2

Other Earmarked Reserves	Revised £	2021/22 Outturn £	Variance £
Contribution to/(from) in Year			
Asset Review	77,000	76,850	(150)
Budget Stabilisation Reserve	0	300,000	300,000
Business Rates Retention Scheme	(3,884,800)	(3,818,126)	66,674
Climate Change	6,450	529,920	523,470
Domestic Abuse Act Grant	0	67,603	67,603
Economic Development	(5,150)	0	5,150
Election Expenses	(2,000)	3,609	5,609
Homelessness	(8,050)	21,018	29,068
Housing & Welfare Reform	(10,000)	(8,000)	2,000
Housing Assistance	0	40,000	40,000
Invest to Save	47,200	47,196	(4)
Peer Review	0	100,000	100,000
Planning Services	516,200	940,240	424,040
Public Health	(16,850)	(6,077)	10,773
Tonbridge & Malling Leisure Trust	(507,850)	(507,850)	0
Training	0	0	0
Transformation	32,450	58,500	26,050
Movement in Year	(3,755,400)	(2,155,117)	1,600,283

TABLE 3

Revenue Adjustments	Revised £	2021/22 Outturn £	Variance £
Expenditure / (Receipts) in Year			
Rechargeable Works Admin.	-	1,303	1,303
Miscellaneous Cash	-	(483)	(483)
Other	-	5	5
Movement in Year	-	825	825

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 June 2022

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 COUNCIL TAX (ENERGY) REBATE SCHEME 2022

A report updating Members on the arrangements for payment of the £150 rebates.

1.1 Introduction

- 1.1.1 As Members are aware from my report to Cabinet on 15 March, billing authorities have been charged by government to distribute £150 payments for council tax (energy) rebate to eligible households.
- 1.1.2 At the time of reporting to Cabinet in March, all the relevant guidance had not yet been issued to local authorities. Funding was passed over to local authorities on the 31 March.
- 1.1.3 Under Decision No D220040CAB, the Cabinet resolved that
 - 1) the arrangements underway in order to deliver phase 1 of the national Energy Rebate Scheme be noted;
 - 2) delegated authority be given to the Chief Executive and Director of Finance and Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to agree the mandatory Energy Rebate Scheme 2022 for Tonbridge and Malling once final guidance from government was received; and
 - 3) delegated authority be given to the Chief Executive and Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to agree the discretionary policy for those properties not in Bands A-D.

1.2 Progress

- 1.2.1 Cabinet will be aware that I have sent briefing notes to all Councillors to keep them up to speed with how the scheme is progressing. The last briefing note was sent on 23 May.

- 1.2.2 An internal officer group (the Energy Rebate group) chaired by myself meets fortnightly with representation from a number of service areas – Revenues and Benefits, Accountancy, Audit/Fraud, Customer Services, Media & Comms and Printing/Postroom.
- 1.2.3 The mandatory scheme was prepared fully in compliance with government requirement and guidance and was “signed off” by myself and the Chief Executive in line with our delegated authority granted via Cabinet (see paragraph 1.1.32) above). For completeness, the Officer Decision Notice and the mandatory scheme are attached at **[Annex 1]** for Members’ information.
- 1.2.4 Software was developed by the Council’s Revenue & Benefits system supplier to deliver the scheme following the announcement by government.
- 1.2.5 Whilst this sounds like a relatively straightforward project, the reality is that this is quite complex and it is important to deliver this in phases in order to mitigate against duplication of payment, error in payment, and indeed missing any household that is eligible. Not only do we need to deliver the mandatory scheme, we are also required to develop a discretionary scheme as reported to Cabinet in March.
- 1.2.6 The phases we have identified for the mandatory scheme are:
- Phase 1 – payments of £150 to those who pay their council tax by Direct Debit (the majority)
 - Phase 2 – payments of £150 to those who do not pay by Direct Debit, or do not pay any council tax. Opportunity to register via an online portal.
 - Phase 3 – falling out of Phase 2, payments to those who do not hold bank accounts and are therefore unable to utilise the online facility (unknown quantity at this point).
- 1.2.7 As Members are aware from my most recent briefing note, payments were made to the majority in Phase 1 in week commencing 9 May; with recipients receiving cleared funds on 12 May. In total this accounted for approximately 25,000 households.
- 1.2.8 In line with government guidance, about 1,500 cases from Phase 1 were what we termed “mismatches” and these households were sent a letter on 9 May inviting to submit alternative details via an online portal if they did not wish the payment to go to the bank account we already had registered. The ‘window’ to provide alternative details closed on 18 May, and in accordance with government guidance we are required to undertake “spotlight” checks to prevent fraud and error if new details have been entered. The majority (1,400) did not provide alternative details, so payments to this cohort were processed with cleared funds being available in recipients’ bank account on 24 May. The remaining 100, where

alternative details were provided, are being made as soon as we can following completion of the spotlight checks.

- 1.2.9 As Members are aware, the “qualifying” date for this scheme was 1 April 2022. Due to the way the software was configured, anyone who had signed up to direct debit after the qualifying date of 1 April was not included in the main “bulk” of payments. There were approximately 800 of these cases. The details for these eligible council taxpayers have now been extracted and payments have been processed with cleared funds being available in recipients’ bank accounts on 25 May.
- 1.2.10 Despatch of letters to the cohort in Phase 2 (approximately 8,000 households) began week commencing 23 May. These households are being invited to securely register their bank details via the portal using a unique code. Customer Services are able to assist anyone who needs guidance.
- 1.2.11 Before payment can take place to this cohort, we are required (by government) to undertake the “spotlight” checks and this will be done on a rolling basis to ensure that payments can go out to those who have registered as soon as possible.
- 1.2.12 At this stage we will not know how many will fall into ‘Phase 3’ but I shall update Members in a future report.
- 1.2.13 Due the complexity of the scheme and the software (which has been developed at a pace following the government announcement), the Software supplier’s firm advice is to deal with all elements of the mandatory scheme before turning attention to the discretionary. Indeed, software patches in respect of the discretionary element are still in progress.
- 1.2.14 In accordance with the delegated authority granted by Cabinet (see paragraph 1.1.33) above), a discretionary scheme was developed and published on 23 May 2022. The Officer Decision Notice is appended, along with the scheme at **[Annex 2]**.
- 1.2.15 Given that we need to continue with payments in respect of the Mandatory Scheme first before turning to the Discretionary Scheme, I shall return to this in a future briefing.
- 1.2.16 Members should note that payments in respect of the Mandatory scheme must be made by 30 September 2022.
- 1.2.17 Payments in respect of the Discretionary Scheme must be made by 30 November 2022.

1.3 Media and Communications/ Customer Services

- 1.3.1 The Council's website is kept up to date with progress of payments on dedicated pages. See [Council tax energy rebate – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/council-tax-energy-rebate)
- 1.3.2 The Council's Media and Comms team ensure that relevant information is published via social media and the “push notification” via the Council's app in order to keep the public informed (as far as we can).
- 1.3.3 The Customer Services Team engaged the services of two additional customer services advisors (via agency) to deal specifically with any influx of enquiries. There is a dedicated phone line for enquiries - 01732 876263 – and a dedicated email address: energyrebate@tmbc.gov.uk
- 1.3.4 Additional temporary resources were also approved for my Revenue & Benefits team where the bulk of the assimilation, preparation and processing is taking place. It should also be noted that a significant amount of time of senior staff in this team is being diverted to this project, and records of this will be maintained in order to support the call for additional New Burdens funding.

1.4 Legal Implications

- 1.4.1 The Council Tax (Demand Notices and Reduction Schemes) (England) (Amendment) Regulations 2022 set out the requirements for billing authorities in relation to council tax bills.

1.5 Financial and Value for Money Considerations

- 1.5.1 The government has paid to TMBC a sum of £5,213,100 from the fund in order to pay eligible council taxpayers the required £150 rebate from April 2022. The government has stated that there will be a reconciliation exercise later in the year, so any over or underspends against this amount will be reimbursed or recovered.
- 1.5.2 The government has provided an allocation of funds totalling £288,600 for the development of a discretionary policy.
- 1.5.3 A “down payment” in respect of New Burdens Funding of just over £55,000 was allocated to this Council. It is expected that a further sum will be awarded based on the overall costs associated with this work, which is substantial.

1.6 Risk Assessment

- 1.6.1 It will be important that all relevant checks are undertaken in order to prevent against fraud.
- 1.6.2 Failure to comply with government requirements could mean that the Council does not receive the New Burdens grant in full.

- 1.6.3 As mentioned in paragraph 1.3.4, a lot of senior officer time has been diverted to this project - and this could not be avoided. As a result there is an 'opportunity cost' of the delay in progression of some other initiatives, particularly in Revenue & Benefits, which were planned to assist with efficiencies.

1.7 Policy Considerations

- Community

Background papers:

Sharon Shelton

Nil

Sharon Shelton

Director of Finance & Transformation

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TONBRIDGE & MALLING BOROUGH COUNCIL**RECORD OF OFFICER DECISION**

Decision Taken By: Chief Executive and Director of Finance & Transformation	Decision No: CE-DFT 22-010
Delegated Authority (under which decision taken): Authority delegated to the Chief Executive and Director of Finance & Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation & Property via Cabinet meeting of 15 March 2022: Minute CB 22/44 Decision Notice D220040CAB	
Decision Type:	Non-Key
Date of Decision:	30 April 2022

Decision(s) and Reason(s)
MANDATORY COUNCIL TAX (ENERGY) REBATE SCHEME 2022
EXPLANATION/DESCRIPTION Under the Government's overarching Energy Rebate policy, billing authorities were required to administer a cash payment (grant) of £150 to council taxpayers in properties with a Band A, B, C or D. At the time of the Cabinet meeting in March, the full details of the government's requirements had not been received in order to draw up the 'policy' by which these payments would be made. Delegated authority was therefore granted by Cabinet on 15 March 2022 to the Chief Executive and Director of Finance & Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation and Property to agree the mandatory Council Tax (Energy) Rebate Scheme 2022 for Tonbridge and Malling once final guidance from government was received. Mandatory Scheme attached (Annex 1)
Reason: To comply with government's requirement to make payments of £150 to eligible taxpayers for Council Tax (Energy) Rebate before 30 September 2022.

Details of any Alternatives Considered:
N/A. Following government requirements and guidance.
Reason(s) why rejected: N/A
Conflicts of Interest/Dispensations Granted:
No conflicts of interest
Background Papers (if any):
Scheme document

Signed Chief Officer:

Chief Executive

Director of Finance and Transformation

J Beilby

S Shelton

Date of publication:

20 May 2022

This decision will come into force immediately as 'call in' does not apply to non-key officer decisions.

The scheme of functions delegated to officers can be found here:

http://www.tmbc.gov.uk/_data/assets/pdf_file/0007/181483/Part-3-responsibilities.pdf



The Council Tax Energy Rebate Scheme 2022

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Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a Council Tax Rebate under the mandatory scheme as set out by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. This scheme together with the Council's associated Discretionary Fund are part of a package of support for households in respect of rising energy costs.
- 1.2 The Government has also issued statements on a discount on electricity bills to be paid later in the Autumn. It should be noted that this is not part of the responsibility of local authorities and is separate from the Council Tax Rebate Scheme.
- 1.3 The Council Tax Rebate Scheme is effectively in two parts, the mandatory scheme which is covered within this policy and which is largely determined by Central Government, and the Discretionary scheme which forms parts of a separate policy which has been agreed by the Council.
- 1.4 This Council Tax Rebate Scheme is designed to provide single one-off grant of £150 to all eligible households who meet the criteria shown within Section 3.

2.0 Funding

- 2.1 Government has provided funding to the Council; however, all payments will have to be made prior to the 30 September 2022 which is the deadline for this scheme.

3.0 Eligibility criteria

- 3.1 To provide some immediate relief to households experiencing rising energy costs, while targeting those most likely to require support, Government expects the Council to provide a £150 one-off payment to a liable Council Tax payer (or a person who would otherwise be liable where the dwelling is exempt) for every household that occupies a property which meets all of the following criteria on 1 April 2022:
 - (a) The chargeable dwelling is valued in Council Tax bands A to D. This includes property that is valued in band E but has an alternative valuation band of band D, as a result of the disabled band reduction scheme (Reduction for disabilities); and
 - (b) It is someone's sole or main residence; or is a chargeable dwelling which receives an exemption under classes N (not Houses in Multiple Occupation), S, U or W.
- 3.2 The scheme will **not** cover any premises which are armed forces accommodation. The Ministry of Defence will be in touch with residents in those premises that are currently exempt under Class O.

- 3.3** For the sake of clarity, a property that meets all the criteria but has a nil Council Tax liability as a result of Council Tax Reduction will be eligible. However, a premises which is no one's sole or main residence, a second home or an unoccupied premises will not be eligible.
- 3.4** For the purpose of the Council Tax Rebate scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992.

Effective date

- 3.5** The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

- 3.6** Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.7** Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Councils will take reasonable steps to either pay the Council Tax Rebate or potentially reclaim any payment made.
- 3.8** In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any Council Tax Rebate or to reclaim any payment made.
- 3.9** The Council will however make an exception where a property is a new build and awaiting an official banding from the VOA. In these cases, eligibility will be determined based on the official band subsequently allocated by the VOA, where this has an effective date before or on 1 April 2022.

Eligibility Disputes

- 3.10** Government has stated that it is for the Council to determine eligibility for the Council Tax Rebate and, as such, the decision of the Council in this matter will be final. Should any taxpayer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1** Where the Council determines that all of the eligibility criteria are met in full, a single one-off payment of £150 will be made to the household. It should be noted that **only one payment** will be made per household, regardless of the number of occupants or liable Council Taxpayers.
- 4.2** Government has stated that only one mandatory payment should be made to a household and therefore if, for whatever reason a household receives more than one payment (for example if they move to another Council area), then the payment will be reclaimed.

Direct Debit payers

- 4.3** Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.
- 4.4** The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the rebate, however, is for the benefit of the household as a whole.
- 4.5** No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
- 4.6** It should be noted that the rebate will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022 as defined with section 3 above.

Where the Council does not hold current a direct debit instruction for an eligible household

- 4.7** Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
- 4.8** Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the Council Tax Rebate may ultimately be credited to the Council Tax account.
- 4.9** In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that they are eligible for the payment. Where

no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

5.0 Provision of information to the Council

- 5.1** Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.
- 5.2** Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

6.0 Scheme of Delegation

- 6.1** The Council has delegated authority to the Chief Executive and Director of Finance & Transformation, in liaison with the Leader and Cabinet Member for Finance to agree the Council Tax Energy Rebate Scheme 2022 .

7.0 Notification of Decisions

- 7.1** All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.
- 7.2** All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

- 8.1** The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
- 8.2** All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review
- 8.3** The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

- 9.1** The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

10.0 Managing the risk of fraud

- 10.1** The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a Council Tax Rebate will face prosecution and any amount awarded will be recovered from them.

11.0 Recovery of amounts incorrectly paid

- 11.1** If it is established that **any** Council Tax Rebate has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

12.0 Data Protection and use of data

- 12.1** All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

TONBRIDGE & MALLING BOROUGH COUNCIL**RECORD OF OFFICER DECISION**

Decision Taken By:	Decision No:
Chief Executive and Director of Finance & Transformation	CE-DFT 22-011
Delegated Authority (under which decision taken):	
Authority delegated to the Chief Executive and Director of Finance & Transformation in liaison with the Leader and Cabinet Member for Finance, Innovation & Property via Cabinet meeting of 15 March 2022 Minute CB22/44 Decision Notice D220040CAB	
Decision Type:	Non-Key
Date of Decision:	23 May 2022

Decision(s) and Reason(s)
TITLE: Discretionary Council Tax (Energy) Rebate Scheme 2022
<p>EXPLANATION/DESCRIPTION</p> <p>Under the Government's overarching Energy Rebate policy, billing authorities were required to administer a discretionary fund for taxpayers whose properties did not qualify for the mandatory Council Tax (Energy) Rebate Scheme, but who otherwise might fall into financial hardship as a result of the rise in the energy price cap. Funding of £288,600 had been allocated by government to Tonbridge & Malling Borough Council for this purpose.</p> <p>Delegated authority was granted by Cabinet on 15 March 2022 to the Chief Executive and Director of Finance & Transformation to develop and confirm a discretionary scheme in liaison with the Leader and Cabinet Member for Finance, Innovation & Property.</p> <p>The scheme agreed is based on the following principles:</p> <ol style="list-style-type: none"> 1. all CTR claimants in bands E–H to be awarded £150 automatically on the grounds of low income and therefore at greater risk of fuel poverty; 2. all council taxpayers in bands E-H with a SMI exemption or disregard to be awarded £150 automatically on the grounds that this client group are likely to be more reliant on energy and therefore at greater risk of fuel poverty; 3. all council taxpayers in bands F-H with a disabled band reduction (noting band E is already covered in mandatory scheme) to be awarded £150 automatically on the grounds that this client group are likely to be more reliant on energy and therefore at greater risk of fuel poverty; 4. a top up amount to be awarded to all CTR cases in Bands A-H (anticipated to be

<p>in region of £25) automatically on the grounds of low income and therefore at greater risk of fuel poverty;</p> <ol style="list-style-type: none"> 5. a top up amount to be awarded to all council taxpayers with a SMI exemption or disregard anticipated to be in region of £25) automatically on the grounds that this client group are likely to be more reliant on energy and therefore at greater risk of fuel poverty; 6. a top up amount to be awarded to all council taxpayers with a disabled band reduction (anticipated to be in region of £25) automatically on the grounds that this client group are likely to be more reliant on energy and therefore at greater risk of fuel poverty 7. Retention of a contingency sum of circa £10k (to be confirmed) to cover any potential cases missed or where exceptional circumstance exist. Decisions regarding the allocation of awards from the contingency sum will be made by the Chief Executive and Director of Finance & Transformation. <p>It was noted that only one discretionary payment together with any top-up will be made per household. It was also noted that any other claimants for discretionary help outside of the above would be signposted, where applicable, to fuel voucher schemes operating in the area.</p> <p>Discretionary Scheme attached. Equality Impact Assessment attached.</p>
<p>Reason: To comply with government's requirement to adopt a discretionary scheme for Council Tax (Energy) Rebate and make payments before November 2022.</p>

Details of any Alternatives Considered:
N/A
Reason(s) why rejected: N/A

Conflicts of Interest/Dispensations Granted:
No conflicts of interest
Background Papers (if any):
Scheme document

Signed Chief Officer:
Julie Beilby
Sharon Shelton

Date of publication: 23/5/22

This decision will come into force immediately as 'call in' does not apply to non-key officer decisions.

The scheme of functions delegated to officers can be found here:

http://www.tmbc.gov.uk/_data/assets/pdf_file/0007/181483/Part-3-responsibilities.pdf

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EQUALITY IMPACT ASSESSMENT Stage 1

Directorate – Resources	Service – Finance & Transformation	Assessment Carried out by: Andrew Rosevear Benefits and Welfare Manager
Area Being Assessed Discretionary Council Tax Rebate Scheme 22-23	Date of Assessment – May 2022	This is a new policy
1.What is the aim/ objective of the area being assessed?	<p>The purpose of this policy is to determine eligibility for a payment under the Council’s Discretionary Council Tax Rebate scheme (the ‘Discretionary Scheme’).</p> <p>The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government</p> <p>The Council’s Discretionary Scheme is part of a package of support for households in respect of rising energy costs.</p> <p>The Council has already issued payments to all Council Tax liable persons who reside in dwellings with a Council Tax band A to D.</p>	
2.Who is intended to benefit from it and how?	The Council has decided that the payments will be made provided the household has their sole or main residence in a dwelling and the following conditions are met on 1 st April 2022:	

	<p>(a) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H and is in receipt of Council Tax Reduction;</p> <p>(b) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band F to H and is in receipt of a reduction under the Council Tax (Reductions For Disabilities) Regulations 1992 (Disabled Banding Reduction); and</p> <p>(c) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H and is in receipt of a Council Tax exemption Class U (severely mentally impaired) or a severely mentally impaired disregard;</p> <p>Where funds remain from the Government allocation, the Council has decided these will be equally distributed between the following households:</p> <p>(a) Any household who resides in a dwelling and is in receipt of Council Tax Reduction;</p> <p>(b) Any household not within (a) above, who resides in a dwelling and is in receipt of a reduction under the Council Tax (Reductions For Disabilities) Regulations 1992 (Disabled Banding Reduction); and</p> <p>(c) Any household not within (a) or (b) above, who resides in a dwelling and is in receipt of a Council Tax exemption Class U (severely mentally impaired) or a severely mentally impaired person disregard.</p> <p>In addition to the above, it should be noted that any hardship caused through the fuel cost increases is likely to be mitigated for those households most impacted, by the local and countywide fuel voucher schemes available.</p>
3. If your service uses contractors, do you ensure that they comply with the Council's equal opportunities policy and relevant legislation?	N/A

4. Do you know who your service users are by age/ race/ disability/gender etc.?		No – all households are treated equally
5 a. How are service user's views gathered? (This could be through results of recent consultations or surveys, information from groups and agencies directly in touch with particular groups or analysis of complaints) b. How do you use this information? c. Do you publish the results, and where?		Government requirements are that the Council develop its own scheme and make payments as soon as possible to provide immediate help to households with their energy bill. There is no legal requirement to consult.
6. Could the area being assessed have a differential impact on racial groups?	No	All households are treated equally. The Council has however aimed the policy at the lowest income households.
7. Could the area being assessed have a differential impact on people due to their gender?	No	The gender of the claimant is irrelevant when making an award.
8. Could the area being assessed have a differential impact on people due to their disability?	Yes	The policy has been designed to specifically target households who have disabled or severely mentally impaired residents.
9. Could the area being assessed have a differential impact on people due to their sexual orientation?	No	The Council Tax Rebate Scheme does not include or exclude households on the basis of their sexual orientation.
10. Could the area being assessed have a differential impact on people due to their age	No	The Council Tax Rebate Scheme does not include or exclude households on the basis of their age.

11. Could the area being assessed have a differential impact on people due to their religious or other belief?	No	The Council Tax Rebate Scheme does not include or exclude households on the basis of their religious beliefs.
12. Could the area being assessed have a differential impact on people due to them having dependants/caring responsibilities?	Yes	The criteria being used to assess eligibility are largely based on need. Families will more likely qualify for an award
13. Could the area being assessed have a differential impact on people due to them being transgendered or transsexual?	No	The Council Tax Rebate Scheme does not include or exclude households on the basis of the fact that have transgendered or are transsexual.
14. Is there any evidence that people from different groups may have different expectations of the areas being assessed?	No	
15. Is the policy likely to affect relations between certain groups, for example because it is seen as favouring a particular group or denying opportunities to another?	No	
16. Is the policy likely to damage relations between any particular groups and the Council?	No	
17. Could the differential impact identified amount to there being the potential for adverse impact in this strategy/policy/service/procedure?	N/A	

18. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason?	N/A	
19. Do your staff know who the contact is for equalities issues within your directorate?	Yes	
20. Have all your staff attended an equality awareness training session?	Yes	
21. Have you set any equality performance indicators or objectives for your service?	Yes	The service will monitor the effect of the new scheme on a monthly basis during the time it will be available (until 30 th November 2022).
22. Actions arising from Part 1 of the Initial Assessment	N/A	
23. Should this Initial Assessment proceed to Part 2?	No	
24a. As a result of Part 1, is a Full Assessment necessary?	No	
24b. If Yes, on what evidence should this assessment proceed to a Full Assessment?	N/A	
25a. Date on which Full Assessment to be started by	N/A	
25b. Date on which Full Assessment to be completed by	N/A	

Signed (Completing Officer): Andrew Rosevear

Signed (Lead Officer): Sharon Shelton

Date: 16 May 2022



The Discretionary Council Tax Rebate Scheme 2022-23

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Definitions

The following definitions are used within this document:

‘Chargeable Dwelling’; means any dwelling that appears on the Council’s Council Tax Valuation List on 1 April 2022;

‘Council Tax Exemption or Exempt Dwelling’; means any chargeable dwelling which is determined by the Council as exempt from Council Tax as prescribed by the Council Tax (Exempt Dwellings) Order 1992 as amended;

‘Council Tax Rebate Scheme or Mandatory Scheme’; means the scheme announced by the Secretary of State for Levelling Up, Housing and Communities on 3 February 2022 as part of a package of support for rising energy costs;

‘Council Tax Payer or Liable Person’ means the liable person determined by the Council as being responsible for Council Tax under section 6 of the Local Government Finance Act 1992;

‘Council Tax Reduction (or Support)’ means any entitlement awarded under section 13A 1(A) of the Local Government Finance Act 1992;

‘Discretionary Scheme or Fund’; means the scheme determined by the Council in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Effective Date’ ; means the effective date of this scheme. The effective date shall be the situation as at the end of the day on 1 April 2022

‘Empty Dwelling (or premises)’ means any dwelling that is not deemed to be the sole or main residence of a person and are substantially unfurnished;

‘Liability for Owner’; means any dwelling determined to fall within the Council Tax (Liability for Owners) Regulations 1992, for example, House in Multiple Occupation or Residential Care homes;

‘Mandatory Scheme’; means the scheme determined by Government in line with the guidance issued by the Department for Levelling Up, Housing and Communities announced on 3 February 2022;

‘Second Home’ means any dwelling not deemed to be the sole or main residence of the liable person and which is furnished as defined by the Council Tax (Prescribed Class of Dwellings) (England) Regulations 2003 as amended; and

‘Sole or main residence’ means the dwelling determined by the Council to be the sole or main residence of a person.

1.0 Purpose of the scheme and background.

- 1.1 The purpose of this policy is to determine eligibility for a payment under the Council's Discretionary Council Tax Rebate scheme (the 'Discretionary Scheme').
- 1.2 The scheme has been designed based on general guidance issued by the Secretary of State for Levelling Up, Housing and Communities on 3rd February 2022. However, it is separate to the mandatory Council Tax Rebate scheme which is largely determined by Government
- 1.3 The Council's Discretionary Scheme is part of a package of support for households in respect of rising energy costs.
- 1.4 Government has determined that Councils can decide locally how best to make use of the discretionary funding to provide payments to other households who are energy bill payers but not covered by the mandatory Council Tax Rebate. However, Government has stated that occupants of class M (student halls) are unlikely to be eligible for discretionary support, unless they are exposed to rising energy prices in a similar way to other households and discretionary support should **not** be offered to occupants of property in exemption class O, where the Ministry of Defence will provide cost of living support.

2.0 Funding

- 2.1 Government has provided funding to the Council; however, all payments will have to be made prior to the 30 November 2022 which is the deadline for this scheme.

3.0 Eligibility criteria and awards

- 3.1 The Council has decided that the payments will be made provided the household has their sole or main residence in a dwelling and the following conditions are met:
 - (a) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H **and** is in receipt of Council Tax Reduction;
 - (b) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band F to H **and** is in receipt of a reduction under the Council Tax (Reductions For Disabilities) Regulations 1992 (Disabled Banding Reduction); and
 - (c) A single one-off payment of £150 will be awarded to any household who resides in a dwelling with a Council Tax band E to H **and** is in receipt of either a Council Tax exemption Class U (severely mentally impaired) or a severely mentally impaired person disregard.
- 3.2 Where funds remain from the Government discretionary allocation, the Council has decided these will be equally distributed between the following households:
 - (a) Any household who resides in a dwelling **and** is in receipt of Council Tax Reduction;
 - (b) Any household not within (a) above, who resides in a dwelling **and** is in receipt of a reduction under the Council Tax (Reductions For Disabilities) Regulations 1992 (Disabled Banding Reduction); and

- (c) Any household not within (a) or (b) above, who resides in a dwelling **and** is in receipt of a Council Tax exemption Class U (severely mentally impaired) or a severely mentally impaired person disregard.

- 3.3** For the purpose of the discretionary scheme, a household is a person or group of persons occupying a single dwelling, as defined in section 3 of the Local Government Finance Act 1992. No award will be made for any unoccupied premises or second homes.

Effective date

- 3.4** The effective date for this scheme is 1 April 2022. The Council will determine eligibility based on the position at the end of that day.

Alterations to liability or the Council Tax Band

- 3.5** Where the Council has reason to believe that the information they hold about the valuation list, liable taxpayer(s) or residents' circumstances in respect of 1 April 2022 is inaccurate, it will withhold the payment and take reasonable steps to determine the correct information.
- 3.6** Where records relating to the liable taxpayer(s) or the residents' circumstances in respect of 1 April 2022 are retrospectively updated, the Council will take reasonable steps to either pay the discretionary award or potentially reclaim any payment made.
- 3.7** In any case, where the Council Tax band of the chargeable dwelling is amended retrospectively after 1 April 2022, for example where a successful appeal is made to the Valuation Office Agency (VOA) that concluded after this date, the Council is not required either to pay any discretionary award or to reclaim any payment made.

Eligibility Disputes

- 3.9** The decision of the Council on any eligibility matter will be final. Should any tax payer feel aggrieved by any decision, then matters will be dealt with through the Council's complaints procedure. Full details are available on the Council's website.

4.0 How the Council Tax Rebate will be paid

- 4.1** Where the Council determines that all of the eligibility criteria are met in full, payment will be made to the household as defined within section 3 above. It should be noted that **only one discretionary payment together with any top-up from the remainder of the fund set out at 3.2** will be made per household, regardless of the number of occupants or liable Council Taxpayers.

Direct Debit payers

- 4.2** Where the Council holds a current direct debit instruction for a liable Council Taxpayer of an eligible household, payment will be made using the bank account details held. Payments will be made as soon as practicable.

- 4.3** The Council is required to verify that the bank details held are those of the eligible household and where multiple residents of an eligible household are jointly and severally liable for Council Tax, the full payment will be made to the account for which the direct debit is held only. Payment of the award, however, is for the benefit of the household as a whole.
- 4.4** No payment will be made where the name on the bank details does not match a liable party. Should the Council require additional information in order to establish the correct person to receive the payment, it is expected that the household provides all necessary details as soon as possible. Further details of how this request will be made and responsibilities to supply such information are detailed below.
- 4.5** It should be noted that the award will be paid on the assumption that the person receiving the payment is the liable Council Taxpayer (or would have been if the property were not exempt) and that the property meets the criteria on 1 April 2022 as defined with section 3 above.

Where the Council does not hold current a direct debit instruction for an eligible household

- 4.6** Where the Council does not hold a current direct debit instruction for an eligible household, it will make reasonable efforts to contact the household and obtain the necessary bank details.
- 4.7** Where the Council is unsuccessful in contacting the household but where it is of the opinion that the household meets the eligibility criteria, the discretionary award may ultimately be credited to the Council Tax account.
- 4.8** In all cases, the Council must ensure that payments are made correctly and where appropriate, require households to verify that that they are eligible for the payment. Where no such verification can be made or where a household fails to respond to the Council's request, no payment whatsoever shall be made.

5.0 Provision of information to the Council

- 5.1** Residents, owners and managing agents should note that the Council has powers available to it under Regulation 3 (1) (c) of the Council Tax (Administration and Enforcement) Regulations 1992, to request such information to determine the correct liable person for Council Tax purposes. Government has stated that these powers may also be used for Council Tax Rebate purposes.
- 5.2** Failure to respond to such a request, without a reasonable excuse, within 21 days could lead to penalties being imposed. The Council therefore encourages all such persons to provide any requested information as soon as possible.

6.0 Scheme of Delegation

- 6.1** The Council has approved the Director of Finance & Transformation to formulate this scheme in liaison with the Leader, Cabinet Member for Finance and Chief Executive and to ensure the scheme meets the criteria set by the Government.

7.0 Notification of Decisions

- 7.1** All Council Tax Rebate payments shall be made by the Revenues and Benefits Service.
- 7.2** All decisions made shall be notified to the liable person either in writing or by email.

8.0 Reviews of Decisions

- 8.1** The Council will operate an internal review process and will accept a taxpayer's request for a review of its decision.
- 8.2** All such requests must be made in writing to the Council and should state the reasons why the taxpayer is aggrieved with the decision of the Council. New information may be submitted at this stage to support the taxpayer's review
- 8.3** The case will be reconsidered by a senior officer as soon as practicable, and the taxpayer informed in writing or by email of the decision. That decision shall be final.

9.0 Taxation and the provision of information to Her Majesty's Revenue and Customs (HMRC)

- 9.1** The Council does not accept any responsibility in relation to a taxpayer's HMRC tax liabilities and all taxpayers should make their own enquiries to establish any tax position.

10.0 Managing the risk of fraud

- 10.1** The Council will not accept deliberate manipulation of this policy or fraud. Any person caught falsifying information to gain a discretionary payment will face prosecution and any amount awarded will be recovered from them.

11.0 Recovery of amounts incorrectly paid

- 11.1** If it is established that **any** payment has been made incorrectly due to error, misrepresentation or incorrect information provided to the Council by a taxpayer or any other person, the Council will look to recover the amount in full.

12.0 Data Protection and use of data

- 12.1** All information and data provided by applicants shall be dealt with in accordance with the Council's Data Protection policy and Privacy Notices which are available on the Council's website.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

07 June 2022

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Information

1 **BUDGET HEADING “GENERAL ADVICE TO PARISH COUNCILS”**

An information report providing details requested by Members at the former Finance, Innovation & Property Advisory Board on staff resource allocations to the budget heading General Advice to Parish Councils.

1.1 Introduction

1.1.1 At the meeting of the former Finance, Innovation and Property Advisory Board on 12 January 2022, Members enquired as to the makeup of the budget heading “General Advice to Parish Councils”. After discussion, Members requested that details be reported to the next meeting of the Advisory Board in May.

1.1.2 As the Advisory Boards have now been deleted from the governance structure, in liaison with the Cabinet Member for Finance, Innovation and Property it was agreed that the information should instead come to Cabinet for information.

1.2 Budget heading

1.2.1 The budget heading included in the detailed Revenue Estimates is made up of “management and administration” costs.

1.2.2 The “management and administration” costs are a combination of salary recharges, and other administrative costs associated with those officers. This would include things like IT equipment, office space and furniture, stationery, travel costs etc.

1.2.3 The 2022/23 revenue budget per the information provided is as follows:

	£
Salaries	45,000
Central Salaries & Administration	28,800
Departmental Administrative Expenses	<u>16,200</u>
TOTAL	<u>90,000</u>

Full Time Equivalent Number of Staff 1.22

1.2.4 The makeup by Service of the £90,000 overall cost is as follows:

Service	£
Chief Executive	4,000
Central Services	21,650
Finance and Transformation	3,150
Planning, Housing, and Environmental Health	30,650
Street Scene, Leisure and Technical Services	30,550
	<hr/> 90,000 <hr/>

1.2.5 Functions provided by each Service vary in nature, but a brief description is below:-

- 1) **Chief Executive** – Guidance on electoral matters, safeguarding and economic development.
- 2) **Central Service** – Ethical standards, the Monitoring Officer has certain statutory responsibilities in relation to parish councils under the Localism Act 2011, and provides advice and assistance on legal matters such as unauthorised encampments. Costs for the latter are recovered where possible.
- 3) **Financial Services** – Collation and distribution of taxbase and administration of precept payments.
- 4) **Planning, Housing and Environmental Health** – Providing advice to and engaging with Parish Councils on Planning matters.
- 5) **Street Scene, Leisure and Technical Services** – providing information and support on public outdoor spaces, including recreation grounds, Street Scene matters including litter picking, recycling and waste, Tourism and Art matters and events and information on Highways Land matters.

1.2.6 Members are reminded that these are simply recharges of permanent staff time and are not “new” costs.

1.2.7 What has become clear however during the course of this analysis with Services is that the work undertaken is not merely “General Advice” to parish councils, but in the main it is “Liaison, Support and Advice “. It is suggested that the heading be changed for future to “Liaison, Support and Advice to Parish Councils” to avoid confusion.

1.3 Legal Implications

1.3.1 None

1.4 Financial and Value for Money Considerations

- 1.4.1 The costs allocated to this budget heading are recharges of staff time by Services across the Council.

1.5 Risk Assessment

- 1.5.1 None

1.6 Policy Considerations

- 1.6.1 Human Resources

Background papers:

contact: Paul Worden

Nil

Sharon Shelton
Director of Finance & Transformation

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TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Environment and Climate Change	Decision Number: D220047MEM
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Date: 13 May 2022

Decision(s) and Reason(s)
DEFRA GRANT AWARD 2021-22
<p>Following consideration of the options, the Cabinet Member for Environment and Climate Change resolved that:</p> <p>(1) the Director of Planning, Housing and Environmental Health be given delegated authority, in consultation with the Cabinet Member, to agree the project specifics including the purchase of sensor equipment and the spending of remaining Capital and Revenue grant money, and agree the initial schools involved.</p>
<p>Reasons for decision:</p> <p>(1) The project on which this grant has been awarded is subject to a timeline, major deviations from which require approval from DEFRA. There is also a requirement to report progress to DEFRA on a quarterly basis.</p> <p>(2) Due in part to recent governance changes there has been some slippage from the envisaged timeline. DEFRA has already been notified of this and advise that it is not considered a major deviation as the project is not due to begin in earnest until late summer/autumn. However, further delays may alter this view.</p>

Signed Cabinet Member for Environment and Climate Change	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	13 May 2022

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TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Technical & Waste Services	Decision Number: D220048MEM
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Date: 16 May 2022

Decision(s) and Reason(s)
CHANGES TO THE ROLL-OUT OF RECYCLING TO COMMUNAL BIN STORES
Following consideration of the options, the Cabinet Member for Technical & Waste Services resolved that: (1) the proposed changes to the phasing of the roll out of recycling services to communal bin stores be implemented.
Reasons for decision: (1) The proposed changes make the remainder of the roll out of recycling services to communal bin stores more efficient and should still be completed within the previously agreed timescales. The proposed changes have no additional cost implications for the Council. (2) If the revised phasing were not accepted, this would result in significant operational issues as properties moved onto core frontline services would require additional vehicle resource during the remainder of the phased roll-out and this would likely adversely impact on existing frontline collections.

Signed Cabinet Member for Technical & Waste Services	P Montague
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	16 May 2022

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TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Leader	Decision Number: D220049MEM
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Date: 19th May 2022

Decision(s) and Reason(s)
CHANGE TO CABINET PORTFOLIOS
<p>Following consideration of the options, the Leader resolved that the executive responsibilities for Health (as set out below) currently falling within the portfolio for the Cabinet Member for Community Services shall be transferred to the Cabinet Member for Housing</p> <ul style="list-style-type: none">- Represent the Borough Council on the Kent-wide Health & Wellbeing Board- Establish effective liaison with Emerging GP Commissioning Consortia and the Kent Community Health NHS Trust and the Maidstone and Tunbridge Wells Acute trust- Maintain effective liaison with NHS West Kent- Ensure the Borough Council is well positioned to play a key role in the new Public Health agenda and to influence the Joint Health Needs Assessment- Health Improvement and Health Inequalities- Health Strategies- Drug Abuse and Alcohol misuse- Emergency Services liaison
<p>Reasons for decision:</p> <p>The responsibilities of the executive in respect of health are closely aligned to those relating to housing. The Leader therefore wishes to place responsibility for both within a single Cabinet portfolio.</p> <p>No conflicts of interest arise in respect of this decision.</p>

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	19 May 2022

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TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance Innovation and Property; and Director of Finance and Transformation	Decision Number: D220050MEM
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Date: 20 May 2022

Decision(s) and Reason(s)	
CONTRACT ARRANGEMENTS FOR COUNCIL'S INSURANCE	
<p>(Private - LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)</p> <p>Pursuant to Decision Number D220012CAB following the tendering of the Council's Insurance Portfolio, an evaluation was carried out by AON Risk Solutions (AON) and has concluded that the Council should appoint Zurich Municipal as the Council's insurer at a cost of £199,097.92 per annum including Insurance Premium Tax.</p> <p>Cabinet resolved under Decision Number D220012CAB dated 25 January 2022 delegated authority be granted to the Director of Finance and Transformation, in liaison with the Cabinet Member for Finance, Innovation and Property, to finalise the negotiations.</p> <p>Following consideration of the options, the Cabinet Member for Finance, Innovation and Property and the Director of Finance and Transformation resolved that:</p> <p>(1) Zurich Municipal be appointed as the Council's Insurer commencing on 24 June 2022 for a period of 5 years, with an option to extend for a further two years.</p>	
<p>Reasons for decision:</p> <p>As set out in the report submitted to Finance, Innovation and Property Advisory Board of 12 January 2022 (contains exempt information)</p> <p>Under Part 4 subsections 19.1 and 19.6 'The Director of Finance & Transformation shall effect all insurance cover and negotiate all claims in consultation with other officers as necessary.'; and 'The Director of Finance & Transformation shall at such periods as they consider necessary review all insurances held by the Council in consultation with other Chief Officers.'</p>	
Signed Cabinet Member for	Martin Coffin
Signed Leader:	M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	20 May 2022

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

Agenda Item 12

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

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

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

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of the Local Government Act 1972.

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Agenda Item 15

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

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