

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

---

### Chief Executive

Julie Beilby BSc (Hons) MBA

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

---

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

Contact: Democratic Services  
[committee.services@tmbc.gov.uk](mailto:committee.services@tmbc.gov.uk)

9 November 2022

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 17th November, 2022 commencing at 7.30 pm.

Members of the Committee 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

1. Guidance on the Conduct of Meetings

5 - 6

## **PART 1 - PUBLIC**

2. Apologies for absence
3. Notification of Substitute Members 7 - 8
4. Declarations of interest 9 - 10

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct).

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

5. Minutes 11 - 14

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 October 2022

6. Any Executive Decisions which have been 'called in' 15 - 16

### **Matters for Recommendation to the Cabinet**

7. Corporate Strategy - Consultation Draft 17 - 34

This report introduces a consultation draft of the Corporate Strategy 2022-2025 and seeks a recommendation to Cabinet for it to go out to consultation.

### **Matters for Information**

8. Tonbridge and Malling Leisure Trust 35 - 40

The report provides some background to the Tonbridge and Malling Leisure Trust (TMLT), its scope and the services it provides. In response to a request by Councillor Base the report identifies savings over the past 9 years as a consequence of the Council's decision to outsource to a local Trust.

9. Record of decisions taken by Cabinet Members 41 - 42

A record of the decisions taken by portfolio holders during September and October is attached for information

10. Work Programme 43 - 44

The Work Programme setting out matters to be scrutinised during 2022/23 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

11. Urgent Items 45 - 46

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

**Matters for consideration in Private**

12. Exclusion of Press and Public 47 - 48

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

**PART 2 - PRIVATE**

13. Urgent Items 49 - 50

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

## **MEMBERSHIP**

Cllr Mrs A S Oakley (Chair)  
Cllr A E Clark (Vice-Chair) and Cllr M O Davis (Vice-Chair)

Cllr M C Base  
Cllr C Brown  
Cllr R I B Cannon  
Cllr A Cope  
Cllr R W Dalton  
Cllr D Harman  
Cllr F A Hoskins  
Cllr S A Hudson

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

## **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@tmbc.gov.uk](mailto:committee.services@tmbc.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@tmbc.gov.uk](mailto:committee.services@tmbc.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.

**Overview and Scrutiny Committee – Substitute Members (if required)**

	<b>Conservative</b>	<b>Liberal Democratic</b>	<b>Green</b>	<b>Ind. Kent Alliance</b>	Note
1	Sue Bell	Tim Bishop	Mark Hood	Wendy Palmer	
2	David Cooper	Paul Boxall	Nick Stapleton	Tim Shaw	
3	Nick Foyle	Trudy Dean			
4	Nicolas Heslop	Roger Roud			
5	Brian Luker	Michelle Tatton			

**Members of Cabinet cannot be appointed as a substitute to this Committee**

This page is intentionally left blank



Declarations of interest

This page is intentionally left blank

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

#### MINUTES

Thursday, 6th October, 2022

**Present:** Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr R I B Cannon, Cllr R W Dalton, Cllr D Harman, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr M Taylor, Cllr D Thornewell, Cllr D J Cooper and Cllr M A J Hood

Councillor D A S Davis were also present pursuant to Council Procedure Rule No 15.21.

Councillors Mrs J Anderson, Mrs P Bates, R Betts, M Boughton, V Branson, M Coffin, D Keers, W Palmer, M Rhodes, J Sergison and K Tanner participated via MS Teams and joined the meeting when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors A Cope, Mrs F A Kemp, H S Rogers and F G Tombolis

#### PART 1 - PUBLIC

##### **OS 22/29 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Cllr M Hood – substitute for Cllr A Cope  
Cllr D Cooper – substitute for Cllr Mrs A Kemp

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

##### **OS 22/30 DECLARATIONS OF INTEREST**

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

##### **OS 22/31 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 7 July 2022 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 22/32 PLANNING ENFORCEMENT REVIEW**

Following a service review of planning enforcement the report of the Director of Planning, Housing and Environmental Health invited consideration of an updated version of the Planning Enforcement Plan (as attached at Annex 1 to the report). A PowerPoint presentation was provided in respect of the Planning Enforcement Tracker tool which will ensure Members can access real time information about updates on enforcement cases.

A number of key changes were detailed in the report and included moving the prioritisation table to its own section within the Plan, ensuring activity and target timescales were 'fit for purpose' and options to improve communication with stakeholders and managing their expectations.

Members' attention was drawn to the work undertaken in respect of short term unauthorised traveller encampments on Borough Council, Parish/Town Council and Leisure Trust land and the Committee was advised that, if the service was to continue to be offered, the Borough Council would need to seek cost recovery and increase fees.

Members were advised that, as a result of the proposed changes to the Planning Enforcement Plan, the digital improvements detailed in the report and the number of cases received each year, it was necessary to consider what staffing arrangements were required. Careful consideration was given to the options set out at 1.4.7 to 1.4.10 of the report together with the financial considerations at section 1.6 and the risk assessment at section 1.7.

**RECOMMENDED:** That

- (1) subject to the amendment of paragraph 6.10 of the Planning Enforcement Plan by the addition of the words "Once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector" the proposed changes to the Planning Enforcement Plan (as attached at Annex 1 to the report) and the associated activity and timescales (as set out in 1.2 and 1.3 of the report) be recommended to Cabinet for implementation;

**\* Referred to Cabinet**

- (2) (i) the budget growth required to fund staffing proposals in respect of planning enforcement be supported; and

(ii) the hybrid proposal for staffing arrangements, as detailed in section 1.4.10 of the report, be commended to the General Purposes Committee for approval;

**\*Referred to Council**

- (3) an increase in fees charged for activity relating to traveller incursions on Parish or Town Council or Leisure Trust land (as set out in 1.4 of the report) be considered by Council as part of the budget setting process and that the fees be regularly reviewed to ensure that realistic annual uplifts in fees are applied.

**\*Referred to Council**

**MATTERS FOR INFORMATION**

**OS 22/33 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN ANNUAL REVIEW LETTER**

The annual report of the Ombudsman regarding complaints received and dealt with over the period 1 April 2021 to 31 March 2022 was received and noted.

**OS 22/34 RECORD OF EXECUTIVE DECISIONS TAKEN**

The decisions taken by the Cabinet and Cabinet Members during July, August and September 2022 were presented for information and these were noted by the Committee.

**OS 22/35 WORK PROGRAMME 2022-23**

The Work Programme setting out matters to be scrutinised during 2022/23 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**OS 22/36 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.00 pm

This page is intentionally left blank

# Agenda Item 6

Any Executive Decisions which have been “called in”

This page is intentionally left blank



## TONBRIDGE & MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

17 November 2022

#### Report of the Chief Executive

#### Part 1- Public

#### Matters for Recommendation to Cabinet

### 1 CORPORATE STRATEGY – CONSULTATION DRAFT

**This report introduces a consultation draft of the Corporate Strategy 2022-2025 and seeks a recommendation to Cabinet for it to go out to consultation.**

#### 1.1 Background

1.1.1 In February 2022, the Borough Council underwent a Corporate Peer Challenge Review. The resultant report set out a number of observations and suggestions, with the Peer Team setting out a total of 10 recommendations. One of these recommendations related specifically to the Council's Corporate Strategy:

*“Co-develop a refreshed corporate strategy, based on resident engagement, with clear outcomes, focussed on delivering for the community – not just finance”*

1.1.2 This recommendation reflected the view that the Corporate Strategy was too internally focussed, and set a limited ambition for the borough. As such, the Borough Councils priority should be to create a clear, shared and outward looking corporate strategy with key priorities for the future that supports the delivery of its ambitions.

#### 1.2 Corporate Strategy – Consultation Draft 2022-2025

1.2.1 With the above in mind, the borough council has pulled together a consultation draft of a new Corporate Strategy that demonstrates its ambitions for the borough in a way that is more easily digestible and clearer in its focus (please see Appendix 1).

1.2.2 The Consultation Draft sets out a vision “to be an innovative and forward-thinking council, that leads the borough towards a vibrant, prosperous and sustainable future” and sets out three values: innovation, transformation and delivery.

1.2.3 There are four priorities set out in the strategy:

- Efficient services for all our residents, maintaining an effective council
- Sustaining a borough which cares for the environment

- Improving housing options for local people whilst protecting our outdoor areas of importance
- Investing in our local economy

1.2.4 Each of these priorities involves a series of priority actions that are set out in the document.

### 1.3 Next Steps:

1.3.1 Subject to approval, the council will undertake community engagement in order to gather the views of local residents and businesses and to help shape the final version of the document.

1.3.2 A short and simple survey has been drafted for the community consultation which asks a handful of questions as set out in Table 1:

<b>Contextual Questions:</b>
Where do you live?
Overall, how do you feel about the area that you live in? Please explain.
<b>Vision:</b>
Our vision is "to be an innovative and forward-thinking council that leads the borough towards a vibrant, prosperous and sustainable future". Do you agree with this vision? Please explain.
<b>Values:</b>
Do you think our values of Innovation, Transformation and Delivery are the right ones for the borough? Please explain.
<b>Priorities:</b>
In what order would you rank the priorities set out in this strategy? (the most important to you being at the top, and the least important at the bottom). Please explain.
Are there any measures missing from our strategy that you think could help the borough council meet its priorities? if so, please explain.
<b>Miscellaneous:</b>
Are there any other comments you would like to make about this strategy?

**Table 1: Consultation Questions.**

- 1.3.3 It is currently envisaged that this consultation will take place over a four-week period during Winter 2022-23, and will be promoted via our partnership networks as well as our website and social media channels, with signposting to the survey.
- 1.3.4 Once consultation responses have been gathered, these will be used to inform any amendments to the Corporate Strategy. The process for ultimately agreeing the Corporate Strategy is subject to the Budget and Policy Framework Procedure Rules (as set out in the Constitution). The consideration of the feedback from public engagement by Cabinet will need to take place at least 2 months before the Corporate Strategy is to be adopted in order to give time for consideration by Overview and Scrutiny Committee, before ultimately going back to Cabinet and then Council.
- 1.3.5 In addition, once this document has been finalised, it will be important to develop an annual action plan setting out key measures to help deliver the strategy.

## **1.4 Legal Implications**

- 1.4.1 The matters raised in this report are considered to be routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals.

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

- 1.5.1 None arising directly from this report.

## **1.6 Risk Assessment**

- 1.6.1 Not applicable.

## **1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote to low relevance to the substance of the Equality Act.

## **1.8 Recommendations**

- 1.8.1 Members are requested to **RECOMMEND** to Cabinet that the Corporate Strategy Consultation Draft at Appendix 1 be approved.

Background papers:

Nil

contact: Jeremy Whittaker,  
Strategic Economic  
Regeneration Manager

Julie Beilby  
Chief Executive

This page is intentionally left blank



# Innovation, Transformation and Delivery

Corporate Strategy - Consultation Draft  
2022 - 2025







# Innovation, Transformation and Delivery

Corporate Strategy - Consultation Draft 2022 - 2025



## Contents

Page 22

- 3 Foreword
- 5 Our Vision, Values and Priorities for 2022-2025
- 6 About Tonbridge and Malling
- 7 What We Do
- 8 Meeting Our Priorities
- 12 Annex 1: Our Key Strategies

DRAFT



# Foreword from the Leader and Chief Executive

Tonbridge and Malling is a great and safe place to live, work and socialise. Our historic environment, heritage and countryside has attracted investment for many years.

Since 1974, Tonbridge and Malling Borough Council has been there to support residents, businesses and anyone visiting the area. It delivers its core service well. The borough council has helped so many people and organisations through the challenges of recent years. But there is more that can, and needs, to be done.

As the council approaches its 50<sup>th</sup> birthday, this Corporate Strategy catapults the borough council into a new era - leading in investing and delivering for the towns and villages that make up this beautiful area.

There are three key values that define our approach:

## Innovation, Transformation and Delivery

By pro-actively encouraging these values, we can transform our council and the towns and villages that make up our borough. This allows us to deliver modern and successful public services that help to meet our four key priorities for the borough:

- 1 **Efficient** services for all our residents, maintaining an effective council
- 2 **Sustaining** a borough which cares for the environment
- 3 **Improving** housing options for local people whilst protecting our outdoor areas of importance
- 4 **Investing** in our local economy



To be an effective community leader, we must continue to provide these services to the standards that residents expect. We know expectations have, rightly, risen. Our challenge is to use new approaches to meet this.

We've got to be flexible in dealing with the challenges we face, both locally and across the country, even the world. Using our ambitious sustainability plans as a base, we can help to transform our community to one which puts greater emphasis on the health of the environment. This will mean acknowledging the importance of our green spaces when taking a balanced approach between the need to tackle the housing crisis and protecting our countryside.

And by leading as an ambassador for business in West Kent, we can demonstrate why Tonbridge and Malling has such a great track record of investment, regardless of economic conditions.

This Corporate Strategy marks a change in the approach of Tonbridge and Malling Borough Council. It is a clear indication of where we wish to take this council, to clearly communicate and lead in the delivery of public services and investment in the community.

As a bold, forward looking Corporate Strategy this sets the benchmark for delivery over the next few years. We are ambitious for Tonbridge and Malling to meet its potential, and look forward to sharing this journey with you all.



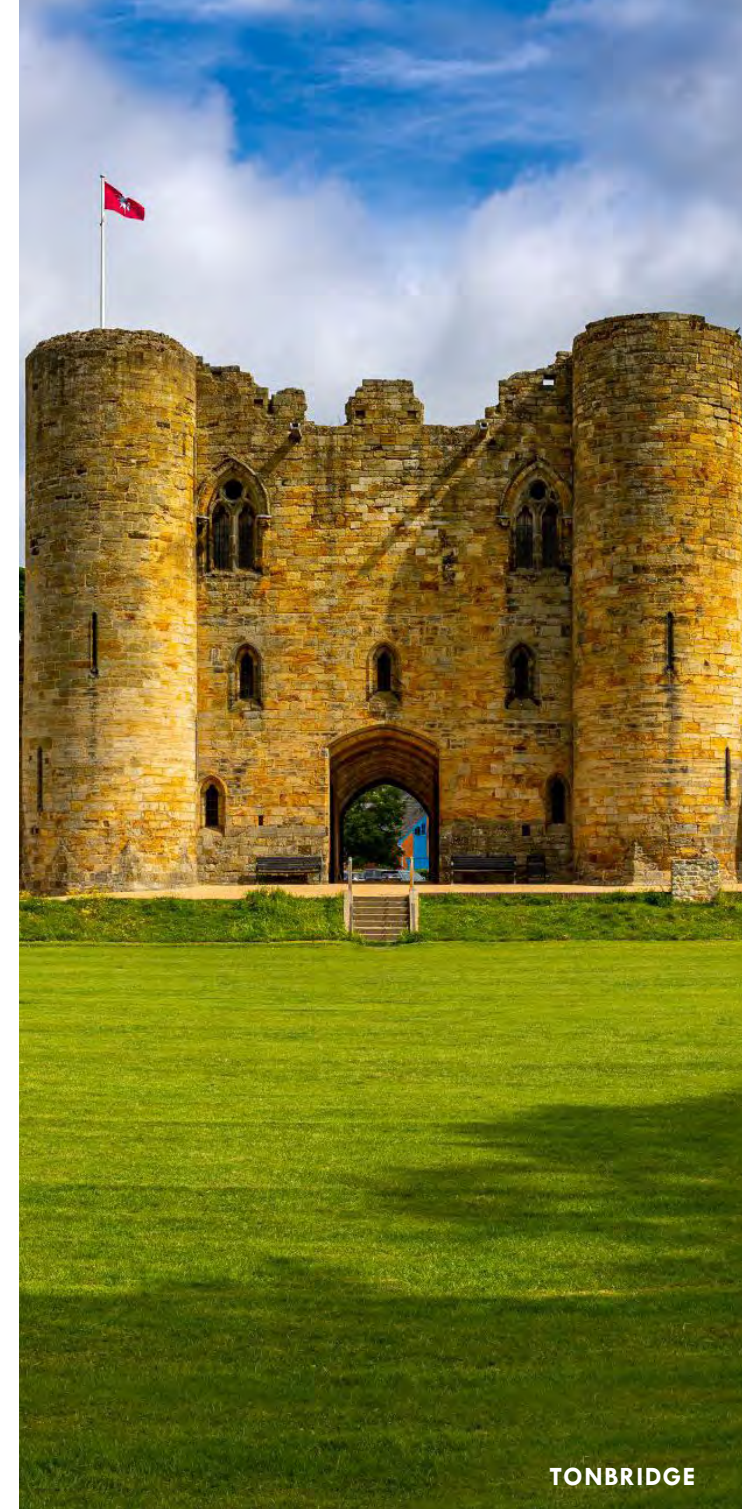
**Cllr Matt Boughton**

Leader of Tonbridge & Malling  
Borough Council



**Julie Beilby**

Chief Executive of Tonbridge & Malling  
Borough Council





# Our Vision

To be an innovative and forward-thinking council, that leads the borough towards a vibrant, prosperous and sustainable future.

## Our Values

### Innovation

Being willing to look at new ideas, and proactive in identifying solutions that look to the future to enable our services to develop.

### Transformation

Adapting so we can meet the standards residents, businesses and all those involved with the borough council rightly expect.

### Delivery

Ensuring that we are set up to make sure our public services are the envy of other areas, providing services that set ambitious targets that we strive to meet.

## Our Priorities

1

**Efficient** services for all our residents, maintaining an effective council

2

**Sustaining** a borough which cares for the environment

3

**Improving** housing options for local people whilst protecting our outdoor areas of importance

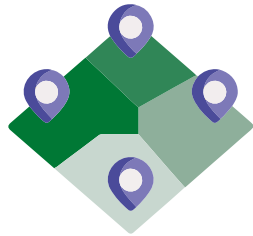
4

**Investing** in our local economy

DRAFT



**132,600**  
Population (2020)



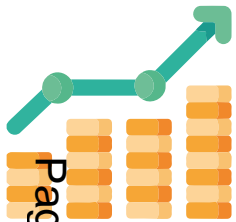
**92.71**  
Square Miles



**62,000**  
Employee Jobs in  
the Borough (2020)



Enterprises (2020)



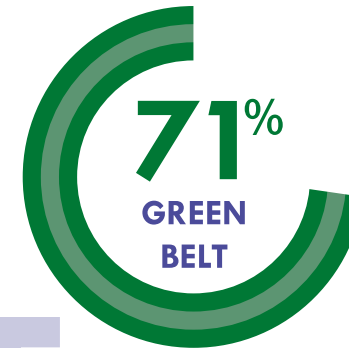
Page 26  
**84.1%**  
Economically active  
16-64 year olds (2020)



**19**  
**ELECTORAL  
WARDS**  
(from 2023)



**£392,914**  
Average House  
Price (2021)



**71%**  
GREEN  
BELT



**56,096**  
HOUSEHOLDS



**£689.90**  
Average Resident  
Salary (Full-Time)  
(2020)



**40.9**  
YEARS  
(from 2020)

We receive  
**10.9p**  
of every £1  
of Council Tax



**2** AREAS OF OUTSTANDING  
NATURAL BEAUTY IN THE BOROUGH  
(**KENT DOWNS & HIGH WEALD**)

# About Tonbridge and Malling



Over  
**75,000**  
phone calls  
answered  
by our Contact Centre



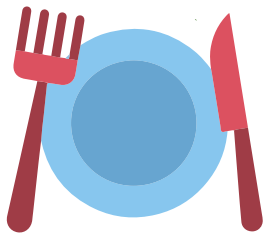
**31**  
independent  
businesses  
supported  
through shopfront improvement grants



Over  
**£40m**  
distributed to local  
businesses in grants  
during COVID-19



**1751**  
roads  
cleansed



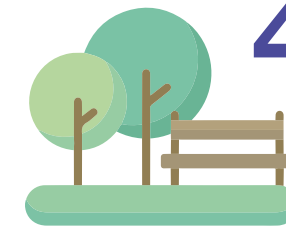
Over  
**500**  
food  
businesses inspected annually



**25,725**  
myaccount  
users



**68**  
CCTV cameras  
covering facilities and town centres

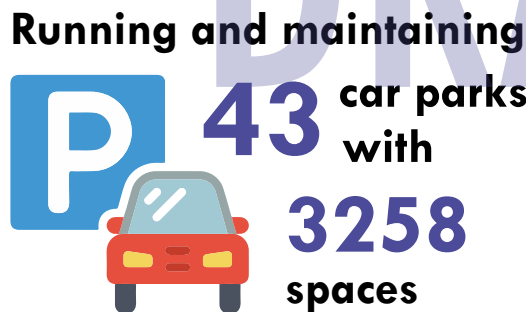


Responsible for maintaining  
**400**  
areas of  
public open  
spaces

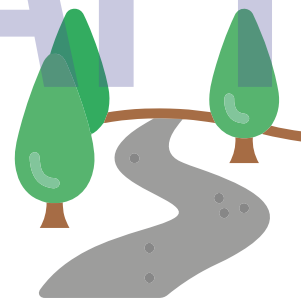
Page 27



Over  
**3000**  
planning  
applications  
processed per year



Running and maintaining  
**43** car parks  
with  
**3258**  
spaces

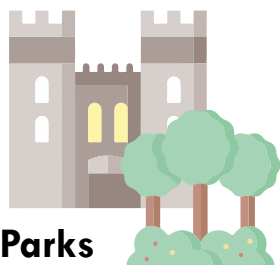


**355**  
miles of  
footways  
cleansed



Over  
**1200**  
business  
license  
applications processed per year

Providing  
**2 x Country Parks**  
**3 x Leisure Centres**  
**a Castle & a Golf Course**



Achieving the best  
recycling rates in Kent



Over  
**£1.25m**  
to grants in the  
community &  
voluntary  
organisations  
inc. Community Development Grants,  
Disabled Facilities Grants, Housing Assistance Grant,  
CSU Mediation Service Grant

What  
We Do



# Meeting our Priorities

## **Efficient services for all our residents, maintaining an effective Council.**

We want the people of Tonbridge and Malling to enjoy good quality public services, to feel safe and enjoy the benefits that digital technologies offer. Between now and 2025 we will:

- Promote well-being and help people to live healthy and active lifestyles. This includes facilitating good quality leisure facilities and services across Tonbridge and Malling.
- Through key partnership working with Kent Police and other partners, support residents and ensure safeguarding is an integral part of Council activity.
- Make our services and advice available to residents 24 hours a day through digital innovation, and ensure the borough council is able to respond efficiently to the needs of local residents.
- Identify new and innovative ways to deliver our services in the most cost-effective and efficient way.
- Further move the borough council forward so its services are delivered effectively, bringing value for money and being keen to adopt new ideas and innovations for Tonbridge and Malling.

DRAFT





## **Sustaining a borough which cares for the environment.**

We're committed to creating a borough which protects the environment and provides beautiful spaces for our residents and visitors to enjoy. Between now and 2025 we will:

- Deliver climate change plans which focus on cutting emissions, biodiversity and facilitating healthy and active lifestyles.
- Build on our track record of recycling more than anywhere else in Kent with measures to further improve rates while also reducing overall levels of waste.
- Improve air quality in the borough by tackling sources of pollution such as car idling and taxi emissions, backed up by design-led approaches in new developments to ensure environmental sustainability.
- Continue our successful management of parks, open spaces and leisure centres so the best recreational facilities are available to everyone.

DRAFT





### **Improving housing options for local people, whilst protecting our outdoor areas of importance.**

We will bring forward plans to help people onto the housing ladder, improve standards in the rented sector and support those at risk of homelessness through ensuring a strong focus on affordable housing in the borough. Between now and 2025 we will:

- Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.
- Ensure a supply of affordable housing for people who would struggle to buy on the open market
- Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.
- Improving standards in privately rented accommodation, including offering help to make flats and houses more energy efficient.





## Investing in our local economy

Many local businesses have faced tough challenges over recent years, not least the profound changes brought about by the shift to online shopping. We want to support businesses which are the lifeblood of the local economy and help them adapt and grow in the future. Between now and 2025 we will:

- Deliver a range of measures to help our local economy bounce back from the covid-19 pandemic and current economic pressures.
- Identify ways we could use our land and other assets better, especially in Tonbridge town centre.
- Develop proposals to raise the profile of Tonbridge Castle and all council assets, boosting income generation opportunities and our reputation as a partner to work with.
- Strengthen our links with strategic partners and funding bodies in the public and private sectors to maximise the support available for our local economy.



# Annex 1: Our Key Strategies

Our Corporate Strategy is not a stand-alone document – it combines the aims and objectives of a whole host of key strategies that the borough council is helping to deliver for the benefit of our residents, visitors and businesses and sets out the key aspirations that those strategies aim to address. Some of those key strategies are:

- Local Plan – will guide development across the borough through to 2040 and will include policies on great design, delivering the services communities need, affordable housing and regenerating Tonbridge Town Centre.
- Climate Change Strategy – sets out an aspiration for the borough council to be carbon neutral by 2030, with an action plan that illustrates key steps required to contribute towards this goal.
- Digital Strategy – aims to allow the communities and businesses we serve to be able to engage and transact with us responsively and seamlessly.
- Economic Recovery Strategy – aims to help create a dynamic and inclusive economy that fosters sustainable growth.
- Community Safety Partnership Strategy – creating a safer Tonbridge and Malling.
- Housing Strategy – improving housing supply and options for the community.
- Savings and Transformation Strategy – aims to bridge the funding gap identified in the Medium-Term Financial Strategy through savings and transformation.

DRAFT



Page 32

EAST MALLING





[www.tmbc.gov.uk](http://www.tmbc.gov.uk)

DRAFT

Corporate Strategy - Consultation Draft  
2022 - 2025

This page is intentionally left blank

## TONBRIDGE & MALLING BOROUGH COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

17 November 2022

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

#### Part 1- Public

#### Matters for Information

### 1 TONBRIDGE AND MALLING LEISURE TRUST

#### Summary

The following report provides some background to the Tonbridge and Malling Leisure Trust (TMLT), its scope and the services it provides. In response to a request by Councillor Base the report identifies savings over the past 9 years as a consequence of the Council's decision to outsource to a local Trust.

#### 1.1 Background

- 1.1.1 TMLT was incorporated in March 2013 and commenced operation on 1 November that year. The Chief Executive, Martin Guyton worked directly for TMBC for over 32 years and transferred along with a total of 380 staff to TMLT upon its formation. A request has been received by Councillor Base for a report on the value for money in relation to the Leisure Trust, looking at how much the Council has saved over the long term.
- 1.1.2 TMLT is a Company Limited by Guarantee and also a Registered Charity, thus reports on a statutory basis to both Companies House and the Charity Commission. It is an entirely separate legal entity to the Council. It has a Board of 11 Trustees, including 8 selected from the Community, two local authority Trustees appointed by the Council Leader, currently Councillors Mark Davis and Tim Bishop and one Staff Trustee. They all act as both Trustees of the Charity and Directors of the Limited Company and do so on an entirely voluntary basis.
- 1.1.3 The trust model is a common and effective means of managing local authority leisure and cultural facilities the length and breadth of the UK. There are over 112 Trust members of Community Leisure UK, the professional body that represents the sector. Trusts vary in size from those operating facilities for multiple local authorities right down to single site Trusts that may just operate a community swimming pool. TMLT has to date remained based solely in the Borough meeting the localism agenda ,and allowing a single focus on the leisure, health and wellbeing services provided.

- 1.1.4 The model is a tax efficient means of provision and this was a key issue when the decision was taken to outsource the service back in 2013, creating a new Trust that focused on provision in the Borough by a local organisation. Tax efficiencies are seen in the relief granted for NNDR (80% of which is mandatory, and 20% discretionary) and the partial VAT exemption allowed by the charitable status of the Trust. To explain briefly, most services provided by the Trust are exempt of VAT which sees 100% of that income retained. Whilst, as a consequence, the Trust is not able to recover VAT on the majority of purchases, because a large part of its expenditure (around 65%) is on staffing which doesn't attract VAT, there is a significant net gain.
- 1.1.5 At the time of transfer in 2013 the tax efficiency was assessed at around £750,000 per annum, which even after 'new' costs attributed to the creation of a separate entity, resulted in an annual saving to the Council of close to half a million pounds per annum.
- 1.1.6 The Trust is a Non-Profit Distributing Organisation or NPDO and aims for a trading profit in the region of just 1-3% of turnover. This results in the provision of affordable services but also provides surpluses placed into reserves for reinvestment. These profits are ring-fenced for reinvestment in the Council's facilities only and the Council, acting as Landlord, approves capital investment by the Trust. Prior to the pandemic the Trust had re-invested in excess of £1.4m directly back into improved facilities and services – the most significant being a £900,000 investment in new studios and gym refurbishment at Larkfield Leisure Centre in 2018. Capital investment of this nature benefits the Council in terms of improvement to its assets which will be returned to the Council at the end of the contractual term. This reinvestment coupled with no shareholders to pay dividends or staff bonuses creates what is often referred to as a virtuous circle.
- 1.1.7 To finish on the formation, structure and scope of TMLT the Trust currently operates Larkfield Leisure Centre, Angel Centre, Tonbridge Swimming Pool, Poulton Wood Golf Club on a 20 year lease and Management Agreement with the Council that runs to 31 October 2033. In November 2021 Leybourne Lakes Country Park was added to TMLT's portfolio and transferred to the Trust as a Variation to that Agreement with a new lease running concurrently to 2033. Members may also be aware that the Trust recently took on the management of Kings Hill Sports Park on behalf of Kings Hill Parish Council on a similar lease/management agreement basis. This separate contract is ring-fenced away from the agreement with the Council but does allow TMLT to defray some management costs.

## **1.2 Corporate Objectives**

- 1.2.1 Five corporate objectives were considered by the Council when a decision was taken to approve the formation of an independent Trust. They were delivery of corporate priorities, financial savings, asset maintenance, quality of service and sustainability.

- 1.2.2 DELIVERY OF CORPORATE PRIORITIES – Covered in the Management Agreement with the Council and related most strongly to the health and wellbeing of residents, the Trust is founded entirely in the public benefit and its charitable remit incorporates provision of leisure services for the social welfare of all residents regardless of status with a view to improving their conditions of life.
- 1.2.3 FINANCIAL SAVINGS – Achieved through the transfer the initial savings to the Council as a consequence of the transfer were around £455,000 per annum. Taking a modest inflationary rate into account and a gradual reduction in the Service Fee, savings to the Council by the end of the first 5 year financial agreement amounted to £2.4m. From 1 April 2018, following extended negotiation the Service Fee for the current five year term was agreed as a Zero Sum and therefore further anticipated savings to the Council over the term were expected to be around £3.4m compared to the in-house operation that preceded the Trust.
- 1.2.4 LONG TERM SUSTAINABILITY – A clear objective to ensure the Trust going forward is a business model that is sustainable in financial terms. The Board interpreted this as holding a revenue reserve policy based on net current assets of £500,000.
- 1.2.5 ASSET MAINTENANCE – The Management Agreement leaves this responsibility largely with TMBC as owners. The Trust has also invested around £900,000 in the significant development of health and fitness facilities at LLC providing increased asset value to the Council. Total reinvestment by the Trust in the facilities and services to date is now in excess of £1.4m.
- 1.2.6 QUALITY OF SERVICE – It was important to ensure no diminution of quality of service and the need to continue to achieve high levels of customer satisfaction. The Trust has invested in new digital collection methods with immediate response including the Net Promoter Score. The nationally recognised industry standard, Quest has been achieved at all sites with the Trust excelling with two sites holding the prestigious Outstanding Award only achieved by 15 sites nationally. This award focuses on the Trust’s impact and outcomes, contribution to health & wellbeing, increased participation and reducing inactivity in our community.

### **1.3 Financial Performance Pre-Pandemic (2013/14 TO 2019/20)**

- 1.3.1 The impact of the COVID-19 pandemic was first felt on 20 March 2020 with enforcement of the first national lockdown that resulted in all the facilities managed by TMLT being closed. This had only a marginal impact on the financial year 2019/20.
- 1.3.2 In the seven financial years preceding this date it is estimated that the financial savings to the Council given its decision to outsource amounted to around £3.8m following the reduction in the annual Service Fee to zero from 2018/19. Investment by the Trust in facilities and services over this period amounted to a further £1.4m amounting to a savings total for the Council over the seven year

period of £5.2m whilst demonstrable improvements to the quality of service were made and total attendances grew.

- 1.3.3 Turnover grew over 30% to £7.2m in the seven year period despite low inflationary increases in charges. At the end of the financial year 2019/20 the Trust also held almost £1m cash at bank representing a very strong and sustainable financial position.

#### **1.4 Financial Performance during the Pandemic (2020/21 TO 2021/22)**

- 1.4.1 The pandemic had an instant and lasting effect upon the Trust with income falling overnight, effectively to zero. It became apparent very early after the first lockdown that the Trust may not survive without considerable support. Details of the Coronavirus Job Retention Scheme (CJRS) had not been established and whilst cash reserves did not mean there was an immediate crisis it was likely the Trust would run out of money by October/November 2020 without support.
- 1.4.2 In liaison with the Council core costs of lockdown were established and funding agreed. This alternative was the most financially viable alternative to the Council who could be faced, in the event the Trust failed, with the return of the Trust to in-house provision with the loss of the tax efficiencies referred to earlier, the ongoing costs of the operation during lockdown in any event and the possible costs of redundancies and/or LGPS cessation costs, all of which could run into several millions.
- 1.4.3 Over the course of the year operational trading turnover fell to around £1.9m as successive lockdowns and severe restrictions took their toll. In a complex accounting year the Trust offset expenditure through a claim of £1.75m from the CJRS, having at its peak 389 staff furloughed, direct support from the Council of £930,000 in the form of a Service Fee, NLRf funding of £270,000, other grant funding of £130,000 and expenditure from its own reserves of around £700,000. Further savings were made due to the closure of the centres in areas such as utilities, maintenance, marketing and myriad other expenditure budgets. However, the Trust still recorded a loss of £666,000 in the year. The Trust's cash at bank fell below £500,000 at year end.
- 1.4.4 In 2020/21 restrictions followed the Govt road map to recovery starting with the return of golf and the outdoor pool at the very beginning of the financial year and progressing to wider re-opening in mid-July. The Trust set a deficit budget of over £270,00 for 2021/22 despite a further pledge of a Service Fee of £700,000 from the Council.
- 1.4.5 Significant changes occurred during the year that were unknown at the time of setting the budget that included an extension to the CJRS through until 30 September 2021 and further direct Government grant support. This masked the ongoing reduction in operating income to result in a year end position for the Trust that was stronger than expected with profit of over £380,000 and a return to year end cash at bank in excess of £1m.

1.4.6 Over the course of the two year period that saw significant impact from the pandemic the Council's total level of financial support for the Trust amounted to around £1.63m

## **1.5 Current Financial Performance Post Pandemic (2022/23)**

1.5.1 Whilst describing the pandemic years as 2020 – 2022 the impact was still forecast to have some measure of financial effect in 2022/23 with business recovery still uncertain. Following the pandemic the Service Fee reverted in 2022/23 to zero sum. However, another significant financial threat has come from geopolitical issues affecting the cost of utilities and general inflation including pay inflation.

1.5.2 These issues would occur in the delivery of leisure services regardless of business model. The operation of facilities, in particular swimming pools is labour and utilities intensive. The two areas of expenditure accounted for over 76% of the Trust's budget forecast for 2022/23 with around £1m anticipated expenditure on gas and electricity. A significant amount of this cost falls to the Council under the terms of the Management Agreement which provides tariff protection to the Trust.

1.5.3 However, the turmoil in Ukraine and other issues affecting utility costs have seen the estimate of total gas and electricity costs rise to £1.75m in the current year with around £867,000 a contractual liability of the Council. The Trust is keen to help mitigate this cost and has introduced a surcharge on all casual swimming that is expected to see additional income in excess of £200,000 but the cost to the Council is still likely to be around £650,000. It should be remembered of course, that if the Council were running the facilities directly, it would have to bear these costs in any event.

1.5.4 This remains the source of close and transparent scrutiny and dependent upon world markets may result in additional costs into 2023/24.

## **1.6 Overall Financial Picture**

1.6.1 In what will be the first ten years of the Trust's existence until the end of the current financial year the total savings/investment as a consequence of outsourcing to a Trust will amount to around £5.8m compared to continued provision of an in-house model. As a consequence of the pandemic and unprecedented increases in utility cost the Council will have provided unanticipated financial support to the Trust over the past three years of around £2.3m.

1.6.2 It is worth noting that the exceptional circumstances have been managed through strong partnership work that may not have been possible with another operating model or contractor. As previously stated the financial support provided as a consequence of the pandemic was deemed the most cost-effective approach to retaining the facilities and service to residents and the increased cost of utilities would occur under any operating model.

## **1.7 Legal Implications**

1.7.1 The arrangement with the Trust is managed through a Management Agreement and the Trust has leases on the facilities it manages on the Council's behalf.

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

1.8.1 As detailed in the report the financial analysis illustrates the clear financial benefits to the Council of its partnership arrangement with the Trust.

## **1.9 Risk Assessment**

1.9.1 The arrangement with the Trust has presented significant financial savings, maintained standards and levels of service and enabled further investment in the facilities.

## **1.10 Policy Considerations**

1.10.1 Community

1.10.2 Healthy Lifestyles

1.10.3 Procurement

Background papers:

contact: Robert Styles

Nil

Robert Styles  
Director of Street Scene, Leisure & Technical Services

Sharon Shelton  
Director of Finance & Transformation



Executive Decisions Record - September 2022

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D220077MEM	Household Support Fund Additional Grant - Coats for Kids	Finance, Innovation and Property	30.08.22	06.09.22	13.09.22						14.09.22
D220078MEM	Appointment of Climate Change Officer	Environment and Climate Change	07.09.22	7.09.22	14.09.22						15.09.22
D220079CAB	Statement of Community Involvement	Cabinet	07.9.22	09.09.22	16.9.22						17.09.22
D220080CAB	Regulation 18 Local Plan										
D220081CAB	Housing Allocations Scheme Review										
D220082CAB	Highway Officer attendnace at Area Planning Committees										
D220083CAB	Executive Scrutiny Protocol										
D220084CAB	East Peckham Allotments - CPO										
D220085CAB	CV19 Additional Relief Fund Policy										
D220086CAB	Saturday Freighter Service										
D220087CAB	Household Bulky Refuse Collection										
D220088CAB	Gibson Building - High Level Options for Long Term Office Accommodation										
D220089MEM	Proposed Grant of New Lease of Unit 29 Martin Square	Finance, Innovation and Property	16.09.22	20.09.22	27.09.22						28.09.22
D220090MEM	Internal Communcations - Peer Review	Finance, Innovation and Property	26.9.022	26.09.22	3.10.22						4.10.22
D220091MEM	Procurement Climate Change Position Statement	Environment and Climate Change	27.09.22	27.09.22	4.10.22						5.10.22
D220092MEM	West Kent Business Support Programme	Economic Regeneration	28.09.22	28.09.22	5.10.22						6.10.22

Page 41

Decision pending	Call in period	Key Decision	Private
------------------	----------------	--------------	---------

Executive Decisions Record - October 2022

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D220093MEM	Amendments to Council's Housing Assistance Policy	Housing	20.10.22	21.10.22	28.10.22						29.10.22
D220094MEM	Working with Housing Associations on Anti-social behaviour	Communities	21.10.22	27.10.22	3.11.22						4.11.22
Decision pending	Call in period	Key Decision									

## OVERVIEW AND SCRUTINY COMMITTEE

### WORK PROGRAMME 2022/23

**Standing items:**

- **Record of Executive (Cabinet and Cabinet Member) Decisions Taken;**
- **Record of Officer Decisions Taken (If any);**
- **Notice of Forthcoming Key Decisions;**
- **Work Programme 2022/23 (information item).**

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
17 November 2022	Leisure Trust: <ul style="list-style-type: none"> <li>• Represent value for money</li> <li>• Savings achieved over the long term</li> </ul>	Cllr Base	
26 January 2023	Revenue Estimates	Overview and Scrutiny Committee	
	Capital Plan		
26 January 2023	S106 contributions from developers for Parish Council projects	Cllr Oakley	
6 April 2023	Local Government and Social Care Ombudsman Annual review letter		
	Mandatory and non-mandatory services		

This page is intentionally left blank

# Agenda Item 11

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

This page is intentionally left blank

# Agenda Item 12

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

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

This page is intentionally left blank



# Agenda Item 13

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

This page is intentionally left blank