

**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT**  
**COMMITTEE**

**MINUTES**

**Wednesday, 14th June, 2023**

**Present:** Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr Mrs A S Oakley, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr K S Tunstall and Cllr D W King (substitute)

**In attendance:** Councillors R P Betts, G C Bridge, M A Coffin, P M Hickmott, M A J Hood and D Keers were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors M D Boughton and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair) and W E Palmer.

**CE 23/12 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Councillor D W King substituted for Councillor Mrs S Bell

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.

**CE 23/13 DECLARATIONS OF INTEREST**

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

**CE 23/14 MINUTES**

**RESOLVED:** That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 8 February 2023 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**CE 23/15 CLIMATE CHANGE MONITORING AND REPORTING**

(Decision Notice D230053MEM)

Member approval was sought for publication of the Climate Change Action Plan Year 3 Progress Report (2022/23) and Carbon Audits for years 1 and 2, set out in Annexes 1 to 3 respectively.

Good progress had been made on the 50 climate change actions for 2022/23 with around half rated as 'ongoing' due to either continuing collaborations or multi-year projects. Where actions had changed or were not fully completed an explanation had been provided and these were summarised in 1.2 of the report.

Carbon Audits provided quality assured data for the Borough Council owned estate and operations, including the most significant contributors to emissions.

**RECOMMENDED\*:** That

- (1) the Climate Change Action Plan Year 3 Progress Report, as set out in Annex 1 of the report, be endorsed; and
- (2) the Carbon Audits for Year 1 and 2, as set out in Annexes 2 and 3 of the report, be endorsed.

**\* Decision Taken by Cabinet Member**

**CE 23/16 TREE SAFETY POLICY**

Members were advised of the Borough Council's current policy in regard to the health and safety management of its own tree stock (attached at Annex 1).

Following a review by Officers and Insurers it was concluded that the current policy demonstrated well-documented evidence of a risk based approach adopted by the Borough Council in relation to the management of tree liability risks. Whilst there were no major faults identified a number of recommendations to improve how the document could be relied upon from a claim's defensibility perspective were presented for consideration as detailed in Annex 3 and Annex 3a.

Clarification was sought on the definition of an "adequate" length of time for any records of tree inspections to be kept as highlighted in the Insurers' report and further information was to be sought from the Insurers.

**RECOMMENDED\*:** That

- (1) the proposed amendments to the Tree Safety Policy, as set out in Annex 3 and Annex 3a, be approved, subject to clarification with the Insurers with regard to the recommended length of time for any tree inspection records to be kept by the Borough Council.

**\* Referred to Cabinet**

**CE 23/17 EVENTS ON PUBLIC OPEN SPACES**

Consideration was given to a number of amendments in respect of the Borough Council's Events on Open Spaces Policy and application form. A copy of the current Policy and application form were attached at Annexes 1 and 2.

The proposed amendments related to increased financial checks of the organiser for larger scale commercial events over £2,500.00 in value; deposits to be taken from all events to repair damage and cover repair works to grassed areas and inclusion of Prevent guidance.

In addition, an introduction of a Byelaw was recommended to protect the Borough Council against event organisers using public open space without approval being granted.

The proposed introduction of additional financial checks on Events on Open Spaces for larger events, together with additional details to recharge for costs incurred offered greater financial control over the use of the Borough Council's land.

Members felt that it would be beneficial for a timeframe for payment of deposits and hire fees and the terms and conditions for cancellation and refund to be set out in the Charging section of the Policy.

**RECOMMENDED\*:** That

- (1) the proposed amendments to the Events on Open Spaces Policy and application form, as detailed in Annexes 1 and 2, be approved, subject to a sliding scale schedule for payment of deposits, lawn hire fees and administration fees and the terms and conditions for cancellation and refund being investigated, agreed, and added to section 6 (Charging) of the Policy; and
- (2) a byelaw to address unauthorised use of the Borough Council's public open space be progressed.

**\* Referred to Cabinet**

## **CE 23/18 LITTER AND FLY TIPPING ENFORCEMENT PILOT - 6 MONTH REVIEW**

Following a review of the Litter and Fly Tipping Enforcement pilot with the National Enforcement Solutions (NES) which started on 17 October 2022, Members were updated on its performance for the first six months and were requested to consider the future option for the litter and fly tipping enforcement approaches.

In general, it was considered that the pilot had gone well so far, in terms of both the expectations of the Borough Council and those of the NES, and the pilot had been proved financially viable for the NES' business model, although significant officer resource had been required to support the pilot. It had also been proved effective in terms of the results experienced through the use of a third-party resource to deal with many more litter and fly tipping offences than could have been tackled within the existing resources of the Borough Council.

During discussion, clarification was sought on the possibility to extend the working hours of the Enforcement Officers to carry out evening 'hot spot' checks under the pilot. Furthermore, concerns were expressed by Members over litter and fly tipping at certain areas over particular times. It was explained that changes to the inspection hours were not possible within the scope of the current arrangement, however, there would be flexibility for the inspection schedule to be considered as part of the specifications if Members were minded to support investigating the option to procure a contract for the provision of litter and fly tipping enforcement through a third party.

**RECOMMENDED\*:** That

- (1) a contract for the third-party provision of litter and fly tipping enforcement be procured through a formal tender procedure (option 3 as set out in 1.4.1 of the report).

\* Referred to Cabinet

## **MATTERS SUBMITTED FOR INFORMATION**

### **CE 23/19 KEY PERFORMANCE INDICATORS**

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director/Chief Executive at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

**CE 23/20 WASTE CONTRACT - KEY PERFORMANCE INDICATORS**

Members reviewed the performance of the Waste Contract against a suite of Key Performance Indicators (KPIs) for the period April 2022 to March 2023, with comparative data for April 2021 to March 2022, together with percentage variance when compared with the 2021/22 performance.

Particular reference was made to the increase in completion rate of scheduled collections, reduction in missed collections, reduction in formal complaints about refuse and recycling and increase in the percentage of waste collected for recycling or composting, and the improvements in these areas were welcomed by Members.

During discussion, Members raised a number of concerns in respect of the scope of KPI data reported, including street cleaning and fly tipping, and it was explained that works were being undertaken in order for the data on emptying litter bins and verge maintenance to be included in future KPI reporting, which was anticipated to start from September next. In addressing the issue with regard to missed unemptied litter and dog waste bins, it was noted that 'What 3 Words' app was now used to help identify location of overfull or damaged bins, and further consideration was being given to numbering the bins for ease of reporting by members of the public.

**CE 23/21 WORK PROGRAMME 2023/24**

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**CE 23/22 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 8.49 pm