

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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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

6 June 2023

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

Dear Sir/Madam

Your attendance is requested at a meeting of the Communities and Environment Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 14th June, 2023 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

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PART 1 - PUBLIC

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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 for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

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

6. Minutes 17 - 22

To confirm as a correct record the Notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 8 February 2023.

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7. Climate Change Monitoring and Reporting 23 - 70

To seek approval for publication of the Climate Change Action Plan Year 3 Progress Report (2022/23) and Carbon Audits for years 1 and 2

8. Tree Safety Policy 71 - 126

This report advises on the Council's current policy in regard to the health and safety management of its own tree stock and identifies potential alterations to the policy following a review by Officers and the Council's Insurers.

9. Events on Public Open Spaces 127 - 148

This report brings forward suggested amendments for consideration in regard to the Council's Events on Open Spaces Policy and Events on Open Spaces application form. The Committee is requested to consider the suggested amendments and make recommendations to Cabinet.

10. Litter and Fly Tipping Enforcement Pilot - 6 month review 149 - 156

To report on the performance of the Litter & Fly Tipping Enforcement pilot with National Enforcement Solutions after the first six months. The report identifies options for the future and asks the Committee to make recommendations to Cabinet.

Matters submitted for Information

11. Key Performance Indicators 157 - 164

A number of Key Performance Indicators (KPIs) are presented to enable the Overview and Scrutiny Committee to assess and scrutinise performance.

If there are any questions regarding the KPIs provided, these should be submitted to the relevant Director/Chief Executive at least 2 days in advance of the Scrutiny Select Committee meeting in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the Scrutiny Select Committee meeting, these will be responded to within 5 working days.

12. Waste Contract - Key Performance Indicators 165 - 172

To report on performance of the Waste Contract against a suite of Key Performance indicators.

13. Work Programme 2023/24 173 - 174

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

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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.

PART 2 - PRIVATE

16. Urgent Items 179 - 180

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 S A Hudson (Chair)
Cllr Mrs S Bell (Vice-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 W E Palmer
Cllr M R Rhodes
Cllr Mrs M Tatton
Cllr K S Tunstall

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 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 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.

Terms of Reference

Communities and Environment Scrutiny Select Committee

Title:	Communities and Environment Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Communities	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> - The West Kent Partnership (LSP) - LA21 - Climate Change 	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> - Borough's Sustainable Community Strategy - Community Safety Strategy 	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> - rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies - older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies 	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

Leisure	
Provision, development, management and maintenance of informal and formal public open spaces	
Larkfield Leisure Centre	<i>NB: The Tonbridge & Malling Leisure Trust operates these facilities on behalf of the Borough Council</i>
Angel Centre, Tonbridge	
Tonbridge Swimming Pool	
Poult Wood Golf Centre, Tonbridge	
Leybourne Lakes Country Park	
Grounds Maintenance – Tonbridge Cemetery	
Children’s play provision	
Country Parks and access to the countryside	
Advisory and/or consultancy services on outdoor leisure and grant aid issues	
Water recreation	
Annual programme of sports coaching	
Parks patrolling and security	
Allotments liaison – Tonbridge	
Cemetery management and burial function	
Provision and promotion of Borough wide arts events	
Provision of public art	
Partnerships	
Support for arts marketing	
Tonbridge Gatehouse Exhibition	
Tonbridge Council Chamber functions (e.g. weddings)	
Tonbridge Castle Grounds – events programme	
Heritage interpretation throughout the Borough	

Youth Development Plan	
Youth activity programmes	
Youth consultation and engagement	
Young Achievers Award	
To advise the Council in respect of its twinning links with Le Puy-en-Velay and Heusenstamm and generally to promote twinning within the Borough.	
Environment	
Abandoned vehicles	Litter control
Animal welfare	Noise control
Air quality	Pest control
Climate Change	Private drains and sewers
Contaminated land	Public health and control of nuisances
Dog control	Public conveniences
Environment	Recycling
Environmental monitoring	Refuse collection
Fly-tipping	Street name signage maintenance
Fly-posting	Street cleansing
Food safety	Sunday trading
Graffiti removal	Verge/grass cutting
Health and safety at work	
CCTV operations	
Civil contingencies/ Emergency readiness and response	
Design, consultation and implementation of car parking action plan	

Engage with businesses to ensure compliance with food hygiene regulations
Kent Resource Partnership
Land drainage and flood attenuation
Management and maintenance policy for the off-street car parks
Matters relating to the development and delivery of co-ordinated street scene services, including partnership working with KCC Highways and other external bodies
Overall monitoring of the transport and highway activities including improvement programmes, street signage
Promotion of traffic management highway improvement and crash remedial schemes and works
Review and management of the on-street parking regime including enforcement procedures
The annual review of the charging structure for public car parking in the Borough

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Community and Environment Scrutiny Select Committee – Substitute Members (if required)

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Chris Brown	David Thornewell	Lee Athwal		Paul Hickmott
2	Roger Dalton	Roger Roud	Kath Barton		Wayne Mallard
3	Dave Davis	Garry Bridge	Mark Hood		
4	Dennis King	Tim Bishop	Robert Oliver		
5	Colin Williams	Paul Boxall	Bethan Parry		

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

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 8th February, 2023

Present: Cllr S A Hudson (Chair), Cllr Miss G E Thomas (Vice-Chair), Cllr Mrs P A Bates, Cllr C Brown, Cllr A Cope, Cllr N Foyle, Cllr F A Hoskins, Cllr M A J Hood, Cllr J R S Lark, Cllr D Lettington, Cllr M R Rhodes, Cllr Mrs M Tatton and Cllr R W Dalton (substitute member).

In attendance: Councillors R P Betts, T Bishop, Mrs A S Oakley and R V Roud were also present pursuant to Council Procedure Rule 15.21.

Virtual: Councillors Mrs J A Anderson, M C Base, M D Boughton, V M C Branson, M A Coffin, D Keers, P J Montague and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S Bell.

(Note: As Councillor S Bell was unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

CE 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members was recorded as set out below:

Councillor R Dalton substituted for Councillor S Bell

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

CE 23/2 DECLARATIONS OF INTEREST

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

CE 23/3 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 19 October 2022 be approved as a correct record and signed by the Chair.

CE 23/4 REPRESENTATIVE OF SOUTH EAST WATER

Members received a presentation from Mr S Andrews, Head of Central Operations, South East Water, in respect of water shortages and leaks. Members were provided an explanation of the challenges of water supply, which included the changes in the way in which customers were using water since the pandemic and extreme weather. As a result of the water shortages, South East Water were looking at accelerating schemes in the impacted areas to make them more resilient to future climate change challenges and an independent review was to be undertaken. During discussion, Members raised the possible use of eco generators and noted that consideration was being given to eco-friendly initiatives, including solar energy.

Members raised concern regarding insufficient bottled water stock during recent water shortages and supported a social media campaign to encourage vulnerable residents to register for the priority resident scheme.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/5 HOUSEHOLD RECYCLING AND WASTE SERVICE

The report of the Director of Street Scene, Leisure and Technical Services and Cabinet Member for Technical and Waste Services outlined opportunities to maintain and improve service provision in relation to the Council's Waste Services Collection Contract, which was provided in partnership with Tunbridge Wells Borough Council, that would be reported to Cabinet on the 14 February 2023. The report advised on a proposed extension to previously agreed support for a further 5 month period in relation to the recent and ongoing impacts of HGV market conditions and support for a proposed Phase 2 of re-rounding. Members were invited to review the content of the report in advance of the Cabinet meeting and make any recommendations or observations to Cabinet.

The Committee asked that the contractor be encouraged to be open and transparent about their financial arrangements and any potential implications for the Borough Council.

RECOMMENDED: That

- (1) Council gives authority to the Director of Street Scene, Leisure and Technical Services to extend, for the period November 2022 to March 2023, the provision of limited financial assistance to Ubaser Ltd and Ubaser SA in respect of the contract originally procured and that the value of this (£77,000) be reflected in the Revised Estimates for 2022/23 and funded from the Budget Stabilisation Reserve;

- (2) Council approves a one-off contribution to Urbaser Ltd of up to £150,000 towards the costs of terminating a number of existing collection vehicle leases to facilitate the provision of a new fleet of collection vehicles in 2023/24 and that the value of this be reflected in the Estimates for 2023/24 and be funded from the Budget Stabilisation Reserve;
- (3) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with Director of Finance and Transformation and Director of Central Services to complete all necessary negotiations, legal processes and legal documentation to enter into an agreement with Urbaser Ltd to allow for the transfer of the new vehicle lease(s) to the Council in conjunction with Tunbridge Wells Borough Council or to the organisation(s) contracted to provide the two councils' household waste collection service on the expiry of the current joint recycling and waste collection and street cleansing contract;
- (4) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with the Director of Finance and Transformation and the Director of Central Services to complete all necessary negotiations, legal processes and legal documentation and enter into an agreement with Tunbridge Wells Borough Council to share the liability for the new vehicle fleet from the end of the current joint recycling and waste collection and street cleansing contract; and
- (5) Council notes that a Voluntary Ex-Ante Transparency Notice will be published containing details of the proposed changes set out in recommendation 1, 2 and 3 to cover the items highlighted above.

***Referred to Cabinet**

CE 23/6 CLIMATE AND BIODIVERSITY ACTION

The report of the Chief Executive provided an update on current climate change and biodiversity measures being undertaken by the Borough Council and considered future options as detailed in the report.

A briefing note in respect of the progress being made on climate change and biodiversity actions was attached at Annex 1.

During discussion, it was recognised that Leisure Trust activities were a significant source of emissions within the Council's estate and operations and suggested that solar panels be installed at Larkfield Leisure Centre.

RECOMMENDED: That

- (1) the growing priority of decarbonising heat and transport emissions from the Borough Council's estate and operations, alongside existing Climate Change Action Plan measures, be endorsed; and
- (2) the options summarised below be explored further:
 - (i) scoping and commissioning the feasibility of heat pump systems at Larkfield Leisure Centre and Tonbridge Swimming Pool and an options report presented to a future meeting of the Overview and Scrutiny Committee; and
 - (ii) investigating potential options to reduce scope 1 and scope 3 transport emissions (as detailed in 1.2 of the report).

***Decision taken by Cabinet Member**

**CE 23/7 PUBLIC SPACE PROTECTION ORDERS - CONSULTATION
FEEDBACK**

The report of the Director of Central Services and Deputy Chief Executive provided feedback on the responses received on the Public Space Protection Order (PSPO) consultation and agree the terms of the PSPO.

The proposed new restrictions included vehicles on public open spaces across the whole borough, nuisance associated with car/motorcycle meetings across the whole borough, anti-social behaviour associated with fishing at Town Lock/Tonbridge Moorings and no unauthorised swimming/bathing/boating at Holborough Lakes. A summary of the responses received to the consultation were set out at Annex 2 to the report and a letter received from the Police and Crime Commissioner was set out at Annex 3. The majority of the respondents were in support of the continuation of the current restrictions.

During discussion, clarification was sought on the designated mooring areas in Tonbridge. It was explained that enforcement was currently the responsibility of the Council and there would be discussions with the Police Authority to determine whether they could enforce on behalf of the Local Authority. Consideration was not currently being given to signage, although there was potential for signage to be displayed in certain hot spot areas. In respect of nuisance associated with car/motorcycle meetings, Members highlighted that not all meets had a detrimental impact on residents.

RECOMMENDED: That the proposed Public Space Protection Order, as presented at Annex 5, be approved.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

CE 23/8 KEY PERFORMANCE INDICATORS - WASTE CONTRACT

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

Particular reference was made to the increase in scheduled collection rates, reduction in missed collections, reduction in formal complaints and a decrease in fly tipping. The KPIs were showing a sustained improvement in the contract at the current time. During discussion, a number of concerns were raised, including the disposal of food waste in black recycling bins and noted that there was a general reduction in the purchase of surplus food. Members would receive an update on the outcome of the recent audit on black bin waste undertaken by Kent County Council and actions that would be taken to address any issues identified. Members were requested to notify officers if they wished for any specific KPIs to be presented.

CE 23/9 KEY PERFORMANCE INDICATORS - COMMUNITY AND ENVIRONMENT

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 October to December 2022 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 23/10 WORK PROGRAMME 2023

The Work Programme setting out matters to be scrutinised during 2022/23 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee. It was agreed that the following matters be considered for inclusion in the Work Programme:

- Review of CCTV and Kent Police to be invited to address the Committee.
- Scheme to improve drainage at Tonbridge Racecourse Sportsground.
- Capacity of Borough Council's sportsgrounds and facilities and how well used they are.
- Representatives of Clarion Housing Association to be invited to discuss anti-social behaviour issues.
- Review best practice in respect of Warm Spaces initiative.
- Street cleansing to be included in Key Performance Indicator report.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/11 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 10.10pm

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Chief Executive

Part 1- Public

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

1 CLIMATE CHANGE MONITORING AND REPORTING

To seek approval for publication of the Climate Change Action Plan Year 3 Progress Report (2022/23) and Carbon Audits for years 1 and 2

1.1 Background

1.1.1 TMBC has committed to producing annual climate change action plans, reporting on progress against these, and publishing our greenhouse gas emissions (Carbon Audits). This report summarises progress against the year 3 Climate Change Action Plan (2022/23) and key findings from Carbon Audits for years 1 and 2. July CESSC will consider the 2023/24 climate change action plan and the latest carbon audit (for year 3, 2022/23). The intention is for all climate change monitoring and reporting to be up to date and publicly available on the TMBC climate change website before the end of the summer.

1.1.2 The Climate Change Action Plan Year 3 Progress Report and both Carbon Audit documents are provided in Annexes 1 - 3 respectively.

1.2 Climate Change Action Plan Year 3 Progress Report

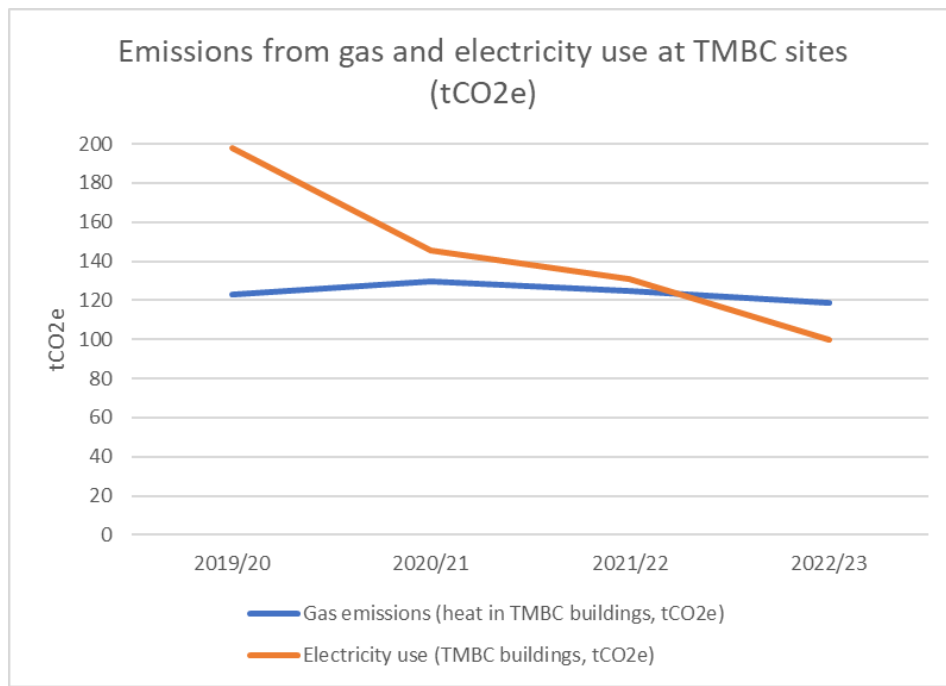
1.2.1 Progress was generally good across the 50 climate change actions for 2022/23, with around half rated as 'ongoing' due to either continuing collaborations or multi-year projects. Where actions have changed or are not fully completed an explanation has been provided. Annex 1 provides the Climate Change Action Plan Year 3 Progress Report that follows the same format as previous years. However, it might be helpful to publish a narrative or highlight report alongside the table to make it easier to track key areas of progress.

Policy and Engagement

1.2.2 As shown in Annex 1 a number of actions in the Policy and Engagement theme have been completed although outputs are forthcoming. For example, the carbon audits have been produced but not yet published, and carbon literacy training has been investigated but not yet rolled-out.

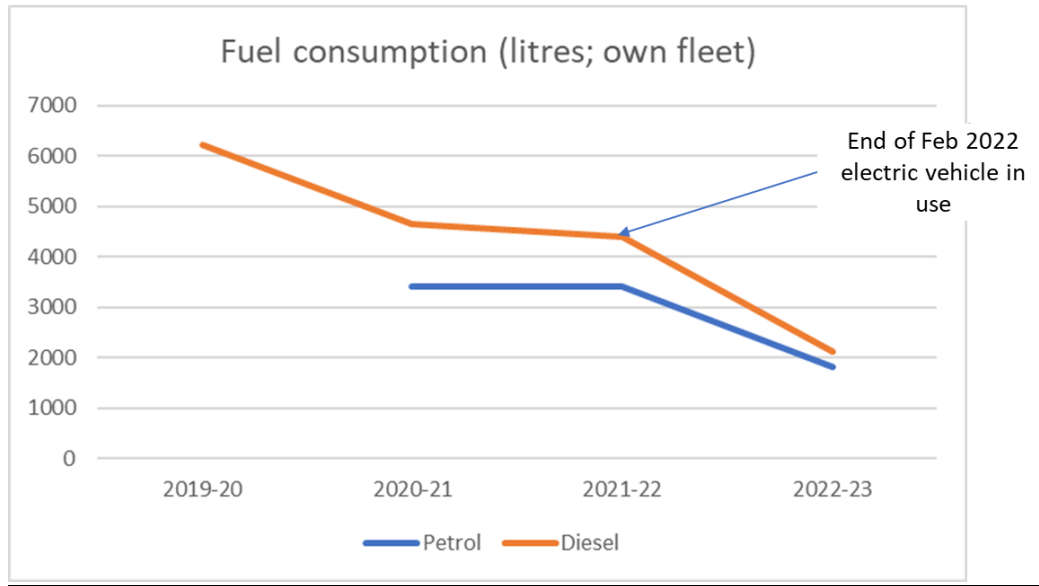
The Council's own estate and operations

- 1.2.3 The sources of greenhouse gas emissions that are under the greatest degree of Council control and/or are significant sources of emissions include our own estate, parking fleet and the Leisure Trust sites. There has been significant progress on energy efficiency, installing renewables and scoping decarbonisation opportunities during 2022/23, with much of this work ongoing in 2023/24.
- 1.2.4 The chart below shows that energy efficiency measures, remote working arrangements, consolidating workspace at the Gibson buildings in Kings Hill, and operational measures such as e-billing and energy-efficient IT equipment have reduced electricity emissions relative to the baseline. Increased homeworking will also be contributing to reductions in emissions from office buildings. The total reduction in office emissions will be over-estimated due to the transfer of energy consumption from the office to homes for remote working. Emissions from office equipment, heating and lighting used for remote working have not yet been calculated for TMBC.



- 1.2.5 Although electricity (national grid mix) emissions per kWh are reducing year-on-year due to an increasing proportion of renewables, the reduction in electricity emissions from TMBC sites out-strips this. Over half of the fall in emissions from electricity at TMBC sites can be attributed to efficiency measures in successive climate change action plans and changed working patterns, rather than grid decarbonisation. The action plan progress report (Annex 1) and the Carbon Audits (Annexes 2 and 3) highlight this trend.
- 1.2.6 A further success has been the addition of an electric vehicle to the TMBC owned fleet (see chart below). Emissions from parking vehicles halved in 2022/23 on the previous year due to the increased use of the electric BMW i3. A more detailed

report on emissions and the potential for reductions from the TMBC fleet, staff commuting to work, and business travel will be forthcoming.



- 1.2.7 The Leisure Trust sites consume significant amounts of gas and electricity, and are major contributors to TMBC emissions. Energy efficiency measures have been installed at Larkfield Leisure Centre and Tonbridge Swimming Pool, with further installation of LED lighting planned for 2023/24. A key success this year of the installation of 196 solar PV panels at Larkfield Leisure Centre (see Annex 1), which should reduce electricity purchased, and emissions, from 2023/24.

Borough-wide emissions

- 1.2.8 Progress on addressing emissions from the borough is a mixed picture. Steady progress has been made on tackling emissions through grant funding and other activities across the housing and business sectors as well as waste and resources. Housing measures include energy efficiency deep retrofit for 181 homes through the Social Housing Decarbonisation Fund Wave 1, energy efficiency measures for 47 qualified low income homes through Sustainable Warmth Funding, financial assistance to 8 low income vulnerable to cold households and energy advice, and 165 accepted proposals for Solar Together in the borough. In the business sector, Green Business Grant funding has been allocated to 31 projects across the borough. In terms of new developments (the Local Plan and supporting evidence) and the transport sector, progress on emissions reduction has not progressed as rapidly. Updates for each action are provided in Annex 1. Many of these actions will be continuing in the 2023/24 climate change action plan.
- 1.2.9 It is not possible to attribute changes in Borough-wide emissions to these actions specifically, particularly as they target small numbers of homes and/or businesses. The latest available data for the Borough is for the year 2020. The next publication of Borough emissions will be in June 2023, and will provide data for 2021.

Biodiversity, air quality and the natural environment

1.2.10 On air quality the anti-idling project has made good progress, with sensors and signage installed at the five participating schools and engagement ongoing. To enhance the natural environment and support biodiversity, 1,000 trees or hedgerows have been planted (in addition to 1,000 planted the year before) and roadside nature reserves established.

1.3 Carbon Audits (years 1 and 2)

1.3.1 Carbon audits provide quality assured data for TMBC owned estate and operations. Section 7 in each audit report includes narrative on significant sources of emissions and key trends, including discussion of the impact of COVID and climate change measures. 2021/22 was the first year of the REGO contract for TMBC sites purchased electricity. This is shown the gross emissions and net emissions figures in the year 1 and year 2 carbon audits. Both audits show that indirect emissions from TMBC's estate and operations (scope 3) remain the most significant contributors to emissions.

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 The actions and activities in the progress report and carbon audits are ongoing or have been completed with relevant funding, grant monies and value for money assessments previously agreed with the relevant service.

1.6 Risk Assessment

1.6.1 TMBC has committed to aiming for carbon neutral in 2030 and to annual reporting on action plan progress and monitoring emissions. There is a reputational risk of non-publication of the reports discussed in this paper.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Climate Change

1.8.2 Biodiversity & Sustainability

1.8.3 Communications

1.9 Recommendations

- 1.9.1 That the Climate Change Action Plan Year 3 Progress Report as set out in annex 1 of this report BE ENDORSED.
- 1.9.2 That the Carbon Audits for Year 1 and 2 as set out in annexes 2 and 3 of this report BE ENDORSED.

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

Background papers:

contact: Carrie Spencer

Annexes 1, 2 and 3

Julie Beilby
Chief Executive

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Climate Change Action Plan 2022/23

YEAR THREE PROGRESS REPORT

Key		
Completed	Ongoing	Not Started / Stalled

Theme	Actions	Timescale	Progress Monitoring	Update
Policy and engagement Recognise climate change as a corporate commitment for the council	Ensure Climate Change is a key priority for the Council in the revised Corporate Plan, including measures to monitor and publish carbon data, lower carbon emissions at the Council and monitor and publish borough wide carbon emissions data.	September 2022	Ongoing	The Council has held a consultation on its revised Corporate Plan. Measures to monitor, lower and publish progress on carbon emissions are in place.
	Investigate carbon literacy training for TMBC staff and members.	Mar-23	Completed	Carbon Literacy training has taken place for two key staff and the roll-out to all staff has been investigated. Plans are in place for staff and member training during 2023-24.

Theme	Actions	Timescale	Progress Monitoring	Update
Work with partners to address climate change issues, lower carbon and adapt to the effects of climate change	Work with KCC and attend Climate Change Network (CCN) meetings to ensure collaboration and help meet targets in the Kent and Medway Energy and Low Emissions Strategy.	Ongoing	Ongoing	Regular engagement with KCC Climate Change Network continues, with TMBC's Climate Change Officer participating in a range of sub-groups to share case studies, best practice examples, and possible areas for collaboration.
	Continue to feed into the Kent and Medway Energy and Low Emissions Strategy via the Climate Change Network.	Ongoing	Ongoing	Delivery and reporting against the Energy and Low Emissions Strategy (ELES) is ongoing, including through the Climate Change Network, to keep on track for carbon neutral and net zero targets.
	Continue to work with the Tonbridge and Malling Climate Change Forum to galvanise support for climate change initiatives and promote the climate change agenda.	Ongoing	Ongoing	The Climate Change Forum has developed plans to promote climate and environmental action. Minutes of meetings are published on the TMBC website.
Monitor Tonbridge and Malling Borough Council's carbon emissions.	Complete the 2020/2021 carbon audit.	July – September 2022	Completed	The 2020/21 carbon audit was completed by the deadline. A quality assurance process then took place over the Winter/Spring. To be published on website by Autumn 2023.
	Complete the 2021/2022 carbon audit.	July – September 2022	Completed	The 2021/22 carbon audit was completed by the deadline. A quality assurance process then took place over the Winter/Spring. To be published on website by Autumn 2023.

Theme	Actions	Timescale	Progress Monitoring	Update
	Produce a TMBC carbon emissions pathway report.	July – September 2022	Ongoing	An indicative carbon emissions reductions pathway was produced by the deadline. A more detailed pathway will be developed during 2023/24.
	Determine hierarchy of action plan actions, based upon emissions reduction impact.	July – September 2022	Ongoing	The council has determined significant sources of emissions to be prioritised for reductions, and is tackling emissions from our own estate. The hierarchy of actions will be reviewed in light of progress and new data.
Monitor Tonbridge and Malling carbon emissions.	Review Borough wide emissions data.	July – September 2022	Completed	Borough wide emissions data have been included in TMBC KPI data for ongoing monitoring.
Sustainable Development	Continue to pursue planning policies in the Council's emerging Local Plan that will facilitate the delivery of sustainable development through location, orientation, and design, and through the integration of measures such as Sustainable Drainage Systems (SuDS), water efficiency and habitat creation.	Ongoing	Ongoing	The Planning Policy Team has made good progress in the drafting of the Local Plan to facilitate future sustainable development. In this regard, the Regulation 18 draft Plan and public consultation has recently been completed as well as the commissioning of various pieces of evidence to support the Local Plan.

Theme	Actions	Timescale	Progress Monitoring	Update
	Through the grant of planning permission, the Council will seek to deliver sustainable development outcomes in line with the adopted development plan, national policy and material planning considerations.	Ongoing	Ongoing	The Government has adopted the Future Homes and Building Standards to reduce CO2 emissions and ensure new homes are “zero carbon ready”. The efficiency levels now required encourage the installation of zero-carbon technology and levels of energy efficiency exceed what we may justify under the current Development Plan. Thus, no conditions or informatives are recommended in relation to the incorporation of zero carbon technologies.
Transport Support the improvement of walking and cycling infrastructure in the borough	Complete preparation of the new active travel strategy which will include cycling and walking infrastructure recommendations.	Summer 2022	Ongoing	Progression of the Local Cycling and Walking Infrastructure Plan (LCWIP) Strategy is aligned to the progression of the Local Plan. Limited activity has taken place over the past year as a spatial strategy for the Local Plan had not been defined at regulation 18 stage.
Improve the environmental standards of licensed taxis operating in the borough.	Start the taxi licensing policy renewal process.	March 2022	Ongoing	The taxi policy is due to go to the Licensing & Appeals committee on 5th July. Following this, the policy will go out on a minimum 6 weeks consultation for the trade and interested parties to make comments.
	Provide wider information regarding taxi EV charging provision.	Ongoing	Ongoing	Until TMBC provide more EV charging facilities, we have nothing to communicate to the trade.

Theme	Actions	Timescale	Progress Monitoring	Update
	Continue engagement with KCC through the CCN regarding future taxi licencing.	Ongoing	Ongoing	Continue engagement through attending KCC meetings and take any relevant information back to the trade.
ULEV Provide electric charging points across the borough.	Progress the phase 2 programme of EV chargers in selected car parks as soon as practicably possible. Phase 2 will allow potentially up to 106 chargers across other council owned car parks.	March 2023	Ongoing	Phase 1 has installed 28 chargers that are being used by residents and visitors to the Borough. The installation of the final Rapid Chargers is outstanding for Phase 1. We have progressed to Phase 2, which began on 1st May 2023.
Decarbonise TMBC vehicle fleet.	Undertake a vehicle replacement schedule (transitioning to ULEV) for all parking vehicles, in line where possible with the capital renewals programme and expected lifespan.	Ongoing	Ongoing	The electric vehicle is being used regularly by the Parking Enforcement team and its usage is prioritised over conventional fuel vehicles.
Air Quality Continue the full implementation of a borough wide Anti-idling Campaign, to reduce emissions from idling engines.	Continue the anti-idling and school area monitoring project work, following the successful DEFRA grant for new sensors and signs.	March 2023	Ongoing	Sensors for the project were installed at the five participating schools in November 2022. Interaction with schools and erection of anti-idling signage began in February 2023 and is ongoing.

Theme	Actions	Timescale	Progress Monitoring	Update
Habitats & Biodiversity Strengthen local protection and enhance protection of species, habitats and ecosystems	Continue to monitor existing roadside nature reserves and add further if identified and brought forwards.	Ongoing	Ongoing	Roadside Nature Reserves have been established around the Borough, with potential to consider additional areas.
	Proceed with Reed Bed creation at Haysden Country Park.	March 2023	Not Started / Stalled	This item stalled due to budgetary pressures but is planned to progress in the coming year.
	Proceed with Holly Hill hedgerow creation.	March 2023	Not Started / Stalled	This item stalled due to budgetary pressures but is planned to progress in the coming year.
	Proceed with the planting of spring and summer bulbs across the borough.	March 2023	Not Started / Stalled	This item stalled due to budgetary pressures but is planned to progress in the coming year.
	Coppicing at Taddington Valley Woodland.	Ongoing	Not Started / Stalled	This item stalled due to budgetary pressures but is planned to progress in the coming year.
	Plant TMBC match funded 1000 trees/whips on TMBC land.	October 2022 – March 2023	Completed	Planting has been completed across the Borough.

Theme	Actions	Timescale	Progress Monitoring	Update
	Continue with the lakeside revetment works in liaison with volunteers.	Ongoing	Ongoing	Works were started in summer 2022 and are due to be completed as part of Tonbridge School's Just Giving (volunteer) Day in June 2023.
Housing & Energy Conservation Reduce the carbon emissions of residential homes.	Assist with removing barriers for private sector households by working with Kent County Council to target promotion of the second round of 'Solar Together', a collective solar group purchasing scheme.	Ongoing	Completed	The Council undertook targeted promotion of the second round of Solar Together targeting promotion resulting in 840 registrations. 165 TMBC registrants accepted their Solar Together proposal. 123 PV installations has taken place across the TMBC area as of 19 April 2023. Installations will continue across Kent until the end of April 2023. The Council is currently participating in the third round of Solar Together undertaking further targeted promotions of the scheme.
The Council is working in partnership with Fenland District Council, LB Merton and Clarion Housing Group having successfully obtained £5.2m Social Housing Decarbonisation Fund Demonstrator Wave 1 funding.	Deliver retrofit energy efficiency measures to up to 200 TMBC area Clarion homes focussing on hard-to-treat Wimpey No Fines. Clarion to provide £4.5m match funding across three local authority areas in the Wave 1 scheme.	March 2023	Completed	The Council has continued to work in partnership with Fenland District Council and Clarion Housing Group on Social Housing Decarbonisation Fund Wave 1, the partnership now includes LB Merton. Retrofit energy efficiency measures have been delivered to further Wimpey No Fines constructed properties across the borough including Tonbridge, Hadlow and Snodland. 181 homes have been retrofitted with energy efficiency measures in Wave 1.

Theme	Actions	Timescale	Progress Monitoring	Update
<p>TMBC area has been allocated £1.227m Sustainable Warmth Funding to improve energy efficiency in low income/low energy efficient homes.</p>	<p>We will seek to signpost eligible households to the Sustainable Warmth scheme managing agents.</p>	<p>Ongoing</p>	<p>Completed</p>	<p>The Council has signposted eligible households to the Sustainable Warmth scheme managing agent undertaking a scheme mailing to targeted eligible low energy efficient households, social media and a communications campaign via KM including radio advert.</p> <p>The managing agent qualified 47 household applications as eligible to receive energy efficiency measures under the Sustainable Warmth scheme which includes 'on gas' homes under Local Authority Delivery 3 stream and 'off gas' homes under the Home Upgrade Grant. Retrofit energy efficiency has been installed in 40 homes with scheme delivery continuing to 31 March 2023. The Sustainable Warmth Scheme has now closed.</p>
<p>Support our residents by signposting to information on energy efficiency and renewable energy measures and funding schemes so they can make informed decisions.</p>	<p>Financial assistance is available to assist circa 10 low-income vulnerable to cold households to access affordable warmth in the home while also encouraging these households to take action to reduce carbon emissions.</p> <p>TMBC will signpost households for advice on how to reduce energy usage in the home for example Simple Energy Advice website.</p>	<p>Ongoing</p>	<p>Completed</p>	<p>8 low income vulnerable to cold households received financial assistance to access affordable warmth in the home.</p> <p>TMBC website signposted households for advice on how to reduce energy usage in the home.</p>

Theme	Actions	Timescale	Progress Monitoring	Update
	Support any new provision of council owned temporary accommodation within the borough with feasibility studies to advise on potential for improved energy efficiency and any renewable potential.	Ongoing	Ongoing	TMBC has standing aspiration that should we procure further council owned TA we will undertake a feasibility study to identify what is needed to improve its energy efficiency. TMBC has not procured further local authority temporary accommodation in 2022/2023, for example the Simple Energy Advice website.
Waste Minimisation & Recycling Encourage more people to reduce their waste and make it easier for residents to recycle.	Continue with Kent Resource Partnership (KRP) re-use campaigns.	Summer 2022	Ongoing	The partnership has continued, along with a number of campaigns. For example, partnership with Kent Football Association for a green charter; reducing contamination & improving reuse/recycling; and Allington HWRC to have reuse facility provided in 2023/24.
	Progression of waste and recycling contract, rolling out to flats / bin stores.	Ongoing	Ongoing	Planned roll out of dry recycling to flats complete. Good practice shared in presentation by TMBC officers at national conference. A small number of properties with inadequate infrastructure remain on weekly refuse collections. Food waste collections to be trialled in a number of communal bin stores in late 2023 with a potential roll out in 2024/25 financial year.
	Development of KRP website and working with national partners such as WRAP and Recoup (plastic specific).	Ongoing	Ongoing	KRP website in development; video clips developed to show residents what happens to their recycling, garden waste, etc; worked with WRAP on best practice guidance for communications materials for recycling in flats.

Theme	Actions	Timescale	Progress Monitoring	Update
Community & Business Engagement Support local businesses and encourage sustainable growth in the economy	Aim to identify external funding to deliver future rounds of the green business grant scheme.	March 2023	Completed	UKSPF (along with some Business Rates Retention Pilot underspend) identified and secured to deliver two further rounds of the scheme, around £95,000 for the 2 rounds. Next round launches in mid-April 2023 with a further round scheduled for early 2024.
	Launch a further round of Local Shops and Parades Fund Scheme.	March 2023	Completed	Launched in February 2023 and closed in early March 2023, followed by Grant Offer Letters in April. https://www.tmbc.gov.uk/news/article/86/shopfront-improvement-scheme-open-for-business Eligible works included carbon reduction initiatives for independent shops/food outlets.
	Promote the climate change strategy and its objectives via the council's e-bulletin.	Ongoing	Ongoing	Regular items included in the monthly bulletin on environmental initiatives (mostly the green business grant scheme) and also an article promoting the Climate Change Strategy in January 2023. The bulletin goes out to around 900 business contacts.
	Work with KCC to promote and support the Lower Carbon Across the South East initiative.	Ongoing	Ongoing	Work closely with KCC on ensuring that awareness is raised through our Green Business Grant Scheme. As per previous rounds, applicants to the GBGS are asked about signing up for information related to wider support and information re. carbon reduction. Although LoCASE comes to an end in April 2023, other environmental initiatives at the county level are ongoing.

Theme	Actions	Timescale	Progress Monitoring	Update
Raise awareness of climate change, providing regular updates and information.	Refresh the climate change webpage to provide a better resource for promoting climate change work, and information to the public.	Ongoing	Completed	A new climate change section of the website was launched in September 2022. This focused on borough specific information. The most popular section of the site was 7 actions to tackle climate change. This was backed up with a high page dwell time.
	Seek to develop and provide more case studies to evidence and promote positive climate change work and opportunities in the borough.	Ongoing	Ongoing	Positive case studies have been made available through progress on action plan items, such as the Social Housing Decarbonisation Fund Demonstrator.
	Provide a climate change progress report / news release.	March 2023	Ongoing	Updates on climate change progress have been provided to committees, through website updates and the Climate Change Forum.
TMBC Estate Reduce the environmental impact of the council's activities, increasing the sustainability of all our operations.	Complete construction of Leybourne Lakes facility which includes solar panels and lake source heat pumps.	Summer 2022	Completed	The construction and installation of renewable energy and efficiency measures, including a water source heat pump and solar panels, have been completed and in use since Summer 2022.
	Embark on the wider decarbonisation of TMBC owned estate, with an initial focus of emissions intensive sites.	2020 -2030	Ongoing	This action is progressing through the identification of key sites and areas of emissions, and initial scoping of options for emissions reductions.

Theme	Actions	Timescale	Progress Monitoring	Update
	Procure a carbon descent plan for Larkfield Leisure Centre and Tonbridge Swimming Pool, bringing forward options to members.	March 2024	Completed	Carbon Descent plans for Larkfield Leisure Centre and Tonbridge Swimming were completed. The installation of LED lighting and solar panels at Tonbridge Swimming Pool were approved. In February 2023 Members also agreed that the option of heat pumps at both sites should be investigated through commissioning scoping and feasibility studies.
	Evaluate Solar PV options to reduce energy crisis impact and electricity emissions at Larkfield Leisure Centre.	Winter 2022	Completed	196 solar panels have been installed and are in operation on sports hall roof at Larkfield Leisure Centre (completed February 2023).
	Develop a digital post room using the councils new corporate document management system.	March 2023	Ongoing	A review of the Print Room has been completed. This action will be progressed following the conclusion of May local election printing.
Progress the digitisation of services and reduce the amount of paper both internally and being sent out to clients.	Look to review the TMBC device policy to be more efficient with the devices used e.g. power of devices and amount used.	May 2023	Ongoing	The device policy will be completed in draft by the end of May/June.
	Contribute towards the working arrangements officer study group.	December 2022	Completed	The Working Arrangements OSG has concluded and IT support for the shift to hybrid and remote working patterns has been delivered

Theme	Actions	Timescale	Progress Monitoring	Update
	Reduce the number of multifunctional printing devices across TMBC.	September 2022	Ongoing	MFD procurement is complete and all new MFDs are now in place reducing the amount from 12 device to 6. There will be a further reduction of 2 in 2 years' time once the office move is complete.
	Continue to contribute towards service efficiency through the digital strategy.	March 2023	Ongoing	2019-23 digital strategy now closed. New version presented to Cabinet April 23 to cover the next 4 years.
	Mobile working solutions and the digitisation of paper records and business processes involving printing (correspondence, surveys, inspections, interviews, records management, my TMBC app etc), to improve efficiency and reduce carbon footprint.	Ongoing	Ongoing	Mobile solution developed for Temporary Accommodation inspections now live. Business Process re-engineering continues across services. Revised workflows for Waste services signed off May 23 and passed to Development team to progress.

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Tonbridge and Malling Borough Council
Carbon Audit:
2020/2021

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1. Summary

Annually, Tonbridge and Malling Borough Council (TMBC) produce a carbon audit. This audit details the carbon dioxide equivalent emissions (CO₂e) from TMBCs operations for the previous fiscal year. This allows for consistent monitoring of emissions over time, highlighting how TMBC is progressing towards meeting its 2030 net zero target.

Carbon audits prepared by TMBC are developed in accordance with the Greenhouse Gas Protocol 'Corporate Accounting and Reporting Standard and the 'Environmental Reporting Guidelines' developed by the Department of Business, Energy, and Industrial Strategy (BEIS). All emissions are calculated using official greenhouse gas conversion factors, set by BEIS.

In 2020/2021 TMBC emitted **2,378.3** tonnes of carbon dioxide equivalent¹ (tCO₂e). Due to the COVID-19 pandemic, the emissions from the 2020-21 reporting year are not representative of typical activities or energy use.

2. Scope emissions

The following section provides an overview of TMBCs emissions scopes:

Scope 1: Gas consumption, oil consumption, TMBC vehicle fleet.

Scope 2: Electricity consumption.

Scope 3: Transmission and distribution losses, water supply, water treatment, TMBC business travel, TMBC commuting, contractor travel (refuse), leisure centres, grounds maintenance.

3. Emissions overview

Emissions Year	TMBC Emissions (tCO ₂ e)	
	2019/2020 (baseline)	2020/2021
Scope 1	139.0	148.7
Scope 2	198.0	145.6
Scope 3	3,042.4	2,084.0
Total Gross Emissions	3,379.4	2,378.3
Carbon Offsets or Renewable Tariffs	0.0	0.0
Total Net Emissions	3,379.4	2,378.3

¹ Carbon Dioxide Equivalent (CO₂e) = Carbon Dioxide, Methane and Nitrous Oxide represented as one equivalent unit, to measure the climate change impact of multiple gasses under one metric.

4. Emissions breakdown

<i>Emissions Sources</i>	<i>Consumption</i>		<i>Emissions Data</i>
Scope 1	Activity	Unit	t CO₂e
Gas Consumption	704,182.0	<i>kWh</i>	129.5
LPG Consumption	0.0	<i>tonnes</i>	0.0
Oil Consumption	0.0	<i>litres</i>	0.0
Council Vehicle Fleet	-	-	-
Petrol Vehicle	3,416.8	<i>litres</i>	7.4
Diesel Vehicle	4,656.3	<i>litres</i>	11.9
Gas Oil	0.0	<i>litres</i>	0.0
Total Scope 1	-	-	148.7

Scope 2	Activity Data	Unit	t CO₂e
Electricity Consumption	624,330.0	<i>kWh</i>	145.6
Total Scope 2	-	-	145.6

Scope 3	Activity Data	Unit	t CO₂e
Transmission & Distribution Losses	624,330.0	<i>kWh</i>	12.5
Water Supply	988.0	<i>m³</i>	0.3
Water Treatment	938.6	<i>m³</i>	0.7
Business Travel	-	-	-
Car (average)	149,704.0	<i>miles</i>	39.8
Bus	0.0	<i>passenger km</i>	0.0
Taxi	0.0	<i>passenger km</i>	0.0
Rail	0.0	<i>passenger km</i>	0.0
Ferry	0.0	<i>passenger km</i>	0.0
Plane	0.0	<i>passenger km</i>	0.0
Staff Commuting	-	-	-
Diesel Car	267,000.0	<i>miles</i>	72.4
Petrol Car	228,000.0	<i>miles</i>	64.0
Hybrid Car	1,800.0	<i>miles</i>	0.3
Electric Car	2,400.0	<i>miles</i>	0.2
Motorbike	3,600.0	<i>miles</i>	0.7
Other	0.0	<i>Passenger km</i>	0.0
Contractor Travel	-	-	-
Refuse Collection Vehicles	198,769.6	<i>litres</i>	506.1
Leisure Centres	-	-	-
Electricity	2,109,994.0	<i>kWh</i>	491.9
Gas	4,342,176.0	<i>kWh</i>	798.4
Kerosene	13,928.0	<i>litres</i>	35.4
Diesel	5,509.0	<i>litres</i>	14.0
Water Supply	15,482.0	<i>m³</i>	5.3
Water Treatment	14,707.9	<i>m³</i>	10.4
Grey Fleet	1,292.0	<i>miles</i>	0.4
Waste DMR	<i>No data</i>	<i>tonnes</i>	0.0
Waste Municipal	<i>No data</i>	<i>tonnes</i>	0.0

Grounds Maintenance	-	-	-
Electricity	11,897.0	<i>kWh</i>	2.8
Diesel	8,086.2	<i>litres</i>	20.6
Red Diesel	1,200.0	<i>litres</i>	3.3
Petrol	1,274.1	<i>litres</i>	2.8
Water Supply	737.2	<i>m³</i>	0.3
Water Treatment	700.4	<i>m³</i>	0.5
Waste Composting / Anaerobic Digestion	34.0	<i>tonnes</i>	0.3
Municipal Waste / Combustion	34.9	<i>tonnes</i>	0.7
Total Scope 3	-	-	2,084.0

TMBC Gross Emissions Total	-	-	2,378.3
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Carbon Offsets / Renewable Tariffs	Activity Data	Unit	t CO₂e
Renewable Electricity Tariff	0.0	<i>kWh</i>	0.0
Total	-	-	-

TMBC Net Emissions Total	-	-	2,378.3
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5. Company Information

The Tonbridge and Malling Borough Council is a local authority located in Kent, within the Southeast of England.

6. Reporting period

This reporting period is from 01/04/2020 to 31/03/2021.

7. Emissions overview

7.1. Scope 1

Scope 1 emissions totalled 148.7 tCO₂e in 2020/2021, an increase of 7% over baseline 2019/2020 emissions figures.

Scope 1 remained a relatively small source of emissions, contributing 6% to TMBC's total gross emissions for 2020/2021.

7.2. Scope 2

Scope 2 emissions totalled at 145.6 tCO₂e in 2020/2021, a decrease of 26% over 2019/2020 emissions figures. See section 7.4 for a detailed discussion of significant emissions changes.

Scope 2 contributed 6% of TMBCs total gross emissions, making it the smallest contributor. However, these emissions only come from one source: electricity.

7.3. Scope 3

Scope 3 emissions totalled at 2,084.0 tCO₂e in 2020/2021, a decrease of 32% over 2019/2020 emissions figures. See section 7.4 for a detailed discussion of significant emissions changes.

Leisure centres accounted for the majority (65%) of scope 3 emissions in 2020-21, emitting 1,355.8 tCO₂e. However, this constitutes a fall in Leisure centre emissions of 25% compared to the baseline, largely driven by lockdown measures.

Refuse collection vehicles were the second largest contributor, at 506.1 tCO₂e.

As would be expected due to Covid-19 restrictions, staff commuting by car accounted for only 7% of scope 3 emissions in 2020-21, or 136.8 tCO₂e. In contrast, staff commuting by car accounted for over a fifth of scope 3 emissions in the baseline.

Business travel accounted for 39.8 tCO₂e, followed by grounds maintenance which emitted 31.3 tCO₂e. Transmission and distribution losses produced a further 10 tCO₂e. Finally, water treatment and water supply contributed 0.7 tCO₂e and 0.3 tCO₂e, respectively.

Scope 3 remained the largest contributor to TMBC gross emissions, contributing 88% of gross emissions in 2020/2021.

7.4. Significant emissions and consumption changes

There have been several significant changes in activity, consumption and emissions between the 2019/2020 baseline and 2020/2021, in large part due to the various measures and restrictions introduced in response to the Covid-19 pandemic.

Scope 1 was the only area where TMBC emissions increased, due in part to the shift in duties on the Council in support of residents during the pandemic. For example, increased activity by TMBC-owned vehicles accounts for almost half of the increase in Scope 1 emissions. Even though there was some switching away from diesel to petrol vehicles, which have lower CO₂ emissions for the same mileage, Council-owned parking vehicles were used to deliver food boxes to the clinically vulnerable, increasing overall mileage. This constituted atypical activity during the pandemic, increasing Scope 1 emissions over the baseline in the 2020-21 reporting year.

For Scope 2, emissions saw a significant decrease from baseline, of 26%. This fall in electricity emissions was due to two factors: the increase in proportion of renewables in the grid mix, which reduces the carbon intensity of electricity²; and a reduction in electricity use by the Council. Although changes in the grid mix (that is, the fuel used to generate electricity for the National Grid) reduce the carbon intensity of electricity each year, the fall in Scope 2 emissions is largely due to reduced use of electricity. TMBC's electricity use fell by 35% in 2020-21 compared to the baseline, accounting for the majority of the fall in emissions. The pandemic is a significant factor in this change in electricity consumption.

There was a similar reduction in Scope 3 emissions, with the majority of the reduction accounted for by restrictions that were introduced due to the pandemic, with Leisure Centre closures significantly contributing to lower scope 3 emissions during 2020-21.

The largest reduction in emissions from any source was from staff commuting by car, which fell sharply by 79% compared to the baseline year, again largely due to restrictions on movement and the increase in home working in 2020-21.

7.5. Largest emitting sources

1. Leisure Centre Gas Consumption (798.4 tCO₂e).
2. Leisure Centre Electricity Consumption (491.9 tCO₂e).
3. Refuse Collection Vehicles (506.1 tCO₂e).
4. Staff Commuting by car (136.8 tCO₂e).
5. TMBC Gas Consumption (129.5 tCO₂e).

8. Measuring and reporting

Reporting on TMBC emissions will take place annually, following the greenhouse gas protocol and BEIS reporting guidelines.

The carbon audit will be reported to management team, and consequently taken through any relevant scrutiny process.

9. Scope Explanation

<i>Scope</i>	<i>Activity</i>	<i>Description</i>	<i>Data Source</i>
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² Department for Business Energy and Industrial Strategy (BEIS). *UK Government GHG Conversion Factors for Company Reporting*. See information regarding electricity emissions factors <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020> .

Scope 1	Gas Consumption	Used to heat our buildings.	Data obtained from council utility bills.
Scope 1	Oil Consumption	Used to heat our buildings.	Data obtained from council utility bills.
Scope 1	Vehicle Fleet	The council's vehicle fleet.	Data obtained from council fuel invoices.
Scope 2	Purchased electricity	Electricity purchased from the national grid to power the council's buildings.	Data obtained from council utility bills.
Scope 3	Transmission and Distribution Losses	Indirect emissions from the transmission and distribution of our purchased electricity.	Data obtained from council utility bills.
Scope 3	Water Supply	The supply of water to our buildings.	Data obtained from council utility bills.
Scope 3	Water Treatment	The water we return to the system (90% return to sewer rate).	Data obtained from council utility bills.
Scope 3	Business Travel	Staff and member travel in their own vehicles on business grounds.	Obtained using employee mileage claims.
Scope 3	Commuting	Staff travel to and from work premises.	Obtained using staff surveys.
Scope 3	Contractor Travel	Travel by contractors to conduct work commissioned by the council, e.g., waste collection.	Obtained through contractor fuel records.
Scope 3	Leisure Centres	Emissions from leisure centre use of electricity, gas, fuel, water, vehicles, and disposal of waste.	Data obtained from tactive Leisure Trust.
Scope 3	Grounds Maintenance	Emissions from Grounds Maintenance use of electricity, gas, fuel, water, vehicles, and disposal of waste.	Data obtained from council bills, and mileage claims.

10. Organisational boundary

Our organisation boundary is (as defined by BEIS) activities in which the organisation has financial and operational control. Therefore, the boundary covers everything that TMBC has the above control over. This follows previous guidance from the previous National Indicator 185:

"The indicator is to include all CO₂ emissions from the delivery of local authority functions. In terms of the meaning of the word in legislation "function" covers both the duties and powers of an authority. It covers all an authority's own operations and outsourced services" (DEFRA, 2008, p.3).

11. Geographical breakdown

All TMBC activities are contained to within the Tonbridge and Malling District, except for some staff and member business travel and commuting activities.

12. Base year

TMBCs base year is: 01/04/2019 to 31/03/2020.

13. Base year recalculation policy

This base year will be recalculated following any significant structural or methodological changes. If lack of data prevents the base year from being recalculated, then the following year will be recalculated instead.

As of September 2022, the base year has already been recalculated to include commuting emissions data. Following a data quality assurance exercise, the baseline was also updated in January 2023.

Baseline emissions are 3,379.4 tCO₂e

14. Emissions target

TMBC has a 2030 net-zero emissions target.

15. Intensity measurement

No intensity measurement has been conducted.

16. External assurance statement

No external assurance has been conducted. However, the initial base year calculation was produced externally and then recalculated internally.

17. Carbon offsetting

No carbon offsetting has been conducted for 2020/2021.

18. Renewable / green tariffs

TMBC was not on a renewable tariff during the 2020-21 reporting year.

19. Background documents

- Greenhouse Gas Protocol: Corporate Accounting and Reporting Standard.
- HM Government: Environmental Reporting Guidelines.

20. References

- Department for Business Energy and Industrial Strategy (BEIS)., 2020. *UK Government GHG Conversion Factors for Company Reporting*. Available at: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020>.
- Department for Environment, Food and Rural Affairs (DEFRA)., 2008. *Guidance to local authorities and Government Offices on National Indicator 185*. London, UK: DEFRA. pp. 3.

21. Annex 1: Detailed emissions statement

Please see page 9 and 10 for our complete emissions statement. This details the following gasses, in addition to carbon dioxide equivalent (CO₂e): carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O).

TMBC Detailed Emissions Statement 2020/2021

<i>Emissions Sources</i>	<i>Consumption</i>		<i>Emissions (tonnes)</i>			
Scope 1	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Gas Consumption	704,182.0	<i>kWh</i>	129.5	129.2	0.2	0.1
LPG Consumption	0.0	<i>tonnes</i>	0.0	0.0	0.0	0.0
Oil Consumption	0.0	<i>litres</i>	0.0	0.0	0.0	0.0
Council Vehicle Fleet	-	-	-	-	-	-
Petrol Vehicle	3,416.8	<i>litres</i>	7.4	7.4	0.0	0.0
Diesel Vehicle	4,656.3	<i>litres</i>	11.9	11.7	0.0	0.2
Gas Oil	0.0	<i>litres</i>	0.0	0.0	0.0	0.0
Total Scope 1	-	-	148.7	148.3	0.2	0.3

Scope 2	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Electricity Consumption	624,330.0	<i>kWh</i>	145.6	144.25	0.45	0.86
Total Scope 2	-	-	145.6	144.25	0.45	0.86

Scope 3	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Transmission & Distribution Losses	624,330.0	<i>kWh</i>	12.5	12.4	0.0	0.1
Water Supply	988.0	<i>m³</i>	0.3	0.0	0.0	0.0
Water Treatment	938.6	<i>m³</i>	0.7	0.0	0.0	0.0
Business Travel	-	-	-	-	-	-
Small Car	66,456.0	<i>miles</i>	15.5	15.3	0.0	0.1
Medium Car	72,316.0	<i>miles</i>	20.4	20.3	0.0	0.1
Large Car	10,932.0	<i>miles</i>	3.9	3.9	0.0	0.0
Bus	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Taxi	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Rail	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0

Ferry	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Plane	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Staff Commuting Travel	-	-	-	-	-	-
Diesel Car	267,000.0	<i>miles</i>	72.4	71.6	0.0	0.8
Petrol Car	228,000.0	<i>miles</i>	64.0	63.7	0.1	0.1
Hybrid Car	1,800.0	<i>miles</i>	0.3	0.3	0.0	0.0
Electric Car	2,400.0	<i>miles</i>	0.2	0.2	0.0	0.0
Motorbike	3,600.0	<i>miles</i>	0.7	0.6	0.0	0.0
Train	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Contractor Travel	-	-	-	-	-	-
Refuse Collection Vehicles	198,769.6	<i>litres</i>	506.1	499.1	0.0	7.0
Leisure Centres	-	-	-	-	-	-
Electricity	2,109,994.0	<i>kWh</i>	491.9	1003.2	3.1	6.0
Gas	4,342,176.0	<i>litres</i>	798.4	796.9	1.1	0.4
Kerosene	13,928.0	<i>litres</i>	35.4	35.2	0.1	0.1
Diesel	5,509.0	<i>kWh</i>	14.0	13.8	0.0	0.2
Water Supply	15,482.0	<i>m³</i>	5.3	0.0	0.0	0.0
Water Treatment	14,707.9	<i>miles</i>	10.4	0.0	0.0	0.0
Grey Fleet	1,292.0	<i>tonnes</i>	0.4	0.4	0.0	0.0
Waste DMR	No data	<i>tonnes</i>	0.0	0.0	0.0	0.0
Waste Municipal	No data	<i>tonnes</i>	0.0	0.0	0.0	0.0
Grounds Maintenance	-	-	-	-	-	-
Electricity	11,897.0	<i>m³</i>	2.8	2.7	0.0	0.0
Diesel	8,086.2	<i>litres</i>	20.6	20.3	0.0	0.3
Red Diesel	1,200.0	<i>litres</i>	3.3	3.3	0.0	0.0
Petrol	1,274.1	<i>kWh</i>	2.8	2.7	0.0	0.0
Water Supply	737.2	<i>litres</i>	0.3	0.0	0.0	0.0
Water Treatment	700.4	<i>m³</i>	0.5	0.0	0.0	0.0

Waste Composting / Anaerobic Digestion	34.0	tonnes	0.3	0.0	0.0	0.0
Municipal Waste / Combustion	34.9	tonnes	0.7	0.0	0.0	0.0
Total Scope 3	-	-	2,084.0	2,050.3	4.6	15.3

TMBC Gross Emissions Total	-	-	2,378.3	2,342.8	5.2	16.4
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Carbon Offsets / Renewable Tariffs	Activity Data	Unit	t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
Renewable Electricity Tariff	0.0	kWh	0.0	0.0	0.0	0.0
Total	-	-	-	-	-	-

	-	-	t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
TMBC Net Emissions Total	-	-	2,378.3	2,342.8	5.2	16.4

22. Version control

Document name	Tonbridge and Malling Borough Council Carbon Audit 2020/2021		
Document description	This carbon audit details emissions from TMBC for the 2020/2021 fiscal year.		
Responsible officer	Gill Fox, Policy, Scrutiny & Communities Manager		
Version Number	Update reason	Author	Review date
1	First version	H. Saunders, Climate Change Officer	TBC
2	Data quality assurance	C. Spencer, Climate Change Officer	February - May 2023



Tonbridge and Malling Borough Council
Carbon Audit:
2021/2022

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1. Summary

Annually, Tonbridge and Malling Borough Council (TMBC) produce a carbon audit. This audit details the carbon dioxide equivalent emissions (CO_{2e}) from TMBCs operations for the previous fiscal year. This allows for consistent monitoring of emissions over time, highlighting how TMBC is progressing towards meeting its 2030 net zero target.

Carbon audits are developed by TMBC in accordance with the Greenhouse Gas Protocol 'Corporate Accounting and Reporting Standard and the 'Environmental Reporting Guidelines' developed by the Department of Business, Energy, and Industrial Strategy (BEIS). All emissions were calculated using official greenhouse gas conversion factors, set by BEIS.

In 2021/2022 TMBC emitted **2,755.8** tonnes of carbon dioxide equivalent¹ (tCO_{2e}).

2. Scope emissions

The following section provides an overview of TMBCs emissions scopes:

Scope 1: Gas consumption, oil consumption, TMBC vehicle fleet.

Scope 2: Electricity consumption.

Scope 3: Transmission and distribution losses, water supply, water treatment, TMBC business travel, TMBC commuting, contractor travel (refuse), leisure centres, grounds maintenance.

Carbon offsets: Renewable electricity tariff.

3. Emissions overview

Emissions Year	TMBC Emissions (tCO _{2e})		
	2019/2020 (baseline)	2020/2021	2021/2022
Scope 1	139.0	148.7	143.6
Scope 2	198.0	145.6	131.0
Scope 3	3,042.4	2,084.0	2,614.6
Total Gross Emissions	3,379.4	2,378.3	2,889.3
Carbon Offsets or Renewable Tariffs	0.0	0.0	133.5
Total Net Emissions	3,379.4	2,378.3	2,755.8

¹ Carbon Dioxide Equivalent (CO_{2e}) = Carbon Dioxide, Methane and Nitrous Oxide represented as one equivalent unit, to measure the climate change impact of multiple gasses under one metric.

4. Emissions breakdown

<i>Emissions Sources</i>	<i>Consumption</i>		<i>Emissions Data</i>
Scope 1	Activity	Unit	t CO₂e
Gas Consumption	682,895.6	<i>kWh</i>	125.08
LPG Consumption	0.0	<i>tonnes</i>	0.0
Oil Consumption	0.0	<i>litres</i>	0.0
Council Vehicle Fleet	-	-	-
Diesel Vehicle	4,401.9	<i>litres</i>	11.1
Petrol Vehicle	3,401.2	<i>litres</i>	7.5
Gas Oil	0.0	<i>litres</i>	0.0
Total Scope 1	-	-	128.0

Scope 2	Activity Data	Unit	t CO₂e
Electricity Consumption	617,038.5	<i>kWh</i>	131.02
Total Scope 2	-	-	131.02

Scope 3	Activity Data	Unit	t CO₂e
Transmission & Distribution Losses	617,038.5	<i>kWh</i>	11.59
Water Supply	No data	<i>m³</i>	0.0
Water Treatment	No data	<i>m³</i>	0.0
Business Travel	-	-	-
Car	77,424.0	<i>miles</i>	20.6
Bus	0.0	<i>passenger km</i>	0.0
Taxi	0.0	<i>passenger km</i>	0.0
Rail	0.0	<i>passenger km</i>	0.0
Ferry	0.0	<i>passenger km</i>	0.0
Plane	0.0	<i>passenger km</i>	0.0
Commuting	-	-	-
Diesel Car	260,343.3	<i>miles</i>	70.6
Petrol Car	552,143.5	<i>miles</i>	154.9
Hybrid Car	3,312.0	<i>miles</i>	0.6
Electric Car	23,289.6	<i>miles</i>	2.1
Motorbike	0.0	<i>miles</i>	0.0
Train	4,032.0	<i>passenger km</i>	0.1
Contractor Travel	-	-	-
Refuse Collection Vehicles	198,769.6	<i>litres</i>	499.4
Leisure Centres	-	-	-
Electricity	2,891,031.0	<i>kWh</i>	613.9
Gas	6,162,861.0	<i>kWh</i>	1,128.8
Kerosene	15,652.0	<i>litres</i>	39.8
Diesel	7,637.0	<i>litres</i>	19.2
Water Supply	52,842.0	<i>m³</i>	7.9
Water Treatment	50,199.9	<i>m³</i>	13.7
Grey Fleet	6,917.0	<i>miles</i>	1.9
Waste DMR	No data	<i>tonnes</i>	0.0
Waste Municipal	No data	<i>tonnes</i>	0.0

Grounds Maintenance	-	-	-
Electricity	11,643.0	<i>kWh</i>	2.5
Diesel	8,101.2	<i>litres</i>	20.4
Petrol	1,151.1	<i>litres</i>	2.5
Gas Oil	1,100.0	<i>litres</i>	3.0
Water Supply	721.2	<i>m³</i>	0.1
Water Treatment	685.2	<i>m³</i>	0.2
Waste Composting / Anaerobic Digestion	33.1	<i>tonnes</i>	0.3
Municipal Waste / Combustion	35.6	<i>tonnes</i>	0.8
Total Scope 3	-	-	2,614.6

TMBC Gross Emissions Total	-	-	2,889.3
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Carbon Offsets	Activity Data	Unit	t CO₂e
Renewable Electricity Tariff	628,681.5	<i>kWh</i>	113.49
Total	-	-	113.49

TMBC Net Emissions Total	-	-	2,755.8
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5. Company Information

The Tonbridge and Malling Borough Council is a local authority located in Kent, within the Southeast of England.

6. Reporting period

This reporting period is from 01/04/2021 to 31/03/2022.

7. Emissions overview

7.1. Scope 1

Scope 1 emissions totalled 143.6 tCO₂e in 2021/2022, a increase of 3% from the 2019/2020 baseline.

Gas consumption accounts for the majority of scope 1 emissions, with emissions from this source were 2% higher in 2021/22 compared to the baseline year. The TMBC vehicle fleet emitted 18.5 tCO₂e, or 13% of scope 1 emissions. However, these emissions were 15% higher than vehicle fleet emissions in the baseline.

Scope 1 was the second largest contributor to TMBCs gross emissions, but contributed 5.0% to TMBCs total gross emissions for 2021/2022. In other words, emissions from heat and transport (TMBC's own vehicles) were greater than emissions from electricity use.

7.2. Scope 2

Scope 2 emissions totalled at 131.0 tCO₂e in 2021/2022, a reduction of 34% from the 2019/2020 baseline year. See section 7.5 for a detailed discussion of significant emissions changes.

Scope 2 contributed only 4.5% of TMBCs total gross emissions, making it the smallest contributor across the three scopes. However, these emissions only come from one source: electricity.

7.3. Scope 3

Scope 3 emissions totalled 2,614.6 tCO₂e in 2021/2022, a decrease of 14% from the 2019/2020 baseline year.

Leisure centres contributed the most to scope 3 emissions, emitting 1,825.0 tCO₂e. Refuse collection vehicles and commuting contributed 499.4 tCO₂e and 228.2 tCO₂e, respectively. Grounds maintenance was the fourth highest emitter from scope 3, emitting 29.7 tCO₂e, followed by business travel, emitting 20.6 tCO₂e and, transmission and distribution losses which emitted 11.6 tCO₂e.

Unfortunately, we had issues obtaining water supply and treatment figures from our utilities company, therefore, we have no emissions to report from this source. However, as emissions from water supply and treatment previously accounted for less than 0.0% of scope 3 emissions, the lack of data for 2021-22 should not make a significant impact on overall accounting.

Scope 3 was the largest contributor to TMBC emissions, accounting for 90.5% of gross emissions in 2021/2022.

7.4. Carbon offsets and renewable tariffs

TMBC was on a renewable electricity tariff from 1 April 2021, thus covering the 2021/2022 fiscal year. Therefore, emissions associated from electricity consumption from Council buildings are 0 tCO₂e for reporting purposes.

However, to show trends in the Council's electricity use and to highlight the emissions impact of electricity demand, we report on gross emissions (without the renewable tariff) and net emissions, which considers the tariff. This approach is highlighted in the emissions breakdown section on page 4.

TMBCs net emissions are reported taking account of the renewable tariff for the corresponding fiscal year. Therefore, for 2021/2022, TMBCs net emissions are reported as **2,755.8** tCO₂e.

7.5. Significant emissions and consumption changes

Significant changes in emissions and consumption in 2021/22 are assessed primarily in relation to the baseline. This is because the shifts in activity and emissions in the 2020/21 reporting year are non-representative as they were significantly shaped by temporary measures introduced in response to the Covid-19 pandemic.

In terms of increases in emissions, the source of the largest percentage increase (although relatively small in terms of total emissions) has been a 15% rise over baseline in emissions from TMBC's own fleet in 2021/22. This rise has taken place despite a shift from an all-diesel fleet in the baseline year to diesel, petrol and one electric vehicle (EV).

The electricity used for charging the EV is included within the Scope 2 electricity consumption total to avoid double-counting. EV charging activity made no significant impact on the overall rapid fall in electricity consumption, as it accounted for 0.1% of electricity used by the Council in 2021/22.

Relative to the baseline there have been significant decreases in energy use, activity and emissions in scope 2 and some areas of scope 3.

Scope 2 emissions fell significantly relative to baseline, by 34%. The fall in electricity emissions was due to two factors: the increase in the proportion of renewables in the grid mix, which reduces the carbon intensity of electricity²; and a reduction in electricity use by the Council. Electricity use fell by 20% in 2020/21 compared to the baseline.

The largest percentage reduction in emissions from any one source was from staff commuting by car, which was 64% lower in 2021/22 than the baseline. Similarly, emissions from business travel halved between the baseline and 2021/22. This suggests that Council measures, such as steps to consolidate office space and new remote working policies, helped to lock-in some car travel reductions initiated by changes in movement and working patterns in 2020/21.

² Department for Business Energy and Industrial Strategy (BEIS). *UK Government GHG Conversion Factors for Company Reporting*. See information regarding electricity emissions factors <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2020> .

7.6. Largest emitting sources

1. Leisure Centre Gas Consumption (1,128.8 tCO₂e).
2. Leisure Centre Electricity Consumption (613.9 tCO₂e).
3. Refuse Collection Vehicles (499.4 tCO₂e).
4. Commuting by car (228.2 tCO₂e).
5. TMBC Gas Consumption (125.08 tCO₂e).
6. TMBC Electricity Consumption (93.3 tCO₂e).

8. Measuring and reporting

Reporting on TMBC emissions will take place annually, following the greenhouse gas protocol and BEIS reporting guidelines.

This carbon audit will be reported to management team, and consequently taken through any relevant scrutiny process.

9. Scope Explanation

<i>Scope</i>	<i>Activity</i>	<i>Description</i>	<i>Data Source</i>
Scope 1	Gas Consumption	Used to heat our buildings.	Data obtained from council utility bills.
Scope 1	Oil Consumption	Used to heat our buildings.	Data obtained from council utility bills.
Scope 1	Vehicle Fleet	The council's vehicle fleet.	Data obtained from council fuel invoices.
Scope 2	Purchased electricity	Electricity purchased from the national grid to power the council's buildings.	Data obtained from council utility bills.
Scope 3	Transmission and Distribution Losses	Indirect emissions from the transmission and distribution of our purchased electricity.	Data obtained from council utility bills.
Scope 3	Water Supply	The supply of water to our buildings.	Data obtained from council utility bills.
Scope 3	Water Treatment	The water we return to the system (90% return to sewer rate).	Data obtained from council utility bills.
Scope 3	Business Travel	Staff and member travel in their own vehicles on business grounds.	Obtained using employee mileage claims.
Scope 3	Commuting	Staff travel to and from work premises.	Obtained using staff surveys.
Scope 3	Contractor Travel	Travel by contractors to conduct work commissioned by the council, e.g., waste collection.	Obtained through contractor fuel records.
Scope 3	Leisure Centres	Emissions from leisure centre use of electricity, gas, fuel, water, vehicles, and disposal of waste.	Data obtained from tmactive.

Scope 3	Grounds Maintenance	Emissions from Grounds Maintenance use of electricity, gas, fuel, water, vehicles, and disposal of waste.	Data obtained from council bills, and mileage claims.
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10. Organisational boundary

Our organisation boundary is (as defined by BEIS) activities in which the organisation has financial and operational control. Therefore, the boundary covers everything that TMBC has the above control over. This follows guidance from the previous National Indicator 185:

“The indicator is to include all CO₂ emissions from the delivery of local authority functions. In terms of the meaning of the word in legislation “function” covers both the duties and powers of an authority. It covers all an authority’s own operations and outsourced services” (DEFRA, 2008, p.3).

11. Geographical breakdown

All TMBC activities occur within the Tonbridge and Malling District, except for some staff and member business travel and commuting activities.

12. Base year

TMBCs base year is: 01/04/2019 to 31/03/2020.

13. Base year recalculation policy

The baseline will be recalculated following any significant structural or methodological changes. If lack of data prevents the base year from being recalculated, then the following year will be recalculated instead.

As of September 2022, the base year has already been recalculated to include commuting emissions data. Following a data quality assurance exercise, the baseline was also updated in January 2023.

Baseline emissions (2019-2020) are 3,379.4 tCO₂e.

Emissions target

TMBC has a 2030 net-zero emissions target.

14. Intensity measurement

No intensity measurement has been conducted.

15. External assurance statement

No external assurance has been conducted. However, the initial base year calculation was produced externally and then recalculated internally.

16. Carbon offsetting

No carbon offsetting has been conducted for 2021/2022.

17. Renewable / green tariffs

TMBC was on a renewable tariff from 1 April 2021.

18. Background documents

- Greenhouse Gas Protocol: Corporate Accounting and Reporting Standard.
- HM Government: Environmental Reporting Guidelines.

19. References

- Department for Business Energy and Industrial Strategy (BEIS)., 2021. *UK Government GHG Conversion Factors for Company Reporting*. Available at: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2021>.
- Department for Environment, Food and Rural Affairs (DEFRA)., 2008. *Guidance to local authorities and Government Offices on National Indicator 185*. London, UK: DEFRA. pp. 3.

20. Annex 1: Detailed emissions statement

Please see pages 10 - 12 for our complete emissions statement. This details the following gasses, in addition to carbon dioxide equivalent (CO₂e): carbon dioxide (CO₂), methane (CH₄) and nitrous oxide (N₂O).

TMBC Detailed Emissions Statement 2021/2022

<i>Emissions Sources</i>	<i>Consumption</i>		<i>Emissions (tonnes)</i>			
Scope 1	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Gas Consumption	682,895.6	<i>kWh</i>	125.1	124.9	0.2	0.1
LPG Consumption	0.0	<i>tonnes</i>	0.0	0.0	0.0	0.0
Oil Consumption	0.0	<i>litres</i>	0.0	0.0	0.0	0.0
Council Vehicle Fleet	-	-	-	-	-	-
Diesel Vehicle	4,401.9	<i>litres</i>	11.1	10.9	0.0	0.2
Petrol Vehicle	3,401.2	<i>litres</i>	7.5	7.4	0.0	0.0
Gas Oil	0.0	<i>litres</i>	0.0	0.0	0.0	0.0
Total Scope 1	-	-	143.6	143.2	0.2	0.3

Scope 2	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Electricity Consumption	617,038.5	<i>kWh</i>	131.0	129.7	0.5	0.9
Total Scope 2	-	-	131.0	129.7	0.5	0.9

Scope 3	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Transmission & Distribution Losses	617,038.5	<i>kWh</i>	11.6	11.5	0.0	0.1
Water Supply	No data	<i>m³</i>	0.0	0.0	0.0	0.0
Water Treatment	No data	<i>m³</i>	0.0	0.0	0.0	0.0
Business Travel	-	-	-	-	-	-
Small Car	35,505.0	<i>miles</i>	8.3	8.3	0.0	0.0
Medium Car	36,250.0	<i>miles</i>	10.2	10.2	0.0	0.1
Large Car	5,669.0	<i>miles</i>	2.1	2.0	0.0	0.0
Bus	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Taxi	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0

Rail	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Ferry	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Plane	0.0	<i>passenger km</i>	0.0	0.0	0.0	0.0
Commuting	-	-	-	-	-	-
Diesel Car	260,343.3	<i>miles</i>	70.6	69.8	0.0	0.8
Petrol Car	552,143.5	<i>miles</i>	154.9	154.3	0.3	0.3
Hybrid Car	3,312.0	<i>miles</i>	0.6	0.6	0.0	0.0
Electric Car	23,289.6	<i>miles</i>	2.1	2.0	0.0	0.0
Motorbike	0.0	<i>miles</i>	0.0	0.0	0.0	0.0
Train	4,032.0	<i>passenger km</i>	0.1	0.1	0.0	0.0
Contractor Travel	-	-	-	-	-	-
Refuse Collection Vehicles	198,769.6	<i>litres</i>	499.4	492.0	0.1	7.4
Leisure Centres	-	-	-	-	-	-
Electricity	2,891,031.0	<i>kWh</i>	613.9	607.6	2.3	4.0
Gas	6,162,861.0	<i>kWh</i>	1,128.8	1,126.7	1.5	0.6
Kerosene	15,652.0	<i>litres</i>	39.8	39.6	0.1	0.1
Diesel	7,637.0	<i>litres</i>	19.2	18.9	0.0	0.3
Water Supply	52,842.0	<i>m³</i>	7.9	0.0	0.0	0.0
Water Treatment	50,199.9	<i>m³</i>	13.7	0.0	0.0	0.0
Grey Fleet	6,917.0	<i>miles</i>	1.9	1.9	0.0	0.0
Waste DMR	No data	<i>tonnes</i>	0.0	0.0	0.0	0.0
Waste Municipal	No data	<i>tonnes</i>	0.0	0.0	0.0	0.0
Grounds Maintenance	-	-	-	-	-	-
Electricity	11,643.0	<i>kWh</i>	2.5	2.4	0.0	0.0
Diesel	8,101.2	<i>litres</i>	20.4	20.1	0.0	0.3
Petrol	1,151.1	<i>litres</i>	2.5	2.5	0.0	0.0
Gas Oil	1,100.0	<i>litres</i>	3.0	3.0	0.0	0.0
Water Supply	721.2	<i>m³</i>	0.1	0.0	0.0	0.0
Water Treatment	685.2	<i>m³</i>	0.2	0.0	0.0	0.0

Waste Composting / Anaerobic Digestion	33.1	tonnes	0.3	0.0	0.0	0.0
Municipal Waste / Combustion	35.6	tonnes	0.8	0.0	0.0	0.0
Total Scope 3	-	-	2,614.6	2,570.6	4.4	14.0

TMBC Gross Emissions Total	-	-	2,889.3	2,846.3	5.1	15.1
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Carbon Offsets	Activity Data	Unit	t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
Renewable Electricity Tariff	628,681.5	kWh	133.5	132.1	0.5	0.9
Total	-	-	133.5	132.1	0.5	0.9

	-	-	t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
TMBC Net Emissions Total	-	-	2,755.8	2,714.1	4.6	14.3

21. Version control

Document name	Tonbridge and Malling Borough Council Carbon Audit 2021/2022		
Document description	This carbon audit details emissions from TMBC for the 2021/2022 fiscal year.		
Responsible officer	Gill Fox, Policy, Scrutiny & Communities Manager		
Version Number	Update reason	Author	Review date
1	First version	H. Saunders, Climate Change Officer	TBC
2	Data quality assurance	C. Spencer, Climate Change Officer	February - May 2023

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

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

1 TREE SAFETY POLICY

Summary

This report advises on the Council's current policy in regard to the health and safety management of its own tree stock and identifies potential alterations to the policy following a review by Officers and the Council's Insurers.

1.1 Background

1.1.1 The Council's current Policy covers trees on all Borough Council owned sites including Country Parks, Tonbridge Castle grounds, Tonbridge Cemetery, sportsgrounds, woodlands, general public open spaces and Council owned car parks. The Council is responsible for an estimated 2,500 non woodland trees and woodlands which are estimated to contain between 2,000-10,000 trees per woodland.

1.2 Current Policy

1.2.1 The current health and safety management of trees is dictated by the Council's Tree Safety Policy which was adopted in 2010. The Policy has been subject to previous reviews and updates with the latest being October 2021. A copy of the current Policy can be found at **Annex 1**.

1.2.2 The Policy aims to address the following key issues:

- to ensure the management of the Council's tree stock contributes to making the environment safe, attractive and sustainable.
- to provide formal policies that enable the Borough Council to conform to best practice in the management of its trees, in relation to health and safety.

1.2.3 Fundamentally the Policy sets out the Council's approach to health and safety inspections identifying which trees need inspecting, the frequency of inspections and the competency required to undertake them. In summary, every individual mature tree is currently subject to a formal 'Expert' inspection every three years

and this is undertaken through the Council's current grounds maintenance contract. Trees located at high profile/high use sites are also subject to a 'Basic' inspection every other year when an 'Expert' inspection isn't being undertaken at that particular site with these inspections being undertaken by appropriately trained Leisure staff. In addition, trees on high profile/high use sites are inspected following 'storm' conditions (Policy 4 with the Tree Safety Policy) also by Leisure staff.

- 1.2.4 The Policy continues to outline the time frame for rectification of any defects found and the recording process.

1.3 Review of Current Policy

- 1.3.1 The current review sought comments on the Council's existing Policy from its insurers Zurich and this was undertaken by their Liability Risk Consultant. A full copy of the Zurich Report can be found at **Annex 2**.
- 1.3.2 In summary the report concluded that the *"policy therein demonstrates there is well- documented evidence of a risk-based approach that TMBC have adopted in relation to their management of their tree liability risks. This report has found no major faults in the documentation that has been presented however does make some recommendations to improve how the document can be relied upon from a claim's defensibility perspective."*
- 1.3.3 The 10 recommendations are detailed within the Zurich report at **Annex 2** though have been specifically drawn out in the table at **Annex 3**. The Zurich report/ recommendations and the Tree Safety Policy were also shared with the Council's Health and Safety Officer and their comments on the Zurich recommendations can also be found within the table at **Annex 3**. Additional comments were also received from the Health and Safety Officer, and these are shown at **Annex 3a**.
- 1.3.4 In response to both the Zurich recommendations and the comments from the Council's Health and Safety Officer, **Annex 3 and Annex 3a** also proposes amendments to the current Policy for consideration by Members of this Committee.

1.4 Legal Implications

- 1.4.1 The current Policy identifies the Council's legal responsibilities and Duty of Care in regard to the management of its tree stock.

1.5 Financial and Value for Money Considerations

- 1.5.1 It is essential that works arising as a result of this policy are actioned in accordance with the time frame identified. The Council's current estimated budget for tree works for 2023/24 is £80,000.

1.5.2 Whilst this is an estimate, costs will fluctuate dependant on work required and this will be influenced on an annual basis by a number of factors including weather conditions. Other implications such as Ash Die Back are also impacting on work required and resulting costs.

1.6 Risk Assessment

1.6.1 As identified by Zurich and within the Council's Policy it is essential that a risk based approach is taken to the management of the Council's tree stock with regard to health and safety.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Asset Management, Biodiversity & Sustainability, Health and Safety and Community.

1.9 Recommendations

1.9.1 Members of the Committee are invited to comment on the Council's existing Tree Safety Policy and, taking into consideration the recommendations from Zurich and comments from the Council's Health and Safety Officer, bring forward any proposed alterations to the policy to Cabinet.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

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Tonbridge and Malling Borough Council
Tree Safety Policy



Table of revisions

Date first published	October 2010
Updated logo, page numbers on contents page	August 2018
Updated section 3.0 to include number of claims between 2010 and 2018.	August 2018
Updated section 4.0 to include reference to Tonbridge and Malling Leisure Trust.	August 2018
Formatting, updating 7.2 – other councils	November 2018
Updated Policies 10 and 11 – to outline timeframe for urgent works	June 2020
Updated Annex 4 to reflect changes to policies.	June 2020
Updated expert categories, policy 4 including references from audit report	November 2020
Updated policy 4 to clarify 'storm conditions'	October 2021

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1.0 The importance and value of trees

Trees and woodlands bring many benefits to the local environment. They make an important visual contribution, softening and enhancing the landscape by providing form, colour and diversity that change with the seasons. Trees help to improve air quality, play a part in water management and air conditioning that mitigate the effects of climate change and help to reduce global warming. Trees provide shade from the sun and shelter from wind and rain. They have significant aesthetic value screening unsightly buildings, providing privacy and reducing the effects of noise they help to enhance land and property values. Woodlands and parklands that contain trees, offer valuable habitats to a range of wildlife and desirable opportunities for education, relaxation and informal recreation including walking, cycling and horse riding.

The borough of Tonbridge and Malling has a large stock of trees reflecting its predominately rural nature. This strategy covers trees in the Council's ownership, the majority are in areas of woodland and public open spaces accessible by the general public.

Trees are amongst the least transitory, longest lasting assets of the natural environment. But as a living species they are subject to disease and defects that can make them a nuisance and in some situations they can become unsafe.

2.0 Risk management

Over many years risks from trees have been managed and have not been high on the list of public concerns. However, attitudes to risk are changing and in a risk-averse society the duty of care has become more onerous. Given the importance of trees the risks they pose need to be managed with their protection and conservation.

The Health and Safety Executive has identified the risk as 'broadly acceptable'. It states that each year between five and six people in the UK are killed when trees fall on them. Thus the risk of being struck and killed by a tree falling is extremely low. Around three people are killed each year by trees in public spaces; but as almost the entire population of the UK is exposed, **the risk per person is about one in 20 million**.



The risk, per tree, of causing fatality is of the order of one in 150 million for all trees in Britain or one in 10 million for those trees in, or adjacent to, areas of high public use. However the low level of overall risk may not be perceived in this way by the public although there is no research to suggest trees have become more dangerous in recent times.

3.0 History of claims

In recent years tree related claims against the Council have been relatively minimal. Since 2002 a total of 33 claims have been made costing the Council Insurers approximately £40,000 in claim payouts. These claims have been related to property damage caused by falling trees or root damage and none have related to personal injury.

4.0 Scope

This Policy covers trees on all Borough Council sites, predominantly trees are located on public open spaces or within woodlands. The Council is responsible for an estimated 2,500 non woodland trees and 24 woodlands which are estimated to contain between 2,000-10,000 trees per woodland.

The public open spaces include Country Parks, Tonbridge Castle grounds, Tonbridge Cemetery, sportsgrounds, woodlands, Council owned car parks and trees on land adopted as part of new developments or on other public open spaces throughout the borough.

The Council also undertake tree inspections within the car parks of sites managed by Tonbridge and Malling Leisure Trust. These include The Angel Centre (Tonbridge), Tonbridge Swimming Pool, Larkfield Leisure Centre and Poulton Wood Golf Centre (Tonbridge).



Trees owned by Parish/Town Councils, the County Council, in the ownership of Housing Associations and those privately owned are excluded from this Strategy as are highway trees.

In April 2009 the Borough Council commissioned its insurers, Zurich, to carry out a Tree Liability Report. This report assessed the Council's current approach to tree safety and advised on recommended improvements. The recommendations of the report have been considered within later sections of this policy and its specific policies.

5.0 Aims of the policy

The policy aims to address the following key issues:

- To ensure the management of the Council's tree stock contributes to making the environment safe, attractive and sustainable.
- To provide formal policies that enable the Borough Council to conform to best practice in the management of its trees, in relation to health and safety.

6.0 Legal obligations/best practice

Landowners have a legal Duty of Care with respect to trees on land they own. Industry-wide standards are currently in the process of revision given the need to be able to demonstrate in a court of law that owners of trees and those who carry out tree work have acted properly. At the present time a variety of standards that have arisen over decades are referred to in practice.

The Occupiers Liability Act 1957 is relevant for all public services, since nearly all are occupiers of property to which visitors resort throughout the year. It states: *"The common duty of care is a duty to take such care as in all circumstances of the case is reasonable, to see that the visitor will be reasonably safe in using the premises for the purposes for which he is invited or permitted by the occupier to be there"*.

Case law identifies the test of the 'duty of care' owed by a landowner with regard to trees as being that of *"the conduct to be expected of a reasonable and prudent landowner"* (House of Lords 1950).

A range of other more recent statements are referred, in particular the Health and Safety Executive SIM 01/2007.5(HSE) *Management of the risk from falling trees* (see **Annex 1**). The document is aimed specifically at Enforcement Officers not Duty Holders but clearly indicates the approach that the HSE would expect Duty Holders to take under Section 3 of The Health and Safety at Work Act 1974 (HSW). Employers, persons carrying out undertakings or in control of premises all have duties under the HSW Act. In particular, there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. The HSE document states: *"Doing all that is reasonably practicable does not mean that all trees have to be individually examined on a regular basis. A decision has to be taken on what is reasonable in the circumstances and this will include consideration of the risks to which people may be exposed"*.

Other legislation relevant to the management of trees includes the Occupiers' Liability Acts 1984, the Local Government (Miscellaneous Provisions) Act 1976, the Countryside and Rights of Way Act 2000 (CRoW), the Wildlife and Countryside Act 1981 as well as legislation relating to Sites of Special Scientific Interest. Risk management is required under the Management of Health and Safety Regulations 1999.

7.0 Tree inspection policy

Tree inspections are defined as visual or exploratory assessments to determine various attributes of trees as determined by the level of arboricultural knowledge of the person concerned.

This section of the policy deals with the following questions that need to be addressed in dealing with tree inspections.

1. Which trees need inspecting?
2. How often do they need inspecting?
3. What level of competence should the inspector have?
4. How should the trees be inspected?
5. When should the trees be inspected?
6. How should tree works be prioritised?
7. What records should be kept of the inspections?

7.1 Which trees need inspecting?

HSE SIM 01/2007.5 provides guidance for HSE Inspectors and Local Authority Enforcement Officers. It states: *'Stakeholders, including Local Authorities (as duty holders), major landowners and arboriculturalists are being encouraged to agree a simple tree management standard. Given the large number of trees in public spaces across the country, control measures that involve inspecting and recording every tree would appear to be grossly disproportionate to the risk. Individual tree inspection should only be necessary in specific circumstances, for example where a particular tree is in a place frequently visited by the public, has been identified as having structural faults that are likely to make it unstable, but a decision has been made to retain it with these faults'*.

The HSE believes that public safety aspects can be addressed as part of the approach to managing tree health. Groups of trees can be identified by their position and degree of public access. As a minimum, the HSE suggests trees should be divided into two zones: one zone where there is frequent public access to trees (for example in and around picnic areas, schools, children's playgrounds, popular footpaths, car parks, or at the side of busy roads); and a second zone where trees are not subject to frequent public access. As a rough guide 'trees subject to frequent public access' are those that are closely approached by many people every day. For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. Further details of the HSE's suggested approach are located in **Annex 1**.

Taking the HSE's comments into consideration thought was given to the nature of the Council's tree stock in regard to relative public use/access. It has been concluded that due to the scale and nature of each site all 'Mature trees' will be inspected. It was felt that the Council managed no sites containing 'deep woodland' or significant areas where public access was completely restricted. Mature trees are defined in the Council's current Grounds Maintenance Contract as those over 6 metres tall.

Provision for maintenance of non-mature trees on public open spaces is, however, made within the Grounds Maintenance Contract.

Policy 1

The Council will monitor the health and safety of all mature trees in its ownership by carrying out regular inspections.

7.2 How often do trees need inspecting?

Unfortunately there is no definitive statement that gives a statutory definition with respect to the frequency of inspections. Government Circular 90/73 concerned with the inspection of roadside trees (with the potential to fall on the road) states '*The frequency of investigation will depend on age, kind, condition and circumstances of each tree.*' The frequency of inspections should depend on the location of the tree in relation to the level of public activity nearby and its age and condition.

The HSE omits any specific identification of frequency of tree inspections but notes the need for "a system for periodic, proactive checks is appropriate".

A 2008 Conference called by the Tree Safety Group brought together fifteen experts including the Forestry Commission, Barristers, members of the British Standards B/213 Committee – Trees, the Director of the Arboricultural Association, leading academics and others to discuss standards. 'Regular' inspection was described as 'vital', but not one contributor specified what frequency constituted 'regular'.

The Forestry Commission provide useful guidelines (Common sense risk management of Trees – in collaboration with the National Tree safety Group above) by suggesting placing sites into zones – typically two zones may be sufficient, high usage (e.g. car parks, play areas and amenity areas) and low usage (away from known access routes). It also states '*guidance relating to inspection frequency varies greatly; there is no uniformly accepted frequency appropriate to all situations, the decision is a judgment for the owner, agent or adviser, applying sensible reasonable behaviour in taking account of the site circumstances as a basis for good practice*'.

As previously highlighted, Zurich has undertaken a Tree Liability Report for the Borough Council. In summary the report recommends that high risk trees, those near footpaths etc, should be inspected by a qualified person at least once every five years. In addition it notes that annual checks should continue to identify storm damage etc and obvious ill-health resulting in unsafe limbs.

A British Standard – BS 8516 concerned with tree safety inspection has been drafted and consulted, but is not yet adopted (Relevant selected extracts from the draft proposal are detailed in **Annex 2**). In terms of frequency of inspections the draft, which is aimed at tree owners and managers, identifies prioritising inspections dependent on the level of public access. The draft proposal would require all trees to be checked by a ‘trained person’ every three years, with a still more rigorous ‘expert inspection’ by an arboriculturist every five years. To date this Standard has not been adopted. In the absence of statutory regulations the practice of other local authorities is a valuable reference.

Kent County Council is responsible for the highway network in the borough. Section 154 of the Highways Act 1980 empowers the County Council to inspect and manage all trees within falling distance of the highway, termed highway trees. The Code of Practice for Highway Maintenance Management Section 9.13.4 (2005) ‘Well-maintained Highways’ states that: ‘most trees should ideally have an arboricultural inspection every five years’.

Tunbridge Wells Borough Council currently carries out an ‘in-house’ expert inspection on an annual basis within their parks and open spaces. This relatively high frequency of inspection is achievable due to the relative low number of trees they manage, (approximately 2,500). The Borough Council does not have a formal written Strategy.

Maidstone Borough Council formally inspect one third of the borough each year with works carried out in the fourth year. Parks and open spaces staff carry out reactive works and inspection as reported/seen. Specialist survey work on ancient and veteran trees are commissioned as necessary. The Borough Council does not have a formal written Strategy, though are looking to write this and move to a three year rotation from 2020.

Sevenoaks District Council undertakes tree inspections at a frequency related to public usage. In regard to its countryside sites, annual inspections are undertaken at High Risk (High Use) sites with inspections decreasing to bi-annual or every third year at sites with a lower relative public use. Some sites have also been identified as not requiring any regular inspection. Initial surveys of all trees were undertaken by external consultants though subsequent inspections are now carried out ‘in-house’ through the Council’s Ranger Service.

Medway Council’s Tree Management Policy (adopted January 2009) specifies a policy “ensuring a competent arboriculturist undertakes regular inspections” as part of its tree management; no definition is given of “regular”.

As previously demonstrated, whilst no industry standard has yet been adopted in regard to inspection frequency, some comparables can be drawn from relevant guidance and approaches adopted by other local authorities. In general, it appears that expert inspections should be carried out at a frequency no longer than five years apart with these being supported by more basic inspections.

Further to the above, consideration should also be given to the need and frequency of basic inspections based on the individual risk presented by the trees/sites based

on public usage. In accordance with HSE guidance, Tonbridge and Malling Borough Council has identified a list of 'Priority Sites' that demonstrate relative high public usage and a full list can be found at **Annex 3**. It is the intention that trees at these sites, within falling distance of main thoroughfares and open spaces, will be subject to basic annual inspections.

Taking the above into consideration the following policies have been developed:

Policy 2

All mature trees owned by the Council will be subject to an expert inspection (see definition at 7.4) every three years.

Policy 3

In addition to expert inspections, basic inspections (see definition at 7.4) will be undertaken annually on all mature trees at identified priority sites and locations as highlighted at Annex 3.

Policy 4

After storm conditions occur (Storms which are categorised and named by the Met Office which also have significant impacts in the local area within the Borough) a basic inspection will be carried out at priority sites as soon as conditions permit and as staffing allows.

7.3 What level of competence should the inspector have?

The un-adopted British Standard 8516 – (see **Annex 2**) identifies four levels of inspection:

Level 1 'Lay' – requires no specialist knowledge

Level 2 'Basic' – should be 'by a person trained to observe potential hazards (for example Tree Warden, Park Ranger)'.

Level 3 'Expert' – undertaken by a qualified arboriculturist.

Level 4 'Detailed' – inspection by an arboriculturist requires either an aerial view or specialised equipment.

Tonbridge and Malling Borough Council's Grounds Maintenance Contract currently specifies the following required standard for undertaking Expert Inspections:

"The person undertaking these inspections shall hold qualifications which in the opinion of the Supervising Officer make him fit to carry out the work. As a guide, the following qualifications or their equivalents will be acceptable:

Degree in Forestry or Professional Member of The Institute of Chartered Foresters or Diploma in Arboriculture

The HSE's advice states: *“a quick visual check for obvious signs that a tree is likely to be unstable should be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboricultural specialist. Informing staff who work in parks or highways as to what to look for would normally suffice.*

Policy 5

Expert inspections will be undertaken by a qualified arboriculturist. The minimum qualification standard required will be in accordance with the Council's grounds maintenance contract.

Policy 6

Basic inspections will be undertaken by a trained person (e.g. Tree Warden, Park Ranger). The minimum training required will be a LANTRA Basic Trees Survey & Inspection course, or equivalent.

7.4 How should the trees be inspected?

Trees are normally assessed by means of scheduled systematic visual assessment initially from ground level. Assessments will usually consist of a staged approach and compare the tree being inspected to a notional healthy, vigorous and defect free specimen. This staged approach may include:

1. Visual inspection of the tree for defect symptoms and overall vitality. If there are no signs of any problems the assessment is concluded.
2. If a defect is suspected on the basis of the symptoms, the presence or absence of that defect must be confirmed by thorough examination.
3. If the defect is confirmed, it must be quantified, remedial action should be identified and priority/urgency of works recorded.

Where necessary, further detailed investigation of potential structural weakness may be needed involving aerial inspections, soil and root condition or other procedures for assessing the nature of decay, wood quality or internal stem condition.

The un-adopted British Standard 8516 – (see **Annex 2**) indicates the following:

Expert Inspections - Systematic and diagnostic process of visual inspection by a competent person (e.g. an arboriculturist) from ground level using binoculars, mallet and probe as necessary in order to gain sufficient understanding of a trees structural condition, so as to inform, where appropriate, re-inspection interval and management recommendations (risk control measures) including detailed inspection.

Basic Inspections - Preliminary but systematic inspection undertaken (possibly using binoculars, mallet and probe) by a person trained to observe potential

hazards (e.g. Tree Warden, Park Ranger) so as to inform, where appropriate a risk control decision, including inspection by an expert.

Policy 7

Expert inspections will consist of a ground based visual assessment to gain an understanding of an individual trees structural condition so as to inform, where appropriate, re-inspection interval and management recommendations. Where detailed inspection is identified as being necessary aerial access to view the upper parts of the tree, or the use of specialised equipment (for example decay mapping) will be undertaken.

Policy 8

Basic inspections will consist of a ground based visual assessment to observe obvious potential hazards including altered exposure, hanging dead-wood, broken branches, injury, wilting, crown decline, severed roots, cracks in the soil around the tree, evidence of fungus and splits.

It is acknowledged that Basic Inspections are undertaken to identify obvious hazards that may lead to imminent failure of the tree. In regard to Basic inspections, an example inspection form can be found at **Annex 4** that details the hazards to be identified.

7.5 When should the trees be inspected?

Inspections undertaken at differing times of the year present a variety of benefits and obstacles. Inspecting a tree in full leaf assists in determining physiological conditions from the quality of the foliage though at the same time leaves obscure a clear view of the trees structure. Conversely, inspecting a deciduous tree in bare branch condition allows a good view of the structure but no assessment of the foliage.

Policy 9

Successive inspections, whether basic or expert, will take place, where practicable, at differing times of year so that all trees are assessed in-leaf and out-leaf alternately.

7.6 How should tree works be prioritised?

Where defects are confirmed as posing an unacceptable risk, appropriate remedial action should be identified to remedy the potential hazard and the timescale specified.

Policy 10

Following expert inspections remedial action will be identified under the following categories:

Category 1	within 6 months
Category 2	within 6-12 months
Category 3	within 12-24 months
Category 4	no action required until next scheduled inspection

Note: Any tree deemed an immediate danger to the public that cannot wait until inspections are written up and handed to the council will be taped off, and the council contacted at the time of inspection to carry out necessary works to make safe.

Note: Some trees may present signs of decline that warrants re-inspection prior to their next scheduled Expert Inspection, though do not require immediate remedial action. These will be brought to the attention of the Borough Council and re-inspected within the prescribed timescales stated on the report.

Policy 11

Following basic inspections remedial action will be identified under the following categories:

Category 1	urgent action	within 6 months
Category 2	high priority action	within 6-12 months

Note: The Council will prioritise actions based on risk, and all works that are deemed to be necessary for safety reasons as emergency works, will override any other priorities that exist within the current tree work schedule.

Note: Any tree deemed an immediate danger to the public that cannot wait until inspections are written up will be taped off, and a tree surgeon contacted to carry out necessary works to make safe.

7.7 What records should be kept of tree inspections?

The Zurich report highlighted that:

“Full and readily accessible inspection records can aid the defence of liability claims. It is recommended that detailed records be kept of all inspections done, whether in response to a complaint, in connection with maintenance work, or part of a new routine inspection regime.

Records should include the area/trees inspected, when and who by, and any problems found plus remedial action taken. Records must be kept for an adequate length of time, bearing in mind the fact that in the case of personal injury a minor has until three years after their eighteenth birthday to make a claim.

Reporting should always be positive in respect of inspection systems. In other words, there should always be a report. It is often more important to show that at

the time of the inspection there was no defect. In the absence of an inspection report it would be difficult to prove that at that particular time there was nothing wrong, especially if it has resulted in some personal injury to a member of the public. This is particularly true if a number of consecutive inspections have identified no defects since there will be no evidence of inspection over a significant period.”

The data to be recorded varies with the level of inspection and should reflect the findings. Records of Basic Inspections need not be as exhaustive as Expert Inspections though any observations giving rise to concern over tree safety should be recorded.

Policy 12

Expert inspections will be formally recorded and, as a minimum, will identify the following:

- Inspector's Name:
- Date:
- Location:
- Tree Number (linked to site map):
- Species:
- Defects:
- Comments:
- Recommended Remedial Action:
- Priority for Works:
- Estimated Costs:

Policy 13

Basic inspections will be formally recorded and, as a minimum, will identify the following:

- Inspector's Name:
- Date:
- Location:
- Tree Number (linked to site map):
- Species (If Known):
- Defects:
- Comments:
- Recommended Remedial Action:
- Priority for Works:



In regard to Basic Inspections an example inspection form can be found at **Annex 4**.

7.8 List of Policies

Policy 1

The Council will monitor the health and safety of all mature trees in its ownership by carrying out regular inspections.

Policy 2

All mature trees owned by the Council will be subject to an expert inspection (see definition at 7.4) every three years.

Policy 3

In addition to expert inspections, basic inspections (see definition at 7.4) will be undertaken annually on all mature trees at identified priority sites and locations as highlighted at Annex 3.

Policy 4

After storm conditions occur (Storms which are categorised and named by the Met Office which also have significant impacts in the local area within the Borough) a basic inspection will be carried out at priority sites as soon as conditions permit and as staffing allows.

Policy 5

Expert inspections will be undertaken by a qualified arboriculturist. The minimum qualification standard required will be in accordance with the Council's Grounds Maintenance Contract.

Policy 6

Basic inspections will be undertaken by a trained person (e.g. Tree Warden, Park Ranger). The minimum training required will be a LANTRA Basic Trees Survey & Inspection course, or equivalent.

Policy 7

Expert inspections will consist of a ground based visual assessment to gain an understanding of an individual trees structural condition so as to inform, where appropriate, re-inspection interval and management recommendations. Where detailed inspection is identified as being necessary aerial access to view the upper parts of the tree, or the use of specialised equipment (for example decay mapping) will be undertaken.

Policy 8

Basic inspections will consist of a ground based visual assessment to observe obvious potential hazards including altered exposure, hanging dead-

wood, broken branches, injury, wilting, crown decline, severed roots, cracks in the soil around the tree, evidence of fungus and splits.

Policy 9

Successive inspections, whether basic or expert, will take place, where practicable, at differing times of year so that all trees are assessed in-leaf and out-leaf alternately.

Policy 10

Following expert inspections remedial action will be identified under the following categories:

Category 1	within 6 months
Category 2	within 6-12 months
Category 3	within 12-24 months
Category 4	no action required until next scheduled inspection

Note: Any tree deemed an immediate danger to the public that cannot wait until inspections are written up and handed to the council will be taped off, and the council contacted at the time of inspection to carry out necessary works to make safe.

Note: Some trees may present signs of decline that warrants re-inspection prior to their next scheduled Expert Inspection, though do not require immediate remedial action. These will be brought to the attention of the Borough Council and re-inspected within the prescribed timescales stated on the report.

Policy 11

Following basic inspections remedial action will be identified under the following categories:

Category 1	urgent action	within 6 months
Category 2	high priority action	within 6-12 months

Note: The Council will prioritise actions based on risk, and all works that are deemed to be necessary for safety reasons as emergency works, will override any other priorities that exist within the current tree work schedule.

Note: Any tree deemed an immediate danger to the public that cannot wait until inspections are written up will be taped off, and a tree surgeon contacted to carry out necessary works to make safe.

Policy 12

Expert inspections will be formally recorded and, as a minimum, will identify the following:

- Inspector's Name:
- Date:
- Location:
- Tree Number (linked to site map):
- Species:
- Defects:
- Comments:
- Recommended Remedial Action:
- Priority for Works:
- Estimated Costs:

Policy 13

Basic inspections will be formally recorded and, as a minimum, will identify the following:

- Inspector's Name:
- Date:
- Location:
- Tree Number (linked to site map):
- Species (If Known):
- Defects:
- Comments:
- Recommended Remedial Action:
- Priority for Works:

8.0 Implementation and review

The Council's available financial resources will be prioritised with tree safety delivered ahead of environmental improvements.

The Council will continue to ensure that its Officers with responsibility for trees will receive adequate, appropriate and periodic training in relation to their specific duties of employment.

Electronic services are widely used by the Council to communicate with the public and provide information. In addition, the development of a computerised record system as a tree management database would make recording of inspections easier to complete, store and retrieve. It would, therefore, be beneficial to investigate the development of an electronic data base and tree inspection recoding process.

The implementation of the Policies in this document will feed into and be reviewed annually within the Councils Operational Risk Register.

Alterations or amendments to this policy document will be considered if any industry/governmental standards are formally adopted.

HEALTH AND SAFETY EXECUTIVE

Management of the risk from falling trees

SIM 01/2007/05

Target Audience:
FOD Inspectors
Local Authority Enforcement Officers

Date issued: 2007-07-03 **OG Status:** Fully open **Review date:** 2011-07-03
Author Unit/Section: Agriculture & Food Sector (Agricultural Safety Section)

Summary
 Background
 Suggested approach
 Enforcement guidance
 Action by inspectors
 Further information and contacts

Summary

This SIM outlines guidance on the standard of risk management of trees, including risk assessment and where appropriate, routine checks by a competent person. Duty holders should have such systems in place to control risks from trees to their employees, contractors and members of the public. This SIM is aimed specifically at duties under Section 3 HSW Act and should be read in conjunction with HSC's Enforcement Policy Statement, HSC policy on Section 3 enforcement and HSE's guidance on Section 3 enforcement. It also gives guidance on enforcement action, which should be taken in accordance with the principles and expectations of HSC's Enforcement Policy Statement (EPS). It is **not** intended as a guide to duty holders.

Background

What is the risk?

1. Each year between 5 and 6 people in the UK are killed when trees fall on them. Thus the risk of being struck and killed by a tree falling is extremely low. Around 3 people are killed each year by trees in public spaces; but as almost the entire population of the UK is exposed, the risk per person is about one in 20 million. The risk, per tree, of causing fatality is of the order of one in 150 million for all trees in Britain or one in 10 million for those trees in, or adjacent to areas of high public use. However the low level of overall risk may not be perceived in this way by the public, particularly following an incident.
2. The average risk is firmly in the "broadly acceptable" region of the tolerability of risk triangle published in HSE's "Reducing Risks Protecting People". However, "Reducing Risks, Protecting People" explicitly states that "broadly acceptable" is a general guide and not a definitive statement of what is reasonably practicable in law.

What is required?

3. Employers, persons carrying out undertakings or in control of premises all have duties under the HSW Act. In particular, there is the duty to do all that is reasonably practicable to ensure that people are not exposed to risk to their health and safety. Doing all that is reasonably practicable does **not** mean that all trees have to be individually examined on a regular basis. A decision has to be taken on what is reasonable in the circumstances and this will include consideration of the risks to which people may be exposed. The issues that need to be included in the risk assessment are discussed in paragraph 10.

4. Around half of all fatalities due to falling trees occur in public spaces, such as a park or beside roads, so Section 3 HSW Act may be applicable. Whilst HSE may regard the average risk as extremely low, the law requires that where reasonably practicable measures are available in individual cases they should be taken. Whilst the risk of such incidents puts them outside HSEs and LAs main proactive priorities, inspectors may be called upon to investigate serious incidents, including fatalities.

Other legislation

5. In addition to duties under the HSWA there are a number of reasons why LAs as duty holders) and others may want to manage their tree stocks, for example responsibilities under other legislation and the risk of civil liabilities to:
 - reduce the risk of property damage from subsidence;
 - maintain stocks to preserve their amenity, conservation, and environmental value;
 - prevent personal injury through trips and falls on footways disturbed by tree roots; and
 - prevent vehicle damage and personal injury from obscured sightlines on the highway.

For these and other reasons, some duty holders may undertake inspection of trees in a manner well beyond the reasonably practicable requirements of the HSW Act.

6. Other legislation relevant to the management of trees includes, for example the Occupiers' Liability Acts 1957 and 1984, Occupiers Liability Act (Scotland) 1960, Land Reform (Scotland) 2003, the Countryside and Rights of Way Act 2000 (CRoW), the Wildlife and Countryside Act 1981 as well as legislation relating to Sites of Special Scientific Interest, planning issues and Tree Preservation Orders.

Suggested approach

7. This SIM provides guidance on handling these issues and approaching enforcement decisions for HSE Inspectors and LA Enforcement Officers. Stakeholders, including LAs (as duty holders), major landowners and arboriculturists are being encouraged to agree a simple tree management standard. Given the large number of trees in public spaces across the country, control measures that involve inspecting and recording every tree would appear to be grossly disproportionate to the risk. Individual tree inspection should only be necessary in specific circumstances, for example where a particular tree is in a place frequently visited by the public, has been identified as having structural faults that are likely to make it unstable, but a decision has been made to retain it with these faults.
8. HSE believes that public safety aspects can be addressed as part of the approach to managing tree health and tree owners should be encouraged to

consider public safety as part of their overall approach to tree management. A sensible approach will ensure the maintenance of a healthy tree stock, the sound management of the environment and will usually satisfy health and safety requirements.

9. There are several approaches to managing the risks from trees that involve 'zoning' trees according to the risk of them falling and causing serious injury or death. Zoning approaches have been adopted by a number of large land owners and can be an effective approach. The complexity of zoning systems varies considerably, some involving as many as 12 different levels. Given the relatively low risk, some will involve a level of sacrifice (time, trouble and money) that not only meets, but goes beyond reasonable practicability, as required by HSWA s3.
10. An effective system for managing trees should meet the requirements set out in the Management of Health and Safety at Work Regulations 1999 and the associated ACoP (guidance is contained in HSG 65 Successful health and safety management and INDG 163 Five steps to risk assessment) and is likely to address the following:
 - (i) An overall assessment of risks from trees, particularly identifying groups of trees by their position and degree of public access. This will enable the risks associated with tree stocks to be prioritised, and help identify any checks or inspections needed. As a minimum, trees should be divided into two zones: one zone where there is frequent public access to trees (e.g. in and around picnic areas, schools, children's playgrounds, popular foot paths, car parks, or at the side of busy roads); and a second zone where trees are not subject to frequent public access. As a rough guide 'trees subject to frequent public access' are those that are closely approached by many people every day. Maps may be useful here as individual records for individual trees are unlikely to be necessary if zones and the trees in the zones are clearly defined.
 - (ii) For trees in a frequently visited zone, a system for periodic, proactive checks is appropriate. This should involve a quick visual check for obvious signs that a tree is likely to be unstable and be carried out by a person with a working knowledge of trees and their defects, but who need not be an arboricultural specialist. Informing staff who work in parks or highways as to what to look for would normally suffice. Duty holders should ensure that any system that is put in place for managing tree safety is properly applied and monitored.
 - (iii) A short record of when an area or zone or occasionally an individual tree has been checked or inspected with details of any defects found and action taken.
 - (iv) A system for obtaining specialist assistance / remedial action when a check reveals defects out with the experience and knowledge of the person carrying out the check.

- (v) A system to enable people to report damage to trees, such as vehicle collisions, and to trigger checks following potentially damaging activities such as work by the utilities in the vicinity of trees or severe gales.
- (vi) Occasionally a duty holder may have responsibility for trees that have serious structural faults but which they decide to retain. Where such a condition is suspected and the tree also poses a potentially serious risk because, for example its proximity to an area of high public use, a specific assessment for that tree and specific management measures, are likely to be appropriate.
- (vii) Once a tree has been identified by a check to have a structural fault that presents an elevated risk, action should be planned and taken to manage the risk. Any arboricultural work required should be carried out by a competent arboriculturist, as such work tends to present a relatively high risk to the workers involved. Duty holders should **not** be encouraged to fell or prune trees unnecessarily.
- (viii) Inspection of individual trees will only be necessary where a tree is in, or adjacent to, an area of high public use, has structural faults that are likely to make it unstable and a decision has been made to retain the tree with these faults.
- (ix) Monitoring to ensure that the arrangements are implemented in practice.

Enforcement guidance

11. Enforcement action may be appropriate following an incident or investigation of a complaint and should be in accordance with HSC's EPS and with HSE's Enforcement Management Model (EMM). In particular, consideration should be given as to how far the duty holder fell below what could reasonably be expected in the circumstances. This should be informed by the broad approach outlined above and factors such as:
 - (i) the frequency of public access to the tree;
 - (ii) the existence of a system for managing trees based on the level of risk;
 - (iii) the implementation of the system in practice, including a procedure to act on reports of structural faults;
 - (iv) the need to comply with other legislation e.g. the Wildlife and Countryside Act, Tree Preservation Orders etc. Such legislation generally allows that trees in a dangerous condition may be felled, however a specific check should be made before considering enforcement action.

12. Consideration should also be given to the risks to persons that arise from the failings of the duty holder, along with the factors set down in paragraph 39 of the EPS. Of particular relevance will be any history of previous incidents in the area managed by the duty holder and any previous advice or enforcement in relation to the duty holder.
13. For the purposes of the EMM, the guidance in this SIM should be 'established' guidance. The benchmark, based on duties under HSW Act is a 'remote' risk of 'serious personal injury'.
14. Inspectors should seek advice from either the Agriculture and Food Sector or the Central and Local Government, Education and Research Sector as appropriate before issuing an improvement notice or considering prosecution

Action by inspectors

15. When called upon to examine standards of tree management following an incident or if they identify a matter of evident concern during a visit, inspectors should base their approach in deciding whether to investigate on HSC's general guidance on Section 3 HSW Act and HSE's operational guidance on Section 3 enforcement as well as the additional advice and guidance in this SIM. Proactive inspection of duty holders' systems for tree management is **not** envisaged. Any enforcement action should be taken in accordance with HSC's EPS.
16. A good deal of relevant guidance is produced by various organisations, including the Arboricultural Association and Forestry Commission. Their guidance provides advice to help duty holders comply with the Occupiers Liability Acts and other legislation. It is also likely to be helpful to investigating inspectors, however it should be remembered that it represents **best practice** guidance for managing trees, not the minimum standard required by Section 3 HSW Act outlined above.

Further information and contacts

Arboricultural Association, Ampfield house, Romsey, Hampshire, SO51 9PA Tel 01794 368717 Fax 01794 368 978, email admin@trees.org.uk. Website Information available includes Tree Surveys: A guide to good practice Arboricultural Association Guidance Note 7

Forestry Commission website where you can down load best practice guidance, including "Hazards from trees – a general guide".

"Managing Visitor Safety in the Countryside – principles and practice" produced by the Visitor Safety in the Countryside Group.

Annex 2**British Standards BS 8516 - Recommendations for Tree Safety Inspection**

This standard was published as a DRAFT on the BSI website 13 May 2008 and
WAS NOT CURRENT BEYOND 31 July 2008.

No new publication has been produced to date to replace this draft standard.

Most relevant extracts from the draft document are quoted below.

Scope

This British Standard addresses considerations arising from the need to inspect trees in order to assess, and if necessary reduce their potential for structural failure.

It is aimed at tree owners and managers, and all those designing tree inspection regimes and undertaking tree inspections.

Tree inspection

Visual assessment to determine various attributes of trees as determined by the level of arboricultural knowledge of the person concerned.

Four different levels of inspection are defined

Lay - Rudimentary inspection by untrained persons (e.g. owners of trees at private residential addresses).

Basic - Preliminary but systematic inspection undertaken (possibly using binoculars, mallet and probe) by a person trained to observe potential hazards (e.g. tree warden, park ranger) so as to inform, where appropriate a risk control decision, including inspection by an expert.

Expert - Systematic and diagnostic process of visual inspection by a competent person (e.g. an arboriculturist) from ground level using binoculars, mallet and probe as necessary in order to gain sufficient understanding of a tree's structural condition, so as to inform, where appropriate, reinspection interval and management recommendations (risk control measures) including detailed inspection.

Detailed - Specialized examination identified as being necessary during expert inspection by a competent person (e.g. an arboriculturist), variously comprising aerial access to view upper parts of the tree, or the use of specialized (decay mapping) equipment.

Factors to consider

Timing of inspections - Successive expert inspections should, where practicable, be undertaken at differing times of year as this facilitates inspection under a range of conditions.

Prioritising inspections - A prioritized inspection schedule should be undertaken based on levels of access (i.e. exposure of people to hazard) and arboricultural advice, taking account of relevant factors where known) that affect safety such as age class, condition, size and species of trees.

Where exposure increases, for example outdoor concert held in a normally unoccupied park, the inspection regime should respond to the changed demands of the site usage, to ensure appropriate and effective risk controls are provided.

Data recording - The data to be recorded varies with the level of inspection and should reflect the findings.

Lay and basic inspections need not be as exhaustive as expert inspections, though any observations giving rise to concern over tree safety should be recorded (together with the date) and referred for expert inspection in a timely manner (i.e. as soon as can reasonably be arranged).

A list of items that should be recorded for both basic and expert inspections was included.

Basic inspection - Date of inspection; name of person undertaking the inspection; trees inspected (listed by common name, or identification number referenced to a tree tag or plan; any obvious hazards observed; any limitations preventing inspection to the required level; species (listed by common name) and location; action taken

Expert inspection - Date of inspection; name of person undertaking the inspection; trees inspected of the specific area (zone) in which the trees were inspected; identification and location of individual hazard trees; species (listed by common name and scientific name); age class; significant defects present assessed as being hazardous; any limitations preventing systematic inspections; recommended actions (if required); timescale for implementing the recommendations (based on the risk posed); interval and preferred time of year for the next expert inspection.

Climatic considerations - Consideration should be given to implementing at least basic inspections in the aftermath of storm events, especially for trees previously identified as being particularly vulnerable, and/or those standing adjacent to high-value targets (e.g. trunk roads.).

Frequency of inspections

Lay inspection - It is generally accepted that layman owners of trees should be familiar with the condition of their trees, most suitably facilitated by regular observation and/or annual inspection.

Basic inspection - In the case of basic tree inspection, the interval between inspections should be driven by site usage, though annual inspection is usually appropriate for targets such as well-used highways.

NOTE A two or three year cycle may be appropriate for less frequented sites.

Expert inspection - The maximum interval between expert inspections where a target is or foreseeably may be present should be five years.

NOTE Departure from this recommendation may be justified where there is identifiable infrequent access, recorded as such at a strategic level.

Within this maximum parameter, the interval between systematic expert inspections should be varied in order to take account of a trees condition and context, including site usage and changes in circumstances and growing conditions. The interval should also take account of the findings of each previous expert inspection, and those of any lesser inspections undertaken in the meantime.

The precise timing of inspections should reflect the nature of any defect known to be present (for example seasonally occurring fungal structures) and should also address, where possible, any limitations that formally reduced the effectiveness of a prior inspection.

The competent person (for example an arboriculturist) undertaking the expert inspection should identify the appropriate interval to, and preferred time of year for, the next scheduled expert inspection.

TONBRIDGE & MALLING BOROUGH COUNCIL

List of Priority Sites/Locations

Haysden Country Park*
Leybourne Lakes Country Park*
Swanmead Sportsground
Tonbridge Racecourse Sportsground
Tonbridge Farm Sportsground
Tonbridge Castle Grounds
Tonbridge Cemetery
Woodlands Walk Public Open Space
Car parks (listed below)

* These sites may contain areas of woodland that are either inaccessible to the public or are more remote therefore public usage is relatively low. At these sites only trees within falling distances of designated paths and open areas will be subject to a basic annual inspection.

Angel East, Tonbridge
Angel West, Tonbridge
Bailey East, Aylesford
Bailey West, Aylesford
Bow Road, Watlington
Bradford Street, Tonbridge
Curran Hall, East Peckham
Deacons Field, Tonbridge
Hilltop, Tonbridge
Larkfield Leisure Centre, Larkfield
Martin Square, Larkfield
Poult Wood main, Tonbridge
Poult Wood overflow, Tonbridge
Riding Lane, Hildenborough
Rocfort Road, Snodland
Ryarsh Lane, West Malling
Sevenoaks Road, Igtham
Sovereign Way East, Tonbridge
Sovereign Way Mid, Tonbridge
Sovereign Way North, Tonbridge
Tesco high Street, West Malling
Teston Road, Offham
The Botany, Tonbridge
Twisden Road, East Malling
Waterloo Road, Tonbridge
Western Road, Borough Green
Wrotham Hill Viewpoint, Wrotham

Basic Tree Inspection Pro-forma: Example

Annex 4

Inspectors Name:.....	Site/Location.....	Date.....
--------------------------	--------------------	-----------

Tree No. (Link to Map)	Species (if known)	Defects/Comments	Action Required	Priority (1 or 2)	Action Taken

It is important to note that Basic Tree Inspections are only designed to recognise **obvious hazards** that may lead to imminent failure of the tree and those undertaking them are not expected to have detailed knowledge in tree biology, legislation or any other arboricultural specialism. It is also important to note that Basic Tree Inspections will also be supported by an external Expert Inspection every third year.

Only trees with defects are to be recorded above though a map should be attached to each inspection form that clearly identifies the areas in which all the trees were inspected. If trees are not recorded above and are within the highlighted survey areas it can be concluded that they have shown no signs of **obvious hazards**.

Guidance Notes

Basic Tree Inspections will consist of a “from the ground based visual assessment” and record the following information:

- | | |
|---------------------|---|
| 1. Tree No. | - Provide a unique reference number related to an appropriate map in order that the tree may be re-located |
| 2. Species | - If species is unknown, please note whether it is a conifer or broadleaf |
| 3. Defects/Comments | - Please state the nature of the defect identified (see below) |
| 4. Action Required | - Please state action to be taken by Inspector; for example “refer to expert consultant” or “remove tree” |
| 5. Priority pathway | - Priority 1’s require urgent action within 6 months; for example the tree is uprooted and overhanging a pathway |
| | - Priority 2’s require action within the next 6-12 months (i.e. prior to next scheduled inspection); for example an identified fungal infection that needs referral to an expert consultant |
| 6. Action Taken | - Confirmation when action is complete to close the audit loop |

Obvious hazards or defects:

- | | |
|---------------------|--|
| 1. Altered Exposure | - Is it apparent that an adjacent tree or other structure has been removed recently that may have supported or protected the tree from prevailing winds? Whilst this alone may not necessary mean the tree is unsafe this should be recorded to inform future inspections. |
| 2. Hanging Deadwood | - Are any large severed branches hanging within the tree? |
| 3. Broken Branches | - Are any large broken branches hanging within the tree? |
| 4. Injury | - Does the tree show any sign of damage (lightning strike, vandalism etc) |
| 5. Wilting | - Does it appear that the tree is unnaturally wilting (e.g. unrelated to the existing climatic circumstances) |
| 6. Crown Decline | - Does there appear to be obvious signs of thinning of the crown? |
| 7. Severed Roots | - Have any works been undertaken in close proximity to the tree that may have affected its stability or health? Is there any soil disturbance? |
| 8. Heave | - Is there any significant cracking in the ground immediately at the base of the tree? |
| 9. Fungal Infection | - Are there any fruiting fungal bodies at the base/on the tree or any obvious signs of decay? |
| 10. Splits | - Are there any obvious cracks or splits? |

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Risk Engineering

Risk Assessment and Risk Improvement

Increasing insight, reducing risk



Date of Assessment: 31 March 2023

Date of Issue: 31 March 2023

Tonbridge & Malling Borough Council

Kings Hill
West Malling
ME19 4LZ

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Customer Data:	
Parent Company:	Tonbridge and Malling Borough Council
Location Information:	
Address:	Kings Hill, West Malling, ME19 4LZ
Scope of Assessment:	
Assignment Category:	Risk Improvement
Locale:	Remote
Service Data:	
Assessed by:	Anthony Byars
Assessment Dates:	
Date of Current Assessment:	31/03/2023
Distribution:	
Customers:	Darren Lanes – Head of Street Scene and Leisure (TMBC) James Fay - Interim Leisure Services Manager (TMBC) Dominic Reynolds - Senior Exchequer Assistant (TMBC)
Broker:	N/A
Underwriters/Zurich Employees:	N/A
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Executive summary

Scope and purpose

This report was commissioned by Tonbridge and Malling Borough Council (TMBC) to review and comment on the adequacy of the arrangements in place within TMBC for tree risk management. The main subject of this report is the effect of trees and tree roots on members of the public. This includes the adverse effect of tree root growth on property (mainly subsidence), but also direct damage by contact with property, trips over footways damaged by roots, and trees or limbs falling onto property or people. The purpose of the review was to assess TMBC's Tree Safety Policy with a subsequent grading of TMBC's tree liability to follow. This report consists of a desktop review of the corporate tree management strategy documentation.

The overall approach taken by Zurich Risk Engineering (ZRE) was to assess the existing system against the principles for effective asset management, ZRE's standards for risk management and relevant good practice such as the National Tree Safety Group 'Common sense risk management of trees.'

Understanding the risks

Serious injury caused by trees is rare in comparison to the number of trees growing in the UK, however such incidents often attract the eyes of the media. For example, in July 2020 Wirral Borough Council was fined £100,000 by the HSE when a falling tree branch injured an expectant mother, tragically killing her unborn baby. In addition to fines, councils may face the costs of investigating and defending an HSE prosecution, as well as any civil claim that may follow.

Witley Parish Council v Cavanagh (2018) is an example of a prominent civil claim which recently went to the court of appeal. In this case, the claimant was injured when a tree adjacent to the Highway fell onto the bus he was driving. The council was held liable as they were unable to demonstrate a risk-based approach to their frequency of inspections.

Damage caused by tree roots can result in extremely large claims payments. Zurich Municipal receives some claims that cost several hundreds of thousands of pounds for individual incidents of damage, and one claim a number of years ago cost over £1 million. These claims can also stay open for a long time and require detailed investigation, which means there are the hidden costs of officer time that aren't covered by insurance.

The importance of effective management of trees is further emphasised by the threat to the country's tree stock posed by the arrival in 2012 of Ash Dieback (*Chalara fraxinea*). There are, of course, other causes for concern in the form of the Asian Longhorn Beetle, *Phytophthora ramorum*, Chestnut Blight and the Oak Processionary Moth (OPM). Climate change in the UK is forecast to expect hotter, drier summers. This is likely to have a negative impact on the health of many tree species as well as increasing soil desiccation resulting in the potential for worsening safety and subsidence risks.

The Council's statutory duties to third parties in respect of trees will mostly fall under the Highways Act 1980, the Occupiers' Liability Acts, the Health and Safety at Work etc. Act 1974 and the Management of Health and Safety at Work Regulations 1999. There are also common law duties that arise through nuisance in respect of encroachment of tree roots and through contract law.

The timescales and claims response protocols for the processing of liability claims are governed by the Court Procedure Rules (CPR) and are also important considerations in the risk management of trees for which TMBC is responsible. Failure to meet timescales may result in the defendant being liable to pay a penalty (fine) for failing to comply. Restricted timescales mean that organisations must be able to gather evidence efficiently and respond. Therefore, it is vital that relevant documentation in relation to tree risk management such as policies, procedures, risk assessments, training records and inspection and maintenance records are retained and are readily accessible.

Notwithstanding public liability exposure, an inconsistent approach does not allow the Council to establish the value of the asset and future financial and climate change planning requirements and opportunities. Relevant examples of good practice include the National Tree Safety Group's (NTSG) "Common sense risk management of trees" and Well-Managed Highway's Infrastructure Code of Practice (WMHI). Whilst WMHI doesn't directly relate to trees away from the Highway, a risk-based approach is suitable for the management of all trees across the council.

Responsibility for the management of trees is devolved to individual departments and teams. These assets are managed by specialist technical employees with assistance from other departments within the council. Their remit includes parks and open spaces and other properties. The tree risk policy document that was under review within this report formalises TMBC's strategy taking a holistic view of the risks faced by the assets whilst detailing the appropriate levels of inspection, maintenance and reactive actions when required.

The review of the corporate tree management strategy and the policy therein demonstrates there is well-documented evidence of a risk-based approach that TMBC have adopted in relation to their management of their tree liability risks. This report has found no major faults in the documentation that has been presented however does make some recommendations to improve how the document can be relied upon from a claim's defensibility perspective.

A scored grading of TMBC's holistic approach to managing this risk may be conducted at a later stage to confirm that the best practice detailed in this document is being supported and adhered to.

Overview of risk recommendations

To improve the risk management and claims defensibility of this policy the following recommendations have been made:

Numbered

1. Inclusion of the Highways Act 1980 when discussing relevant legislation that the policy considers.
2. Provide an explanation of the various levels of inspection depending on the tree type should be presented before Policy 2.
3. Removal of the comparison of strategies adopted by neighbouring councils.
4. Basic inspections should be discussed before moving onto expert inspections.
5. Include an explanation of the actions the council will take following a report of a hazardous tree damaged by a storm.
6. Include a caveat to the tapping of trees following a storm incident "if safe to do so".
7. Include a third category that stipulates if no further action is required.
8. Inclusion of a categorisation detail in the expert inspection form.
9. Inclusion of a categorisation detail in the basic inspection form.
10. Removal of the strategic objective to digitise records from the policy document.

Miscellaneous

- There should be a specific policy that sets out TMBC's stance on complaints from third parties regarding trees and what the response timescales for these should be
- "Lay" and "Detailed" inspections should be detailed as numbered policies with greater explanation given to when they should be adopted as is done with "basic" and "expert" inspections.

Participants

The assistance of the following participants is acknowledged, with thanks:

Darren Lanes – Head of Street Scene and Leisure (TMBC)
James Fay - Interim Leisure Services Manager (TMBC)
Dominic Reynolds - Senior Exchequer Assistant (TMBC)

Risk factor information and assessment

Asset Management and Liability - Risk Grading

Location	Remote
Scope	Primary
Description	Asset Management and Liability Management System
Introduction and Best Practice	
Recommendation - 001	
<p><u>Comments</u></p> <p>The policy document is introduced with a synopsis on the importance of trees to TMBC noting their value to the organisation before giving a background of risk management in relation to trees. It highlights that the frequency of incidents that occur that would cause damage and/or injury are deemed as being “extremely low” and acknowledges that there is no research that suggests the overall risk presented by trees has not increased in recent times. There is no set standard way in which a policy must be written however this report finds the introduction to this risk is a good summarisation of the risk presented by trees and therefore sets a good context for the policy about to be discussed.</p> <p>The document then moves to discuss the history of claims relating to TMBC noting that since 2002 there have been a total of thirty-three claims resulting in £40,000.00 in claims pay out and noting that these all relate to property damage rather than any injuries. The inclusion of this can be helpful to internal stakeholders however this can be used as a guide to potential claimants as well for setting an understanding of the type of claims typically dealt with.</p> <p>The scope of the policy looks specifically at the areas of responsibility that are covered by TMBC, this is an essential requirement as it identifies what areas and tree’s TMBC may be liable for. This sub-section identifies these areas adequately.</p> <p>The aims presented by this policy identifies the scope of the policy itself in its intention to create a safe, attractive, and sustainable environment and to provide formal direction in the best methods for achieving this.</p> <p>The legal implications are highlighted under responsibilities pertaining to the Occupiers Liability Act 1957 confirming this policy complies with the common duty of care. Other relevant legislation is highlighted as being relevant to tree risk management policy including:</p> <ul style="list-style-type: none"> • Occupiers Liability Acts 1984 • Local Government (Miscellaneous Provisions) Act 1976 • Countryside and Rights of Way Act 2000 (CRoW) • Wildlife and Countryside Act 1981 • Management of Health and Safety Regulations 1999 <p>All legislation mentioned is considered part of best practice however it would be recommended to mention the Highways Act 1980 at this point as many incidents involving trees happen near or on highways.</p> <p><u>Recommendation</u></p> <p>Include mention of the Highways Act 1980 when listing the legal obligations, if there is a separate policy that relates to Tree’s and Highways, then this should be at least signposted within this subsection of the policy.</p>	

Policy 1 – Monitoring and Inspection**Recommendation - Nil**Comments

The document clearly states that the Council is responsible for monitoring the health and safety of all mature trees by way of inspection. This policy is expanded on by following guidance set out by HSE in regards to “Zoning” (HSE, 2013) , two categories of zones are identified that are determined by the frequency of visitation each site would receive. This follows best practice set out by HSE. There is a clear stipulation that mature trees (which is referred to in other parts of the policy) are defined as trees being over 6 meters tall.

Recommendation

Nil

Policy 2 – Expert Inspection Frequency**Recommendation – 002, 003**Comments

This policy deals specifically with the inspection of “mature” trees as previously defined in the first policy. The stipulation of this policy is that the council will carry out “expert” inspections within a three year period. This is stipulated before the explanation is given of the requirements of an “expert” inspection.

The policy itself is a sound explanation on the frequency of expert inspections however and is therefore fit for purpose.

Recommendation

1. Explanation of the levels of inspection should be defined before Policy 2 makes mention of their requirement for a specific categorisation of tree.
2. Preceding the “Policy 2” being raised, there is a comparison of the neighbouring councils attitudes to tree inspection. Albeit this comparison is useful information, it is more useful to internal stakeholders at TMBC and therefore should not form part of the policy document that could be disclosed to third parties if requested under a Freedom of Information Act (FOI2000) Request. This comparison gives potential claimants ammunition to cross examine other councils and dispute the actions of TMBC. This policy document should relate to the policy of TMBC alone.

Policy 3 – Basic Inspection Frequency**Recommendation - 004**Comments

As with Policy 2, this policy speaks of about basic inspections and their requirement to be undertaken annually on all mature trees that have been identified at priority sites. The frequency identified complies with the recommended frequency of inspection.

Recommendation

If expert inspection requirements are identified from basic inspections, basic inspections should be detailed first to assist the flow of reading the policy document.

Policy 4 – Post Storm Condition Inspections**Recommendation – 005, 006**Comments

Policy 4 states that basic inspections will be conducted at priority sites “as soon as conditions permit and as staffing allows.” It also notes that this will only be conducted following Metrological Office ‘named’ storms. By leaving a certain level of ambiguity regarding the call out times for these inspections, this aids in claims defensibility as well as assisting in the operational management of this policy requirement.

Recommendation

1. Post storm reports are most likely to be called in to the council with the third party requesting an inspection, within Policy 4 it is recommended that there is mention of requests for reactive inspections following complaint that still allows for reasonable management of these inspections.
2. Within the Policy 10 there is mention that trees that pose an immediate threat should be taped off. The act of taping off a tree should mention specifically that this should be done when it is safe to do so or following an expert inspection. This removes the unreasonable expectation that council employees would be going to trees that have been identified during hazardous weather conditions to immediately carry out this action.

Policy 5 – Qualifications (Expert Inspection)**Recommendation - Nil**Comments

The levels of qualification required for “Expert” inspections is clearly demonstrated.

Recommendation

Nil

Policy 6 – Qualifications (Basic Inspection)Comments

The levels of qualification required for “Basic” inspections is clearly demonstrated.

Recommendation

Nil

Policy 7 – Expert Inspection Scope**Recommendation - Nil**

Comments

There are expert forms of inspection in place. These inspections would be used to address the structural condition of the tree will be focused on with re-inspection recommendation and/or management recommendations being given at this point. This is viewed as good practice.

Recommendation

Nil

Policy 8 – Basic Inspection Scope**Recommendation - Nil**Comments

There are basic forms of inspection in place. This inspection would be a ground based visual inspection to check for obvious potential hazards, a link to the potential hazards is identified.

Recommendation

Nil

Policy 9 – Successive inspections**Recommendation - Nil**Comments

This policy addresses the approach that TMBC have adopted to successive inspections on the same tree. The recommendation that is set out in this policy is that the trees should be inspected during different seasons in successive years to give a multi-seasonal view of the overall health of the tree. This demonstrates a good risk management practice to determine the overall health of a living and seasonally affected asset. This also reflects the decision in *Cavanagh v Witley* which advises that inspections should be carried out in and out of leaf.

Recommendation

Nil

Policy 10 – Remedial Action Categorisation (Post Expert)**Recommendation - Nil**Comments

The categorisation of remedial action timescales laid out in this part of the policy reflect the best practice (Smiley et al, 2017). There is a note attached to this policy that suggests that a tree that is an immediate danger to the public will be “taped off” until a time that the necessary works can be completed to make the tree safe.

Recommendation

Nil

Policy 11 - Remedial Action Categorisation (Post Basic)**Recommendation - 007**

Comments

The categorisation of remedial action timescales laid out in this part of the policy reflect the good practice (Smiley et al, 2017). This policy also notes a risk-based approach to the basic inspections with works being deemed necessary for safety reasons will take priority. This conforms to best practice (Ball, 2011). The inclusion however of only two categories (High priority and urgent) however means that there is no category given for “no action required until next scheduled inspection” as per policy 10.

Recommendation

Include a third category that details if no further action is required until the next inspection.

Policy 12 – Recording of Inspections (Expert)**Recommendation - 008**Comments

The information that is gathered as part of the expert inspection covers most of the relevant information that would be required from an insurance standpoint if the tree was to be involved in a claim. The only other addition that would be required for this would be the response category that the inspection has identified. Although this could be detailed in the “Recommended Remedial Action” question, having a specific requirement to fill this in offers the best available information to aid claims defensibility.

Recommendation

Specifically ask for the categorisation of response that the inspection requires on the basic inspection sheet.

Policy 13 – Recording of Inspections (Basic)**Recommendation - 009**Comments

The information that is gathered as part of the basic inspection covers most of the relevant information that would be required from an insurance standpoint if the tree was to be involved in a claim. The only other addition that would be required for this would be the response category that the inspection has identified. Although this could be detailed in the “Recommended Remedial Action” question, having a specific requirement to fill this in offers the best available information to aid claims defensibility.

Recommendation

Specifically ask for the categorisation of response that the inspection requires on the basic inspection sheet.

Recommendation - 010Comments

The policy document concludes with the commitment that tree safety will be delivered ahead of environmental improvements. This statement clearly demonstrates a strong commitment to the risk-based approach laid out in this policy.

There is a commitment to the continued training of individuals responsible for the management of tree assets within their organisation.

There is a commitment to further develop the way that information relating to tree asset management is recorded by way of developing a digital record system, although this statement is reasonable and laudable, it may not be required to be included in the tree risk policy specifically as this forms part of a strategy rather than policy.

The policy is then finalised with a commitment to be reviewed annually as part of the Councils Operation Risk Register. This forms part of best practice in risk management as it demonstrates there is a cyclical review process of this risk.

Annexes to the policy are appropriate and support the policy objectives well.

Recommendation

Remove the strategic objective for an upgrade to digital record systems from the policy document.

References

Ball, D., 2011. Common sense risk management of trees: guidance on trees and public safety in the UK for owners, managers and advisers. Common sense risk management of trees: guidance on trees and public safety in the UK for owners, managers and advisers.

HSE (2013), Management of the risk from falling trees or branches, Series: Sector information minutes SIM 01/2007/05, viewed 30/03/2023

Smiley, E.T., Matheny, N.P. and Lilly, S.J., 2017. Tree risk assessment. In Routledge Handbook of Urban Forestry (pp. 478-488). Routledge.

Final remarks

I would like to thank those who participated in this assessment for their assistance and co-operation. If there are any questions arising from this report, or further details are needed, please let Zurich know as soon as possible.

Zurich Risk Engineering aims to continually improve its service to customers. In support of this, please could you kindly take a few moments to complete the brief online Customer Response Survey for which there is a link at the start of this report.

Anthony Byars MSc, Cert CII, GradIRM
Risk Consultant - Liability Team
anthony.byars@uk.zurich.com



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Recommendations and Comments arising from Tree Safety Policy Review

Recommendation/Comment	TMBC Health and Safety Officer Comments	Proposed amendments
Include mention of the Highways Act 1980 when listing the legal obligations, if there is a separate policy that relates to Tree's and Highways, then this should be at least signposted within this subsection of the policy.	Agree with recommendation to include reference to Highways Act 1980 to list of legal obligations.	Add reference to Highways Act to Section 4.
Explanation of the levels of inspection should be defined before Policy 2 makes mention of their requirement for a specific categorisation of tree.	N/A	Explain categorisation of trees within section 7.2.
Preceding the "Policy 2" being raised, there is a comparison of the neighbouring councils attitudes to tree inspection. Albeit this comparison is useful information, it is more useful to internal stakeholders at TMBC and therefore should not form part of the policy document that could be disclosed to third parties if requested under a Freedom of Information Act (FOI2000) Request. This comparison gives potential claimants ammunition to cross examine other councils and dispute the actions of TMBC. This policy document should relate to the policy of TMBC alone.	HSO - Agree with recommendation to remove reference to other Local Authorities approach to tree safety.	Remove references to the approach of other Local Authorities.
If expert inspection requirements are identified from basic inspections, basic inspections should be detailed first to assist the flow of reading the policy document.	N/A	Detail basic inspections before expert inspections.
Post storm reports are most likely to be called in to the council with the third party requesting an inspection, within Policy 4 it is recommended that there is mention of requests for reactive inspections following complaint that still allows for reasonable management of these inspections.	Agree with Zurich Recommendation. Reword this section.	Reword section as recommended.

<p>Within the Policy 10 there is mention that trees that pose an immediate threat should be taped off. The act of taping off a tree should mention specifically that this should be done when it is safe to do so or following an expert inspection. This removes the unreasonable expectation that council employees would be going to trees that have been identified during hazardous weather conditions to immediately carry out this action.</p>	<p>N/A</p>	<p>Add wording as recommended.</p>
<p>Policy 11 - Include a third category that details if no further action is required until the next inspection.</p>	<p>N/A</p>	<p>This could be added for use if there are no works required across an entire site, but as the inspections use negative reporting, it would not be used for individual trees that do not require any works.</p>
<p>Specifically ask for the categorisation of response that the inspection requires on the basic inspection sheet.</p>	<p>N/A</p>	<p>Inspection sheet already includes a priority column. No amendment required.</p>
<p>Specifically ask for the categorisation of response that the inspection requires on the expert inspection sheet.</p>	<p>N/A</p>	<p>Inspection sheet already includes a priority column. No amendment required.</p>
<p>Remove the strategic objective for an upgrade to digital record systems from the policy document.</p>	<p>N/A</p>	<p>Remove the strategic objective as recommended.</p>

Additional comments from Health and Safety Officer

Section	Comment	Leisure Services Response
3.0 History of claims	Claim figures need to be updated.	Claim figures to be updated.
4.0 Scope	Change date of Zurich Review to 2023.	Date to be changed following adoption of recommendations.
7.1 Which trees need inspecting	Check that Annex 1 is most recent version of guidance.	Check most recent guidance and update if necessary.
Policy 1	Are level and frequency of tree inspections recorded in a spreadsheet?	Tree Safety Policy contains this information and is provided to inspectors on annual basis.
Policy 1	Are actions arising from inspections recorded?	Inspections are filed on H:/ and works arising from inspections are collated and provided to arb contractors during tender process.
Policy 2	Is this listed and recorded on a spreadsheet and are copies of inspections available?	Site lists and categorisations are stored in spreadsheet in H:/, could be added to this document as an annex.
Policy 3	Is this listed and recorded on a spreadsheet and are copies of inspections available?	Listed within Annex 3 of Tree Safety Policy.
7.3 What level of competence should the inspector have?	Will there be a spreadsheet detailing this information and frequency of inspections?	Tree Safety Policy contains this information and is provided to inspectors on annual basis.
Policy 12	Add a column for 'no defects identified'.	This could be added for use if there are no works required across an entire site, but as the inspections use negative reporting, it would not be used for individual trees that do not require any works.

Policy 13	Add a column for 'no defects identified'.	This could be added for use if there are no works required across an entire site, but as the inspections use negative reporting, it would not be used for individual trees that do not require any works.
Annex 2	Check that this is the most recent version.	Check most recent guidance and update if necessary.
Annex 4	Add in option for no defects.	This could be added for use if there are no works required across an entire site, but as the inspections use negative reporting, it would not be used for individual trees that do not require any works.
	Amend guidance notes to record if there are no defects.	This could be added for use if there are no works required across an entire site, but as the inspections use negative reporting, it would not be used for individual trees that do not require any works.
	Mention risk assessments for basic tree inspections and tools that may be used.	Insert reference to risk assessment.

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure and Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 EVENTS ON PUBLIC OPEN SPACES

Summary

This report brings forward suggested amendments for consideration in regard to the Councils Events on Open Spaces Policy and Events on Open Spaces application form. The Committee is requested to consider the suggested amendments and make recommendations to Cabinet.

1.1 Background

1.1.1 Members of this Committee may be aware that the Council welcomes the hire of its public open spaces for events. Each applicant is required to complete an Events on Open Spaces form and pay an admin fee and hire charge based on agreed criteria.

1.1.2 A significant number of events take place on Council land, in particular Tonbridge Castle Lawn, ranging from community events such as fetes and festivals to commercial events such as music festivals, food and drink festivals and outdoor cinemas. Approximately 94 events took place in the last financial year generating an income of £39,000.

1.2 Events on Public Open Spaces Applications

All event organisers are required to complete an Events on Open Spaces (EOS) application form and pay an admin fee and hire charge. At the meeting of Cabinet on 8 November 2022, the application form and scale of charges were agreed for 2023/2024 and have subsequently been applied. A copy of the application form and policy are attached at **[Annexes 1 and 2]**. Members of the Committee will note that the form requires all users to provide supporting documentation including, Public Liability Insurance, Risk Assessments and Event Management Plans. The charges as outlined, take into account the scale and nature of the event.

1.3 Suggested Amendments

- 1.3.1 The suggested amendments to the EOS application form and policy have been identified as follows: -
- 1.3.2 **Financial checks** – It is suggested that for larger scale commercial events over £2,500.00 in value a financial check is undertaken of the organiser. The proposed addition to the current information required is included in blue text on **[Annexes 1 and 2]**. Members will note that a copy of a business plan for the event must be supplied, and lawn hire fees and admin fees must be paid in full prior to the start of the event. The organiser is also required to supply the Company Registration Number, Charity Number, VAT Number and names of the Directors / Principal Officers.
- 1.3.3 The first event that will potentially be subject to these checks is the Christmas event at Tonbridge Castle which has recently been advertised for expression of interest. It is hoped that this additional financial check will provide greater assurance to the Council of the financial stability of the company organising the event, but it is important to note that all events carry a financial risk and the responsibility of this will continue to rest with the organiser.
- 1.3.4 **Repair of damage** – Whilst the Council do take deposits from the larger events to cover repair works to the grass areas, deposits are not taken for all events. Should damage occur during, or as a consequence of the event, this will be recharged to the event organiser. The wording in the policy and EOS form at **[Annexes 1 and 2]** has been proposed in blue text to reflect this.
- 1.3.5 **Prevent** – Following recent changes in legislation local authorities have been encouraged to incorporate Prevent guidance into their EOS Application forms and Policies. Proposed wording is included in blue text on the form attached at **[Annexes 1 and 2]**.
- 1.3.6 The Prevent Duty Guidance states; Section 45. *“In complying with the duty we expect local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.”*. Information will be requested from the event organiser and the Council will complete due diligence checks.

1.4 Non-Compliance

- 1.4.1 At the present time the policy and EOS form does not include any reference to what action may be taken by the Council if the organiser uses an area of public open space without approval being granted. This currently represents a risk to the Council and public as appropriate checks will not have been undertaken and the event can therefore not be considered safe or fit for purpose. Following liaison with legal services it is suggested that this could be addressed by the Council introducing a Byelaw for its Open Spaces.

- 1.4.2 A Byelaw will make it illegal to proceed with certain events or activities without the Council's prior approval/Consent.
- 1.4.3 Police and Community Support Officers (PCSOs) and council officers check parks and green spaces. If they see someone breaking a byelaw that person will be asked to stop. If they continue, they might be removed from the area and can be fined up to £500.
- 1.4.4 The introduction of Byelaws will take time and resource to introduce so the Committee is requested to consider whether they would wish to see this approach progressed.

1.5 Legal Implication

- 1.5.1 Whilst this is a discretionary service there is a legislative requirement for the Council to approve events taking place on Council owned land.
- 1.5.2 Should Members agree with the suggested introduction of a Byelaw for its Open Spaces, this will make it illegal to proceed with certain events or activities without the Council's prior approval/consent.

1.6 Financial and Value for Money Considerations

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

1.7 Risk Assessment

- 1.7.1 All applicants for use of Council owned land are required to provide safety plans, risk assessments and insurance as detailed in the Policy.

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

- 1.9.1 Community

1.10 Recommendations

- 1.10.1 Members of the Committee are requested to consider the suggested amendments to the Events on Open Spaces form and Policy at **[Annexes 1 and 2]**, the potential introduction of Byelaws to address unauthorised use and make recommendations to Cabinet.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Stephen Gregg

Nil

Darren Lanes
Head of Street Scene and Leisure



Event Application Form

Public Open Spaces

The Council has a duty to ensure that anyone using its land for an event does so in a competent and safe manner. Please complete the information requested below which will be used to assess your application.

1. Ensure you have read our **policy on the use of council owned public open spaces** which includes our scale of charges. Visit - <https://www.tmbc.gov.uk/downloads/file/1863/tmbc-policy-on-the-use-of-council-owned-public-open-spaces>
2. Please submit this application form a **minimum of two months** prior to your event, to the address detailed on page 7.
3. You will need to provide **risk assessments** for all your activities.
4. You will need to provide a copy of your **public liability insurance** with a minimum cover of £5 million (large and high-risk events may require a higher indemnity).
5. **For all events with fees in excess of £2,500.00.**
A copy of the business plan for the event must be supplied and lawn hire fees and admin fees must be paid in full prior to the start of the event.

Event details

1. **Event location/s** (Please specify exact location/area and provide a map if necessary)
.....
If considering use of inside Tonbridge Castle please email: tonbridge.castle@tmbc.gov.uk where your booking will be dealt with and charged independently to your event application.
2. **Event name**.....
 a) **Activities during the event**.....
 b) **This will be a private / public event** (please delete as appropriate).
3. **Name of organiser running event**
- Contact name of event organiser**
- Address**.....
.....
- Daytime telephone number**.....
- Telephone number during event (mobile number)**

Email address
 Company Registration Number (if applicable)
 Charity Number (if applicable)
 VAT Number (if applicable)
 Directors / Principle Officers.....

- 4. Date(s) of event.....
- 5. Times of event
 Arrive on site..... Vacate the site
- Event start time..... Event finish time.....
- 6. Number of event staff.....
- 7. Estimated number of participants / visitors expected.....

Parking & Vehicle management

8. Number of vehicles expected

1-100 101 – 200 201 – 300 Other

An event Parking Plan must be submitted to indicate where all vehicles, including those of staff / volunteers, support vehicles such as catering units, ambulances and mobile toilets and spectators / participants, are expected to park.

If your potential event proposes to use **any** part of a public car park, including parking associated to Tonbridge Castle, you will need to specifically highlight this on a separate plan highlighting any use of a public car park and this will need to specifically show the following:

1. The full area proposed to be used shown on a map.
2. The intended use of this space.
3. The total number of parking bays required.
4. The days and times required for use (to include set up and take down)

Please be advised that it is Council’s Policy to recover lost income from event organisers, associated with their exclusive use of public car parks and, therefore, **a fee will be sought** relative to the proposed use and based on the information provided above. Please be advised that in accordance with current parking charges, Sundays and Bank Holidays are free.

Details of the Councils Car Parks are available on its web site www.tmbc.gov.uk/carparks.

The Council needs to ensure that regular users of its car parks have access to suitable parking and it may therefore be necessary to influence any parking plans. Please advise the Parking Manager of any planned advice to participants or spectators.

Please note that it is the responsibility of the Event Organisers to manage parking and in particular any pre-agreed dedicated or specific areas. The Council is unable to provide any staff to assist in car park management. Please also note that any departure from the confirmed arrangements or, parking regulations will result in normal enforcement taking place.

Parking Plan (Please detail below or attached a separate sheet as necessary)-

.....
.....
.....

9. Traffic Control

A large event may require the control of traffic on roads approaching the event or in the parking areas themselves. You will need to contact the Local Highway Authority directly regarding an event that requires road closure, or the Police for advice on managing or controlling traffic on street. Please be advised that the Council is unable to assist in parking management for events.

Event provisions

10. Will catering / refreshments be provided? Yes No

If yes, will these be sold to members of the public? Yes No

Please provide details of your catering arrangements including where they are registered

.....
.....

For more information, contact the Council's Food & Safety Manager on 01732 876192.

11. Will additional toilets be provided? Yes No

If yes, please state what additional toilet facilities you will be providing and where you intend to place these

.....

Male – One WC for 50 – 100 people, Two WCs for 101–500 people, Three WCs for 501-1000 people, plus 1 additional WC for each additional 500 people. 4 ½ metres of urinals is required for every 1,000 people.

Female – One WC is required for every 100 people.

Wash/hand basins - One for every sanitary fitting with hot and cold water.

Consent must be given by the Council for the location of any additional toilet facilities.

12. What first aid provision will be provided?

.....

13. Will you have any temporary structures / enclosures? Yes No

If yes, will flooring be laid? Yes No

Please provide a fire risk assessment / action plan for the precautions to be taken in case of a fire.

The location of temporary structures, including marquees, tiered seating and stages, must be agreed in advance. The Council's Building Control Services can provide advice on 01732 876251. The Fire Safety Officer may need to be contacted on 01622 212451, for larger structures / enclosures. It is your responsibility to liaise with the Fire Authority. For more information and advice on fire risk assessments visit www.communities.gov.uk/fire/firesafety/firesafetylaw

14. What arrangements will be made for the removal of refuse?

.....
 All event refuse must be cleared and removed from site. No event refuse can be placed in or next to the public litter bins. Arrangements for the supply, emptying and removal of wheelie bins can be made via the Council's Waste Services on 01732 876147. Provisions for temporary recycling facilities can also be arranged. Charges apply for the above litter, refuse and recycling services. The release of Sky Lanterns and Balloons is prohibited from Council owned land.

Any litter/refuse not removed, will be removed by the Council, with the costs and administration charge passed onto the event organiser.

Collections and charges

15. Will a collection be taken? Yes No

If yes, please give name of charity.....

A collection is any collection of money or articles in lieu of money.

To apply for a permit for a collection, please visit www.tbmc.gov.uk/licensing/get-permission-charity-collection-1

16. Will there be an admission charge? Yes No

If yes, please state the charge.....

Under Section 53 of the Public Health Act 1961, parks and pleasure grounds must remain open to the public on Sundays and Bank Holidays. Members of the public must not be prevented from enjoying free access. An admission charge will not normally be permitted on any day of the week.

17. Will there be items on sale? Yes No

If yes, please provide a description of all items on sale including details on stands / stall holders.....

NOTE: The use of animals as prizes is prohibited on Council owned land at any time.

Health & safety and insurance

18. Please enclose a copy of your risk assessment(s) for *all* your activities including any tents/gazebos and catering you intend providing. If your risk assessment refers to other documentation, please ensure you supply this with the application. A risk assessment template and guidance notes are available on request.

Large events and those which attract significant crowds will require an Event Management Plan in addition to individual risk assessments.

19. Public liability insurance must be provided with an indemnity limit of no less than £5 million. **Please provide a copy of your public liability insurance certificate** with this application. Please note that if you have arranged for other organisations to contribute to your event, they must also provide a copy of their public liability insurance certificate with an indemnity limit of no less than £5 million. Larger events or those with a higher level of risk may require a higher indemnity limit.

For more information, please email insurance@tmbc.gov.uk

Other event information

20. Will an electricity supply be required? Yes No

You will be required to provide your own generator(s) which must comply with the safety requirements of the Electricity at Work Regulations 1989. Any portable electrical equipment used must be suitable for the purpose and have been subject to a recent PAT test. Please contact a qualified electrician, if required.

A 32 amp single phase electricity supply can be made available at Tonbridge Castle for a £5 charge. Please provide a cheque for £5 with a list of equipment and loading for the Tonbridge Castle electricity supply, if required.

21. Will you be using a public address system? Yes No

If yes, what will the public address system be for?

.....

Contact the Council's Environmental Protection Team on 01732 876184 for advice and to discuss the potential noise impact of the PA system on the nearest noise sensitive properties.

22. Will the event include music, singing and/or dancing? Yes No

If yes, please provide details

.....

If yes, your event may require a Temporary Event Notice (TEN) by law. Contact the Council's Licensing Officer on 01732 876368 for advice. Contact the Council's Environmental Protection Team on 01732 876184 for advice and to discuss the potential noise impact of the event on the nearest noise sensitive properties.

23. Does your event include a parade? Yes No
 If yes, is it on the public open space or a street parade?
 What is the proposed route of the parade?
24. Will banners / other advertising be displayed? Yes No
 If yes, please provide details
 Banners or notices must not be attached to Tonbridge Castle.
25. Will alcohol be consumed as part of the event? Yes No
 If yes, please give details.....
 The consumption or sale of alcohol will only be permitted if felt appropriate for the event and only at Tonbridge Racecourse Sports Ground and Tonbridge Castle. A Temporary Event Notice (TEN) maybe required, please contact the Council's Licensing Officer on 01732 876368.
26. Will there be any inflatable items at the event? Yes No
 If yes, please give details and PIPA registration number.....
27. Will there be Fireworks at the event? Yes No
 If fireworks are being used as part of the event please ensure you have written to all local residents to advise them of the timings and highlighted this through social media channels.

Terms and conditions

Additional charges

In addition to normal hire there will be an extra caretaking fee if appropriate. This is normal for large events to enforce the Conditions of Acceptance of the Hire.

Should parking charges apply these must be paid in full prior to the start of the event.

Should any damage occur to the grounds / facilities as a consequence of the event, a quotation will be sought to repair this and the costs passed on to the event organiser.

Conditions for acceptance of the hire

Organisers are reminded of their legal duty to ensure the safety of members of the public attending the event. Organisers are invited to consult with the Council's Health & Safety Officer –Tel: 01732 876195 during the events planning stage. A full Event Safety Management Plan will be expected for larger events and/or those which will attract significant crowds.

The hirer is not to use local authority publicly-owned venues or resources to espouse violent and/or non-violent extremist views. The council will complete due diligence checks as stated within our Policy on the use of council owned public open spaces.

Public Liability Insurance cover must be provided with an indemnity limit of not less than £5 million. Use of the facilities is permitted entirely at the organiser's own risk, and Tonbridge & Malling Borough Council will not be liable for any injury, damage or loss of property.

Vehicles may not be driven on any grassed areas unless otherwise stated. If any parts of the grounds are left in a damaged condition, these will be repaired by the Council and as the Organiser you will be held liable for payment. Tonbridge & Malling Borough Council reserves the right to cancel and/or relocate any planned events with immediate effect. It reserves the right to close or prohibit the use of the facilities at its discretion. Tonbridge & Malling Borough Council will not be liable for any loss or expenditure incurred by or on behalf of the organiser arising from the exercise of this discretion. Discretion will be used with regard to ground conditions on the day.

An on-site meeting may be arranged to confirm any details in this application (for example position of marquee), before approving your application. If a 'licence to occupy' agreement is required for your event, you will be contacted by the Council's Property Services.

The site must be left in a clean and tidy condition.

Applicants are advised that the local Inspector of Police and local Fire Officer may be notified of all forthcoming events.

Signed _____

Please sign and return your completed Events Form, together with supporting paperwork to:

Gemma Record, Development Assistant

e: gemma.record@tmbc.gov.uk

t: 01732 876177

Tonbridge & Malling Borough Council will not be held liable for any cost incurred by the organisers prior to formal approval of the application by the Council. You will be notified of approval by receipt of a confirmation email.

We collect and store your data in accordance with the General Data Protection regulations 2018. To see what we store and how we use and share your information visit www.tmbc.gov.uk/leisure

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Annex 2

TONBRIDGE AND MALLING BOROUGH COUNCIL

POLICY FOR USE OF COUNCIL OWNED PUBLIC OPEN SPACES

1.0 THE REQUIREMENT FOR A POLICY

- 1.1 Tonbridge and Malling Borough Council (the Council) own and manage a range of open spaces across the borough, ranging from small amenity areas within housing estates through to country parks. These open spaces are utilised by a wide range of different users all year round and it is important that the Council ensures they remain safe and available to access.
- 1.2 Requests are often received from organisations to utilise areas of Council open space for a variety of uses. The Council has an established Events on Public Open Spaces procedure for applications relating to one-off events, however there is currently no policy framework underpinning the process and it does not deal with regular events / activities.
- 1.3 Such is the number of requests now being received, especially for regular use, it is felt a policy setting out the criteria against which each request will be assessed against is required to establish a fair and transparent system.

2.0 AIMS OF THE POLICY

- 2.1 The overarching aim of the policy will be to ensure the Council's open spaces remain a safe place for members of the public to use, while also allowing organisations to benefit from them where it is deemed appropriate and not to the significant detriment of the general public use. In addition, the policy will aim to protect the Council's existing income streams and/or third-party arrangements as well as to identify additional income streams.
- 2.2 The policy will set out the framework against which applications to use the Council's open spaces will be made.

3.0 SCOPE

AREAS

- 3.1 Council owned areas which will be considered to fall within the scope of this policy include (but are not limited to):
 - Grassed areas

- Woodland
- Play areas
- Sportsgrounds
- Country parks
- Tonbridge Castle grounds
- Car parks

3.2 Any part of a Council owned open space which has been leased to, or is managed by, another organisation will be out of scope on the basis those organisations will have control over those areas and any applications to use them should be made to those organisations.

ACTIVITIES

3.3 The policy will be used whenever an application is received to use an area of Council owned open space that would be considered not to fall within the broad parameters of 'normal' use of a public open space, whether that be for a one-off event or regular activity.

3.4 These events will include those run by individuals, voluntary and charitable organisations as well as commercial organisations. Examples may include (but are not limited to):

- Fitness classes or events
- Dog walking and training for more than 1 household
- Sports events or classes
- Markets
- Entertainment events
- The sale of food and beverage
- Boat hire
- Fun fairs
- Fund raising events

3.5 The following activities are not permitted on Council Land:

- The release of Sky Lanterns and Balloons
- The use of live animals as prizes

4.0 ASSESSMENT CRITERIA

4.1 When an application is received it shall be assessed against the following criteria.

SAFETY

4.2 Officers will need to determine the impact of the proposed event on the potential safety of those attending the event and/or members of the public using the open space at the same time. This will be achieved through the requirement to submit relevant safety documentation to demonstrate the organiser has considered all relevant safety matters to the full satisfaction of the Council.

4.3 The Council will provide comments and advice on the applicant's plans but will not 'approve' them in a formal sense as the responsibility for managing health and safety will be that of the applicant.

4.4 For larger events, attracting a significant crowd, an Event Management Plan may also be required.

INSURANCE

4.5 The requirement for public liability insurance will be assessed on a case-by-case basis, which may involve seeking the advice from the Council's insurers. Where it is determined insurance is required then minimum cover of £5m should be in place and adequate proof provided, although some events may require a higher indemnity limit.

ACCREDITATION

4.6 Officers will determine whether the proposed event or activity requires the organiser to be a member of a relevant professional association or similar to ensure standards or matters of safety are adhered to.

TYPE OF ACTIVITY

4.7 Officers will determine whether the proposed event is in keeping with the specific area of open space on which it is to be held. This will include an assessment of the following:

4.7.1 The purpose of the event. Is it in any way controversial or not in keeping with the Council's Corporate Strategy?

4.7.2 The number of people attending. Can the area of open space cope with the proposed number of people whereby irreparable damage will not be caused?

4.7.3 Duration and/or frequency of the event. On what day(s) will the event take place and at what time(s)? Will the duration or frequency of the event have an adverse impact on the location or other users?

4.7.4 Infrastructure support for the event. Is the organiser providing enough facilities to manage the event, for example toilets, bins, barriers, marshalling, lighting, power generation etc.

4.7.5 Proposed equipment to be used. Is the type of equipment appropriate for the particular open space and event? Are there any safety issues which may arise as a result of its use? In certain circumstances documents will be needed to demonstrate the piece of equipment is safe to use, such as electrical testing certification or testing and tagging for inflatable play equipment (PIPA).

PREVENT

- 4.8 The Prevent Duty Guidance states; Section 45. “In complying with the duty we expect local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views.”

The below information will be requested from the event organiser:

- Names, associated names they operate under, addresses and contact details.
- Details of the individuals or organisation’s website and associated websites.
- The purpose of the booking, including details of the title, agenda, content, speakers and expected audience of the event.
- If the booking is being arranged by an event management or another company then the client’s details will be requested.

The Council will complete the below due diligence checks:

- Review advertising for the event/booking.
- If enquiries are made about internet use and bandwidth, investigations will be made as to whether any speakers are participating in the event remotely.
- Enquire if the organiser implements a policy that promotes equality and diversity and challenges all forms of discrimination or if they will agree to their event subscribing to the Council’s equality and diversity policy.
- Investigate if the hirer has policies, reference or media that can be checked, such as websites, articles or speeches to consider what is being said about them.
- Obtain a reference from a venue provider previously used by the individual or organisation should the Council feel this is necessary.
- If the booking is for a charity, the charity number of the organisation will be checked with the Charity Commission at charitycommission.gov.uk
- Investigate if the IT equipment in the venue is up to date with software protection and filters to reduce potential extremist material being accessed.

In the event of suspected suspicious activity the anti-terrorist hotline will be contacted on 0800 789 321 or on 999 in an emergency.

TRAFFIC MANAGEMENT

- 4.9 If the proposed event is likely to impact on the movement of traffic in the surrounding area, then details will be required detailing what the impact will be and what mitigation measures will be put in place by the organiser. This will include as assessment of the following:

- 4.9.1 Will any proposed road closures and diversion routes cause unacceptable traffic issues elsewhere in the vicinity? Application for any road closures would need to be made to Kent County Council as the Highway Authority.
- 4.9.2 Are traffic marshals required and, if so, have an adequate number been provided with appropriate experience? Has their health and safety been taking into consideration?

- 4.9.3 Are there adequate car parking arrangements in place for both visitors and organisers/volunteers?
- 4.9.4 Organisers will be responsible for closing any car parks, including advance warning signs and manning the closure
- 4.9.5 Car parks should not be used to store equipment or facilities in unless they are closed

IMPACT ON EXISTING USER/USE

- 4.10 If an application is received which would impact upon an existing event for which the Council has already granted permission, Officers will determine which should take precedence. In arriving at a decision, the following factors will be considered:

- 4.10.1 Is there a contractual or legal requirement which means a particular event has to occur?
- 4.10.2 Is there an existing contractual or legal requirement which means another similar event cannot take place? For example, where an existing agreement or permission has an exclusivity clause.
- 4.10.3 Is it more economically advantageous to the Council to cancel or offer an alternative location for an existing event to accommodate a new application, if contractual conditions allow?
- 4.10.4 Would the proposed event have a negative impact on an existing event or user for which the Council has already granted permission?
- 4.10.5 Would the proposed event have an unacceptable effect on members of the public using the open space?
- 4.10.6 Where events have already been given permission, can the Council agree with those organisers to change dates to allow concurrent uses, if deemed appropriate?

LOCATION

- 4.11 When assessing applications, Officers will have regard to the location of the proposed event and whether it is appropriate. This will include an assessment of the following:
 - 4.11.1 Will the event cause an unreasonable nuisance or disturbance to adjacent sites or residents?
 - 4.11.2 Is there sufficient space at the proposed location to support the event?
 - 4.11.3 Is there a more appropriate location for the event?

4.11.4 Are there any existing restrictions or controls at the proposed location which would mean the event could not take place?

4.11.5 Is the proposed location not in keeping with the event and/or will have a negative impact on the location? Consideration will be made as to whether the site has any special designation (listed, ancient monument for example) or has any specific safety issues (water course/bodies for example)

5.0 LAND USE AGREEMENTS

5.1 When assessing applications, Officers will consider whether a land use agreement is required in order to protect the Council's land interests, as well as to set out standard terms and conditions for events taking place on the Council's open spaces. It is anticipated that in the majority of cases a licence agreement will be put in place for one-off events. A pro-forma licence agreement can be found at **Appendix A** which will be completed for one-off events.

5.2 Where a regular or re-occurring event is proposed, the views of Administrative & Property Services and/or Legal Services will be sought as to whether a lease agreement is required. Each case will be assessed on its merits, although it is anticipated where an activity takes place regularly (on the same day at the same time, for example) and at the same location or space then a lease will be required in order to ensure no tenant rights are established.

5.3 Any leases granted will be 'contracted out' of the Landlord and Tenant Act 1954.

6.0 CHARGING (1 April 2023 – 31 March 2024)*

ADMINISTRATION FEE

6.1 When inviting applications for events to take place on Council owned land, it is important to consider the Officer time involved in assessing the applications. An administration fee will be charged based on particular criteria which is set out below for one-off events:

Type of event	Maximum attendees (at once)	Administration fee
Commercial	Less than 100	£55
	Less than 500	£55
	Between 500 and 1,499	£330
	More than 1,500	£660
Charity or community	Less than 100	£27.50
	Less than 500	£27.50
	Between 500 and 1,499	£55
	More than 1,500	£110

Where events or activities require the production of bespoke legal agreements the Council will charge legal fees based on a rate of £217 per hour. [Should any damage occur to the grounds /](#)

facilities as a consequence of the event, a quotation will be sought to repair this and the costs passed on to the event organiser.

CHARGES

- 6.2 In addition to the administration fee, the following charges will apply to one-off events taking place on Council owned land:

Type of event	Maximum attendees (at once)	Charge
Commercial	Less than 100	£550
	Less than 500	£550
	Between 500 and 1,499	£1,100
	More than 1500	£1,650
Charity or community	Less than 100	£0
	Less than 500	£110
	Between 500 and 1,499	£110
	More than 1,500	£110

- 6.3 Additional charges may apply where events require use of Council equipment, car parks or buildings. These charges will be determined on a case-by-case basis. In the event of a car park needing to be closed, the charge would equate to the loss of car parking income.
- 6.4 The charges, or rent, for regular activities will be determined on a case-by-case basis and will be specified in the legal agreement. In arriving at a charge or rent, Officers will take into account the following criteria:
- 6.4.1 The requirement for the Council to obtain best value. This assessment may result in the opportunity being tendered to provide other operators a chance to apply
 - 6.4.2 The nature of the proposed activity, for example whether it is being run for commercial gain. The Council will assess the anticipated income/profit being generated and may seek comparable evidence from similar activities taking place in similar areas to arrive at a charge or rent
 - 6.4.3 The frequency and duration of use. Activities which take place more frequently or for a longer duration will attract a higher charge than those taking place for short durations
 - 6.4.4 The physical area on which the activity will take place. For example, the proposed location may result in additional income being generated
- 6.5 Charges for some areas may attract VAT.
- 6.6 For all events with fees in excess of £2,500.00 a copy of the business plan for the event must be supplied and lawn hire fees and admin fees must be paid in full prior to the start of the event.

6.7 Additional financial assessment and review will be undertaken on larger events.

*Charges are reviewed annually.

PROCESS, CONSULTATION AND DECISION

ONE-OFF EVENTS

6.8 Applications to use an area of Council owned open space for a one-off event should be made to Leisure Services using the Event on Public Open Spaces Application Form, which can be found at **Appendix B**, available on the Council's website. Applications should be submitted at least 2 months prior to the event.

6.9 Upon receipt of a completed application form internal Council services shall be consulted depending on the application and the nature of the event. However, it should be made clear to the applicant that additional permissions may be required from other Council departments to hold the event, including (but not limited to):

- 6.9.1 Planning permission
- 6.9.2 Food safety
- 6.9.3 Noise
- 6.9.4 Drinks licence
- 6.9.5 Temporary events licence

6.10 By the Council granting permission as landowner, it does not mean additional permissions will be forthcoming. Operators will need to ensure compliance with all relevant statutory regulations and requirements.

REGULAR ACTIVITIES

6.11 Applications to use an area of Council owned open space for a regular or re-occurring activity should be made to Administrative & Property Services using the application form found at **Appendix C**, available on the Council's website.

6.12 Upon receipt of a completed application form internal Council services shall be consulted, depending on the application and the nature of the activity, and consideration given to whether a lease is required and what rent should be charged. Where an agreement over 5 years is proposed, Member approval will be required via the Finance, Innovation and Property Advisory Board.

6.13 Where the application concerns a regular commercial activity, Administrative & Property Services, in consultation with other relevant Council services, will assess whether the opportunity should be tendered to allow other potential operators to apply and so that the Council can demonstrate it is achieving best value.

6.14 Again, as outlined at 7.2, the application may require additional permissions from other Council departments to operate the activity.

DECISION

- 6.15 The applicant will be advised of the Council's decision to either permit the event or reject the application. If an application is rejected the applicant may appeal the decision, which will be considered by the Cabinet Members for Finance, Innovation & Property and Community Services, who's decision will be final.
- 6.16 The Council reserves the right to amend or cancel an event in the event of particular circumstances which may include (but are not limited to):
- 6.16.1 The Council or other public body requiring urgent use of the space
 - 6.16.2 The Council becoming aware of new information which may have affected its decision to approve the event
 - 6.16.3 Direction from the Police or other public authority that the event should be cancelled

7.0 UNAUTHORISED EVENTS

- 7.1 Where the Council becomes aware of an event or activity taking place on Council owned land which has not been approved, the organisers will be told to shut down the event. Should any substantial damage be caused as a result of the unauthorised event the Council may seek damages from the event organisers.
- 7.2 If the organisers of an unauthorised event make any future applications for additional events, the Council will factor into their decision making the fact an unauthorised event took place.

8.0 APPROVAL AND REVIEW OF THIS POLICY

- 8.1 This policy shall be considered by Members at an appropriate Advisory Board, Cabinet and then Full Council. The policy shall be formally reviewed every 4 years, with the charges being reviewed annually

Last reviewed:

Feb 2023

APPENDIX A – PRO-FORMA LICENCE AGREEMENT

APPENDIX B – EVENTS ON PUBLIC OPEN SPACES APPLICATION FORM

APPENDIX C – RE-OCCURRING EVENTS ON PUBLIC OPEN SPACES APPLICATION FORM

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet

1 LITTER & FLY TIPPING ENFORCEMENT PILOT – SIX MONTH REVIEW

To report on the performance of the Litter & Fly Tipping Enforcement pilot with National Enforcement Solutions after the first six months. The report identifies options for the future and asks the Committee to make recommendations to Cabinet.

1.1 Background

- 1.1.1 The Council does not currently have a dedicated enforcement team to deal with offences such as littering & fly tipping. Enforcement duties have previously been incorporated into the roles of officers with broader remits, primarily the three Waste & Enforcement Officers (WEOs) and the Senior WEO. However, following the introduction of new waste collection services in 2019, greater focus has been required on monitoring & management of the Waste & Street Cleaning contract; health & safety inspections; dealing with service requests & complaints; liaising with third parties such as Housing Associations, Kent Highways, Parish Councils, etc. This has resulted in a reduction in litter & fly tipping enforcement activity.
- 1.1.2 In order to maintain levels of cleanliness standards expected by residents, the Council has adopted a range of approaches that include physical cleansing to an agreed schedule, education & promotional initiatives, and the investigation & enforcement of littering & fly tipping offences. It has been acknowledged that the latter could not be sufficiently delivered within existing resources. External assistance with enforcement has been an approach widely adopted by councils, to varying degrees of success. In order to assess the feasibility of long-term success with such enforcement activities, a 12-month pilot was agreed to be undertaken taken with an experienced enforcement third-party, National Enforcement Solutions (NES).
- 1.1.3 The Cabinet Member for Technical & Waste Services endorsed this pilot on 10 August 2022. Officers subsequently engaged with NES to establish a service level agreement for the pilot, and to put the necessary measures in place for reporting incidents, establishing agreed procedures, staffing support requirements, etc. The pilot started on 17 October 2022, with an initial training & induction week for NES

staff. Officers committed to updating Members on the performance of the pilot at an appropriate point, so that Members could consider future options.

1.2 Review of pilot

- 1.2.1 For the pilot, NES aimed to provide at least two Enforcement Officers, ideally four, plus a team leader and additional Operational Support to administer the FPN issuing & case management system, take payments, deal with enquiries, challenges and complaints and manage the pilot. The working hours of the Enforcement Officers for the pilot are from 08:00 to 18:00 on a 5-day working week. Their duties are to patrol and issue FPNs for littering (up to a single rubbish sack) and inspect & investigate fly tips. This has meant that the Council's own WEOs could focus their enforcement activities on more complex areas such as abandoned vehicles, waste carrier offences, waste accumulations, joint operations with the Police to disrupt illegal waste activities, cross-boundary investigations, and liaison with the Community Safety Unit, Kent County Council's (KCC) Intelligence Unit and other third parties such as the housing associations, the Police, British Transport Police, Environment Agency, etc.
- 1.2.2 NES' Enforcement Officers have been authorised individually by the Council to issue FPNs and carry out investigations only once NES have provided evidence that appropriate training in the relevant legislation and working practices have been provided. This training consists of four weeks in total, with an initial two days of office-based training, eight days shadowing an on-site trainer, and a further two weeks under the team leader's supervision. The training modules include:
- Relevant legislation & guidance
 - Local enforcement policies & procedures
 - Litter & fly tipping FPN guidance
 - Safeguarding
 - Health & safety
 - Conflict management
 - Customer service
 - Obstructive offenders
 - Data Protection & GDPR
 - Scenario training
- 1.2.3 NES' litter foot patrols focus on 'hot spot' areas within the Borough, generally high streets, shopping areas, areas around fast-food outlets, commuter hubs, etc. They are tasked with covering all suitable areas within the Borough, and during the reporting period, 49% of FPNs were issued in Tonbridge wards and 51% in the remainder of the Borough. The level for littering FPNs is set at £150 reducing to £100 if paid within 10 days of issue.
- 1.2.4 Regarding fly tips, NES are sent any reports of fly tips where it is considered that there may be evidence available. Their officers attend and go through the dumped rubbish to try to find any evidence relating to where the waste has come from or who may have disposed of it. They then notify Waste Services that the fly tip can

be cleared. Any evidence they find is then followed up by NES so that appropriate enforcement action may be taken. The level for fly tipping FPNs is set at £400 with no early payment reduction.

- 1.2.5 As this is a pilot project, no income is currently received by the Council from the FPNs issued. Where companies such as NES enter into formal contracts with councils, the usual arrangement is for them to provide the council with an agreed percentage of income generated by FPNs. However, should Members wish to continue with such third-party support, the Council would be required to go through a formal procurement process to comply with financial procedures and mitigate the risk of challenge from other service providers.
- 1.2.6 From October 2022 to the end of April 2023, NES Enforcement Officers have issued 1,519 Fixed Penalty Notices (FPNs). Of those, 55 have been written off for a variety of reasons including being cancelled at the request of the Council; incorrect details being given; medical issue or vulnerable individual; replaced by formal warning.
- 1.2.7 Of the remaining 1,464 FPNs, 1,139 were paid resulting in a payment rate of 78%. This compares favourably with the level of payment for FPNs issued by the Council when more resource was available for issuing FPNs, as well as with other councils using third part support. This has resulted in income to NES of £131,650 in the first six months of the pilot.
- 1.2.8 Of the 1,519 FPNs issued, 95 were for fly tipping offences and the remainder for littering. Of the littering FPNs, 95% were issued for smoking-related items and 5% for other types of litter including fast food packaging, confectionary wrappers, snack packaging, drinks cans and other packaging. 91% were issued on the spot, with the remainder sent by post, usually when the littering was linked to a vehicle, but the offender failed to give their details. In addition, there were 126 “walk off” offenders whose details could not be obtained.
- 1.2.9 Staff retention and continuity has proven to be an issue for NES, with sixteen Enforcement Officers having been employed for varying lengths of time on the pilot in the first six months (including some training staff). When this issue has been raised with NES, they have emphasised their policy of only employing the right people on this pilot and not risk filling vacancies with the wrong people.
- 1.2.10 At the start of the pilot, NES’ officers experienced an amount of hostility from members of the public and from a small number of local businesses. The Council helped overcome the inaccurate perceptions that NES were not authorised to act on behalf of the Council and that their staff were on a bonus scheme or subject to target setting for the number of FPNs issued. The situation has subsequently improved.
- 1.2.11 There was also an issue early on in the pilot where NES officers brought in from other council areas started issuing FPNs for bins & boxes being presented outside of the usual collection day. This was due to them having this policy in the area

they normally worked in. This was quickly brought to our attention, NES Officers advised and any FPNs issued rescinded, as this is not a policy that this Council has adopted.

- 1.2.12 All representation and challenges to FPNs issued are made to NES by the alleged offender. Where they remain unhappy with NES' response, complaints are dealt with through the Council's Corporate Complaints Procedure. A number of complaints were received via local MPs. So far, any complaints received by the Council were investigated and resolved with the assistance of NES' Operational Support team. Where Council officers felt that an FPN should be rescinded, NES acted promptly and made refunds where necessary, the latter being in five cases so far.
- 1.2.13 Given the adverse publicity that such third-party activities have generated elsewhere, it is worth noting that only one case so far has resulted in adverse media coverage for the Council, when a new NES officer issued an FPN for throwing bread for ducks. NES immediately rescinded the FPN.

1.3 Summary

- 1.3.1 In general officers consider that the pilot has gone well so far, in terms of both the expectations of the Council and those of NES. Following various visits to the Borough to assess the size and nature of the areas within it and levels of littering at identified 'hot spots', and comparisons of their experience in other council areas, NES indicated that they anticipated issuing around 3,000 FPNs for litter & fly tipping offences within the twelve-month pilot period. As such the first six months have proved the pilot to be financially viable for NES' business model.
- 1.3.2 There has been no cost to the Council from implementing the pilot except for the provision of some office space at the Council's Kings Hill offices to act as a base for NES' officers. It is important to note that there has been significant Officer time required to support the pilot which has included regular liaison with NES' team leader and management throughout; managing the pilot to ensure that the service is being delivered as agreed; dealing with enquiries from NES' Operational Support team to clarify the Council's position on certain cases; running DVLA checks on behalf of NES in cases relating to litter from vehicles; authorising NES Enforcement Officers, issuing ID & authorisation cards, and getting them returned as NES officers start & leave; referring representations & challenges to NES; responding to complaints; and dealing with enquiries from offenders, landowners & other third parties. This is an additional duty of the Senior WEO and will need to be considered carefully within any future review.
- 1.3.3 The pilot has proved to be effective in terms of the results experienced through the use of a third-party resource to deal with many more litter & fly tipping offences than could be tackled within the Council's current resources. The pilot has also freed up more time for the Waste Services team to develop more effective working relationships with internal & external partners such as the

Tonbridge & Malling Community Safety Unit, the Police and KCC's Intelligence Unit, as well as other Kent districts.

- 1.3.4 The pilot generated £131,650 in the first six months from the FPNs issued and paid. Should a third-party enforcement solution be continued, a formal procurement exercise would be undertaken, which in itself would 'cost' Council staff time. However, in other council areas, such a contract has resulted in some form of 'shared income' arrangement whereby the council would either receive a percentage from each FPN paid or a payment over and above an agreed income.
- 1.3.5 The levels of complaints and adverse publicity have been lower than originally expected – given the experience of other councils using similar service providers - particularly once the causes of the issues experienced within the first few weeks of the pilot had been identified & resolved. NES staff & management have proven to be pragmatic in their approach to representations from offenders and prompt & efficient in their response to any complaints and the Council's enquiries & requests for information.

1.4 Future options

1.4.1 Having considered the outcome of the pilot there are a number of options available to Members:

- 1) Wait until the pilot has progressed further before any decision is taken.
- 2) Not to continue with the third-party provision of litter & fly tipping enforcement once the pilot ends in October 2023 and use the existing staffing resources within Waste Services to deliver some enforcement albeit at a greatly reduced level.
- 3) Procure a contract for the third-party provision of litter & fly tipping enforcement through a formal tender procedure.
- 4) Increase the staffing resource levels within the Council in order to maintain a similar level of activity as the current pilot arrangements.
- 5) Not continue with litter & fly tipping enforcement.

1.4.2 Taking into account the success of the pilot to date it is the view of Officers that option 3 should be pursued with the introduction of an income share arrangement within the contract. If the Committee supports this view a further report will be submitted to Cabinet on the procurement exercise.

1.4.3 As part of any procurement exercise, Members may also wish to consider extending the scope of the services being tendered to include enforcement of complementary elements of the adopted public space protection order e.g., no unauthorised barbeques, fishing etc.

1.5 Legal Implications

- 1.5.1 Legal advice was sought prior to the current pilot agreement being entered into and the Director of Central Services endorsed the terms of the 12-month pilot agreement. It was highlighted that the pilot would allow the Council to obtain statistical data and evidence to then determine the level of any future tender and route of procurement.
- 1.5.2 If Members wish officers to formally procure a contract for the provision of the services currently received from the pilot, a formal tender process would need to be undertaken in compliance with the Council's adopted contract procedure rules. In order to allow sufficient time for the decision-making process and the tender process to take place, it is likely that the current end date of the pilot would need to be extended by a few months. NES have indicated that this would be acceptable to them without any change to the current service level agreement.

1.6 Financial and Value for Money Considerations

- 1.6.1 The 12-month pilot is being undertaken at no cost to the Council and will allow the Council to assess any potential options for income through a future procurement process.

1.7 Risk Assessment

- 1.7.1 Any potential options for future enforcement provision will need to be fully risk assessed.
- 1.7.2 The current pilot is for a fixed period of 12 months which could be extended if a formal procurement process is adopted as the way forward. The terms of the current agreement allow either party to terminate with one month's notice.
- 1.7.3 The procurement of a contract for third-party enforcement could offer options for expanding the remit of the contractor to include other types of enforcement, such as investigating breaches of Public Space Protection Orders; commercial waste offences; duty of care waste offences; scrap metal licensing enforcement; etc. However, the current business modelling for companies such as NES may not be suitable for taking on these additional activities, so the market may be limited and/or additional costs may be incurred by the Council.

1.8 Policy Considerations

- 1.8.1 Community, Procurement and Crime & Disorder Reduction.
- 1.8.2 The activities carried out by NES, and their associated procedures are compliant with the Council's Corporate Enforcement Policy and with the Waste & Street Scene Enforcement Policy, as well as with Government guidance on litter & fly tipping investigation & enforcement.

1.9 Recommendations

- 1.9.1 The Committee is requested to consider the outcome of the pilot outlined in the report and make recommendations to Cabinet on the options for the future.

Background papers:

Nil

contact: David Campbell-
Lenaghan

Robert Styles

Director of Street Scene, Leisure and Technical Services

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Chief Executive

Part 1- Public

Matters for Information

1 KEY PERFORMANCE INDICATORS

Following the Peer Challenge Review in 2022, the Council established a Corporate Performance Framework which provides visibility and a formal mechanism to track progress across a number of aspects of its work. This covering report and appendix provides data on Key Performance Indicators (KPIs) that are monitored on quarterly or annual basis and made available to the select committees on an ongoing basis.

1.1 Overview of KPIs and Next Steps

1.1.1 The KPI dataset that is provided represents the key strategic indicators that the Council reports on to various Government departments and bodies. They are not designed to provide detailed service specific indicators.

1.1.2 The Communities and Environment KPIs are provided in **Appendix 1**. A baseline covering April-June 2022 has been used, with the data for January-March 2023 representing the most up-to-date available statistics in most cases.

1.1.3 Now that the KPIs have been collated and reported on for approximately a year, there are some trends that can be identified and highlighted in this report:

- The number of Anti-Social Behaviour cases and victim-based crimes have both increased in this quarter, although due to seasonal variation overall trends in data will only start to become clear from next financial year.
- The number of contaminated land enquiries has halved, although overall Environmental Protection service requests leading to investigation and the number of enforcement notices have both remained roughly the same between 2021/22 and 2022/23.
- The One You service has seen an increase in clients that have been referred to it, with 214 using the service in this quarter.

- Complaints about waste have reduced across the board, with formal complaints regarding refuse and recycling reducing from 525 in 2021/22 to 274 in 2022/23.
- Income from events has increase by just over 12% from £35,000 in 2021/22 to £39,244 in 2022/23.
- The most recent information regarding our leisure centres (relating to Oct-Dec 2022) highlights an improvement in income in comparison to profile, with expenditure remaining above profile.
- Visitor numbers for the 2022/23 financial year up to December 2022 were at 862,706. This KPI will become more meaningful once figures can be compared with the same quarter in previous years.

1.1.4 If there are any questions regarding the KPIs provided, **these should be submitted to the relevant Director/Chief Executive at least 2 days in advance of the scrutiny select committee meeting** in order to ensure that a suitable response can be provided at the meeting. If additional queries are raised at the scrutiny select committee meeting, these will be responded to within 5 working days.

1.1.5 As these statistics are collated on an annual or quarterly basis, and the scrutiny select committees are five times a year, it will not be possible to provide every meeting with new KPI information. However, it is intended to report to the upcoming select committees once the quarterly information has been produced.

1.1.6 This KPI reporting represents the first stage of a programme of activity to action the recommendation from the Peer Challenge Review. As the Corporate Strategy has developed, a gap analysis of the current KPIs has been undertaken to ensure that the indicators that are measured are those that reflect our strategic priorities. A gap analysis has been undertaken and been considered by Cabinet on 07 March 2023 and Overview and Scrutiny Committee on 06 April 2023. The current timetable indicates this analysis will go to Cabinet and Council for approval in Summer 2023. Once approved, there will be changes to some of the KPIs.

1.1.7 Future steps are likely to include;

- Providing comparator baselines for other Kent districts and other similar authorities (for example, our CIPFA grouping)
- Agreeing KPI targets relating to improvement or maintenance of service delivery standards
- Exploring opportunities for benchmarking offered by the LGA's performance management function

- Regular review of the KPIs at Management Team and Service Management Teams, especially as the Corporate Strategy evolves and is finalised, in order to ensure that there is strong alignment between the KPIs and the Corporate Strategy.

1.1.8 Further down the line, a technological solution, such as Power BI (which is currently being used for planning enforcement) may enable the collation of and access to KPIs to become more streamlined, with real-time, self-serve access for officers and Members. This will be explored alongside the rollout of Agile, which utilises Power BI reporting already. This is likely to provide the opportunity for more detailed statistics about individual service areas and these models will be co-developed by officers and Members.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

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Appendix 1 – Communities and Environment Key Performance Indicators

	BASELINE				2022/23			2023/24				NOTES
	Value	Date	Frequency	Source	July-Sept	Oct-Dec	Jan-Mar	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	
INDICATORS - Community and Environment												
Community Safety												
Total number of ASB cases	86	Apr-June 2022	Quarterly	ASB Database (Excel)	126	50	78					
Total number of victim-based crimes	1,982	Apr-June 2022	Quarterly	Kent Police	2,040	1,868	1,894					
Climate Change												
FM carbon dioxide emissions data (ktCO2e)	757.4	2020	Annually	BEIS – CO2 Emissions Statistics	N/A	N/A	N/A					Available annually June/July
TMBC annual carbon audit emissions data (tCO2e)	2,029.4	2021/22	Annually	Primary Research/gov.uk	N/A	N/A	N/A					Available annually June/July
Environmental Protection												
Number of Contaminated land enquiries	13	2021/22	Annually		N/A	N/A	6					
Total number of service requests leading to investigation	512	2021/22	Annually	IDOX Uniform	N/A	N/A	518					

Number of Enforcement notices served	9	2021/22	Annually	EP Notices Register	N/A	N/A	8					
Food & Safety												
Number of food safety inspections due risk category A-C	35	Apr-Jun22	Quarterly	IDOX Uniform	36	44	33	30				Jan-March 2023 figure relates to inspections that are scheduled in for that quarter.
Number of food safety inspections undertaken risk category A-C	62	Apr-Jun 22	Quarterly	IDOX Uniform	65	41	47					
Number of food safety inspections due risk category D-E	36	Apr-Jun22	Quarterly	IDOX Uniform	65	91	49	45				Jan-March 2023 figure relates to inspections that are scheduled in for that quarter.
Number of food safety inspections undertaken risk category D-E	79	Apr-Jun22	Quarterly	IDOX Uniform	68	90	85					
One You												
Number of clients referred into the service	182	Apr-June 2022	Quarterly	Refer All OYWK database	141	185	214					
Waste Services												
Total number of actual missed collection	14954	2021/22	Annually	Whitespace Analytics	N/A	N/A	N/A					Please note - more detailed waste &

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Total number of formal complaints - refuse and recycling	525	2021/22	Annually	Whitespace Analytics	N/A	N/A	274					street contract KPIs are now being supplied to each meeting of the CESSC as a separate info report
Total number of complaints - street cleansing	256	2021/22	Annually	Whitespace Analytics	N/A	N/A	214					
Total number of complaints (including missed collections)	15765	2021/22	Annually	Whitespace Analytics	N/A	N/A	13957					
% of household waste sent for recycling and composting	51.60%	2020/21 (audited)	Annually	Waste Data Flow (Defra)	N/A	N/A	N/A					
Leisure Services/Centres												
Total income from events	£35,000	2021/22	Annually	Integra	N/A	N/A	£39,244					New figure for 2022/23
Overall income (% to profile)	102%	Apr-Jun 2022	Quarterly	TMLT Management System	103%	105%	N/A					Please note – figures for Jan-March 2023 not available until mid-June 2023.
Overall expenditure (% to profile)	108%	Apr-Jun 2022	Quarterly	TMLT Management System	108%	108%	N/A					Please note – figures for Jan-March 2023 not available until mid-June 2023.
Total Attendance - LLC, AC, TSP and PWGC (cumulative for year by quarter)	275578	Apr-Jun 2022	Quarterly	TMLT Management System	601997	862706	N/A					Please note – figures for Jan-March 2023 not available until mid-June 2023.

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

14 June 2023

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1 WASTE CONTRACT - KEY PERFORMANCE INDICATORS

To report on performance of the Waste Contract against a suite of Key Performance indicators.

1.1 Background

1.1.1 As part of the ongoing monitoring & management of the Waste Contract, currently delivered by Urbaser, a suite of Key Performance Indicators is measured and areas for improvement identified. This is in addition to day-to-day management of the contract through site inspections; health & safety checks; spot checks on crews; and morning, midday, and end of day updates on collection progress.

1.1.2 As recommended by Members of this Committee on 7 July 2022, and subsequently approval by Cabinet on 7 September, the Overview & Scrutiny – Cabinet Protocol established that the Scrutiny Work Programme will have, as a standing item, Key Performance indicators relating to the service areas covered by each Scrutiny Select Committee. A corporate suite of KPIs to cover all service areas is also being reported to meetings of each relevant Scrutiny Select Committee.

1.2 Key Performance Indicators

1.2.1 The data included within this report for each Key Performance Indicator is 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. The exceptions are for those relating to recycling & composting performance, where the data for April 2022 to December 2022 is the most recent audited data available. These are shown in comparison with the same period in 2021, again with the percentage variance.

1.2.2 Narrative for key issues is provided below this table:

Description	April 2021 - March 2022	April 2022 – March 2023	%age Variance in Performance
Completion of scheduled collections (%age of rounds completed on scheduled collection day)	88.7%	97.8%	+10%
Missed Collections – total number of reports	14,954	13,217	-12%
Missed Collections - % of jobs not actioned within SLA - (24 hrs)	100%	100%	0%
Formal complaints – (inc. Intents to default) - Refuse & Recycling	525	274	-48%
Formal complaints – (inc. Intents to default - Street Cleaning	128	214	+67%
Complaints (inc. missed collections, bin returns, pull outs, etc.) – total number	15,765	13,957	-12%
Green Box Requests – total number	3,026	3,565	+18%
Green Box requests - %age of jobs not actioned within SLA - (5w/days)	41%	27%	-34%
Bin Requests (inc. new properties, replacements & repairs) – total number	6,227	9,760	+57%
Bin Requests (inc. new properties, replacements & repairs) - % of jobs not actioned within SLA - (5 w/days)	59%	37%	-37%
Bulky Collections (inc. fridges/freezers) – total number	2,838	3,660	+29%
Bulky Collections (inc. fridges/freezers) - % of jobs not actioned within SLA - (scheduled collection date)	18%	19%	+6%
Fly Tipping – total number of incidents reported	819	836	+2%

	April-Dec 2021	April-Dec 2022	%age Variance in Performance
Recycling Performance – total % of waste recycled or composted	45.46%	49.36%	+9%
Recycling Performance - % of waste recycled	21.94%	21.49%	-2%
Recycling Performance - % of waste composted	23.52%	27.87%	+19%
Total waste collected (tonnes)	36,995	37,489	+1%
Kerbside Collections:			
Recycling (tonnes)	16,815	18,504	+10%
Food waste (tonnes)	2,640	2,033	-23%
Garden waste (tonnes)	6,061	8,416	+39%
Refuse - black bin (tonnes)	20,180	18,984	-6%

1.2.3 Members will recall that in 2021 there was significant disruption to collections, caused by staffing issues experienced by Urbaser due to the national shortage of HGV drivers and the ongoing impacts of Covid at that time. Such was the disruption that recycling collections had to be suspended for a collection cycle in June, and subsequently garden waste collections were suspended from late July 2021. These issues are reflected in the “Completion of scheduled collections” performance of 88.7% (excluding Garden Waste from late July) in the 2021/22 reporting period, compared with 97.8% in 2022/23 following the reinstatement of the Garden Waste service. The 2022/23 performance was adversely impacted by the bad weather experienced in late 2022. Performance in April 2023 has averaged 99.5% daily completion of rounds.

1.2.4 The overall number of individual missed collection reports has reduced by 12% when compared with the previous year. Given that there are around 514,000 scheduled refuse, recycling, food waste & garden waste collections in each month, there would have been approximately 6,168,000 scheduled for this reporting period. This equates to a missed collection rate of 0.21% in 2022/23 compared with 0.24% in 2021. We will continue to work with Urbaser to further reduce the rate of missed collections, particularly for vulnerable residents on our assisted collection service, and for repeat misses at the same property.

- 1.2.5 The %age of missed collections completed within the SLA is difficult to assess, as currently the back-office system does not always recognise when missed collections have been completed by the same crew who missed it on the collection day, or if they have been completed by a different “missed collection” crew. Urbaser are currently looking into this issue with the systems, but until this is resolved, TMBC will continue to report using the data that is available.
- 1.2.6 The number of formal complaints relating to collections has also continued to reduce compared with last year, from 44 per month to 23 per month. These complaints will include issues such as poor bin placement, spillage of waste, repeat missed collections, behaviour of crew, alleged mixing of waste, etc. The client team will continue to carry their schedule of proactive monitoring & spot checks and ensure that Urbaser also monitor “hot spot” properties.
- 1.2.7 Now that collections have generally stabilised, Urbaser have been instructed to refocus on some of the other aspects of the contracted services such as street cleansing, litter & dog waste bins, delivery of containers within the contract SLAs, and the closing down of completed service requests in a timelier manner.
- 1.2.8 The number of formal complaints relating to street cleaning issues has increased from 11 to 19 per month. The main issues reported have been about unemptied litter & dog waste bins, of which TMBC service 1,150 and 600 across the borough respectively. One of the main causes for litter & dog waste bins being missed is when Urbaser have a staff change on the regular emptying routes. Any staff covering these works were not as familiar with the locations as the usual staff and were regularly missing bins which did not have a specific location attached to their worklist, particularly when bins are located on footpaths, recreation grounds and the Country Parks, for example.
- 1.2.9 In order to assist in addressing this issue, officers have now allocated a “What 3 Words” location to the majority of the bins. This app can then be used to pinpoint the exact location of the bins when they are scheduled to be emptied, as well as used by residents to report any overfull or damaged bins. The dog waste collection vehicle now has a dedicated member of staff on it, who is also training another operative on the round to ensure continuity when one is off. The trained bin installing operative has also now been released from some of his other duties and is now able to keep on top of new or replacement bins that are raised through an Additional Works instruction.
- 1.2.10 Due to the number of bin requests increasing, particularly over the last year with new builds being completed, Urbaser are currently bulking up bin orders to deliver them by area, including carrying out deliveries on Saturdays. This includes each month’s Garden Waste bin requests from new subscribers. This is considered more efficient than carrying them out in order of the request being made, which leads to increased mileage & driving time. As such, some deliveries have to be

made outside of the current SLA. Due to the significant increase in the numbers of containers being ordered since the start of the contract, Urbaser are currently in the process of employing a third-party contractor to assist in deliveries & retrieval of containers.

- 1.2.11 Members will note that the number of incidents of fly tipping has seen a small overall increase compared with the previous year. In the first three quarters of 2022/23, there had been an average reduction of around 10% compared with the previous year, but in March 2023 there was an increase compared with March 2022. Although TMBC continues to have one of the lowest levels of fly tipping in Kent, it remains a significant issue for both Members & residents particularly in “hot spot” areas.

Authority	Total Incidents
Tunbridge Wells Borough Council	721
Sevenoaks District Council	801
Tonbridge and Malling Borough Council	836
Dover District Council	985
Ashford Borough Council	1177
Swale Borough Council	1547
Folkestone and Hythe District Council	1666
Dartford Borough Council	1995
Gravesham Borough Council	2148
Thanet District Council	2278
Maidstone Borough Council	2391
Canterbury City Council	2750

- 1.2.12 Since mid-October 2022, a third-party contractor has been employed on a 12-month pilot basis to carry out fly tipping & littering investigations & enforcement action. A review of their performance to date is being reported separately to this meeting. Officers will continue to work with local partners such as the Police, KCC’s Intelligence Unit and fellow district councils to deliver further initiatives aimed at deterring fly tippers, educating residents about their Duty of Care responsibilities to ensure their waste is disposed of legally and increasing the number of enforcement activities, such as Operation Assist where waste carriers are stopped, and their documentation checked. Such initiatives in the borough have previously resulted in the seizure of vehicles, issuing of Fixed Penalty Notices and act as a deterrent through the awareness of increased levels of enforcement. For example, on the latest Operation Assist on 24 April 2023, one unlicensed scrap metal carrier had their vehicle seized, notices issued for lack of waste carrier documents and a referral made to Licensing Services for potential action for breach of scrap metal regulations. Another scrap metal collector was issued notices for the production of relevant documents (subsequently received) and another referral to Licensing. Six stops resulted in intelligence reports being

logged with KCC's Intel Unit which collates & shares information about potential offenders with all other Kent district councils.

- 1.2.13 The KPIs relating to tonnages of refuse & recycling can only be reported for April to December 2022 as at the time of writing this report Officers had yet to receive the Quarter 4 data from the Waste Disposal Authority, Kent County Council. However, it is pleasing to note that there has been an increase in the percentage of waste collected for recycling or composting compared with the same period in 2021/22. In order to help maintain this level of performance and to improve it, further promotional & engagement activities will be implemented in addition to those already taking place & planned for the future.
- 1.2.14 Members will note that food waste tonnages have also dropped significantly, as have refuse bin tonnages. This would indicate that although residents continue to use the separate food waste collections as opposed to using black bins for food waste, there is likely to be less food waste being generated. Experience elsewhere would appear to show that as food waste becomes more visible to residents by them separating it from general waste, awareness of the amount being thrown away increases and affects residents' behaviours in a positive manner. The economic situation is also likely to be impacting on food waste arisings, as well as other material streams. This will continue to be monitored as these factors are likely to impact on recycling performance not just in Tonbridge & Malling but elsewhere in Kent and nationally.

1.3 Legal Implications

- 1.3.1 The measuring & monitoring of Key Performance Indicators complies with the legal obligations of the Waste Contract with Urbaser. The continued monitoring of recycling & composting performance will assist in delivering the Council's obligations set out in the legally binding Inter-Authority Agreement between the Council and Kent County Council (KCC).

1.4 Financial and Value for Money Considerations

- 1.4.1 The monitoring & management of the performance of the Waste Contractor, Urbaser, will assist in delivering value for money for the Council and its residents.
- 1.4.2 Improved recycling & composting performance, and reductions in black bin waste will assist in maximising the potential of the Performance Payments received from KCC.

1.5 Risk Assessment

- 1.5.1 Contractual performance is monitored at varying frequencies and varying levels, from the three daily update briefings to monthly Operational and Steering meetings.

1.6 Policy Considerations

1.6.1 Community

Background papers:

Nil

contact: David Campbell-
Lenaghan

Robert Styles

Director of Street Scene, Leisure and Technical Services

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COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

WORK PROGRAMME 2023/24

Members can suggest future items by liaising with the Chair of the Committee

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
19 July 2023	(Preceded by Member Induction)		
	Waste Duty of Care – Fixed Penalty Notices		David Campbell-Lenaghan
	Leisure Trust 2 Year Business Plan		Robert Styles
	Grounds Maintenance Contract Re-procurement		Darren Lanes/James Fay
	Climate Change Action Plan 2023-24, Carbon Audit 2022-23, pathways		Carrie Spencer/Gill Fox
	Community Development Grant Scheme		Gill Fox/Carrie Spencer
	Corporate Key Performance Indicators		Jeremy Whittaker
	Work Programme		Gill Fox/DS
21 September 2023			
	Corporate Key Performance Indicators		Jeremy Whittaker
	Waste Contract Key Performance Indicators		David Campbell-Lenaghan
	Work Programme		Gill Fox/DS

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
8 November 2023			
	Corporate Key Performance Indicators		Jeremy Whittaker
	Waste Contract Key Performance Indicators		David Campbell-Lenaghan
	Work Programme		Gill Fox/DS
7 February 2024			
	Corporate Key Performance Indicators		Jeremy Whittaker
	Waste Contract Key Performance Indicators		David Campbell-Lenaghan
	Work Programme		Gill Fox/DS

Agenda Item 14

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

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Agenda Item 15

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

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

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Agenda Item 16

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

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