



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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

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

30 May 2023

To: MEMBERS OF THE HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Housing and Planning Scrutiny Select Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Wednesday, 7th June, 2023 **commencing at 7.45 pm** (or on the rising of the Member Induction Session whichever is later).

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

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

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

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PART 1 - PUBLIC

3. Apologies for absence
4. Notification of Substitute Members 9 - 10
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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 13 - 16

To confirm as a correct record the Notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 21 March 2023.

Matters for Recommendation to the Cabinet

7. New Local Development Scheme 17 - 40

This report sets out the new Local Development Scheme timetable for the preparation of the Local Plan and the associated budgets and costs of this work and it seeks recommendations of approval to the Cabinet for both.

8. Housing Standards in Rented Properties in England 41 - 50

This report updates Members on the Government focus on improving housing standards in rented properties and how the Council has responded. It also updates on how our housing partners are responding and seeks Member endorsement of our approach to working with Clarion Housing Group on this important agenda.

Matters submitted for Information

9. Key Performance Indicators 51 - 56

A number of Key Performance Indicators (KPIs) are presented to enable the Scrutiny Select 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.

10. Work Programme 2023/24 57 - 58

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.

11. Urgent Items 59 - 60

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

Matters for consideration in Private

12. Exclusion of Press and Public 61 - 62

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

PART 2 - PRIVATE

13. Urgent Items 63 - 64

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 D A S Davis (Chair)
Cllr D W King (Vice-Chair)

Cllr L Athwal
Cllr Mrs S Bell
Cllr G C Bridge
Cllr R W Dalton
Cllr D Harman
Cllr P M Hickmott

Cllr M A J Hood
Cllr A Mehmet
Cllr W E Palmer
Cllr R V Roud
Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

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

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

Attendance:

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

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

Ground Rules:

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

Voting:

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

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

Terms of Reference – Housing and Planning Scrutiny Select Committee

Title:	Housing and Planning Scrutiny Select Committee
Membership:	15 Members
Quorum:	4 Members
Terms of Reference:	
Planning	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	

Public transport initiatives (bus priority measures, Medway valley line)
Housing
<p>To oversee the Council's:</p> <ul style="list-style-type: none"> - approach to Housing strategy, housing need and housing market assessment and housing investment programmes - Enabling role and promote new affordable housing, low-cost home ownership housing, key and essential worker housing and schemes for special housing needs - Comprehensive approach to housing options advice, homeless prevention, the management of the housing register - Approach to temporary accommodation arrangements - Disabled Facilities Grant and Housing Assistance Schemes
Liaison with the Cabinet Member for Strategic Planning & Infrastructure over delivery of the council's strategic housing objectives
Empty Homes
Liaison with Kent County Council and other partners in delivering housing related support programme
Enforcement of caravan site licensing
The Council's functions in home safety, energy efficiency, fuel poverty
Maintaining private sector housing standards and enforcement, including the housing, health and safety rating system, disrepair and defective housing
Houses in multiple occupation (HMO)

Housing and Planning Scrutiny Select Committee – Substitute Members (if required)					
	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Robert Cannon	Bill Banks	Kath Barton		Angus Bennison
2	Sarah Hudson	Tim Bishop	Anna Cope		Wayne Mallard
3	Alex McDermott	Frani Hoskins	Steve Crisp		
4	Mark Rhodes	Anita Oakley	George Hines		
5	Keith Tunstall	Michelle Tatton	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

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 21st March, 2023

Present: Cllr J L Botten (Chair), Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr M O Davis, Cllr D Harman, Cllr M A J Hood, Cllr Mrs F A Kemp, Cllr D W King, Cllr M R Rhodes, Cllr R V Roud, Cllr M Taylor, Cllr Miss G E Thomas and Cllr D Thornewell.

In attendance: Councillors D A S Davis and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors P A Bates, M D Boughton, D Keers, P J Montague, Mrs A S Oakley and W E Palmer participated via MS Teams and joined the discussions when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

HP 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 23/2 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. It was noted that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute [GP 22/27](#) (General Purposes Committee of 18 July 2022).

HP 23/3 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 6 December 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/4 IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN

Following submission of the Council's full response to the 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation as approved by Cabinet on 14 February 2023, the report of the Director of Planning, Housing and Environmental Health further considered the proposed changes and their implications for the content, form and timing

of the local plan and requested Members to consider options for progression of the local plan and design codes and recommend an approach to future timetable and next steps, as set out in paragraph 1.5 and Annex 2.

Members had regard to the implications of the proposed changes, the legal implications and the financial and value for money considerations detailed in the report and sought clarity around the determination of exceptional circumstances in the green belt, the likely implications of updated household projections on housing needs and setting of local targets, the duty to cooperate and the alignment policy and the certainty of the legislation being passed and timelines. In response, Members were advised that the timetable detailed for Option 1, to proceed under current arrangements, was challenging but achievable and allowed for some flexibility to allow for the anticipated changes to arise from the technical consultations this year, however there were risks in terms of unforeseen delays arising from future changes to the NPPF, outcomes of a further Regulation 18 consultation or other unknown factors. Members were further advised that if they were minded to support the continuation of the local plan under the current arrangements, any abortive costs in moving to the new arrangements at a later date could be significant.

RECOMMENDED: That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Council progresses the local plan under the current arrangements, as outlined as Option 1 in the report; and
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

*** Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 23/5 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for October to December 2022 representing the most up-to-date available statistics in most instances, although some statistics covering the period up to the end of January 2023 had been made available by the Planning Department. 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 at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

HP 23/6 WORK PROGRAMME 2022/23

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.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 23/7 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.54 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

07 June 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 NEW LOCAL DEVELOPMENT SCHEME

- 1.1.1 This report sets out the new Local Development Scheme timetable for the preparation of the Local Plan and the associated budgets and costs of this work. It seeks recommendations of approval to Cabinet for both.

1.2 Background

- 1.2.1 At the 21 March 2023 meeting of this committee members recommended proceeding with the preparation of the local plan under the current legislative arrangements (Option 1) and the progression of a new Local Development Scheme (LDS) and timetable on this basis.
- 1.2.2 This report sets out the proposed timetable, to be able to meet the deadlines to be introduced within the Levelling up and Regeneration Bill (once enacted).

1.3 Local Plan progress to date

- 1.3.1 The Council consulted upon the Regulation 18 Local Plan between 22 September and 3 November 2022. This was accompanied by an evidence base, including topics such as housing and employment, and an interim Sustainability Appraisal. In total over 4,000 representations were received. This included the submission of a further 57 new sites.
- 1.3.2 Preparation of new evidence in support of the next stages of plan-making is also in progress including detailed transport modelling, a new Heritage Strategy and Strategic Flood Risk Assessment (Level 1). A new piece of evidence is also being prepared to review the Objectively Assessed Needs of the borough in the context of its known constraints. This is to reflect the proposed changes to the NPPF as consulted upon by the government earlier this year. A Stage 2 Green Belt Assessment will shortly be commissioned (pending approval) to assess parcels of land against the purposes of the Green Belt.

1.4 Key dates and transitional arrangements

- 1.4.1 The ‘Levelling up and Regeneration bill: planning reforms’ consultation which took place between December and March 2023 proposed some new processes for plan-making and associated transitional arrangements. Should these proposals and arrangements be finalised by the government this would mean that the new local plan timetable within the LDS needs to allow for submission and adoption by the deadline dates as set out within table 1 below. It is anticipated that these amendments are to be published in the coming months.

Table 1- Key dates

Existing arrangements	
30 June 2025	Submission cut-off date for old-style plans
31 December 2026	Latest date for any old-style plans to be adopted
31 December 2031	Latest date for a local planning authority to commence work on a new style plan (if previous plan adopted on 31 December 2026).

- 1.4.2 **Annex 1** to this report is the new Local Development Scheme which, once approved, will be placed on the council’s website. This will set the timetable for the preparation of the local plan, but also against which delivery will be measured against within the local plan examination. The Authority Monitoring Report (AMR) will also need to report against these deadlines. The key dates are also set out in Table 2 below.
- 1.4.3 This timetable has been developed with the deadlines in table 1 in mind. To be able to meet this timetable several assumptions have been made. That the team is fully staffed (i.e. that existing vacancies are filled), that an appropriate budget is made available to progress at this pace- see for full costings at **Annex 3**, and additional internal resources are available to assist the planning policy team, where required.

Table 2- LDS timetable

Stage	Date
Regulation 18 B- Consultation on draft local plan	April 2024 (at the latest)
Regulation 19 ‘Publication’ local plan	December/January 2024
Submission of the local plan to the Secretary of State (SoS) via the Planning Inspectorate	April 2025
Examination (inc. main modifications)	April 2025 to December 2025

Final Inspector's Report	January- March 2026
Adoption of the local plan	April 2026 onwards

- 1.4.4 Following submission, the timetable set out within table 2 will be a guide, as the timing and length of the examination process will be determined by PINS rather than the council. However, this is likely to include consultation on proposed main modifications following the receipt of the inspector's initial recommendations. The date of adoption will be determined by the date of the full council meeting.

1.5 Form of the local plan

- 1.5.1 The next stage in the preparation of the local plan will be a second round of Regulation 18 consultation on a draft local plan. This version of the plan will include draft policies and site allocations. This will build upon the consultation responses from the previous round of consultation (to be reported to members at the July meeting), new evidence base and assessment processes.
- 1.5.2 It is also proposed to continue the Local Plan member liaison meetings that have been held previously and to include the Leader, Cabinet Member for Planning, the Chair and Vice Chair of the Housing & Planning Scrutiny Select Committee and representatives from each of the political groups. The next meeting is proposed to be held after Cabinet in early July, should the recommendations from this report be approved tonight and confirmed at that meeting.
- 1.5.3 The following Regulation 19 plan will be a version of the plan which the council considers to be 'sound', to be consulted upon prior to submission to the SoS.

1.6 Financial and Value for Money Considerations

- 1.6.1 There will be direct financial and value for money considerations associated with local plan preparation. To be able to meet deadlines within the proposed transition period (set out within the government's consultation) for the preparation of the local plan this means that there will be increased spend over the next five years. There is also additional proposed spend associated with the government's expectations around design codes, which are also strengthened within the consultation.
- 1.6.2 The main new areas of spend relate to the following:
- Additional Regulation 18 consultation: this requires the purchase of a new, fit for purpose consultation portal, which would likely have been required in any case to efficiently progress the Regulation 19 consultation stage. The team is working across the council to ensure cost savings and a shared approach to minimise costs.

- External consultation analysis support: to be able to process consultation responses to meet the table it is essential to procure an external company to analyse these responses for us. This will be required for two consultation exercises.
- Additional evidence: including evidence to support an approach to housing numbers which could differ from the OAN, updating of the plan period to 2041 and scenarios relating to any proposed change in housing numbers.
- Software: continuation of the contract with Urban Intelligence after its end in September 2024 to cover the period to adoption in early 2026 (2 years).
- Design Codes: the new requirement to produce borough-wide design code/s

1.6.3 **Annex 3** provides more detail of the breakdown by category. Some of these costs are confirmed, while others are best and reasonable estimates based on officer experience of the cost of similar contracts, updated to reflect inflation. This means that the final costs could vary slightly from this. Commissioning of work will be undertaken in accordance with the council's procurement processes, to always reflect best value.

1.6.4 Members will be aware that Local Plan expenditure is funded from earmarked reserve. The balance on this reserve was £834,798 at 1 April 2023. The budgeted contribution to the reserve over the next five years is £400,000. The anticipated external spend over the period as shown in **Annex 3** is £1,394,821. In addition, a two-year temporary Principal Planning Officer (PPO) post costing £126,352 will need to be funded from the reserve. The anticipated reserve position is shown in the table below.

Table 3- Budget spends

	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
Opening Balance	834,798	338,608	84,361	(231,000)	326,375
Contribution	80,000	80,000	80,000	80,000	80,000
External Spend	(513,794)	(270,291)	(395,362)	(175,375)	(40,000)
PPO	(62,396)	(63,956)	0	0	0
Closing Balance	338,608	84,361	(231,000)	(326,375)	(286,375)

1.6.5 Based on the forecast spend, the reserve will need a one-off injection of £330,000 to prevent it from going into the "red". This is in addition to the one-off injection of £750,000 made in 2021/22 following Council decision on 13 July 2021 to withdraw the current plan and review, refresh and resubmit the Local Plan.

1.6.6 As shown within **Annex 3**, a majority of the above additional spend (c.£300,000) relates to the new requirement to produce borough-wide design codes which were not costed within the 2021/22 budget but relates to spend 2025/26 onwards.

1.7 Legal Implications

- 1.7.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.
- 1.7.2 Local Planning Authority must also prepare and maintain a Local Development Scheme (section 15(1), PCPA 2004). The LDS is the starting point for the local community and stakeholders to find out about the status of the LPA's planning policy documents. LPAs are responsible for monitoring progress made in preparing their Local Development Documents against the timetable set out in the LDS. Progress will be reported every year in the LPA's monitoring report.

1.8 Risk Assessment

- 1.8.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place, however current government proposals within the Levelling Up and Regeneration Bill would mean that the penalties of not having a plan in place would be weakened. There are reputational risks should the local plan programme not be delivered on time.
- 1.8.2 A KCC-led audit took place in November-February 2023 with some key recommendations around the maintenance and update of risk and issues registers as well as other matters. **Annex 2** shows the local plan risks and issues.
- 1.8.3 The relevant corporate risk was updated in December 2022 and will be amended to reflect the potential implications of the NPPF consultation. The service level risk register is maintained and continually updated to reflect the latest position and relevant mitigations. The highest risks to the delivery of the local plan and the mitigation measures are as follows:
- Awaiting the results of the proposed planning reforms: this could involve a delay to the publication of the NPPF, or the final content being different to as proposed in the consultation. The programme as set out within the LDS is based upon the amendments to the NPPF coming forward as proposed within the next 2 months, with implications for housing numbers and Green Belt release, and the transition period. Should these amendments not come forward as envisaged, a new programme would need to be developed. The highest risk to the programme would be a scenario where the housing numbers and Green Belt amendments were not taken forward but the transition period were to remain. Under these circumstances it is not considered possible to progress under the current arrangements as a more detailed Green Belt Study would be required, with an estimated 3-month delay to the programme.

- Change in political direction or aspirations following local elections, or revised approach to LDS programme or associated budget
- Need to work alongside the Head of Legal to procure appropriate dedicated legal support for local plan preparation
- Internal staff resourcing issues- relating to the council being a 'host borough' for the Lower Thames Crossing, recruitment issues relating to vacant posts, and absence of dedicated in-house conservation or design support – these issues are mitigated as much as possible through use of contractor staff
- Delay to any 'critical path' evidence base studies, such as the Housing Constraints Assessment (commissioned), software approach for the Spatial Strategy, transport modelling, Sustainability Appraisal and Habitats Regulations requirements: utilising comprehensive project management programme and techniques to ensure the production keeps to time
- Duty to Cooperate issues- 'grid approach' adopted and maintained to minimise risk (can be made available to members on request).

1.8.4 At present no risks are within the 'high' risk category but should this occur the corporate risk escalation process will be triggered. To further assist in the mitigation of risk the costs at Annex 2 also include a Planning Advisory Service 'peer review' for Autumn 2023 to support the development of the Regulation 18B document.

1.8.5 In addition to the above identified risks, an issues register is also maintained. This is to record matters that have already occurred or are currently happening which needs to be addressed now to prevent them becoming future risks. The following are those currently set as 'high':

- Unknown content of the proposed National Development Management Policies- this may require a review of the proposed DM policies within the Regulation 18 local plan, which could have associated delays to the programme.
- Lack of comprehensive, up-to-date and modern monitoring systems- without which could result in delays to the collection of data inputs to the evidence base document. This would also have implications of demonstrating our five-year housing land supply for any submitted appeals. A dedicated workstream is underway to assist in mitigation.

1.9 Equality Impact Assessment

1.9.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation will be undertaken in accordance with the new Statement of Community Involvement which ensures

that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment is being undertaken alongside the preparation of the next stages of the Local Plan.

1.10 Recommendations

HPSSC is asked to recommend to Cabinet:

1.10.1 APPROVAL of the new Local Development Scheme

1.10.2 NOTE the additional budget requirements of the local plan and the need for further financial provision in future budget setting process.

Background papers:

Annex 1- Local Development Scheme

Annex 2- Known risks and issues

Annex 3- Full cost breakdown

contact: Gudrun Andrews
Planning Policy Manager

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

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1. BACKGROUND

1.1 Tonbridge and Malling Borough Council's planning powers and responsibilities are drawn from the following:

- Town and Country Planning Act 1990 (as amended)
- Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008 (as amended)
- Town and Country Planning (Local Planning) (England) Regulations 2012
- Town and Country Planning (Development Management Procedure) (England) Order 2015 and other statutory instruments made under Part III of the 1990 Act
- The Community Infrastructure Levy Regulations 2010 (as amended)

1.2 The council is required by the [Planning and Compulsory Purchase Act 2004](#) (as amended) to prepare and maintain a Local Development Scheme (LDS). As set out in Section 15 the LDS must specify:

- the local development documents which are to be development plan documents
- the subject matter and geographical areas to which each development plan document is to relate
- which development plan documents (if any) are to be prepared jointly with one or more other local planning authorities
- any matter or area in respect of which the authority has agreed (or propose to agree) the constitution of a joint committee under section 29
- the timetable for the preparation and revision of the development plan documents

1.3 The [National Planning Policy Framework \(NPPF\)](#) is the primary source of policy relating to the planning system. The NPPF states that local plans must be prepared with the objective of contributing to the achievement of sustainable development and be consistent with the policies in the NPPF, including the presumption in favour of sustainable development. It advocates that local plans should address the spatial implications of economic, social and environmental change, set out the opportunities for development and clear policies on what development will or will not be permitted and where. It requires that local planning authorities set out their strategic priorities for the area including strategic policies to deliver:

- The homes and jobs needed in the area
- The provision of retail, leisure and other commercial development
- The provision of infrastructure for transport, telecommunications, waste management, water supply, wastewater, flood risk and energy

- The provision of health, security, community and cultural infrastructure and other local facilities
- Climate change mitigation and adaptation, conservation and enhancement of the natural and historic environment, including landscape.

1.4 The NPPF at paragraph 16 also states that Local Plans should:

*“a) be prepared with the objective of contributing to the achievement of sustainable development;
b) be prepared positively, in a way that is aspirational but deliverable;
c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).”*

1.5 The current statutory adopted elements of the development plan for Tonbridge and Malling Borough are:

- [Core Strategy](#) (adopted September 2007)
- [Development Land Allocations DPD](#) (adopted April 2008)
- [Tonbridge Central Area Action Plan](#) (adopted April 2008)
- [Managing Development and the Environment DPD](#) (adopted April 2010)
- The [Kent Minerals and Waste Local Plan](#) (adopted Sept 2020)
- Saved policies of the Tonbridge and Malling Borough Local Plan

1.6 Local planning authorities are required to prepare and keep an up-to-date development plan for their area. The [Planning and Compulsory Purchase Act 2004](#) (as amended) and the [Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#) (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.7 The Local Plan will set the vision and framework for development needs for the whole of Tonbridge and Malling borough from 2021 to 2041. This will include addressing proposed revisions to the National Planning Policy Framework and associated Planning Practice Guidance; addressing housing need; the local economy; environmental considerations; community infrastructure needs; transport and other physical infrastructure needs. The plan will include strategic

policies to address these matters and put forward a development strategy for the Borough. It will also include site allocations to meet identified need and new detailed topic development management policies¹ to guide determination of planning applications.

2. WHAT IS A LOCAL DEVELOPMENT SCHEME?

- 2.1 Tonbridge and Malling Borough Council (TMBC) is in the process of preparing a new Local Plan. The new Local Plan will have a time horizon to 2041. More details can be found on our website <https://www.tmbc.gov.uk/local-plan>.
- 2.2 This LDS sets out a work programme for the council's Local Plan over the period to 2026 and its anticipated adoption. It sets out the stages involved in the plan-making process and the timetable against which the work will be undertaken.
- 2.3 Section 19 of the [Planning and Compulsory Purchase Act 2004](#) (as amended) requires Development Plan Documents (DPDs) to be prepared in accordance with the LDS. Progress against this LDS will be reviewed annually through the Authority Monitoring Report (AMR). As such, progress made against the LDS will be monitored, and a reported upon, to coincide with the annual Infrastructure Funding Statement.
- 2.4 This LDS supersedes the previous version and contains a new Local Plan programme. This LDS updates and replaces the one published by the Tonbridge and Malling Borough Council in 2021 and will take effect once approved by Cabinet in July 2023.
- 2.5 At this stage, this LDS does not include any plans or associated timetables for supplementary planning documents or other documents that might be published by the Tonbridge and Malling Borough Council. Information on these other documents can be found separately on the Tonbridge and Malling Borough Council website <https://www.tmbc.gov.uk/local-plan>
- 2.6 The LDS should be read in conjunction with the [Statement of Community Involvement](#) which sets out how the council will involve the local community, businesses and other stakeholders in carrying out its local planning authority functions.

¹ Form and content of development management policies dependent on detail and scope of proposed National Development management policies- see Levelling up and Regeneration Bill

3. LOCAL PLAN- SCOPE AND PROGRAMME

- 3.1 A Local Plan sets out the vision for future development in the borough. Every local planning authority in England and Wales should have an up-to-date Local Plan in place (and review it every five years). Local Plans are used to make decisions on planning applications and other planning related decisions.
- 3.2 The council does not have an up-to-date local plan. The legislative and planning policy has changed quite considerably since the production of the current adopted local plan documents; therefore, the new local plan will be an entirely new document and contain new policy areas, and site-specific considerations. This presents an opportunity to bring the local planning policy context up to date with national planning policy and to develop new local policy which responds to the needs of the borough residents, whilst adapting and mitigating against the impact of climate change.
- 3.3 The scope of the proposed changes will be considered during 2023 through the review and updating of the Local Plan evidence base, including information from the monitoring of the Plan against existing indicators, and through the outcomes of the early engagement with the community and other stakeholders.

Work to date

- 3.4 The council consulted upon the [Regulation 18 Local Plan](#) between 22 September and 3 November 2022. The associated evidence base is available at this location: <https://www.tmbc.gov.uk/local-plan/local-plan-updates>.
- 3.5 Following the outcomes of the consultation, submission of additional sites through our call for sites process and proposed changes to the NPPF through the Levelling up and Regeneration Bill a second round of Regulation 18 consultation is now required. This has been introduced within the timetable as set out below.

Key dates

3.6 The following table sets out the timetable to produce the new Local Plan.

Local Plan Stage	Date
Regulation 18 B: Second stage of consultation	Q1 2024/25 (April/May 2024)
Regulation 19: Publication of the draft local plan	Q3 24/25 (December 2024)
Regulation 20: Consultation on the draft local plan	Q3 24/25 (December/January 2024)
Regulation 22: Submission to the Secretary of State	Q1 2025/26 (April 2025)
Regulation 24: Independent Examination (potentially including main modifications)	Q1-Q3 2025/26 (April to December 2025) <i>(subject to PINS)</i>
Regulation 25: Publication of Inspector's Report (Final)	Q4 2025/26 <i>(subject to PINS)</i>
Adoption² of the Local Plan	Q1 2025/26 (April 2026 onwards)

3.7 **Annex 1** to this report shows a graphical representation of this timeline.

4. INFORMATION AND DATA

Information on the website

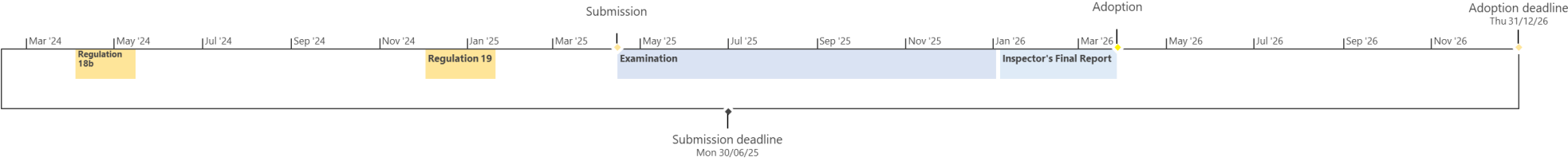
4.1 The council's website will be the location for all matters relating to the development of the new Local Plan. This currently holds downloadable copies of the adopted development plan documents on our [local plan website](#). Supplementary Planning Guidance and other associated documents are also published at this location.

Consultation and the consultation database

² Required by end December 2023 (subject to Levelling up and Regeneration Bill)

- 4.2 A planning policy public consultation list is held by the council's Planning Policy Team. This holds a record of the contact details for those who have responded to previous planning policy consultations (through emails, letters or online) as well as those who have specifically requested that they are notified about future consultations. The [Privacy Notice](#) sets out how we store and process information.
- 4.3 If you wish to register for local plan consultation updates please contact local.plan@tmbc.gov.uk .

ANNEX 1- LOCAL DEVELOPMENT SCHEME PROGRAMME



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Annex 2-

Highest Risks (all medium)- as at April 2023

No	Risk Title	Consequences	Overall inherent risk score	Mitigating actions to achieve desired risk score
1	Change in political administration/direction	Delay or revisiting key aspect of the local plan	12	Working with all members to gain understanding and awareness of the local plan and the process. Member briefings ahead of the March 3 HPSSC
2	Project management-timetable for local plan document, evidence and supporting documentation slips	Delay to the local plan consultation	12	Regular project management meetings between PPM and PPOs; regular updates of timetable
3	Staffing- further changes in staff numbers or loss of hour, unexpected absences	Delay to timetable, health and wellbeing implications for team	12	Regular team meetings, 1:1s, effective file management and installation of a 'buddy' system, risk management escalation
4	DTC issues	Failure to demonstrate DTC at examination or other issues raised prior to in consultations; issues with neighbouring boroughs	12	Developing a robust PM system, new DTC grid and legal compliance toolkit at an early stage
5	Consultation database, GDPR and privacy notice issues	Legal failure	12	Liaising with legal, keeping them informed of current process, setting dates/timeframes for consultation database review/refresh
6	Lack of design/conservation support	Lack of dedicated internal staff offering this support could lead to matters being missed in local plan, design code or decision-making compromised	12	Continual review of and flagging of matters relating to conservation and design- review of the design code work programme and resource requirements

7	Lower Thames Crossing	Stepping outside alignment with the KCC position either existing or new administration	12	Raising awareness across the organisation and regular briefings on the LTC situation
8	HRA, AQ Evidence- Evidence	Delay to the local plan production and consultation process	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
9	SA	Delay to the local plan production and consultation process	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
10	EDNS - Evidence	Delay to the local plan production and consultation process; lack of consultant support, failure to deliver the study to time	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
11	SFRA, L1 and L2- - Evidence	Delay to the local plan production and consultation process; Not PPG compliant as data is not available; not yet known the number of sites to be assessed which could extend cost or length or work programme. With impacts on other workstreams.	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
12	HCA- Evidence delay	Delay to the local plan production and consultation process	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
13	Spatial Strategy	Delay to the local plan production and consultation process	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
14	Transport Modelling	Delay to the local plan production and consultation process	12	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met
15	NPPF reforms delayed or content differing from consultation approach	Delay to the local plan content requirements, timeline and consultation process	12	Risk escalation process, awareness raising. Maintaining oversight of government products and timetables.

'High' Issues- as at April 2023

No	Risk Title	Issue Detail	Impact and Implication	Severity	Issue Mitigation
1	Change in political administration/direction, including in relation to housing numbers	Change in political direction or Members decide to await further clarification on planning reforms in particular in relation to housing numbers	Change in content, timing or emphasis within local plan	High	Working will all members to gain understanding and awareness of the local plan and the process. Member briefings ahead of the June 7 HPSSC. Continue to liaise with members and keep them informed of local plan progress and need for a plan to be in place. Member briefings on implications of NPPF consultation implications. Utilising risk and issues management template for each senior staff or member engagement process- escalation of risks
2	Currently proposed planning reforms	Current NPPF proposed reforms scrapped or new taken forward;	Need to review work programme in light of changes; potential to not meet the transitional deadlines, financial loss, reputational loss	High	Continue to liaise with members to keep them informed of any changes and timescales for reform Utilising risk and issues management template for each senior staff or member engagement process- escalation of risks
3	NDMP content and scope	Content of NDMP requiring a review of work to date	Delay to timetable and alignment with new approach; potential not to meet the transitional deadline, reputational and financial loss	High	Continue to liaise with members to keep them informed of any changes and timescales for reform Utilising risk and issues management template for each senior staff or member engagement process- escalation of risks
4	Legal advice, lack of	Delay, absence of lack of legal advice on key issues; lack of contracts in place for	Lack of legal process and compliance and ultimately failure of local plan	High	Continue to liaise and chase responses; initiate discussions about support; discuss with legal re options; send out priorities Utilising risk and issues management template for each

		critical pieces of evidence			senior staff or member engagement process- escalation of risks
5	Monitoring systems	Failure to have up to date monitoring inputs	5 year housing land supply and other data not being available should an appeal be lodged; input of quality data into new studies	High	working with IT on options, identifying a budget to take forward as a separate project Utilising risk and issues management template for each senior staff or member engagement process- escalation of risks

Annex 3- Cost breakdown

	Total £	2023/24 £	2024/25 £	2025/26 £	2026/27 £	2027/28 £
<i>Local Plan</i>						
Evidence	£493,321	£438,419	£44,916	£9,987	£0	£0
Software	£161,500	£30,375	£60,375	£60,375	£10,375	£0
Consultation analysis	£80,000	£0	£80,000	£0	£0	£0
Graphics and Design	£20,000	£10,000	£5,000	£0	£5,000	£0
Examination costs	£125,000	£0	£0	£125,000	£0	£0
Legal (inc PAS support)	£215,000	£35,000	£80,000	£100,000	£0	£0
<i>Design Codes</i>						
Evidence	£220,000	£0	£0	£100,000	£120,000	£0
Production	£80,000	£0	£0	£0	£40,000	£40,000
Total	£1,394,821	£513,794	£270,291	£395,362	£175,375	£40,000

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

07 June 2023

Report of the Director of Planning, Housing & Environmental Health

Part 1- Public

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

1 HOUSING STANDARDS IN RENTED PROPERTIES IN ENGLAND

Summary

This report updates Members on the Government focus on improving housing standards in rented properties and how Tonbridge & Malling BC has responded. It also updates on how our housing partners are also responding and seeks Member endorsement of our approach to working with Clarion Housing Group on this important agenda.

1.1 Background

1.1.1 On 19 November 2022 the Secretary of State for Levelling Up, Housing and Communities wrote to all local authority chief executive and council leaders highlighting the tragedy of Awaab Ishak, who died at two years old as a direct result of mould in his family home, and the urgent need to ensure a decent standard of properties for tenants in all sectors.

1.1.2 The letter stated that “having considered it necessary and urgent to ensure that, as we go into a challenging winter, damp and mould issues are being addressed, I now direct, under section 3(3) of the Act, that all local housing authorities in carrying out their duty to review housing conditions in their area must:

- have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance ‘Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions’
- supply the department with an assessment of damp and mould issues affecting privately rented properties in your area, including the prevalence of category 1 and 2 damp and mould hazards; and
- supply the department with an assessment of action you have identified that may need to be taken in relation to damp and mould issues affecting privately rented properties in your area.

- 1.1.3 In addition, there was a request for data covering the last three 12 monthly reporting periods for privately rented properties in our area in terms of remediation of damp and mould hazards and enforcement action taken.
- 1.1.4 Finally, the letter asked us to set out how we were prioritising enforcement of housing standards more generally, across all tenures, including what plans we have to ensure adequate enforcement capacity to drive up standards in the private rented sector.
- 1.1.5 We were asked to submit an initial response to the letter by the end of November 2022 and a full response by 27 January 2023. Further guidance on what was to be set out within these responses was provided at a later date.
- 1.1.6 Alongside this, the Secretary for State asked social housing providers to make an assessment of their properties and within this letter he said “I have been made aware of many cases where this has gone unaddressed for far too long and am concerned that they are not treated with sufficient seriousness.” He went on to say “All social homes must meet the Decent Homes Standard; you must be aware of any that do not and undertake rapid remedial works. However, in light of this case I expect you to go further than the letter of the Standard and have particular regard to damp and mould. Damp and mould are not ‘lifestyle issues’ as the Housing Ombudsman Service underscored last year. Where people complain about damp and mould, you must listen; where you find them, you must take prompt action. To keep tenants safe, you must not hide behind legal process.”

1.2 TMBC responses

- 1.2.1 A copy of the Council’s initial response is attached at **Annex 1**. From this I would highlight the following:
- We consider that we already have a robust approach to dealing with damp and mould complaints/issues within our area.
 - The Council’s Private Sector Housing Enforcement Policy already specifically referred to the Council exercising its discretion to take the most appropriate course of action where a Category 2 Band D hazard exists, where there are multiple hazards leading to a serious situation or where there are exceptional circumstances, however we committed to amending it further to specifically refer to the Council exercising its discretion to take the most appropriate course of action where a Category 2 hazard Band E hazard for damp and mould exists. This amendment has now been made.
 - We are members of both Kent Housing Group and Kent Chartered Institute of Environmental Health Housing Technical Group where this issue has already been flagged as a priority for joint working by the groups.
 - We hold regular operational and strategic meetings with our main housing provider, Clarion Housing Group, where updates on repairs, complaints etc

are provided however we are aware a jointly agreed formal approach to damp and mould complaints needs to be developed.

- We felt it was important in our response to point out that critical to the prevention of damp and mould is adequate heating and insulation. We requested that priority is given to ensuring insulation and heating schemes open to all continue to be fully funded/subsidised to ensure good take up and that the cost of heating is managed so that even the most vulnerable residents can afford to heat their homes adequately.

1.2.2 The full response was via on-line survey and was technical with a focus on the Housing Health and Safety Rating Scheme. From this I would highlight the following:

- Based on our assessment of damp and mould issues affecting private rented sector properties in our area we estimated that 3% have category 1 damp and mould hazards (estimated to be 263 properties)? We based this estimate on our stock modelling information, contact with landlords/tenants and general knowledge of local housing stock.
- We received 22 complaints relating to housing standards in the last three financial years that reference or relate to damp and mould issues in the private rented sector in 2019/2020, 10 in 2020/2021 and 15 in 2021/2022.
- We took formal and informal enforcement action on damp and mould hazards in 17 cases in 2019/2020, 5 cases in 2020/21 and 9 cases in 2021/22.

1.3 Registered Housing Providers

1.3.1 We are in the process of contacting all housing providers to seek a copy of their submission on this topic in response to the letter dated 22 November 2022 from the Regulator of Social Housing to ascertain any issues that we may want to investigate further within our area.

1.3.2 We do however recognise that our focus must be on our largest housing provider, Clarion Housing Group. We have had some initial discussions with Clarion both at operational and a strategic level.

1.3.3 In response to the death of Awaab Ishak Clare Miller, Chief Executive at Clarion Housing Group, wrote to all Council Leaders and Chief Executives where they have a significant number of social housing residents in the area. She advised that Clarion had appointed a specialist task force to focus on all live issues of condensation, damp and mould and had been working on a number of new initiatives for tackling this problem over the last 6 months. This included:

- Re-visiting every home that has reported damp and mould in the last 2 years.

- Reviewing all existing reported cases of condensation, damp and mould and what additional interventions can be made to address and resolve the issues.
- Increasing investment in humidity and ventilation monitoring devices, to enable early identification of problems.
- Referring cases to specialist surveyors if there is a repeat instance of damp and mould.
- Enhancing training for all colleagues and new reporting systems.
- Using our 'Every Visit Counts' policy to ensure that if colleagues are in a property fixing a separate problem, they look for condensation damp and mould and raise any issue.

1.3.4 Clarion have recently reported to us that they have 387 prospective property visits due (based on reported leaks, condensation, damp and mould in the last 2 years) in Tonbridge and Malling, of which they have already completed 25. We await further information on the timescales for these visits however they are due to be completed by the end of August 2023. They also report that there has been 60 work orders raised since the new task force went live in middle of December 2022.

1.3.5 We are keen to work with Clarion Housing Group on this important issue and wider repair issues in a more formal manner than previously has been normal practice. We recognise our role in ensuring that the social housing in our local area is of an acceptable standard and that tenants are receiving the response they should from housing providers when issues are raised. We also want to ensure that the resources both we and the housing providers have available are used in the most efficient and effective manner. We are therefore proposing to seek to work with Clarion on a Memorandum of Understanding which will cover the role for both parties in dealing with property conditions in their housing stock. This will include for Clarion, as the landlord, to take the lead on all complaint investigation and for the Council to step in where appropriate with relevant enforcement action.

1.3.6 We are also intending to develop a targeted repairs monitoring framework with Clarion (which will ultimately form part of a wider monitoring regime across their wider housing activities) so that we can be satisfied that we are regularly updated on the condition of their housing stock and are alerted to any issues that we need to be aware of and can offer support with. The Member Liaison Panel will play an important role in this work as it is envisaged this will be one of the forums where this report will be presented.

1.4 Legal Implications

- 1.4.1 Local housing authorities have a duty under the Housing Act 2004 (“the Act”) to keep housing conditions in their area under review with a view to identifying any action that may need to be taken by them under the Act (section 3(1)).
- 1.4.2 Damp and mould is a hazard listed under the Housing Health & Safety Rating System and where it is assessed as a Category 1 hazard the local authority must take action to remove or reduce the hazard.

1.5 Financial and Value for Money Considerations

- 1.5.1 All the current work on this can be carried out within existing resources.

1.6 Risk Assessment

- 1.6.1 Poor housing conditions can affect resident’s health and impact on many other aspects of lives such as social interactions, education and employment.

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that:
- 1.7.2 Members **ENDORSE** the Cabinet Member for Housing writing to Clarion Housing Group to request their cooperation in agreeing a Memorandum of Understanding on how property condition complaints will be dealt with by both parties and that a monitoring framework is adopted and reported on regularly including to the Member liaison panel.

The Director of Planning, Housing & Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Linda Hibbs/Jason
Wheble

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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Rt Hon Michael Gove MP
Secretary of State for Levelling
up Housing & Communities
Minister for Intergovernmental
Relations
Department for Levelling Up,
Housing and Communities
4th Floor, Fry Building
2 Marsham Street
London
SW1P 4DF

Contact	Linda Hibbs
Email	linda.hibbs@tmbc.gov.uk
Direct Line	
Your ref.	
Our ref.	
Date	30 November 2022

Dear Mr Gove

Housing Standards in Rented Properties In England

Thank you for your letter of 19 November 2022 regarding the prioritisation of the improvement of housing conditions in the private and social rented sector, in line with existing duties in the Housing Act 2004 following the tragic death of Awaab Ishak. We also note the follow up letter dated 25 November 2022 from Caroline Crowther and Charlotte Spencer and set out our initial response as below:

Confirmation you have received and will pick up the request

I can confirm that we have received and will pick up the request for information either within this initial response and/or within the full response to be submitted by 27 January 2023.

A plan setting out how you are intending to prioritise addressing the issues of mould and damp for privately rented properties in your area, with specific reference to how you intend to meet the request set out within the letter

I can confirm that Tonbridge & Malling B.C. already has a robust approach to dealing with damp and mould complaints/issues within our area and I hope this is demonstrated by the following points:

- The Council has an Housing Improvement Team with experienced Environmental Health Officer/Technical Officer resources which already investigate complaints about damp and mould including carrying out visits where appropriate.

Gibson Building, Gibson Drive, Kings Hill,
West Malling, Kent ME19 4LZ

Director of Planning, Housing & Environmental Health:
Eleanor Hoyle

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Have you tried
contacting us at
[www.tmbc.gov.uk/
do-it-online?](http://www.tmbc.gov.uk/do-it-online?)

- The Council has just completed two years involvement in the BEIS funded Minimum Energy Efficiency Standards (MEES) project which enabled a dedicated resource in the Housing Improvement Team. This has led to an improvement of MEES knowledge within the Housing Improvement team, the identification and energy efficiency related improvements to substandard properties that previously had not come to the attention of the Council, the positive engagement of property owners with both small and large portfolios, changing their perceptions of the Local Authority, instilling confidence, and adding credibility by educating, supporting, and advising them. Importantly MEES and its enforcement has become embedded within the daily complaint work of the team. In the second year we have served several Compliances Notices, Notices of Intent and financial Penalty Notices with 19 properties being improved. We also led a MEES focused West Kent Landlord Forum event in conjunction with the NRLA with more than 100 attending.
- We have taken an active role in maximising funding coming into the area to improve the energy efficiency of properties by working in partnership with others e.g. RPs to deliver schemes utilising the Social Housing Decarbonisation Fund. We have been and where current remain part of Local Authority Delivery and Home Upgrade Grant (HUG) funding schemes.
- We have up to date BRE stock modelled data that allows us to target areas of specific interest e.g. most energy inefficient housing.
- Within our current Housing Strategy (2022-27) we have a priority of “making best use of existing homes, improving housing quality and sustainability”. Within this we have specific objectives to “improve property conditions to provide safe, healthy homes” and to “improve energy efficiency of housing stock to alleviate fuel poverty and help address climate change”.
- We have a specific commitment within the Council’s Climate Change Policy Action Plan to “improve energy efficiency in social housing and in the private rented sector”.
- The Council’s Private Sector Housing Enforcement Policy specifically refers to the Council exercising its discretion to take the most appropriate course of action where a Category 2 Band D hazard exists, where there are multiple hazards leading to a serious situation or where there are exceptional circumstances.
- We hold regular operational and strategic meetings with our main housing provider, Clarion Housing Group, where updates on repairs, complaints etc are provided.
- We are a member of Kent Housing Group which brings local authorities and social housing providers together to be the voice on housing in Kent. This includes on improving housing conditions and this issue has already been flagged as a priority for joint working by the group.
- We are a member of the Kent Chartered Institute of Environmental Health Housing Technical Group that provides expert operational support and guidance across private sector housing including housing conditions.

However, we fully understand the need for us to continually ‘challenge’ ourselves and our approach over this critical issue. We therefore intend to commit to the following actions:

- To carry out a thorough briefing of the Housing Improvement Team to reinforce the importance of our approach to complaints regarding damp and mould including ensuring we are challenging any assumptions being made regarding causes etc and that we are making ALL visits count.
- To revisit our BRE stock modelled data to determine if there is any further targeted pro-active work we can and should carry out.
- To amend the Council’s Private Sector Housing Enforcement Policy to specifically refer to the Council exercising its discretion to take the most appropriate course of action where a Category 2 hazard Band E hazard for damp and mould exists.
- To contact all Registered Providers within our area to seek a copy of their submission on this topic in response to the letter dated 22 November 2022 from the Regulator of Social Housing to ascertain any issues that we may want to investigate further within our area. We will particularly focus on our main housing provider, Clarion Housing Group, and will work with

them to review a jointly agreed approach to damp and mould complaints received by the Council in their stock. We will also discuss this particular issue at a Member liaison panel we have with their senior staff in December 2022.

- To improve our IT system in use within the Housing Improvement Team to ensure usable workflow mechanisms for staff and that strong case monitoring is in place across all complaint work.
- To review all our advice leaflets/links on damp and mould etc to ensure they are up to date and appropriate and liaise with our communications team regarding a media campaign around this topic over the winter period.
- To take an active part in Kent wide discussions through Kent Housing Group and the Kent Chartered Institute of Environmental Health Housing Technical Group on this topic including sharing and acting on good practice etc.

Any issues you envisage with completing the full response for 27 January and/or where further clarity from the department would be helpful.

At this stage we do not envisage any issues with completing the full response.

In terms of clarity, we would urge you and your department (if not already) to engage with the Environmental Health profession regarding this topic as that is where the expertise regarding private sector housing conditions lies and this could helpfully aid your understanding of the current enforcement landscape and feed into policy development for improving the quality of housing in the private rented sector.

It would also be remiss of us to not point out that critical to the prevention of damp and mould is adequate heating and insulation. We urge you and the Government to ensure that priority is given to ensuring insulation and heating schemes open to all continue to be fully funded/subsidised to ensure good take up and that the cost of heating is managed so that even the most vulnerable residents can afford to heat their homes adequately. Put simply if this doesn't happen, then any improvement work around property standards can be easily and quickly undone.

We look forward to the further form being circulated for the full response. In the meantime, if you have any queries regarding any of the information provided above, please do not hesitate to contact me.

Yours sincerely



Linda Hibbs
Head of Housing & Health

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

07 June 2023

Report of the Director of Planning, Housing and Environmental Health

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 Housing and Planning 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 instances.
- 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:
- In Development Management there are some positive trends emerging with the determination of all types of application being well above government targets, and consistently higher than the baseline in April-June 2022. Determination of major application increased to 100% within government targets in January-March 2023, minor applications stabilised at around 85.5% and ‘other’ applications continues to be well above 90%.
 - The number of people on the housing register has fallen to just over 1,200 people, having dropped from a high of just over 1,500 during July-September 2022, and the number of people in temporary accommodation has also fallen from 107 to 91 since June 2022.
 - In addition, the number of housing register applications received has increased to 541, and the waiting time for assessment of applications has

increased from 133 to 140 since June 2022. This increase has been created by not only an increase in volume of applications, but also the transfer over to a new system.

- 1.1.4 If there are any questions regarding the KPIs provided, **these should be submitted to the relevant Director 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. For example, given that the next Housing and Planning Scrutiny Select Committee meeting takes place next month, and will convene just a couple of weeks after the end of the April-June 2023 quarter, there will not be a KPI report going to that meeting. However, it is intended to report to the upcoming select committees once the quarterly information is available.
- 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, most of which will happen once the Corporate Strategy is approved, are likely to include;
- Regular review of the KPIs at Management Team and Service Management Teams, especially as the Corporate Strategy is finalised, in order to ensure that the KPIs are embedded within the organisation.
 - 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
- 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 – Housing and Planning 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 - Housing and Planning												
Development Management												
Number of major applications determined	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	9	3					
% against Government target of 60% (for major apps)	75%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	87.50%	88.89%	100%					
Number of minor applications determined	47	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	73	69	62					
% against Government target of 65% (for minor apps)	72%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	91.78%	85.51%	85.48%					
Number of others determined	255	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	305	222	223					
% against Government target of 80% (for 'others')	76%	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	90.49%	94.14%	92.83%					
Number of appeals received	8	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	20	13	15					
Number of appeals determined - allowed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	5	3					
Number of appeals determined - dismissed	3	Apr-June 2022	Quarterly	PS1/2 Returns (Uniform)	8	4	4					
Planning Enforcement												
Number of planning enforcement cases opened	75	Apr-June 2022	Quarterly	Uniform	76	50	80					

Number of planning enforcement cases closed	158	Apr-June 2022	Quarterly	Uniform	143	102	117					
Number of notices served	5	Apr-June 2022	Quarterly	Uniform	4	3	0					
Planning Policy												
Housing Land Supply (years)	3.17	Mar-21	Annually	HLS Study	N/A	3.22	3.22					
Housing												
Number of people on housing register	1474	Jun-22	Quarterly	Locata	1508	1447	1208					Re. waiting times - the overall number of applications has gone up by over 100 in the last quarter, and this has been combined with the team working on the implementation of a new system – therefore a short term issue.
Number of applications received	441	Apr-June 2022	Quarterly	Locata	439	413	541					
Waiting time for assessment of applications (days)	133	Jun-22	Quarterly	Locata	112	105	140					
Number of people in Temporary Accommodation	107	Jun-22	Quarterly	Locata/TA system	96	98	91					
Number of properties where property conditions have been improved	8	Apr-June 2022	Quarterly	Uniform	15	16	10					
Number of enforcement notices served	8	Apr-June 2022	Quarterly	Notices Register	2	3	0					

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

WORK PROGRAMME 2023/24

Meeting Date	Matter for Discussion	Requested by:	Director/Officer
18 July 2023	(Preceded by Member Induction)		
	Regulation 18 Local Plan- detailed outcomes		Director of Planning, Housing and Environmental Health/Gudrun Andrews
	Key Performance Indicators Work Programme		
26 September 2023			
	Key Performance Indicators Work Programme		
12 December 2023			
	Key Performance Indicators Work Programme		

19 March 2024			
	Key Performance Indicators Work Programme		

Potential future matters to be included, subject to confirmation and allocated meeting date: Previously identified by Committee but not allocated/approved			
<ul style="list-style-type: none"> Walking and Cycling Infrastructure Plan/Active Travel Strategy Housing Strategy Home for Ukraine Review of Homelessness/Hidden Homeless (invite Porchlight to attend) Healthy Homes and Living Streets* (Representative from Town and Country Planning to be invited to address Committee) 		Chair of Overview & Scrutiny	Director of PHEH Director of PHEH

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

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

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

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Agenda Item 13

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

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