

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By:**  
**Cabinet Member for Transformation and Infrastructure**

**Decision No:**  
D230068MEM

**Date: 19 July 2023**

**Decision(s) and Reason(s)**

**Fixed Penalty Notices for Waste Duty of Care Offences**

**(Report of Director of Street Scene, Leisure and Technical Services)**

The report detailed the legal 'duty of care' of householders to ensure that they only gave their waste to a licensed waste carrier. Members were also asked to consider the level of Fixed Penalty Notices (FPN) for this offence and whether this should be altered from the current legal default level.

Details of the current FPN levels for other relevant offences adopted by the Borough Council was included at 1.2.3 of the report. A table showing the level of FPN for Household Duty of Care set by a number of other Kent authorities was included at 1.2.4 of the report for context.

Members were advised of the recent Government announcement in respect of the maximum amount that could be applied to FPNs for household waste Duty of Care offences which had been increased to £600 as of 31 July 2023.

Attention was drawn to the works undertaken by the Borough Council in raising householders' awareness of their Duty of Care responsibilities and potential consequences of failing to take appropriate action when having their waste taken away, with particular reference made to a Duty of Care checklist to be made available for reference of members of the public.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Transformation and Infrastructure resolved that:

- (1) with effect from 31 July 2023, the Household Duty of Care FPN level be set at the maximum amount of £600 as set by legislation;
- (2) an early payment discounted level for Household Duty of Care FPNs be agreed in principle, and authority delegated to the Cabinet Member for Transformation and Infrastructure, in liaison with the Director of Street Scene, Leisure and Technical Services, to set amounts once details of the new minimum and default levels had been confirmed by Government; and
- (3) following the increases in maximum levels recently released by Government,

options for the setting of revised FPN levels for fly tipping and littering offences be provided at a future meeting of the Scrutiny Select Committee.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	24 July 2023

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

**Decision Taken By:**  
**Cabinet Member for Community Services**

**Decision No:**  
D230069MEM

**Date: 19 July 2023**

**Decision(s) and Reason(s)**

**Leisure Trust**

**(Report of Director of Street Scene, Leisure and Technical Services)**

Members were presented with a Quarterly Update Report on the performance of the Tonbridge and Malling Leisure Trust (TMLT) covering the period from January to March 2023, as set out in Annex 1, and Member approval was sought on the TMLT Business Plan covering a two-year period from 1 April 2023 to 31 March 2025 and the TMLT Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, set out in Annexes 2 and 3 respectively.

Due to ongoing considerations of the impact of the pandemic, the war in Ukraine, the rise in utility costs and implications for the Angel Centre as part of the town centre review project, a two-year Business Plan was proposed, and it was anticipated that a new five-year Business Plan would be published from 1 April 2025.

Particular reference was made to the Energy Saving/Climate Change strategy as highlighted in the Business Plan and Members noted that the installation of solar panels at Tonbridge Swimming Pool and additional solar panels at Larkfield Leisure Centre were being considered, as well as application for funding to support installation of heat pumps at both sites.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Community Services resolved that:

- (1) the Tonbridge and Malling Leisure Trust Quarterly Update Report covering the period of January to March 2023, attached at Annex 1, be noted;
- (2) the Tonbridge and Malling Leisure Trust Business Plan covering the period of April 2023 to March 2025, attached at Annex 2, be approved, subject to further investigation of climate change measures, including additional solar panels and heat pumps; and
- (3) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, attached at Annex 3, be approved.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	24 July 2023

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

**Decision Taken By:**  
**Cabinet Member for Climate Change, Regeneration and Property**

**Decision No:**  
D230070MEM

**Date: 19 July 2023**

**Decision(s) and Reason(s)**

**Climate Change Action Plan Year 4 and Carbon Audit 2022-23**

**(Report of Chief Executive)**

Member approval was sought for publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23), set out in Annexes 1 and 2 respectively.

There were 44 actions in the draft 2023/24 Action Plan, 68% of which were ongoing from previous years or continuations of next phases or rounds of existing projects. Key actions this year focused on tackling the most significant source (Leisure Centres) as well as helping residents and businesses to tackle emissions and support with the cost-of-living crisis. A full list of actions was set out in Annex 1 and the key actions were summarised in 1.2.3 of the report.

The 2022/23 Carbon Audit showed that good progress had been made on emissions under the Borough Council's direct control, as listed under Scopes 1 and 2. Emissions that were under the Borough Council's indirect control or from the supply chain were listed under Scope 3.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Climate Change, Regeneration and Property resolved that:

- (1) the Climate Change Action Plan Year 4, as set out in Annex 1, be endorsed; and
- (2) the Carbon Audit (2022/23), as set out in Annex 2, be endorsed.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Climate Change, Regeneration and Property

R Betts

Signed Leader:

M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	24 July 2023

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