

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

Julie Beilby BSc (Hons) MBA

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

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

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

11 July 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, 19th July, 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

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

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3. Notification of Substitute Members 7 - 8
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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

5. Minutes 11 - 16

To confirm as a correct record the Notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 14 June 2023.

Matters for Recommendation to the Cabinet

6. Fixed Penalty Notices for Waste Duty of Care Offences 17 - 24

This report sets out details of the legal "duty of care" of householders to ensure that they only give their waste to a licensed waste carrier. It also asks Members to consider the level of Fixed Penalty Notices for this offence and whether this should be altered from the current legal default level.

7. Leisure Trust 25 - 86

This report brings forward an update on the performance of the Tonbridge and Malling Leisure Trust, its new Annual Service Delivery Plan and a 2 year Business Plan.

8. Climate Change Action Plan Year 4 and Carbon Audit 2022-23 87 - 112

This report seeks Members' approval for publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23).

Matters submitted for Information

9. Work Programme 2023/24 113 - 114

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.

10. Urgent Items 115 - 116

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

11. Exclusion of Press and Public 117 - 118

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

Matters for Recommendation to the Cabinet

12. Grounds Maintenance Contract - Service Delivery Review 119 - 262

(Part 2 Reasons: LGA 1972 - Sch 12A Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information)).

This report advises on the forthcoming expiry of the Borough Council's current Grounds Maintenance Contract and seeks Members' comments on the strategic approach to the future delivery of services and guidance on a review of the contract specification.

13. Urgent Items 263 - 264

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.

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, 14th June, 2023

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

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

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

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

CE 23/12 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Councillor D W King substituted for Councillor Mrs S Bell

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

CE 23/13 DECLARATIONS OF INTEREST

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

CE 23/14 MINUTES

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

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/15 CLIMATE CHANGE MONITORING AND REPORTING

(Decision Notice D230053MEM)

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

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

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

RECOMMENDED*: That

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

*** Decision Taken by Cabinet Member**

CE 23/16 TREE SAFETY POLICY

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

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

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

RECOMMENDED*: That

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

*** Referred to Cabinet**

CE 23/17 EVENTS ON PUBLIC OPEN SPACES

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

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

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

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

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

RECOMMENDED*: That

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

*** Referred to Cabinet**

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

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

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

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

RECOMMENDED*: That

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

* Referred to Cabinet

MATTERS SUBMITTED FOR INFORMATION

CE 23/19 KEY PERFORMANCE INDICATORS

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

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

CE 23/20 WASTE CONTRACT - KEY PERFORMANCE INDICATORS

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

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

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

CE 23/21 WORK PROGRAMME 2023/24

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

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/22 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.49 pm

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

19 July 2023

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

Part 1- Public

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

1 FIXED PENALTY NOTICES FOR WASTE DUTY OF CARE OFFENCES

This report sets out details of the legal “duty of care” of householders to ensure that they only give their waste to a licensed waste carrier. It also asks Members to consider the level of Fixed Penalty Notices for this offence and whether this should be altered from the current legal default level.

1.1 Background

1.1.1 Under the current legislation relating to waste, householders are required to take reasonable measures to ensure that waste produced on their property is passed onto an ‘authorised person’. An authorised person is defined in legislation but is normally a local authority (usually for most household waste) or a registered waste carrier.

1.1.2 A householder’s legal duty is set out in the ‘Waste Duty of Care Code of Practice’ issued by DEFRA. Failure to comply with the legal obligations is a criminal offence and the primary circumstances where a householder would be deemed to have done so are:

- where an individual passes waste to an unauthorised waste carrier, and;
- where fly-tipped waste is traced back to an individual who is found to have failed to take reasonable steps to ensure that they transferred the waste to an authorised waste carrier.

1.1.3 Those found breaching their Duty of Care obligations face prosecution and a fine of up to £5,000 in a Magistrates Court. Prior to 2018, the only option for local authorities to address breaches of the Duty of Care Regulations was to take the offender to court. However, revised Regulations were introduced in 2018 which allows Fixed Penalty Notices (FPNs) to be issued as an alternative to prosecution. FPNs allow a more proportionate approach to deal with householders who breach their duty of care and provide an opportunity for an individual to discharge all liability for the Duty of Care offence by payment of a financial penalty.

1.2 Level of Fixed Penalty Notice

1.2.1 Penalties for offences relating to breaches of Household Duty of Care obligations are required to be set within limits set by legislation as per the table below:

Offence	Default penalty	Minimum Penalty	Maximum Penalty	Minimum Discounted Penalty (10 days)
Household Waste Duty of Care	£200	£150	£400	£120

1.2.2 Members will note that legislation sets a default penalty level for Household Duty of Care offences of £200 and this can be currently applied in TMBC. Members are asked to consider whether the default penalty level of £200 should be retained, or whether an alternative level should be set within the limits set by legislation.

1.2.3 For further context, the table below shows the current FPN levels for other relevant offences that TMBC have adopted.

Offence	Maximum Penalty	Discounted Penalty (10 days)
Fly Tipping	£400	n/a
Waste Carrier Offences	£300	n/a
Business Waste Duty of Care	£300	n/a
Litter	£150	£100

It is worth noting that this Council has previously adopted the maximum level available within the current legislation for fly tipping, waste carrier & business waste Duty of Care offences, with no discounted penalty for those offences. The maximum penalty for littering offences has also been adopted, but with a discounted penalty for early payment.

1.2.4 In considering the level of FPN for Household Duty of Care, the levels set by other Kents Authorities is also shown below:

Local Authority	Duty of Care FPN	Early Payment
Ashford BC	£300	n/a

Canterbury CC	£300	£180
Dartford BC	£300	n/a
Dover DC	£200	n/a
Gravesham BC	£400	£250
Maidstone BC	£300	n/a
Thanet DC	£400	£300
Tunbridge Wells BC	£400	n/a

1.2.5 The FPN will only be offered for breaches of duty of care once an authorised officer has considered the case in detail, including the alleged offender's history of previous offences; the impact on the environment & community; motivation for the offence; and the impact of cleaning up the resultant fly tipped waste. Guidance on when to issue these FPNs will be produced, and officers trained to ensure a consistent approach to decision making & for transparency.

1.3 Awareness of Duty of Care obligations

1.3.1 Whilst the duty of care Regulations provide for formal enforcement action to be taken in cases of non-compliance, this is not deemed to be the primary intention for the Legislation. Instead, they provide an opportunity for the Council to work with householders to help ensure that waste is dealt with properly and responsibly and does not get into the hands of unauthorised waste carriers, or other irresponsible individuals, who may then resort to fly-tipping.

1.3.2 Waste is often not fly-tipped by the individual that produced it but by the person they used to take it away. Some people pose as legitimate waste carriers and then fly-tip waste and there are incidences of householders paying a "man in a van" to take away their unwanted waste only for it to be fly-tipped or disposed of at an unlicensed site. Reducing the flow of household waste to unauthorised carriers or irresponsible individuals will help the Council in its efforts to reduce incidents of fly-tipping or other illegal waste disposal practices.

1.3.3 It is likely that some householders will be unaware of their legal obligations under the 'Duty of Care' Regulations or of the consequences of failing to take reasonable steps to determine the person that took their waste was authorised to do so. To this end, whilst enforcement action would be considered where appropriate, the Council will aim to reduce breaches of the household waste duty of care by ensuring that householders are fully aware of their legal obligations. There are an increasing number of individuals offering services to take away waste and provide 'tip runs', particularly on social media, and it is vitally important

that the Council does all it can to ensure that householders are fully aware of their duty of care requirements to help them avoid falling victim to fly tippers and running the risk of action being taken against them as result.

- 1.3.4 Over recent years, the Council, working with other Kent councils through the Kent Resource Partnership, have run a number of campaigns aimed at increasing householders' awareness of their Duty of Care responsibilities, and the potential consequences of not taking appropriate action when having waste taken away. Even an authorised waste carrier may still fly-tip waste so it is important that individuals gather as much detail as possible about a person who is taking their waste away and where it is being disposed of, not only to meet their legal obligations but also because if the waste is found fly-tipped the information can be used to help the Council identify the offender.
- 1.3.5 Officers will take the opportunity to further inform householders of their duty of care obligations in a number of ways, including social media, advertising sites and placing information on the Council's website.
- 1.3.6 Information provided will advise householders who are looking to use a private contractor - or any other person - to remove waste from their property, of how they can meet their legal obligations by carrying out checks beforehand to establish that they are a genuine and reputable company or individual. Actions that householders will be advised to perform will include:
- ensuring that the individual or company is a registered waste carrier and making a note of their waste carrier number (this can be done by asking to see their waste carrier licence issued by the Environment Agency or checking online on the Environment Agency website);
 - asking the waste carrier to provide their full address and telephone number;
 - asking for details of where they are proposing to take their waste;
 - recording the registration number of any vehicle removing waste from their home; and
 - not being afraid to ask questions as a reputable collector will happily provide any information requested.
- 1.3.7 However, it should be noted that whilst the Council will, within available resources, make best endeavours raise awareness of this issue with householders, absence of knowledge is not a defence for individuals who may commit an offence and be served with an FPN.

1.4 Options

- 1.4.1 Having considered the relevant legislation and as outlined above, there are a number of options available to Members:

- 1) not to set a local level for Household Duty of Care FPNs and use the default level of £200 as set by the legislation;
- 2) set a local level for Household Duty of Care FPNs at the minimum amount of £180 as set by the legislation;
- 3) set a local level for Household Duty of Care FPNs at the maximum amount of £400 as set by the legislation;
- 4) set a local level for Household Duty of Care FPNs at a level in between the minimum & maximum, such as £300 to be in line with the waste carrier and business Duty of Care offences;
- 5) in addition to one of the above, set an early payment discounted level.

1.4.2 Considering that fact that all other relevant FPN levels have been agreed at the maximum legal amount, consideration could be given to Option 3 above though potentially with the addition of an early payment discounted level as highlighted at Option 5.

1.5 Legal Implications

1.5.1 The minimum, maximum and default levels of fixed penalties are prescribed in legislation. The Environmental Protection Act 1990 (as amended) allows waste enforcement authorities such as the Council to issue fixed penalty notices to suspected offenders as an alternative to being prosecuted for an offence under the Act.

1.5.2 The fixed penalty payable to a waste enforcement authority such as the Council is to be an amount specified by that authority. Unless the enforcement authority specifies a specific amount, the fixed penalty amount shall be £200. The fixed penalty amount specified by enforcement authorities must not be less than £150 and not more than £400.

1.5.3 If a person issued with a fixed penalty notice under the 1990 Act does not pay it by the time for payment specified in the notice then they may be prosecuted for the littering offence in the Magistrates' Court or, depending upon the seriousness of the offending, the Crown Court. The maximum fine upon conviction in both Courts is potentially unlimited.

1.5.4 There is no statutory duty to consult with the public in relation to the issue of the level of fixed penalty notices issued under section 34ZA of the Environmental Protection Act 1990. There is also no legitimate expectation that waste collection authorities will conduct a non-statutory consultation with the public, on the basis that this is a matter related to a waste collection authority's regulatory enforcement functions. As a result, there is no risk that the requested decision will be subject to a successful challenge by way of judicial review.

- 1.5.5 It is not anticipated that the use of FPNs would affect the case load for our legal team, although prosecutions for breaches of duty of care will continue to be pursued wherever it is appropriate. It is intended that the FPN will be used as a more effective enforcement tool for the less serious cases where we would currently issue warnings and ask offenders to pay our clear up and disposal costs.
- 1.5.6 If the FPN is unpaid, we would seek to prosecute and publicise successful cases as a deterrent to further offences and to maintain our usual high payment rates.
- 1.5.7 In practice, a breach of household duty of care investigation normally necessitates some communication with the offender and allows for an officer to assess their attitude towards the offence and gain further evidence of the fly tipper. As a result, FPNs are unlikely to be offered to an individual who we feel is unlikely to pay it, or if the alleged offender disputes the process or outcome of the investigation.

1.6 Financial and Value for Money Considerations

- 1.6.1 Any FPNs issued for Household Duty of Care offences will result in additional income to the Council, but as the Council does not yet issue such FPNs, the variance to existing income cannot be calculated.
- 1.6.2 The behaviour change that is expected to be achieved through enforcing this offence should result in a reduction in the number of FPNs that could be issued following their initial introduction.

1.7 Risk Assessment

- 1.7.1 There may be an initial element of reputational risk when the FPNs are first introduced, but the communication elements detailed in 1.3 above will help to mitigate this risk somewhat. However, it should be noted that whilst the Council will, within available resources, make best endeavours raise awareness of this issue with householders, absence of knowledge is not a defence for individuals who may commit an offence and be served with an FPN.
- 1.7.2 Setting the FPN level for duty of care offences at £400 would mean that a householder who failed to comply with their legal obligations would face the same financial penalty as an individual who intentionally committed a fly tipping offence. Some may perceive the latter to be a more serious crime than a Duty of Care offence.
- 1.7.3 Setting the FPN level at the highest allowable amount would however send a message to strongly encourage householders to ensure that they meet their legal obligations. It would also mirror the approach taken to other relevant FPN levels already adopted by the Council.
- 1.7.4 Setting the FPN level too low could result in the financial penalty for non-compliance being cheaper than the costs of paying an unauthorised individual to remove waste, with costs then potentially being incurred by the Council or private

landowners for clearing waste that may become fly tipped. Setting the FPN level too low may also be seen by some that the Council is not providing enough of a deterrent to those who are aware of their legal obligations but choose to deliberately fail to comply with them.

1.8 Policy Considerations

1.8.1 Community, Procurement and Crime & Disorder Reduction.

1.8.2 The enforcement activities carried out by the Waste Services team and its third party enforcement resource 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 and enforcement.

1.9 Recommendations

1.9.1 The Committee is requested to consider this report and the options given at 1.4.1 above, and to make recommendations to Cabinet on the setting of the level of Fixed Penalty Notices for Household Duty of Care offences.

The Director of Street Scene, Leisure and 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:

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

19 July 2023

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

Part 1- Public

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

1 LEISURE TRUST

Summary

This report brings forward an update on the performance of the Tonbridge and Malling Leisure Trust, its new Annual Service Delivery Plan and a 2 year Business Plan.

1.1 Background

- 1.1.1 Tonbridge and Malling Leisure Trust (Trust) has been responsible for the management of the Council's leisure facilities since 1 November 2013. The Trust manages the Council's main leisure facilities that include the Angel Centre, Tonbridge, Larkfield Leisure Centre, Tonbridge Swimming Pool and Poult Wood Golf Centre.
- 1.1.2 The transfer of management of Leybourne Lakes Country Park from the Council to the Trust was subsequently agreed joining the other Council leisure facilities they already operate from 1 November 2021.
- 1.1.3 Following an approach from Kings Hill Parish Council in relation to the management of the Kings Hill Sports Park at Heath Farm, the Leisure Trust entered into a 25-year agreement with the Parish Council on 14 June 2021.
- 1.1.4 Regular communication between the Council and the Trust has continued to take place since the transfer, supported by set formal quarterly meetings. The Trust supplies the Council with a set of monitoring reports and Key Performance Indicators, as detailed in the Management Agreement with a key document being the Annual Service Delivery Plan, which incorporates the relevant Key Priorities of the Council.
- 1.1.5 The production of the Leisure Trust's Business Plan and Annual Service Delivery Plan were temporarily postponed while 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 were considered. Due to the ongoing nature of these considerations, it was agreed with the Trust that it would be appropriate to

produce a Two-Year Business Plan. It is anticipated that a new five-year Business Plan will be published from 1 April 2025.

- 1.1.6 The Business Plan and Annual Service Delivery Plan form part of the Trust's obligations under the Management Agreement and is subject to Council approval.

1.2 Review of Performance

- 1.2.1 The Trust has produced a Quarterly Update Report covering the period January to March 2023 which is attached at **[Annex 1]**.

- 1.2.2 The report provides a financial summary and update on key objectives identified in the Annual Service Delivery Plan together with key performance information for the Trust.

- 1.2.3 The cost of utilities is highlighted as a significant implication to the Trust operation increasing by over two and half times the original budget forecast. This increase in cost has been met in part by the Council and by an energy surcharge of £1 on every swim. Members will be aware of recent and future measures to help reduce energy consumption most notably the installation of roof top solar panels.

- 1.2.4 Recruitment and retention of staff has been a significant challenge for the sector and the Trust with a turnover of 30% in 2022/23. Pay inflation has been another significant impact on the costs for the Trust with increases in the National Living Wage and National Minimum Wage of 9.7% overtaking the previous lower permanent pay rates.

- 1.2.5 The Angel Centre is highlighted as the only facility within the Trust's portfolio that operates at a deficit, forecast at £265,500. The facility is being considered as part of the asset review of Tonbridge Town Centre.

- 1.2.6 Income continues to recover from pre-pandemic levels and although golf and health and fitness income remains below profiled targets, casual swimming and courses have outperformed profile.

1.3 Business Plan

- 1.3.1 The Trust's Business Plan attached at **[Annex 2]** covers a two-year period from 1 April 2023 to 31 March 2025. Whilst the management Agreement between the Council and the Trust requires that a Business Plan is produced from *"time to time as agreed by the parties."* it has been agreed to produce a five-year plan to coincide with the contractual obligation to review the Service Fee for the contract every five years.

- 1.3.2 As outlined at 1.1.5 of this report it has been agreed to produce a Two-Year Business Plan in the hope that by early 2025 the impact of the exceptional circumstances may have receded, and the future of the Angel Centre determined.

The Trust continue to work towards a vision of 'More People, More Active, more Often.' With the following Mission Statement:

Our mission is to provide a **clean, safe and happy** leisure experience on an **inclusive** basis to residents and visitors to Tonbridge & Malling for the benefit of their **physical and mental health and wellbeing**. We will achieve this in a **sustainable** way through **excellence** in our **people, policies and practice**.

- 1.3.3 The Business Plan outlines the Trust's key priorities, Market and Financial Analysis, Future opportunities, Financial Plan and Other Key Issues for the Councils consideration and agreement.

1.4 Annual Service Delivery Plan

- 1.4.1 The latest Annual Service Delivery Plan covers the period 1 April 2023 to 31 March 2024 and is attached at **[Annex 3]** for the Council's consideration and agreement.
- 1.4.2 In order to meet the monitoring requirements of the contract and ensure the Council's desired outcomes are achieved the Plan also outlines a broad range of Key Performance Indicators. These will be managed as a Balanced Scorecard with four interdependent perspectives providing a single score of the overarching performance against the Trust's vision and mission statement outlined in the Two-Year Business Plan.

1.5 Legal Implications

- 1.5.1 The management and development of facilities run by the Trust on the Council's behalf is in accordance with an approved Management Agreement.

1.6 Financial and Value for Money Considerations

- 1.6.1 The initial transfer of Council leisure facilities to the Leisure Trust has made a significant contribution to the Council's savings, and further savings were made following the review of the Service Fee from the 1 April 2018.
- 1.6.2 The transfer of the Leybourne Lakes Country Park to the Leisure Trust in 2021 generated further savings to the Council compared to original estimates for 2021/22.

1.7 Risk Assessment

- 1.7.1 Health and safety arrangements are outlined in the Management Agreement with the Trust and are monitored through Key Performance Indicators.

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 the end users.

1.9 Policy Considerations

1.9.1 Asset Management, Community, Healthy Lifestyles, Young People.

1.10 Recommendations

1.10.1 It is RECOMMENDED that:

- 1) the Tonbridge and Malling Leisure Trust Quarterly Update Report attached at **[Annex 1]** covering the period January to March 2023 be noted;
- 2) the Committee make any recommendations to Cabinet on the Tonbridge and Malling Leisure Trust Business Plan attached at **[Annex 2]**; and
- 3) the Committee make any recommendations to Cabinet on the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan attached at **[Annex 3]**.

The Director of Street Scene, Leisure and 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

Robert Styles

Director of Street Scene, Leisure and Technical Services

QUARTERLY UPDATE REPORT

January to March 2023



INTRODUCTION

This report is a quarterly update covering the period 1 January 2023 to 31 March 2023.

The report includes summary financial reporting, an update on key objectives identified in the Annual Service Delivery Plan and key performance information from the Trust's balanced scorecard.

Qualitative operational performance is recorded through the CEO Standards reporting.

The report also includes brief reporting on highlights and issues arising not covered by the rest of the report.

The report is intended to offer a transparent high level overview of the Trust's performance to the reader and is not intended for onward transmission or publication to anyone outside the agreed circulation below without express permission of the Chief Executive of the Trust.

Circulation:

Trust Executive Management Team
Trust Board
Leader of the Council
Cabinet Member for Communities
TMBC Management Team
TMBC Leisure Services Senior Management Team
TMBC/Trust Strategic Meeting Team
TMBC Cabinet Members
TMBC Scrutiny Select Committee Members

FINANCE

The financial reporting in this quarter relates to the cumulative period from 1 April 2022 to 31 March 2023 and, therefore, represents the year end management accounts subject to formal audit.

2022/23 – Q4 Headlines

- The forecast budget deficit for 2022/23 was £584,400 which incorporated an expected claim against the Council under the utilities tariff agreement of £280,000. The actual year end deficit was £134,249, a favourable variance to target of £450,151.
- Total income in 2022/23 was £8.826m with expenditure totalling £8.961m leading to the year end deficit shown above.
- The 2022/23 budget was prepared before the exponential increases in utility costs as a consequence of global geopolitical issues and the actual overspend in gas and electricity beyond the forecast £280,000 totalled a further £742,700. This was substantially offset by an agreement with the Council to suspend the utility tariff agreement and pay a Service Fee of £700,000. The Trust further offset any claim against the Council by levying an energy surcharge of £1 on every casual swim from mid-July 2023, raising an additional unprofiled £157,400.
- Income across the Trust excluding the unplanned Service Fee and energy surcharge on swimming was above profile by £473,000. This comprised most notable overachievement in casual swimming and courses whilst golf and health and fitness incomes were below profile.
- Other cost pressures due primarily to high inflation resulted in an overspend of £137,000, most notably from staffing, related to the increases in course attendances.

2023/24 Budget Headlines

- The 2023/24 budget was approved by the Board in March and the bottom line forecast is a deficit of £245,900. This includes allowance for a Service Fee from the Council of £750,000 in lieu of forecast ongoing exponential utility costs above CPI. The Council and Trust has agreed to continue the suspension of the tariff protection clauses in favour of a Service Fee and an agreed, worked example of how the fee may be adjusted to reflect actual costs. The Trust continues to levy a £1 energy surcharge on every casual swim at a forecast income of £240,000 in a full year.
- Pay inflation is the other significant factor in expenditure terms within the budget. The 9.7% increase in the National Living Wage/National Minimum Wage impacts many casual and seasonal workers at the Trust and the lower permanent pay scales which were 'overtaken' by these increases were awarded pay increases of between 5.6% and 7.6%. Recruitment and retention remains a significant issue with staff turnover at 30% for 2022/23. Other staff at the Trust were awarded a 5% pay increase.

- Whilst a Service Fee is in place in lieu of utility costs the 'core' Service Fee remains zero sum with longstop arrangements in the Management Agreement invoked for a 12 month period. This has been mutually agreed subject to the Tonbridge Town Centre review and the potential implications of the Angel Centre and Borough Elections to be held in May 2023.
- The ongoing lack of investment in the Angel Centre renders it the only facility within the trust's portfolio to operate at a deficit and the forecast deficit of £265,500 is higher than the overall forecast deficit.
- It is the view of the Trust that without investment in the Angel Centre and due to general inflation in pay and other costs it is unlikely, regardless of energy costs that the Trust will be able to operate at a zero sum in the foreseeable future.

BUSINESS PLANNING

Two Year Business Plan (April 2023 – March 2025)

The Trust has historically produced a Five Year Business Plan approved by the Trust Board and the Council in response to the requirement of the Management Agreement. The Plan is a strategic document that highlights the Vision, Mission and Values of the Trust and identifies Key Priorities. The Plan contains market and financial analyses, identifies future opportunities and a forward financial plan. Other key issues and capital development opportunities are also contained in the Plan.

The last Five Year Plan expired on 31 March 2022 and it was mutually agreed that the core focus of the Council and the Trust at that point was business recovery from the global pandemic and the impact of energy prices.

However, as the Trust's recovery journey gathered strength it was felt by all parties that it would be prudent to publish a new Plan for a shortened two year period.

The strategic Two Year Business Plan was approved by the Trust and the Council in similar format and is designed to see through the current period whilst key issues impacting on the Trust including energy prices, Borough Elections, the future of the Angel Centre and negotiation of a new Service Fee are progressed and resolved.

Annual Service Delivery Plan (ASDP)

Publication of an ASDP is also a requirement of the Management Agreement that was suspended during the pandemic but was reintroduced in 2022/23.

The ASDP is focused on key issues facing the Trust over the 12-month period. It should be noted that the key objectives are not arranged in any order of priority within the Plan.

Each quarter an ASDP update report is produced with a brief commentary on progress on each objective.

KEY PERFORMANCE INDICATORS

The Balanced Scorecard

In order to meet the monitoring requirements of the contract and ensure the Council's desired outcomes are achieved the ASDP also outlines a broad range of Key Performance Indicators. This is managed as a Balanced Scorecard with four interdependent perspectives (Finance, Customers, Operations, Staff) providing a single score of the overarching performance. This is currently monitored at Larkfield Leisure Centre, Angel Centre, Tonbridge Swimming Pool and Poult Wood. The Head Office function and Leybourne Lakes Country Park are not contained within the reporting.

Each KPI is weighted to reflect relative importance.

The target of a 75% score on the Balanced Scorecard when reached suggests that the overall health of the business is strong.

A consolidated Trust Balanced Scorecard and one for each of the four individual sites are produced.

A commentary on the Consolidated Report is outlined below;

- The overall Balanced Scorecard result for the Trust is 76.5%, above target of 75%.
- The overall score is significantly adversely impacted by the performance at Poult Wood which fell well below financial expectations as the extraordinary levels of income reached during the pandemic were not sustained. A considerable switch for casual green fees to membership offers a large part of the explanation and this needs to be carefully monitored from a financial and access perspective.
- Financial reporting is adjusted by site to reflect extraordinary costs in utilities by the mitigating effect of the Service Fee which is recorded in the Head Office management accounts.
- Financial performance reflects earlier commentary in this report with income and the bottom line outperforming expectation whilst expenditure is marginally overspent. Swimming and courses show performance well above target whilst golf and fitness are below profile. Staffing is a little overspent whilst utilities underspend matches target for gas and electricity but savings in water following a change of supplier and resolution of some longstanding leakage problems.
- In the customer perspective the Net Promoter Score which measures promoters of the facilities (scoring 9 and 10 out of ten) over detractors (scoring 0 to 6 out of 10) shows an average score of 55% compared to target of 50% and an industry benchmark of 38%. The Mystery Visitor Score average is just 0.8% below the 85% target. A couple of poor scores at Poult Wood, for which the Service is a little less well designed over the year contributes to this whilst Tonbridge Pool actually recorded a first ever 100% score in Q3. The service is managed by industry experts, Pro Insight.

- Membership of health and fitness, swim and spa and swim school are all significantly ahead of last year which was affected by the gradual recovery post-pandemic. Similarly total attendance was 44% ahead of the 2021/22 period affected by the business recovery. The overall attendance in 2022/23 was 1.191m which is 97% of the last full pre-pandemic year suggesting recovery in terms of attendance is close to complete.
- Electricity consumption was below pre-pandemic levels whilst gas consumption was 6% higher. This increase is primarily due to revised metering arrangements at Tonbridge Swimming Pool and a colder than average winter period.
- Health and safety audits are held biennially across the sites and the positive scores reflect the last audit held pre-pandemic. Display Energy Certification scores are lower than target across the entire portfolio measured against industry averages.
- The number of recorded accidents at each site is well below the target of 65 per 100,000 visitors. It should be noted that every accident, including very minor incidents are recorded and that RIDDOR compliance is 100%.
- Finally in the staff perspective an impressive level of 1.73% sickness against a tough target of 2% was achieved. This includes long and short term sickness and reflects positive absence management. Core training is disappointingly low and must be a feature of future campaign to ensure that all staff maintain this online training requirement up to date. The implementation of workforce management software will increase the ability to manage this issue.
- Permanent staff turnover was recorded at close to 30% with 50 leavers across the sites in the year. This coupled with high levels of casual staff turnover has been challenging across the sector, especially in food and beverage although the second half of the year saw turnover levels close to the 20% target.

QUALITY

The quality of performance at the sites has historically been evidenced through the National Quality Scheme for Sport and Leisure, Quest. The scheme is owned by Sport England and managed on their behalf by a contactor.

Prior to the pandemic the Trust was fully engaged with Quest and two sites, Larkfield Leisure Centre and Tonbridge Swimming Pool were amongst just 16 sites nationally to achieve the accolade of Outstanding.

However, the scheme has evolved radically during the pandemic and the Trust is now re-engaging on a starting from scratch basis in 2023/24. The Quest Stretch version of the scheme that led to an Outstanding outcome no longer exists.

In the interim the Trust has introduced a new internal quarterly quality check known as the CEO Standard which replicates part of the Quest process by an unannounced visit by the CE/DCE to walkover the site with the Centre Manager and inspect all customer facing operational aspects of the facility.

The report undertaken pre-pandemic will now be instituted quarterly in 2023/24. It is expected that Centre Managers, accountable for actions arising, will use the reports to drive continuous improvement at sites.

The scores from the CEO Standard will be incorporated in the Balanced Scorecard from 2023/24 with an upper target of 85%. Progress against identified issues will be managed through ongoing reports and operational meetings.

OTHER KEY ISSUES

Management Restructure

A report to the Trust Board in March outlined a proposal for restructuring the senior management of the Trust over the next 18 months given the Chief Executive's intention to retire in Summer 2024. The Board approved a phased approach to restructure that will see the appointment of a Deputy Chief Executive in Summer 2023 to succeed the outgoing Chief Executive allowing for an extended handover period and a seamless transition to a new Chief Executive. The restructure is proposed upon a cost neutral basis.

UKG Implementation

The Trust now employs in excess of 500 staff in permanent, casual, full and part time roles. Investment in a workforce management software system (UKG Kronos) was approved by the Board in 2022 and the first phase implementation which captures all core HR information is complete. The second phase dealing with time and attendance, and removing the need for time sheets, is under design and will be rolled out in Autumn 2023. Cost savings from the investment include improved absence management, accuracy of pay and rewards and significantly reduced administration costs

Gladstone Go

The Trust utilises Gladstone Leisure Management Software across all sites. The current version, Plus 2, is being superseded by Gladstone Go. Investment in the new software provides an enhanced online membership joining and bookings experience for the customer. The new reporting dashboards within the system also provide the Trust with improved management information in an easy, visible format. The migration to Gladstone Go occurred in late March and following training should be available to customers in the Summer. Upgrading to Gladstone Go will also resolve the issues of importing data to Sport England's Moving Communities platform. This is vital to access future Government funding.

Corporate Risk Register

The Trust is finalising a new Corporate Risk Register that identifies major corporate risk. Consisting of individual Risk Statements, each risk is outlined and quantified. Mitigating controls are identified with further risk reduction actions leading to a reduced residual risk. A Trustee has been designated as Risk Champion and each Risk Statement is 'owned' by an Executive Team Member and reviewed annually. The final outstanding Risk Statements will be approved by the Board in June 2023.

Reconnect

The Trust was granted £40,000 by the KCC Reconnect fund, post pandemic and has offered a very wide range of activities, aimed primarily to attract families and more deprived customers back to health and wellbeing activities.

SAMPLE

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TMLT Business Plan

April 2023 to March 2025



**TONBRIDGE & MALLING LEISURE TRUST
BUSINESS PLAN
APRIL 2023 TO MARCH 2025**

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INTRODUCTION

This Business Plan covers a two year period from 1 April 2023 to 31 March 2025. The Management Agreement between Tonbridge & Malling Borough Council and the Trust requires that a Business Plan is produced from *'time to time as agreed by the parties'*.

To date this has been interpreted to mean a five year plan which is supported by an Annual Service Delivery Plan in accordance with the Management Agreement. This frequency coincides with the contractual obligation on both parties to review the Service Fee for the contract every five years.

However, the impact of the global pandemic upon the Trust, its trading position and the partnership arrangements with the Council have taken precedence over normal business and financial planning and the current Five Year Business Plan expired on 31 March 2022 and was not renewed by mutual agreement.

The pandemic has been followed by a global energy crisis that has brought similar unprecedented financial challenges to be dealt with in partnership with the Council. During the pandemic the Council supported the Trust through an exceptional agreement, of benefit to all stakeholders, to pay a Service Fee in order to maintain the financial viability of the Trust and help restore the Service post pandemic. A similar arrangement has been agreed during the energy cost crisis.

This ongoing financial challenge has led to a joint decision to defer the negotiation due to determine a new core Service Fee agreement from 1 April 2023. This decision together with the uncertainty surrounding the future of the Angel Centre, which forms part of an ongoing review of Tonbridge Town Centre by the Council and is critical to the future business planning of the Trust, has resulted in the publication of a five year plan being rendered impractical.

However, trading has now returned to something close to pre-pandemic levels and the business of the Trust continues to present opportunities, challenges and priorities of a strategic and operational nature that require careful planning.

It has, therefore, been agreed to publish this Two Year Business Plan in the hope that by early 2025 the extraordinary financial circumstances may have receded, the Service Fee may be agreed and the future of the Angel Centre determined, when a longer term plan will be considered.

SECTION 1

1. VISION, MISSION STATEMENT AND VALUES

Tonbridge and Malling Leisure Trust (the Trust) has been operational since 1 November 2013 and is responsible for the delivery of many sport and leisure facilities on behalf of Tonbridge and Malling Borough Council (the Council). The Trust currently operates the following facilities:

- Larkfield Leisure Centre (LLC)
- Angel Centre (AC)
- Tonbridge Swimming Pool (TSP)
- Poulton Wood Golf Centre (PW)
- Leybourne Lakes Country Park (LLCP)
- The Games Hut at Tonbridge Racecourse Sportsground
- Bookings for Sports Pitches in Tonbridge
- Kings Hill Sports Park (for Kings Hill Parish Council)

This Business Plan covers the period from 1 April 2023 to 31 March 2025 and had been developed to:

- enable the Trust to present to the Board the Plan for the two year period;
- act as a framework under which the Trust will partner the Council through the management agreement;
- identify the strategic direction and action plan for the Trust enabling effective monitoring of success and performance.

The Trust has developed a vision and a series of objectives which will set the context for its operation. The Trust's **Vision, Mission Statement** and **Values** are shown below.

1.1 Vision

The Trust's vision is ***'More People, More Active, More Often'***

1.2 Mission Statement

Our mission is to provide a **clean, safe and happy** leisure experience on an **inclusive** basis to residents and visitors to Tonbridge & Malling for the benefit of their **physical and mental health and wellbeing**. We will achieve this in a **sustainable** way through **excellence** in our **people, policies and practice**.

1.3 Values

Our core values are:

- **Leadership** – we will aim to influence positively the community, our customers and staff to provide and benefit from sport and recreational facilities operated by the Trust.
- **Integrity** – we will act consistently, honestly and transparently in our dealings with partners, customers, staff and all other stakeholders.
- **Innovation** – we will explore the introduction of new products and services, driven by technology and ideas for the benefit of customers and staff.
- **Continuous Improvement** – we will strive to continuously improve in all we do and deliver using Quest as the industry benchmark to measure our improvement.
- **Inclusivity** – in designing and delivering our facilities and services we will take account of the needs of the whole community.
- **Customer Focus** – we will place the customer at the heart of the design and delivery of our facilities and services. We will respond to customer complaint in a positive and proactive manner.
- **Teamwork** – we will work with partners, stakeholders, customers and staff to achieve common goals in the best interests of all parties. We will be tough on problems but soft on people.
- **Professionalism** – we will base our business upon learning, adoption of best practice and reliably delivering to a high standard.
- **Environmental Awareness** – we will proactively seek to minimise the impact on the environment of the facilities we manage and the services we deliver.

SECTION 2

2. KEY PRIORITIES

The following headline priorities have been developed

- **Participation** - Increased overall participation and, in particular increased participation by young people, over 50s, people on low income and families.
- **Awareness** - Increased public awareness of the benefits of 150 minutes exercise per week to achieve a healthy lifestyle.
- **Healthy Lifestyles** – Increased engagement with public health partners, other charitable operators and national programmes to promote good physical and mental health in the communities we serve.
- **Customer Satisfaction** – High measurable levels of customer engagement and satisfaction.
- **Social Inclusion** - Pricing and programming strategies to ensure accessibility and affordability to facilities for all.
- **Charitable** - Develop and deliver programmes and activities to underpin the charitable ethos of the Trust.
- **Health & Safety** - Operate the facilities on the basis of a strategic, risk assessed and monitored health and safety management approach designed to ensure the safety and wellbeing of staff, customers and contractors.
- **Environmental** – Operate and invest to reduce the environmental impact of the built facilities.
- **Quality** – Provide safe services of high quality measured against industry best practice.
- **Staff** – Recruit, select, train and develop staff resources in a consultative, inclusive manner.
- **Financial** – Build a financially viable, sustainable business with solid financial reserves. To act commercially as appropriate within a community setting.
- **Reinvest** – To build a capital reserve to enable future planned investment to ensure sustained and improved facilities and services to customers.

This Business Plan is supported by an Annual Service Delivery Plan (ASDP) that will outline key objectives for the Trust and responds to the Council's stated requirements and desired outcomes. The Plan will contain Specific, Measurable, Achievable, Realistic and Timebound (SMART) targets allied to the Council's expressed requirements and the key priorities above. The primary tool for overall measurement of performance will be the Balanced Scorecard contained within the ASDP.

The remainder of this Business Plan sets out the context for achieving these priorities through assessing the market the Trust operates in and the opportunities for future investment.

SECTION 3

3. MARKET AND FINANCIAL ANALYSIS

The Trust has undertaken an analysis of the key factors which will impact on the business over the next two years through the utilisation of an extended PEST Analysis, SWOT Analysis and an assessment of financial trends to date. The outcomes of these are summarised below.

3.1 Extended PEST Analysis

3.1.1 Political

The Council is currently served by two Parliamentary Constituencies, and thus two MPs, Tom Tugendhat (Con) representing the Tonbridge & Malling constituency and Tracey Crouch (Con) representing the Chatham & Aylesford constituency.

The Borough is currently served by 54 Councillors representing 24 Wards. The Council is led by Councillor Matt Boughton (Con) and the political mix shows 37 Conservative, 9 Liberal Democrat, 3 Green, 3 Independents 1 Labour and 1 vacancy. The Cabinet Member for Community Services is Councillor Des Keers (Con).

Borough elections in May 2023 will see the number of serving Councillors reduced to 44 across 19 Wards. It is possible that the balance of power in terms of political administration could change which could result in a change of policy in terms of leisure provision.

The Council adopted a Leader and Cabinet system of decision making in 2002 with a range of supporting Policy Committees and Advisory Boards. The recent replacement of Advisory Boards has placed more direct decision making power in the hands of individual Cabinet Members and Cabinet as a whole. These are held to account through the introduction of Scrutiny Select Committees that check and challenge the decision making process. There is, therefore, no longer a Board that takes direct oversight of matters related to the Trust, with such matters falling to the Cabinet Member for Community Services. It is anticipated that any future administration will continue to nominate two Councillors annually to serve on the Trust Board in accordance with the Trust's Articles of Association and reflecting the partnership with the Council.

The Council is currently consulting on its own Corporate Strategy for 2023 – 2025. The strategy recognises that the Council delivers its core services well but identifies a new vision..... *'to be an innovative and forward-thinking council, that leads the people and businesses of the borough towards a vibrant, prosperous and sustainable future.'*

The three key values of Innovation, Transformation and Delivery define the new approach and the following four priorities are outlined

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

Specific objectives to help meet the priorities above that relate directly to the Trust include the following;

- Promote wellbeing and help people, especially our most vulnerable residents, to live healthy and active lifestyles. This includes facilitating good quality leisure facilities and services across Tonbridge and Malling.
- Continue our successful management of parks, open spaces and leisure centres so the best recreational facilities are available to everyone.

More tangential but no less important to the Trust are the objectives to;

- Identify new and innovative ways to deliver our services in the most cost-effective and efficient way.
- Further move the Borough Council forward so its services are delivered effectively, bringing value for money and being keen to adopt new ideas and innovations for Tonbridge.
- Identify ways we could use our land and other assets better, especially in Tonbridge town centre.

Finally, underpinning the Corporate Strategy are a range of further strategic approaches with the most relevant being the following;

- Medium-Term Financial Strategy – a financial framework within which financial stability can be achieved to deliver the council's key priorities.
- Savings and Transformation Strategy – aims to bridge the funding gap identified in the Medium-Term Financial Strategy through savings and transformation.
- Climate Change Strategy – sets out an ambition for the borough to be carbon neutral by 2030.

The Trust's partnership with the Council remains the critical relationship in the success of the Trust and alignment with the Council's objectives is of utmost importance. The Trust's Business Plan should seek to help the Council fulfil its key priorities and financial objectives described in its Corporate Strategy. However, the Trust does need to be mindful of potential changes in political direction and the need to remain flexible to a changing environment as necessary.

3.1.2 Legal

The Council is governed by its Constitution which sets out how it operates, how decisions are made and the procedures which are followed to ensure that these are efficient, transparent and accountable to local people. Some of these processes are required by law, while others are a matter for the Council to choose.

The Trust is a Company Limited by Guarantee with charitable status and therefore serves two regulatory bodies, Companies House and the Charity Commission. An annual return is required to each regulator.

The Trust was formally constituted on 15 March 2013 and commenced trading on 1 November 2013 with a formal Memorandum and Articles of Association in place.

In operational terms there is an ever-increasing amount of social, employment and health and safety legislation impacting upon the leisure industry. There is a need to incorporate human resource legislation into service and staff planning. Health and Safety legislation demands increasing consideration to ensure maintenance of a robust management framework and training. The 'costs' of failing to manage health and safety effectively, not least the consequence of litigation may potentially impact upon the nature and extent of activities that may be undertaken in future.

The Trust continues to retain the services of Winckworth Sherwood to advise on legal, contractual and property issues.

3.1.3 Economic

The Council has a Savings and Transformation Strategy in light of significantly reduced grant support from central Government over a period of years. The strategy is designed to deliver sufficient savings and transformation contributions in order to bridge the funding gap identified in the Council's rolling 10 Year Medium Term Financial Strategy which in itself is designed to achieve a balanced revenue budget that delivers the Council's priorities by the end of the strategy period. The current funding gap over the life of the strategy is reported as £1.9m.

The Council continues to face significant financial challenges and will do so for the foreseeable future. This was placed under unprecedented pressure related to the Trust in terms of the support provided by the Council during the pandemic which totalled around £1.63m. Whilst stretching the Council's finances this support was recognised to be the most financially expedient approach to the problem whilst retaining the services.

Despite reasonable post-pandemic business recovery the nation now faces further extraordinary costs in relation to utilities. This manifests itself most directly in the operation of the facilities owned by the Council and

managed by the Trust and further financial support through the contractual agreement has been needed to prevent the Trust becoming unsustainable.

Other economic issues including pay and wider inflationary pressures are creating significant pressure upon the Trust's revenue budgets and a deficit budget was set in 2022/23, relying on expenditure from reserves and the same scenario exists in 2023/24. The Trust cannot continue to maintain a deficit budget year on year and a return to at least a break even budget is required in 2024/25 in order the Trust's reserves are not further depleted. This may require a Service Fee payment from the Council to the Trust and further support for utilities costs.

The other threat to the viability of the Trust is the current 'cost of living' crisis that may impact on buyer behaviour resulting in a downturn in income through key areas of the business such as health and fitness, swimming and courses. This is not apparent at present but the Government pledge to reduce inflation that may prevent interest rates soaring is vital to the maintenance of major income streams.

Whilst the economic challenge remains significant the Trust sees adequate reserves being maintained and a sustainable future in partnership with the Council.

3.1.4 Social

The UK Government published its strategy for an active nation, Sporting Future December 2015 placing greater emphasis on physical activity to improve health and wellbeing outcomes. The desired outcomes fall into five strands of physical wellbeing; mental wellbeing; individual development; social and community development; and economic development. In overall terms the impetus was away from medals towards mass participation and represented a step change in policy that aligns strongly with the objectives of the Trust.

The global pandemic and economic challenges since publication mean that no tangible review or update to this strategy has occurred since publication, although Sport England produced, Future of Public Sector Leisure in December 2022.

At the time the strategy was supported by the Sport England strategy for 2016- 2021, Towards an Active Nation which has now been succeeded by a new 10 year strategy, Uniting the Movement. This strategy is currently focused upon an implementation plan for 2022-25 with three guiding principles '*...investing most in those that need it most, the right blend of national and local action, and simple as standard*' – continuing to help Sport England decide where to invest time, energy and money.

It is in this context that the Trust needs to shape its work to provide best value and access to the communities it serves.

The implementation through COVID of the Moving Communities portal is designed to bring together information on financial, customer service and qualitative performance of public leisure facilities across the UK. However, the performance of this portal does not in the view of the Trust and many industry partners currently match the ambition. It is hoped over the life of this Plan that Moving Communities does become the important resource intended.

Better access for the financially disadvantaged, elderly and people with disabilities means a continued reappraisal of programme and access issues. The Equalities Act also places demand upon service providers to design and deliver services in an inclusive manner and consideration of the impact in equalities terms is now a statutory and moral obligation.

In terms of workers' rights social and employment legislation also continues to influence issues such as the pay and reward strategy and careful consideration of contractual status for part time and casual employees/workers.

3.1.5 Technological

The rapid expansion of new technologies and user demand for them places an imperative on leisure operators to invest in hardware, software and training for staff to address the developments. Competition to bring the latest technologies to an increasingly sophisticated market, particularly in the fitness element of leisure can result in customers switching loyalties regularly.

Similarly, the use of the internet, social media and other means of electronic customer engagement are now critical routes to market. Streamlined access to booking and payment services integrated with leisure management software are also vital components for modern customers who demand access from fixed and mobile connections.

The potential of cashless services has been realised in a small number of leisure facilities across the UK offering simple accessible services to busy customers through seamless mobile/app technology.

3.1.6 Industrial

The impact of the global pandemic and the current energy cost crisis will have an enduring and significant effect on the leisure industry. The lack of insurance support to the industry in the light of the pandemic was profound. Government support, primarily through the Coronavirus Job Retention Scheme, support from the Council, use of its own established reserves and operational savings during successive lockdowns has allowed the Trust to emerge from the pandemic in reasonable organisational and financial health. Many similar small to medium sized trusts have been saddled with long term debts through Coronavirus

Business Interruption and other loans that will stunt investment for a decade. Further, whilst recovery from the pandemic has been steady and progressive the energy cost crisis and levels of pay and general inflation have represented an even greater challenge without any significant central Government support.

The Trust continues to enjoy the support of the Council in respect of combatting energy costs but across the UK a significant threat to public sector leisure provision, especially swimming pools is apparent. The LGA, UKactive, CLUK, Swim England and others have lobbied Government for further financial support but none has been forthcoming to date. Closures and reduced services are in evidence and likely to increase as operators are forced to increase prices and users also begin to feel the real cost of living crisis through higher interest and mortgage rates.

Future negotiation around leisure service provision with contractors is likely to be dominated by the need to underwrite the costs of utilities, National Living Wage increases and the potential of another global pandemic against which insurance is unobtainable.

Some evidence of insourcing services is being seen as a consequence of Councils being unable to secure the services of contractors with exponential cost increases associated with the loss of NNDR and VAT advantages. In most instances Councils no longer have the professional capabilities to operate extended leisure services and are having to recruit to do so, further adding to costs.

The desired move of leisure towards public health remains a much vaunted ambition of all parties but a cohesive, national, funded strategy to achieve goals that would improve the health of the nation, increase preventative action and reduce burden on the NHS remains elusive.

Following the pandemic and as a consequence of Brexit, supply chain issues, especially related to swimming pool chemicals, have threatened service delivery. Careful procurement decisions should be made in future wherever possible to avoid this scenario and ensure service resilience. It should be noted that supply chain failure is not generally an insurable business interruption risk.

3.1.7 Environmental

The Council has a Climate Change Strategy that sets out an '*...aspiration for Tonbridge and Malling to be carbon neutral by 2030*' and for a strategy to be developed to support this ambition. This is supported by a Climate Change Fund.

Investigation has revealed that the leisure facilities managed by the Trust are responsible for 64% of carbon emissions from the Council's own estate and the Council has progressed Carbon Descent Plans to help guide how this may be addressed. A Climate Change budget has been

identified and early 2023 has seen the Council invest in the installation of a PV array on the sports hall roof at Larkfield Leisure Centre anticipated to provide 6% of electricity requirements at that site.

More and more consumers are supporting Government initiatives to encourage 'greener' and environmentally ethical business decisions. Environmental stewardship and conservation will become critical to future planning of services and provision of leisure options and customers will demand assurance that these policies are in place. This has been demonstrated by the investment in energy saving technologies in the new build café at Leybourne Lakes Country Park and should be a consideration in any proposals related to the Angel Centre.

Continued investment in energy saving initiatives by the Council and best practice by the Trust will be vital to help meet reduction targets and help control a key area of expenditure.

3.1.8 Competition

The health and fitness market is fierce in the South East. Larkfield Leisure Centre has a number of private sector gyms within a 5 mile radius, notably a premium David Lloyd Health & Rackets Club at Kings Hill. Main public sector competition is provided by Maidstone Leisure Centre sited the opposite side of the County town to Larkfield. A local gym facility at Cobdown Sports Club appears to be focused on the member clubs for sport and conditioning purposes and a small budget gym at Kings Hill appears to have little impact. Angel Centre faces more direct competition from private sector operators in the town, notably from Pure Gym and Snap Fitness, although the former is currently closed for unknown purpose. There is a dual use gym at Tonbridge School and a premium offering at Nizels Golf & Country Club. The Angel Centre also competes with a number of school sports hall facilities in the town. Both Tonbridge Swimming Pool and Angel Centre compete with public sector facilities at Tunbridge Wells, Sevenoaks and Edenbridge, while the swimming facilities at Tonbridge School also provides competition for Tonbridge Swimming Pool.

The potential for further entrants in the budget sector remains the greatest unknown competitive challenge. Whilst this has not yet materialised locally, this genuine 'third sector' in the fitness market is firmly established and a number of trusts have risen to the challenge by restructuring their own offer or providing their own budget offering.

Poult Wood faces competition from other Pay and Play courses in the area, notably Lullingstone GC, Cobtree Manor GC and High Elms. Changes in the golf sector have resulted in public and private courses seeing some lap over for casual golfers who can now access many private courses for competitive green fees.

3.2 SWOT Analysis

The SWOT analysis process is designed to generate information that is helpful in matching the Business Plan and organisational objectives to the environment in which the Trust operates.

The four elements are defined below;

- **Strengths:** positive tangible and intangible attributes, internal to an organisation and within the organisation’s control.
- **Weaknesses:** internal factors within an organisation’s control that detract from the organisation’s ability to attain the desired goal. Which areas might the organisation improve?
- **Opportunities:** external attractive factors that represent the reason for an organisation to exist and develop. What opportunities exist in the environment, which will propel the organisation?
- **Threats:** external factors beyond the organisation’s control which could place the organisation mission or operation at risk. The organisation may benefit by having contingency plans to address them if they should occur.

An analysis of the Strengths, Weaknesses, Opportunities and Threats facing the Trust was conducted by the Executive Management Team in December 2022 and further considered by a wider group of second tier managers and supervisors in January 2023.

The results are tabulated below;

STRENGTHS	WEAKNESSES
<ul style="list-style-type: none"> • Cash position/Reserves • Staff quality/Customer service • Experienced Executive Management Team • Net Promoter Score Closed Loop – customer feedback • Customer loyalty • Use of social media • Group Exercise programme • Quality/investment in fitness/technology • Mix of pools • Digital investment • TMBC Management Support/relationship • Sector recognition/industry 	<ul style="list-style-type: none"> • IT Support • Management and Continued Professional Development training • Staff turnover • Changing/toilet facilities • Parking at AC/TSP – cost and access • Succession planning • Unsociable hours • Ageing facilities • Training plans • Maintenance support operational resource from TMBC • Lack of investment in AC

<p>awareness</p> <ul style="list-style-type: none"> • Pricing control • Flat structure – ability to react • LLC Location/free parking • Swim School • Diversifying portfolio • Utilities tariff protection • Corporate risk register/business continuity • Chartered Institute for the Management of Sports and Physical Activity (CIMSPA) engagement • Trust model • Business resilience • Reputation • Core values • Capital renewal expenditure • Minor equipment investment • Established Trust with strong, stable Board • Internal communications 	<ul style="list-style-type: none"> • Telephony resources • Perception of sector as attractive employment opportunity • Utilities monitoring • Group bookings at TSP • Current Exercise Referral offering
<p>OPPORTUNITIES</p>	<p>THREATS</p>
<ul style="list-style-type: none"> • Tonbridge Town Centre Review • Catering • Golf tuition • Link to health agenda • Growth in housing development • Demographic changes • IT software applications • Climate change investment • Funding/grant opportunities • Apprenticeships • Planned Preventative Maintenance/Maintenance resource management • Contract extension • Fitness equipment procurement • Workforce management • Revised Quest scheme • Golf Booking Software • Further expansion/diversification • Community / charitable opportunities 	<ul style="list-style-type: none"> • National Minimum Wage/National Living Wage • Lack of building condition surveys • Budget/other competition • Recruitment market • Flooding • Weather impact on outdoor pool/golf course • Brexit/supply chain • Cost of utilities • Length of leases • Withdrawal of lease/management agreement • High Street catering in Tonbridge • Legislative change • Pandemic • Cost of living crisis • Chemical procurement/cost • Cyber attack • Local travel infrastructure

<ul style="list-style-type: none">• Links with education sector	
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It should be remembered that the SWOT itself is only a data capture exercise - the analysis needs to follow over the life of the Business Plan. Individual factors, especially opportunities may be further identified by time frames and threats should be classified by severity and probability of occurrence. Many of the threats are identified in the Trust's Risk Register.

3.3 Financial Analysis

Analysis of financial performance over the past three years has been skewed beyond usefulness by the impact of the global pandemic. Even 2022/23, throughout which a return to normal trading has more or less been completed, is not easily comparable with pre-pandemic performance and should be treated with caution when using to forecast the next two years.

The other significant impact on trading that has emerged in 2022/23 is the unprecedented increases in utility costs brought about by global geopolitical issues.

However, some comparison between the last full trading year before the pandemic (2019/20) and 2022/23 has been used to shape the financial forecast for 2023/24 and 2024/25.

The headline messages from the analysis, which relies on year end forecast for 2022/23 are as follows:

3.3.1 Income

- Overall income across the Trust rose from 2019/20 at £6.864m and 2022/23 at £8.197m by £1.333m or 19.4%. Scale of charges increases over this period have averaged around 4% per annum and in the intervening years the Trust has taken on contracts at Leybourne Lakes Country Park and Kings Hill Sports Park that jointly account for around £390,000 of additional income in 2022/23. Taking these factors into account like for like income appears to have grown marginally in what has been a very turbulent period.
- Key areas of income (The Big Four) are casual swimming, fitness, courses and golf. In 2019/20 they represented 78.8% of the total income with this trend continuing in 2022/23 when a near identical 78.7% of income was derived from these activities. In actual cash terms the increase, which is not impacted by the new sites, has been close to £1m or 18.6% over the three year period, or an average of 6.2% per annum.

- Income from all other areas including sports halls, soft play, meeting rooms, health suites, schools and clubs and new income streams from Leybourne Lakes and Kings Hill, now representing around 21.3% of total income, has risen by around 19.7% over the last three years. However, given the scale of income from new business this means a real terms drop in other areas of the business of around 7% over the period.

3.3.2 Expenditure

- Overall expenditure across the Trust has risen between 2019/20 at £6.865m to 2022/23 at £8.948m by £2.083m or 30.3%. As with income this figure is impacted by the addition of new sites accounting for £390,000 of expenditure. In addition, the expenditure includes excess utilities costs funded by the Council of around £860,000. Taking these factors into account overall like for like expenditure has risen by around 12% over the three year period.
- Key areas of expenditure (The Big Four) are permanent salaries, casual salaries, electricity and gas. In 2019/20 these represented 72.3% of all operational expenditure. In 2022/23 this has risen to 78.3% primarily on the back of exponential increases in utility costs. In actual cash terms the increase is £2.26m although this is impacted by the new sites and excess utility costs described above. Permanent salary increases over the three years have been nil in 2020, 1% in 2021 and 4% in 2022. National Minimum Wage rates applicable to casual and temporary staff have risen by 15.7% in the three year period.
- Expenditure in all other areas now represents 21.7% of all expenditure and has risen by 5.3% over the three year period, effectively a small, real terms drop compared to inflation.

3.3.3 Key Issues

The key issues arising from the financial analysis are:

- Overall income performance is highly dependent on performance in The Big Four. The four marketplaces suffer varying degrees of potential vulnerability which need to be guarded against over the life of this business plan.
- Casual swimming is predominantly provided by the public sector and competition, therefore, is largely confined to other neighbouring local authorities including Maidstone, Tunbridge Wells and Sevenoaks. Industry intelligence suggests that casual swimmers are most likely to visit a pool based upon location. Price is relatively similar at competing facilities and is considered inelastic and a minor factor in customer choice.

Casual swimming post pandemic has enjoyed very strong performance during 2022 despite implementation of a 6% price increase. In addition, the Trust has imposed a £1 energy surcharge on all casual swims to mitigate the additional energy costs being met by the Council. A further 9% increase in 2023 appears not to have blunted buyer behaviour. The national outlook for swimming pools is bleak with many threatened by closure and/or taking measures to reduce hours, lower pool temperatures and increase prices. The Trust, with the support of the Council appears to be reaping reward in this area of the business but should the cost of living crisis deepen this may require very close monitoring.

The facilities do provide a well invested and attractive mix of leisure, fitness, teaching, indoor and outdoor swim opportunities. However, the outdoor provision is dependent on the weather in the summer months and income can be severely affected by a poor summer. At present there are no known plans for major investment in public swimming facilities within a 20 minute drive time and therefore the market is not considered vulnerable. It is fair to assume that the current strategy pursued by the Trust offers the opportunity for continued modest growth and the Trust should continue to ensure that marketing focuses upon the health benefits, relatively low cost, accessibility and family opportunities.

- Competition in the provision of courses, wet and dry is not limited to the public sector. An increasing number of privately operated swim schools are based at clubs and school pools, notably David Lloyd at Kings Hill and Tonbridge School. Dry side competition often arises from school sports hall facilities and private clubs. The move to 45 week continuous assessment coaching schools payable by direct debit provides some unique selling points for the Trust. Many customers appear to relate most easily to public sector provision and customer satisfaction is high.

Post pandemic this is an area of the business that has seen significant growth with Swim School numbers rising from 2,400 per week in 2019/20 to 3,400 per week in 2022/23. This increase has been matched by creative and additional use of pool space although it does not appear to have impacted adversely on casual swim numbers. This uplift may be partially due to the lockdown periods where a huge number of young children were denied the opportunity to learn to swim so should be monitored over the coming years.

The implementation of improved technology to provide parents with ability to book online is a feature of planned digital advances in the life of this Plan. Ongoing customer contact and feedback is crucial to success and retention of children beyond primary school age should be a focus of attention.

- Fitness is the most competitive market in which the Trust operates. The market mainly divides into three sectors; premium, middle market and budget. Premium competition in the area is provided by operators such as David Lloyd and Nizels GC (Club Company) and typically provides high end membership services and fees. The middle market is covered by competing public sector facilities and other operators including Tonbridge School. In the past few years the appearance of budget facilities in Tonbridge has provided a further challenge. However, Snap Fitness has moved in terms of pricing towards middle market practice and Pure Gym, which replaced Peak Fitness has been closed post pandemic, for reasons unknown. Even when open this venue was not offering the extremely low pricing options associated with its operation in larger towns/cities. In the north of the Borough budget presence remains low with TruGym in Maidstone closed and Infinity Gym at Kings Hill not appearing to compete on a damaging scale with Larkfield.

Gym membership has been slower to return than most other areas of the business post pandemic. By the beginning of 2023/24 the business across the Trust remains around 9% below profile.

Attrition within the marketplace is high, typically 4% per month in the industry, customers switch regularly and still only around 12/13% of the population has gym membership.

Significant investment by the Trust at Larkfield pre-pandemic has helped ensure facilities remain high quality and fit for purpose although the same cannot be said at Angel Centre and the opportunity for further growth would be greatly enhanced by remodelling of the facility or a new build. This is currently being considered by the Council as part of the town centre review.

Equipment replacement is due in the life of this Plan and discussion is ongoing with the Council to consider the most effective form of future procurement.

The market continues to be fast moving and the need to keep pace with equipment trends, sales technology, market intelligence and activity is critical to reduce the vulnerability of this income stream.

- The Trust took over the golf course at the point of transfer and historical evidence of income trends was poor. The Trust provided a more strategic approach to pricing or marketing of the facilities with the introduction of a membership scheme, new till systems, pricing control and revised clubhouse management arrangements seeing growth in golf incomes to in excess of £650,000 in 2019/20.

Golf was the least affected of services during the pandemic and whilst overall income fell in 2020/21 due to lockdown, it emerged

very strongly as an activity that was available ahead of many other recreational pursuits. By 2021/22 golf income had risen above £830,000 with around 77% still accruing from casual fees. This has levelled off to some extent in 2022/23 with a change in the make up of income pivoting towards membership, now around 37%, and away from casual use (63%). This results in increased stability of income, protecting the Trust from severe winter weather and consequential downturn in use. However, revenue from golf is still expected to be in excess of £800,000 per annum. The Trust may need to consider a cap on future membership levels in order to retain pay and play access in keeping with the ethos of a publicly owned course and to protect overall financial viability.

- Overall income from all other activities has shown a marginal decline over the past three years. Separate more minor income streams still need to be segmented to provide greater understanding of areas of growth and challenge. Some action has been taken where financial viability no longer existed, for example the closure of creche facilities at the Angel Centre and Larkfield Leisure Centre. Identification of individual trends, income downturn, stability and potential growth must be addressed within the context of the Council's service aspirations and the Annual Service Delivery Plan.
- Staffing represents the single greatest area of expenditure to the Trust. The need to attract and reward high quality staff across the operation is matched by a continual review of structures, rates of pay, recruitment, training and development activity. Total employee costs have risen from £4.4m in 2019/20 to an anticipated £5.5m in 2023/24. Around £350,000 has arisen from the new contracts at Leybourne Lakes and Kings Hill. However, permanent pay awards which at a headline level amount to 10% over the four year period have been greater for front line staff and temporary casual staff driven by increases in the National Living Wage/National Minimum Wage which when factoring in the 2023/24 proposals will have increased by over 22% in the same period.

Full time equivalent permanent staff levels remain broadly similar allowing for the two new sites but the overall headcount, including volunteers is now around 500. This compares to 370 at the point of transfer from the Council.

Costs of servicing this staff base have necessarily risen through recruitment of professionally qualified HR staff and the planned investment in workforce management software and systems. The latter investment is designed to streamline reporting and processes and result in savings through the life of this Plan. The insourcing of payroll has also reduced ongoing costs.

- The Trust is responsible for utilities consumption and purchases electricity and gas through LASER energy which is part of the Commercial Services Group, a company wholly owned by Kent County Council. The Trust takes advantage of a flexible purchasing approach using a Price Within Period basket as part of a four year framework agreement. A new agreement has been entered from 2024 – 2028. This approach balances risk and opportunity and has served the Trust effectively since inception. The current framework has saved the Trust an estimated £112,000 per annum over its four year life span.

However, the global geopolitical issues that have affected the utilities markets from around the beginning of 2021 have had an enormous impact on the Trust's energy costs. Total costs of around £800,000 pre-pandemic have risen to an estimated £1.7m in 2021/22 and are forecast to be between £1.95m and £2.3m in 2023/24.

The Trust is responsible for energy consumption set against a baseline established in 2014/15 but has to bear the cost of rises in line with the annual Consumer Price Index and the consequent impact on irrecoverable VAT. However, the Trust is protected by the Council against the exponential price increases by utilities tariff protection clauses in the Management Agreement. This protection is factored into the budget forecasts contained in this Plan.

In 2021/22 the Trust introduced an energy surcharge on swimming to help combat the very high energy costs associated with swimming pools and help mitigate the Trust's claim against the Council. A continuance of this is also reflected in the budget forecasts in this Plan.

The Council is separately committed to a Climate Change Strategy that aspires to become a carbon neutral Borough by 2030. Significant investment in the leisure facilities managed by the Trust is required to achieve this goal. The first major investment has resulted in a PV array on the roof of Larkfield Leisure Centre and further investment is likely to follow Carbon Descent Plans that have been developed and are currently under consideration. The Trust should also invest, recognise and encourage environmentally aware practice by staff, contractors and customers.

3.3.4 Overall Trading Position History

- In 2019/20 the last 11 days of trading were lost to the first lockdown although the impact of the pandemic was evident in the weeks leading to the total closure of the leisure facilities. The Trust had forecast a trading profit of £64,000 in the year and eventually out turned a very marginal profit of just £1,400.

The following financial year, 2020/21 was dominated by a series of national lockdowns, partial and phased re-openings and complete disruption to normal lives and trading. Income from direct trading fell to about £1.9m although support from the Coronavirus Job Retention Scheme (CJRS), the Council and other Government funding resulted in a distorted year end position that bore no meaningful comparison with the original budget that was approved prior to the full impact of the pandemic.

In 2021/22 a deficit budget of £272,000 was forecast that anticipated a phased return of business aligned with the Government's recovery road map and a further pledge of support from the Council. This approach was considered sustainable and ultimately the unanticipated extension of the CJRS, allowing a slower re-opening of services that did not recover as quickly as planned and further Local Restrictions Support Grant funding resulted in a year end trading profit of £250,000. By this point the Trust's cash at bank had also recovered to around its pre-pandemic level.

The budget for the last financial year, 2022/23, saw the removal of any further Council or Government support. The business remained less than 100% recovered to pre-pandemic levels and combined with warnings of significant increases in utilities another trading deficit of around £300,000 was forecast whilst still anticipating around £280,000 of Council support for utilities. The cost of utilities eventually rose to absolutely unprecedented levels and the excess costs expected to be borne by the Council are around £700,000 despite the implementation of the energy surcharge on swimming. It is anticipated that actual trading will outperform expectation although a year end trading deficit is still expected.

3.3.5 Service Fee

- The Management Agreement with the Council allows for payment of an annual Service Fee for the management and operation of the facilities owned by the Council. A review of the Service Fee is undertaken every five years and in April 2018 agreement was reached for a zero sum (£nil) per annum for the period until 31 March 2023.

The services were delivered on this basis until 31 March 2020 when the global pandemic struck. As a consequence, and in the best financial interest of all parties the Council agreed to underwrite the lockdown costs and loss of trade incurred by the Trust up to £1.2m, paid as a Service Fee. As described elsewhere, further support came from the CJRS and other funding streams including the Trust's own reserves. Belatedly the Council

was awarded c£267,000 from the £100m National Leisure Relief Fund that was netted off against the approved £1.2m resulting in a Service Fee of c£933,000 paid by the Council directly to the Trust. A further Service Fee budget of £700,000 was set aside by the Council in 2021/22 to support the post-Covid recovery and was paid in four quarterly tranches across that year. In 2022/23 it was anticipated that the Service Fee would return to zero sum however the energy crisis resulted in a further £750,000 budget provision from the Council as a Service Fee to support the Trust.

Concurrently it was agreed, as a consequence of three primary factors to defer negotiation of the Service Fee due to commence on 1 April 2023. The three factors underpinning this decision are the ongoing energy crisis, the Council's review of Tonbridge Town Centre and the impact of that review on the Angel Centre and Borough elections due in May 2023.

Consequently a further £750,000 has been identified as a Service Fee in 2023/24 that will be paid subject to an agreed process related to energy costs as they are revealed in the coming year.

The Service Fee for 2024/25, the second year of this Plan, is a key issue discussed in greater detail later in the Plan.

SECTION 4

4 FUTURE OPPORTUNITIES

Historically, a range of future potential capital investment opportunities available to the Trust have been subject to ongoing review through Capital Development Options reporting to the Board. The latest iteration of this list is attached at **ANNEX 1**. Each item on the list is ranked in terms of deliverability and desirability and the list is not limited in its scope by any boundaries. Whilst a budget cost is also shown this is not considered as a factor in the ranking of the proposal. Clearly cost, available funding and return on investments (ROI) will influence final investment choices however these would be considered as more detailed planning of any investment opportunities developed.

4.1 Specific Opportunities

4.1.1 Angel Centre Masterplan

The Council is currently undertaking a review of its property and land holdings in Tonbridge Town Centre through a consultancy, Mace. Phase One of the review identified the priority need to consider the future of the Angel Centre and Phase Two, now commissioned, is focusing on the area East of the High Street that includes the Angel Centre.

The Trust has been involved in the review and invited to put forward options for consideration which include remodelling of the existing Centre in line with proposals being considered pre-pandemic and the prospect of a new build. The potential to build alongside and link to the Tonbridge Swimming Pool is a favoured option of the Trust, recognising the political sensitivity and construction challenges of that site.

The Angel Centre has long represented the most significant financial challenge to the Trust and is responsible for a net operational deficit within the Trust's financial plan. Remodelling or new build is imperative to the long term sustainability and financial viability of the Trust if it is not to be supported via a Service Fee from the Council. The Trust will continue to work closely in partnership with the Council to achieve these goals and has already indicated the significant potential revenue savings that could be achieved from linking the two major leisure facilities in the Town Centre.

4.1.2 Haysden Country Park

Having successfully taken over the management and operation of Leybourne Lakes Country Park on behalf of the Council the Trust is keen to explore the option of managing the Council's other country park in Tonbridge. As with LLCP it is likely that through economies of scale and a more commercial approach the Trust could deliver savings to the Council

without detriment to the ethos of the Haysden Country Park and its users. The Trust is keen to enter dialogue with the Council to within the life of this Plan to enable a transfer.

4.1.3 Tonbridge Castle

The Trust is also aware that current arrangements with the KCC Gateway Service at Tonbridge Castle are coming to an end in the life of this Plan and is keen to understand whether an opportunity exists to consider the Trust as a future operator of this facility.

Many leisure trusts across the UK are now managing cultural facilities on behalf of local authorities and clear synergy exists to do so. The Trust has wide experience in delivering customer services, events and catering and would welcome dialogue to better understand the potential for mutual benefit from the Trust operating Tonbridge Castle.

4.1.4 Contracting/Collaborative Opportunities

The Trust has been approached over the past five years to consider takeover/merger with another Kent Trust. Due diligence indicated that the risk associated with that opportunity was too great.

However, in 2021, following a direct approach from Kings Hill Parish Council the Trust is now operating the Kings Hill Sports Park in its first venture outside those facilities managed by Tonbridge & Malling Borough Council. The contract is ring-fenced from the Trust's main contract and no cross subsidy allowed. The Management costs associated with KHSP are identified and contribute to Head Office costs, thus providing benefit back to the Council.

The Trust was also approached to operate another leisure facility in a neighbouring Borough and was inclined to do so until unreasonable rent demands from the landowner rendered it not viable.

Whilst in general terms the Trust does not seek external opportunities it will continue to examine direct approaches from third parties that offer the potential for improved sustainability and diversification.

Global events have brought significant change and challenge to the public leisure sector and the Trust needs to retain a close eye on local and national market developments to ensure proactive and long term viability and sustainability.

SECTION 5

5 FINANCIAL PLAN

5.1 Two Year Financial Projections

The budget shown below for 2023/24 once again suggests a deficit in the trading year. The excess costs of utilities are netted off by an agreed Service Fee from the Council. The continuing deficit position is primarily as a consequence of pay and other inflation, including that on utilities costs, for which the Trust is responsible. The other significant factor is the lack of significant investment to date at the Angel Centre, where the forecast operational deficit is broadly equivalent to the overall forecast deficit.

The Government decision to increase National Living Wage/National Minimum Wage by 9.7% from 1 April 2023 and the continued high rate of inflation (10.1% in January 2023) impacts the staffing costs of the Trust which has seen a year on year increase in total salaries and wages of around one third of a million pounds or 6.5% despite some redundancies and other staff efficiencies.

The second year forecast below for 2024/25 has been predicated upon the belief that energy costs will still be at a level that requires some support via a Service Fee from the Council and is again netted off within the estimates. It is anticipated that inflation will fall below current levels and income will grow both organically and through further scale of charges increases. The forecast Net Position remains a deficit and this is discussed in Section 5.3.1 dealing with the Service Fee negotiation for 2024/25.

5.1.1 Two Year Financial Plan Summary

FACILITY		YEAR 1 2023/24 FORECAST	YEAR 2 2024/25 FORECAST
LLC	Expenditure	3,535,900	3,636,118
	Income	(4,010,300)	(4,188,451)
	Net Position	(474,400)	(552,333)
AC	Expenditure	1,461,550	1,505,922
	Income	(1,196,050)	(1,249,738)
	Net Position	265,500	256,184
TSP	Expenditure	1,674,350	1,741,304
	Income	(1,800,050)	(1,908,498)
	Net Position	(125,700)	(167,194)
PWG	Expenditure	709,800	733,538
	Income	(1,018,900)	(1,090,121)
	Net Position	(309,100)	(356,583)
LLCP	Expenditure	165,000	171,600
	Income	(166,600)	(179,907)
	Net Position	(1,600)	(8,307)
KHSP	Expenditure	302,200	322,364
	Income	(302,200)	(322,364)
	Net Position	0	0
HO	Expenditure	1,669,400	1,734,612
	Income	(778,200)	(779,285)
	Net Position	891,200	955,327
TMLT	Expenditure	9,518,200	9,845,458
	Income	(9,272,300)	(9,718,364)
	Net Position	245,900	127,094

5.2 Revenue and Capital Reserve Plans

5.2.1 Current Reserve Policy

The Trust has a Revenue Reserve Policy of £500,000. This was deemed at the time of inception to represent approximately two months of the Trust's payroll costs and to provide a level of security and sustainability reflective of the overall size of the organisation.

The reserve has been maintained throughout normal trading periods but the pandemic placed extraordinary pressure on the Trust with total cash at bank falling at one stage to around £400,000.

Cash at bank has grown back and is now forecast to be around £900,000 at the commencement of this Plan. The Revenue Reserve Policy is deemed to be met in these circumstances.

5.2.2 Restricted Reserve

In addition to the current revenue reserve, one ring-fenced reserve for the future purchase of IT and telephony following the capital asset transfer of equipment by the Council to the Trust has been established and currently holds about £180,000.

5.2.3 Future Reserve Policy

However, the Trust should consider a review of reserves policy in line with current audit advice that suggests the traditional approach of many charities should be reviewed, recognising that a 'one size fits all' approach is not appropriate. Current thinking suggests the setting of a reserve policy should be more nuanced and take into account operational and strategic development plans and risks to which the charity is exposed and include some level of contingency for unforeseen events.

During the life of this Plan a review of reserves policy should take into account the following;

- **Risks** – for example the current cost of living and energy cost crises may be considered within the reserve policy.
- **Development Plans** – this should consider planned investments and renewals where costs may not be met from a single year's income and reserves may need to be built up.
- **Operational** – this should identify the level of working capital to cover seasonal fluctuations and anticipated strain on cash flow during the financial year.
- **Contingency** – this would identify funds for unexpected events that may not be foreseen such as sudden closure of facilities.

The policy should be dynamic and reviewed regularly alongside strategic business plans for the short and medium term. Review should also take into account the Corporate Risk Register and protection through the Management Agreement with the Council. Changes are likely to occur as the business evolves and the environment in which it operates changes.

Periodic review should match the reserve policy with actual reserves held recognising how excess reserves are planned to be expended and where reserves fall below a certain level how they may be restored.

5.3 Service Fee Renegotiation

5.3.1 Service Fee 2024/25

As described earlier in this plan the Management Agreement with the Council provides for a review of the Service Fee every five years throughout the duration of the 20 year agreement.

The Service Fee was last reviewed in 2018 and a zero sum (£nil) was agreed for the five year period to 31 March 2023. Further review has been deferred by mutual agreement with the Council due to the ongoing energy crisis and the uncertainty surrounding future plans for the Angel Centre. The latter is crucial to the financial performance of the Trust and the level of Service Fee that may be required. The outcome of the forthcoming Borough elections in May 2023 are likely to have a determining influence on the Council's decisions in this regard and therefore it is difficult to proceed ahead of this time.

The Management Agreement allows for a 'long stop' provision whereby a failure to agree a Service Fee provides a further 12 months for negotiation with the status quo retained for that extended period. In effect a further 12 months of a zero sum has been agreed albeit is masked by the Service Fee agreement that relates specifically to excess utility costs.

The difficulty for the Trust lies in the lack of significant investment in the Angel Centre which contributes a large operational net deficit to the overall performance of the Trust identified in the budget forecast for 2023/24. In the event major investment is not forthcoming it is likely the Trust will need to revert to a Service Fee request to the Council. An indication of the likely level of Service Fee request required to bring the Trust back to a net position of breakeven is shown in the Financial Plan at Section 5.1.1 above which forecasts a deficit of c£106,000.

Agreement to significant investment could turn the operational deficit at the Angel Centre to a surplus and result in a negative Service Fee, i.e. the Trust making a payment to the Council.

In either event, whilst a decision may be expected at some point post-election it is probable that any significant investment may take a number of years to plan and implement.

In the interim the Trust cannot continue to sustain year on year losses and a Service Fee needs to be negotiated for 2024/25 for a further four years recognising the potential for change in the ensuing years should investment or other changes be implemented.

In arriving at a settlement, a range of other commercial factors within the Management Agreement may be considered and these, including maintenance responsibilities, contract extension and fitness equipment procurement are already subject to ongoing liaison with the Council.

SECTION 6

6 OTHER KEY ISSUES

The Trust is faced with a range of other key issues over the next two year period including the following;

6.1 Risk Management

The Board approved a revised approach to Corporate Risk Management and have now subsequently approved a Risk Schedule identifying 40 separate risks under a variety of headings. A Risk Statement has been developed for each area of risk, calculating likelihood and impact of the risk occurring. Each one is 'owned' and signed off by a member of the Executive Management Team and will be reviewed annually. A Trustee has been appointed Risk Champion and worked with the EMT to develop this approach.

During the life of this Plan the Trust will publish an overarching Policy Statement that describes the Board's approach to and appetite for risk. This will include some form of cost benefit analysis.

6.2 Safeguarding

In a world of increasing risk to young and vulnerable older people it is important that the Trust maintains a well documented approach to safeguarding. The Trust's Safeguarding Policy was last reviewed in December 2021 and will be further reviewed and updated during the life of this Plan. The annual safeguarding report to the Board which has not happened during and since the pandemic will be reintroduced and a new Trustee will be sought as the Board lead on safeguarding.

6.3 Human Resource Strategy

The importance of human resource management has grown in line with the number of employees now working at the Trust and significant development in human resource legislation.

The Trust now has a full time HR Manager and HR Assistant and has invested in a workplace management software system to manage core HR, time and attendance and recruitment. The system, approved by the Board will be implemented fully by the end of Q3, 2023 and will streamline and manage a whole range of HR interactions with staff electronically. This will include staff communication, rota management, annual leave, timesheets linked to payroll, onboarding, training records and staff handbook content. Staff will be able to 'self-serve' in many areas through an app.

Key areas of HR strategy include pay and reward, which in the current climate is critical in order to recruit and retain good quality staff and ensure continuity of services. Links to CIMSPA training will help staff to develop professional skills in line with industry standards and improve succession opportunities.

6.4 Succession

The current Chief Executive has signalled his intention to retire in Summer 2024 and this provides an opportunity to restructure the Executive Management Team in light of the growth of the business and specific resource requirements. The planned appointment into a new post of Deputy Chief Executive in Summer 2023 provides for a seamless transition to that postholder becoming the new Chief Executive and completion of the restructure upon the planned retirement of the existing postholder. Key focus of the transition will be maintenance of the culture and ethos of the Trust and the key relationships between the Executive Management Team, the Board and the Council.

6.5 Health & Wellbeing Partnerships

The continued transition of the Trust from a simply efficient facility management organisation to a health and wellbeing organisation embedded in the local community is vital to meet charitable and social objectives. Given the changing face of national strategy, the Trust has an opportunity to seek funds and strategic liaisons to deliver the national agenda at a local level and demonstrably impact on the local health profile. This has most recently been amply demonstrated through the Reconnect grant funding of £40,000 post pandemic to attract hard to reach communities back to recreational activity.

6.6 Major Maintenance Issues

The facilities operated by the Trust have been well maintained to date by the Council through a strong commitment to building repairs provision and capital expenditure. However, as the buildings continue to age it is vital that key major maintenance items are addressed. Of particular relevance is the ageing plant and fabric of the building at the Angel Centre, which should the building not be replaced will need considerable investment.

6.7 Energy Savings/Climate Change

The unprecedented increases in energy costs has created significant financial pressure upon the Trust. Whilst contractual support from the Council negates much of the excess cost it remains incumbent upon the Trust to seek and implement energy saving technology and best practice wherever possible. This synergy with the Trust's desire to be seen as an environmentally aware business for staff and customers will increase focus on green decisions related to operational practice.

6.8 Digital Strategy

As digitisation increases in many areas of life and work the Trust needs to consider and formulate a coherent digital strategy. In house this relates to the Trust's ICT managed solution and use of software solutions in areas such as HR. Digital strategy needs to be carefully considered in the marketing of products and services through the Trust's website, app and social channels. An upgrade to the Trust's leisure management software in 2023 will improve consumer interaction in booking and joining the facilities and should be followed by an upgrade to the operator software in the life of this Plan. The digital journey of customers through our courses and health and fitness facilities forms a vital part of the service. This is likely to be provided through apps and wearable technology that enhances the customer experience and creates positive social interaction.

SECTION 7

ANNEX 1

CAPITAL DEVELOPMENT OPPORTUNITIES

	Site	Indicative Cost (inc VAT)	Priority** Des x Del	Commentary
Health Suite Upgrade	TSP	£50,000	5x5 25	Following replacement of the spa bath there is now nearly £80k identified in TMBC capital renewals schedule for replacement of steam/sauna/aromatherapy room. The additional £50k from the Trust would provide additional refurbishment of floors, reception, lighting etc. This project has already been investigated for possible implementation pre-pandemic. Income projections are not significant but refurbishment will help maintain existing income and make Swim & Spa membership more attractive.
Indoor Swing Studio	PW	£40,000	4x5 20	Previously considered pre-pandemic and £10,000 grant received from Kent Sport. Would mean loss of single squash court although analysis of occupancy levels supports this. TMBC agree in principle but squash club have lobbied and project put on hold pending 12 month review in 2022/23 and grant funding lost. Potential income generation from indoor lessons during inclement weather and in the winter as driving range has no lighting. Also potential for social golf events and custom club fitting.
Servery/foyer ceiling	LLC	£15,000	2x5 10	Consideration given to this through current major maintenance project but rejected due to on-costs. Would improve café environment but largely cosmetic. May be opportunity for TMBC funding.
Air conditioning to gym changing rooms	LLC	£20,000	4x4 16	Recent upgrade to gym/health suite changing rooms did not include air conditioning. May be resolved by improvements to existing air handling plant and could be incorporated in overall changing room improvements shown elsewhere on this schedule.
General Course Improvements	PW	Up to £20,000 pa	4x4 16	Need to identify a range of course improvements in a medium term programme to maintain buoyant performance at PW. Likely to include bunker rebuilds, path improvements, drainage and pond clearance.
Changing Room/Toilet Improvements	LLC/TSP	Various up to £250,000	5x4 20	General consideration of fundamental refurbishment of toilet and changing areas including wet change, gym change (including air conditioning shown elsewhere) and top toilets at LLC and front and wet change toilets at TSP.
Environmental Improvements	ALL	Scheme dependent	5x5 25	Could include local metering, electric car charge points, LED lighting. Funding may be available from TMBC Climate Strategy Fund. Carbon descent plans considered by TMBC and solar delivered on Sports Hall at LLC.
Redevelop foyer/shop	LLC	£200,000	5x3 15	Extend to front of building. Remove existing desk in favour of kiosk/concierge approach. Replace turnstiling. Replace shop with MA office.
Drown Detection Technology	TSP/LLC	£100,000 per pool	5x3 15	Health and safety system of drown detection technology. System is scalable with quotation covering all pools. Could be utilised to cover higher risk areas such as rapids at LLC and swim through channel at TSP at lower cost. Drown detection improves safety, aids lifeguards and in some instances may save lifeguard costs. Proposal is brought forward on a nil savings basis.
Glazed screen to café	LLC	£75,000	5x3 15	Consideration given to this through major maintenance project to replace pool hall roof but rejected due to on-

				costs. Would significantly improve café environment and help drive F&B income. May require amendment to newly installed air handling plant to avoid condensation.
Redevelop Larkabout	LLC	£100-400,000 including Shapemaster equipment	3x3 9	Variety of scheme options to remove Soft Play and introduce Creche, Shapemaster Studio, Studio Changing Rooms and extended Café.
Green re-builds	PW	£40,000 per green	3x3 9	Aside of ongoing course improvement potential need for re-build of three greens where subsoil drainage is believed to have failed. Potential to approach TMBC for joint-funding. Problem with re-build in terms of hole closures for season with temporary greens.
OSEC plant	TSP	£0	5x5 25	On Site Electrolytic Chlorine plant to replace costly chlorine gas plant. Would reduce costs and provide safer work environment. TMBC Funding. Currently under consideration to improve resilience in light of chemical supply chain issues.
Lightweight cover to outdoor pool	TSP	£200-250,000	3x3 9	Lightweight transparent structure to outdoor pool to allow year round access. Slides back during fine weather. May increase swim and course revenues. Significant feasibility/market investigation required.
Gym mezzanine	LLC	£100,000 plus equipment	2x3 6	Gym refurbishment at LLC has proved successful beyond business plan expectations and could be most cost effectively enlarged further by installation of mezzanine within existing footprint. Would involve challenge around ensuring accessibility and improved air conditioning.
Driving Range Improvements	PW	£30,000	3x2 6	Major item for consideration would be floodlighting to extend use in winter months. Potential planning issues.
Path improvements/car parking	KHSP	£50,000	3x4 12	Improve access to tennis courts and P4/5/6 and extend overall car parking capacity.
Bore Hole	KHSP	£40,000	4x4 16	Allow irrigation and pitch conditions to P4/5/6 to benefit of users. Reduction in water supply costs would accrue.
Football club master plan	KHSP	Scheme dependent. Contribution potential from Trust	3x3 9	Scheme to be developed in liaison with KHFC. Funding sources may include FA, Sport England, Lottery and Football Foundation. Desire to allow club progression in football pyramid and includes a stand, floodlighting, perimeter fencing and hardstanding.
Outdoor fitness	KHSP/LLCP	£30,000 - £60,000 per site	3x4 12	Range of potential outdoor fitness solutions including wet pour outdoor exercise area, field gym and outdoor equipment.
Car Park Extension	LLCP	£100,000	4x3 12	Designed to meet growing demand following capital development.
Toilet Repurposing	LLCP	£100-200,000	3x3 9	Option to re-purpose old toilet block as farm shop, office/meeting space or fitness hub. Currently on hold based upon issues with new toilet facilities.

** Priority is based on desirability (1-5) x deliverability (1-5)



*Working in
partnership with*



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ANNUAL SERVICE DELIVERY PLAN

1 April 2023 to 31 March 2024



INTRODUCTION

Tonbridge & Malling Leisure Trust entered a 20-year Management Agreement with Tonbridge & Malling Borough Council to operate the Council's major leisure facilities in the Borough in 2013. Delivery of the service is normally defined in 5-year tranches with a Five Year Business Plan and Service Fee approved at each five year anniversary of the commencement of contract. However, due to the impact of the global pandemic and other key issues it has been mutually agreed that a Two Year Business Plan for the period 1 April 2023 to 31 March 2025 is an appropriate way forward and has been approved. It is anticipated that a new Five Year Plan will be published from 1 April 2025.

The Annual Service Delivery Plan (ASDP) is focused on key issues facing the Trust over the next 12-month period. It should be noted that the key objectives are not arranged in any order of priority within the Plan.

In order to meet the monitoring requirements of the contract and ensure the Council's desired outcomes are achieved the ASDP also outlines a broad range of Key Performance Indicators. These will be managed as a Balanced Scorecard with four interdependent perspectives providing a single score of the overarching performance against the Trust's vision and mission statement outlined in the Five Year Business Plan.

KEY OBJECTIVES

The Annual Service Delivery Plan Key Objectives are contained in the table below

2023/24 Annual Service Delivery Key Objectives	
1.	<p>Aim: Negotiate revised Service Fee for next 5 year tranche of Management Agreement.</p> <p>Action: Prepare negotiation timeline. Work in liaison with Council to establish key issues including future of AC and contract term. Prepare 5 year budget forecast</p> <p>EMT Lead: Chief Executive/Deputy Chief Executive/Chief Financial Officer</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Agreed 5 Year Service Fee. Contract Extension. Clarity on future investment in AC.</p>
2.	<p>Aim: Implementation of Succession Plan.</p> <p>Action: Embed transition arrangements and confirm final structure for 1 July 2024.</p> <p>EMT Lead: Chief Executive/Deputy Chief Executive.</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Revised management structure agreed. Recruitment strategy in place. Cost neutral outcome.</p>
3.	<p>Aim: Consider investment/business development opportunities</p> <p>Action: Report to Board on priority considerations from Two Year Business Plan. Liaise with TMBC on options and financial impact. Consider opportunities arising in year.</p> <p>EMT Lead: Chief Executive/Deputy Chief Executive/Chief Financial Officer</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Implementation of approved schemes Improved financial outcomes Improved customer service</p>
4.	<p>Aim: Consolidate contractual and operational management of Kings Hill Sports Park.</p> <p>Action: Review Service Fee for 2 year period to 31 March 2026 and agree any profit share arrangement. Implement programme of activity related to capital investment and operational opportunity. Investigate off peak use of 3G.</p> <p>EMT Lead: Chief Executive/Deputy Chief Executive</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Revised Service Fee in place for 2024-26 Profitable catering operation Implementation of revised programmes Letting of 3G at off peak times Overall budget surplus Agreed profit share arrangement in place</p>

5.	<p>Aim: Complete implementation of Workforce Management Software (UKG)</p> <p>Action: Implement Phase 2 & 3 of programme. Complete upload of all data and roll out to all staff.</p> <p>EMT Lead: Human Resources Manager</p> <p>Timescale: 31 October 2023</p> <p>Desired Outcomes: Improved management of HR administration. Reduced costs. Improved support to operational managers. Staff self-service available. Live rota management</p>
6.	<p>Aim: To develop Digital Strategy.</p> <p>Action: Form a working group to identify current practice. Develop strategic approach for best use of digital opportunities. Identify business opportunities to work with partners to improve digital offering. Incorporate new social media policy.</p> <p>EMT Lead: Head of Marketing and Sales</p> <p>Timescale: 31 December 2023</p> <p>Desired Outcomes: Publication of Digital Strategy 2024-26. Improved use of digital technology. Partnership working. Improved use of social media and online customer engagement.</p>
7.	<p>Aim: Development of Human Resources Strategy</p> <p>Action: Development of a strategy covering major aspects of HR Policy to include recruitment and retention, induction, training, performance management and staff engagement.</p> <p>EMT Lead: Human Resources Manager</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Publication of Staff Handbook. Maintenance of full establishment. Reduced staff turnover/increased retention. Improved staff engagement. Training Plans linked to business objectives. Improved succession. Reduced recruitment costs. Improved staff performance.</p>
8.	<p>Aim: Develop an Environmental/Climate Change Strategy</p> <p>Action: Work in liaison with the Council to develop a new strategy linked to Council Climate Change objectives.</p> <p>EMT Lead: Head of Facilities & Compliance/Chief Operating Officer</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Publication of Strategy. Reduction in carbon emissions. Reduction in energy consumption. Award of grant funding through support to Council. Financial savings. Increased staff and public awareness</p>

9.	<p>Aim: Improve recruitment/retention at lowest grades and within catering service</p> <p>Action: Consider current grades at <L7 to determine affordability and viability of creating differential with NLW/NMW and review catering pay structure.</p> <p>EMT Lead: Chief Executive/Human Resources Manager</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Improved recruitment/retention. Improved service resilience. Increased profitability.</p>
10.	<p>Aim: Revised approach to procurement of fitness equipment</p> <p>Action: Consider consultancy based contract with Council to facilitate phased approach to procurement of equipment</p> <p>EMT Lead: Chief Executive/Deputy Chief Executive</p> <p>Timescale: 31 October 2023</p> <p>Desired Outcomes: Agree consultancy contract. Implementation of phased programme of replacement equipment Cost savings Improved customer satisfaction Increased membership sales</p>
11.	<p>Aim: Course improvements at Poult Wood.</p> <p>Action: Review previous customer research and develop five-year improvement plan in liaison with new Head Greenkeeper. Seek competitive quotations for improvement priorities.</p> <p>EMT Lead: Deputy Chief Executive</p> <p>Timescale: 31 December 2023</p> <p>Desired Outcomes: Approved Improvement Plan 2024 - 2029. Increased customer satisfaction. Increased golf revenues.</p>
12.	<p>Aim: Upgrade Leisure Management Software</p> <p>Action: Investigate implementation of upgrade to Gladstone Go (Consumer)</p> <p>EMT Lead: Chief Executive/IT Systems Manager</p> <p>Timescale: 30 June 2023</p> <p>Desired Outcomes: Migration to Gladstone Go (Consumer). Increased online membership sales. Improved access/self-service for customers to Go Learn course software. Cost savings. Improved reporting.</p>

13.	<p>Aim: Increase benefit of new telephony</p> <p>Action: Consider call centre approach and increased use of system benefits/call management</p> <p>EMT Lead: Deputy Chief Executive</p> <p>Timescale: 31 March 2024</p> <p>Desired Outcomes: Cost savings Improved customer experience Reduction in lost calls Improved cross-site knowledge/customer response</p>
14.	<p>Aim: Increased Customer Satisfaction</p> <p>Action: Review existing customer satisfaction measures and consider revised reporting.</p> <p>EMT Lead: Chief Operating Officer</p> <p>Timescale: 31 December 2023</p> <p>Desired Outcomes: Introduction of revised measures. Improved reporting of customer satisfaction. Improved overall customer satisfaction.</p>
15.	<p>Aim: Review of golf membership targets</p> <p>Action: Maintain golf membership numbers under review and determine level at which to cap membership.</p> <p>EMT Lead: Deputy Chief Executive/Chief Financial Officer</p> <p>Timescale: Ongoing</p> <p>Desired Outcomes: Achievement of overall golf income targets. Balance between membership/pay and play income. Maximise tee time occupancy. Maintain casual access to golf.</p>

KPIs

The table on the following page identifies four inter-dependent measures of business success to create a balanced scorecard designed to give an overall measure of business health.

KPIs are identified in the areas of Finance, Customers, Operations and Staff and represent the most impactful measures of business performance.

Each individual KPI is then weighted and scored against pre-determined targets or parameters on a quarterly and cumulative basis. On the balanced scorecard each measure relates to the Trust as a whole however the KPIs are measured at individual sites and this sub data will be appended to the quarterly report to allow drill down into the overall performance and help identify and target specific areas of under and over performance.

As a consequence of the pandemic customer targets are based upon pre-pandemic levels rather than year on year performance

The overall balanced scorecard target is 75% or 42/55.

Finance			
KPI	Target	Weight	Score
Overall income in period	Profile	3	3 – target or above 2 – >95% 1 – >90% 0 – <90%
Overall expenditure in period	Profile	3	3 – target or below 2 – <102.5% 1 – <105% 0 – >105%
Overall bottom line in period	Profile	3	3 – target or above 2 – >95% 1 – >90% 0 – <90%
Overall Fitness Income	Profile	2	2 – target or above 1 – >92.5% 0 – < 92.5%
Overall Casual Swimming Income	Profile	2	
Overall Courses Income	Profile	2	
Overall Golf Income	Profile	2	
Overall Staffing Expenditure	Profile	2	2 – target or below 1 – <102.5% 0 – >102.5%
Overall Utilities Expenditure	Profile	2	2 – target or below 1 – <102.5% 0 – >102.5%
Sub Total		21	
Customers			
KPI	Target	Weight	Score
Overall Net Promoter Score	50	3	3 – target or above 2 – >45 1 – >40 0 – < 40
Mystery Visitor Score Average	85%	2	2 – target or above 1 – >80% 0 – < 80%
CEO Standard	85%	2	2 – target or above 1 – >80% 0 – < 80%
Overall Annual/DD health & fitness membership	Previous year	2	2 – target or above 1 – >2.5% 0 – < 2.5%
Overall Annual/DD swim & spa membership	Previous year	2	
Overall attendance	Previous year	2	
Overall Swim School membership	Previous year	2	
Sub Total		15	
Operations			
KPI	Target	Weight	Score
Electricity Consumption	Previous year	3	3 – target or below 2 – <102.5% 1 – <105% 0 – >105%
Gas Consumption	Previous year	3	
H&S Audit Score average	82	3	3 – target or above 2 – >76 1 – >70 0 – < 70
Accidents per 100,000 average	65	2	2 – target or below 1 – <75 0 – >75
DEC score average	110	1	1 – target or below 0 – above target
Sub Total		12	
Staff			
KPI	Target	Weight	Score
Staff sickness overall percentage	2%	2	2 – target or below 1 – <3.2% 0 – >3.2%
Core training attendance	95%	2	2 – target or above 1 – >90% 0 – <90%
Turnover	20%	1	1 – target or below 0 – above target
Sub Total		5	
Grand Total		53	

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

19 July 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 ACTION PLAN YEAR 4 AND CARBON AUDIT 2022/23

To seek approval for publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23).

1.1 Background

1.1.1 TMBC has committed to producing annual climate change action plans and publishing our greenhouse gas emissions (Carbon Audits). A draft Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23) have been produced and are attached as **Annexes 1 and 2** respectively.

1.1.2 This report summarises actions in the new action plan and trends in emissions produced by the Council's estate and operations. These are presented alongside each other in this report to give a sense of progress and current commitments to emissions reduction.

1.2 Climate Change Action Plan Year 4 2023/24

1.2.1 There are 44 actions in the draft 2023/24 action plan, 68% of which are ongoing from previous years or continuations of next phases or rounds of existing projects. This includes the next rounds of Solar Together and Green Business Grants, for example.

1.2.2 New actions include planned renewables and decarbonisation works at Larkfield Leisure Centre and Tonbridge Swimming Pool, as well as a new action on preparations to meet Biodiversity Net Gain requirements that will be in effect from the end of this year.

1.2.3 Key actions this year will tackle our most significant source (Leisure Centres) as well as helping residents and businesses to tackle emissions, and support with the cost-of-living crisis (e.g. Home Upgrade Grant). The full list of actions is given in **Annex 1** and includes:

- Larkfield Leisure Centre and Tonbridge Swimming Pool energy efficiency, renewables and decarbonisation

- Installation of further EV chargers in TMBC car parks
- Support for low income low energy efficient housing, warm homes, continuing to press landlords on energy efficiency, the next phase of Solar Together
- Green Business Grants
- Development of the Local Plan.

1.2.4 The full draft Climate Change Action Plan Year 4 is provided in **Annex 1**.

1.3 Carbon Audit 2022/23

- 1.3.1 The 2022/23 carbon audit shows that good progress has been made on emissions under TMBC's direct control, listed under Scopes 1 and 2. These are emissions from buildings that the Council owns and manages and from the vehicle fleet. As shown in the table below, Scope 1 and 2 emissions are falling, mainly due to measures on building rationalisation, energy efficiency, and prioritising use of the BMW i3 vehicle by Civil Enforcement Officers.
- 1.3.2 Emissions that are under the Council's indirect control or from the supply chain are listed under Scope 3. These are emissions from the Leisure Trust, contracts (Refuse Collection, Grounds Maintenance), and staff travel for both business and commuting. Emissions from Scope 3 are now higher than the baseline.
- 1.3.3 Reductions in emissions from reduced business travel and increased home-working have now been consolidated, with little change in these emissions from 2021 to 2023. This data is set out in more detail in **Annex 2**. Further action would be needed to address these sources.
- 1.3.4 Larger contributors to Scope 3 emissions include the Leisure Centres, with work already planned for this year for further efficiency and renewable measures.
- 1.3.5 Refuse collection vehicles are part of an ongoing contract, so the opportunity to address these will be at a contractually appropriate point moving towards 2030.
- 1.3.6 Furthermore, elements of Scope 3 that we have not yet calculated (such as supply chain emissions for IT contracts and home-working emissions) would increase the emissions total. Although these sources should not be included in assessments against the baseline, this suggests that the Council's actual emissions are even higher.
- 1.3.7 The complete Carbon Audit for 2022/23 is provided in **Annex 2**.

TMBC Emissions (tCO_{2e})				
Emissions Year	2019/2020	2020/2021	2021/2022	2022/2023
Scope 1	139.0	148.7	143.6	127.8
Scope 2	198.0	145.6	131.0	99.9
Scope 3	3,042.4	2,084.0	3,049.0	3,169.3
Total Gross Emissions	3,379.4	2,378.3	3,323.6	3,3397.0
Renewable Generation	0.0	0.0	133.5	100.9
Total Net Emissions	3,379.4	2,378.3	3,190.1	3,269.2

1.3.8 Although progress on emissions reductions has been steady in some areas, there are significant remaining areas of emissions where further or more ambitious action will be needed ahead of 2030. A report will be brought to a future Committee ahead of the preparation of the 2024/25 Climate Change Action Plan.

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 Funding for the actions identified in the Climate Change Action Plan Year 4 has been identified and value for money assessed by the relevant service. There is a Climate Change Reserve of £236,000 for the current financial year. However, this amount is likely to be needed for planned heat decarbonisation at Leisure Trust sites with swimming pools, for which scoping work is underway.

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

1.9 Recommendations

1.9.1 That the Climate Change Action Plan Year 4 set out in **Annex 1** of this report BE ENDORSED.

1.9.2 That the Carbon Audit (2022/23) set out in **Annex 2** 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 and 2.

Julie Beilby
Chief Executive

Climate Change Action Plan 2023/24

YEAR FOUR

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
Policy & Engagement	Recognise climate change as a corporate commitment for the Council.	Review Council's procurement strategy and develop guidance and/or tools to embed climate and environment within contracted works.	Executive Services	Mar-24
		Develop climate change training induction module and a course that can lead to Carbon Literacy accreditation for Members and TMBC staff. Deliver training to key staff by Jan 2024, offering the courses on an ongoing basis.	Executive Services	Ongoing
		Develop options for reducing car travel and emissions from TMBC own fleet, staff commuting and business travel.	Executive Services	Feb-24
	Work with partners to address climate change issues, lower carbon and adapt to the effects of climate	Engage with KCC and other councils through Climate Change Network (CCN) meetings, sharing case studies, best practice, and seeking areas of support and collaboration.	Executive Services	Ongoing
		Continue to engage with the delivery of the Kent and Medway Energy and Low Emissions Strategy through TMBC's actions and partnership working.	Executive Services	Ongoing

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
	Monitor and report Tonbridge and Malling Borough Council's carbon emissions.	Ensure all Climate Change Action Plans, Progress Reports and Carbon Audits are easily accessible and published on the climate change webpage.	Executive Services	Sep-23
		Produce a TMBC carbon emissions pathway report to inform policy planning for carbon neutral by 2030.	Executive Services	Jan-24
Sustainable Development		Continue to pursue planning policies in the Council's emerging Local Plan that will facilitate the delivery of climate change adaptation and mitigation, design measures and sustainable development patterns, progressing to the Regulation 18b Plan and public consultation, drawing on updated evidence, including on green infrastructure and climate change.	Planning	Jul-25
		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.	Planning	Ongoing
		Adopt a Development Management Protocol for Biodiversity Net Gain ahead of the introduction of new requirements for developments and in line with Government guidance	Planning	Nov-23
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.	Planning	Spring 2024

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
ULEV	Provide electric charging points across the borough.	Deliver Phase 2 provision of an additional 60 chargers in the Councils car parks over 2 year contract.	Technical Services	May-25
	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.	Technical Services	Ongoing
	Improve the environmental standards of licensed taxis operating in the borough.	Progress with taxi licencing policy renewal process through Licensing & Appeals committee followed by a minimum 6 weeks consultation with the trade and interested parties in Autumn 2023.	Licensing	Mar-24
		Provide wider information regarding taxi EV charging provision as those installations progress.	Licensing	Ongoing
		Continue engagement with KCC through the CCN regarding future taxi licencing. Share with trade and participate in schemes as appropriate, for example 'try before you buy'.	Licensing	Ongoing
		Progress strategy for future of licenced taxi fleet through Licensing & Appeals committee report on air quality, changes in the licenced taxi vehicle fleet, and proposals for vehicle requirements to 2030. Develop a consultation to inform strategy through Autumn/ Winter 2023.	Licensing	Ongoing
Air Quality	Anti-idling Campaign to reduce emissions from idling engines.	Continue the anti-idling project by expanding to other schools, and areas where idling is an issue, including bus stops and taxi ranks, working to raise awareness of idling and air quality impacts. Assess air quality monitoring data and any observed behaviour changes.	Environmental Protection	Mar-24

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
Habitats & biodiversity	Strengthen local protection and enhance protection of species, habitats and ecosystems	Proceed with Reed Bed creation at Haysden Country Park.	Leisure Services	Mar-24
		Proceed with Holly Hill hedgerow creation.	Leisure Services	Mar-24
		Coppicing at Taddington Valley Woodland.	Leisure Services	Mar-24
		Continue with the lakeside revetment works in liaison with volunteers.	Leisure Services	Jun-23
		Monitor trees planted to ensure establishment, and arrange necessary replacement planting where possible.	Leisure Services	Ongoing
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 third round of 'Solar Together', a collective solar group purchasing scheme.	Housing	Mar-24
	Social Housing Decarbonisation Fund Wave 1.2	Work with Clarion Housing Group and Golding Homes to deliver retrofit energy efficiency measures using allocated funding from Social Housing Decarbonisation Fund Demonstrator Wave 1.2 for c 450 Clarion Housing properties across TMBC area and circa 60 Golding Homes properties in the Aylesford area.	Housing	Mar-26
	Home Upgrade Grant	Deliver retrofit energy efficiency measures through Home Upgrade Grant 2 targeting funding to c 60 low-income households living in low efficient 'off gas' homes (i.e., not using gas as main heating).	Housing	Mar-25
	Signposting	TMBC will continue to signpost households for advice on how to reduce energy usage in the home for example GOV.UK and Help for Households website.	Housing	Ongoing

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
	TMBC-owned Temporary Accommodation	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.	Housing	Ongoing
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, including promotion of food waste & garden waste collections; and ongoing promotions aimed at reducing contamination & increasing recycling performance.	Leisure Services & Street Scene	Mar-24
		Progression of waste and recycling contract, including rolling out to flats and trial of food waste collections in a number of communal bin stores.	Leisure Services & Street Scene	Mar-24
		Launch KRP website and working with national partners such as WRAP and Recoup (plastic specific). https://www.kentresourcepartnership.org/ Continue development of KRP website.	Leisure Services & Street Scene	Ongoing
Community & Business Engagement	Support local businesses and encourage sustainable growth in the economy	Two further rounds of the Green Business Grant Scheme will make available a total of £95,000 in funding over the next two years. The current round (Round 3) launched April 2023. A further round will open in early 2024.	Executive Services	Mar-25

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
		Allocation of funding and ensure project delivery for current round (Round 3) of the Shopfront and Vacant Unit Improvement Grant Scheme. Launch of further round in early 2024.	Executive Services	Mar-25
		Promote the climate change strategy and its objectives via the council's e-bulletin, with at least 2 articles per annum.	Executive Services	Ongoing
		Work closely with KCC and local business to share and signpost information, support and grants for business carbon reduction.	Executive Services	Ongoing
	Work with partners in the community to engage the public and identify areas of collaboration for climate change action, adaptation, protection and enhancement of the environment.	Build collaborative working and public engagement with the Climate Change Forum, identifying areas for joint Council and community climate and environment action.	Executive Services	Ongoing
	Raise awareness of climate change, providing regular updates and information.	To continue to provide local borough information to residents, identifying likely topics of interest.	Comms	Ongoing
TMBC Estate	Reduce the environmental impact of the council's activities, increasing the sustainability of all our operations.	Complete installation of LED lighting throughout Larkfield Leisure Centre and Tonbridge Swimming Pool	Property Services	Dec-23
		Complete installation of rooftop solar panels at Tonbridge Swimming Pool	Property Services	Dec-23

Theme	Sub-Theme	Action	Lead Service Areas	Timescale
		Complete assessment and design of heat pump potential at Larkfield Leisure Centre and Tonbridge Swimming Pool to implementation-ready stage.	Property Services	Oct-23
		Assess potential for further on-site solar generation on other flat roofs at Larkfield Leisure Centre	Property Services	Jun-24
	Progress the digitisation of services and reduce the amount of paper both internally and being sent out to clients.	New Digital Strategy 2023 - 2027 continues to contribute towards improving service efficiency, with emphasis on cognitive processes and automation	IT	Apr-24
		Complete development TMBC device policy to increase efficiency of devices used.	IT	Jun-24
		Business process re-engineering, mobile solutions and digitisation to improve efficiency and reduce carbon footprint continues across services.	IT	Ongoing

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Tonbridge and Malling Borough Council
Carbon Audit:
2022 /2023

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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 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 2022/23 TMBC emitted **3,296.17** tonnes of carbon dioxide equivalent¹ (tCO₂e).

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: Leisure Trust sites, Refuse contract, grounds maintenance contract, TMBC business travel and staff commuting, transmission and distribution losses, water supply and water treatment.

Renewable generation: Renewable Energy Guarantee of Origin (REGO) electricity tariff.

3. Emissions overview

<i>TMBC Emissions (tCO₂e)</i>				
Emissions Year	2019/2020	2020/2021	2021/2022	2022/2023
Scope 1	139.0	148.7	143.6	127.8
Scope 2	198.0	145.6	131.0	99.9
Scope 3	3,042.4	2,084.0	3,049.0	3,169.3
Total Gross Emissions	3,379.4	2,378.3	3,323.6	3,3397.0
Renewable Generation	0.0	0.0	133.5	100.9
Total Net Emissions	3,379.4	2,378.3	3,190.1	3,269.2

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	648,972	<i>kWh</i>	118.5
LPG Consumption		<i>tonnes</i>	
Oil Consumption		<i>litres</i>	
Council Vehicle Fleet			
Diesel Vehicle	2,117	<i>litres</i>	5.4
Petrol Vehicle	1,824	<i>litres</i>	3.9
Gas Oil		<i>litres</i>	
Total Scope 1			127.8

Scope 2	Activity Data	Unit	t CO₂e
Electricity Consumption	516,616	<i>kWh</i>	99.9
Total Scope 2	516,616		99.9

Scope 3	Activity Data	Unit	t CO₂e
Transmission & Distribution Losses	516,616	<i>kWh</i>	9.1
Water Supply	1,302	<i>m³</i>	0.2
Water Treatment	1,237	<i>m³</i>	0.3
Business Travel			
Small car	29,425	<i>miles</i>	6.8
Medium car	46,525	<i>miles</i>	13.2
Large car	2,305	<i>miles</i>	0.8
Bus		<i>passenger km</i>	
Taxi		<i>passenger km</i>	
Rail		<i>passenger km</i>	
Ferry		<i>passenger km</i>	
Plane		<i>passenger km</i>	
Commuting			
Diesel Car	150,209	<i>miles</i>	41.3
Petrol Car	344,465	<i>miles</i>	94.5
Hybrid Car	10,637	<i>miles</i>	2.1
Electric Car	13,794	<i>miles</i>	0.9
Diesel Van	63,123	<i>miles</i>	23.5
Motorbike		<i>miles</i>	
Train		<i>passenger km</i>	
Bus	282	<i>passenger km</i>	0.03
Contractor Travel			
Refuse Collection Vehicles	436,886	<i>litres</i>	1,117.4
Leisure Centres			
Electricity	3,101,794	<i>kWh</i>	599.8
Gas	6,505,796	<i>kWh</i>	1,187.6
Kerosene	13,449	<i>litres</i>	3.3

Diesel	5,900	litres	15.1
Water Supply	54,229	m ³	8.1
Water Treatment	51,518	m ³	14.0
Grey Fleet	9,102	miles	2.5
Waste DMR	Data issues	tonnes	
Waste Municipal	Data issues	tonnes	
Grounds Maintenance			
Electricity	5,005	kWh	1.0
Diesel	9,328	litres	23.9
Petrol	1,151	litres	2.5
Gas Oil		litres	
Water Supply	1,160	m ³	0.2
Water Treatment	1,102	m ³	0.3
Waste Composting / Anaerobic Digestion	31.0	tonnes	0.3
Municipal Waste / Combustion	30.0	tonnes	0.6
Total Scope 3			3,169.3

TMBC Gross Emissions Total			3,397.0
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Renewable Generation	Activity Data	Unit	t CO₂e
Renewable Electricity Tariff	521,621.4	kWh	100.9
Total			100.9

TMBC Net Emissions Total			3,296.2
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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 01/04/2022 to 31/03/2023.

7. Emissions overview

7.1. Scope 1

Scope 1 emissions totalled 127.8 tCO₂e in 2022/23, a fall of 8% from the 2019/2020 baseline. Scope 1 was the second largest contributor to TMBCs gross emissions but contributed 3.8% to TMBCs total gross emissions for 2022/23. In other words, emissions from heat and transport (TMBC's own vehicles) were greater than emissions from electricity use.

Gas consumption accounts for the majority of scope 1 emissions, with emissions from this source 4% lower in 2022/23 compared to the baseline year. The fall in Scope 1 emissions compared to baseline is due to the increased use of an electric vehicle in the TMBC vehicle fleet. TMBC vehicles produced 9.4 tCO₂e in 2022/23, a fall of 42% compared to baseline. Emissions for electricity use, including for vehicles, are reported in Scope 2.

7.2. Scope 2

Scope 2 emissions totalled at 99.9 tCO₂e in 2021/2022, a fall of 50% from the 2019/2020 baseline year. See section 7.5 for a detailed discussion of significant emissions changes.

Scope 2 contributed only 2.9% of TMBCs total gross emissions, making it the smallest contributor across the three scopes. However, these emissions only come from one source: electricity.

During 2022/23 the Council's Civil Enforcement Officers made use of the Council's one electric vehicle (EV), as noted under Scope 1 (TMBC vehicles). Emissions from charging this vehicle at TMBC sites are included in the total for Scope 2.

7.3. Scope 3

Scope 3 emissions totalled 3,169.3 tCO₂e in 2022/23, which is 4% above the 2019/2020 baseline. Scope 3 was the largest contributor to TMBC emissions, accounting for 93.3% of gross emissions in 2021/2022.

Leisure centres remain the most significant contributor to Scope 3 emissions, emitting 1,830.4 tCO₂e, or 58% of Scope 3 emissions. Refuse collection vehicles were the second largest source of Scope 3 emissions at 1,117.4 tCO₂e, or 35% of Scope 3 emissions.

Other sources in Scope 3 accounted for much smaller proportions. Staff commuting by car or van was the third largest Scope 3 source of emissions, producing 162.3 tCO₂e, or 5% of emissions. Grounds maintenance was the next highest emitter, producing 28.7 tCO₂e, followed by business travel, which accounted for 20.9 tCO₂e. Transmission and distribution

losses, water supply and water treatment emitted 9.7 tCO₂e. The remaining emissions were from staff commuting by bus, at only 0.03 tCO₂e.

7.4. Renewable electricity generation

TMBC continued its renewable electricity tariff for the 2022/2023 fiscal year. Therefore, emissions associated from electricity consumption are 0 tCO₂e for reporting purposes.

However, for clarity, and to highlight the emissions impact of energy consumption, 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 as the final net emissions figure for the corresponding fiscal year. Therefore, for 2022/2023, TMBCs emissions are reported as **3,296.2**tCO₂e.

7.5. Significant emissions and consumption changes

Significant progress on emissions reductions this year has occurred in Scopes 1 and 2, as emissions from gas consumption, the TMBC fleet and electricity consumption have all decreased relative to baseline and against the previous year (2021/22). Overall, gross emissions from Scope 1 and 2 are 32% lower than gross emissions from these Scopes in the baseline. If emissions from electricity are accounted as zero, due to the REGO tariff, then there is a 62% fall in Scopes 1 and 2 emissions from baseline.

The reduction in energy use from Scopes 1 and 2 can be attributed to various measures, including:

- rationalised office use,
- improved energy efficiency through changing devices and switching to LEDs, less printing and more digital services,
- increased home-working
- switching from conventional-fuel to electric vehicle by Civil Enforcement Officers.

In addition to reduced consumption, the decarbonisation of the grid mix will also reduce emissions in the gross Scope 2 accounting.

While home-working has reduced energy use at TMBC sites, some of this will be off-set by increased energy use in homes. Emissions from home-working in 2022/23 have not yet been calculated.

However, emissions from business travel and commuting by car or van are similar in 2022/23 compared to the previous year, and both are significantly lower than in the baseline. This suggests that changes following the pandemic in reduced work travel and increased home-working have now been consolidated as 'business as usual'.

Emissions from Leisure Centres and Refuse Collection Vehicles remain high, with little change year-on-year.

7.6. Largest emitting sources

1. Leisure Centre Gas Consumption (1,187.6 tCO₂e).

2. Refuse Collection Vehicles (1,117.4 tCO₂e).
3. Leisure Centre Electricity Consumption (599.8 tCO₂e).
4. Commuting by car (162.3 tCO₂e).
5. TMBC Gas Consumption (118.5 tCO₂e).
6. TMBC Electricity Consumption (99.9 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 survey.
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 council bills, and mileage claims.
Scope 3	Grounds Maintenance	Emissions from Grounds Maintenance use of electricity,	Data obtained from council bills, and mileage claims.

		gas, fuel, water, vehicles, and disposal of waste.	
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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

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.

Base year emissions are 3,379.4tCO₂e

14. Emissions target

TMBC has a 2030 carbon neutral 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 2022/2023.

18. Renewable generation / green tariffs

TMBC has been on a renewable tariff (Renewable Electricity Guarantee of Origin) since 2021/22.

19. Background documents

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

20. References

- Department for Energy Security and Net Zero and Department for Business, Energy & Industrial Strategy, 2022. *UK Government GHG Conversion Factors for Company Reporting*. Available at: <https://www.gov.uk/government/publications/greenhouse-gas-reporting-conversion-factors-2022> Last accessed 26/06/2023.
- 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 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 2022/23

<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	648,972	<i>kWh</i>	118.5	118.2	0.16	0.0
LPG Consumption		<i>tonnes</i>				
Oil Consumption		<i>litres</i>				
Council Vehicle Fleet	-	-	-	-	-	-
Diesel Vehicle	2,117	<i>litres</i>	5.4	5.3	0.0	0.07
Petrol Vehicle	1,824	<i>litres</i>	3.9	3.9	0.01	0.01
Gas Oil		<i>litres</i>				
Total Scope 1			127.8	127.5	0.18	0.16

Scope 2	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Electricity Consumption	516,616	<i>kWh</i>	99.9	98.8	0.4	0.7
Total Scope 2			99.9	98.8	0.4	0.7

Scope 3	Activity Data	Unit	t CO₂e	t CO₂	t CH₄	t N₂O
Transmission & Distribution Losses	516,616	<i>kWh</i>	9.1	9.0	0.04	0.1
Water Supply	1,302	<i>m³</i>	0.2			
Water Treatment	1,237	<i>m³</i>	0.3			
Business Travel						
Small Car	29,425	<i>miles</i>	6.8	6.8	0.0	0.0
Medium Car	46,525	<i>miles</i>	13.2	13.1	0.0	0.1
Large Car	2,305	<i>miles</i>	0.8	0.8	0.0	0.0
Bus		<i>passenger km</i>				
Taxi		<i>passenger km</i>				
Rail		<i>passenger km</i>				

Ferry		<i>passenger km</i>				
Plane		<i>passenger km</i>				
Commuting	-	-	-	-	-	-
Diesel Car	150,209	<i>miles</i>	41.3	40.8	0.0	0.5
Petrol Car	344,465	<i>miles</i>	94.5	94.1	0.2	0.2
Hybrid Car	10,637	<i>miles</i>	2.1	2.0	0.0	0.0
Electric Car	13,794	<i>miles</i>	0.9	0.9	0.0	0.0
Diesel Van	63,123	<i>miles</i>	23.5	23.3	0.0	0.2
Motorbike		<i>miles</i>				
Train		<i>passenger km</i>				
Bus	282	<i>passenger km</i>	0.03	0.03	0.0	0.0
Contractor Travel						
Refuse Collection Vehicles	436,866	<i>litres</i>	1,117.4	1,101.2	0.01	16.2
Leisure Centres						
Electricity	3,101,794	<i>kWh</i>	599.8	593.1	2.5	4.2
Gas	6,505,796	<i>kWh</i>	1,187.6	1,185.3	1.6	0.6
Kerosene	13,449	<i>litres</i>	3.3	3.3	0.01	0.0
Diesel	5,900	<i>litres</i>	15.1	14.9	0.0	0.2
Water Supply	54,229	<i>m³</i>	8.1			
Water Treatment	51,518	<i>m³</i>	14.0			
Grey Fleet	9,102	<i>miles</i>	2.5	0.0	0.02	1.4
Waste DMR	<i>Data issues</i>	<i>tonnes</i>				
Waste Municipal	<i>Data issues</i>	<i>tonnes</i>				
Grounds Maintenance						
Electricity	5,005	<i>kWh</i>	1.0	1.0	0.0	0.0
Diesel	9,328	<i>litres</i>	23.9	23.5	0.0	0.3
Petrol	1,151	<i>litres</i>	2.5	2.5	0.01	0.0
Gas Oil		<i>litres</i>				
Water Supply	1,160	<i>m³</i>	0.2			
Water Treatment	1,102	<i>m³</i>	0.3			
Waste Composting / Anaerobic Digestion	31.1	<i>tonnes</i>	0.3	0.0	0.0	0.0

Municipal Waste / Combustion	30.0	tonnes	0.6	0.0	0.0	0.0
Total Scope 3			3,169.3	3,089.4	4.5	23.9

TMBC Gross Emissions Total			3,397.0	3,341.9	5.1	24.9
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Renewable Generation	Activity Data	Unit	t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
Renewable Electricity Tariff	521,621	kWh	100.9	99.7	0.4	0.7
Total			100.9	99.7	0.4	0.7

			t CO ₂ e	t CO ₂	t CH ₄	t N ₂ O
TMBC Net Emissions Total			3,296.2	3,242.2	4.7	24.2

22. Version control

Document name	Tonbridge and Malling Borough Council Carbon Audit 2022/2023		
Document description	This carbon audit details emissions from TMBC for the 2022/2023 fiscal year.		
Responsible officer	Gill Fox, Policy, Scrutiny & Communities Manager		
Version Number	Update reason	Author	Review date
1	First version	Carrie Spencer, Climate Change Officer	20 June 2023

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
21 September 2023	Grounds Maintenance Contract Re-procurement		Darren Lanes/James Fay
	Corporate Key Performance Indicators		Jeremy Whittaker
	Waste Contract Key Performance Indicators		David Campbell-Lenaghan
	Work Programme		Gill Fox/DS
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

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Agenda Item 10

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 11

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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of the Local Government Act 1972.

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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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