

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

Julie Beilby BSc (Hons) MBA

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To: MEMBERS OF THE COUNCIL

**NB Background reports to items referred from Cabinet and Committees have been omitted from printed agenda packs.**

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 11th July, 2023 at 7.30 pm.

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

The following business is proposed to be transacted:-

1. Guidance on the Conduct of Meetings 5 - 6

### **PART 1 - PUBLIC**

2. Apologies for absence 7 - 8

3. Declarations of interest

To declare any interests in respect of recommended items

4. Minutes 9 - 16

To confirm as a correct record the Minutes of the meeting of Council held on 17 May 2023

5. Mayor's Announcements

6. Questions from the public pursuant to Council Procedure Rule No 5.6 17 - 18

7. Questions from Members pursuant to Council Procedure Rule No 5.5 19 - 20

8. Leader's Announcements 21 - 22

## **Matters for Decision**

9. Members' Allowances - Report of the Joint Independent Remuneration Panel 23 - 54

The General Purposes Committee of 3 July 2023 considered the report of the Joint Independent Remuneration Panel (JIRP) in respect of a recent review of Members' Allowances.

Due to the timescale and print deadlines, the recommendations of the General Purposes Committee will be circulated to Members in advance of the meeting of Council.

10. Changes to the Constitution 55 - 68

The report recommends that changes are made to the constitution to update the Members' Planning Code of Good Practice.

11. Appointments to Parish Partnership Panel and Tonbridge Community Forum 69 - 74

At the statutory annual meeting of Council on 17 May 2023 appointments were made to the Parish Partnership Panel and Tonbridge Community Forum. After that meeting, a number of changes in respect of County Members are required.

12. Changes to Substitute Members - the Green Group 75 - 76

At the statutory annual meeting of Council on 17 May 2023 nominations were received in respect of substitute Members. Following this meeting, the Green Group have reviewed their substitutes and have asked that a number of changes are made.

13. Appointments to Outside Bodies 77 - 80

The statutory annual meeting of Council held on 17 May 2023 made a number of appointments to outside bodies. Following notification of these appointments, the Borough Council were advised of some inaccuracies in respect of number of representatives required and the status of some of the organisations.

14. Member Call In Protocol - Development Management 81 - 96

Recommendation OS 23/25 of the Overview and Scrutiny Committee of 29 June 2023

15. Corporate Strategy 2023-27 97 - 126

Due to the timescale and print deadlines, the recommendations of the Cabinet held on 4 July 2023 will be circulated to Members in advance of the meeting of Council.

## **Matters for Information**

16. Minutes of Cabinet and Committees 127 - 128

To receive and note the Minutes of meetings of Cabinet and Committees as set out in the Minute Book (attached as a supplement).

17. Sealing of Documents

To authorise the Common Seal of the Council to be affixed to any Contract, Minute, Notice or other document requiring the same.

JULIE BEILBY  
Chief Executive  
Monday, 3 July 2023

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## **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](mailto: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](mailto: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.

Apologies for absence

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COUNCIL MEETING

#### MINUTES

Wednesday, 17th May, 2023

At the Statutory Annual meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 17th May, 2023

**Present:** Her Worship the Mayor (Councillor Mrs S Bell for Items 1-3)  
His Worship the Mayor (Councillor J R S Lark for Items 4 – 21),  
the Deputy Mayor (Councillor S M Hammond for Items 4 – 21),  
Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr A G Bennison,  
Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall,  
Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey,  
Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton,  
Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott,  
Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson,  
Cllr D Keers, Cllr D W King, Cllr W J Mallard, Cllr A McDermott,  
Cllr A Mehmet, Cllr Mrs A S Oakley, Cllr R W G Oliver,  
Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud,  
Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell,  
Cllr K S Tunstall and Cllr C J Williams

#### PART 1 - PUBLIC

##### **C 23/36 ELECTION OF MAYOR**

It was proposed by Councillor Boughton and seconded by Councillor Hudson that Councillor James Lark be elected Mayor for the municipal year 2023/24.

Particular reference was made to the importance of the Mayor's casting vote in a council with 'no overall control' and some Members indicated that they would vote against this nomination.

As the votes for and against were tied at 22 each the Mayor used their casting vote in favour of the nomination.

**RESOLVED:** That Councillor James Lark be elected Mayor for the municipal year 2023/24.

The Mayor, having made the statutory declaration of acceptance of office assumed the Chair and thanked Members for their election.

**C 23/37 VOTE OF THANKS TO RETIRING MAYOR**

Members expressed appreciation to the retiring Mayor for dedicated and loyal service to the Borough and its residents and commended their enthusiasm and active promotion of Tonbridge and Malling.

In response to the thanks expressed, Councillor Bell recorded appreciation to Councillor Lark for their support as Deputy Mayor, to the Mayor Consort, the many organisations that had contributed to the Mayoral events, the Chaplain and everyone who had shown such generosity and support. Finally, Councillor Bell was pleased to report that over £4,000 had been raised in support of the Mayor's Charity, the Tonbridge Dementia Friendly Community.

Finally, Councillor Bell expressed appreciation for the opportunity to have represented Tonbridge and Malling at the many events held to celebrate the late Queens Platinum Jubilee and felt honoured to have been involved in the new Kings Proclamation at Tonbridge Castle.

It was proposed by Councillor Lark, seconded by Councillor Boughton and

**RESOLVED:** That the Borough Council's sincere appreciation be recorded for the excellent manner in which the retiring Mayor, Councillor Sue Bell, had performed the mayoral duties both in the Council Chamber and throughout the Borough during the preceding year.

**C 23/38 ELECTION OF DEPUTY MAYOR**

It was proposed by Councillor Cannon, seconded by Councillor Williams and

**RESOLVED:** That Councillor Steve Hammond be appointed Deputy Mayor for the municipal year 2023/24.

The Deputy Mayor made the statutory declaration of acceptance of office and thanked Members for the appointment.

**C 23/39 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 11 April 2023 be approved as a correct record and signed by the Mayor.

**C 23/40 MAYOR'S ANNOUNCEMENTS**

The new Mayor thanked Members for their election, expressed appreciation for the good wishes received and acknowledged the challenges in respect of the 'casting vote'. It was announced that the Mayor's Charity would be Arthur's Quest which was a Tonbridge based

patient advocacy group dedicated to improving the lives of children and families affected by a rare debilitating neurological condition that currently had no cure. Their focus was to raise awareness and fundraising to advance scientific research that would ultimately result in a cure.

All were asked to show support by participating in the Mayoral events and fundraising efforts throughout the year.

#### **C 23/41      RETURNING OFFICER'S CERTIFICATE**

The Deputy Chief Executive, as Returning Officer, submitted a report listing persons who had been elected as Councillors at the Borough Council Elections held on 4 May 2023

The Council's thanks were recorded to the Returning Officer and all staff involved for their efficiency during the polling and count for the elections and in maintaining services from the office.

#### **C 23/42      ELECTION OF LEADER**

It was proposed by Councillor Coffin and seconded by Councillor Hudson that Councillor Matt Boughton be elected as Leader of the Council for the next four years.

Some Members indicated that they did not endorse this nomination and would vote against this nomination. As the votes for and against were tied at 22 each the Mayor used their casting vote in favour of the nomination.

**RESOLVED:** That Councillor Matt Boughton be elected as Leader of the Council for the ensuing four years.

#### **C 23/43      APPOINTMENTS TO CABINET**

The Leader presented details of the composition of the Cabinet and expressed his gratitude to former Cabinet Members for their contributions. He also thanked the Independent Alliance (Kent) group for supporting his leadership and welcomed the opportunity for greater collaborative working.

**RESOLVED:** That it be noted that the Cabinet would comprise 5 Members (in addition to the Leader) with the responsibilities as set out in Annex 1 and duplicated below:

Cllr Matt Boughton	-	Executive Leader
Cllr Martin Coffin	-	Deputy Executive Leader; and Cabinet Member for Transformation and Infrastructure
Cllr Robin Betts	-	Climate Change, Regeneration and Property
Cllr Des Keers	-	Community Services
Cllr K Tanner	-	Finance and Housing
Cllr M Taylor	-	Planning

### **C 23/44 CHANGES TO THE CONSTITUTION - ELECTORAL CHANGES**

The report of the Monitoring Officer recommended a number of amendments to the Constitution to reflect the changes introduced by the Local Government Boundary Commission. The changes proposed were predominantly required to ensure that the governance arrangements for the Borough Council were in accordance with the Tonbridge and Malling (Electoral Changes) Order 2022.

The principal changes related to a reduced number of councillors, warding arrangements for the Area Planning Committees and the size of committees. Details of these proposed changes were set out in 1.1.8 to 1.1.15 and 1.1.16 to 1.1.18 of the report.

In addition, the opportunity had been taken to make some minor changes to address inconsistencies and inaccuracies and these were set out in Annex 1.

After careful consideration of the options in respect of the warding arrangements for the Area Planning Committees to reflect the new ward boundaries, it was proposed by Councillor Coffin, seconded by Councillor Boughton that:

- Members for both Bourne and East Malling, West Malling and Offham wards attend Area 2 Planning Committee.

This proposal was supported by the majority of Members. However, it was suggested that joint meetings of Area Planning Committees should be considered for significant applications that covered or adjoined more than one ward area.

**RESOLVED:** That

- (1) the proposed changes to the Area Planning Committees as set out in paragraph 1.1.15 of the report, and summarised above, be

approved and the Monitoring Officer authorised to make consequential changes to the Constitution;

- (2) the Monitoring Officer be authorised to amend the Constitution, as set out at Annex 1, to give effect to the changes outlined in 1.1.6 and 1.1.19 of the report; and
- (3) subject to the amendments set out above, the current Constitution as set out at Annex 2 be approved.

### **C 23/45 POLITICAL BALANCE ARRANGEMENTS**

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements to be applied to the Borough Council's committees, sub-committees, boards and panels.

Members were also invited to consider whether to reduce the size of committees in light of changes introduced by the Tonbridge and Malling (Electoral Changes) Order 2022, which had seen a reduction in the number of Members from 54 to 44. The number of committee seats allocated to the political parties depended upon whether Members wished to reduce the size of committees or retain the existing sizes.

A number of options in respect of political balance calculations had been undertaken and were presented for consideration. Option A was based upon the existing 128 seats in total; Option B was based upon a reduced number of 110 seats (all committees with odd numbers); Option C was based upon a reduced number of 104 seats (all committees with even sizes. These were detailed in Annex 1.

After careful consideration of the political balance options presented, Councillor Boughton proposed, seconded by Councillor Coffin that the Borough Council's political balance be based upon a reduced number of 110 seats (all committees with odd numbers) as set out in Option B on the grounds of reflecting a reduced number of Members and removing the reliance on Chair casting votes.

This proposal was supported by the majority of Members.

**RESOLVED:** That the composition of all committees, sub-committees and boards/panels be approved in accordance with Members preferred Option B, as detailed in Annex 1 of the report, and the Monitoring Officer authorised to make any consequential amendments to the Council's Constitution in respect of political balance.

### **C 23/46 APPOINTMENTS TO COMMITTEES**

**RESOLVED:** That appointments to the Committees of the Council for 2023/24 be approved as set out at Annex 2 (Option B)

**C 23/47 APPOINTMENTS TO SCRUTINY SELECT COMMITTEES, PANELS AND OTHER MEMBER GROUPS**

**RESOLVED:** That appointments to the Scrutiny Select Committees, Advisory Panels and other member groups of the Council for 2023/24 be approved as set out at Annex 3 (Option B).

**C 23/48 APPOINTMENT OF CHAIR AND VICE-CHAIR**

**RESOLVED:** That appointments of Chair and Vice-Chair of each Committee, Scrutiny Select Committee, Panel and Group for 2023/24 be approved as set out at Annex 4; subject to:

- (1) Councillor Mark Hood approved as second Vice-Chair of Overview and Scrutiny Committee; and
- (2) Councillor George Hines approved as Chair of Tonbridge Community Forum

**C 23/49 APPOINTMENTS TO OUTSIDE BODIES**

A number of queries related to the procedure for appointing to outside bodies, and receiving update reports from those organisations were raised. It was suggested that the remit of outside bodies and appointments be reviewed by the Overview and Scrutiny Committee as part of their future work programme.

**RESOLVED:** That appointments to serve on outside bodies for 2023/24 be approved as set out at Annex 5.

**C 23/50 APPOINTMENT OF SUBSTITUTE MEMBERS**

**RESOLVED:** That appointments to serve as substitute members for 2023/24 be approved as set out at Annex 6.

**C 23/51 SCHEME OF DELEGATIONS**

Members were invited to confirm the Scheme of Delegation in compliance with the Constitution.

**RESOLVED:** That

- a) those parts of the scheme of delegation set out in Part 3 of the Constitution which are for the Council to approve (Responsibility for Council Functions) be confirmed;
- b) the Leader's recommendations concerning the arrangements for decision-making by individual executive Members set out in Part 3 of the Constitution (Responsibility for Executive Functions and Portfolios of Cabinet Members) be adopted; and

- c) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution (Functions and Powers Delegated to Officers) be re-adopted.

**C 23/52 PROGRAMME OF MEETINGS**

The programme of Council, Cabinet, Committee and Panel meetings for 2023/24 was presented for approval.

**RESOLVED:** That

- (1) the programme of meetings for 2023/4 (as set out at Annex 1 to the report) be approved; and
- (2) the provisional programme of meetings for 2024/25 (as set out at Annex 2 to the report) be approved.

**C 23/53 AUDIT COMMITTEE ANNUAL REPORT**

Item AU 23/14 referred from the Audit Committee minutes of 17 April 2023

**RESOLVED:** That the recommendations at Minute AU 23/24 be approved.

**C 23/54 SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 9.25 pm

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# Agenda Item 6

Questions from the public pursuant to Council Procedure Rule No 5.6

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# Agenda Item 7

Questions from Members pursuant to Council Procedure Rule No 5.5

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Leader's Announcements

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# Agenda Item 9

Due to the timescale and print deadlines, the recommendations of the General Purposes Committee will be circulated to Members in advance of the meeting of Council.

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# TONBRIDGE & MALLING BOROUGH COUNCIL

## GENERAL PURPOSES COMMITTEE

03 July 2023

### Report of the Management Team

#### Part 1- Public

#### Matters for Recommendation to Council

#### **1 MEMBERS' ALLOWANCES – REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL**

The report sets out a recent review of Members' Allowances undertaken by the Joint Independent Remuneration Panel (JIRP).

The Council is under a legal duty to have regard to the report of the JIRP but is not obliged to adopt its recommendations. No changes to the Scheme of Members' Allowances can be made until the report has been considered.

Members of the Committee are asked to consider the independent report of the JIRP and make appropriate recommendations to Full Council.

#### **1.1 Introduction**

- 1.1.1 A report has been received from the Joint Independent Remuneration Panel (JIRP) following its fundamental review of Members' Allowances. The JIRP, whose panel members are independent members of the community, serves the three West Kent Authorities – Tonbridge & Malling, Tunbridge Wells and Sevenoaks.
- 1.1.2 Members may recall that the last major review of allowances took place during 2016/17 culminating in a decision by Full Council on 11 April 2017. The recommendations of the Panel were accepted in full (subject to an amendment in respect of allowances for vice-chairs) with effect from the Borough Council elections in May 2019. During an interim period from the Annual Council meeting on 16 May 2017 until after the Borough Council elections in 2019 a modified schedule of allowances was agreed.
- 1.1.3 For the financial years 2020/21 to 2021/22, the allowances were annually increased in line with staff pay awards. However, on 22 February 2022 Full Council agreed to freeze basic and special responsibility allowances for the 2022/23 financial year. Members' allowances have remained frozen for the 2023/24 financial year pending consideration of the recommendations arising out of the JIRP report.
- 1.1.4 A current list of approved allowances is attached at **Annex 1** for Members'

information. It should be noted that some Members have personally chosen not to receive increases in allowances and have instructed accordingly. For budgeting purposes, it is assumed that the approved allowance will be paid and hence at outturn there is often a small underspend against the budget.

## 1.2 2023 Review – Summary

1.2.1 The JIRP's latest report is attached at **Annex 2** to this report.

1.2.2 The report makes recommendations in respect of the 'basic' allowances (applicable to all Members), as well as recommendations in respect of those appointments that attract special responsibility.

1.2.3 The JIRP's report is comprehensive and sets out the 'rationale' for the recommendations made. In arriving at the recommendations, the following set of 'core principles' were adopted by the JIRP:

- 1) To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background;
- 2) To reflect the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so;
- 3) To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the Council;
- 4) To retain a significant element of public service, *pro bono* contribution from elected councillors;
- 5) To benchmark the comparative position of council members with those in similar roles in other Kent councils; and
- 6) To recommend allowances based on objective data with a simple and logical structure that can easily be updated in future.
- 7) To ensure that all recommendations have transparent and accessible rationales, allowing for greater public understanding and engagement.

1.2.4 In summary, the key recommendations of the Independent Remuneration Panel are as follows:

- 1) The Basic Allowance payable to all Members should remain to £5,175 per annum;
- 2) The Leader's Allowance should remain at £20,706 per annum;

- 3) The Special Responsibility Allowance (SRA) for the Deputy Leader should be reduced to £10,353 per annum;
- 4) The SRAs for Cabinet Members should remain at £8,802 per annum;
- 5) The SRAs for Committee Chairs should be set as follows: -

Area Planning (x3)	£1,725
Audit	£2,589
General Purposes	£1,725
Joint Standards	£2,589
Licensing & Appeals	£2,589
Overview & Scrutiny	£2,589
Scrutiny Select (x3)	£2,589

- 6) The SRA for qualifying\* opposition group leaders should be a flat sum of £4,401 per annum;

\*To qualify, neither the leader of an opposition group nor any members of the leader's group can serve on Cabinet, and their group must be comprised of at least 5 councillors.

- 7) The SRA for vice-chairs be removed from the allowances scheme;
- 8) The current travel expenses scheme based upon the HMRC approved rate continues.
- 9) The existing scheme for meal and/or subsistence allowances ceases.
- 10) Carers' allowances should be set at a maximum rate of £10.42 per hour per child (linked to the National Living Wage) for general childcare and £18.00 per hour for dependent carers.
- 11) Allowances are uprated in line with any increases in the remuneration of Council staff.

1.2.5 As recommended in the previous Panel report and adopted by the Council, the Panel continues to support the view that Members should not receive more than one SRA. This means that no Member can receive more than one of the following Special Responsibility Allowances – Leader, Deputy Leader, Cabinet Member, qualifying Opposition Group Leader, Committee Chair.

### 1.3 Commentary

1.3.1 The approach adopted by the Panel in respect of the basic allowance was to consider the current allowance levels in Tonbridge and Malling and across Kent authorities as a baseline, calculate an average figure across the county, and recommend adjustments (where there is a plus/minus variance of 10% or more) to bring certain allowances into line with this. When benchmarked against other district councils, the Panel noted that the existing basic allowance at Tonbridge & Malling (currently £5,175) was the median level for the county, with the mean at

just over £5,400. The Panel felt that any significant adjustment would result in Tonbridge & Malling becoming an outlier within Kent and indeed across similar authorities nationwide.

- 1.3.2 Apart from the post of Deputy Leader, the Panel has recommended that the existing allowances for the Leader and Cabinet Members should continue.
- 1.3.3 In respect of the allowance for the Deputy Leader, the Panel considered that the level of the allowance in Tonbridge and Malling is not proportionate with others across Kent; indeed, it is the highest in the county by some margin, at over 50% higher than both the median and the mean. The Panel therefore felt that this should be reduced to £10,353 per annum to bring it within 3% of the median across Kent.
- 1.3.4 The Panel recommended that the existing SRA for opposition group leaders should be replaced with an entirely new mechanism. Under the existing scheme, opposition group leaders are paid a base amount of £1,250 per annum, plus an additional sum of £258 per member of the relevant group. The Panel felt that wholly fixed figure rather than a group size-linked scale would be preferable, as this fixed approach better recognises the additional burden of serving as an opposition leader, directly responsible for scrutinising the administration, and is also inherently more transparent and easier to understand.
- 1.3.5 For Committee Chairs, the Panel concluded that the current allowance levels in Tonbridge and Malling are mostly commensurate with Kent averages. The Panel recommended only one very minor alteration to existing allowances, relating to the chair of the General Purposes Committee. Their recommendation is that it is upgraded slightly from £1,656 to £1,725, to bring it in line with the lower level of SRAs on the Council.
- 1.3.6 The Panel also considered the role of the new Scrutiny Select Committee chairs, created by the governance review in 2022. Given the regularity of planned meetings for these committees, as well as their size and function, the Panel's recommendation is that their chairs receive the same allowance as those of the Overview & Scrutiny Committee (£2,589).
- 1.3.7 The Panel recommends the continuation of the Council's current practice that only one SRA allowance is payable to a member, and that the annual indexation remains linked to staff pay.

## **1.4 Summary**

- 1.4.1 The Panel's recommendations, if adopted, would produce a saving of circa £45,900 when compared to the budget included within the 2023/24 Estimates.
- 1.4.2 The Council is under a duty to have regard to the recommendations of the JIRP but is not obliged to accept its recommendations.

- 1.4.3 If Members choose not to recommend to Full Council any or all of the Panel's

recommendations, alternative proposals will need to be put forward for consideration by all Members at the Full Council meeting.

1.4.4 In summary, Members have the following options:-

- (a) Agree with the recommendations of the Panel;
- (b) Propose an alternative scheme;
- (c) Continue with existing scheme

## **1.5 Legal Implications**

1.5.1 The Joint Independent Remuneration Panel was established under the Local Authorities (Members' Allowances) (England) Regulations 2003.

1.5.2 The Regulations provide that no changes to the Scheme of Members' Allowances can be made until the report of the JIRP has been considered.

1.5.3 The Council is under a duty to have regard to the recommendations of the JIRP but is not obliged to accept its recommendations. The Council is obliged to publish in local newspapers what the JIRP recommended. The Council must also publish details of any amended scheme of allowances.

1.5.4 Where an amendment is to be made to a scheme which affects an allowance payable for the year in which the amendment is made, the scheme may provide for the entitlement to such allowance (as amended) to apply with effect from the beginning of the year in which the amendment is made. So, in practical terms this means that the Council may determine that the allowances payable under any amended scheme shall be backdated to 1 April 2023. However, given that the Borough Council has since held all-out elections and reduced the number of elected Members from 54 to 44, it is suggested that backdating to 1 April 2023 would not be appropriate. It is therefore proposed that any amended scheme of allowances takes effect from the date of Full Council on 11 July.

1.5.5 In accordance with the 2003 Regulations, the Council may not place reliance upon an indexation set out in an adopted scheme of allowances for more than 4 years without consideration of a further report from the JIRP.

1.5.6 The Panel did not consider the allowances payable to the Mayor and Deputy Mayor (currently £5,990 and £1420 respectively) in our scheme of allowances, as the 2003 Regulations do not require councils to include mayoral allowances in any formal review. However, for consistency it is proposed that the indexation applicable to Basic and Special Responsibility Allowances should also apply to the allowances for Mayor and Deputy Mayor.

1.5.7 Due to the nature of the matters raised in this report, Members of the Committee will require a dispensation from the Monitoring Officer under s33 of the Localism Act 2011 to allow them to consider and vote upon the recommendations contained within the report of the Joint Independent Remuneration Panel. The Monitoring Officer has a standing delegation to grant such a dispensation, to be

exercised in consultation with the Independent Person and the Chair/ Vice-Chair of the Joint Standards Committee. Members are advised that the dispensation has been granted by the Monitoring Officer in advance of consideration of this item by both the General Purposes Committee and Council. This dispensation will also apply to the annual consideration of Members' Allowances up until the next scheduled election in May 2027.

## **1.6 Financial and Value for Money Considerations**

1.6.1 Current budgetary provision with the 2023/24 Estimates is £374,750 for basic and special responsibility allowances. The allowances recommended by JIRP would reduce the budget by around £45,900 to £328,850, subject to any pay award granted for 2023/24.

## **1.7 Risk Assessment**

1.7.1 The Council must consider the recommendations of the Panel and publish any amended scheme of allowances.

1.7.2 If Members decide to recommend allowances which total a higher amount than is presently factored into the Budget, additional budget provision may need to be made. Alternatively, if Members choose to agree a lower level of allowances, this would represent a saving within the current Estimates and MTFS (Medium Term Financial Strategy).

## **1.8 Equality Impact Assessment**

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

## **1.9 Policy Considerations**

1.9.1 Human Resources

## **1.10 Recommendations**

1.10.1 Members are requested to consider the recommendations of the JIRP and make appropriate recommendations to Full Council about:

- 1) The level of the Basic Allowance for 2023/24;
- 2) The level of Special Responsibility Allowances for 2023/24;
- 3) The level of Childcare and Dependent Carers Allowances;
- 4) The level of Mileage Allowances;
- 5) The annual indexation of Basic/ Special Responsibility Allowances and Mayor/ Deputy Mayor Allowances; and

- 6) Confirmation as to whether only one SRA is payable to individual Members.
- 7) The date when the amended scheme of allowances should take effect. Members are asked to note the recommendation in para 1.5.4 above i.e., that any amended scheme takes effect from the date of Council on 11 July 2023.

1.10.2 Members are also requested to recommend to Full Council that the Monitoring Officer be authorised to update Part 6 of the Constitution (Members' Allowances) to reflect any agreed changes to the current scheme of allowances arising out of the recommendations at 1.10.1 above.

Background papers:

contact: Adrian Stanfield

Nil

Julie Beilby

Chief Executive

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**SCHEDULE I**

1.	<p>The Borough Council received a report from an Independent Remuneration Panel (IRP) containing recommendations for amendments to the Scheme for Members' Allowances. The Panel's recommendations as to basic and special responsibility allowances (SRAs) were considered in detail by the General Purposes Committee at its meeting on 6 March 2017. The Panel's recommendations were accepted in full (subject to an amendment in respect of allowances for vice-chairmen) with effect from the Borough Council elections in 2019. (During an interim period from the Annual Council meeting on 16 May 2017 until after the Borough Council elections in 2019 a modified schedule of allowances was agreed.) The revised allowances scheme was adopted by the Full Council on 11 April 2017 and published in accordance with requisite legislative requirements.</p> <p>The Allowances Scheme revolves around a framework of 'multipliers' which are based on the 'Basic Allowance' and proportions of the Leader's allowance. The multipliers which apply to the allowances that come into effect from 2019 are set out in the second column of the table below. In addition, the following points are part of the Scheme:</p> <ul style="list-style-type: none"> <li>- There should be a maximum of one Special Responsibility Allowance per Member (excluding group leader allowances)</li> <li>- The Leader's allowance should be based on a multiplier of 4 of the Basic Allowance</li> <li>- An SRA for the Deputy Leader should be based on 75% of the Leader's Allowance</li> <li>- The SRAs for Cabinet Members should be based on 42.5% of the Leader's allowance</li> <li>- The structure of SRAs for other roles should be simplified further based on the multiplier approach set out below</li> <li>- The SRA for the Opposition Group Leader should be a flat sum of £1,250 plus £250 per member of the group</li> <li>- The principle of annual indexation of allowances in line with any staff pay award should be retained but should not apply during the interim period (Annual Council 2017 to Borough Council elections 2019)</li> </ul>
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	<b>Multiplier</b>	<b>Resolved Allowance 2021</b>
<b>Basic Allowance</b> to all Councillors	1.00	5,175.00
<b>Special Responsibility Allowances:</b>		
Leader of the Council	4.00	20,706.00
Opposition Group Leader(s) - Liberal Democratic - Independent Alliance Kent - The Green Party	0.25	3,621.00 2,070.00 1,809.00
(includes the sum of £258 paid per opposition group member)	0.05	
	% of Leaders allowance	
Deputy Leader	75	15,528.00
Cabinet Member	42.5	8,802.00
Chair of Area Planning Committee (x3)	25 (0.33)	1,725.00
Chair of Overview & Scrutiny Committee	12.5	2,589.00
Chair of Audit Committee	12.5	2,589.00
Chair of Licensing & Appeals Committee	12.5	2,589.00
Chair of Joint Standards Committee	12.5	2,589.00
Chair of General Purposes Committee	8	1,656.00
Chair of Scrutiny Select Committees (pending recommendations of the IRP)	0	0
Vice-Chair of Area Planning Committee (x3)	5 (0.33)	336.00
Vice-Chair of Overview & Scrutiny Committee	25% of chair's allowance	648.00
Vice-Chair of Audit Committee		648.00
Vice-Chair of Licensing & Appeals Committee		648.00
Vice-Chair of Joint Standards Committee		648.00
Vice-Chair of General Purposes Committee		336.00

Allowances updated to reflect staff pay award:

- 2020 = 2.5%
- 2021 = 1%
- 2022 = Frozen at current rate pending recommendations of the IRP

**2. TRAVELLING, SUBSISTENCE AND CARER'S ALLOWANCE**

Members may claim the following allowances for pre-arranged meetings with any officer (regardless of their position) in respect of matters relevant to their Committee etc., or external bodies to which they have been appointed by the Council. Such meetings must not be in connection with ward business.

Members necessarily incurring additional expense in the course of their work in respect of travel, or meals will be reimbursed approved expenses, subject to appropriate evidence of expenditure being produced, including supporting VAT receipts. Claims should be made on the appropriate form and returned to Electoral & Democratic Services for processing.

**A Travelling**

Mileage rates are based on the applicable HM Revenue and Customs (HMRC) approved rate.

**B Subsistence**

Where appropriate, rates of subsistence shall be in accordance with the HMRC rates (excluding tea allowance).

**C Carer's Allowances**

Where appropriate and supported by receipts, Childcare allowance will be paid at the actual amount charged up to a maximum of £7.20 per hour per child (linked to the National Living Wage). Dependent Carer's allowance will be payable at the actual amount charged subject to a maximum rate of £16.00 per hour.

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**A REVIEW OF  
COUNCIL MEMBERS' ALLOWANCES  
FOR  
TONBRIDGE AND MALLING BOROUGH COUNCIL  
Spring 2023**

**Joint Independent Remuneration Panel [The Panel]  
for  
Sevenoaks District Council  
Tonbridge & Malling Borough Council  
Tonbridge Wells Borough Council**

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- 10. Conclusions**
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- 1. Regulations and Guidance for Independent Remuneration Panels**
- 2. Terms of Reference & Panel Members**
- 3. Comparative data from neighbouring Local Authorities.**
- 4. Revised Schedule of Recommended Members' Allowances**

# **1 Introduction**

1.1 The Council is required under the Local Authorities (Members' Allowances) (England) Regulations 2003 and subsequent amendments to establish and maintain an Independent Remuneration Panel [The Panel] to review and make recommendations to the Council on the range and levels of remuneration for elected Members (see Terms of Reference Appendix 2).

1.2 Under the Regulations the Council is required to undertake a full review every four years. A full review was reported to and considered by Council in April 2013, and the most recent previous review was considered in January 2017. This report is the result of the latest review conducted in Spring 2023.

1.3 The purpose of this review is to carry out the quadrennial update of local councillors' allowances required by legislation, considering Members' workload, responsibilities and required time commitment and then to recommend a fair level of recompense for those commitments. We are mindful always of our remit to assist in broadening the diversity of councillor representation by minimising financial barriers to participation in local government.

1.4 The Panel fully appreciates the sensitivity of making any increase in allowances in the current financial climate, and are mindful of the Council's budget for such purposes. Where we have proposed alterations to the existing scheme they are fair, simple to administer and reflect the significant time commitments given by individuals in this important tier of government.

1.5 The Panel also has the responsibility of reviewing allowances for both Sevenoaks District and Tunbridge Wells Borough Councils. The Panel's recommendations to Tunbridge Wells Borough Council, which included a reduction in Cabinet Member allowances and a rationalisation of Group Leader allowances, were rejected in late 2022. The Panel's recommendations to Sevenoaks District are due to be considered by full Council in July.

1.6 The Panel is aware of certain differences at Tonbridge and Malling in terms of the role of the Cabinet, scrutiny committees and particular chairs compared with the two other councils within its remit.

## **2 Summary of Recommendations**

### **2.1 Basic Allowance**

The existing Basic Allowance of £5,175 per annum should continue at the current level. Previous JIRP reviews have based this on a formula which accounted for the required time commitment, a representative rate of hourly earnings of residents in the area but reduced by a discount factor to reflect the ethos of public service inherent in the elected representative's role. Though we have accepted this formula as the way in which the baseline was achieved in previous reviews, we have introduced more of a comparative approach in assessing the level of allowances. More detail on this approach is set out in section 5.

## **2.2 Special Responsibility Allowances**

The Panel continues to support the 2007 guidance from the Councillors Commission which recommends that members should not receive more than one SRA, and notes the Council's existing allowances scheme makes reference to this.

The Panel's recommends that the majority of Special Responsibility Allowances remain unchanged from their current levels. For each role these recommendations are:

• Council Leader	£20,706
• Deputy Leader	£10,353
• Opposition Group Leaders	£ 4,401 (5 > Members)
• Cabinet Members	£ 8,802
• Committee Chairs	
Area Planning (x3)	£ 1,725
Audit	£ 2,589
General Purposes	£ 1,725
Joint Standards	£ 2,589
Licensing & Appeals	£ 2,589
Overview & Scrutiny	£ 2,589
Scrutiny Select (x3)	£ 2,589

## **2.3 Carer Allowances**

Our recommendations are that the Child Care Allowance should be equivalent to the National Living Wage payable at the actual amount charged, subject to a maximum rate of **£10.42** per hour per child or and that the Dependant Carer's Allowance should be payable at the actual amount charged subject to maximum of **£18** per hour. The Panel is aware that historically councillors rarely claim for these allowances (and indeed this was referred to in our discussion with them), but they should be available to ensure that those entitled to such allowances can more easily serve.

## **2.4 Uprating**

In future the allowances should be uprated in line with any annual increases in pay awards to Council staff, which is a recommendation the Panel has made to both other councils within its remit.

## **2.5 Travel Expenses**

The Panel recommends that the current scheme for Members, based upon the HMRC approved rate should continue. It is noted that the majority of Members choose not to claim mileage allowances, but it is important it remains available. It was noted during the Panel's discussion with Members that specific Members would incur substantial costs as part of their responsibilities if these allowances were removed.



## **2.6 Subsistence Allowances**

Our discussions with Members and an examination of claims in previous years suggested that this allowance was rarely, if ever, claimed. Additionally, given it compensates for what is effectively expenditure Members would incur anyway the Panel recommends that meal and subsistence allowances need no longer form part of the Council's allowances framework.

## **3 Background**

3.1 The basis of the current level of members' allowances for Tonbridge and Malling Borough Council was established by the Panel in December 2001 following guidelines issued by central government [see Appendix 1]. These allowances replaced the previous system of attendance-based payments and have been revised in subsequent years to reflect cost of living increases and changes in council structure and responsibilities.

3.2 The process is that the Panel recommends a structure of allowances, after consultation with members and officers but that the final decision is the responsibility of the Council. The Panel has followed broadly the same methodology in its reviews considered in 2013 and 2017, though for this latest review a somewhat simplified approach has been adopted – as set out in section 5.

3.3 The 2007 Councillors Commission paper on Members Remuneration suggested a set of basic principles to govern allowance schemes:

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors.
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage.
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles.
- The system should be transparent, simple to operate and understand.
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary.
- The level of remuneration should relate to a commonly accepted benchmark, such as the median male non-manual salary.

These principles underpin the recommendations made in this report and are reflected in our Terms of Reference [Appendix 2].

## **4 Approach and Methodology**

4.1 Reflecting the approach taken by many other Independent Review Panels elsewhere in the country, we used a set of core principles to guide this review, as follows:

- To remove, where possible, the immediate financial barriers to becoming a councillor to assist in the diversity of the cohort of councillors, regardless of political background.

- To reflect as far as possible the current time commitment required to perform the role of ward councillor and the potential loss of earnings opportunities for councillors in doing so.
- To recognise the increasing levels of responsibility and accountability being devolved from central government to local government and its impact on the nature of leadership and scrutiny roles within the council.
- To retain an appreciation for the element of public service, *pro bono* contribution from elected councillors.
- To have due regard to the challenging financial position of many local authorities.
- To be mindful of the comparative position of our council members with those in similar roles in other Kent councils.
- To recommend allowances based on objective data with a simple and logical structure that can easily be updated in the future.
- To ensure that all recommendations have transparent and accessible rationales, allowing for greater public understanding and engagement.

In conducting the review at the Council, we offered the opportunity to elected Members to meet individually with the Panel. A number of councillors, including the Council Leader, took this up. We also met with the Director of Central Services.

## **5 Allowance Calculations**

5.1 There are some important principles and guidance documents relating to the calculation of allowances which are detailed in our Terms of Reference [Appendix 2], and we have set out below some of the factors previous Panels have taken into account in their calculations. These have allowed allowance levels to reach their current levels across all three councils this Panel reviews.

### **Determining the Basic Allowance**

5.2 The statutory guidance for Local Authority Allowances says that the *“basic allowance is intended to recognise the time commitment of all councillors, including such inevitable calls on their time as meeting with officers and constituents and attendance at political group meetings. It is also intended to cover incidental costs such as the use of their homes.”* [ODPM 2003. Para 10]

5.3 There are three core elements which determine the Basic Allowance: time spent on councillor duties, a standard financial hourly rate and the public service discount element.

### **Time Commitment**

5.4 *“Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the ..... number of hours for which, councillors ought to be remunerated”* [ODPM 2003. Para 67].

5.5 The number of hours committed by individual councillors to their elected and representative duties varies widely between individuals and over time, which was mentioned during some of our Member interviews. It is also recognised that, for many councillors, the role is far more than just attendance at council meetings and will include,

for example, constituency duties, committee meetings, meetings with officers and training courses.

5.6 Across previous reviews, the Panel has made various determinations of this time commitment. In 2008, it determined that the average time taken to satisfactorily perform a ward councillor role was an average of 15 hours per week, following a survey of members and soundings across its three councils. This figure was also used for the 2013 review, and in 2017 the Panel noted a small reduction in the overall number of council meetings at Tonbridge and Malling, but made not specific alteration to this figure.

**Hourly rate**

5.7 For its 2017 review, the Panel attempted to calculate an hourly rate for councillor work using the median hourly pay for all employees who live within the Tonbridge and Malling local authority area, using the Annual Survey of Hours & Earnings (ASHE) – published by the Office of National Statistics. The same exercise was repeated across the two other councils reviewed by the Panel, and the 2015 ASHE gave the hourly rates of:

- Sevenoaks £14.49
- Tonbridge and Malling £14.08
- Tunbridge Wells £13.10

These figures gave an arithmetic mean of £13.89 per hour, and formed part of the basis for the Panel’s recommendations in 2017.

**The Public Service/Voluntary Principle**

5.8 Central government guidance to Independent Remuneration Panels for setting the basic allowance states that “it is important that some element of the work of members continues to be voluntary – that some hours are not remunerated. This must be balanced against the need to ensure that financial loss is not suffered by elected members, and further to ensure that, despite the input required, people are encouraged to come forward as elected members and that their service to the community is retained” [ODPM 2003. Para 68]

5.9 This idea that some work of members should remain voluntary is called the ‘public service principle’ and this is incorporated into the financial calculations as a percentage discount factor, agreed locally. The 2007 Councillors Commission report indicated that considerable variations of between 20-50% apply. Our meetings with members and Council leaders confirmed that this principle is understood and generally supported by elected councillors.

5.10 Since 2001 the Panel has, across multiple reviews, recommended a public service discount factor of 40% based on benchmarking with allowance schemes elsewhere.

**Benchmarking Analysis**

5.11 The result of assessing time commitment, hourly rate and the public service principle over multiple reviews over nearly two decades has been the arrival at allowance levels for Tonbridge and Malling which are broadly commensurate with those at other Kent

borough/district authorities – including the other two councils this Panel reviews. There are some outliers between authorities, and for certain allowances Tonbridge and Malling is at the upper thresholds, but overall the picture is relatively uniform.

5.12 Given this, and in keeping with the principles established in section 3, the Panel is recommending allowances based on a somewhat different premise – designed to achieve a certain level of parity with equivalent roles in other authorities. The complex time/hourly/service calculations in previous reports have been useful insofar as they have delivered a fairly consistent standard of allowance levels across the county. However, they are complicated to repeat on a regular basis, are convoluted and not particularly accessible, and also imply a regional variation on the value of councillors' work.

5.13 Therefore, our approach has been to consider the current allowance levels in Tonbridge and Malling and across Kent authorities as a baseline, calculate an average figure across the county, and recommend adjustments (where there is a plus/minus variance of 10% or more) to bring certain allowances into line with this.

### **Basic Allowance**

5.14 The current level of basic allowance for Tonbridge and Malling is £5,175 per annum. This is, in fact, the median level for the county, with a mean of just over £5,400. Though we have some sympathy with the views of Members we spoke with that the level of this allowance limited the range of people who would apply to be councillors, particularly younger people, any significant adjustment would result in Tonbridge and Malling becoming an outlier within Kent and indeed across similar authorities nationwide.

***RECOMMENDATION: that the Basic Allowance should be maintained at £5,175 per annum.***

## **6 Special Responsibility Allowances (SRAs)**

### **Council Leader**

6.1 The Panel's previous approach in 2017 was to recommend that the Leader's allowance should be four times the Basic Allowance, an increase from a three-fold calculation in 2013. This was part of an ongoing effort to align allowances across the Council with each other, and specifically as a proportion of the Leader's allowance.

6.2. The Panel is aware of and appreciates that changes to the Council's governance arrangements 2022 may add an increased workload to the Leader's role, and that of Cabinet members. Indeed, the Leader stressed this latter point to us, highlighting the more direct role Cabinet members now have in approving decisions.

6.3 Nonetheless, at its current level of £20,706 this allowance is over both the median and the mean across Kent, and if it were to increase further it would not remain commensurate.

***RECOMMENDATION: that the Special Responsibility Allowance for Council Leader should be maintained at £20,706 per annum.***

## Deputy Leader

6.4 The Panel is aware that the Deputy Leader has an important role in standing in for the Leader where necessary, and that this can add an additional workload in addition to serving on Cabinet. The Panel believes this role merits an individual Special Responsibility Allowance, and notes the majority (though not all) of authorities in Kent include such an SRA within their allowances schemes.

6.5 However, the level of the allowance in Tonbridge and Malling is not proportionate with others across Kent; indeed, it is the highest in the county by some margin, at over 50% higher than both the median and the mean. Therefore, it is the Panel's view that this allowance should be reduced.

6.6 To bring this SRA into line with the rest of the county, and in a way which aligns with the ethos of the existing Tonbridge and Malling scheme, our recommendation is that it should be set at half the level of the Leader's allowance. This would reduce the Deputy Leader allowance to £10,353 per annum, and would bring it to within 3% of the median across Kent.

***RECOMMENDATION: that the Special Responsibility Allowance for Deputy Council Leader should be reduced to £10,353 per annum.***

## Cabinet Members

6.7 Across the county, one of the most diverse ranges in allowances is that for Cabinet Members, ranging from around £5,000 per annum (Canterbury) to just over £11,000 (Tunbridge Wells). However, the mean across the county is just under £6,500, and the median is £7,740.

6.8 As noted previously, the Panel recognises that Cabinet arrangements in Tonbridge and Malling were affected by the changes to the governance arrangements in 2022. In his discussion with us, the Leader of the Council was also candid that these changes have placed an additional workload onto Cabinet members.

6.9 The current allowance level in Tonbridge and Malling is £8,802, placing it comfortably above both of the county averages; indeed, slightly over the Panel's 10% threshold. However, for the sake of avoiding the disruptive impact of a minor allowance change for multiple Members, and taking into account the Leader's comments, the Panel recommends a retention of this allowance at its current level, rather than any adjustment.

***RECOMMENDATION: that the Special Responsibility Allowance for Cabinet Members should be maintained at £8,802 per annum.***

## Opposition Group Leaders

6.10 The Panel notes that the Council's existing allowance scheme contains an allowance for opposition group leaders, of £1,250 per annum, plus an additional sum of £258 per member of the relevant group. With the exception of the additional fixed sum, the per-

member arrangement is a similar setup to that at Sevenoaks District and Tunbridge Wells Borough Councils.

6.11 For both other authorities within its remit the Panel has recommended a wholly fixed figure rather than a group size-linked scale, and would recommend the same for Tonbridge and Malling. This fixed approach better recognises the additional burden of serving as an opposition leader, directly responsible for scrutinising the administration, and is also inherently more transparent and easier to understand.

6.12 In setting the level of the opposition leader allowance, the Panel's approach for the other two authorities was to set this allowance at that of the most highly compensated chair on the Council. The treatment of opposition group leaders is not consistent across Kent authorities, making direct comparison of the SRA levels received for this less helpful. However, in the authorities which award a fixed figure, it does appear to be an amount equivalent to either the highest or second highest compensated committee chair.

6.13 In the case of both Sevenoaks and Tunbridge Wells this allowance was that of the chair of their respective development control/planning committees. However, Tonbridge and Malling operates a different system in this regard; with three separate area planning committees instead, with each chair drawing an allowance of £1,725. Therefore, the Council's highest standard chair allowance (£2,589) is not at a level which the Panel considers commensurate with the additional time and commitment of serving as an opposition leader. In light of this, the Panel recommends that a new allowance of £4,401 is created for this purpose; a level which also aligns with the existing Tonbridge and Malling scheme, being half the level of the Cabinet Member allowance.

6.14 In, addition to this, the Panel recommends there should be two further entitlement/qualifying requirements to this allowance; that neither a leader nor any members of the leader's group can serve on Cabinet, and that their group is comprised of at least 5 councillors. This is to prevent a situation arising where a group leader could serve on both the administration and the opposition, and to reflect the inherently more complex responsibilities that come with managing a larger local authority group.

***RECOMMENDATION: that the existing Special Responsibility Allowance for Opposition Group Leaders is replaced with a new mechanism; a £4,401 per annum allowance for leaders meeting the qualifying criteria above.***

### **Chairs of Committees**

6.15 The Panel has reviewed the committee allowances using the same criteria and principles as set out previously. Though committee chair allowances vary across the county, and not all committees are ubiquitous across authorities, the current allowance levels in Tonbridge and Malling are mostly commensurate with Kent averages.

6.16 For example, the mean and median for Licensing chairs are £2,750 and £2,600 respectively, putting the current allowance in Tonbridge and Malling well within the benchmarked range. Audit chairs across Kent are similarly compensated to the tune of around £2,600. Planning or Development Control chairs also receive around £5,300 across the county; a sum very close to the combination of the three separate £1,725 allowances Area Planning Committee chairs receive on Tonbridge and Malling.

6.17 Therefore, for what might be termed the more ‘standard’ committees, the Panel recommends only one very minor alteration to existing allowances; that of the chair of the General Purposes Committee. Our recommendation on this is that it is upgraded slightly from £1,656 to £1,725, to bring it in line with the lower level of SRAs on the Council. Such minor variations in allowances as exist currently are inherently less transparent, and the Panel feels it is more appropriate for chair allowances to be tiered in a more straightforward fashion.

6.18 The Panel also had to consider the role of the new Scrutiny Select committees and their respective chairs. These three bodies were created as part of the 2022 governance changes to scrutinise specific parts of the Council’s areas of responsibility: Communities and Environment; Finance, Regeneration and Property; and Housing and Planning. Given the regularity of planned meetings for these committees, as well as their size and function, the Panel’s recommendation is that their chairs receive the same allowance as those of the overarching Overview & Scrutiny Committee (£2,589). Our full committee chair recommendations are reflected in the table below:

Committee	Recommended Allowance
Area Planning (x3)	£1,725
Audit	£2,589
General Purposes	£1,725
Joint Standards	£2,589
Licensing & Appeals	£2,589
Overview & Scrutiny	£2,589
Scrutiny Select (x3)	£2,589

***RECOMMENDATION: that the Special Responsibility Allowance for committee chairs be set at the levels indicated above.***

**Vice-Chairs**

6.19 The existing scheme in Tonbridge and Malling contains a total of six vice-chair allowances, ranging from £336 to £648, depending on the committee concerned. Vice-chair allowances are certainly not universal across the county, and during our discussions with Members there was no advocacy for keeping them – indeed, the only feedback the Panel received was that they should be considered for deletion. This contrasts with the feedback received in Sevenoaks, where the retention of a specific vice-chair allowance was urged. In light of this, the Panel recommends the cessation of these allowances.

***RECOMMENDATION: that the Special Responsibility Allowances for vice-chairs be removed from the allowances scheme.***

**Uprating**

6.22 The Council has in recent years uprated allowances in line with any increases in the remuneration of Council staff. The Panel is supportive of this and recommends it forms the basis of any future increases.

***RECOMMENDATION: that allowances are uprated in line with any increases in the remuneration of Council staff.***

## **7 Carers' Allowances**

7.1 Tonbridge and Malling operates separate allowances for the costs of standard childcare and that of professional care for dependants with special requirements. These allowance levels are recommended as follows:

**Childcare Allowance:** for child-minding of the Member's dependent children. Payable at the actual amount charged, subject to a maximum rate of **£10.42** per hour per child. This would be a slight increase in the current level, adjusting it for national minimum wage as of April 2023.

**Dependant Carer's Allowance:** for professional care for elderly or disabled dependants, or other dependants with special requirements. Payable at the actual amount charged, subject to a maximum rate of **£18.00** per hour. This would be a continuation of the current level of this allowance.

7.2 In practice, these allowances have rarely been claimed by councillors in Tonbridge and Malling, but the Panel continues to support the need for them.

***RECOMMENDATION: that the allowances for childcare and dependant care provision are set as above.***

## **8 Travel Expenses**

8.1 The Council currently operates a scheme based upon the HMRC approved rate and the Panel recommends that this continues.

***RECOMMENDATION: that the current travel expenses scheme based upon the HMRC approved rate, continues.***

## **9 Subsistence Allowances**

9.1 The Council currently has a scheme for subsistence/meal allowances, but our discussions with Members and analysis of previous claims suggests take-up of this is extremely low. Unlike carer or travel expenses any costs in this respect incurred by Members are likely to be minimal, and the Panel therefore recommends ceasing this provision.

***RECOMMENDATION: that the existing scheme for meal and/or subsistence allowances ceases.***

## **10 Conclusions**



10.1 The Panel has attempted in this review to propose levels of allowances to properly recognise the time commitments that individual Members offer in support of their local community, in a manner which recognises the contributions of elected councillors across the county.

10.2 We have also sought to propose a system that is easy to understand and update, consistent across authorities and which would remove financial barriers that deter potential candidates from standing for election.

## **11 Acknowledgements**

11.1 The Panel's thanks go to the officers and Members who gave us their time and opinions which have helped to shape the Panel's thinking.

# Appendix 1

## Regulations and Guidance for Independent Remuneration Panels

- *The Local Authorities (Members' Allowances) (England) Regulations 2003.* Statutory Instrument 2003 No. 1021.
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2003.* Statutory Instrument 2003 No. 1692
- *The Local Authorities (Members' Allowances) (England) (Amendment) Regulations 2004.* Statutory Instrument 2004 No. 2596
- *New Council Constitutions: Consolidated Guidance on Regulation for Local Authority Allowances - 2003*
- *The Local Government Pension Scheme and Discretionary Compensation (Local Authority Members in England) Regulations 2003.* Statutory Instrument 2003 No. 1022
- *New Council Constitutions. Guidance on Consolidated Regulations for Local Authority Allowances.* Office of the Deputy Prime Minister and Inland Revenue. July 2003.
- *Members Remuneration – models, issues, incentives and barriers.* - Councillors Commission. Dept. of Communities and Local Government. December 2007
- *Representing the Future – Report of the Councillors Commission.* December 2007
- *Members' Allowances Survey 2008.* Report by the Local Government Association Research Department

# **Joint Independent Review Panel for Sevenoaks District Council Tonbridge & Malling Borough Council Sevenoaks District Council**

## **Terms of Reference**

### **Introduction**

The Joint Independent Remuneration Panel (JIRP) for Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council was originally established in 2001 and now operates under the Local Authorities (Members' Allowances) (England) Regulations 2003. The function of the panel is to make recommendations to Council in accordance with Statutory Instruments (primarily 2003 No.1021 and No.1692).

The JIRP was established jointly by the three Councils but it considers each Council individually and makes separate recommendations for each according to the particular structures and requirements of the organisation.

Members of the Panel are appointed by the Councils but are independent members of the community with relevant professional backgrounds in remuneration and benefits.

### **Membership – Joint Independent Remuneration Panel**

The members of the panel are:

- Ben Garland, a resident of Bromley
- Bharat Khanna, a resident of Sevenoaks
- David Mercier, a resident of Tonbridge and Malling

JIRP meetings normally involved all three Panel members, though some Member interviews took place with only two members present.

The Local Authorities (Members' Allowances) (England) Regulations 2003 determine that none of the Panel members may be a member of the local authority in question, or of its committees, or an employee of the council, but that this does not preclude participation by parish councillors.

## **Panel Recommendations**

The 2003 Regulations require that councils must have regard to their Independent Remuneration Panel's recommendations, which must be publicised on the authority's website and in the authority's newspaper, if it has one. The Panel must be required to make recommendations whenever the council decides to revoke or amend its members' allowances scheme. However, Panel recommendations are not binding on authorities. After considering its panel's recommendations, a council can decide for up to four years on automatic indexation of members' allowances without the need for a review by the Panel.

## **Principles for Allowances Schemes**

There is currently little central prescription of members' allowance. However, there are some important constraints:-

- Attendance allowances are prohibited
- The basic allowance must be paid equally to all members
- Where one or more groups on a council form an administration, a special responsibility allowance must be paid to a member of the opposition. This is usually paid either to the leader of the opposition, if this post exists, or to a chair of a scrutiny committee

The report of the Councillors' Commission in December 2007 highlighted a 'universal principle' that members should not suffer financial loss as a direct result of their council activities and service. They went on to suggest a more detailed set of principles to govern allowance schemes:-

- The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors
- Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage
- Councillors should be compensated for their work and the compensation should have regard to the full range of commitment and complexity of their roles
- The system should be transparent, simple to operate and understand
- The system should not encourage the proliferation of meetings or provoke councillors into spending more time on council business than is necessary
- The level of remuneration should relate to commonly accepted benchmark, (for example, the median male non-manual salary)

The Panel will operate within the scope of these principles. Should any departure from these be considered necessary, the reasons for the variation will be made clear in the relevant report.

The core objective of the Panel is to present informed comprehensive recommendations that are fair and equitable.

**Comparative data from Kent Borough/District councils**

<b>Authority</b>	<b>Basic</b>	<b>Leader</b>	<b>Cabinet Member</b>	<b>Chair Planning Cttee</b>	<b>Chair Overview/ Scrutiny</b>	<b>Chair Licensing</b>
Ashford	£5,035	£16,471	£8,235	£6,588	£6,588	£1,647
Canterbury	£5,986	£20,300	£5,000	£4,500	£4,500	£4,500
Dover	£5,000	£18,000	£6,750	£4,500	£4,500	£1,125
Folkestone & Hythe	£5,433	£23,905	£10,866	£6,248	£6,248	£6,248
Gravesham	£5,041	£22,687	£5,041	£5,041	£2,521	£756
Maidstone	£5,065	£20,002		£8,000		£4,000
Sevenoaks	£6,044	£22,114	£7,741	£5,529	£2,765	£2,765
Swale	£6,786	£16,965		£6,786		£2,036
Thanet	£4,570	£18,082	£7,990	£5,204	£7,990	£3,216
Tonbridge & Malling	£5,175	£20,706	£8,802	£1,725	£2,589	£2,589
Tunbridge Wells	£5,500	£19,250	£11,000	£5,500	£1,375	£1,375

*[Source: for non-Sevenoaks figures, South East Employers Survey 2022 – final results]*

N.B. The Joint Independent Review Panel works on behalf of Sevenoaks District Council, Tonbridge and Malling Borough Council and Tunbridge Wells Borough Council but considers each Council individually and makes separate recommendations for each. It should be noted that members' allowances are currently under review at all three councils but the figures quoted above do not reflect any changes to be proposed by the JIRP as part of this review process.

## Revised Schedule of Recommended Members' Allowances

### Tonbridge and Malling Borough Council

	<u>2017 JIRP Recommendation</u>	<u>Current</u>	<u>2023 JIRP Recommendation</u>
<b><u>Basic Allowance</u></b>	£5,000	£5,175	£5,175
<b><u>Special Responsibility Allowances</u></b>			
<b><u>Cabinet/Leadership</u></b>			
Leader	£20,000	£20,706	£20,706
Deputy Leader	£15,000	£15,528	£10,353
Cabinet Members	£8,500	£8,802	£8,802
Opposition Leader	£1,250 plus £250 p/member	£1,250 plus £258 p/member	£4,401
<b><u>Committee Chairs</u></b>			
Area Planning (x3)	£1,665	£1,725	£1,725
Audit	£2,500	£2,589	£2,589
General Purposes	£1,600	£1,656	£1,725
Joint Standards	£2,500	£2,589	£2,589
Licensing & Appeals	£2,500	£2,589	£2,589
Overview & Scrutiny	£2,500	£2,589	£2,589
Scrutiny Select (x3)	N/A	N/A	£2,589

*N.B. All figures are per annum.*

## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

11 July 2023

#### Report of the Monitoring Officer

#### Part 1- Public

#### Matters For Decision

#### **1 CHANGES TO CONSTITUTION**

**The report recommends that changes are made to the constitution to update the Members' Planning Code of Good Practice.**

#### **1.1 Introduction**

1.1.1 The Members' Planning Code of Good Practice is contained within Part 5 of the Council's Constitution at Protocol E.

1.1.2 Paragraph E8.6 provides that particular arrangements may need to be made in respect of councillors whose business is, or includes, the making of planning applications on behalf of others. It does not go on to specify what those arrangements may include.

1.1.3 In the interests of transparency, it is considered appropriate to detail the scope of such arrangements within the Code of Good Practice.

1.1.4 I have therefore reviewed the Members' Planning Code of Good Practice in the Council's constitution to ensure that appropriate safeguards are transparently identified within the Code.

1.1.5 Paragraph E9.1 of the Code has also been updated to reflect the recommendations of the Overview and Scrutiny Committee on 29 June 2023 in respect of Member call-in. These are considered at agenda item 14.

1.1.6 The amended Code is attached at **Annex 1**.

#### **1.2 Legal Implications**

1.2.1 Article 10 of the Constitution sets out the procedure for review and revision of the Constitution. Except in specified circumstances, changes to the Constitution may only be approved by full Council after consideration of a report on the proposal from the Council's Monitoring Officer.

#### **1.3 Financial and Value for Money Considerations**

1.3.1 None.

## **1.4 Risk Assessment**

- 1.4.1 The changes to the Constitution proposed in this report are required to ensure that appropriate safeguards for councillors who act as planning agents are transparently identified in the Planning Code of Good Practice.

## **1.5 Equality Impact Assessment**

- 1.5.1 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.

## **1.6 Recommendations**

- 1.6.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend the Members' Planning Code of Good Practice in Part 5 of Constitution as set out at **Annex 1** to give effect to the changes outlined in this report.

Background papers:

contact: Adrian Stanfield

Adrian Stanfield  
Monitoring Officer



**PROTOCOL E: MEMBERS' PLANNING CODE OF GOOD PRACTICE**

<b>E1</b>	<b>Introduction</b>
E1.1	This Code has been prepared using the advice in the Local Government Association's guidance note on good planning practice for councillors and officers dealing with planning matters – Probity in Planning (April 2013)
E1.2	<p>This Code of good practice applies to councillors at all times when they are involved in the planning process. This includes when you are:</p> <ul style="list-style-type: none"> <li>- acting as a member of an area planning committee;</li> <li>- taking part in a debate on a planning application or other development control matter in another area planning committee;</li> <li>- acting as a member of the Full Council when it is determining a planning application or other development control matter;</li> <li>- involved in informal meetings e.g. with officers or public and consultative meetings;</li> <li>- involved outside the committee on a planning application or other development control matter, including planning enforcement matters or site specific issues</li> </ul> <p>and use of the expression "planning committee" should be taken to refer to the forum for any of these activities.</p> <p>This Code also applies to Members when dealing with site-specific issues in connection with the Local Plan.</p>
E1.3	<p>The aim of this Code is to ensure that:</p> <ul style="list-style-type: none"> <li>- in the planning process there are no grounds for suggesting that a decision has been biased, partial or is not well founded in any way.</li> <li>- You must make planning decisions openly and impartially with sound judgment and for clear and justifiable reasons.</li> <li>- Development is managed in the public interest</li> </ul>
E1.4	The Human Rights Act 1998 has implications for the planning system and creates enhanced requirements for procedural fairness, transparency and accountability in determining planning applications.

E.5	This Code is intended to minimise the prospect of legal or other challenges to planning decisions. However, non-compliance without good reason can be taken into account in investigations into possible maladministration or may have implications for the standing of councillors and the council as a whole. It could also lead to a complaint to the Monitoring Officer against an individual member.				
<b>E2</b>	<b>Relationship with the Members' Code of Conduct</b>				
E2.1	This Planning Code of good practice is designed for Members when discharging planning functions of the Council. Whilst it interprets the Members' Code of Conduct with respect to planning matters it is subordinate to the Members' Code of Conduct and in the event of any inconsistencies arising between this code and the Members' Code of Conduct, the latter shall prevail.				
<b>E3</b>	<b>Declaration of Interests</b>				
E3.1	The Members' Code of Conduct places requirements on councillors as to the notification and declaration of their interests and participation in the business of the Council in light of those interests. These requirements must be followed scrupulously and councillors should review their situation regularly. Advice can always be sought from the Monitoring Officer or one of the Council's solicitors as to whether an interest may exist; however <b>ultimate responsibility for compliance rests with individual councillors.</b>				
E3.2	<p>You can have an interest in a planning application in a number of different ways. It may, for example, be an application which relates to property in which you or your partner have a direct interest e.g. as owner. Alternatively, it may be an application which may reasonably be regarded as affecting the financial position of yourself and/ or an Associated Person e.g. a member of your family and where a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice public interest.</p> <p>These interests are defined in the Code of Conduct as Disclosable Pecuniary Interests (DPIs) and Other Significant Interests (OSIs).</p>				
E3.3	<p>If you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Council, then you</p> <table border="1" data-bbox="215 1563 1053 1747"> <tr> <td>(a)</td> <td>must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;</td> </tr> <tr> <td>(b)</td> <td>not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);</td> </tr> </table>	(a)	must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;	(b)	not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);
(a)	must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;				
(b)	not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);				

	(c)	withdraw from the meeting room whenever it becomes apparent that the matter is being considered
	(d)	not seek to improperly influence a decision about that business.
E3.4		If you have an Other Significant Interest in any business of the Council then you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose. Having made your representations, given evidence or answered questions you must:
	(a)	not participate in any discussion of, or vote taken on, the matter at the meeting; and
	(b)	withdraw from the meeting room in accordance with the Council's Procedure Rules.
E3.5		You should also make known any DPI or OSI at informal meetings or discussions including those held with officers or other councillors and third parties.
<b>E4</b>		<b>"Pre-determination" (fettering discretion) and "apparent bias"</b>
E4.1		In addition to taking appropriate action in relation to DPIs and OSIs, Members of the Area Planning Committees need to avoid bias or predetermination or any appearance of bias or predetermination before taking a decision on a planning application.
E4.2		If you have taken a firm view on a planning matter, or if it appears that you have made up your mind before the formal consideration of a planning application, it may appear to a member of the public that you may have formed what is called a "pre-determined view" on the matter – this used to be described as having "fettered one's discretion".
E4.3		In some circumstances you might reasonably appear to a member of the public to have a pre-determined view on an application, by reason of comments made or close contact with an applicant or representor, even though this is not the case. This is described as "apparent bias" and may put you in the same position as one who has fettered their discretion. It is important to remember that it is the public's perception which is important here.
E4.4		If you have fettered your discretion and then take part in the decision, that will put the Council at risk of a finding of maladministration. It could also lead to legal proceedings to challenge the decision on grounds of there being a danger of bias or pre-determination or a failure to take into account all factors enabling the proposal to be considered on its specific merits. It may also give rise to a complaint to the Council's Monitoring Officer.

Part 5 – Protocol E – Planning Code of Good Practice

E4.5	As long as you do not have an interest, and have not fettered your discretion, you can still act as a ward councillor and address the committee in the usual way: if you have an interest the rules at paragraph E3.3 above will apply.
E4.6	Areas in which you need to give particular consideration are set out below.
<b>Lobbying By Other Councillors</b>	
E4.7	If you lead, represent or are a member of a group whose primary purpose is to lobby in support or against a planning application, you may have fettered your discretion. Depending on your involvement, you may also have an interest. This may be so, even if you were appointed to the body by the Borough Council.
E4.8	The position in paragraph E4.7 is distinct from membership of general interest groups which reflect your area of interest, for example the RSPB, the Ramblers' Association or a local historical society (unless you have a position of control or management in the organisation. However, you should still disclose the existence of an interest where appropriate. If, at the time of declaring that interest you are able to say that you were not involved in preparing that representation and have reserved your judgement, then you will not have fettered your discretion. However, if you cannot say so, you will have fettered your discretion.
E4.9	You should not lobby other councillors regarding their views on planning applications. Nor should you, outside of the planning committee meeting, try to persuade other councillors how to vote.
E4.10	You should not decide, or discuss, how to vote on planning applications at political group meetings or other meetings or lobby other members to do so. Political group meetings should never dictate how members should vote on planning applications. The use of a political whip to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
<b>Lobbying of Councillors by other persons</b>	
E4.11	Lobbying is a normal and perfectly proper part of the political process. Those who may be promoting or affected by a planning decision will often be seeking to influence it through an approach to their elected ward councillor, another councillor or a member of a planning committee. However where you are a member of a planning committee which will determine the application, lobbying can lead to a challenge to your integrity and impartiality. This can, in turn, affect the validity of a planning decision.

E4.12	<p>Councillors are entitled to have a view on planning proposals submitted or to be submitted to the Council. The simple expression of a prior view does not preclude you from taking part in the decision making process. If you decide that you wish to participate in the determination of a planning application you should explain to persons lobbying or attempting to lobby you that, whilst you can listen to what is said, it would prejudice your impartiality and your ability to participate in the decision if you give a firm statement of how you intend to vote or such a firm point of view that it amounts to the same thing. For the avoidance of doubt you will not have fettered your discretion:</p> <ul style="list-style-type: none"> <li>- by just listening to viewpoints from residents or interested parties;</li> <li>- by making comments which fall short of prejudging the issue;</li> <li>- by seeking information through appropriate channels;</li> <li>- by acting as a vehicle for the expression of views as a ward councillor;</li> </ul> <p>providing that you have not committed yourself to vote in accordance with those views and that you are not acting as an advocate for a particular viewpoint.</p>
E4.13	<p>When you participate in a planning decision, your overriding duty is to the community as a whole and not just to people in your ward. As decisions need to be taken impartially you must not improperly favour, or appear to improperly favour, any person, company, group or locality.</p>
E4.14	<p>You should not accept gifts or hospitality from any person involved in or affected by a planning application. It is advisable to let the monitoring officer know if you feel that you have been exposed to excessive lobbying or offers of gifts or hospitality linked to a planning application. It may be wise, and in your own best interests, to make a written notification to the Monitoring Officer that a gift, benefit or hospitality has been offered and refused.</p>
E4.15	<p>It is good practice to:</p> <ul style="list-style-type: none"> <li>- forward copies of lobbying correspondence to the Director of Planning, Housing and Environmental Health;</li> <li>- advise the Director of Planning, Housing and Environmental Health of any offers of planning gain or constraint on development made to them;</li> <li>- comply with guidance on lobbying or attending presentations or discussions set out this protocol.</li> </ul>
<b>E5</b>	<b>Contact with applicants, developers and objectors</b>
E5.1	<p>You should refer those who approach you for assistance on planning, procedural or technical matters to the relevant officers.</p>

E5.2	<p>The following rules should be applied in respect of presentations about planning proposals:</p> <p>(a) You should not attend private planning presentations unless you have taken advice from one of the Council's solicitors as to the appropriateness of attending. Officers should be present with councillors in any pre-application meetings.</p> <p>(b) A written note should be made of all meetings. A note should also be taken of any phone conversations and relevant emails recorded for the file. The note(s) should be placed on the file as a public record. If there is a legitimate reason for confidentiality regarding a proposal, a note of the non-confidential issues raised or advice given can still normally be placed on the file.</p> <p>(c) Questions should be limited to those necessary to clarify your understanding of proposals.</p> <p>(d) Councillors should avoid giving separate advice on the development plan or material considerations as they may not be aware of all the issues at an early stage. Neither should they become drawn into any negotiations, which should be done by officers (keeping interested councillors up to date) to ensure that the Borough Council's position is co-ordinated.</p> <p>(e) It must be remembered that the presentation is not a part of the formal planning process. The presentation is a form of lobbying and councillors who will be determining the application should avoid expressing views on how they will vote.</p>
<b>E6</b>	<b>Site Inspections</b>
E6.1	<p>A Members site inspection can be carried out where an application is to be determined by an Area Planning Committee. The Committee Chairman, in consultation with the Head of Planning, will normally identify the need for any site inspections in advance of meetings of the Committee. Otherwise, only exceptionally should an item be deferred for a site inspection and it should only take place if voted for by a majority of the Area Planning Committee.</p>
E6.2	<p>A Councillor who believes a site inspection is necessary in a particular case, having careful regard to the criteria below, is encouraged to contact the Head of Planning as soon as possible. A Councillor making such a request should state under which of the four criteria below the Inspection is requested and also provide supporting justification. The Head of Planning will then consult with the Chairman of the Area Planning Committee regarding the request for the site inspection. The same justification is required should the Head of Planning believe a site inspection is necessary.</p>

E6.3	A Members' Site inspection should only be used where the benefit of doing so is clear and substantial. The decision to hold a site inspection must fit at least one of the following criteria:
(a)	Particular site factors are so significant in terms of weight attached to them, relative to other factors, and that a site inspection would be the only way to assess those factors.
(b)	It is essential in order to reach a view on an application that the specific and particular characteristics of the site need to be viewed on the ground in order to assess the broader material impact of the proposal.
(c)	The proposal raises specific matters in respect of site characteristics, the importance of which can only be established by means of a site inspection.
(d)	The proposal is of such a major or strategic scale that a site inspection is essential to enable Members to be fully familiar with all site-related matters of fact.
E6.4	The purpose of a site inspection is solely for Planning Committee Members to view the site and its surroundings and to relate the application proposals to the site. Officers will explain the submitted drawings. Neither the applicant, their agent nor any supporters or objectors should take part. Where an applicant or land owner and/or their agent have to be present to allow access to the site, the visiting Members should stand away from them (or if necessary, politely ask the applicant or owner to stand away) and should not engage in any discussions.
E6.5	<p>One representative from the Parish Council, in whose area the site is located, may attend the site inspection. The Parish Council representative may observe proceedings, but should not take part or engage in any discussions. The relevant Parish Council will be notified in advance of the date and time the site inspection is scheduled to take place and should advise Committee Services if they wish a representative to be present.</p> <p>Access to the site by the Parish Council representative is at the discretion of the landowner.</p>
E6.6	<p>Members should avoid any discussion of the merits of the case on site, on the journey to/from the site, or anywhere other than the subsequent Committee meeting when the application is reported for determination. No decision will be taken on site.</p> <p>The application will normally be considered at the next ordinary meeting of the Area Planning Committee.</p>

<b>E7</b>	<b>Contact with Officers</b>
E7.1	General guidance is given in the Protocol on Member/Officer relations in Part 5 (Codes) of the Constitution and that is not repeated here.
E7.2	You should not put pressure on officers for a particular recommendation or decision, nor do anything which compromises, or is likely to compromise, the officers' impartiality or professional integrity. However this does not prevent you from asking questions or submitting views to a relevant officer.
E7.3	Officers must act in accordance with the Officers' Code of Conduct in this Part the Constitution and any relevant professional codes of conduct, for example the Royal Town Planning Institute's code of professional conduct. As a result, the planning officers' views will be presented on the basis of their overriding professional obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the committee or its members.
<b>E8</b>	<b>Planning applications made by Councillors and Officers and Council Development</b>
<b>Applications submitted by councillors and officers</b>	
E8.1	It is perfectly legitimate for planning applications or development plan proposals to be submitted by councillors and officers. However, proposals to the Council by councillors and officers and their close friends and relatives can easily give rise to suspicions of impropriety. It is therefore vital to ensure that they are handled in a way that gives no grounds for accusations of bias or pre-determination.
E8.2	Councillors and officers who submit proposals should notify the Monitoring Officer of the proposal, play no part in its processing or determination and not seek to improperly influence a decision about such proposals.
E8.3	All such proposals shall be subject to the relevant statutory public consultation requirements. Where objections have been raised, the application shall be decided by the relevant area planning committee and not dealt with by officers under delegated powers.
E8.4	The relevant requirements set out in the Members' Code of Conduct regarding participation and voting at meetings must be observed e.g. a councillor with a DPI may not participate in the consideration of the matter and may therefore not speak. Such councillors will need to have a representative speak on their behalf.
E8.5	Members considering an application to be determined by committee must, of course, consider whether the nature of any relationship with the member or officer submitting the planning application requires the declaration of a DPI or OSI.

Part 5 – Protocol E – Planning Code of Good Practice



E8.6	<p>Serving councillors and officers should avoid acting as agents for people pursuing a planning matter and where they do must play no part in the decision making process for that proposal. Particular arrangements may need to be made in respect of councillors whose business is, or includes, the making of planning applications on behalf of others. <u>These arrangements may include the following provisions:-</u></p> <ul style="list-style-type: none"> <li>• <u>Planning applications submitted by the councillor as agent should be notified to the Director of Planning, Housing &amp; Environmental Health, Director of Central Services &amp; Deputy Chief Executive, Head of Planning Services, Head of Legal &amp; Democratic Services and the Development Manager</u></li> <li>• <u>All decisions taken by Planning Services in respect of applications submitted by the councillor will need to be counter-signed by a second signatory e.g., the Development Manager or Head of Planning Services</u></li> <li>- <u>The councillor should take no part in any decision taken in respect of any application submitted by them. This will mean withdrawing from the room should an application fall to be determined by the Area Planning Committee of which they are a member and taking no part in the discussion or vote.</u></li> <li>- <u>In the event that any objections are received to an application, it will need to be determined at the relevant Area Planning Committee</u></li> <li>- <u>The potential for a conflict of interest may arise should an application be submitted by a local resident (or an agent on their behalf) which conflicts with the interests of a client of the councillor in question. Should this arise then the councillor would need to declare a conflict of interest and seek further advice from the Monitoring Officer, on the appropriate way forward</u></li> </ul>
<b>Applications submitted by the Council</b>	
E8.7	Proposals for development submitted by the Council must be treated no differently to any other application.
E8.8	Occasionally some councillor's e.g. Cabinet Members, may through their other roles outside of an Area Planning Committee, have been committed to or involved in a development proposal by the Council. In such circumstances, where such an item comes to be considered at an Area Planning Committee the councillor concerned must consider whether they have had a degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer.
<b>E9</b>	<b>Decision Making</b>
E9.1	Under the Council's Constitution, most decisions on planning matters are delegated to the Director of Planning, Housing and Environmental Health except in certain circumstances set out in the table of delegations. One of those circumstances is where a member for the relevant ward in which the application site falls <u>(or adjoining ward member in specified circumstances),-or</u>

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	<p><del>the relevant planning committee Chairman or Vice-Chairman has,</del> with reasoned justification, <del>required-requested</del> that the application be determined by the relevant planning committee. In those cases, it is imperative that members state clearly their justification (in planning terms) for requiring an application to be reported to the planning committee. In every case, members are advised to frame their comments in such a way as not to give any appearance of pre-determination in respect of the matter. Any comments you have made will be included in the public register and may have to be disclosed to the public under the Freedom of Information Act or Environmental Information Regulations.</p>
E9.2	When you have to make a planning decision you must:
(a)	come to meetings with an open mind and demonstrate you are open minded;
(b)	comply with section 54A of the Town and Country Planning Act 1990 and make decisions only in accordance with the development plan unless material considerations indicate otherwise;
(c)	not vote or take part in the meeting's discussions on a proposal unless present to hear the entire debate including any officer introduction/presentation;

	(d)	come to a decision only after due consideration of all information reasonably required upon which to base such a decision;
	(e)	request further information if you consider that there is insufficient information before the committee upon which to reach a decision;
	(f)	where proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, identify the planning reasons behind the decision before the vote is taken which may have to be justified in the event of any appeal or other challenge.
<b>E10</b>	<b>Training</b>	
E10.1	You should not participate in decision-making meetings dealing with planning matters unless you have attended any prescribed training.	

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

11 July 2023

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Matters For Decision

#### **1 APPOINTMENTS TO PARISH PARTNERSHIP PANEL AND TONBRIDGE COMMUNITY FORUM**

**At the statutory annual meeting of Council on 17 May 2023 appointments were made to the Parish Partnership Panel and Tonbridge Community Forum. After that meeting, a number of changes in respect of County Members are required.**

#### **1.1 Parish Partnership Panel**

1.1.1 Councillor Sarah Hudson was appointed to the Parish Partnership Panel as the Borough Councillor representing East Peckham, West Peckham, Mereworth and Wateringbury.

1.1.2 However, Councillor Hudson has an automatic appointment to the Panel as a County Councillor covering a parished area of the borough.

1.1.3 Following an Overview and Scrutiny Committee review into the Parish Partnership Panel in 2021, it was recommended that Members who were both Borough and Parish Councillors could not sit on the Panel in both capacities. This recommendation was supported and approved by Council on 26 October 2021.

1.1.4 For reasons of consistency this approach should also be adopted for those Members who are Borough and County Councillors. It is, therefore, recommended that Councillor Matt Boughton be appointed to the Parish Partnership Panel instead of Councillor Sarah Hudson.

1.1.5 As a consequence of Councillor Boughton being appointed to the Parish Partnership Panel there is a requirement to nominate a replacement substitute member. Councillor Dave Davis has been nominated. A revised substitute list for the Parish Partnership Panel is attached at Annex 1.

## **1.2 Tonbridge Community Forum**

Councillor Mark Hood was appointed to the Tonbridge Community Forum as a Borough Councillor representing a ward in Tonbridge.

- 1.2.1 However, Councillor Hood has an automatic appointment to the Panel as a County Councillor.
- 1.2.2 The Tonbridge Community Forum (as the Tonbridge Forum) was also part of the Overview and Scrutiny Committee review in October 2021 and whilst there were no recommendations in respect of Members who were both Borough and County Councillors, for consistency the same approach should be applied to the Forum as to the Parish Partnership Panel.
- 1.2.3 This means that Councillor Hood attends the Tonbridge Community Forum as a County Councillor.
- 1.2.4 Consequently, the membership of the Tonbridge Community Forum is 13 Borough Councillors and not 14 as set out in the Constitution. This is because all Members who represent Tonbridge and Hildenborough wards already sit on the Tonbridge Community Forum. This position may change following future Borough and County elections and no changes to the Constitution regarding composition of the Tonbridge Community Forum are recommended.

## **1.3 Legal Implications**

- 1.3.1 The matters raised in this report are considered to routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals

## **1.4 Financial and Value for Money Considerations**

- 1.4.1 N/A

## **1.5 Risk Assessment**

- 1.5.1 N/A

## **1.6 Equality Impact Assessment**

- 1.6.1 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.

## **1.7 Policy Considerations**

- 1.7.1 Community

## **1.8 Recommendations**

- 1.8.1 That Councillor Matt Boughton be appointed to the Parish Partnership Panel with immediate effect;

- 1.8.2 That Councillor Dave Davis be appointed a substitute member for the Parish Partnership Panel with immediate effect; and
- 1.8.3 That the position in respect of the membership for the Tonbridge Community Forum, detailed in 1.2.5 of the report, until the next Borough or County Elections be noted.

Background papers:

Nil

contact: Allison Parris  
Principal Democratic Services  
Officer

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

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<b>Parish Partnership Panel</b>					
	<b>Conservative</b>	<b>Liberal Democratic</b>	<b>Green</b>	<b>Ind. Kent Alliance</b>	<b>Labour</b>
1	Dave Davis		Kath Barton		Angus Bennison
2	Robert Cannon				Wayne Mallard
3	James Lark				
4	Alex McDermott				
5	Colin Williams				

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

11 July 2023

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Matters For Decision

#### **1 CHANGES TO SUBSTITUTE MEMBERS – GREEN GROUP**

**At the statutory annual meeting of Council on 17 May 2023 nominations were received in respect of substitute Members. Following this meeting, the Green Group have reviewed their substitutes and have asked that a number of changes are made.**

#### **1.1 Proposed Changes**

1.1.1 The changes proposed by Cllr Hood, in his role as Group Leader, relate to the Finance, Regeneration and Property Scrutiny Select Committee and are set out below.

1.1.2 Councillor Mark Hood to replace Councillor Robert Oliver as a substitute member.

1.1.3 Elsewhere on the agenda for this meeting, Council have been asked to consider a change to the Conservative Group substitutes for the Parish Partnership Panel.

#### **1.2 Legal Implications**

1.2.1 The matters raised in this report are considered to routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals

#### **1.3 Financial and Value for Money Considerations**

1.3.1 N/A

#### **1.4 Risk Assessment**

1.4.1 N/A

#### **1.5 Equality Impact Assessment**

1.5.1 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.

**1.6 Policy Considerations**

1.6.1 Community

**1.7 Recommendations**

1.7.1 That the change in respect of substitute Members for the Green Group as set out in 1.1.2 be approved.

Background papers:

Nil

contact: Allison Parris  
Principal Democratic Services  
Officer

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

## TONBRIDGE & MALLING BOROUGH COUNCIL

### COUNCIL

11 July 2023

#### Report of the Director of Central Services and Deputy Chief Executive

#### Part 1- Public

#### Matters For Decision

#### **1 APPOINTMENTS TO OUTSIDE BODIES**

The statutory annual meeting of Council held on 17 May 2023 made a number of appointments to outside bodies. Following notification of these appointments, the Borough Council were advised of some inaccuracies in respect of number of representatives required and the status of some of the organisations.

**1.1 This report advises Council of the changes required to be made to the Outside Bodies schedule.**

#### **1.2 Snodland Partnership**

1.2.1 There was some confusion around the number of Borough Council appointees to this organisation. However, it has now been confirmed that Snodland Partnership has one Town Council representative and one Borough Council representative. Councillor Sue Bell is the current Town Council appointment and Councillor Paul Hickmott is the nominated Borough Council appointment.

#### **1.3 Kent County Playing Fields Association**

1.3.1 After the meeting of Annual Council, the Borough Council were advised that the charity no longer sought outside bodies representation and this organisation would be removed from the Outside Bodies Schedule.

#### **1.4 Kent Flood Risk Management Committee**

1.4.1 After the meeting of Annual Council, the Borough Council were advised that Tonbridge and Malling Borough Council 'do not currently have a seat on Kent Flood Risk Management Committee (KFRMC). The Chair continues to welcome the involvement and attendance of borough, district and city members and it was in this capacity that previous Borough Council appointments had attended KFRMC meetings.'

- 1.4.2 The KFRMC indicated that future agenda packs and any public resources shared at meetings, including presentations and briefings from flood risk management authorities would be received by the Borough Council's nominated representative, which in this case was Councillor Matt Boughton.

## **1.5 Overview and Scrutiny Review of Outside Bodies**

- 1.5.1 At the meeting of Annual Council, the Leader and Chair of Overview and Scrutiny Committee both indicated the need to review the role of outside bodies to gain a better understanding of the aims and priorities of the organisations, the role of Borough Councillors and how information was fed back to the Council.

- 1.5.2 This was widely supported by Members and a scoping report on a review will be presented to a future meeting of the Overview and Scrutiny Committee.

## **1.6 Legal Implications**

- 1.6.1 The matters raised in this report are considered to routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals.

## **1.7 Financial and Value for Money Considerations**

- 1.7.1 N/A

## **1.8 Risk Assessment**

## **1.9 Equality Impact Assessment**

- 1.10 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.

## **1.11 Policy Considerations**

- 1.11.1 Community

## **1.12 Recommendations**

- 1.12.1 That Councillor Paul Hickmott be appointed as the Borough Council outside body representative for Snodland Partnership;

- 1.12.2 That the Outside Body Schedule be updated to record that Snodland Partnership has 1 Town Council appointee and 1 Borough Council appointee;

- 1.12.3 That the Kent County Playing Fields Association be removed from the Outside Bodies Schedule;

- 1.12.4 That the position in respect of the Kent Flood Risk Management Committee be noted and that the organisation remain on the Outside Bodies Schedule so that Borough Council nominees continued to receive information; and

1.12.5 That a review of Appointments to Outside Bodies be undertaken by the Overview and Scrutiny Committee in due course.

Background papers:

Nil

contact: Allison Parris  
Principal Democratic Services  
Officer

Adrian Stanfield  
Director of Central Services and Deputy Chief Executive

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## **MEMBER CALL IN PROTOCOL – DEVELOPMENT MANAGEMENT**

### **Item OS 23/25 referred from Overview and Scrutiny Committee of 29 June 2023**

Careful consideration was given to an amended Development Management Protocol which had been retitled to Member Call-in. The amendments were aimed at making the process clearer for both Members and Officers and encouraged an open and collaborative approach.

The proposed amendments were set out in 1.1.3 of the report and the amended Protocol was attached at Annex 1. The Cabinet Member for Planning referred to the supplementary report of the Director of Planning, Housing and Environmental Health which proposed a minor change to the wording of paragraph 6.5 of the amended Protocol. This change provided further clarification to the call in procedure by confirming that in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application should automatically be referred to the Area Planning Committee for consideration.

Members attention was drawn to the legal implications, outlined in 1.2.1, regarding delegation to a committee, sub-committee or officer as set out in s101 of the LGA 1972. This meant that it was not possible to delegate a decision to an individual Member as responsibility was in the remit of an officer. It was, therefore, proposed to amend DPHEH 100 of the Constitution (Part 3 – Responsibilities) so that the delegation remained with the Director of Planning, Housing and Environmental Health but subject to prior approval of the relevant Area Planning Committee Chair. Any changes to the Constitution required approval from Full Council.

Finally, to assist Members with identifying what was appropriate for call-in List B would be updated to include the material planning considerations set out in paragraph 4 of the Protocol and a direct link to the document.

Members welcomed the changes made to the Protocol which reflected comments made previously. Clarity was sought on the process for councillors in an adjoining Ward who wished to see an application considered at a committee and whether the process should be completed in the 21 days' notice period. It was confirmed that in this situation the adjoining Ward Member should contact the relevant Ward Member to ascertain whether they intended to call-in the application. If there was a legitimate reason why the Ward Members were not minded to, or were unable to call-in the application, then adjoining Ward Members could request that the Director of Planning, Housing and Environmental Health considered the application for consideration at committee. There was an expectation that this process could be achieved within the

21 days call-in period. However, it was suggested that adjoining Ward Members make the case officer aware so that progress of the call-in period could be monitored.

The suggestion to set out clearly the reasons for refusal if a call-in was not accepted in the written briefing note summarising the discussion that took place (in accordance with paragraph 9 of the Protocol) was noted.

**RECOMMENDED\*:** That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

**\*Referred to Council**

# TONBRIDGE & MALLING BOROUGH COUNCIL

## OVERVIEW AND SCRUTINY COMMITTEE

29 June 2023

### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### For recommendation to Council

### 1 **MEMBER CALL IN PROTOCOL – DEVELOPMENT MANAGEMENT**

**Summary: This report seeks Member endorsement of a retitled and amended Protocol- Member Call ins.**

#### 1.1 Introduction

1.1.1 Prior to the election, a number of concerns were raised regarding the call-in protocol. Discussions on this issue had commenced via the Overview & Scrutiny Committee in April, however due to some technical issues with the officer presentation, this discussion could not be concluded.

1.1.2 The amended call-in procedure is aimed at making the process clearer for both Members and officers.

1.1.3 The proposed amendments to the call-in protocol include:

- A change in how the delegated authority to approve call-ins is worded, making it clear that although the formal delegation rests with the Director of Planning, Housing & Environmental Health, this will be subject to obtaining the prior approval of the relevant Area Committee Chair.
- More detailed instructions on how Members register a call in, to ensure that all call in requests are dealt with efficiently and effectively.
- A proposed approach to managing application issues that may impact on more than one ward.
- Clear target timescales for the stages of the process to be completed.
- A list of examples of potential proper planning reasons/ material considerations that could be used to call in an application (without which the call in would not be valid).

- Option for an email overview instead of a full briefing for simpler cases in agreement with the relevant committee chair.
- A proposed approach to ensuring consistency in decision making and information sharing with Area Committee Chairs.

1.1.4 **Annex 1** to this report sets the amended call-in protocol.

## 1.2 Legal Implications

1.2.1 s101 of the LGA 1972 permits delegation to a committee, sub-committee or officer. Therefore, the wording in the constitution needs to be amended so that the delegation continues to sit with DPHEH but subject to the prior approval of the relevant APC Chair. Ultimately, the decision must rest with an individual officer - if the dominant role in the decision is that of the APC Chair then the decision will be unlawful.

1.2.2 As the proposed protocol changes include a change in delegated authority DPHEH 100, this will require a constitutional change and therefore this report needs approval from Full Council.

## 1.3 Financial and Value for Money Considerations

1.3.1 Having comprehensive protocols in place will ensure appropriate skills and expertise are utilised in an efficient and cost-effective manner and ensure that potential legal challenges through judicial review are limited.

1.3.2 The protocol changes have the potential to increase the number of applications to committee given the extra clarity provided on processes and the new options available and each committee report has a financial implication in terms of increased officer time cost due to the nature of the publication requirements. However, this is considered acceptable to ensure the democratic process is fair and transparent.

## 1.4 Risk Assessment

1.4.1 Not having the protocols in place could delay effective decision, increase the likelihood of challenge and limit the Council's ability to make effective planning decisions.

## 1.5 Equality Impact Assessment

1.5.1 No issues raised.

## 1.6 Recommendations

1.6.1 That Members **ENDORSE** the amended protocol at **Annex 1** and **RECOMMEND** to Council that the amended text in the protocol is included in the Constitution.

1.6.2 That the Monitoring Officer be authorised to make any necessary consequential changes to the constitution.

Background papers:

contact: Hannah Parker  
Development Manager

Nil

Annex 1- Development Management Officer Protocol  
Member Call Ins

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

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## Annex 1

### Member Call In Protocol – Development Management

1. The constitution sets out that planning applications will be determined under authority delegated to the Director of Planning, Housing & Environmental Health (DPHEH) unless in certain prescribed circumstances, including (inter alia) where:

*1.1. Member for the relevant Ward in which the application site falls may request that the application be determined by the relevant Area Planning Committee provided that:*

*The request is made within 21 days of notification of the application to the Member; and*

*The request must include reasoned justification on proper planning grounds as agreed by the Director of Planning, Housing & Environmental Health, subject to the prior approval of the relevant Area Planning Committee Chair*

2. Notification of applications to Members will usually be via the weekly case list, which is sent electronically. It is this email notification that starts the 21 day period. The weekly list can be also found on the view and comment on planning application section of the website.

[View and comment on planning applications – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk)

3. In order to register a call in, the relevant ward Member is required to email the Development Manager, copying in the Case Officer and the Director of Planning, Housing & Environmental Health to log the call-in request. The case officer's details will appear on the weekly list.
4. As outlined above reasoned justification on proper planning grounds should be given. Examples of such reasons include but are not limited to:
  - The number, size, layout density, design, external appearance of the building
  - Height, width, depth of a development
  - Access or highway safety issues
  - Landscaping/ open space layout/location
  - Impact on the character of the area
  - Planning history of the site
  - Overlooking
  - Overbearing nature of the proposal
  - Loss of outlook
  - Loss of light
  - Impact on parking
  - Loss of privacy
  - Loss of trees
  - Loss of ecological habitats
  - Land contamination from the previous use

- Land instability
- Effects on heritage assets for example listed buildings, conservation areas and Scheduled Ancient Monuments
- Effects on the setting of heritage assets
- Effects on AONB
- Effects on the Greenbelt
- Noise and disturbances
- Flood risk

Examples of factors that cannot normally be considered as proper planning grounds:

- Land ownership
- Boundary disputes / encroachment of gutters
- Private covenants
- Damage to property
- Potential profits
- Matters covered by other legislation and over which planning has no control
- Time taken to do work
- Building techniques

5. The proper planning ground(s) should be included in the initial call-in request
6. Upon receiving a request for call in, the planning case officer will:
  - 6.1. Log the request via the recording mechanism (at present, this is the internal call-in spreadsheet)
  - 6.2. Check that the request has been made by a Member whose Ward the planning application sits within
  - 6.3. Check that the request has been made within the requisite 21 days period
  - 6.4. Share the request with the relevant Area Chair, DPHEH and Development Manager within 3 working days of receipt setting out if there is any reason as to why there are not reasoned justification on proper planning grounds. The DPHEH will then consider the request and consult with the relevant Area Chair. If the DPHEH has any concerns about the proposed call in, these should be shared with the relevant Area Chair and should a follow up discussion be required with the Ward Member, this will be organised by the DPHEH.
  - 6.5. Once a decision has been made by the DPHEH, subject to the approval of the relevant Area Chair (ideally within 3 working days of receiving the call-in request the Ward Member will be advised in writing by the case officer of the outcome of their call-in request, explaining the position should the call in not be accepted. This information should then be included in the internal record of call-ins so that the complete decision-making process is recorded.
7. Once an assessment of the case has been made, and prior to the committee report being drafted, **in all circumstances where there has been a call in,**



arrangements will be made for an informal briefing to take place with the Chair, Vice-Chair and all Ward Members (not just the member who made the call-in request). For simpler cases an email setting out the issues may be acceptable with agreement from the relevant Chair.

8. The briefing, whether in writing or a meeting, should:
  - Provide an overview of the scheme
  - Explain the relevant policy position and all material planning considerations
  - Provide a summary of representations received and
  - Explain conclusions on what the recommendation to the planning committee will be
  - Allow for Members to ask questions of officers
9. Officers will then follow up with a written briefing note summarising the discussion that took place, which should be circulated to members, copying in the Development Manager, Head of Planning, DPHEH, relevant Chair and Cabinet Member.
10. Where a member in an adjoining Ward wishes to see an application considered at committee they should;
  - 10.1. Make contact with the ward Members to ascertain whether they are intending to call the application in. Members are encouraged to work collaboratively and to consider the issues raised by adjoining Ward members and to seek a call-in via the Ward Member process
  - 10.2. If there is a legitimate reason why the Ward Member(s) are not minded to or are unable to call-in the application (for example if they consider they have a conflict of interest), then adjoining Ward Members can request that DPHEH considers the application for consideration at committee. This request must be in writing and should also include their reasons for considering that the application has a potentially significant impact on their Ward and should also explain why the Ward Members are not minded to/are unable to utilise their call-in facility.
  - 10.3. A request from an adjoining Ward Member should follow the process laid out above for Ward Member call-ins; that is to make initial contact with the case officer and Development Manager.
  - 10.4. It is expected that adjoining Ward Members will have discussed their concerns with the case officer if they require any additional information about the potential impacts of the application on their ward. Some examples of 'potentially significant impact' could include highways, where the main access to the development is in that ward or landscape, where the setting impacts of the development falls largely in the adjoining ward.

- 10.5. The relevant Area Chair should then ensure they have discussed the matter with the relevant Ward Members and seek to encourage use of the relevant Ward Member call-in provisions. If on balance they consider the application should be considered at committee, the relevant Area Chair can discuss this with the DPHEH, who may refer an application to committee under DPHEH delegated powers.
11. Such requests will then be considered via the same process as laid out above for relevant Ward Member requests. The DPHEH and Area Chair will discuss their considerations with the relevant Ward Members to ascertain their position and is required to give full consideration to the issues raised both by relevant and adjoining Ward Members in concluding whether a call-in from an adjoining Ward Member should be accepted.
12. The committee report should then be drafted in the normal way, having due regard to the particular issues that were raised during the briefing. If the call-in request is only made on the basis of a recommendation for approval and the officer view is that planning permission should be refused, the relevant Member(s) can be updated by email.
13. In order to ensure consistency in decision making, there will be a quarterly review session with the 3 Area Chairs, Cabinet Member for Development Management, Chair and Vice Chair of HPSSC, DPHEH, Head of Planning and the Development Manager to discuss call-ins made during that period and any relevant planning appeal decisions, which will now also be included as a standing item for note on Area Planning Committee agendas. The frequency of these sessions will be reviewed on an annual basis.

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**29 June 2023**

**Report of the Director of Planning, Housing and Environmental Health**

**Part 1- Public**

**For recommendation to Council**

**SUPPLEMENTARY REPORT**

**1 MEMBER CALL IN PROTOCOL – DEVELOPMENT MANAGEMENT**

**Summary: This report seeks Member endorsement of a retitled and amended Protocol- Member Call ins**

**1.1 Minor change to wording of report for clarification**

**1.1.1** Additional wording has been added to the Protocol attached as Annex 1 at paragraph 6.5 which seeks to add further clarity to the call in procedure by confirming that *in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application shall automatically be referred to the Area Planning Committee for consideration.*

**1.2 Financial and Value for Money Considerations**

**1.2.1** Having comprehensive protocols in place will ensure appropriate skills and expertise are utilised in an efficient and cost-effective manner and ensure that potential legal challenges through judicial review are limited.

**1.2.2** The protocol changes have the potential to increase the number of applications to committee given the extra clarity provided on processes and the new options available and each committee report has a financial implication in terms of increased officer time cost due to the nature of the publication requirements. However, this is considered acceptable to ensure the democratic process is fair and transparent.

**1.3 Risk Assessment**

**1.3.1** Not having the protocols in place could delay effective decision, increase the likelihood of challenge and limit the Council's ability to make effective planning decisions.

## 1.4 Equality Impact Assessment

1.4.1 No issues raised.

## 1.5 Recommendations

1.1.1 That Members **ENDORSE** the amended protocol at **Annex 1** and **RECOMMEND** to Council that the amended text in the protocol is included in the Constitution.

1.1.2 That the Monitoring Officer be authorised to make any necessary consequential changes to the constitution.

Background papers:

Nil

contact: Hannah Parker  
Development Manager

Annex 1- Development Management Officer Protocol  
Member Call Ins

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

## Annex 1

### Member Call In Protocol – Development Management

1. The constitution sets out that planning applications will be determined under authority delegated to the Director of Planning, Housing & Environmental Health (DPHEH) unless in certain prescribed circumstances, including (inter alia) where:

*1.1. Member for the relevant Ward in which the application site falls may request that the application be determined by the relevant Area Planning Committee provided that:*

*The request is made within 21 days of notification of the application to the Member; and*

*The request must include reasoned justification on proper planning grounds as agreed by the Director of Planning, Housing & Environmental Health, subject to the prior approval of the relevant Area Planning Committee Chair*

2. Notification of applications to Members will usually be via the weekly case list, which is sent electronically. It is this email notification that starts the 21 day period. The weekly list can be also found on the view and comment on planning application section of the website.

[View and comment on planning applications – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk)

3. In order to register a call in, the relevant ward Member is required to email the Development Manager, copying in the Case Officer and the Director of Planning, Housing & Environmental Health to log the call-in request. The case officer's details will appear on the weekly list.
4. As outlined above reasoned justification on proper planning grounds should be given. Examples of such reasons include but are not limited to:
  - The number, size, layout density, design, external appearance of the building
  - Height, width, depth of a development
  - Access or highway safety issues
  - Landscaping/ open space layout/location
  - Impact on the character of the area
  - Planning history of the site
  - Overlooking
  - Overbearing nature of the proposal
  - Loss of outlook
  - Loss of light
  - Impact on parking
  - Loss of privacy
  - Loss of trees
  - Loss of ecological habitats
  - Land contamination from the previous use

- Land instability
- Effects on heritage assets for example listed buildings, conservation areas and Scheduled Ancient Monuments
- Effects on the setting of heritage assets
- Effects on AONB
- Effects on the Greenbelt
- Noise and disturbances
- Flood risk

Examples of factors that cannot normally be considered as proper planning grounds:

- Land ownership
- Boundary disputes / encroachment of gutters
- Private covenants
- Damage to property
- Potential profits
- Matters covered by other legislation and over which planning has no control
- Time taken to do work
- Building techniques

5. The proper planning ground(s) should be included in the initial call-in request

6. Upon receiving a request for call in, the planning case officer will:

6.1. Log the request via the recording mechanism (at present, this is the internal call-in spreadsheet)

6.2. Check that the request has been made by a Member whose Ward the planning application sits within

6.3. Check that the request has been made within the requisite 21 days period

6.4. Share the request with the relevant Area Chair, DPHEH and Development Manager within 3 working days of receipt setting out if there is any reason as to why there are not reasoned justification on proper planning grounds. The DPHEH will then consider the request and consult with the relevant Area Chair. If the DPHEH has any concerns about the proposed call in, these should be shared with the relevant Area Chair and should a follow up discussion be required with the Ward Member, this will be organised by the DPHEH.

6.5. Once a decision has been made by the DPHEH, subject to the approval of the relevant Area Chair (ideally within 3 working days of receiving the call-in request) the Ward Member will be advised in writing by the case officer of the outcome of their call-in request, explaining the position should the call in not be accepted. For the avoidance of doubt in the event of conflicting views between the DPHEH and the Area Chair, the application shall automatically be referred to the APC for consideration. This information should then be included in the internal record of call-ins so that the complete decision-making process is recorded.

7. Once an assessment of the case has been made, and prior to the committee report being drafted, **in all circumstances where there has been a call in**, arrangements will be made for an informal briefing to take place with the Chair, Vice-Chair and all Ward Members (not just the member who made the call-in request). For simpler cases an email setting out the issues may be acceptable with agreement from the relevant Chair.
  
8. The briefing, whether in writing or a meeting, should:
  - Provide an overview of the scheme
  - Explain the relevant policy position and all material planning considerations
  - Provide a summary of representations received and
  - Explain conclusions on what the recommendation to the planning committee will be
  - Allow for Members to ask questions of officers
  
9. Officers will then follow up with a written briefing note summarising the discussion that took place, which should be circulated to members, copying in the Development Manager, Head of Planning, DPHEH, relevant Chair and Cabinet Member.
  
10. Where a member in an adjoining Ward wishes to see an application considered at committee they should;
  - 10.1. Make contact with the ward Members to ascertain whether they are intending to call the application in. Members are encouraged to work collaboratively and to consider the issues raised by adjoining Ward members and to seek a call-in via the Ward Member process
  
  - 10.2. If there is a legitimate reason why the Ward Member(s) are not minded to or are unable to call-in the application (for example if they consider they have a conflict of interest), then adjoining Ward Members can request that DPHEH considers the application for consideration at committee. This request must be in writing and should also include their reasons for considering that the application has a potentially significant impact on their Ward and should also explain why the Ward Members are not minded to/are unable to utilise their call-in facility.
  
  - 10.3. A request from an adjoining Ward Member should follow the process laid out above for Ward Member call-ins; that is to make initial contact with the case officer and Development Manager.
  
  - 10.4. It is expected that adjoining Ward Members will have discussed their concerns with the case officer if they require any additional information about the potential impacts of the application on their ward. Some examples of 'potentially significant impact' could include highways, where the main access

to the development is in that ward or landscape, where the setting impacts of the development falls largely in the adjoining ward.

- 10.5. The relevant Area Chair should then ensure they have discussed the matter with the relevant Ward Members and seek to encourage use of the relevant Ward Member call-in provisions. If on balance they consider the application should be considered at committee, the relevant Area Chair can discuss this with the DPHEH, who may refer an application to committee under DPHEH delegated powers.
11. Such requests will then be considered via the same process as laid out above for relevant Ward Member requests. The DPHEH and Area Chair will discuss their considerations with the relevant Ward Members to ascertain their position and is required to give full consideration to the issues raised both by relevant and adjoining Ward Members in concluding whether a call-in from an adjoining Ward Member should be accepted.
12. The committee report should then be drafted in the normal way, having due regard to the particular issues that were raised during the briefing. If the call-in request is only made on the basis of a recommendation for approval and the officer view is that planning permission should be refused, the relevant Member(s) can be updated by email.
13. In order to ensure consistency in decision making, there will be a quarterly review session with the 3 Area Chairs, Cabinet Member for Development Management, Chair and Vice Chair of HPSSC, DPHEH, Head of Planning and the Development Manager to discuss call-ins made during that period and any relevant planning appeal decisions, which will now also be included as a standing item for note on Area Planning Committee agendas. The frequency of these sessions will be reviewed on an annual basis.



# Agenda Item 15

Due to the timescale and print deadlines, the recommendations of the Cabinet held on 4 July 2023 will be circulated to Members in advance of the meeting of Council.

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# TONBRIDGE & MALLING BOROUGH COUNCIL

## CABINET

04 July 2023

### Report of the Chief Executive

#### Part 1- Public

#### Recommendations to Council

#### 1 CORPORATE STRATEGY 2023-2027

**This report provides an update on the development of the Corporate Strategy 2023-2027 and seeks approval for its adoption.**

##### 1.1 Background:

1.1.1 In March 2023, Report C23/32 set out progress on developing the emerging Corporate Strategy and provided details on proposed amendments to the strategy following a community consultation in January-February 2023. With these amendments having been endorsed by Cabinet, and subsequently Overview and Scrutiny Committee in April 2023, this report seeks approval from Cabinet for the Corporate Strategy 2023-2027 to be taken to Council for adoption.

##### 1.2 Corporate Strategy 2023-2027:

1.2.1 The Corporate Strategy 2023-2027 is provided in Appendix 1. It incorporates the feedback received from the community consultation, as well as matters highlighted through the decision-making process to date. It sets out a new direction for the borough council and has a vision “(t)o be an innovative and forward-thinking council, that leads the people and businesses of the borough towards a vibrant, prosperous and sustainable future”. This vision is underpinned by three values:

- **Innovation** – embracing new ideas and technology, and proactively finding solutions that improve our services to residents.
- **Transformation** – adapting so we can meet the standards residents, businesses and all those involved in the borough council rightly expect.
- **Delivery** – ensuring we set ambitious targets that we strive to meet, in order to provide high quality public services for our residents.

1.2.2 The four priorities set out in the Corporate Strategy are:

- 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 to help support residents and businesses and foster sustainable growth.

1.2.3 Under each of these priorities, the Corporate Strategy highlights the actions that the council and its partners will undertake.

1.2.4 A short high-level action plan setting out the strategic initiatives linked to delivering the Corporate Strategy is provided in Appendix 2. This plan includes some of the key initiatives, rather than all of the activity, that the council will undertake to meet the priorities set out in the strategy.

1.2.5 This action plan will be reported to Cabinet on a 6-monthly basis, providing a RAG rating for each strategic project, along with some narrative to explain progress.

1.2.6 It will be reviewed on an annual basis throughout the course of the Corporate Strategy.

### **1.3 Key Performance Indicators (KPIs)**

1.3.1 Following on from a previous gap analysis which was shared with Cabinet in March 2023, Appendix 3 sets out a new updated list of KPIs in order to align them more closely with the Corporate Strategy.

1.3.2 There is currently a KPI relating to biodiversity that still need to be finalised. This is because at the time of writing this report DEFRA guidance is still forthcoming on proposals for biodiversity net gain, and strategies on the topic are still being developed. As such, it makes sense to delay finalising this KPI until further information is available.

1.3.3 As is currently the case, specific KPIs will be shared as a standing item with the scrutiny select committees and the Overview and Scrutiny Committee (as highlighted in Appendix 3). The KPIs will also become a standing item at Management Team and Service Management Team meetings in order to ensure that they are embedded within the day-to-day running of the Council.

### **1.4 Legal Implications**

1.4.1 The matters raised in this report are considered to be routine, uncontroversial or not legally complex and a legal opinion has not been sought on these proposals.

### **1.5 Financial and Value for Money Considerations**

1.5.1 None arising directly from this report.

## 1.6 Risk Assessment

- 1.6.1 Reputational risk if the Council fails to meet targets set out in the Corporate Peer Review Action Plan and undertake the recommendations suggested by the Peer Team.

## 1.7 Policy Considerations

- 1.7.1 Business Continuity/Resilience
- 1.7.2 Communications
- 1.7.3 Communities
- 1.7.4 Planning and Housing
- 1.7.5 Environment
- 1.7.6 Economy

## 1.8 Recommendations

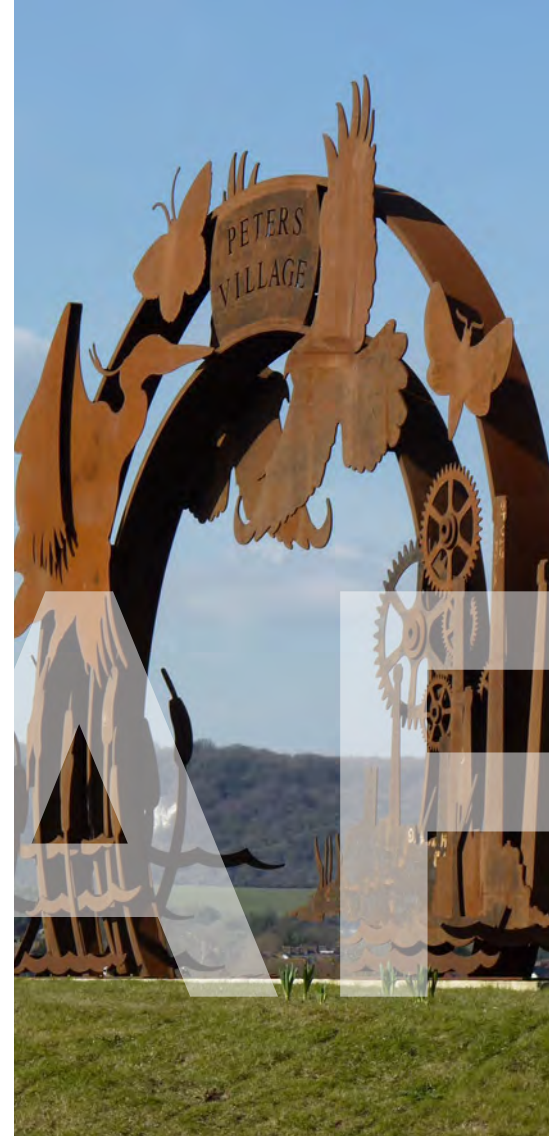
- 1.8.1 That the report **BE NOTED**.
- 1.8.2 That the Corporate Strategy as set out in Appendix 1 **BE RECOMMENDED** to Council for adoption.
- 1.8.3 That the Corporate Strategy Action Plan, as set out in Appendix 2, **BE RECOMMENDED** to Council for adoption.
- 1.8.4 That the proposed new Key Performance Indicators, as set out in Appendix 3, **BE RECOMMENDED** to Council for adoption.
- 1.8.5 That it **BE RECOMMENDED** to Council to agree to delegate authority to the Chief Executive in liaison with the Leader of the Council to approve any necessary further minor changes to the Corporate Strategy, Action Plan and Key Performance Indicators that may be required for reasons of clarity or presentation.

Background papers:

contacts:  
Jeremy Whittaker, Strategic  
Economic Regeneration  
Manager

Julie Beilby  
Chief Executive

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# Innovation, Transformation and Delivery

Corporate Strategy - Draft  
2023 - 2027







# Innovation, Transformation and Delivery

Corporate Strategy - Draft 2023 - 2027



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- 5 Our Vision, Values and Priorities for 2023-2027
- 6 About Tonbridge and Malling
- 7 What We Do
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# Foreword from the Leader and Chief Executive

Tonbridge and Malling is a great and safe place to live, work and socialise. Our historic environment, heritage and countryside has attracted investment for many years.

Since 1974, Tonbridge and Malling Borough Council has been there to support residents, businesses and anyone visiting the area. It delivers its core service well. The borough council has helped so many people and organisations through the challenges of recent years. But there is more that can, and needs, to be done.

As the council approaches its 50<sup>th</sup> birthday, this Corporate Strategy catapults the borough council into a new era - leading in investing and delivering for the towns and villages that make up this beautiful area.

There are three key values that define our approach:

## Innovation, Transformation and Delivery

By pro-actively encouraging these values, we can transform our council and the towns and villages that make up our borough. This allows us to deliver modern and successful public services that help to meet our four key priorities for the borough:

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

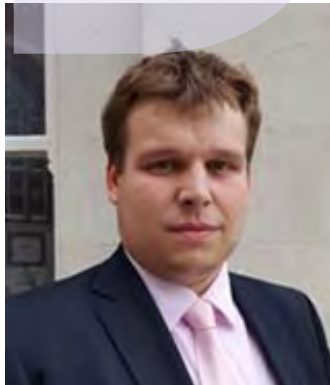
To be an effective community leader, we must continue to provide these services to the standards that residents expect. We know expectations have, rightly, risen. Our challenge is to use new approaches to meet this.

We've got to be flexible in dealing with the challenges we face, both locally and across the country, even the world. Using our ambitious sustainability plans as a base, we can help to transform our community to one which puts greater emphasis on the health of the environment. This will mean acknowledging the importance of our green spaces when taking a balanced approach between the need to tackle the housing crisis and protecting our countryside.

And by leading as an ambassador for business in West Kent, we can demonstrate why Tonbridge and Malling has such a great track record of investment, regardless of economic conditions.

This Corporate Strategy marks a change in the approach of Tonbridge and Malling Borough Council. It is a clear indication of where we wish to take this council, to clearly communicate and lead in the delivery of public services and investment in the community.

As a bold, forward looking Corporate Strategy this sets the benchmark for delivery over the next few years. We are ambitious for Tonbridge and Malling to meet its potential, and look forward to sharing this journey with you all.



**Cllr Matt Boughton**

Leader of Tonbridge & Malling  
Borough Council



**Julie Beilby**

Chief Executive of Tonbridge & Malling  
Borough Council



# Our 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.

## Our Values

### Innovation

Embracing new ideas and technology, and proactively finding solutions that improve our services to residents.

### Transformation

Adapting so we can meet the standards residents, businesses and all those involved with the borough council rightly expect.

### Delivery

Ensuring we set ambitious targets that we strive to meet, in order to provide high quality public services for our residents.

## Our Priorities

1

**Efficient** services for all our residents, maintaining an effective council

2

**Sustaining** a borough which cares for the environment

3

**Improving** housing options for local people whilst protecting our outdoor areas of importance

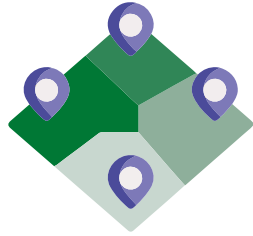
4

**Investing** in our local economy to help support residents and businesses and foster sustainable growth.





**132,600**  
Population (2020)



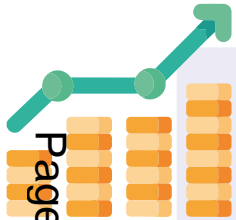
**92.71**  
Square Miles



**62,000**  
Employee Jobs in  
the Borough (2020)



**6055**  
Enterprises (2020)



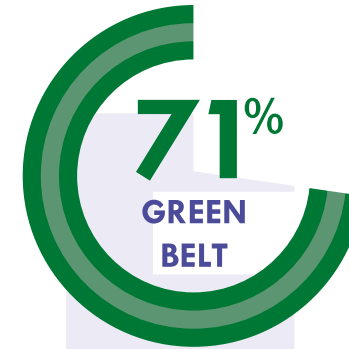
Page 108  
**84.1%**  
Economically active  
16-64 year olds (2020)



**19**  
**ELECTORAL  
WARDS**  
(from 2023)



**£392,914**  
Average House  
Price (2021)



**71%**  
GREEN  
BELT



**56,096**  
HOUSEHOLDS



**£689.90**  
Average Weekly  
Resident Salary  
(Full-Time) (2020)



Average Age  
**40.9  
YEARS**  
(from 2020)

We receive  
**10.9p**  
of every £1  
of Council Tax  
(2021)



**2** AREAS OF OUTSTANDING  
NATURAL BEAUTY IN THE BOROUGH  
(**KENT DOWNS & HIGH WEALD**)

# About Tonbridge and Malling



Over  
**75,000**  
phone calls  
answered by  
our Contact Centre per year



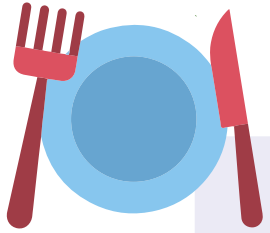
**31**  
independent  
businesses  
supported  
through shopfront improvement grants



Over  
**£40m**  
distributed to local  
businesses in grants  
during COVID-19



**1751**  
roads  
cleansed



Over  
**500**  
food  
businesses inspected annually



**25,725**  
myaccount  
users



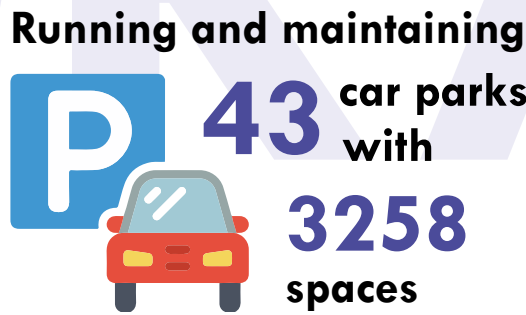
**68**  
CCTV cameras  
covering facilities and town centres



Responsible for maintaining  
**400**  
areas of  
public open  
space



Over  
**3000**  
planning  
applications  
processed per year



Running and maintaining  
**43** car parks  
with  
**3258**  
spaces



**355**  
miles of  
footways  
cleansed



Over  
**1200**  
business  
license  
applications processed per year



Providing  
**2 x Country Parks**  
**3 x Leisure Centres**  
**a Castle & a Golf Course**



**51.6%**  
Achieving the best  
recycling rates in Kent



Over  
**£1.25m**  
to grants in the  
community &  
voluntary  
organisations  
inc. Community Development Grants,  
Disabled Facilities Grants, Housing Assistance Grant,  
CSU Mediation Service Grant

**What  
We Do**



PETER'S BRIDGE

## Meeting our Priorities

### **Efficient services for all residents, maintaining an effective Council.**

We want the people of Tonbridge and Malling to enjoy good quality public services, to feel safe and enjoy the benefits that digital technologies offer. Between now and 2027 we will:

- Promote well-being 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.
- Through key partnership working with Kent Police and other partners, support residents and ensure safeguarding is an integral part of Council activity.
- Make our services and advice available to residents 24 hours a day through digital innovation, and ensure the borough council is able to respond efficiently to the needs of local residents.
- Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way





# DRAFT

BASTED MILL

## **Sustaining a borough which cares for the environment.**

We're committed to creating a borough which protects the environment and provides beautiful spaces for our residents and visitors to enjoy. Between now and 2027 we will:

- Deliver climate change plans which focus on cutting emissions and increasing biodiversity.
- Build on our track record of recycling more than anywhere else in Kent with measures to further improve rates while reducing overall levels of waste and fly-tipping.
- Improve environmental quality in the borough by tackling sources of pollution such as car idling and taxi emissions, backed up by design-led approaches in new developments and encouraging sustainable travel.
- Continue our successful management of parks, open spaces and leisure centres so the best recreational facilities are available to everyone.
- Recognise and support our local built heritage to give people pride in the place they live.





**Improving housing options for local people, whilst protecting our outdoor areas of importance.**

We will bring forward plans to help people onto the housing ladder, improve standards in the rented sector and support those at risk of homelessness through ensuring a strong focus on affordable housing in the borough whilst protecting our outdoor areas of importance. Between now and 2027 we will:

- Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.
- Ensure a supply of affordable housing for people who would struggle to buy on the open market.
- Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.
- Improving standards in rented accommodation, including offering help to make flats and houses more energy efficient in order to recognise that this isn't just an issue in the privately rented sector.





## **Investing in our local economy to help support residents and businesses and foster sustainable growth.**

Local businesses have faced tough challenges in recent years and continue to do so. We want to support businesses which are the lifeblood of the local economy and help them adapt and grow in the future. Between now and 2027 we will:

- Deliver a range of measures to help our local economy bounce back from the covid-19 pandemic and current economic pressures.
- Identify ways we could use our land and other assets better, especially in Tonbridge town centre.
- Develop proposals to raise the profile of Tonbridge Castle and all council assets, boosting income generation opportunities and our reputation as a partner to work with.
- Strengthen our links with strategic partners and funding bodies in the public and private sectors to maximise the support available for our local economy.



# Annex 1: Our Key Strategies

Our Corporate Strategy does not stand-alone – there are a whole host of key strategies that underpin this document and deliver for the benefit of our residents, visitors and businesses. Some of these key strategies are:

- Climate Change Strategy – sets out an aspiration for the borough council to be carbon neutral by 2030, with an action plan that illustrates key steps required to contribute towards this goal.
- Community Safety Partnership Strategy – creating a safer Tonbridge and Malling.
- Digital Strategy – aims to allow the communities and businesses we serve to be able to engage and transact with us responsively and seamlessly.
- Economic Recovery Strategy – aims to help create a dynamic and inclusive economy that fosters sustainable growth.
- Housing Strategy – improving housing supply and options for the community.
- Local Plan – will guide development across the borough through to 2040 and will include policies on great design, delivering the services communities need, affordable housing and regenerating Tonbridge Town Centre.
- Savings and Transformation Strategy – aims to bridge the funding gap identified in the Medium-Term Financial Strategy through savings and transformation.

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EAST MALLING

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## Appendix 2 - Corporate Strategy Action Plan 2023/24 (to be reviewed annually)

Priorities	Actions	Strategic Project	Owner	Timescale
Efficient Services for all our Residents	Promote well-being and help people live healthy and active lifestyles.	Delivering cost efficient leisure centres through capital investment that improves their financial and environmental sustainability.	CM for Community Services	Ongoing
		Deliver One You Public Health Initiative	CM for Finance and Housing	Ongoing
	Through key partnership working with Kent Police and other partners, support residents and ensure safeguarding is an integral part of council activity.	Delivery and implementation of the annual Community Safety Partnership Plan, including measures to tackle anti-social behaviour and domestic violence.	CM for Community Services	Ongoing
	Make our services and advice available to residents 24 hours a day through digital innovation.	Implementation of the Communications Strategy 'strategic themes' specifically building digital reach through social media channels and the MyTMBC app.	CM for Finance and Housing	Ongoing
		Adoption and implementation of a new Digital Strategy		
	Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.	Additional resource/staffing to be allocated to delivering innovative change through the council's transformation agenda.	CM for Transformation and Infrastructure and CM for Finance and Housing	2023
Implementation of the Medium Terms Financial Strategy and the Savings and Transformation Strategy			Ongoing	
Sustaining a borough which cares	Deliver climate change plans which focus on cutting emissions and increasing biodiversity.	Implementation of the Climate Change Strategy Action Plan – including measures that cover sustainable development, transport, housing, waste, business and property.	CM for Climate Change, Regeneration and Property	Ongoing
		Partnership working with KCC, the Kent Local Nature Partnership and Kent Wildlife Trust to identify sites for a high level of biodiversity net gain.		Ongoing
	Build on our track record of recycling more than anywhere else in Kent.	Continue to increase kerbside recycling.	CM for Transformation and Infrastructure	Ongoing
		Promote recycling and waste minimisation.		Ongoing
	Implementation of Air Quality Action Plan		Ongoing	

for the environment	<b>Improve environmental quality in the borough by tackling sources of pollution.</b>	Continue with dedicated environmental enforcement.	CM for Climate Change, Regeneration and Property	2023
	<b>Continue our successful management of parks, open spaces and leisure centres.</b>	Maintain Green Flag Award status for our parks.	CM for	Ongoing
		Delivering cost efficient leisure centres through capital investment that improves their financial and environmental sustainability.	Community Services	Ongoing
Page 18 Improving housing options for local people	<b>Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.</b>	Submission of Local Plan for the borough.	CM for Planning	Spring 2025
		Examination in Public of the Local Plan		2026
	<b>Ensure a supply of affordable housing for people who would struggle to buy on the open market</b>	Investigate use of council owned assets for use to deliver affordable housing through joint working with Registered providers.	CM for Finance and Housing	2023
		Promote Local Letting Plans to help deliver homes for local people.	CM for Finance and Housing	Ongoing
	<b>Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.</b>	Manage our temporary accommodation provision to support vulnerable residents.	CM for Finance and Housing	Ongoing
		Develop and implement a Homelessness and Rough Sleeping Strategy and Action Plan		2023
	<b>Improving standards in rented accommodation.</b>	Delivery of the Housing Upgrade Grant Project	CM for Finance and Housing	Up to March 2025
		Work with partner organisations and Registered providers to provide advice and signpost to available support.		Ongoing
Investing in our local	<b>Deliver a range of measures to help our local economy bounce back.</b>	Implementation of the T&M UK Shared Prosperity Fund Investment Plan and REPF Addendum.	CM for Climate Change, Regeneration and Property.	Up to March 2025
		Produce and implement a new Economic Development Strategy for 2024-2027.	CM for Climate Change, Regeneration and Property.	Adopt September 2023.

<b>economy to help foster sustainable growth</b>	<b>Identify ways we could use our land and other assets better, especially in Tonbridge Town Centre.</b>	Tonbridge Town Centre Review (inc. Tonbridge Farm)	CM for Climate Change, Regeneration and Property.	Ongoing
		Progress plans for Kings Hill Offices		Ongoing
	<b>Develop proposals to raise the profile of Tonbridge Castle and all council assets.</b>	Agreement of future plans for Tonbridge Castle and develop implementation strategy.	CM for Community Services.	During 2023
		Put new plans in place for the Castle.		From 2024
	<b>Strengthen our links with strategic partners and funding bodies.</b>	Ongoing engagement with strategic partners such as RBLI, NIAB EMR and the Kent and Medway Economic Partnership to ensure investment in the borough.	CM for Climate Change, Regeneration and Property.	During 2023
		Refocus the West Kent Partnership to move from predominantly skills and employability measures to a broader economic development approach that includes promotion and investment.		During 2023

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### Appendix 3 – Draft Key Performance Indicators

Actions	Ref No	Aligned KPI	Scrutiny Select Committee	Frequency
<b>Promote well-being and help people live healthy and active lifestyles.</b>	1	% of due food safety inspections undertaken (Risk Category A-C)	CESSC	Quarterly
	2	% of due food safety inspections undertaken (Risk Category D-E)	CESSC	Quarterly
	3	Total attendance at LLC/AC/TSP/PWGC (cumulative for year by quarter)	CESSC	Quarterly
	4	Total number of actual missed collections (waste)	CESSC	Annually
	5	Number of clients referred into the One You service	CESSC	Quarterly
<b>Through key partnership working with Kent Police and other partners, support residents and ensure safeguarding is an integral part of council activity.</b>	6	Total number of ASB cases	CESSC	Quarterly
	7	Total number of victim-based crimes	CESSC	Quarterly
	8	No. of red flags on our annual safeguarding self-assessment framework (SAF) and Section 11 audit.	CESSC	Annually
<b>Make our services and advice available to residents 24 hours a day through digital innovation.</b>	9	Social media clicks/engagement	O&S	Quarterly
	10	Website Myaccount Registrations (total)	O&S	Quarterly
	11	My TMBC app downloads (total)	O&S	Quarterly
	12	Staff Numbers (FTE)	O&S	Quarterly

<b>Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.</b>	<b>13</b>	Vacant Posts (FTE)	O&S	Quarterly
	<b>14</b>	Sickness absence (days) - short term	O&S	Quarterly
	<b>15</b>	Sickness absence (days) - medically signed off	O&S	Quarterly
	<b>16</b>	Gender Pay Gap - Median	O&S	Annually
	<b>17</b>	Salary Monitoring data (£)	FRPSSC	Quarterly
	<b>18</b>	Income Monitoring data (£)	FRPSSC	Quarterly
	<b>19</b>	Council Tax collection (%) - cumulative	FRPSSC	Quarterly
	<b>20</b>	NNDR collection (%) - cumulative	FRPSSC	Quarterly
	<b>21</b>	Sales ledger - outstanding debt (£)	FRPSSC	Quarterly
<b>Deliver climate change plans which focus on cutting emissions and increasing biodiversity.</b>	<b>22</b>	T&M carbon dioxide emissions data (tCO <sub>2</sub> e)	CESSC	Annually
	<b>23</b>	TMBC annual carbon audit emissions data (ktCO <sub>2</sub> e)	CESSC	Annually
	<b>24</b>	<b>Biodiversity KPI - TBC</b>	CESSC	TBC

<b>Build on our track record of recycling more than anywhere else in Kent.</b>	<b>25</b>	% of household waste sent for recycling and composting	CESSC	Annually
<b>Improve environmental quality in the borough by tackling sources of pollution.</b>	<b>26</b>	Number of contaminated land enquiries.	CESSC	Annually
	<b>27</b>	Total number of service requests leading to investigation	CESSC	Annually
	<b>28</b>	Number of enforcement notices served	CESSC	Annually
	<b>29</b>	Number of AQMA's in the Borough (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	CESSC	Annually
<b>Continue our successful management of parks, open spaces and leisure centres.</b>	<b>30</b>	Total attendance at LLC/AC/TSP/PWGC (duplicate)	CESSC	Quarterly
	<b>31</b>	No of parks with Green Flag status	CESSC	Annually
<b>Develop a Local Plan which will ensure the provision of new homes in appropriate</b>	<b>32</b>	Housing Land Supply (years)	HPSSC	Annually

locations, focusing on tackling the need to deliver a range of housing for the whole community.	33	Milestones achieved on delivering the T&M Local Development Scheme	HPSSC	Quarterly
Ensure a supply of affordable housing for people who would struggle to buy on the open market	34	Number of affordable homes built out per annum	HPSSC	Annually
Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.	35	Number of people on housing register	HPSSC	Quarterly
	36	Number of HR applications received	HPSSC	Quarterly
	37	Waiting time for assessment of applications (days)	HPSSC	Quarterly
	38	Number of people in Temporary Accommodation	HPSSC	Quarterly
Improving standards in rented accommodation.	39	Number of properties where property conditions have been improved	HPSSC	Quarterly
	40	Number of housing enforcement notices served	HPSSC	Quarterly
	41	Number of disabled facilities grants completed in the borough.	HPSSC	Quarterly
Deliver a range of measures to help our local economy bounce back.	42	Number of economic projects delivered through the UKSPF and REPF	FRPSSC	Quarterly
	43	Ratio of enterprise births to deaths	FRPSSC	Annually

	<b>44</b>	Town Centre Vacancy Levels (%)	FRPSSC	Annually
	<b>45</b>	Unemployment rate (%)	FRPSSC	Quarterly
<b>Identify ways we could use our land and other assets better, especially in Tonbridge Town Centre.</b>	<b>46</b>	% Occupation of rental properties	FRPSSC	Quarterly
	<b>47</b>	Total income generated from property rentals (£)	FRPSSC	Quarterly
	<b>48</b>	Progress made on Tonbridge Town Centre Regeneration Plans.	FRPSSC	Quarterly
<b>Develop proposals to raise the profile of Tonbridge Castle and all council assets.</b>	<b>49</b>	Total income generated by Tonbridge Castle (£)	FRPSSC	Annually
	<b>50</b>	Leisure Centres - overall income (% to profile)	FRPSSC	Quarterly
	<b>51</b>	Leisure Centres - overall expenditure (% to profile)	FRPSSC	Quarterly
	<b>52</b>	Total income from council run/supported events	FRPSSC	Annually
<b>Strengthen our links with strategic partners and funding bodies.</b>	<b>54</b>	External funding received for economic initiatives (£)	FRPSSC	Annually
	<b>55</b>	No of projects jointly delivered with strategic partners.	FRPSSC	Annually

## Additional KPIs

<b>Useful data that will give an indication of performance within specific parts of the borough council</b>		<b>Planning</b>		
		% against Government target of 60% (for major apps)	HPSSC	Quarterly
		% against Government target of 65% (for minor apps)	HPSSC	Quarterly
		% against Government target of 80% (for 'others')	HPSSC	Quarterly
		Number of appeals received	HPSSC	Quarterly
		Number of appeals determined - allowed	HPSSC	Quarterly
		Number of appeals determined - dismissed	HPSSC	Quarterly
		Number of planning enforcement cases opened	HPSSC	Quarterly
		Number of planning enforcement cases closed	HPSSC	Quarterly
		Number of planning enforcement notices served	HPSSC	Quarterly
		<b>Customer Services and Licensing</b>		
		% Handled rate (Customer Services)	O&S	Quarterly
		% emails responded to within 24 hours (Customer Services)	O&S	Quarterly
		% webchat answer rate (Customer Services)	O&S	Quarterly
		Total number of licenced drivers	O&S	Quarterly
		Total number of vehicle licences	O&S	Quarterly
		Total number of premises licences	O&S	Quarterly

# Agenda Item 16

To receive and note the Minutes of meetings of Cabinet and Committees as set out in the Minute Book (attached as a supplement).

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