

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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

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

25 September 2023

To: MEMBERS OF THE CABINET
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Cabinet to be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 3rd October, 2023 commencing at 7.30 pm.

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

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

(NB: Background papers to items referred from Scrutiny Select Committees and Committees have been omitted from printed agenda packs.)

Yours faithfully

JULIE BEILBY

Chief Executive

AGENDA

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

2. Apologies for absence 11 - 12
3. Declarations of interest 13 - 14

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

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

4. Minutes 15 - 18

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 5 September 2023

Matters for Recommendation to the Council

5. Council Tax Discount 19 - 22

A report seeking the views of Members as to whether there should be a change to the council tax discount for uninhabitable properties with effect from 1 April 2024.

6. Auditor's Annual Report 2022/23 23 - 64

Recommendation AU 23/41 of the Audit Committee of 25 September 2023.

Due to timescale and print deadlines, the recommendations of the Audit Committee will be circulated to Members in advance of the meeting of Cabinet.

7. Treasury Management Update 65 - 68

Consideration of recommendation AU 23/30 in respect of [Treasury Management and Annual report](#); and AU 23/42 in respect of [Treasury Management and Mid-year Review](#) of the Audit Committee of 24 July and 25 September 2023 respectively.

The detailed reports can be found on the website under the agendas of Audit Committee.

Decisions to be taken in accordance with Part 3 of the Constitution

Executive Key Decisions

8. Car Parking Proposals 69 - 86
- Recommendation CE 23/35 of the Communities and Environment Services Scrutiny Select Committee of 21 September 2023.

Due to timescale and print deadlines, the recommendations of the Scrutiny Select Committee will be circulated to Members in advance of the meeting of Cabinet. A supplementary report of the Director of Street Scene, Leisure and Technical Services will also be provided.

9. Biodiversity Net Gain Protocol 87 - 128
- Recommendation HP 23/27 of the Housing and Planning Scrutiny Select Committee of 26 September 2023.

Due to timescale and print deadlines, the recommendations of the Scrutiny Select Committee will be circulated to Members in advance of the meeting of Cabinet.

Executive Non-Key Decisions

10. Financial Planning and Control 2023-24 129 - 160
- The report provides information on salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring are then summarised to provide an indicative overall budget position for the year. The report also updates Cabinet on capital expenditure and variations that have been agreed in relation to the capital plan.

11. Revised Safeguarding Policy and Reporting Procedure 161 - 196
- To endorse the revised Safeguarding Policy and Reporting Procedure 2023 – 2027

12. Digital and IT Strategy 2023-27 197 - 224
- A report recommending a new combined four-year Digital and IT strategy for the period 2023 to 2027.

13. Review of Governance Arrangements 225 - 266
- Recommendation OS 23/41 of the Overview and Scrutiny Committee of 14 September 2023.

14. Ground Maintenance Contract 267 - 282

Recommendation CE 23/36 of the Communities and Environment Scrutiny Select Committee of 21 September 2023.

Due to timescale and print deadlines, the recommendations of the Scrutiny Select Committee will be circulated to Members in advance of the meeting of Cabinet.

15. Risk Management 283 - 310

Recommendation AU 23/43 of the Audit Committee of 25 September 2023 will be circulated in advance of the meeting of Cabinet.

Matters submitted for Information

16. Minutes of Panels, Boards and Other Groups 311 - 326

The minutes of meetings of Advisory Panels, Boards and Other Groups are attached. Any recommendations arising from these minutes are set out as individual items on this agenda.

- Parish Partnership Panel of 31 August 2023
- Tonbridge Community Forum of 4 September 2023
- Joint Transportation Board of 18 September 2023

17. Decisions taken by Cabinet Members 327 - 328

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18. Urgent Items 329 - 330

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

Matters for consideration in Private

19. Exclusion of Press and Public 331 - 332

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

PART 2 - PRIVATE

20. Urgent Items 333 - 334

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

MEMBERSHIP

Councillor M D Boughton, (Leader)
Councillor R P Betts, (Climate Change, Regeneration and Property)
Councillor M A Coffin, (Transformation and Infrastructure)
Councillor D Keers, (Community Services)
Councillor K B Tanner, (Finance and Housing)
Councillor M Taylor, (Planning)

Members of the Council who are not members of the executive may attend meetings of the Cabinet. With the agreement of the Leader, any such Member may address the Cabinet on any item on the agenda but may not vote.

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

- (1) Most of the Borough Council meetings are livestreamed, unless there is exempt or confidential business being discussed, giving residents the opportunity to see decision making in action. These can be watched via our YouTube channel. When it is not possible to livestream meetings they are recorded and uploaded as soon as possible:

<https://www.youtube.com/channel/UCPp-IJISNgoF-ugSzxjAPfw/featured>

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

Attendance:

- Members of the Committee 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 Chair, 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 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 should attend in person. However, arrangements to participate online can be considered in certain circumstances. Please contact committee.services@tmbc.gov.uk for further information.

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

Ground Rules:

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

Voting:

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

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

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th September, 2023

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr K B Tanner and Cllr M Taylor

In attendance: Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

Virtual: Councillors Mrs S Bell and M R Rhodes listened to the discussion in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor D Keers

PART 1 - PUBLIC

CB 23/73 DECLARATIONS OF INTEREST

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

CB 23/74 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 4 July 2023 be approved as a correct record and signed by the Chairman.

DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 23/75 REGULATION 18 CONSULTATION

(Decision Notice D230073CAB)

Consideration was given to recommendation HP 23/20 of the Housing and Planning Scrutiny Select Committee of 18 July 2023.

Cabinet welcomed the detailed analysis of the Regulation 18 Consultation, as presented to the Scrutiny Select Committee, and noted that the responses would be used when preparing the next Regulation 18B document in Spring 2024.

Particular reference was made to the respondent's preference for spatial strategy option 1 which optimised the density of development sites outside of the Green Belt and Area of Outstanding Natural Beauty (AONB) boundaries. The Cabinet Member for Planning indicated that this preference would be supported wherever possible. However, given the demands for local housing it might become necessary to develop on the Green Belt and AONB boundaries. It was indicated that the Spatial Strategy could form part of the next consultation (Regulation 18B).

Members asked that their appreciation of Officers work in preparing the Local Plan be recorded.

RESOLVED: That the output of the Regulation 18 Consultation be noted.

CB 23/76 GROUNDS MAINTENANCE CONTRACT - SERVICE DELIVERY REVIEW

(Decision Notice D230074CAB)

Consideration was given to recommendation CE 23/31 of the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Cabinet considered the future delivery options, analysis report and cost information presented to the Scrutiny Select Committee together with potential areas of saving and environmental and bio-diversity measures. Due regard was also given to the legal, financial and value for money implications. A review report provided by an external consultant (Waste Consulting LLP (WCL)) was noted.

RESOLVED: That

- (1) an external procurement exercise be progressed for the future delivery of grounds maintenance services;
- (2) the work previously undertaken by the external consultants (WCL), including preparation of a Public Sector Comparator, be updated;
- (3) the proposed list of potential areas of savings in respect of the service specification of the contract, as outlined in 1.5.3 of the restricted report to the Communities and Environment Scrutiny Select Committee be noted;
- (4) further consideration be given to additional potential areas of saving;
- (5) further consideration be given to the current and future options within the contract with regard to the Climate Change agenda.

EXECUTIVE NON-KEY DECISIONS

CB 23/77 RISK MANAGEMENT

(Decision Notice D230075CAB)

Consideration was given to recommendation AU 23/21 of the Audit Committee of 24 July 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

RESOLVED: That the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below) be noted:

- Financial position/budget deficit
- Economic stability
- Savings and Transformation Strategy
- Local plan
- Organisational development, including recruitment and retention/skills mix
- Homes for Ukraine Scheme
- Implementation of the Agile software system
- Political factors including stability of political leadership and decision making

CB 23/78 ECONOMIC DEVELOPMENT STRATEGY 2023-2027 - CONSULTATION DRAFT

(Decision Notice D230076CAB)

Consideration was given to recommendation FRP 23/21 of the Finance, Regeneration and Property Scrutiny Select Committee of 25 July 2023.

In order to ensure that the Strategy was as accurate and comprehensive as possible it was important that external scrutiny was undertaken in advance of formal adoption. The views of key economic partners, including the West Kent Partnership, local business support providers, business representative bodies, such as the Chamber of Commerce and Federation of Small Businesses, as well as individual and local businesses in the Borough would be sought as part of a four week consultation period starting in September 2023.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the framework for

consultation and adoption detailed in the report to the Scrutiny Select Committee.

RESOLVED: That

- (1) the report be noted; and
- (2) the consultation draft of the Economic Development Strategy 2023/27, as set out in Appendix 1, be approved; and
- (3) a four week consultation with key economic partners (as identified above) commence as soon as possible.

MATTERS SUBMITTED FOR INFORMATION

CB 23/79 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Tonbridge Community Forum of 12 June 2023 were received and noted.

CB 23/80 DECISIONS TAKEN BY CABINET MEMBERS

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

CB 23/81 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.45 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 October 2023

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Council

1 COUNCIL TAX DISCOUNT

A report seeking the views of Members as to whether there should be a change to the council tax discount for uninhabitable properties with effect from 1 April 2024.

1.1 Background

1.1.1 This matter was last considered by Members of the Finance, Innovation and Property Advisory Board on 24 September 2014.

1.1.2 Having considered the outcome of a consultation, Members recommended the twelve months discount for uninhabitable properties be retained at 100% from 1 April 2015.

1.1.3 This council tax discount has remained unchanged since then; however, as there have been multiple changes to empty property discounts in the ensuing years (namely empty property premiums) along with the changes that are being proposed in the Levelling Up Bill, I feel it is appropriate to revisit this subject and ask Members for their opinion on whether the discount should be amended or removed.

1.2 The current position

1.2.1 Uninhabitable properties are defined as those requiring or undergoing structural alteration or major repair and are eligible for a 100% discount for a maximum period of 12 months. Members may, if they wish, reduce the level of discount to 0%; however, it is not possible to amend the period for which a discount is given.

1.2.2 There has never been a High Court case to determine the definition of 'major repair', and therefore, the decision to approve an award is down to individual officer's experience based on evidence received and decisions previously made at Valuation Tribunal hearings.

1.2.3 Owners' views on whether a property should be classed as 'uninhabitable' is often significantly different to the local authority's view [Council tax discounts –](#)

[Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](http://tmbc.gov.uk) which has led to an increasing amount of challenges in recent years, resulting in complaints and appeals being submitted to the Valuation Tribunal. This is time consuming for the officers involved and requires a disproportionate amount of effort being spent on a discount that is only awarded to approximately 50 properties (out of a total of 56,725).

1.3 Options for change – financial considerations

- 1.3.1 If Members reduced the discount to 0%, the additional income generated would be in the order of £12,000 (based on current estimates). This amount is the Borough Council's share of the additional income; the other precepting authorities will also receive their own proportionate share.
- 1.3.2 Although this might not seem a significant figure in terms of the Council's overall budget, Members will be very aware of the Council's budget position and the requirement to make ever greater budget savings. In addition, there will be a saving in the amount of staff time being dedicated to dealing with the issues mentioned earlier.

1.4 Non-financial considerations

- 1.4.1 There are, of course, reasons why Members might not wish to change the discount in such a way as to produce the maximum financial gain.
- 1.4.2 In the case of uninhabitable properties, if Members decided to reduce the discount to 0%, owners of properties that have been severely damaged by flood or fire would be left in the position of having to pay the full council tax even though they were unable to live there.
- 1.4.3 That being said, my experience of applications for the discount is mainly from owners who have just bought a property that requires refurbishment or renovation to either make it available for let or to modernise the property for their enjoyment.
- 1.4.4 In the extreme cases where a property has been damaged, the Council can use its discretionary powers under Section 13A Local Government Finance Act 1992 to waive the council tax charge.

1.5 Neighbouring authorities

- 1.5.1 I have asked our neighbouring authorities what decisions they have made in respect of this discount and their responses are shown in the following table:

Authority	Uninhabitable discount %
Ashford	100 but under consideration
Canterbury	100 but under consideration
Dartford	0
Dover	100 but under consideration
Folkestone & Hythe	0
Gravesham	100 but under consideration
Maidstone	0
Medway	100
Sevenoaks	0
Swale	100
Thanet	100 but under consideration
Tunbridge Wells	0
Tonbridge and Malling	100 but under consideration

1.5.2 As can be seen from the above, the majority of authorities have either removed the discount or are considering the removal of the discount.

1.6 Legal Implications

1.6.1 Class D of the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003 determines the criteria of an 'uninhabitable' property.

1.6.2 Sections 11A (5) and (6) of the Local Government Finance Act 1992 states that a billing authority may make a determination varying or revoking a determination for a financial year, but only before the beginning of the year. A billing authority which makes a determination under this section shall publish a notice of it in at least one newspaper circulating in its area and do so before the end of the period of 21 days beginning with the date of the determination.

1.7 Risk Assessment

1.7.1 A summary of the perceived risks follows:

Perceived risk	Seriousness	Likelihood	Preventative action
1) Additional income to TMBC is not fully realised due to the impact of the current economic climate on collection rates.	High	Medium	Collection to be closely monitored.
2) Adverse reaction from owners of 'uninhabitable' properties during a cost of living crisis	Medium	High	Give owners sufficient notice of the amendment

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 Communications. Publication of the decision must be made with 21 days of the decision as stated in the report.

1.9.2 Community

1.10 Recommendations

1.10.1 Cabinet is asked to **CONSIDER** whether they would wish to retain the current period of twelve months 100% discount for 'uninhabitable' properties or to reduce the percentage to an amount below 100%, for example 0%, with effect from 1 April 2024; and **RECOMMEND** to Council accordingly.

Background papers:

Nil

contact: Glen Pritchard
Sharon Shelton

Sharon Shelton
Director of Finance and Transformation

Agenda Item 6

Recommendation AU 23/41 of Audit Committee of 25 September 2023 - To Follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

25 September 2023

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 AUDITOR'S ANNUAL REPORT 2022/23

Our external auditors (Grant Thornton UK LLP) are required to satisfy themselves that the Authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources and to report on the same to those charged with governance - which for this purpose is the Audit Committee – followed by Cabinet and Full Council.

Grant Thornton believes there are two significant weaknesses in the Council's arrangements to improve economy, efficiency and effectiveness. These relate to procurement and performance management, and recommendations are made as to how this might be addressed. In addition, a number of improvement recommendations are also made.

Members are invited to consider the report and make any specific recommendations to Cabinet and/or Full Council as the Committee feels appropriate.

1.1 Introduction

- 1.1.1 The auditor is required to report on the Authority's overall arrangements for securing economy, efficiency and effectiveness in its use of resources, as well as key recommendations on any significant weaknesses in arrangements identified during the audit.
- 1.1.2 Auditors are required to report their commentary on the Authority's arrangements under specified criteria. The criteria are financial sustainability, governance and improving economy, efficiency and effectiveness.
- 1.1.3 The 2021/22 Annual Audit Report was not published by Grant Thornton until December 2022 and was therefore not considered by the Audit Committee until 16 January 2023. There were no significant weaknesses identified in that year's report, but there were some recommendations which we had begun to act upon. Unfortunately, with the short space of time between the two reports and especially given the corporate impact of local elections, progress has been limited.

1.2 Auditor's Annual Report 2022/23

- 1.2.1 A copy of the Auditors Annual Report for 2022/23 is attached at **[Annex 1]**. The Engagement Lead, Sophia Brown, and/or her representative will be at the meeting to present the report and to answer questions.
- 1.2.2 Two significant weaknesses in arrangements have been identified by Grant Thornton relating to performance management and procurement under the heading 'Improving economy, efficiency and effectiveness'. This is discussed in greater details at paragraph 1.3 of the report.
- 1.2.3 For Members' information, 'Significant weakness' is the term used by the National Audit Office Code of Audit Practice. Where auditors identify significant weaknesses as part of their arrangements to secure value for money, it requires that they should make recommendations setting out the actions that should be taken by the Council. These recommendations are shown as 'Key Recommendations' within the report.
- 1.2.4 In addition, a number of 'improvement recommendations' are made which are addressed at paragraph 1.4. In comparison to key recommendations, improvement recommendations (if implemented) should improve the arrangements in place at the Council, but are not made as a result of identifying significant weaknesses in the Council's arrangements.
- 1.2.5 Members are reminded that the 2021/22 annual audit report highlighted some improvement recommendations but no significant weaknesses leading to key recommendations. A list of those previous improvement recommendations and the management response is set out at **[Annex 2]** for information.

1.3 Significant Weaknesses/Key Recommendations - Improving economy, efficiency and effectiveness

Performance Management

- 1.3.1 The first area identified by Grant Thornton pertains to the arrangements for performance management, with GT noting that '*Cabinet members cannot hold officers to account for performance if reporting is lacking*'; and '*in 2022-23 the Council still lacked a performance framework meaning it was reactive to challenge, rather than proactively forward planning or anticipating issues before they emerged*'.
- 1.3.2 Grant Thornton concludes that the Council needs to improve its performance management arrangements by:
- 1) Using the reset Corporate Plan to establish a golden thread for the Council, by creating a performance management framework at corporate and service levels linking outcomes to expected annual measures to track success and report these to the public;

- 2) Developing annual delivery plans aligned with the Corporate Plan and reduce the number of service specific strategies to ensure the golden thread is in place;
- 3) Agreeing performance outcomes, that can be measured, at least annually as part of the new performance management framework;
- 4) Ensuring performance reporting include targets, RAG rating, and actual measures and benchmarking. Reports should use previous year and 'nearest neighbours' data where possible; integrating performance, risk and finance reporting to drive improvement;
- 5) Ensuring the Cabinet receives quarterly performance reports to enable it to hold officers to account;
- 6) Using performance and financial data and benchmarking to look at delivery levels of statutory services to ensure the Council is achieving value for money;
- 7) Ensuring that the new performance management framework and reporting extends to key contracts such as waste and leisure;
- 8) Developing a strategic approach to assessing the levels of statutory services needed to save money;
- 9) Engaging with hard-to-reach customers to ensure they can still access services given the Council's digital by default approach;
- 10) Ensuring partnership performance management, including outcomes, is reported regularly to Cabinet; and
- 11) Engaging key stakeholders, where appropriate, to determine local priorities for resources or opportunities for savings.

1.3.3 Management Team fully recognise the importance of the provision of performance management information for Members and work did begin on developing appropriate tools following the last Annual Audit Letter. For information, Members are advised that prior to 2023/24, individual Services did report performance information but it is acknowledged that this was piecemeal. During 2022/23 a suite of KPIs has been reported to Scrutiny Select Committees, but it is acknowledged this is just one part of the 'journey' towards the provision of effective performance management tools.

1.3.4 The management response to the key recommendation made in respect of performance management is as follows:

“Following both this review and a Peer Challenge undertaken during 2022/23 a range of KPI’s have been introduced and, since the start of 2023/24, are presented to Members of Overview and Scrutiny Committee and the three

Scrutiny Select Committees at quarterly intervals after their review by Management Team.

Management agrees that KPIs should also be formally shared with Cabinet and it is intended that they will now be introduced to Cabinet agendas as well as making them a standard regular item on all service management teams. The range of information captured and reported will also be reviewed and refined over the coming months.

Management acknowledges, and agrees with, the recommendation about a 'golden thread'. The need for greater focus of resources towards 'Policy and Performance' is also recognised to act as the 'golden thread' between finance and performance across the organisation and to enable officers to understand how they could contribute to corporate delivery or identify savings and achieve value for money.

Benchmarking information is already in use in some service areas (e.g. treasury management and recycling) and is reported to relevant Committees to aid review of performance, but more generally work is already underway to look at a wider range of benchmarking information which can be used to inform areas for transformation and value for money assessments. It is expected that this will be developed over the next 12 to 18 months.

In terms of engagement with residents, a consultation was undertaken to inform the development of the new Corporate Strategy and assess local priorities. Management will liaise further with Cabinet about further engagement with residents on resources and options for savings.”

1.3.5 Members are invited to note and endorse this response.

Procurement

1.3.6 The second area concerns procurement. Grant Thornton concludes that the Council needs to improve its procurement and contract management arrangement by:

- 1) Updating its procurement strategy;
- 2) Ensuring the contracts register is monitored, kept up to date and used by all services;
- 3) Ensuring it fully meets the Local Government (Transparency Requirements) (England) Regulations 2015 legislation;
- 4) Having a suitably trained client lead for procurement and contract management;

- 5) Provide training for officers and members on procurement and contract management to enable them to fully understand their responsibilities for social value and value for money; and
- 6) Ensuring the Council's shared arrangements for fraud also include procurement and contract management.

1.3.7 As some Members will be aware, the Council does not have its own procurement expert and has relied upon a working group of officers from across the Council to 'manage' procurement, and has looked to other partner authorities to assist with the letting of larger contracts at appropriate times. This had helped to minimise annual 'corporate' costs to TMBC, but Management Team do recognise that this has meant that we have not progressed as quickly as needed with certain things due to the workloads of officers in their 'day jobs'.

1.3.8 In respect of the 'fraud' recommendation, Member can be assured that the SLA with Kent County Council covers all types of fraud that might affect the Council. Having discussed this with our Fraud lead, it has been agreed that procurement fraud awareness training will be offered to procurement leads during 23/24 and a rolling programme will be established.

1.3.9 The management response to the key recommendation made in respect of performance management is as follows:

"Management Team acknowledges that updating of the procurement strategy has been an outstanding matter for some time. The Council does not have its own procurement resource and has relied on a working group of officers from across the Council to discuss and deliver procurement priorities and monitor/update the contracts register. For the letting of significant contracts, the Council has always sought professional assistance externally, but it acknowledged that a lack of 'in house' expertise in this discipline has led to a lack of progress.

We are now having discussions with another Local Authority with a view to developing a SLA for both the review and revision of the Procurement Strategy along with a named officer for day to day professional advice who could also sit on the Procurement working group. In order to bolster the profile and importance of the procurement function, the Procurement working group will now be chaired by a member of Management Team. Appropriate training for both officers and Members will be developed by the group over the next few months.

With regard to the risk of fraud within procurement, the Council's SLA with Kent County Council's Internal Audit and Fraud team does already cover this activity. Procurement fraud awareness training will be offered to procurement leads during 23/24 and a rolling programme will be established"

1.3.10 Members are invited to note and endorse this response.

1.4 Improvement Recommendations

Financial sustainability

- 1.4.1 Two improvement recommendations were made under this heading relating to **transformation** and the **Workforce Strategy**.
- 1.4.2 Dealing firstly with Transformation, Grant Thornton recommends that the Council ‘*should develop a transformation programme to enable it to reduce spend by looking at different ways of delivering services or by enable others in its system leadership role.*’ Full details of the recommendation are shown on page 13 of the Annual Audit Letter itself.
- 1.4.3 Members may be aware that transformation was raised through the Peer Challenge Review process and is an action that is still in progress. The management response is as follows:
- A Management Team/Cabinet LGA Development Day is being arranged for October, themed around transformation. It will look at development of the transformation programme and subsequently the resource requirement.
- As part of the budgetary process for the Revised Estimate for 2023/24 and Forward Estimates for 2024/25 Services are asked to identify whether services provided were mandatory or discretionary to help develop an overall understanding of cost and priorities.
- 1.4.4 In terms of workforce strategy, the recommendation is to “*improve the Workforce Strategy to include fully costed strategy over the medium to long term.*” Full details are set out on page 14 of the Annual Audit Letter itself.
- 1.4.5 It is acknowledged that the current workforce strategy is relatively short term and needs to now reflect the ambitions of the Corporate Strategy – i.e. transformation, innovation and delivery. The management response is therefore as follows:
- Future revisions of the Workforce strategy will include medium-term impacts requiring reviews of service delivery, succession planning, resilience as well as financial costing.

Governance

- 1.4.6 There are two improvement recommendations under the heading Governance in relation to, firstly, **Risk Management** and, secondly, to the **integration of performance and financial reporting**.
- 1.4.7 In respect of **Risk Management**, Grant Thornton have highlighted that there are: ‘*areas of risk management that need improvement particularly relating to the Strategic Risk Register format, member scrutiny and challenge on risk management, and reporting risk to Members in committee reports*’.

- 1.4.8 Members are aware that the Strategic Risk Register is reported routinely to this Committee and in turn this Committee will advise the Cabinet of red risks. Some improvement to the SRR has been introduced this year including the “direction of travel” indicators. An internal audit report was also undertaken which has highlighted some recommendations which will also be put in place.
- 1.4.9 Following the recommendations in the last Audit Letter, Zurich (the Council’s Insurers) have already been commissioned to undertake a training programme for staff as well as providing an independent review of the Risk Strategy.
- 1.4.10 The management response is as follows:

Some changes have already been made to the SRR to indicate direction of travel and further changes will be made over the next few months. In the light of both last year’s recommendation and an internal audit report (which contained similar recommendations) Zurich, the Council’s insurers, are being asked to review the Risk Management Strategy, formats of risk registers and risk training for new employees.

- 1.4.11 In terms of the integration of performance and financial reporting, Grant Thornton has commented that *‘Revenue reporting is at an appropriate level with clear commentary of the current position, but service and workforce information is not integrated into financial reports’*.
- 1.4.12 At the time of receiving the final draft report from Grant Thornton, consideration was still being given to the management response. Following discussions by Management Team, the proposed management response is:

Management Team are currently considering this recommendation and at the time of responding have not finalised a view. Further discussions will take place with Cabinet and Grant Thornton, as it is important that Members are not overloaded with operational data and can focus their attention on strategic matters.

- 1.4.13 A further, verbal, update will be given at the meeting following discussions with Grant Thornton.

1.5 Summary

- 1.5.1 Like Management Team, Audit Committee will no doubt find this a more sobering report given perhaps the ‘lighter touch’ nature of preceding reports. It is important that Members read this thoroughly.
- 1.5.2 Putting this into context, Members will be aware of the ‘turmoil’ within the local government sector with numerous s114 notices being issued by different councils.
- 1.5.3 At the present time, TMBC has an ‘in-year’ balanced budget and is not in immediate danger of this serious action. However, the funding streams for local government are precarious and becoming even more uncertain and with this in

mind our MTFS identifies the need to find savings of circa £1.7m over the next 4 to 5 years. Members agree that £0.5m of this should be identified and implemented by April 2024. Work is underway to deliver this target and it is intended that a progress report will be brought to Cabinet in October/November.

- 1.5.4 The Director of Finance & Transformation maintains a thorough budgetary control and forecasting regime, with regular reports to Members. However, some improvements are needed to our procurement and performance management processes as identified within the External Auditor's Annual Audit Report to strengthen the arrangements we already have in place and ensure that TMBC is delivering effective, efficient and economic services to the public. Above all else we must be able to say that all Services are achieving value for money.
- 1.5.5 A partnership approach between Members and officers will be needed to ensure that we can respond to, and satisfy, the challenges set out above.

1.6 Legal Implications

- 1.6.1 The Council's external auditor is required under s20(1)c) of the Local Audit and Accountability Act 2014 to satisfy themselves that the Authority has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.
- 1.6.2 The Code of Audit Practice issued by the National Audit Office in 2020 requires us (Grant Thornton UK LLP) to report to you our commentary relating to proper arrangements.

1.7 Financial and Value for Money Considerations

- 1.7.1 As set out in the Auditor's Annual Report.
- 1.7.2 It has been established that the Auditor will not need to carry out any additional work as a result of identifying the two significant weaknesses above and therefore no additional fees should accrue.

1.8 Risk Assessment

- 1.8.1 Grant Thornton identify two significant weaknesses leading to key recommendations. It is important that both Members and officers actively respond to these matters as quickly as possible in order to protect the Council and its services to residents.

1.9 Equality Impact Assessment

- 1.9.1 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.

1.10 Policy Considerations

1.10.1 Business Continuity/Resilience

1.11 Recommendations

1.11.1 Members are **RECOMMENDED** to:

- 1) Consider and approve the Auditor's Annual Report [**Annex 1**] for 2022/23;
- 2) Note the key recommendations made in respect of 'performance management' and 'procurement' and endorse the management comments;
- 3) Note and endorse the management comments to the improvement recommendations made; and
- 4) Make any specific recommendations to Cabinet and/or Full Council as the Committee feels appropriate in light of the Annual Report.

Background papers:

Nil

contact: Sharon Shelton
Julie Beilby

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation
on behalf of the Management Team

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Auditor's Annual Report on Tonbridge & Malling Borough Council

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For the period 2022-23
September 2023





We are required under Section 20(1)(c) of the Local Audit and Accountability Act 2014 to satisfy ourselves that the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. The Code of Audit Practice issued by the National Audit Office (NAO) requires us to report to you our commentary relating to proper arrangements.

We report if significant matters have come to our attention. We are not required to consider, nor have we considered, whether all aspects of the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources are operating effectively.



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The contents of this report relate only to those matters which came to our attention during the conduct of our normal audit procedures which are designed for the purpose of completing our work under the NAO Code and related guidance. Our audit is not designed to test all arrangements in respect of value for money. However, where, as part of our testing, we identify significant weaknesses, we will report these to you. In consequence, our work cannot be relied upon to disclose all irregularities, or to include all possible improvements in arrangements that a more extensive special examination might identify. We do not accept any responsibility for any loss occasioned to any third party acting, or refraining from acting on the basis of the content of this report, as this report was not prepared for, nor intended for, any other purpose.

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Executive summary



Value for money arrangements and key recommendations




Under the National Audit Office (NAO) Code of Audit Practice ('the Code'), we are required to consider whether the Council has put in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources.

Auditors are required to report their commentary on the Council's arrangements under specified criteria. 2020-21 was the first year that we reported our findings in this way. As part of our work, we considered whether there were any risks of significant weakness in the Council's arrangements for securing economy, efficiency and effectiveness in its use of resources. Our conclusions are summarised in the table below.

Two significant weaknesses are identified in the Council's arrangements to improve economy, efficiency, and effectiveness

Our findings of the VFM audit for 2022-23 identify two significant weaknesses in the Council's arrangements to improve economy, efficiency, and effectiveness. The Council needs to develop a performance framework and use performance management to drive its required transformation as it makes increasingly hard choices to identify savings. It also needs to significantly improve its arrangements for procurement and contract management.

Criteria	Risk assessment	2020-21 Auditor judgment	2021-22 Auditor judgment	2022-23 Auditor judgment	Direction of travel
Financial sustainability	No risks of significant weakness identified from our planning and risk assessment work.	No significant weaknesses in arrangements identified, but three improvement recommendations made.	No significant weaknesses in arrangements or improvement recommendation made.	No significant weakness in arrangements identified, but two improvement recommendations made.	↓
Governance	No risks of significant weakness identified from our planning and risk assessment work.	No significant weaknesses in arrangements identified, but one improvement recommendation made.	No significant weaknesses in arrangements identified, but one improvement recommendation made.	No significant weakness in arrangements identified but two improvement recommendations made.	→
Improving economy, efficiency and effectiveness	No risks of significant weakness identified from our planning and risk assessment work.	No significant weaknesses in arrangements identified, but three improvement recommendations made.	No significant weaknesses in arrangements identified, but one improvement recommendation made.	Two significant weaknesses in arrangements identified and two key recommendations made.	↓

 No significant weaknesses in arrangements identified or improvement recommendation made.
 No significant weaknesses in arrangements identified, but improvement recommendations made.
 Significant weaknesses in arrangements identified and key recommendations made.

Executive summary

Key recommendations

We raised performance management as an improvement recommendation in the Annual Audit Reports (AAR) for both 2020-21 and 2021-22. In 2022-23 the Council still lacked a performance framework meaning it was reactive to challenge, rather than proactively forward planning or anticipating issues before they emerged. Cabinet members cannot hold officers to account for performance if reporting is lacking. Performance benchmarking is not built into the Council's arrangements. While the Council recognises it needs to look at levels of delivery for statutory services given long-term financial constraints impact on its financial sustainability, this relies on effective performance data.

The Council has an important responsibility to ensure that procurement and contract management arrangements maximise the use of public finances, that value for money is achieved, and procurement delivers strategic priorities. We previously raised this in 2020-21 and in 2021-22 as an improvement recommendation. We find the Council's arrangements for procurement and contract management are not adequate to ensure it is achieving value for money and we consider this to be a significant weakness.



Financial sustainability

The Council has a ten-year Medium Term Financial Strategy (MTFS). Annual budget setting reflects the impact of key expenditure drivers, such as population changes, pay and other inflationary pressures. As part of the process in 2022-23 budgets were reviewed and changes made to adjust for pressures, new initiatives, expected cost increases and income changes. The 2022-23 expenditure outturn position was £10.231m against an expected £11.213m. Waste, homelessness/temporary accommodation and the Local Plan continue to have significant financial implications for the Council. General Fund Reserves balance on 31 March 2023 was £8.611m compared with £7.661m at the same time in 2022. General Fund working balances were set at £1.25m.

The Council has a Savings and Transformation Strategy, monitored at Cabinet as part of the MTFS report. A transformation approach to savings is needed by the Council as it will struggle to find the more savings by taking its traditional approach. In February 2023, an updated copy of the Strategy was presented to Cabinet, it included the need to save £1.9m, of which £1.7m must be made by 31 March 2028 plus the £200k from back-office savings by April 2024.

Once the new Corporate Plan is in place the Council needs to ensure spending reflects its priorities, particularly discretionary services but also explore the level which statutory services are funded to realise possible savings.

We make two improvement recommendations set out on pages 13-14.



Executive summary



Governance

The Council reviews its Risk Management Strategy annually with the last review agreed in January 2023. It outlines responsibility for risk. It is complemented by a risk management guidance document setting out what risk is, how to identify a risk, assess and evaluate it, escalate risk determine risk proximity, risk profile, allocate risk, and risk monitoring. The guidance also outlines the risk register template, a risk assessment form and how to determine likelihood. We see this as guidance as good practice. However, we identified improvements to risk in the 2020-21 AAR and again in 2021-22 saying the Strategic Risk Register could be improved to include direction of travel, sources of risk and assurance, dates of last and next review and we recommended a training module for all staff be developed. We find these issues are still outstanding.

Budgets are discussed with budget holders, senior leadership and Members prior to approval at Council level. But the budget process does not include consultation with the public and this is an area the Council may want to address. Without service data and effective performance management it is unclear how the Council can effectively plan to make £2m savings with limited experience of strategic transformation. This means that performance information, including good quality service data and benchmarking, is more even important to aid effective decision-making. We recommendation that the Council fully integrates performance and financial reporting for revenue and capital to improve financial reporting

We have made two improvement recommendations set out on pages 18-19.



Improving economy, efficiency and effectiveness

In 2022-23, the Council lacked a performance management framework. The Corporate Plan was being developed during 2022-23 and multiple service strategies were in place which meant there was no compelling narrative and no suite of KPIs being reported to Cabinet. There is no golden thread through the Council and no benchmarking. A lack of a performance framework meant the Council was reactive to challenges, rather than proactively forward planning or anticipating issues before they emerged. The lack of performance management during 2022-23 means the Council could not use performance data to drive improvement or achieve value for money. Without integrated reporting the Council risks not focusing spend on its priorities to deliver improvement. The Council has not yet looked at levels of delivery for statutory services and recognises it needs to plan this work as long-term financial constraints impacts its financial sustainability. The Council needs a strategic approach to assess required service levels, but this relies on effective performance data. Partnership items are regularly reported to Cabinet but given the lack of effective performance management the delivery of outcomes by those partnerships is not actively managed.

The Council's Procurement Strategy is dated 2017 and requires updating, as we recommended in both the 2020-21 and 2021-22 AARs. The Council lacks an intelligent client function for procurement and contract management. It has no specialist trained officer to lead procurement and contract management or ensure regular training is provided to members and officers. The Council's contract standing orders (CSOs) in the constitution are out of date and there is evidence the CSOs are not complied with. The Council has a legal duty to secure value for money and social value in commissioning and procurement.

We find that the Council's arrangements for performance management and procurement and contract management are both significant weaknesses and raise two key recommendations (see pages 6 and 7).

Please note that our report covers budgeted figures for both 2022-23 and 2023-24 as the 2023-24 budget is developed and approved in 2022-23. We are also mindful of the fact that our 2021-22 Auditor's Annual Report (AAR) was issued 6 months ago and the Council has not had a full year to implement the recommendations made in our prior year AAR.

Key recommendations



Improving economy, efficiency and effectiveness

- Key recommendation 1** The Council needs to improve its performance management arrangements by:
- Using the reset Corporate Plan to establish a golden thread for the Council, by creating a performance management framework at corporate and service levels linking outcomes to expected annual measures to track success and report these to the public;
 - Developing annual delivery plans aligned with the Corporate Plan and reduce the number of service specific strategies to ensure the golden thread is in place;
 - Agreeing performance outcomes, that can be measured, at least annually as part of the new performance management framework;
 - Ensuring performance reporting include targets, RAG rating, and actual measures and benchmarking. Reports should use previous year and 'nearest neighbours' data where possible; integrating performance, risk and finance reporting to drive improvement;
 - Ensuring the Cabinet receives quarterly performance reports to enable it to hold officers to account;
 - Using performance and financial data and benchmarking to look at delivery levels of statutory services to ensure the Council is achieving value for money;
 - Ensuring that the new performance management framework and reporting extends to key contracts such as waste and leisure;
 - Developing a strategic approach to assessing the levels of statutory services needed to save money;
 - Engaging with hard-to-reach customers to ensure they can still access services given the Council's digital by default approach;
 - Ensuring partnership performance management, including outcomes, is reported regularly to Cabinet; and
 - Engaging key stakeholders, where appropriate, to determine local priorities for resources or opportunities for savings.

Why/Impact The Council needs to ensure it is delivering its corporate strategy and without a framework in place, underpinned by effective performance management and data, it will not understand required improvements or have a golden thread to enable officers to understand how they contribute to corporate delivery or identify savings and achieve value for money. The lack of performance management during 2022-23 means the Council could not use performance data to drive improvement or achieve value for money. Without a blended approach between finance and performance the Council could reduce spending in the wrong areas.

Auditor judgement The Council's arrangements for performance management is not adequate.

Summary findings We raised performance management as an improvement recommendation in the AAR for both 2020-21 and 2021-22. In 2022-23 the Council still lacked a performance framework meaning it was reactive to challenge, rather than proactively forward planning or anticipating issues before they emerged. Cabinet members cannot hold officers to account for performance if reporting is lacking. Performance benchmarking is not built into the Council's arrangements. While the Council recognises it needs to look at levels of delivery for statutory services given long-term financial constraints impact on its financial sustainability, this relies on effective performance data.

Key recommendations



Improving economy, efficiency and effectiveness

Key recommendation 1 Following both this review and a Peer Challenge undertaken during 2022/23 a range of KPI's have been introduced and, since the start of 2023/24, are presented to Members of Overview and Scrutiny Committee and the three Scrutiny Select Committees at quarterly intervals after their review by Management Team.

Management comments

Management agrees that KPIs should also be formally shared with Cabinet and it is intended that they will now be introduced to Cabinet agendas as well as making them a standard regular item on all service management teams. The range of information captured and reported will also be reviewed and refined over the coming months.

Management acknowledges, and agrees with, the recommendation about a 'golden thread'. The need for greater focus of resources towards 'Policy and Performance' is also recognised to act as the 'golden thread' between finance and performance across the organisation and to enable officers to understand how they could contribute to corporate delivery or identify savings and achieve value for money.

Benchmarking information is already in use in some service areas (e.g. treasury management and recycling) and is reported to relevant Committees to aid review of performance, but more generally work is already underway to look at a wider range of benchmarking information which can be used to inform areas for transformation and value for money assessments. It is expected that this will be developed over the next 12 to 18 months.

In terms of engagement with residents, a consultation was undertaken to inform the development of the new Corporate Strategy and assess local priorities. Management will liaise further with Cabinet about further engagement with residents on resources and options for savings

Key recommendations



Improving economy, efficiency and effectiveness

- Key recommendation 2** The Council needs to improve its procurement and contract management arrangement by:
- Updating its procurement strategy;
 - Ensuring the contracts register is monitored, kept up to date and used by all services;
 - Ensuring it fully meets the Local Government (Transparency Requirements) (England) Regulations 2015 legislation;
 - Having a suitably trained client lead for procurement and contract management;
 - Provide training for officers and members on procurement and contract management to enable them to fully understand their responsibilities for social value and value for money; and
 - Ensuring the Council's shared arrangements for fraud also include procurement and contract management.

Why/Impact The Council has an important responsibility to ensure that procurement and contract management arrangements maximise the use of public finances, that value for money is achieved, and procurement delivers strategic priorities.

Auditor judgement The Council's arrangements for procurement and contract management are not adequate to ensure it is achieving value for money.

Summary findings We raised an improvement recommendation to update the Council's Procurement Strategy in the 2020-21 and 2021-22 AARs. The Strategy is dated 2017 and needs to consider changes over the last six years including the Procurement Bill, Brexit, the National Procurement Policy Statement June 2021 and the LGA national procurement framework from 2018 that was updated in 2022. The Council lacks an intelligent client function for procurement and contract management. It has no specialist trained officer to lead procurement and contract management or ensure regular training is provided to members and officers, instead it has a procurement group and assigns responsibility to each service. The Council's contract standing orders (CSOs) in the constitution are out of date following the procurement changes since Brexit and need updating and communicating through the organisation. The Council has a legal duty to secure value for money and social value in commissioning and procurement.

Management comments Management Team acknowledges that updating of the procurement strategy has been an outstanding matter for some time. The Council does not have its own procurement resource and has relied on a working group of officers from across the Council to discuss and deliver procurement priorities and monitor/update the contracts register. For the letting of significant contracts, the Council has always sought professional assistance externally, but it acknowledged that a lack of 'in house' expertise in this discipline has led to a lack of progress.

We are now having discussions with another Local Authority with a view to developing a SLA for both the review and revision of the Procurement Strategy along with a named officer for day to day professional advice who could also sit on the Procurement working group. In order to bolster the profile and importance of the procurement function, the Procurement working group will now be chaired by a member of Management Team. Appropriate training for both officers and Members will be developed by the group over the next few months.

With regard to the risk of fraud within procurement, the Council's SLA with Kent County Council's Internal Audit and Fraud team does already cover this activity. Procurement fraud awareness training will be offered to procurement leads during 23/24 and a rolling programme will be established.

The range of recommendations that external auditors can make is explained in Appendix B.

Opinion on the financial statements and use of auditor's powers

We bring the following matters to your attention:

Opinion on the financial statements

Auditors are required to express an opinion on the financial statements that states whether the accounts: present a true and fair view of the Council's financial position; and have been prepared in accordance with the CIPFA/LASAAC Code of Practice on local authority accounting in the United Kingdom 2021-22.

Our work on the audit of the Council's 2022-23 financial statements is in progress.

Statutory recommendations

Under Schedule 7 of the Local Audit and Accountability Act 2014, auditors can make written recommendations to the audited body which need to be considered by the body and responded to publicly.

We did not issue any statutory recommendations in 2022-23.

Public Interest Report

Under Schedule 7 of the Local Audit and Accountability Act 2014, auditors have the power to make a report if they consider a matter is sufficiently important to be brought to the attention of the audited body or the public as a matter of urgency, including matters which may already be known to the public, but where it is in the public interest for the auditor to publish their independent view.

We did not issue any public interest report in 2022-23.

Application to the Court

Under Section 28 of the Local Audit and Accountability Act 2014, if auditors think that an item of account is contrary to law, they may apply to the court for a declaration to that effect.

We did not make any application to the Court in 2022-23.

Advisory notice

Under Section 29 of the Local Audit and Accountability Act 2014, auditors may issue an advisory notice if the auditor thinks that the authority or an officer of the authority:

- is about to make or has made a decision which involves or would involve the authority incurring unlawful expenditure;
- is about to take or has begun to take a course of action which, if followed to its conclusion, would be unlawful and likely to cause a loss or deficiency; or
- is about to enter an item of account, the entry of which is unlawful.

We did not issue any advisory notice in 2022-23.

Judicial review

Under Section 31 of the Local Audit and Accountability Act 2014, auditors may make an application for judicial review of a decision of an authority, or of a failure by an authority to act, which it is reasonable to believe would have an effect on the accounts of that body.

We did not apply for any judicial review in 2022-23.

Securing economy, efficiency and effectiveness in the Council's use of resources

All councils are responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness from their resources. This includes taking properly informed decisions and managing key operational and financial risks so that they can deliver their objectives and safeguard public money. The Council's responsibilities are set out in Appendix A.

Councils report on their arrangements, and the effectiveness of these arrangements as part of their Annual Governance Statement.

Under the Local Audit and Accountability Act 2014, we are required to be satisfied whether the Council has made proper arrangements for securing economy, efficiency and effectiveness in its use of resources.

The National Audit Office's Auditor Guidance Note (AGN) 03, requires us to assess arrangements under three areas:



Financial Sustainability

Arrangements for ensuring the Council can continue to deliver services. This includes planning resources to ensure adequate finances and maintain sustainable levels of spending over the medium term (3-5 years).



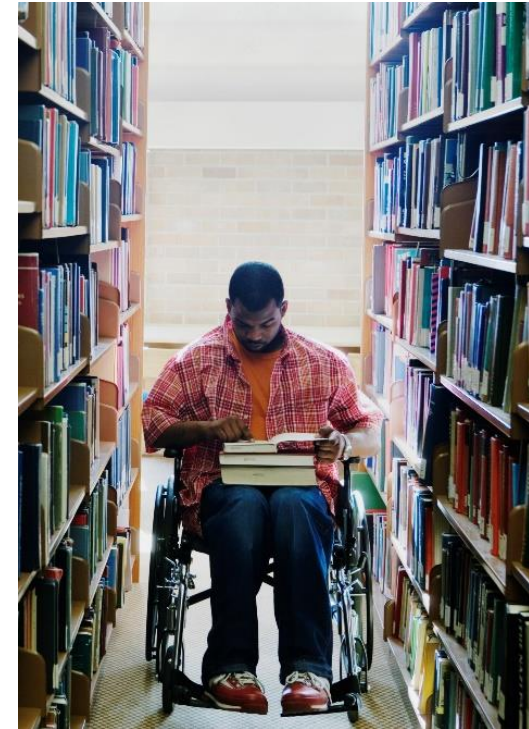
Governance

Arrangements for ensuring that the Council makes appropriate decisions in the right way. This includes arrangements for budget setting and management, risk management, and ensuring the Council makes decisions based on appropriate information.



Improving economy, efficiency and effectiveness

Arrangements for improving the way the Council delivers its services. This includes arrangements for understanding costs and delivering efficiencies and improving outcomes for service users.



Our commentary on the Council's arrangements in each of these three areas, is set out on pages 10 to 21.

Financial sustainability



We considered how the Council:

- identifies all the significant financial pressures that are relevant to its short and medium term plans and builds them into its plans
- plans to bridge its funding gaps and identify achievable savings
- plans its finances to support the sustainable delivery of services in accordance with strategic and statutory priorities
- ensures its financial plan is consistent with other plans such as workforce, capital, investment and other operational planning which may include working with other local public bodies as part of a wider system
- identifies and manages risk to financial resilience, such as unplanned changes in demand and assumptions underlying its plans

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How the Council ensures that it identifies all the significant financial pressures that are relevant to its short- and medium-term plans and builds them into its plans

The Council has a ten-year Medium Term Financial Strategy (MTFS). Annual budget setting reflects the impact of key expenditure drivers, such as population changes, pay and other inflationary pressures. As part of the process in 2022-23 budgets were reviewed and changes made to adjust for pressures, new initiatives, expected cost increases and income changes. Waste, homelessness including temporary accommodation, and the Local Plan continue to have significant financial implications for the Council.

In 2022-23 the annual funding settlement was again for one-year creating challenges for financial planning. It included an allocation of £1.19m for New Homes Bonus (NHB) and a one-off Services Grant to cover national insurance increases. The funding decrease on 2021-22 was £0.4m which represented a reduction of 7.6%. The council tax increase in 2022-23 was £5 or 2.3%, taking Band D council tax to £224.50 for district council services. The council tax base in 2022-23 was 52,247 Band D equivalent properties, an increase of 1.7% from 2021-22.

The 2022-23 outturn position was £10.231m spend against an expected £11.213m, but waste, homelessness/temporary accommodation and the Local Plan continue to have significant financial implications for the Council. In June 2023 Cabinet was advised the contribution to the General Revenue Reserve was £949,685, some £432,835 more than the £516,850 previously estimated. The variance was attributed to above profile performance on investment returns due to interest rate rises and improved income from planning application fees, garden waste and car parking.

General Fund reserve balance on 31 March 2023 was £8.611m compared with £7.661m at the same time in 2022. General Fund working balances were set at £1.25m. Plans to use reserves to fund budget deficits in the short term is not of immediate concern but should be monitored closely.

The Section 25 statement, for agreement of the annual budget and precept, reported to Cabinet on 14 February 2022 references the reserve levels,

confirming they are adequate and that external impacts on the budget have been considered.

Financial plans are discussed at Council, Cabinet and Finance, Overview & Scrutiny Committee, and Regeneration & Property Scrutiny Committee. The Council has a history of transparency in financial matters.

How the body plans to bridge its funding gaps and identifies achievable savings

In 2022-23 Cabinet instructed the Corporate Management Team (CMT) to implement an “Essential Spend Only” ethos again to assist in containing in-year budget pressures. In-year pressures included a £0.249m contribution under the utility cost sharing agreement for the Leisure Trust and support on the Waste Contract with increases in HGV driver costs.

The Council has a Savings and Transformation Strategy that provides structure and direction to address the financial challenges it faces. The Strategy will be delivered in four tranches commencing 2022-23. The Council has a history of delivering savings, delivering over £3.8m of savings in the last seven years. Savings delivery is monitored at Cabinet as part of the regular MTFS report. A transformation approach to savings is important going forward as the Council will struggle to find the savings it needs by taking its traditional approach. **We make an improvement recommendation to develop a transformation programme related to cost savings for the medium to long-term (see page 13).**

In February 2022, an updated copy of the Savings and Transformation Strategy was presented to Cabinet, it included the need to save £2.15m, of which £1.5m must be ‘bridged’ in the next 3 years to protect the Council’s financial integrity. In February 2021, the projected gap was £0.475m. The increase to £2.15m was caused by waste management, the Local Plan costs, and temporary housing plus inflationary pressures. Added to this gap is £0.2m from the scaled back of office accommodation, giving £2.35m to find and deliver over the medium-term.

Financial sustainability

Of the four tranches in the Savings and Transformation Strategy, by February 2023 full tranche 1 savings of £0.35m were achieved and the funding gap reduced to £1.7m to be delivered in three further tranches: tranche 2 – £0.5m by April 2024; tranche 3 – £0.60m by April 2025; and tranche 4 – £0.60m by April 2028. Plus, the scaling back of office accommodation to save £0.2m by April 2024.

The Savings and Transformation Strategy presented to Cabinet on 14 February 2023, lacks explicit detail and alternatives to consider, with no identified option appraisals. Going forward, as savings become more challenging to deliver, it will be important to develop early ideas for savings/transformation with budget holders and present these to a Members' challenge board to enable early engagement with key stakeholders and to allow Members to see options with associated impact of savings on residents. We address this improvement in the transformation recommendation on page 13.

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How the body plans finances to support the sustainable delivery of services in accordance with strategic and statutory priorities

Financial planning in the Council does not demonstrate a clear understanding of the cost of delivering core statutory services as distinct from discretionary areas of spend and we make an improvement recommendation to address this on page 13.

In 2022-23 the Council lacked an effective corporate strategy, but we recognise it was being addressed through development and consultation during 2022-23 and was agreed by Council on 22 July 2023. The one-page list of priorities in place from 2020-23 identified finance, climate change and sustainable growth as key priorities, but climate change activities are not costed in the MTFS.

Now the Corporate Plan is in place the Council needs to ensure spending reflects its priorities, particularly discretionary services but also explore the level which statutory services are funded to realise possible savings. **We include the need to link priorities and spending in our improvement recommendation on the development of a transformation programme on page 13.**

There is extensive internal consultation to ensure the annual budget meets the needs of the services provided, ensuring that key services remain funded. **However, financial plans are not discussed with wider stakeholders through an annual consultation exercise, and we make an improvement recommendation to address this on page 13.** We found no evidence of the need to curtail services to support short term funding deficits, but this may be required as savings become more difficult to find.

The Council has the necessary resources for financial management including a financial system able to provide timely financial information, the necessary financial skills, experience and capacity

in the finance team and budget holders in the services, and clearly defined responsibilities for budget management. Corporate Management and Members challenge performance, holding budget holders to account, and making decisive interventions where and when necessary. The finance team is well-established with significant experience of managing the Council's finances. We feel the Council has a positive financial culture and an appropriate 'tone from the top' set by the Chief Executive – the ongoing management of the Council's financial position over recent years is evidence of this.

Budget holders receive monthly budget reports. The onus is on budget holders to raise any issues with finance on an exception basis, rather than regular meetings being held. Any variances of £5,000 and above must be reported to the Director of Finance and Transformation. Finance carries out independent review of significant elements of the budget such as salaries and income to maintain oversight of the financial position.

How the body ensures that its financial plan is consistent with other plans such as workforce, capital, investment, and other operational planning which may include working with other local public bodies as part of a wider system

In June 2022 a new Workforce Strategy was agreed in line with LGA CPC recommendations. This is a 1-year strategy and given the need for additional capacity in performance, transformation, procurement and contract management and the programme office this needs planning over a long-term time horizon and be fully costed. **We make an improvement recommendation to develop a long-term term and costed Workforce Strategy on page 14.**

The Council has a Capital Plan and has adopted a Capital Strategy and capital planning process which are regularly reviewed to reflect changing circumstances. The capital outturn in 2022-23, net of grants, was £0.784m against a budget provision of £1.567m.

In addition to funding for the replacement of assets which deliver services and recurring capital expenditure, there is now an annual capital allowance for all other capital expenditure. Any 'bids' for capital schemes or discretionary capital grants are to be assessed in the context of the annual capital allowance. Priority is given to those schemes that generate income or reduce costs. The annual capital allowance is currently set at £0.25m.

The Council is risk adverse and debt-free, expected to remain debt free until 2029, and does not seek to invest in commercial assets. The capital programme largely consists of maintenance and improvement items and contains no major schemes. The capital programme is overseen by Cabinet, while projects are subject to a detailed appraisal and approval process.

The Capital budget sets out revenue impacts. There is an annual contribution to the revenue reserve for capital schemes to match the funding required for the replacement of existing assets (vehicles, plant and

Financial sustainability

equipment) and recurring capital expenditure. The contribution in 2022-23 is £0.908m.

A Treasury Management & Annual Investment Strategy is in place and reported to Council annually. The Council uses external advisors Link Asset Services, to ensure risk is managed. There is an appropriate balance between mitigating risk and optimising opportunities, and the Council has set out the appropriate level of reserves to maintain, as well as the opportunity cost of holding reserves.

How the body identifies and manages risks to financial resilience, such as unplanned changes in demand and assumptions underlying its plans

The Council identified the risk of not balancing the budget as a red risk in the latest Strategic Risk Register (SRR). Ways in which the Council is managing this risk include the regular budget monitoring and scrutiny, the Savings and Transformation Strategy, the MTFS and use of reserves. A list of financial risks is included in budget papers sent to Members when setting the Council's annual budget, but these are not aligned with the SRR risk references. [We address this issue in the risk improvement recommendation on page 18.](#)

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Improvement recommendations



Financial sustainability

Improvement recommendation 1

The Council should develop a transformation programme to enable it to reduce spend by looking at different ways of delivering services or by enabling others in its systems leadership role. It needs to:

- Use the Corporate Plan reset to identify its budget priorities and reset the budget;
- Develop an understanding of the cost of delivering its core statutory services and discretionary spend where it meets clear political priorities;
- Identify ways to deliver for less and identify activity that can stop where it does not contribute to statutory services or to Corporate Plan priorities;
- Consult on changes to services and future spending plans with the public and include public engagement annually as part of business planning;
- Ensure it has transformation and programme management skills in place to manage the programme, lead change and explore new ways of working;
- Introduce service user testing, when making service changes as part of prototyping, to ensure groups are not adversely impacted by changes to delivery for example digital by default; and
- Develop early ideas for savings with budget holders and present these to a Members' challenge board to enable early engagement with key stakeholders and to allow Members to see options and the impact of savings on residents.

Why/Impact

The Council has traditionally found the savings it requires but the scale of savings required going forward calls for a more transformative approach to achieve value for money and maintain effective services.

Auditor judgement

The Council will not be able to achieve future savings using historic approaches and a more transformational model will be needed to help ensure financial sustainability while achieving value for money and outcomes for residents.

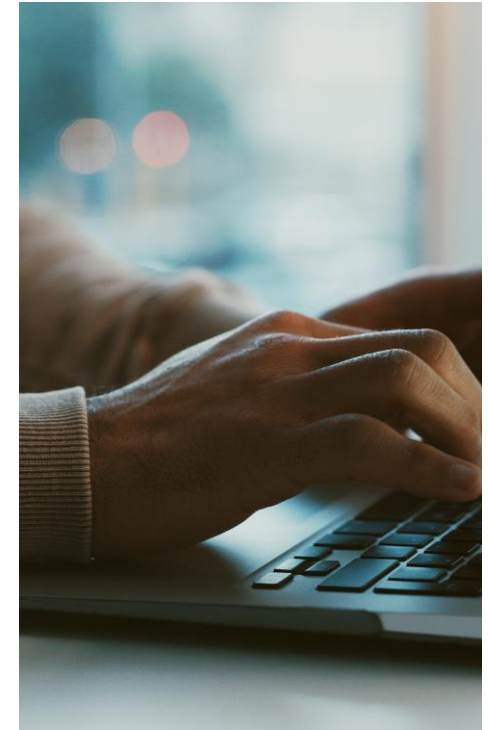
Summary findings

The Council has a Savings and Transformation Strategy and a history of delivering savings, but a transformation programme would help it to deliver future savings whilst effectively considering value for money.

Management comments

A Management Team/Cabinet LGA Development Day is being arranged for October, themed around transformation. It will look at development of the transformation programme and subsequently the resource requirement.

As part of the budgetary process for the Revised Estimate for 2023/24 and Forward Estimates for 2024/25 Services are asked to identify whether services provided were mandatory or discretionary to help develop an overall understanding of cost and priorities.



Improvement recommendations



Financial sustainability

Improvement recommendation 2

Improve the Workforce Strategy to include fully costed strategy over the medium to long-term.

Why/Impact

Costing the workforce requirements over the medium to long term will enable finance to build assumptions into the MTFS and ensure the Council has the right blend of skills for the future.

Auditor judgement

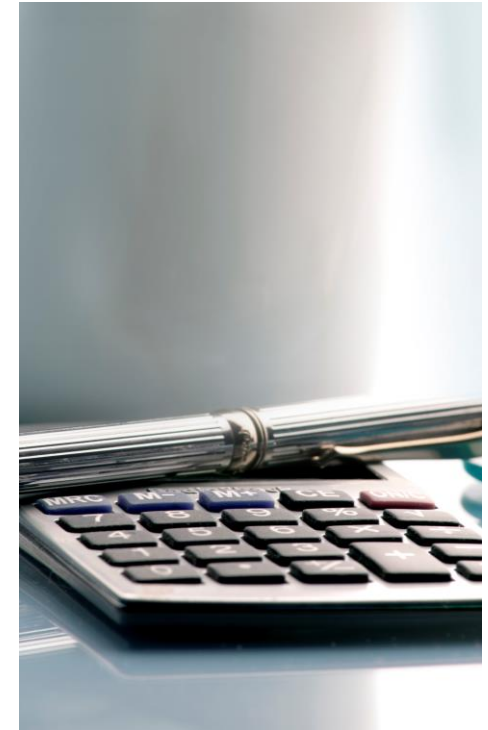
Developing a costed strategy will enable the Council to plan its future workforce requirements and build in medium-to long-term assumptions for budget planning.

Summary findings

In June 2022, a new Workforce Strategy was agreed in line with LGA CPC recommendations. This is a 1-year strategy and given the need for additional capacity in performance, transformation, procurement and contract management and the programme office this needs planning over a long-term time horizon and be fully costed.

Management comments

Future revisions of the Workforce strategy will include medium-term impacts requiring reviews of service delivery, succession planning, resilience as well as financial costing.



The range of recommendations that external auditors can make is explained in Appendix B.

Governance



We considered how the Council:

- monitors and assesses risk and gains assurance over the effective operation of internal controls, including arrangements to prevent and detect fraud
- approaches and carries out its annual budget setting process
- ensures effective processes and systems are in place to ensure budgetary control; communicate relevant, accurate and timely management information (including non-financial information); supports its statutory financial reporting; and ensures corrective action is taken where needed, including in relation to significant partnerships
- ensures it makes properly informed decisions, supported by appropriate evidence and allowing for challenge and transparency. This includes arrangements for effective challenge from those charged with governance/Audit Committee
- monitors and ensures appropriate standards, such as meeting legislative/regulatory requirements and standards in terms of staff and board member behaviour (such as gifts and hospitality or declaration/conflicts of interests) and where it procures and commissions services

How the body monitors and assesses risk and gains assurance over the effective operation of internal controls, including arrangements to prevent and detect fraud

The Council adopted a Risk Management Strategy in February 2022 and agreed a revision in January 2023. It outlines responsibility for risk. It is complemented by a risk management guidance document setting out what risk is, how to identify a risk, assess and evaluate it, escalate risk determine risk proximity, risk profile, allocate risk, and risk monitoring. The guidance also outlines the risk register template, a risk assessment form and how to determine likelihood – we view this guidance to be good practice.

Any risk evaluated as ‘High Risk’ (score of 15 or above) is deemed by the Council to be beyond ‘risk tolerance’ and to have exceeded its ‘risk appetite’ and is escalated immediately. Such risks should be added to the service’s risk register and discussed in the Service Management Team (SMT) to inform a decision as to whether this should be escalated to Corporate Management Team (CMT).

CMT then considers whether to add the risk to the Strategic Risk Register (SRR). The SRR is a critical tool for the Council to capture and report on risk activity and their risk profile. The Council reviews its SRR quarterly. Each team is meant to discuss service risks at weekly meetings, and we have verified that this takes place with the finance team. There is also an element of internal peer challenge on risk.

While we found good practice in this area, we did identify improvements to the Council’s approach to risk management in our 2020-21 and 2021-22 Auditor’s Annual Reports (AAR). We set out how the SRR could be improved by including direction of travel, sources of risk and assurance, and dates of last and next review. We also recommended a training module for all staff be developed to raise awareness of risk. We find these recommendations are still outstanding.

In 2022-23 we have identified additional risk management improvements. The SRR should set out relevant key controls and assurances for each risk, include a direction of travel and have a single named owner. We expect to see the original risk score and likelihood scores after initial mitigation, current risk scores and target risk scores. It would be useful to identify issues, risk and impact separately.

Dates in the SRR mainly start from 2017 and mitigation actions/narrative does not make clear subsequent updates, making scrutiny difficult for Members. The Audit Committee receives the SRR for comment at each meeting, but a quarterly update would be helpful for Cabinet, integrated with reporting on performance and finance.

The Council needs to improve its committee reports to enable risk management and reference strategic risks and their scores and impact in all Council reports. This would also facilitate Member challenge on risk.

We make an improvement recommendation concerning risk management on page 18.

Internal audit (IA) is provided by Kent County Council and the IA team reports into finance on a monthly basis. IA also leads on the Council’s risk management and fraud activities. During 2022-23 the IA team had a vacancy for a Principal IT Auditor. Council pay grades proved insufficient to attract a permanent in-house specialist IT Auditor and this has led to further delay to the Cyber Security and IT Infrastructure audits. However, this post was filled in 2022/23 and the Cyber Security and IT infrastructure reviews completed receiving substantial assurance.

Governance

The most recent IA external quality assessment was undertaken in February to March 2021 and an improvement plan developed. The IA annual internal self-assessment against the Public Sector Internal Audit Standards was conducted in December 2022. It recommended eight improvements of which six were actioned in 2022-23. The two remaining actions in July 2023 were to identify a mechanism to review and provide assurance on fraud activity and have regular private meetings with the Chair of the Audit Committee and CAE/Audit and Assurance Manager.

In July 2023, the Audit Committee endorsed the opinion on the effectiveness of the IA function in place for 2022-23 as 'Good' with 92% of the audit plan completed. Of the 63 audit recommendations due for implementation in 2022-23 a fifth are still open, a slight increase of four percentage points from 2021-22. The Audit Committee also approved the 2022-23 Annual Governance Statement (AGS). The AGS is supported by signed Assurance Statements provided by CMT members including the three statutory officers.

The Council takes part in the National Fraud Initiative (NFI), which comprises of a nationwide data matching exercise comparing Council data to other council and third-party datasets. In 2022-23 the Counter Fraud Team delivered activity on the biennial data matches received in the 2021-22 exercise. This led to £151,815 in additional council tax being identified due to changes in discounts and exemptions being either removed or adjusted from council tax accounts. The delay was due to the diversion of resources to support due diligence checks on Covid grant payments made through 2020 to 2022.

The Council continues to benefit from the Kent Intelligence Network, a partnership led by Kent County Council, in place since September 2016. This partnership prevents and detects fraud, reduces risk profiles and supports fraud professionals locally. In 2022-23 it helped identify £0.639m of additional liability across Kent.

The Fraud team has delivered awareness training to Council staff in Revenues and Benefits and Human Resources (HR). HR has written to staff asking them to declare second jobs. The Fraud team also received 112 fraud referrals in 2022-23 mostly related to council tax and benefits.

How the body approaches and carries out its annual budget setting process

The Council's annual budget setting process is described in the Financial sustainability section of this report, [pages 10-12](#). The Council's budget position is categorised as 'red' on the SRR. Budgets are discussed with budget holders, senior leadership and Members prior to approval at Council level. The budget process starts in August with a finance review of staffing. Budget working papers are circulated to budget holders in September and work their way to the management team for approval in November. When the settlement is received in December required adjustments are made and the budget goes to Members in January and February going through Cabinet to Council for approval. We found that there is no budget consultation with the public and this is one areas where the Council may want to address.

How the body ensures effective processes and systems are in place to ensure budgetary control

During 2022-23 Cabinet and the Finance, Regeneration and Property Scrutiny Committee reviewed updates on the Council's financial position including the budget and savings position. These reports included reasons for variances and risks to budgets.

There is no evidence of serious and pervasive weaknesses in final accounts processes leading to material errors in draft accounts, failure to meet statutory reporting deadlines or a modified opinion on the financial statements. **Financial performance is a key objective the Council, but performance management is a significant weakness and requires improvement - see key recommendation concerning performance management (see page 6), identified as part of our work on the 3Es, refer to page 20 for detail.**

By understanding the performance of services managers will get better budgetary control.

How the body ensures it makes properly informed decisions, supported by appropriate evidence and allowing for challenge and transparency

In 2022-23 the Council lacked a performance framework meaning it was reactive to challenge, rather than proactively forward planning or anticipating issues before they emerged. However, the Council has had limited need to transform and restructure but is now faced with a more significant budget gap for 2023-24 which will require transformation capacity and skills. The Council recognises the coming years will be challenging if sustainable and transformative solutions are not identified.

Without service data and effective performance management it is unclear how the Council can effectively plan to make £2m savings with limited experience of strategic transformation. This means that performance information, including good quality service data and benchmarking, is more even important to aid effective decision-making. **We recommendation the Council fully integrates performance and financial reporting for revenue and capital to improve financial reporting (see page 19).** The Leader is keen to increase the pace of change and bring fresh ideas. This leadership style creates an opportunity for the whole Council to innovate and look at how it could do things differently.

The Local Government Association (LGA) is the national membership body for local authorities working on behalf of member councils to support, promote and improve local government. In February 2022, the LGA corporate peer review team identified the Council lacked a shared strategic vision, with no strong sense of priorities being reflected in conversations with a wide range of different stakeholders. There were separate strategies for different parts of the Council but no overarching plan with key priorities. Performance reporting was fragmented during 2022-23 with no corporate overview to allow competing issues or challenges to be proactively evaluated against.

Governance

each other. While we recognise the Council developed its Corporate Plan during 2022-23 (agreed at Council in July 2023), we raise a key recommendation concerning performance management (see page 6), identified as part of our work on the 3Es, refer to [page 20](#) for detail.

The Council uses complaints data in its services to improve but it does not have a corporate resident satisfaction measures and does not have an annual survey or budget consultation with the public. The LGA report identifies that in delivering digital by default, some customers were finding it increasingly difficult to engage with the Council and further analysis of the impact on service provision and customer interaction should be undertaken.

How the body monitors and ensures appropriate standards, such as meeting legislative/regulatory requirements and standards in terms of officer or member behaviour

During 2022-23 IA reviewed arrangements for Member declarations of interest / expenses allocation. This audit looked at arrangements for Members and staff and was concluded to have substantial assurance. We have not identified any non-compliance with the Constitution, statutory requirements or expected standards of behaviour. We have not been made aware of any data breaches at the Council.

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Improvement recommendations



Governance

Improvement recommendation 3

The Council needs to improve risk management by:

- Improving the format of the Strategic Risk Register (SRR) to add for each risk: key controls and assurances; direction of travel; a single named owner; the original risk score and likelihood scores after initial mitigation; current risk scores and target risk scores; and provide updated mitigation quarterly. It would be useful to identify issues, risk and impact separately;
- Updating the SRR format to align with our proposed SRR changes;
- Reviewing the SRR risks to ensure they have the right actions and are unique risks;
- Reporting the SRR quarterly to Cabinet alongside performance and finance;
- Improving committee reports to facilitate good risk management, referencing strategic risks and their scores and impact in all Council reports; and
- Developing training for members and staff to raise awareness of risk and responsibilities.

Why/Impact

Effective risk management enables councils to: improve governance, confidence and trust; set strategy and plans through informed decision-making; evaluate options and deliver programmes, projects, and policy initiatives; prioritise and manage resources, manage performance, resources and assets; and achieve outcomes.

Auditor judgement

While we found some good practice in relation to risk, we also found areas of risk management that need improvement.

Summary findings

Areas of risk management that need improvement relate particularly to the SRR format, member scrutiny and challenge on risk management, and reporting risk to Members in committee reports.

Management comments

Some changes have already been made to the SRR to indicate direction of travel and further changes will be made over the next few months. In the light of both last year's recommendation and an internal audit report (which contained similar recommendations) Zurich, the Council's insurers, are being asked to review the Risk Management Strategy, formats of risk registers and risk training for new employees.



Improvement recommendations



Governance

Improvement recommendation 4

The Council needs to fully integrate performance and financial reporting for revenue and capital to improve financial reporting.

Why/Impact

Members need to have information that enables them to hold officers to account and challenge performance.

Auditor judgement

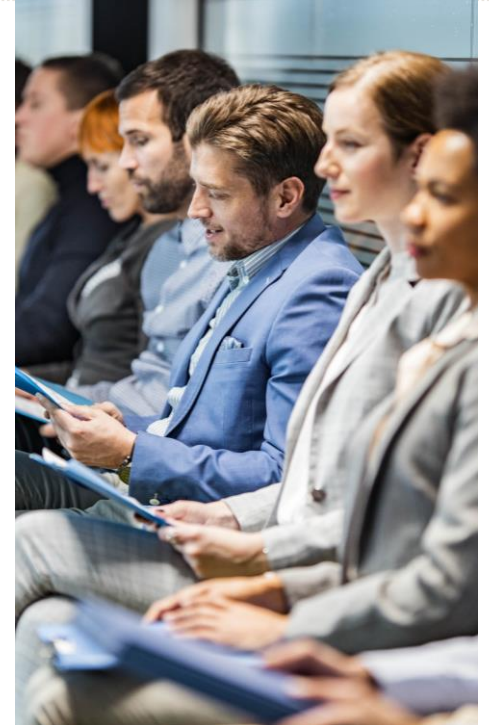
The Council needs to fully integrate financial and performance reporting including workforce information (such as interim spend, vacancy rates and sickness data) once it has addressed the recommendations on performance management.

Summary findings

Revenue reporting is at an appropriate level with clear commentary of the current position, but service and workforce information is not integrated into financial reports.

Management comments

Management response to follow



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The range of recommendations that external auditors can make is explained in Appendix B.

Improving economy, efficiency and effectiveness



We considered how the Council:

- uses financial and performance information to assess performance to identify areas for improvement
- evaluates the services it provides to assess performance and identify areas for improvement
- ensures it delivers its role within significant partnerships and engages with stakeholders it has identified, in order to assess whether it is meeting its objectives
- where it commissions or procures services assesses whether it is realising the expected benefits

How financial and performance information has been used to assess performance to identify areas for improvement

It is recommended by the LGA that councils have a Corporate Peer Review every five years which makes recommendations for improvement. The Council had their review in January 2022 and agreed an action plan. One action was to develop a compelling narrative as part of a new Corporate Plan. The draft Corporate Plan went to Overview and Scrutiny Committee in November 2022 and was shared for comment with staff and the public.

As part of the Corporate Plan review the basket of key performance indicators (KPIs) were reviewed. However, at no point during 2022-23 were KPIs or a paper on performance management presented to the Cabinet despite their constitutional remit. This limits Cabinet's ability to have visibility and oversight of how the Council is performing against its responsibilities and aspirations. We have raised this twice already; in our 2020-21 and 2021-22 Auditor's Annual Reports (AAR) we recommended that Cabinet receives performance reports including benchmarking.

In March 2023, the three select committees (Communities and Environment, Finance, Regeneration and Property, and Housing and Planning) received initial KPI reports relevant for their services. Joining these up with reporting to Cabinet jointly with finance and risk will be important for 2023-24. Providing Cabinet with an integrated performance report would enable them to hold officers to account for the delivery of the Council's Corporate Plan. A lack of a performance framework in 2022-23 meant the Council was reactive to challenges, rather than proactively forward planning or anticipating issues before they emerged.

How the body evaluates the services it provides to assess performance and identify areas for improvement

Lack of performance management arrangements during 2022-23 meant the Council was reactive to challenges rather than proactively forward planning or anticipating issues before they emerged, and the Council was not able to use performance data to drive improvement or achieve value for money. Without integrated reporting the Council risks not focusing spend on priorities to deliver improvement.

The Council has not yet looked at levels of delivery for statutory services and recognises it needs to plan this work as long-term financial constraints impact financial sustainability. The Council needs a strategic approach to assess required service levels, but this relies on effective performance data.

In 2021-22 we recommended that the Council should re-introduce the benchmarking practices used pre-pandemic, to see how other councils provide services, with a view to introducing best practice and providing best value for money. We understand that plans are in place to introduce benchmarking in 2023-24 in line with the LGA action plan.

The Council has a long-term strategic approach to finance as demonstrated by its ten-year MTFS but given the lack of performance management arrangements and the short-term local government settlements, it is unclear how meaningful assumptions are in respect of future funding streams.

We consider the Council's performance management arrangements to be a significant weakness and make a key recommendation on page 6.

Improving economy, efficiency and effectiveness

How the body ensures it delivers its role within significant partnerships, engages with stakeholders it has identified

The Council delivers its waste collection service through a contract with Urbaser Ltd and its parent company Urbaser SAU that commenced in September 2019 with a value of around £121.34m. This is a joint contract with Tunbridge Wells Borough Council. Performance of this contract is reported regularly to members.

In the 2021-22 AAR we noted that waste collection performance improved in 2022. However, contract performance was impacted in 2021-22 and in 2022-23 by the nationwide shortage of HGV drivers, as a result the garden waste service was suspended during part of 2022. From late 2019 to November 2022 the contractor did not deliver recycling services for 2,500 households living in communal blocks. This service was introduced from November 2022. Instead, these customers had to travel to 'bring sites' to recycle.

In 2022 the contractor proposed an enhanced pay rate to improve performance by reducing reliance on agency staff and attracting permanent drivers. From May to October 2022 the two councils provided financial assistance towards the enhanced pay rate to a value of £178,897 split between the two councils, which helped to recruit and retain drivers. The pressures in the market continued, and the partnership provided further support from November 2022 to 31 March 2023. The Council contributed £770,000 to that support, funded from the Budget Stabilisation Reserve. It also made a one-off contribution to the contractor of £150,000 towards the costs of terminating some existing collection vehicle leases to facilitate a new fleet of collection vehicles in 2023-24. This was also funded from the Budget Stabilisation Reserve. A Voluntary Ex-Ante Transparency Notice was published due to the contract variation with Urbaser Ltd and Urbaser SAU to support with the enhanced pay for the HGV drivers.

Key performance indicators reported to Community and Environment Scrutiny Select Committee in June 2023 still show performance concerns with the waste contract including 100% of missed bin collections not completed on time and growing complaints about street cleaning. Some of the data collection systems are still not in place meaning the Council can not effectively hold the contractor to account for all its service level agreements.

Partnership items are regularly reported to Cabinet but given the lack of effective performance management the delivery of outcomes by those partnerships is not actively managed. We address this in our key recommendation on page 6.

Where the body commissions or procures services, how the body assesses whether it is realising the expected benefits

The Council's Procurement Strategy is dated 2017 and it needs updating, as we recommended in both the 2020-21 and 2021-22 AARs, to consider changes over the last six years including the Procurement Bill, Brexit, the National Procurement Policy Statement in June 2021, and the LGA national procurement framework from 2018 that was updated in 2022. The Council lacks an intelligent client function for procurement and contract management. It has no specialist officer to lead procurement and contract management or ensure regular training is provided to Members and officers, instead it has a procurement group and assigns responsibility to each service. The Council's contract standing orders (CSOs) in the constitution are out of date following the procurement changes since Brexit and need bringing up-to-date and communicating. These changes need referencing in the new strategy.

The Council has a legal duty to secure value for money and social value in commissioning and procurement and a duty to manage its contracts effectively. It also has a duty to prevent fraud and corruption.

The lack of effective procurement and contract management in the Council is a significant weakness and we make a key recommendation on page 7 of this report.

The Council has a Leisure Trust, established in 2013. It is an important contract for the Council and there is evidence they work together to share costs and reduce future energy impacts. However, **there is a lack of effective scrutiny around how leisure services link to the health improvement and wellbeing of residents in the Borough, with more of a focus on how the contract is performing financially. This is part of the wider key recommendation on performance management on page 6 of the report.**

Follow-up of previous recommendations

	Recommendation	Type of recommendation	Date raised	Progress to date – management comment	Addressed?	Further action required?
1	<p>Consideration should be given to improving the risk management process:</p> <ul style="list-style-type: none"> a) consider providing additional information in the Strategic Risk Register (SRR), including direction of travel, sources of risk and assurance, and dates of last and next review. b) develop a training module for all staff to raise awareness of risk across the organisation. 	Improvement	December 2022	Some future review dates are now included in the SRR, but direction of travel, assurance, and previous dates are not. Training is not in place, and we make a further improvement recommendation concerning risk management.	No	Yes, refer to improvement recommendation 3
2	<p>The Council should consider the following improvements to its performance management framework:</p> <ul style="list-style-type: none"> a) report a suite of key performance indicators to Cabinet every six months. b) re-introduce the benchmarking practices used pre-pandemic to see how other councils provide services, with a view to introducing best practice and providing value for money. c) the Procurement Strategy should be refreshed, informed by the National Procurement Strategy toolkit. 	Improvement	December 2022	Cabinet still does not receive performance reports. Benchmarking is not introduced in 2022-23 but plans are in place to introduce for 2023-24 in line with the LGA action plan. The Procurement Strategy is not updated.	No	Yes , refer to key recommendation 1

Appendices

Appendix A – Responsibilities of the Council

Public bodies spending taxpayers' money are accountable for their stewardship of the resources entrusted to them. They should account properly for their use of resources and manage themselves well so that the public can be confident.

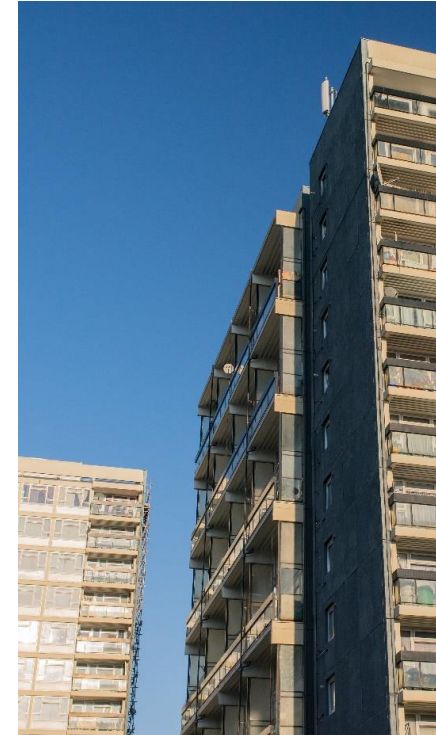
Financial statements are the main way in which local public bodies account for how they use their resources. Local public bodies are required to prepare and publish financial statements setting out their financial performance for the year. To do this, bodies need to maintain proper accounting records and ensure they have effective systems of internal control.

All local public bodies are responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness from their resources. This includes taking properly informed decisions and managing key operational and financial risks so that they can deliver their objectives and safeguard public money. Local public bodies report on their arrangements, and the effectiveness with which the arrangements are operating, as part of their annual governance statement.

The Chief Financial Officer (or equivalent) is responsible for the preparation of the financial statements and for being satisfied that they give a true and fair view, and for such internal control as the Chief Financial Officer (or equivalent) determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

The Chief Financial Officer (or equivalent) or equivalent is required to prepare the financial statements in accordance with proper practices as set out in the CIPFA/LASAAC code of practice on local authority accounting in the United Kingdom. In preparing the financial statements, the Chief Financial Officer (or equivalent) is responsible for assessing the Council's ability to continue as a going concern and use the going concern basis of accounting unless there is an intention by Government that the services provided by the Council will no longer be provided.

The Council is responsible for putting in place proper arrangements to secure economy, efficiency and effectiveness in its use of resources, to ensure proper stewardship and governance, and to review regularly the adequacy and effectiveness of these arrangements.



Appendix B – An explanatory note on recommendations

A range of different recommendations can be raised by the Council’s auditors:

Type of recommendation	Background	Raised within this report	Page reference
Statutory	Written recommendations to the Council under Section 24 (Schedule 7) of the Local Audit and Accountability Act 2014.	No	N/A
Key	The NAO Code of Audit Practice requires that where auditors identify significant weaknesses as part of their arrangements to secure value for money they should make recommendations setting out the actions that should be taken by the Council. We have defined these recommendations as ‘key recommendations’.	Yes	Pages 6 and 7
Improvement	These recommendations, if implemented should improve the arrangements in place at the Council, but are not a result of identifying significant weaknesses in the Council’s arrangements.	Yes	Pages 13, 14 and 18, 19

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Extract from Management Team's report

following receipt of Grant Thornton's Annual Audit Letter for 2021/22

Reported to Audit Committee on 16 January 2023

Extract from the report/ Management comments, which were endorsed by the Audit Committee are in *red italics*.

Governance

- 1 Consideration should be given to the following improvements to the risk management process:
 - Consider providing additional information within the Strategic Risk Register, including direction of travel, sources of risk and assurance, and dates of last and next review.

Consideration to be given to providing additional information in the Strategic Risk Register from April 2023.
 - Develop a training module for all staff to raise awareness of risk across the organisation.

Appropriate training for staff in order to raise awareness of risk across the organisation to be considered after the May 2023 election.

Improving economy, efficiency and effectiveness

- 1.1.1. The Council should consider the following improvements to its performance management framework:
 - Report a suite of key performance indicators to Cabinet every six months.

Management Team in liaison with Cabinet to consider how this might best be achieved.
 - Re-introduce the benchmarking practices used pre-pandemic to see how other councils provide services, with a view to introducing best practice and value for money.

Benchmarking can be resource intensive, that is not to say benchmarking is not a useful tool, adding insight and value when used

in the right context and will continue to look for opportunities to benchmark where and when it is determined it will be beneficial to do so when undertaking a review of a specific service area(s).

- The Procurement Strategy should be refreshed, informed by the National Procurement Strategy toolkit.

The nature, scale and size of procurement activity is relatively constant year on year. However, do acknowledge the need to revisit the Strategy when other more pressing priorities and work pressures allow and in recognition of the new procurement regime due to be implemented in 2023.

Financial sustainability

- 1.1.2 No improvement recommendations made under this criteria.

TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT 2022/23

Item AU 23/30 referred from Audit Committee of 24 July 2023

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to June of the current financial year. The treasury management outturn position for 2022/23 was also set out.

The report provided an assessment of the current economic situation and interest rate forecasts together with a commentary on investments derived from cash flow surpluses, core cash balances and other long term cash balances. A full list of investments held on 30 June 2023 was set out in Annex 1 to the report. Member's attention was drawn to the Revenue and Capital Outturn report for 2022/23 as set out at Annex 4 which provided a summary of the investment performance. The combined performance of the Authority's investments exceeded the revised estimate by £812,755, and £1.367m when compared to the 2022/23 original estimates mainly due to the level and speed at which Bank Rate had risen throughout 2022/23.

RECOMMENDED*: That the following be commended to Council:

- (1) the action taken in respect of treasury management activity for April to June 2023 be endorsed;
- (2) the 2022/23 outturn position be noted; and
- (3) the Audit Committee's appreciation of the work undertaken by officers in Treasury Management, be noted.

***Referred to Council**

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Recommendation AU 23/42 of Audit Committee of 25 September 2023 - To Follow

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Agenda Item 8

Recommendation CE 23/35 of Communities and Environment Scrutiny Select Committee of 21 September 2023 - To Follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

21 September 2023

Joint Report of the Directors of Street Scene, Leisure & Technical Services and Finance and Transformation and the Cabinet Member for Transformation and Infrastructure

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 CAR PARKING PROPOSALS

Summary

This report brings forward a number of proposed changes to the Council's car parking service for consideration and recommendation to Cabinet. The report suggests taking the proposals forward to a formal public consultation exercise, with the outcome reported back to a future meeting of Cabinet.

1.1 Car Parking

1.1.1 The Council owns and manages 46 car parks across the borough to serve the needs of residents, businesses, visitors and workers. The aim is to balance the management of the car parks to meet the needs of all users, optimise the availability of parking, maximise income subject to market conditions and provide consistency across the assets in a fair commercial and efficient manner.

1.1.2 There are significant annual costs associated with the operation of the parking service such as the maintenance of car parks costing £320,000, enforcement costing £376,000 in salaries, business rates costing £295,000, lighting, security measures, renewal of signs and lines and considerable investment in the Parking Action Plan. These costs have increased on average by 10% over the last 2 years, whilst charges have remained unchanged.

1.1.3 It has been two years since the last review of parking charges and the next review is due, and a report will be presented to the next meeting of this Select Committee on 7th November 2023.

1.2 Charging Proposals

1.2.1 In advance of the review of existing charges a number of proposals are brought forward for Member consideration and recommendation to Cabinet. These proposals intend to assist in meeting the stated aims of the parking service and

generate additional income to the Council to meet the aforementioned rising costs of delivering the service. They are also intended to resolve some existing parking issues which have been reported to the Council in specific areas

a. Extension of car park charging periods

The Council's parking charges are in place Monday – Saturday, 8am – 6pm, with free parking from 6pm, overnight, Sundays and Bank Holidays (though there are exceptions to this such as Haysden Country Park and West Malling High street car park).

The basis for this has been historic, based on traditional “office hours” and the opening times of local shops. However, retail opening times have changed significantly – many shops are open later and some (large retail supermarkets) are open 24 hours. There is also significant demand for parking on Sundays – not driven by free parking, but by the opportunity to carry out tasks, participate in leisure activities and attend events on what is for most a non-working day. This is particularly an issue in the car parks serving the castle, the swimming pool and sportsground in Tonbridge where it can be extremely difficult to find a parking space on a Sunday for leisure activities.

It is commonplace for Local Authorities to have charges on Sunday (either at the same rate, or a flat “day rate”) and to have evening charges, with Bank Holidays also chargeable. At the present time only the Council's Country Parks charge on a Sunday and Bank Holidays. Looking at local authorities in Kent, Tonbridge and Malling is only one of 4 local authorities currently not applying evening, Sunday or bank holiday charges. Other Councils including Maidstone, Canterbury and Swale also apply overnight charges in their car parks but this is not suggested to be a position this Council takes at the present time.

It is suggested extending the chargeable periods – to include Sundays, evenings up to 8pm and Bank Holidays.

Estimated additional income from the above proposals is £319,670, based on the proposed charges detailed at **ANNEX 1**.

There are associated issues that need consideration in relation to the above suggestion, which are as follows. The Council's existing civil enforcement team consists of 8 CEOs and 2 Supervisors, working to the Parking Officer. This allows for 6-day cover, Mondays to Saturdays, with enforcement between 7am and 8pm Monday – Friday and 8am – 4pm on Saturdays. The staff are not currently contractually required to work on Sundays, Bank Holidays and Saturday evenings.

Extending the chargeable times and days may entail changes to the level of enforcement needed and may require the operation of an additional shift of 2 CEOs. This would need to be considered in liaison with the staff but an additional shift would have an additional annual revenue cost of approximately £70,000,

offset to some degree by additional income of £30,000 per CEO generated by the issuing of Penalty Charge Notices. There will also be additional costs of approximately £13,000 for maintenance of the parking areas and vehicles. Extending the charging periods may also require the alteration of nearby on-street parking controls that currently echo the existing car park arrangements, otherwise parking may displace out of the car parks.

There are also some car parks that have restrictive covenants on when charges can apply, for example, West Malling High Street short-stay car park. Whilst it will be possible to include Sunday and Bank holiday charges in West Malling short stay high street car park, the covenant does not allow parking past 5.30pm.

The proposals would require public consultation in accordance with Traffic Regulation Orders using the procedures set out in the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996. The outcome of this consultation would be reported back to a future meeting of Cabinet.

b. Removal of on-street charges in Avebury Avenue

Avebury Avenue is a location in Tonbridge where on-street parking charges are considered to be ineffective. The machines in Avebury Avenue (west of Holford Street) take annual income of £2160, but cost £4,800 to run. It is therefore suggested that these charges should be removed and the spaces changed to permit parking only (which would improve parking availability for residents in zone D1). This would enable the decommissioning and relocation of the existing pay & display machines with a subsequent saving in running and renewal costs. The change to a parking permit regime would be subject to public consultation and may also offer the opportunity to consider the business parking permits in this area.

c. Introduce new charges

As referenced earlier in this report car parking provision does not come for free, and the maintenance of the facilities provided are all at a significant cost to the Council.

There are several car parks, particularly in the north of the Borough, that have no charges but are well used. Some of these car parks also suffer from a low turnover, reducing the availability of spaces for all users. It is suggested that these should have charges introduced to generate income, recognise the value of parking in these areas and help ensure the car park is managed in a balanced manner. The suggested car parks are as follows and all the proposals would once again be subject to formal public consultation with a report back to a future meeting of Cabinet.

i) Larkfield - Martin Square

Martin Square car park has 89 ordinary spaces, 5 disabled spaces and

an intention to provide 6 EV charging spaces in the future. There are resident vehicles that park in the car park overnight, and a significant number of cars that park all day belonging to staff of nearby businesses. Restrictions are in place for 2 hours in the nearby supermarket, there is unrestricted on street parking availability nearby on Kingfisher Road and there are restrictions at Lawson House and Larkfield Health Centre.

Daytime parking is linked to customers for nearby businesses, the medical centre and also short-stay parent pick-up and drop-off parking for the nearby primary schools.

Projected annual income from the proposed charges shown at **Annex 1** is £31,919. A plan of the area where proposed charges would apply is shown at **Annex 2**. It would be the intention to introduce CCTV to improve security in the car park.

ii) Aylesford – Bailey Bridge Car Parks

Bailey Bridge (West) car park (on the village side of the road) has 71 ordinary spaces and 4 disabled spaces.

Bailey Bridge (East) car park (on the allotment side) has 49 spaces and 2 EV charging spaces.

Both car parks are well used by residents as ad-hoc residential parking, by staff working in the village and by visitors to Aylesford village, which includes an element of tourism. They are often heavily used as an overflow when Aylesford Football Club has tournaments or many matches at the same time. The Council has been approached by residents living on or around the High Street requesting permits because of the challenges in finding available parking.

Projected income from the proposed charges shown at **Annex 1** is £47,118. This includes income from season tickets which would be available to residents who currently struggle to find parking.

Works to the Bailey Bridge (East) car park including tarmacking and lining to provide better parking and increase capacity will be required. It is proposed that this be brought forward within the review of the capital plan to be completed as charges are introduced. The cost of the capital project is estimated to be £160,000.

iii) West Malling High Street (on-street) and Swan Street

West Malling High Street and Swan Street has 93 on-street shared-use parking bays that currently provide 1 hour free parking, as well as unlimited resident permit parking.

It is suggested that charges be introduced with charges set the same as the West Malling High Street car park. This will enable longer parking in the bays with a maximum stay of 4 hours, increasing the capacity for people to spend longer in the town.

Charges for on street bays in Tonbridge have been in place for a number of years including Avebury Avenue, Morley Road and the High Street.

Since the introduction of car parking charges in West Malling high street car park in 2016, there was no medium-term impact on vacancy rates on the High street with 0% reported in 2019. The current vacancy rate of 3.49% has increased since the Covid pandemic, but is still lower than the borough wide vacancy rate of 6.5%.

Projected annual income from the proposed charges shown at **Annex 1** is £50,829.

d. Tonbridge Castle Grounds – extension of charging

It is suggested that the “Gateway Visitor” parking spaces at the Castle, as shown on the plan at Annex 3, be changed to Pay and Display parking similar to the other parking spaces in the Castle Grounds. The Gateway is leaving the Castle next year, and through the Castle Study Group the use of the Castle is changing. There is also confusion by some drivers as to why there are different restrictions in place, and the parking arrangements are regularly abused.

This proposal would add a further 9 parking spaces. The existing 13 Pay and Display spaces in the Castle Grounds took £32,103 (before VAT) last calendar year – a surprising income for such a small facility, indicating its popularity based on its position close to the upper High Street.

Projected income from the proposed charges shown at **Annex 1** is £22,363.

1.3 Automatic Number Plate Recognition (ANPR)

- 1.3.1 It is recognised that ANPR is potentially a good idea for managing car parks of the right location and design. ANPR reads and checks car registration numbers which are recorded on entry and exit times of parked vehicles.
- 1.3.2 The Council could gain benefits by using ANPR in car parks where the entry and exit are barrier controlled as car registration plates can be recorded at the barrier on entry and on exit, and if payment has not been made on behalf of that registration, then the barrier stays shut. To remain under the regulations of the Road Traffic Act and Traffic Management Act, the use of barriers is required. This is an effective system and requires lower levels of enforcement input as you have

to pay to leave the car park and there are significantly fewer cases where a PCN could be issued for non-payment. This does not remove the need for CEO's as on-site staff may well be required to release cars if there are any technical issues or errors and we would still need to patrol to prevent irregular parking activities such as "out of bay".

- 1.3.3 When considering the types of car parks that make up our estate, a number could be considered suitable for ANPR and barrier control including Haysden Country Park, Western Road in Borough Green and Upper Castle Fields, Tonbridge as they have controllable entry and exit points. The Angel Car Parks are not currently felt to be appropriate due to the dual ticket system and the broader review of Tonbridge Town Centre. West Malling short stay car park has restrictions due to mixed land ownership. In Borough Green the village hall car park, owned by the Parish Council, is operated by ANPR so there is merit in having similar enforcement in both village car parks.
- 1.3.4 The cost of introducing an ANPR and barrier control system to a car park are not insignificant and require ongoing maintenance contracts and software support.
- 1.3.5 Consideration needs to be made in relation to disabled parking, as it is not possible to provide parking concessions for the disabled as this is done through the blue badge scheme and not through vehicle registrations, so disabled drivers would not be identifiable and would have to pay.
- 1.3.6 The Leisure Trust has recently installed ANPR at Leybourne Lakes Country Park . The Trust will be supplying the Council with feedback on the performance of the installation.
- 1.3.7 It is suggested that a capital plan proposal be brought forward within the forthcoming review of the capital plan to introduce ANPR systems at selected car parks on a trial basis The cost of this capital project has yet to be estimated.

1.4 Upper Castle Fields Car Park

- 1.4.1 At the present time the Upper Castle Fields Car Park is the most successful car park run by the Council in terms of income generation and occupancy. The occupancy of the car park is high with bays being sold 2-3 times a day with £7.03 generated daily for each bay provided. It is full on a number of occasions and has become increasingly popular with the growth of events at the Castle. 114 event days are now held throughout Tonbridge across the year with total visitor numbers estimated to be iro70,000. It is also well used on weekdays due to its proximity to Slade Primary school, and at weekends due to its proximity to Tonbridge Racecourse Sportsground, Tonbridge Swimming Pool and Tonbridge Juddians Rugby Club, with limited capacity at Lower Castle fields.
- 1.4.2 It is suggested that Members agree that within the forthcoming review of the Capital Plan for a scheme to extend the car park and provide additional parking be bought forward. Any new scheme would retain the provision of the swings on site

as these are extremely popular with the public. This is also important within the context of the Tonbridge Town Centre Asset review. The review is focussed on the land east of the high street, including Council owned car parks, and the need to better balance parking capacity between the east and west of the high street is important. The cost of the capital project is estimated to be £180,000.

- 1.4.3 This will help meet an identified need for additional parking and generate additional income to the Council.

1.5 Legal Implications

- 1.5.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.
- 1.5.2 Changes to parking charges should be made via an Amendment Order to the Council's on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

1.6 Financial and Value for Money Considerations

- 1.6.1 The Council currently applies a charging regime to the majority of its car parks generating an annual net income of £2,532,000.
- 1.6.2 The financial implications of the suggested proposals have been included in the relevant sub-sections of the report. It is essential that given the context of the MTFs that the Council seeks to ensure that the assets are managed in the most economically advantageous way, costs are recovered and income is optimised.
- 1.6.3 The estimated additional income is modelled on predicted future parking patterns and demand in line with current usage. There is always an immediate perception that new charges will impact negatively on usage levels and impact local businesses. This has not been the experience at Haysden Country Park and West Malling when the Council previously introduced new charges.
- 1.6.4 In addition to the aforementioned capital plan schemes, a separate capital scheme will also be required to enable the proposals to be implemented. This will include items such as signage, machines and CCTV. The cost of this capital scheme will be dependent on which proposals are progressed but could be up to £100,000. Each capital scheme will have a revenue impact based on the loss of investment income and replacement of equipment items within capital renewals.

1.7 Risk Assessment

- 1.7.1 There is a risk that the Councils aim of providing a balanced approach to the management of its car parks detailed at sub section 1.1.1 will not be met if the above proposals are not implemented.

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.

1.9 Policy Considerations

- 1.9.1 Asset Management, Communications, Customer Contact

1.10 Recommendations

- 1.10.1 Members of the Select Committee are requested to consider the suggested parking proposals outlined below, the implementation of a formal public consultation exercise, and make recommendations to Cabinet:
- the extension of parking charges to include Sundays, evenings up to 8pm and Bank holidays
 - remove the on street parking machines in Avebury Avenue Tonbridge (west of Holford Street) and the area be changed to permit parking only to add capacity to the D1 permit parking area.
 - introduce parking charges to Martin Square ,Larkfield
 - introduce parking charges to Bailey Bridge car parks in Aylesford
 - bring forward in the forthcoming capital plan review a project to improve the Bailey Bridge East car park
 - introduce charges to on street parking bays in West Malling High Street and Swan street.
 - introduce parking charges to the existing Gateway Visitor parking bays in Tonbridge Castle grounds.
 - bring forward in the forthcoming capital plan review a scheme to introduce ANPR systems at selected car parks on a trial basis
 - bring forward in the forthcoming capital plan review a scheme to extend the existing Upper Castle Field car park to provide additional parking.

- bring forward in the forthcoming capital plan review a scheme to enable the proposals to be implemented including CCTV, parking machines and signage.

Background papers:

contact: Andy Bracey

Nil

Robert Styles

Director of Street Scene, Leisure and Technical Services

Sharon Shelton

Director of Finance and Transformation

Martin Coffin

Cabinet Member for Transformation and Infrastructure

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CAR PARKING PROPOSALS
PROPOSED CHARGES

1. Larkfield/Martin Square

Martin Square	
Period	Proposed Charge
30 minutes	£0.60
1 hour	£1.20
2 hours	£2.00
3 hours	£2.90
4 hours	£3.80
All day (23 hours)	£5.80
Season ticket (monthly)	£29.00
Season ticket (annually)	£290.00

2. Aylesford/Bailey Bridge

Aylesford/Bailey Bridge	
Period	Proposed Charge
30 minutes	£0.60
1 hour	£1.20
2 hours	£2.00
3 hours	£2.90
4 hours	£3.80
All day (23 hours)	£5.80

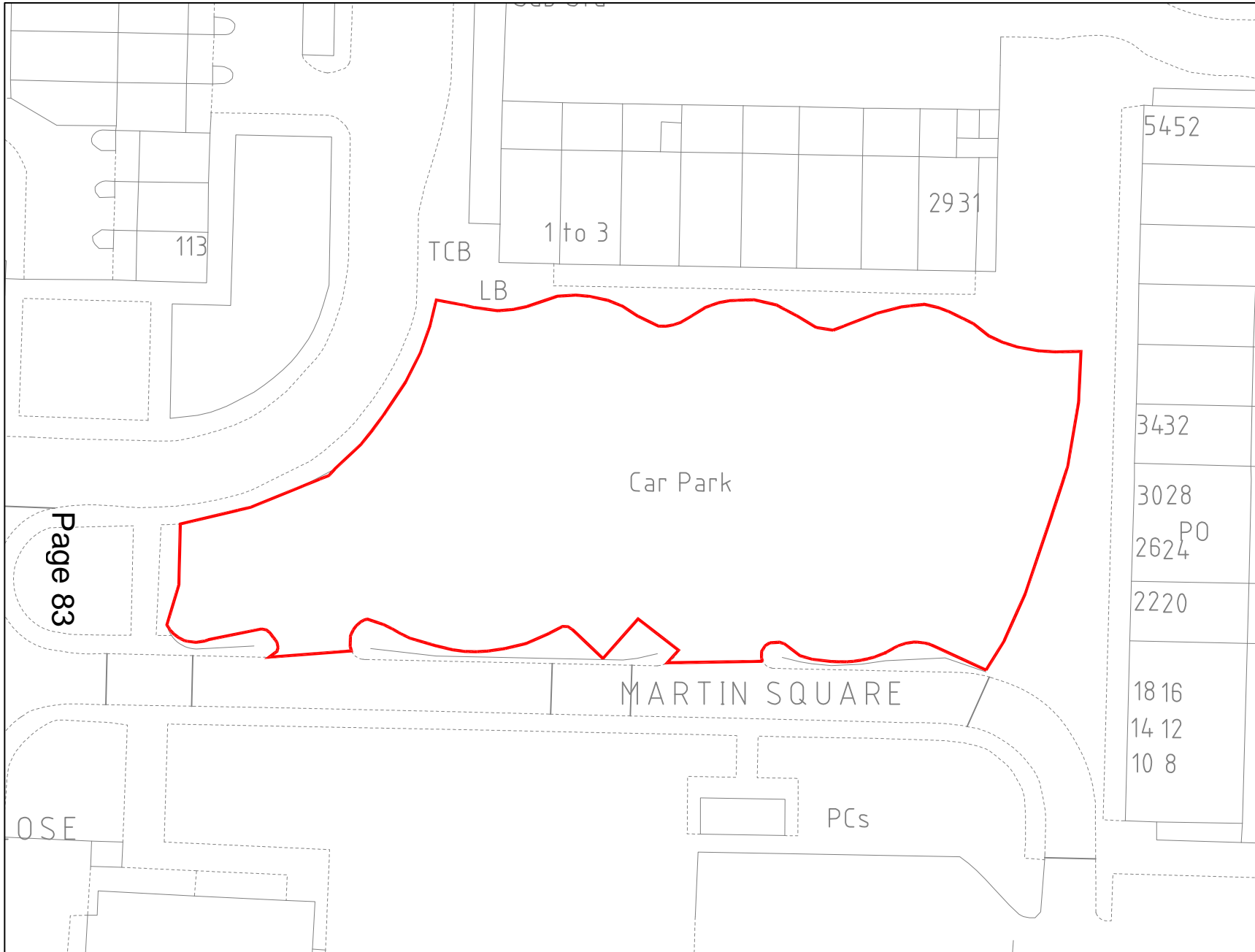
Season ticket (monthly)	£29.00
Season ticket (annually)	£290.00


3. West Malling (On-street)

West Malling (On-Street)	
Period	Proposed Charge
30 minutes	£0.60
1 hour	£1.20
2 hours	£2.00
3 hours	£2.90
4 hours	£3.80

4. Tonbridge Castle Grounds

Tonbridge Castle Grounds	
Period – Hours	Proposed Charge
30 minutes	£0.80
1 hour	£1.60
2 hours	£3.20
3 hours	£4.80
4 hours	£6.40
Additional hours	£3.20



Key
 Proposed area for charges

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OSE



STREETSCENE,
LEISURE & TECHNICAL
SERVICES

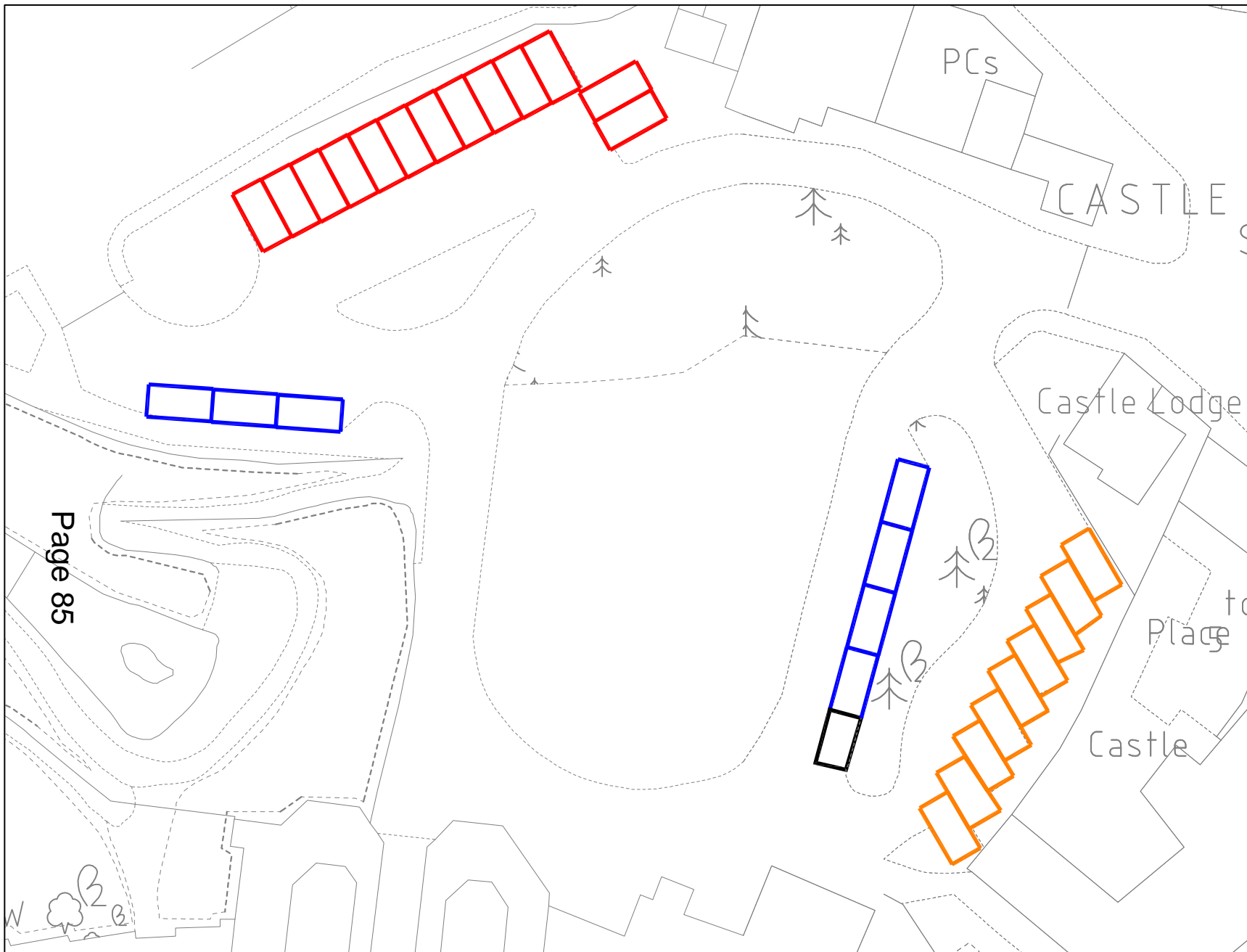
Technical Services
 Gibson Building
 Gibson Drive
 Kings Hill
 West Malling
 Kent ME19 4LZ
 Tel: 01732 844522

Project Title
 Larkfield
 Martin Square car park

Drawing Title
 Extents of car park

Drawn SM	Checked	Date
Scale		
Drawing No.		Rev

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- Existing chargeable bays
- Charges extended to cover this area
- Disabled bays
- Motorbike bay

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STREETSCENE,
LEISURE & TECHNICAL
SERVICES

Technical Services
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ
Tel: 01732 844522

Project Title

**Tonbridge
Castle Grounds car park**

Drawing Title

Extents of car park

Drawn SM	Checked	Date
Scale		
Drawing No.		Rev

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Agenda Item 9

Recommendation HP 23/27 of Housing and Planning Scrutiny Select Committee of
26 September 2023 - To Follow

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

26 September 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1. BIODIVERSITY NET GAIN PROTOCOL

This report presents the Biodiversity Net Gain (BNG) Protocol which will help provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development process. It seeks approval to utilise in decision-making purposes.

1.1 Background

1.1.1 Biodiversity Net Gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand.

1.1.2 Under the Environment Act 2021, all major planning permissions granted in England (with a few exemptions) will have to deliver 10% BNG from November 2023. Applying BNG to small sites applications has been delayed until April 2024. We are expecting further detailed guidance from government to provide clarification of a range of outstanding issues.

1.1.3 The adopted Development Plan does not contain a policy on BNG, and although the emerging Local Plan will include a policy to set out the council's expectations/approach, this will not be adopted by November 23. Therefore, to prepare the council for mandatory BNG, a BNG Protocol has been developed to provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development process, for both major and minor planning applications.

1.2 The Protocol

1.2.1 The BNG Protocol sets out the council's interim policy position on BNG in advance of the adoption of the new Local Plan (anticipated 2026) and will form a material consideration to be taken into account by decision makers when determining planning applications from November 2023.

- 1.2.2 Nationally, the delivery of BNG onsite (within the development boundary) is the preferred solution. However, when a development cannot achieve the full BNG requirement either wholly or partly onsite, then the applicant will need to secure off-site units either on land they own away from the development, or on land where they have bought biodiversity units. If a shortfall in the units required to achieve at least 10% BNG remains, having explored onsite and offsite options, an applicant may purchase statutory biodiversity credits from government as a last resort, but these could be delivered anywhere in the country.
- 1.2.3 The BNG Protocol has been developed by officers in the Planning Policy team, with input from Development Management colleagues, whilst also having regard to work prepared by the Kent Nature Partnership (KNP) is included in **Annex 1**. The Protocol aims to go beyond national policy and provide a Tonbridge and Malling tailored approach where expectations are that any offsite units associated with development in the borough, are to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough and sign-post applicants to the Kent BNG Register to help identify local solutions. The Kent BNG Register has been developed by the Kent Wildlife Trust, in collaboration with KCC and the Districts, to establish an online forum where landowners can identify local land available for purchase for BNG units, and applicants can search for available opportunities. This is currently being tested and is due to be operational from November 2023. Other habitat banks are available; however, the aim of the Kent BNG Register is to identify local opportunities.
- 1.2.4 Although delivering offsite BNG outside of the borough would not be grounds for refusal, the Protocol identifies that opportunities for delivery within the borough should be explored in the first instance. Such an approach aims to retain as much biodiversity gain within the borough as possible.
- 1.2.5 Secondary legislation and numerous pieces of detailed guidance are still awaited from government on key aspects of BNG. However, to be ready for BNG becoming mandatory in November, the Protocol has needed to be progressed in the absence of all of the necessary information. The outstanding information was anticipated during Spring 23, however is now anticipated that this will be published by government prior to November. Therefore, the Protocol may need to be updated to reflect the most up-to-date position as set out in the second recommendation below.

1.3 Financial and Value for Money Considerations

- 1.3.1 There will be direct financial and value for money considerations associated with the application of the protocol as described in this report. These costs relate to staff time within the Planning Policy team in relation to the preparation of the protocol and Development Management in the application of the protocol. These costs will be met from existing budgets. DEFRA have allocated a series of grants to allow local authorities to prepare for BNG. Between 2021/22 and 2023/24 the

council has been awarded £63,661, of which £53,614 is ring fenced for BNG. The table below sets out grant spend/commitment to date:

Green Infrastructure Strategy	£10,047
BNG Officer (hosted by KCC)	£5,024
BNG Register	£3,015
KCC Ecological Advice Service (EAS)	£3,059
Officer time	£3,275

1.4 Legal Implications

1.4.1 Local Planning Authorities are required to reflect the provisions of the Environment Act, 2021. This includes the introduction of BNG. This means that all major planning permissions granted in England (with a few exemptions) will have to deliver 10% BNG from November 2023.

1.5 Risk Assessment

1.5.1 The planning policy team maintains and updates a risk register. Not having an adopted local approach to BNG could mean that there may be a higher risk that offsite BNG associated with development within Tonbridge and Malling, could be delivered outside of the borough.

1.5.2 Delays to the expansion of, or unsuccessful recruitment to, the Kent EAS by November presents a risk in the ability to access the technical ecological expertise needed to support BNG implementation.

1.5.3 Delays to the publication of the secondary legislation and remaining government guidance on BNG presents a risk as the Protocol has needed to be prepared in the absence of all of the necessary information and may need to be amended/updated.

1.6 Equality Impact Assessment

1.6.1 The decisions recommended through this report do not have relevance to the substance of the Equality Act 2010.

1.7 Recommendations

HPSSC is asked to recommend to Cabinet:

1.7.1 APPROVAL of the BNG Protocol for decision-making purposes

1.7.2 DELEGATE to the Director of Planning Housing, and Environmental Health in consultation with the Cabinet Member for Planning any minor amendments or updates to the Protocol in response to updates from government.

Background papers:

Annex 1- BNG Protocol

contact: Jenny Knowles
Principal Planning Officer
(Policy)

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

Biodiversity Net Gain (BNG) Protocol

1. Introduction

1.1 Biodiversity net gain (BNG) is an approach to development, and/or land management, that aims to leave the natural environment in a measurably better state than it was beforehand. The Environment Act 2021 requires that all planning permissions granted in England (with a few exemptions) deliver at least 10% biodiversity net gain from November 2023. BNG will be required for small sites¹ from April 2024. BNG must be measured using DEFRA's Statutory Metric (version 4.0² or updated version) and habitats must be secured for at least 30 years. The metric is a Microsoft Excel-based tool and therefore requires Excel to operate.

1.2 Natural England has produced a short, high-level brochure introducing BNG (Attached as Annex 2)

2. Purpose of this protocol

- 2.1 The purpose of this Protocol is to provide guidance for applicants/agents and decision makers on how BNG should be taken into account within development proposals following the enactment of the Environment Act 2021, for both major and minor applications.
- 2.2 This protocol also sets out the Tonbridge and Malling Borough Council's (TMBC) interim policy position on BNG in advance of the adoption of the new Local Plan (anticipated 2026) and forms a material consideration that will be taken into account by decision makers when determining planning applications.

¹ Small sites are defined as:

- (i) For residential: where the number of dwellings to be provided is between one and nine inclusive on a site having an area of less than one hectare, or where the number of dwellings to be provided is not known, a site area of less than 0.5 hectares.
- (ii) For non-residential: where the floor space to be created is less than 1,000 square metres OR where the site area is less than one hectare.

² <https://publications.naturalengland.org.uk/publication/6049804846366720>

3. Context

- 3.1 The Environment Act 2021 makes BNG mandatory for all but small sites and some exemptions from November 2023 and for small sites from April 2024.
- 3.2 The Act sets out the following key components of mandatory biodiversity gain:
- Amends the Town and Country Planning Act 1990 (TCPA);
 - Minimum 10% gain required calculated using the Biodiversity Metric & approval of a biodiversity gain plan;
 - Habitat secured for at least 30 years via planning obligations or conservation covenants;
 - Delivered on-site, off-site or via a new statutory biodiversity credits scheme; and
 - National register for net gain delivery sites.
- 3.3 BNG maintains the mitigation hierarchy of avoid impacts first, then mitigate and only compensate as a last resort. It does not change existing legal protections, so current legal and policy provisions relating to development impacts on the natural environment, including protected sites and species, and priority species and habitats, all need to be considered in relation to habitat loss. A development cannot avoid this requirement by virtue of delivering a net gain. If there are protected species on-site, then these should be approached and managed in the same way as they are currently. BNG and the biodiversity metric calculations would then be additional to this. NE have confirmed that habitat creation required under existing legislation can be included as part of their overall unit calculation but cannot alone get beyond the equivalent of no net loss and have advised that consultants should complete two different metrics - one detailing the 'compensation measures being included only' – to clearly show what has been included but not beyond the equivalent of No Net Loss.
- 3.4 Green Infrastructure (GI) can form part of BNG and the most common GI features are captured within the metric and can contribute towards a BNG outcome. It is for the consenting body (Local Planning Authority) to determine whether or not the proposal is appropriate (ecologically) or not.

4. When BNG applies

- 4.1 Mandatory BNG will apply to major applications submitted after BNG takes effect in November 2023 (or April 2024 for small sites).
- 4.2 Mandatory BNG will also apply to Nationally Significant Infrastructure Projects (NSIPs) (expected in 2025) but not marine development.

Exemptions

- 4.3 The following are exempt from BNG:

- Householder applications
- Small scale self-build or custom housebuilding
- development impacting habitat of an area below a 'de minimis'³ threshold of 25 metres squared (5m x 5m), or 5m for linear habitats such as hedgerows and watercourses and biodiversity gain sites (where habitats are being enhanced for wildlife)
- if the proposal is for a biodiversity gain site
- if the proposal is for a temporary impact that can be restored within 2 years
- if the proposal only relates to existing sealed surfaces e.g. tarmac or buildings).

4.4 Reserved matters applications will not be required to fulfil mandatory BNG if the outline was approved prior to mandatory BNG.

5. How it's measured

5.1 BNG is calculated using the Statutory Metric **INCLUDE LINK WHEN AVAILABLE**, which measures the biodiversity value of habitats in 'biodiversity units' as a proxy for nature.

5.2 The metric can be used to calculate how a development might change the biodiversity value of a site. It can help an applicant/agent design, plan and make land management decisions that better support biodiversity.

5.3 It uses changes in the extent, distinctiveness⁴ and condition of habitats, and compares the biodiversity value of habitats found on a site before and after development to determine if there is a loss or gain in biodiversity.

5.4 There are 4 key factors that underpin this comparison:

- habitat size
- condition
- distinctiveness
- location

5.5 The applicant/agent will be responsible for completing the metric on submission of a planning application, not the Local Planning Authority (LPA).

³ The de minimis threshold applies to the area or length of habitat within a development, not the total development footprint, and the same exemption will apply for small sites. If a development contains less than 25m² of non-priority habitat but 5m or more of linear habitat, or vice-versa, then the exemption will not apply and all habitats would be subject to BNG. If the exemption does apply then there is no requirement to deliver BNG on that site.

⁴ As defined by Natural England in [Biodiversity Metric 4.0 – Technical Appendix 2 – Technical Information](#)

6. Strategic Significance and Spatial Risk multipliers

- 6.1 Spatial Risk and Strategic Significance multipliers form part of the statutory biodiversity metric and assign a numerical score to habitat parcels.
- 6.2 The Spatial Risk multiplier incentivises habitat delivery on or close to the development site and reduces the biodiversity value of habitats delivered further away from the development.
- 6.3 The Strategic Significance multiplier is a score that describes the local significance of the habitat based on its location and the habitat type. Strategic significance helps to incentivise the creation and enhancement of the right habitat in the right place and the scoring gives additional unit value to habitats that are located in preferred locations for biodiversity and other environmental objectives.
- 6.4 The expectation is that Local Nature Recovery Strategy (LNRS) will be used to help inform the Strategic Significance scoring. However, as a LNRS for Kent is not yet in place, the Kent Nature Partnership (KNP) have developed Interim Strategic Significance Guidance [INCLUDE WEB LINK](#) that applicants/agents can use to inform their metric calculations prior to the adoption of the LNRS.








7. Interim Policy approach

- 7.1 TMBC does not currently have an adopted Local Plan policy relating to BNG. Therefore, in addition to the legislative requirements, TMBC has set out an interim policy approach below which will be a material consideration until the new Local Plan is adopted. This establishes TMBC's expectations in relation to BNG and seeks to respond to the requirements of the Environment Act, the National Planning Policy Framework (NPPF), and the biodiversity emergency declared by TMBC in 2019.

Major Sites

- 7.2 From November 2023, all major development shall deliver at least a 10% net gain in biodiversity value. BNG calculations must be undertaken using the DEFRA Statutory Metric and be secured for at least 30 years. Metric assessments should be undertaken by a suitably qualified and/or experience ecologist.
- 7.3 The delivery of BNG onsite is the preferred solution. However, where a development cannot achieve the full BNG requirement either wholly or partly onsite within the application boundary (red line boundary), then the applicant/agent will need to secure local off-site units either on land they own away from the development, or on land where they have bought biodiversity units.
- 7.4 **TMBC expect any off-site units associated with development in the borough to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough. Opportunities for delivery within the borough should**

be explored in the first instance. An applicant/agent should explore the Kent BNG Register to help identify local off-site opportunities.

<p>Option 1: ON-SITE</p> <p>All BNG can be delivered within the envelope of the development site (redline boundary)</p>	<p>If yes</p> 		<p>At all times the mitigation hierarchy must be followed by the applicant/agent who should also ensure that their scheme provides evidence of high quality, appropriate landscaping and green infrastructure features onsite, which is undertaken properly can count towards the overall BNG score for the development within the Statutory Metric. The inclusion of bird and bat boxes etc will not add to the BNG score but will enhance the site for biodiversity along with other features.</p> <p>All BNG wherever located must demonstrate that it has a 30- year management plan and has a legal agreement for delivery, maintenance, and monitoring.</p>
<p style="text-align: center;"></p>			
<p>Option 2: LOCAL</p> <p>Secure BNG units within the borough</p>	<p>If yes</p> 		
<p style="text-align: center;"></p>			
<p>Option 3: ELSEWHERE</p> <p>Secure BNG units outside the borough</p>	<p>If yes</p> 	<p>Biodiversity Net Gain obligations for development have been fulfilled.</p>	
<p style="text-align: center;"></p>			
<p>Option 4: FINAL OPTION</p> <p>Purchase statutory biodiversity credits</p>	<p>If yes</p> 		

7.5 To assist an applicant/agent in identifying off-site opportunities, the Kent Wildlife Trust have established a Kent BNG Register **INCLUDE WEB LINK** where landowners can identify local land available for purchase for BNG units. Other habitat banks are available; however, the aim of the Kent BNG Register is to identify local opportunities.

7.6 Natural England have established the national Biodiversity Gains Sites National Register for England to record allocations of off-site biodiversity gains and make this information publicly available. The National Register will not act as a marketplace platform for buying or selling units, **INCLUDE WEB LINK**. It is the responsibility of the

applicant/agent to contact the landowner in question and pursue off-site opportunities not the LPA. Any land used for off-site BNG will need to be registered on the National Register. The responsibility for registering sites on the National Register is the responsibility of the applicant/agent and/or landowner, not the LPA.

7.7 If a shortfall in the units required to achieve at least 10% BNG remains, having explored on-site and local off-site options, an applicant/agent can purchase statutory biodiversity credits from government as a last resort. An applicant/agent must provide evidence of how on-site and off-site is not available prior to using this option. The price of these credits are set by DEFRA⁵, and sold on their behalf by Natural England via a credit sales service.

7.8 A Habitat Management and Monitoring Plan will be required to be submitted to the LPA, detailing how the post-development biodiversity values of the site and any supporting off-site provision will be secured, managed and monitored for at least 30 years. **INCLUDE LINK TO MONITORING AND MANAGEMENT PLAN TEMPLATE**

7.9 Small sites

7.10 From April 2024, all small sites shall deliver at least a 10% net gain in biodiversity value. BNG calculations must be undertaken using the DEFRA small sites metric for onsite gains and the Statutory Metric for off-site gains or where high or very high distinctiveness habitat is involved. Gains will need to be secured for at least 30 years. Metric assessments should be undertaken by a suitably qualified and/or experience ecologist.

7.11 Until April 2024, paragraph 179 of the NPPF provides the policy context for BNG on small sites and identifies that opportunities for securing *measurable* net gains for biodiversity should be pursued. A specific percentage gain is not stated in the NPPF, however potential for net gains should still be explored. Applicants/agents may choose to use the small sites metric 4.0⁶ prior to BNG becoming mandatory for small sites to assist in demonstrating *measurable* net gains on-site or the Statutory Metric for off-site gains.

8. What is required, and when?

Biodiversity Net Gain Statement

8.1 A BNG Statement must be submitted to the LPA alongside the planning application. A draft template has been prepared by DEFRA which can be found in Appendix 1.

(INCLUDE WEB LINK)

8.2 Applications can only be validated if the Metric is completed correctly and submitted in an Excel format. It must demonstrate that a minimum 10% biodiversity net gain can

⁵ <https://www.gov.uk/guidance/statutory-biodiversity-credit-prices>

⁶ <https://nepubprod.appspot.com/publication/6047259574927360>

be achieved and include the name of the competent person who carried out the assessment and the date on which that assessment was carried out. Natural England have published a [User Guide](#) to help complete the Metric. **TMBC require a working version of the Metric to be submitted in Excel format for officer use, as well as a PDF copy which will be uploaded to the public domain.**

- 8.3 Where an applicant/agent has cleared a site prior to an application, this is known as purposeful degradation. In such instances, a base date for the baseline condition calculation of 30/01/2020 should be taken.

Biodiversity Gain Plan

- 8.4 A Biodiversity Gain Plan must also be submitted to the LPA for approval prior to commencement of the development in accordance with Schedule 14 of the Environment Act⁷. This can be submitted either with the planning application or after the permission is granted but must be approved by the LPA before development has commenced. Kent Ecological Advice Service (EAS) will be providing technical support in the assessment on Biodiversity Gain Plans for the TMBC. A draft template for the Biodiversity Gain Plan prepared by DEFRA can be found in Appendix 2.

INCLUDE WEB LINK TO TEMPLATE.

- 8.5 An applicant/agent will need to employ a 'competent person' to conduct the habitat survey and assessments and complete the metric tool.
- 8.6 For outline applications, the metric can be applied on an indicative basis and by adopting a precautionary approach when ascribing habitat condition and distinctiveness values.
- 8.7 It will be the responsibility of the applicant/agent to find a suitable location for off-site BNG delivery. This land will need to be legally secured and managed for the duration of the BNG period. As stated above, TMBC expect any off-site units associated with development in the borough to be provided within Tonbridge and Malling prior to consideration of sites outside of the borough.
- 8.8 Additional biodiversity gain information that sets out how biodiversity gain will be achieved across the whole site on a phase-by-phase basis will be required for outline planning permissions and phased development. Such development will also be required to be subject to a condition, in accordance with Schedule 14 of the Environment Act, which requires approval of a Biodiversity Gain Plan prior to commencement of each phase.
- 8.9 The LPA will need to be satisfied that the metric has been used appropriately. It is the LPA's decision whether the biodiversity net gain information accompanying an application is acceptable and whether to refuse or not on this basis, using the evidence submitted by the applicant, including on any locally distinctive habitats, to

⁷ Environment Act 2021 (legislation.gov.uk)

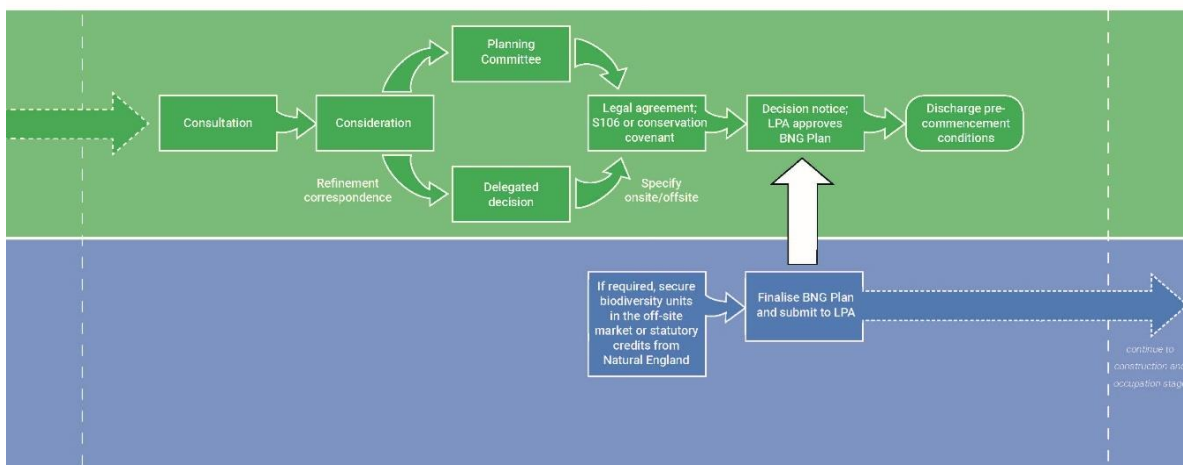
inform that decision. The Kent EAS will be providing ecological advice to TMBC on this matter.

- 8.10 A minimum size for on-site BNG won't be set in legislation and will need to be assessed by LPAs as part of the planning approval process. The minimum viable area for particular habitats will vary depending on the habitats in question. A range of guidance is available on delivering viable biodiversity improvements and best practice (see Section 11).
- 8.11 The [flow diagram](#) below, produced by the Planning Advisory Service (PAS) in collaboration with Future Homes Hub, illustrates how BNG and the planning process interlink. It identifies the key stages and sets out the expectations for both the applicant/agent and the planning department. This diagram is current draft and may be subject to amendment.

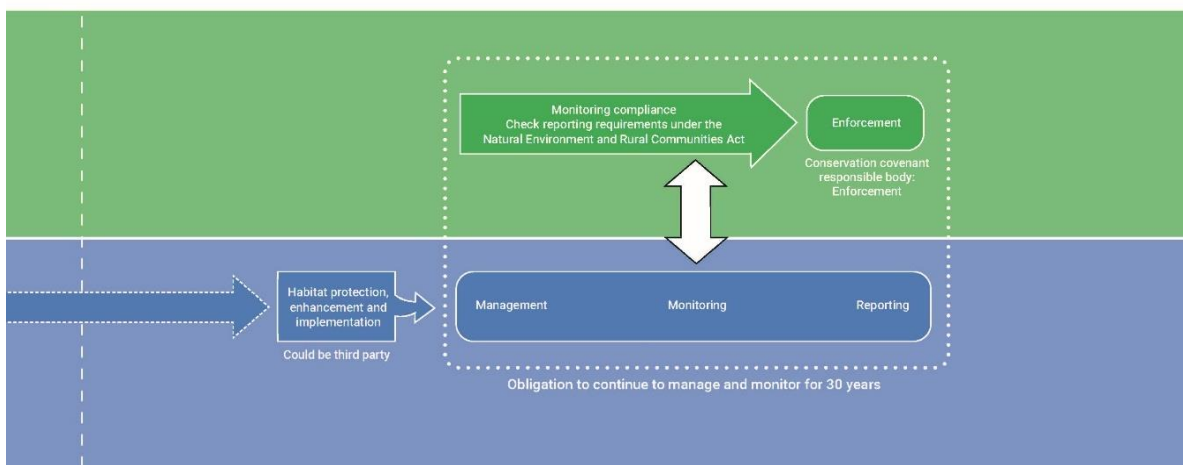
BNG Best Practice Process Flow



PRE-APPLICATION STAGE



PLANNING STAGE



CONSTRUCTION AND OCCUPATION STAGE

9. Monitoring

- 9.1 It's important to be aware that there are two different kinds of monitoring. Habitat monitoring (the actual delivery of the habitat) which sits with the applicant/agent or the person securing the habitat and should be set out in the Biodiversity Gain Plan. Monitoring delivery of BNG sits with the LPA.
- 9.2 Planning authorities will be required to set any specific and proportionate monitoring requirements as part of planning conditions and obligations. A typical monitoring schedule for a project will include reports in years 1, 2, 5, 10, 20 and 30 and will include habitat type, extent, and condition. The frequency and content of these reports will depend on the habitat being created and need to be agreed between the landowner and the Kent EAS. Habitat Management and Monitoring Plans will be checked by Kent EAS. Further guidance on monitoring is expected to be published in Spring 2023.

10. Enforcement

- 10.1 For any potential breaches of the Biodiversity Gain Plan, please contact the Enforcement team at enforcement@tmhc.gov.uk

11. Further information

- 11.1 Guidance and best practice.

<https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>

<https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development/>

<https://cieem.net/resource/biodiversity-net-gain-case-studies/>

<https://cieem.net/resource/cieem-good-practice-requirements-for-delivering-biodiversity-net-gain-on-and-off-site-july-2021/>

<https://www.bsigroup.com/en-GB/standards/bsi-knowledge/sustainability/the-little-book-of-biodiversity-net-gain/>

Appendix 1 – Draft DEFRA template

Biodiversity Net Gain Statement

Section A: Application information

A1: Details of submission	
Date of submission (update when resubmitted)	
Planning application reference number (if available, may not be available for BNGS submission)	
Relevant Local Planning Authority (if more than one list the one determining the application as lead)	
Site address	
Description of proposed development including any change of use (as stated on the application form)	
A2: Person responsible for BNGS completion or sign off	
Name	
Organisation	
Statement of competency	Relevant qualifications, experience, training, membership of professional bodies (see biodiversity metric User Guide for competency requirements)
Signature	

Section B: Pre-development biodiversity value

B1: Baseline habitat data used to inform metric		
Site plan displaying existing on-site habitats		
Baseline habitat survey report		
Baseline biodiversity metric calculations (full metric or small sites metric)		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No

	Network Enhancement and Expansion Zones	Yes/No
	Other	Provide details
Brief description of existing habitat(s) on site (not including irreplaceable habitat)		
Brief description of existing irreplaceable habitat(s) on site (if applicable)		
Total pre-development biodiversity value (in BU):		

Section C: Indicative post-development biodiversity value

C1: Proposed approach to delivering on-site net gain enhancements		
Indicative post-development habitat map or landscape plan (if available at this stage)		
Brief description of proposed strategy to deliver at least a 10% net gain in biodiversity		
Rationale for proposed off-site delivery (if applicable)		
Rationale for proposed use of statutory credits (if applicable)		
Baseline and indicative post-development biodiversity metric calculations (full metric or SSM)		
Total INDICATIVE post-development biodiversity value (in BU):		
C2: Significance of on-site enhancements		
Do you intend for any of your on-site enhancements to be considered as “significant”, and that an appropriate planning condition should be used to secure its long-term management? If so, provide details		
C3: Selling excess biodiversity units		
Do you propose to sell any excess biodiversity units to support delivery of biodiversity net gain on other sites?		Yes/No
If ‘Yes’, give details of the quantity that are likely to be sold and, where possible, information relating to the development to which they will be sold.	[Guide: no more than 250 words]	

Appendix 2 – Draft DEFRA template

Biodiversity Net Gain Plan

Section A: Application information

A1: Details of submission	
Date of submission (update when resubmitted)	
Planning application reference number	
Relevant Local Planning Authority (if more than one, list the Local Planning Authority determining the application as Lead)	
Site address	
Description of proposed development including any change of use (as stated on the application form)	
A2: Person responsible for BNGS completion or sign off	
Name	
Organisation	
Statement of competency	Relevant qualifications, experience, training, membership of professional bodies (see biodiversity metric User Guide for competency requirements)
Signature	

Section B: Supporting documents checklist

B1: Required	
Document	File name (and web link if available)
Completed biodiversity metrics (full or small sites metric)	
Baseline habitat survey report and map	
Post-development habitat map or landscape plan	
B2: Where relevant, may not be necessary for all applications	
Document	File name (and web link if available) or 'N/A' if not applicable
Habitat management and monitoring plan	
Credit receipt references (for biodiversity credits purchased from Natural England)	
Bespoke compensation for:	
Protected species	
Protected sites	

Irreplaceable habitats	
Section 106 agreement	
Covenants or equivalent legal contracts	
B3: Sharing data	
Will you share relevant ecological survey data with: the appropriate Local Environmental Records Centre (LERCs)? another body agreed by the planning authority?	

Section C: On-site pre-development biodiversity value and on-site habitat enhancement

C1: Baseline habitat data used to inform metric		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No
	Network Enhancement and Expansion Zones	Yes/No
	Other	Provide details
Brief description of existing habitat(s) on site (not including irreplaceable habitat)		
Brief description of existing irreplaceable habitat(s) on site (if applicable)		
Total pre-development biodiversity value (in BU):		
C2: Adherence to the mitigation hierarchy		
Please set out the steps taken on-site to:		
Avoid impacts to habitats		
Minimise impacts to habitats		
C3: On-site interventions		
Can 10% minimum BNG be delivered on site?	Yes/No	
If No, set out steps taken to try to achieve net gain on site, and provide justification for why this was not possible		

How many off-site biodiversity units are needed to meet the required level of net gain?	
C4: Significance of on-site enhancements	
Do you intend for any of your on-site enhancements to be considered as “significant”, and that an appropriate planning condition should be used to secure its long-term management? If so, provide details	
C5: Selling excess biodiversity units	
Do you propose to sell any excess biodiversity units to support delivery of biodiversity net gain on other sites?	Yes/No
If ‘Yes’, give details of the quantity that are likely to be sold and, where possible, information relating to the development to which they will be sold	[Guide: no more than 250 words]

Section D: Off-site habitat enhancement (if required)

D1: Adherence to the mitigation hierarchy		
Please set out steps taken off-site to:		
Avoid impacts		
Minimise impacts		
D2: Off-site habitat data used to inform metric		
Survey date		
Survey constraints		
Please select the local plans or strategies used to inform strategic significance of habitats	Local Plan	Yes/No
	Local Nature Recovery Strategy	Yes/No
	Green Infrastructure	Yes/No
	Landscape Plan	Yes/No
	Spatial Plan	Yes/No
	Network Enhancement and Expansion Zones	Yes/No
D3: Register reference number(s)		
D4: Securing off-site gains		
Are off-site habitat intervention proposals already secured?	Yes/No	
How have they been secured?		
Total post-development biodiversity value (in BU):		

D5: Risks	
Brief description of risks associated with off-site interventions	
Mitigation measures for risks	
D6: Further habitat intervention	
Are statutory biodiversity credits required?	Yes/ No If Yes, use Section F
How many credits are required?	

Section E: Statutory biodiversity credits (if required)

*Only to be used if on-site or off-site (via purchase of units from registered site) net gain is not available and statutory credits are required

E1: Evidence log to justify the use of statutory credits	
Steps taken to	
Achieve net gain on site	See Section C3
Achieve net gain off site (register search)	
Achieve net gain off site (market search)	
E2: Number of credits	
Number of credits purchased	
E3: Proof of purchase	
Provide link	

Section F: Wider biodiversity net gain obligations

Present on development site? (Yes/No)	F1 Irreplaceable habitat	F2 Designated sites for nature conservation	F3 Protected species
	Yes/ No	Yes/ No	Yes/ No
If Yes, please confirm that you have separately provided the following to the relevant planning authority			
Type and extent on site	Yes/No	Yes/No	Yes/No
Steps taken to avoid and minimise impacts, and justification for any residual impacts	Yes/No	Yes/No	Yes/No

Appropriate bespoke compensation strategy	Yes/No	Yes/No	Yes/No
F4: Net gain legacy			
Briefly describe proposed mechanism for securing long term management and the duration of these agreements Append legal agreement or, if not available at point of submission, letter of confirmation from habitat provider			
F5: Habitat degradation			
Confirmation that, to the best of the applicant's knowledge, any habitat degradation of pre-development habitats since 30 January 2020 has been accounted for in the baseline			
If not, has the action causing degradation been approved by planning permission/s?			
If yes, state the relevant consenting body and reference number			

Section G: Monitoring and reporting

G1: Summary of monitoring requirements	
Provide details of mechanisms to ensure any planning authority monitoring and reporting requirements are satisfied	
G2: Timings	
Years 1 – 5	
Years 6 – 10	
Years 11 – 15	
Years 16 – 20	
Years 21 – 25	
Years 26 – 30	
G3: Monitoring years per habitat type	
Habitat type	Years covered
Habitat type	e.g. 5, 10, 15
Habitat type	
Habitat type	
G4: Responsibilities	

List responsible bodies involved in management and monitoring	
Who outcomes will be shared with	

Section H: Additional information

H1: Limitations and assumptions	
Highlight any additional limitations and assumptions made during the biodiversity net gain process (beyond survey constraints outlined in sections	
H2: Biodiversity net gain good practice. <i>Please note that adherence to the below are not essential to meet the mandatory BNG requirement.</i>	
Does the project adhere to <u>British Standard BS8683</u> ?	Yes/No
Does the project adhere to any additional good practice standards for biodiversity net gain?	
<u>Biodiversity Net Gain Good Practice Principles</u>	Yes/No
Other examples (please add)	Yes/No
Other examples (please add)	Yes/No

Biodiversity Net Gain

An introduction to the benefits.



When designed and delivered well, biodiversity net gain can secure benefits for nature, people and places, and for the economy

“

"As the twin climate and ecological crises deepen there is an increasing need to accelerate nature recovery, for our planet, our wildlife and our communities. Biodiversity net gain offers a new route for development of homes, businesses and infrastructure to play its part in enabling nature to thrive, and to deliver nature-based solutions to climate change, water and air quality and flood risks. It can also help level up access to nature and provide accessible green space on the doorstep of new homes and further afield."

Marian Spain, Chief Executive



Credit: © Kidbrooke, Berkeley Group





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5. [What does BNG look like?](#)
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Biodiversity Net Gain (BNG) is an approach to development, land and marine management that leaves biodiversity in a measurably better state than before the development took place.

Currently, although certain sites are protected, there are limited mechanisms to value, maintain, enhance or create wider habitats. As a result, habitats continue to be lost to development, reducing nature's ability to connect and thrive. In the future, most developments will need to deliver a minimum 10% BNG.

BNG is additional to existing habitat and species protections. Intended to reinforce the mitigation hierarchy, BNG aims to create new habitat as well as enhance existing habitats, ensuring the ecological connectivity they provide for wildlife is retained and improved.

Developments don't have to squeeze out wildlife. The benefits are clear: trees in urban areas improve the view, aid privacy, provide shade and help reduce pollution and flash flooding; community green spaces bring people together; and local parks and woods are valuable places for people to walk, play and unwind in.

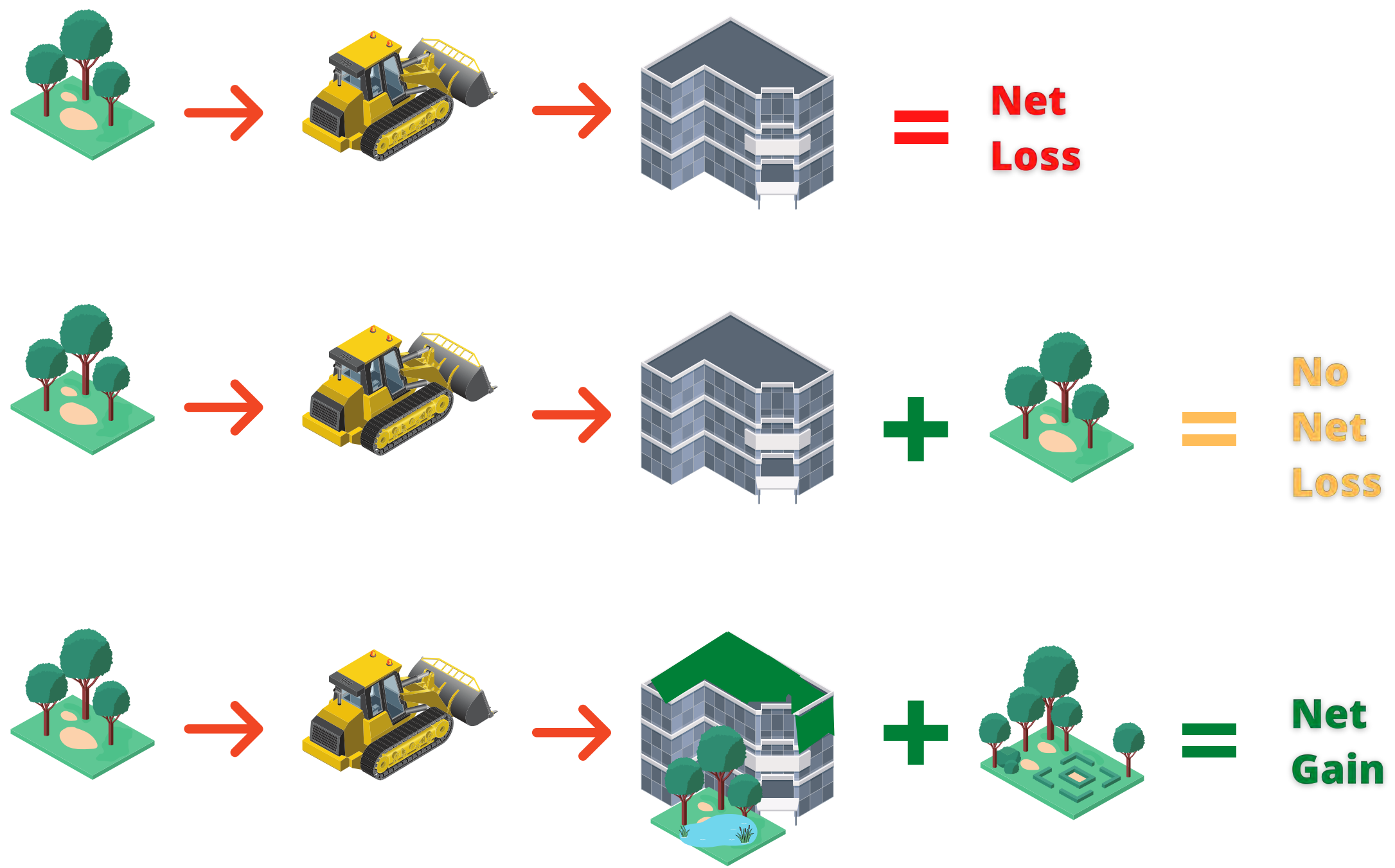
[London Wildlife Trust: Bringing Kidbrooke alive with wildlife - Natural England \(blog.gov.uk\)](https://www.blog.gov.uk/2021/07/21/london-wildlife-trust-bringing-kidbrooke-alive-with-wildlife)

Recovering wildlife will require more habitat; in better condition; in bigger patches that are more closely connected.

[Habitat Network Mapping Guidance.pdf \(defra.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97827/Habitat_Network_Mapping_Guidance.pdf)



Development often results in impacts on, and losses of, nature. By reinforcing and complementing the mitigation hierarchy, mandatory BNG requires development to deliver more for nature; setting a requirement to increase biodiversity by a minimum of 10% compared to the baseline. This means that there will be more and better-quality places for wildlife to live and thrive and for people to enjoy.



Calculating the value of habitats

BNG is measured using the Biodiversity Metric. This tool should be used by a competent person, normally an ecologist. It uses changes in the extent and quality of habitats as a proxy for nature and compares the habitat found on a site before and after development. Four key factors underpin this comparison: habitat size; condition; distinctiveness; and location.



HABITAT SIZE

How large or small is the habitat?



HABITAT CONDITION

How well is the habitat functioning, compared to one in full working order?



HABITAT DISTINCTIVENESS

Is the habitat of particular ecological importance?



STRATEGIC SIGNIFICANCE

Is the habitat a local priority or located in a priority area for habitat creation/enhancement?





ON-SITE (UNITS)



Delivered through habitat creation/enhancement via landscaping/green infrastructure

OFF-SITE (UNITS)



Delivered off-site through habitat creation/enhancement, including via habitat banks, with public and private landowners

STATUTORY CREDITS*



Delivered through large-scale habitat projects delivering high value habitats which can also provide long-term nature-based solutions

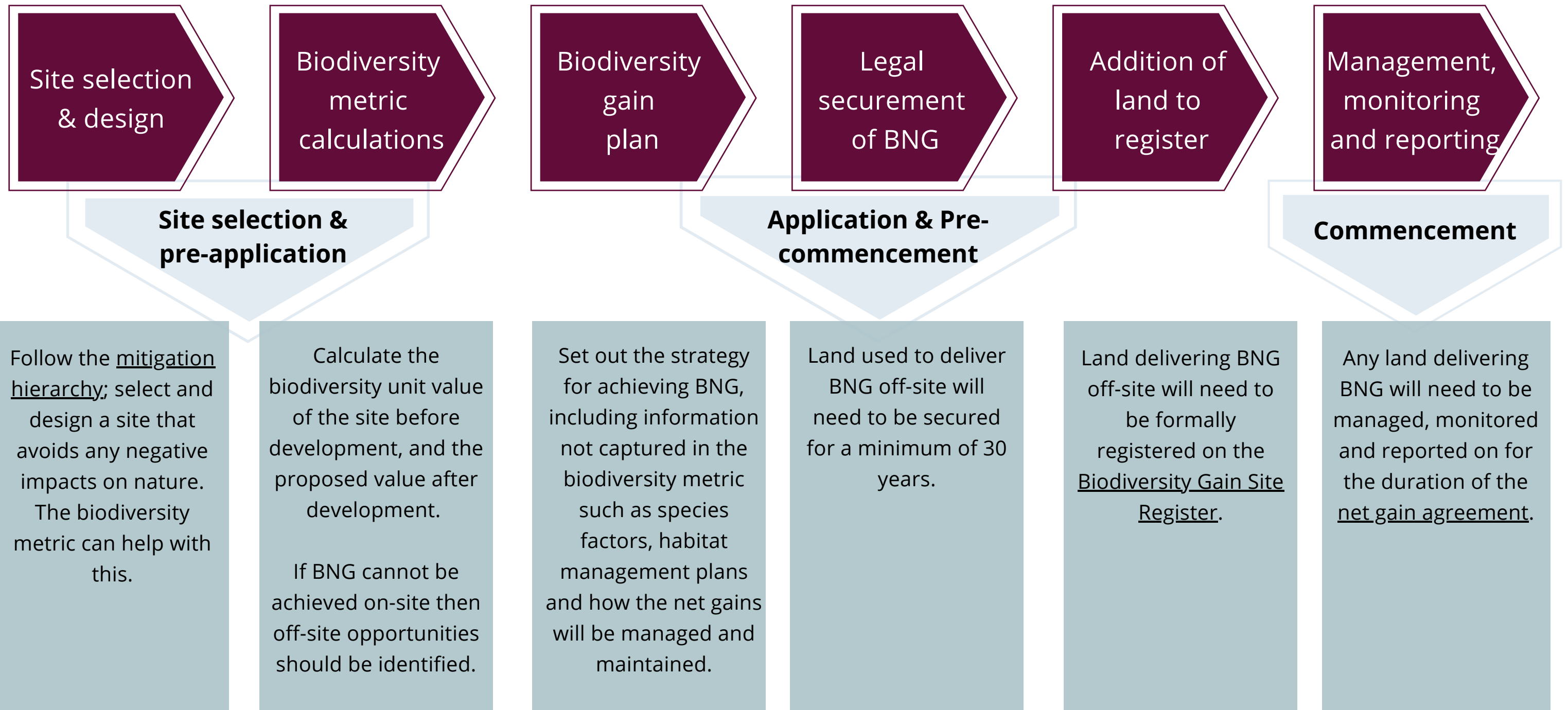
*Credits will be made available for purchase in the future. They are intended for use only where BNG cannot be delivered on-site or off-site via the market, as a last resort.



The biodiversity metric should be used early in the design process to quantify and evaluate the impacts of different design options, when there is more scope to influence design changes to achieve better ecological outcomes.



BNG PROCESS DIAGRAM





Credit: © Natural England/Steve Pullan

WHAT BNG DELIVERS

NATURE

More, bigger, better and joined up habitats in which wildlife can thrive

Credit: © Natural England/Martin Moss

PEOPLE & PLACES

Promoting health and wellbeing by creating opportunities for people to connect with nature

ECONOMY

Increasing natural capital assets, providing green jobs and contributing to sustainable development

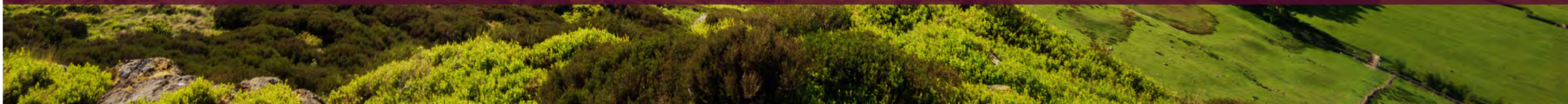
CLIMATE CHANGE

Contributing towards climate change mitigation and adaptation measures, and net zero targets, through nature-based solutions

Nature

Rich grasslands can have as many as 30 different species of wildflower within a quarter of a square metre. (Source)

- BNG contributes towards nature recovery by enhancing existing or creating new habitat.
- BNG creates and connects habitats in which species can thrive and in doing so can help wildlife adapt to climate change.
- BNG can help contribute towards ‘more, bigger, better and joined up’ green and blue networks and deliver priorities for nature set out in [Local Nature Recovery Strategies](#) or other [strategic plans](#).



People & Places

Around 9 in 10 people surveyed agreed that natural spaces are good for mental health and wellbeing.

(Source)

- BNG can improve our health and well-being by creating new or enhancing existing greenspaces, bringing nature to the doorstep ([Natural England People and Nature survey](#)).
- BNG can create more attractive places in which to live and work, contributing towards place-making.
- BNG can finance investment in new or existing green infrastructure and nature-based solutions, enhancing the resilience of our towns, cities, coasts and infrastructure. It enables us to better adapt to climate change whilst contributing towards corporate and government Net Zero targets.

In the UK, cooling from green and blue space in 2017 was valued at £243.6 million in labour productivity savings and avoided air conditioning costs.

(Source)

Economy


- BNG can help to create greener neighbourhoods that are more attractive places to live, work and do business for current and future occupiers.
- For landowners BNG can create long-term income opportunities through investment in habitat management. BNG generates sustainable and long-term financing for habitat management and maintenance, providing certainty and creating jobs.
- Restoring habitats via BNG can act as a green finance mechanism, delivering wider economic benefits and increasing financial and natural capital asset values. By creating bigger and better natural capital assets the resilience and flow of ecosystem services, and the benefits society receive from them, will be enhanced, and the value received from nature maintained and increased.



Climate Change

A young wood with mixed native species can lock up 400+ tonnes of carbon per hectare in trees, roots and soil.

(Source)

- BNG can help mitigate climate change through the restoration and protection of nature. For example, additional woodland creation will help take more carbon dioxide out of the atmosphere.
 - BNG delivery can be a way in which local communities can be directly involved in climate related adaptation projects, including tree planting and maintenance.
 - BNG can help communities adapt to climate change by increasing resilience to extremes of weather, including heatwaves and flooding. For example, green and blue spaces, such as woodlands, parks and rivers, can provide localised shading and cooling effects, whilst green roofs, street trees and other vegetated surfaces can help reduce flood risk in urban areas.
- 

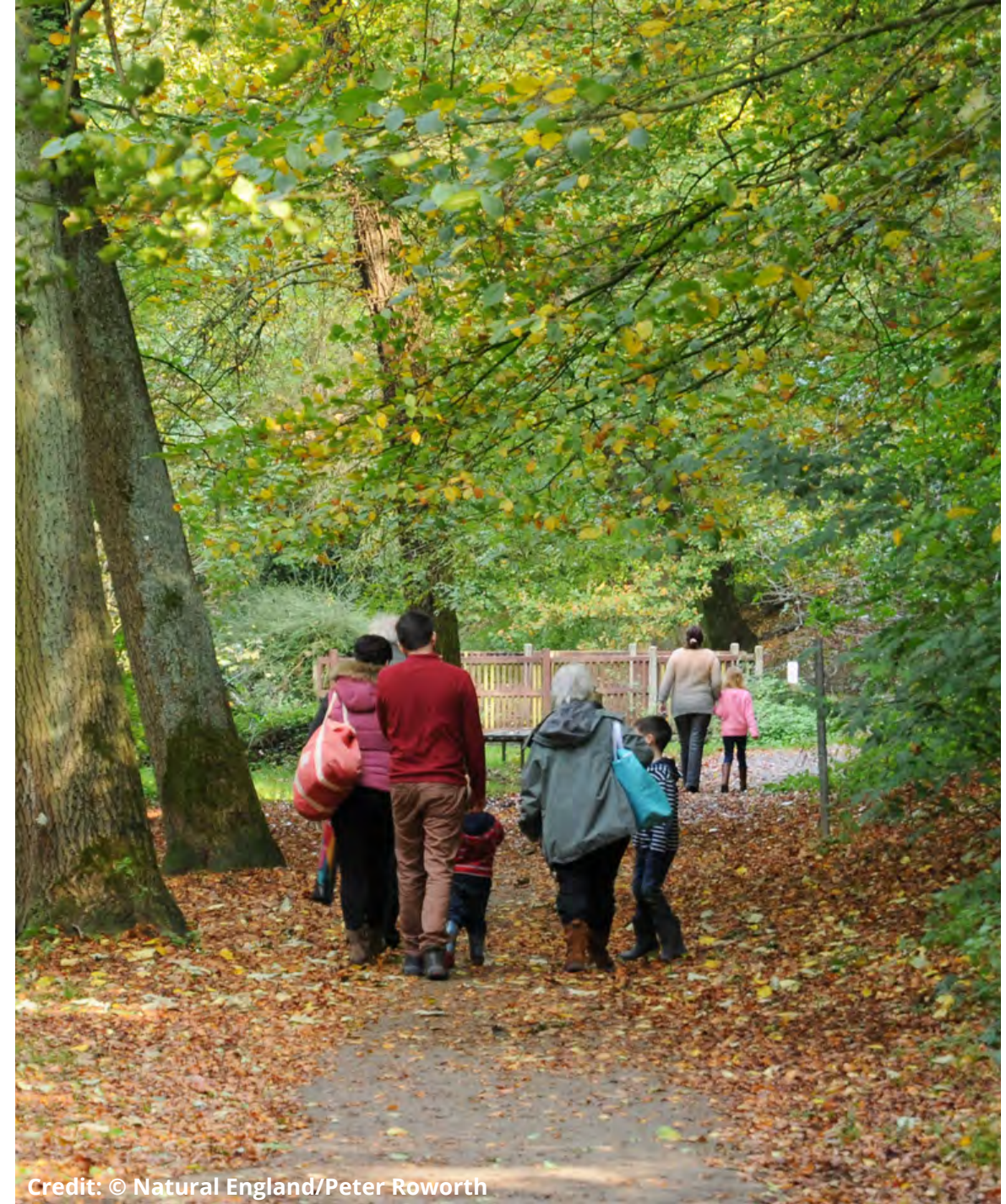
WHAT COULD BNG DELIVERY LOOK LIKE?



Credit: © Natural England/Stephen Murphy



Credit: © Natural England/Rachel Irvine



Credit: © Natural England/Peter Roworth



Credit: © Network Rail



Credit: © Natural England/Peter Roworth



Credit: © Malcolm Jarvis



Credit: © Natural England/Peter Wakely



Credit: © Natural England/Jenny Wheeldon





PERSPECTIVES ON HOW TO PREPARE FOR BNG

Landowners can:

- Explore options for delivering net gain on their site, including via habitat banking, and selling the associated biodiversity units to developers;
- Undertake a baseline assessment of their land using the [Biodiversity Metric](#);
- Start conversations with LPAs and other relevant brokers emerging in this market.

Developers can:

- Consider net gain at the site selection and design phase of projects;
- Focus on engaging in collaborative and joined up partnership working, for example in finding opportunities on-site and off-site for BNG delivery;
- Design, broker and deliver net gain in accordance with best practice principles and standards, using appropriate ecological expertise.

Local Planning Authorities (LPA) can:

- Develop approaches to embed BNG in local planning policy and decision-making and consider how BNG fits in with wider corporate priorities. Doing this now will help make sure LPAs are ready for mandatory requirements and that BNG delivers a wide range of benefits for people and nature in their local area;
- Identify features and areas for habitat creation and enhancement within [strategic plans](#) and/or [Local Nature Recovery Strategies](#). This will help target BNG delivery where it is most needed and where it can achieve 'best bang for buck';
- Take a flexible approach to BNG delivery, including off-site options. Explore options for delivering net gain on both LPA owned and privately owned land, including via green and blue infrastructure features.



Landowners can start to undertake habitat works now in anticipation of mandatory BNG - this is referred to as 'habitat banking'.

LPAs can use their own land to deliver BNG on, under the caveat that all necessary requirements are met and any conflicts of interest managed.

BNG is additional to, and does not replace or reduce existing protection for protected sites, habitats or species.

BNG can also be delivered via blue and/or green infrastructure, both on-site and off-site.

Prior to mandatory BNG, the net gain requirement for a project will be dependent on Local Plan and NPPF requirements.

Habitat enhanced or created for mandatory BNG must be secured, managed and maintained for at least 30 years and must achieve the distinctiveness and condition as intended.

River, hedgerow and area habitats are considered independently and are not interchangeable; you cannot address a loss of one type by providing another.

FOR INFORMATION

More detailed information on the net gain approach can be found on:

- [Natural England Blog](#)
- [GOV.UK](#)
- [Local Government Association](#)

FOR ACTION

- Progress on the development of the digital services required for BNG, including registering land, can be tracked via the [BNG Digital Services Blog](#).
- Developers can: familiarise themselves with the [British Standard for net gain](#), and the [CIEEM](#), [CIRIA](#), [IEMA Good Practice Principles for Developments](#).
- Local Planning Authorities can: [Sign up for updates on the Planning Advisory Service website](#).



BIODIVERSITY GAIN PLAN

A consistent document explaining how a project has followed the mitigation hierarchy and also then achieved BNG.



HABITAT BANKS

Sites where habitat is created in advance, prior to any loss occurring. This habitat will need to be secured and managed long-term.



BIODIVERSITY GAIN SITE REGISTER

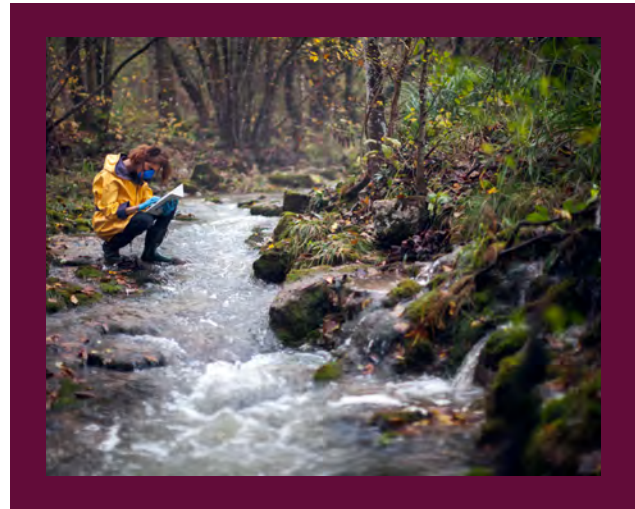
An online platform whereby off-site gains are registered. An operator will assess whether the application and its proposed enhancements meet a set of eligibility criteria.



Credit: © Natural England/Rachel Irvine

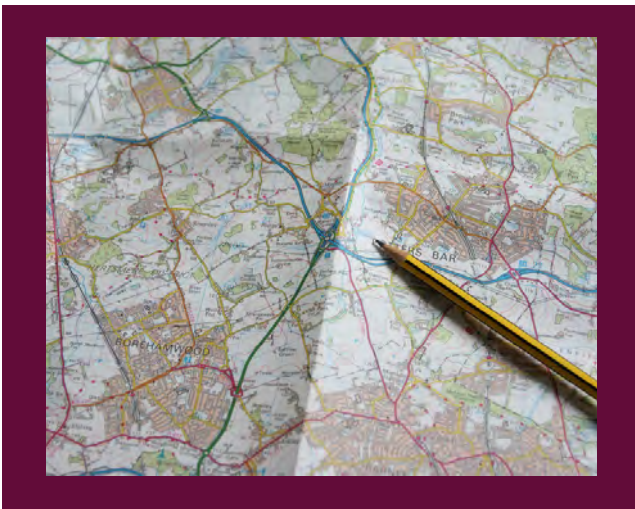
LOCAL NATURE RECOVERY STRATEGY (LNRS)

LNRS will set out locally agreed priorities and opportunities for nature recovery in written and cartographic form.



BIODIVERSITY UNITS

The unit of measurement used by the Biodiversity Metric. The units come in three types: area, riverine and hedgerow/line of trees.



LOCAL PLANNING AUTHORITIES

The public authority whose duty is to carry out specific planning functions for a particular area (Reference: NPPF, 2021).



Credit: © Natural England/Jenny Wheelton



MITIGATION HIERARCHY

The principle that environmental harm resulting from a development should be avoided, adequately mitigated, or, as a last resort, compensated for (NPPF, 2021).



Credit: © Natural England/Catherine Tonge

NATURE RECOVERY NETWORK

A national network of wildlife-rich places.



Credit: © Natural England/Jane Houghton

NATIONAL PLANNING POLICY FRAMEWORK (NPPF)

A document setting out the Government's planning policies for England and how these should be applied (NPPF, 2021).



NET GAIN AGREEMENT

A document that sets out how a site will be managed and maintained over time to deliver the forecast net gain outcome.



Credit: © Natural England/Peter Wakely

NATURE-BASED SOLUTIONS

Actions and solutions for societal challenges that are inspired by processes and the functioning of nature (Nature-Based Solutions).



Credit: © Natural England/Rachel Irvine

STRATEGIC PLAN

Local or national plans or strategies that set out priorities for nature recovery in a place.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 October 2023

Report of the Director of Finance and Transformation

Part 1- Public

Executive Non Key Decisions

1 FINANCIAL PLANNING AND CONTROL 2023/24

The report brings together information on three key budget areas – salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring are then summarised to provide an indicative overall budget position for the year. The report also updates Cabinet on capital expenditure and variations that have been agreed in relation to the capital plan.

1.1 Salaries Monitoring Statement

1.1.1 Appended for information at **[Annex 1]** is a budgetary control statement that compares actual expenditure on basic salaries, temporary staff, overtime, superannuation and national insurance to the end of August 2023, with the appropriate proportion of the original estimate for 2023/24.

1.1.2 Cabinet will note that overall actual expenditure to the end of August is **£53,000 less** than budgeted at the February Budget meeting after adjusting for an additional allocation of funding in the sum of £105,800 from the General Revenue Reserve to pay for temporary staffing in Planning following Decision Notice D230019URG (see paragraph 1.4.6 below).

1.2 Income Monitoring Statement

1.2.1 Appended for information at **[Annex 2]** is a budgetary control statement that compares actual income from fees and charges to the end of August 2023, with the appropriate proportion of the original estimate for 2023/24.

Cabinet will note that overall actual income to the end of August is **£140,986 less** than budgeted. The majority of areas are currently below profiled budget, and services are being asked to review the drivers, such as number of applications, volumes of sales etc. to identify trends that could give a better detail on the income being received and will be included in the revised and forward estimate review.

1.3 Treasury Management

- 1.3.1 The Audit Committee has responsibility for monitoring treasury management activities and a detailed report is submitted on a regular basis to that Committee. Members may wish to look at the most recent report which was presented to the Audit Committee on 25 September. Highlights are however given within this report to keep Cabinet up to date on activity.

Treasury management reporting is up to the end of July 2023, but initial reviews of the August returns show a continued increase of returns above the level estimated in February 2023.

Core Funds

- 1.3.2 The Council achieved a return of 4.84% on its core fund investments for the period ended July 2023, compared to the benchmark of 5.37%. Investment income achieved for the period ended July 2023 was £403,480.
- 1.3.3 At the end of July 2023, the value of core funds stood at £27m. This was invested at an average rate of 5.41% and an average maturity of 154 days.

Cash Flow Funds

- 1.3.4 The Council achieved a return of 4.55% on its cash flow investments for the period ended July 2023, compared to the benchmark of 5.1%. Investment income achieved for the period ended July 2023 was £410,020.
- 1.3.5 At the end of July 2023, the value of cash flow investments stood at £25.32m. This was invested at an average rate of 4.97% and an average maturity of 8 days.

Multi-Asset Diversified Income Funds

- 1.3.6 The Council achieved a return of 5.04% on its multi-asset diversified income funds for the period ended July 2023. Investment income achieved for the period ended July 2023 was £71,380.
- 1.3.7 At the end of August 2023, the sum of £4.25m was invested in multi-asset diversified income funds spread across three different funds.

Property Investment Funds

- 1.3.8 Property funds pay dividends quarterly based on activity to the end of March, June, September and December. Investment income achieved for the period ended June 2023 is £45,350 which represents a return of 3.63%.
- 1.3.9 At the end of August 2023, the sum of £5m was invested in property investment funds spread across three different funds.

All Investments

1.3.10 The combined return figure for core, cash flow and multi-asset diversified income funds is compared with the original estimate for 2023/24 later in this report.

1.4 Approved Variations to the Revenue Budget

1.4.1 Listed below are the variations that have been agreed to the revenue budget for 2023/24. It has been based upon those variations approved by Portfolio Holders, Committees, Cabinet and Council.

1.4.2 Cabinet 7 March 2023

- [Endorsed](#) the proposed Green Business Grant Scheme for 2023/24 and 2024/25. The revenue costs of the scheme of £6,000 (£2,000 in 2023/24 and £4,000 in 2024/25) will be funded from the UK Shared Prosperity Fund.

1.4.3 General Purposes Committee 15 March 2023

- [Resolved](#) that the proposals for changes to the establishment in Revenue and Benefits, Accountancy and Exchequer, Customer Services and Parking Administration be approved. The proposals generate net growth of £3,300 per annum (£3,800 in 2023/24 of which £1,750 reflected in salary monitoring above).

1.4.4 Cabinet 4 April 2023

- [Resolved](#) that the Blue Bell Hill commuter car park be closed and the site secured to prevent any pedestrian and vehicular access. Fencing will need to be installed at the main entrance to prevent access. The cost of this is estimated to be £5,000. Existing season ticket holders will also have to be refunded at an estimated cost of £2,100 (all of which is reflected in income monitoring statement above). The ongoing financial impact of the closure is expected to be broadly neutral.
- [Resolved](#) that a new Community Development Grant Scheme be launched from April 2023. The scheme will be funded from the £165,269 allocated to the Council from the UK Shared Prosperity Fund (£33,962 in 2023/24 and £131,307 in 2024/25).

1.4.5 General Purposes Committee 3 July 2023

- Made various [recommendations](#) in respect of members allowances. The recommendations will generate savings of £25,000 per annum (£31,000 in 2023/24).
- [Recommended](#) that a £5,000 annual market supplement payment be paid to all current and future recruited qualified Planning staff for a period of two years, subject to annual review thereafter. The proposals are expected to cost £290,000 over the two-year period and will be funded from the Budget Stabilisation Reserve.

- [Recommended](#) that a £3,000 'Golden Hello' payment be paid to certain newly recruited Planning staff, subject to annual review thereafter. The proposals are expected to cost £30,000 over the two-year period and will be funded from the Budget Stabilisation Reserve.
- [Resolved](#) that the proposals for changes to the establishment in Revenue and Benefits and Building Control be approved. The proposals generate net saving of £2,200 per annum (£440 reflected in salary monitoring above).

1.4.6 Emergency and Urgency Decisions under Part 7 of the Constitution

- The Leader [resolved](#) on 13 March 2023 that the proposal for the net additional cost of £127,000 of employing agency staff to fill vacant positions in Development Management for the initial period of the 6 months from April 2023 to September 2023 be met from the Council's General Revenue Reserve (£105,800 reflected in salary monitoring above).

1.4.7 Cabinet Member Decisions under Part 4 of the Constitution

- The Cabinet Member for Strategic Planning and Infrastructure [resolved](#) on 7 March 2023 that the provisional Biodiversity Net Gain grant from the Department for Environment, Food and Rural Affairs of £15,638 be accepted. Delegated authority has been granted to the Director of Planning, Housing and Environmental Health to agree a programme of works to be funded from the grant.
- The Cabinet Member for Economic Regeneration [agreed](#) on 8 March 2023 the proposals for TMBC Apprenticeships (£25,000) and Apprenticeships Grant Scheme (£30,000). Both proposals will be funded from the Business Rates Retention Pilot Reserve.
- The latest triennial revaluation of the Tonbridge & Malling Leisure Trust has reported a pension fund deficit of £756,000 in relation to former Council employees who were transferred to the Trust under TUPE legislation in November 2013, for which the Council retains liability. The actuaries have proposed that the Council pays-off the deficit in instalments totalling £1.07m over the next 11 years. The Cabinet Member for Finance, Innovation and Property [resolved](#) on 8 March 2023 that instalment due in 2023/24 of £79,800 be funded from the Tonbridge & Malling Leisure Trust Reserve. Cabinet on 6 June 2023 [endorsed](#) the transfer of £249,000 to the reserve to fund the instalments for 2023/24 to 2025/26, covering the period until the next triennial revaluation. Consideration will be given, during 2023/24, as to whether it might be more cost effective for the Council to discharge its existing liability in a shorter timescale to that proposed by the actuary. See also paragraph 1.6.2.
- The Cabinet Member for Finance, Innovation and Property [resolved](#) on 21 March 2023 that the Adelante Smartpay cashiering system be upgraded at a cost of £57,500. This will be funded from the Transformation Reserve.

- The Cabinet Member for Strategic Planning and Infrastructure [resolved](#) on 21 March 2023 that the Active Travel Capability Fund grant from Kent County Council of up to £25,000 be accepted. A detailed project delivery approaches will be reported to Members in the coming months.
- The Cabinet Member for Technical and Waste Services [resolved](#) on 3 April 2023 that all scheduled waste collections and street cleaning services be maintained on Monday 8 May 2023, the King's Coronation Bank Holiday. The cost of the proposal is £30,762 and will be funded from the Budget Stabilisation Reserve.
- The Cabinet Member for Housing [resolved](#) on 18 April 2023 that the existing fixed term posts of Temporary Accommodation Welfare Officer and Housing Allocations Assistant be extended to 31 March 2024 and that a new six-month fixed term post of Housing Allocations Assistant be established. The cost of the proposals is £60,603 and will be funded from the additional Homelessness Prevention Grant funding received in 2022/23.
- The Cabinet Member for Finance, Innovation and Property [resolved](#) on 19 April 2023 that a dedicated Business Change Project Management resource be established for a period of 6 months to support the Agile project. The cost of the proposal is £58,500 and will be funded from the Budget Stabilisation Reserve.

1.4.8 A summary of the approved variations to the revenue budget is given in the table below.

Description	Paragraph Reference	2023/24 £	2024/25 £
Green Business Grant Scheme	1.4.2	-	-
Establishment	1.4.3	2,050	3,300 *
Blue Bell Hill Car Park	1.4.4	5,000	-
Community Development Grant Scheme	1.4.4	-	-
Members Allowances	1.4.5	(31,000)	(25,000) *
Planning Market Supplement Payment	1.4.5	-	- *
Planning 'Golden Hello' Payment	1.4.5	-	- *
Establishment	1.4.5	(440)	(2,200) *
Development Management Agency Staff	1.4.6	21,200	-
Biodiversity Net Gain Grant	1.4.7	-	-
Apprenticeships	1.4.7	-	-
TMLT Pension Fund Deficit	1.4.7	-	- *
Adelante Smartpay	1.4.7	-	-
Active Travel Capability Fund	1.4.7	-	-
Waste Collections & Street Cleaning	1.4.7	-	-
Housing Temporary Staffing	1.4.7	-	-
Business Change Project Management	1.4.7	-	-
Total		(3,190)	(23,900)

Those items marked with an asterisk* will need to be considered and reflected as appropriate in updating the Medium Term Financial Strategy beyond 2024/25.

1.5 Virements

1.5.1 To date, there have been no virements made to the original revenue estimates for 2023/24 reported to Council on 21 February 2023.

1.6 Revenue Budget Monitoring

1.6.1 As part of our budget monitoring and control arrangements Chief Officers confirm that budgetary control has been undertaken within the Service areas under their control each month and at the same time highlight those areas, if any, which they wish to bring to the attention of the Director of Finance and Transformation. In addition, the Accountancy Section also monitors budgetary performance across

the whole range of services during the year. At the time of writing this report the following areas have been brought to my attention.

- 1.6.2 The latest triennial revaluation of the Tonbridge & Malling Leisure Trust has resulted in employer's contribution rate increasing from 18.4% to 22.4%. The Council is responsible for contributions in excess of 12% - the rate when the Trust was established - in respect of employees who were transferred to the Trust under TUPE legislation in November 2013. The increase represents budget growth of £31,350. See also paragraph 1.4.7.
- 1.6.3 As reported to Overview and Scrutiny Committee on [6 April 2023](#), the government is proposing to increase planning application fees by between 25% and 35%. An analysis by advisers LG Futures has suggested that the increase will generate approximately £440,000 additional income per annum which is £270,000 more than that currently reflected in the Council's Medium Term Financial Strategy. The current deficit on the development management budget is £973,000 (2023/24 budget) and any increase in fees should first and foremost contribute towards reducing the deficit. Planning application fees were last increased in January 2018 and it has been assumed that the proposed increase will come into effect from January 2024.
- 1.6.4 As reported to Housing and Planning Scrutiny Select Committee on [7 June 2023](#), the latest estimate of the costs of the local plan review over the next five years will necessitate a one-off injection of £345,000 into the Local Plan Reserve. This is in addition to the one-off injection of £750,000 made in 2021/22 following Council decision on [13 July 2021](#) to withdraw the current plan and review, refresh and resubmit the Local Plan. **This additional injection of funding has yet to be facilitated.**
- 1.6.5 Following the biennial structural inspection of Council managed bridges, the anticipated spend on bridge maintenance in the next two years will be £25,000 in 2023/24 and £41,600 in 2024/25. The current annual budget is £15,000.
- 1.6.6 A judicial review brought by a housing client has resulted in costs being awarded against the Council, the amount is currently being negotiated and will be reported once known.
- 1.6.7 The inflationary increase to be applied from 1 April 2023 in respect of the Internal Audit and Fraud service provided by Kent County Council was 2.5% less than estimated, equating to a budget saving of £4,600.
- 1.6.8 Inflationary increases in respect of the cleaning and security contracts in respect of Tonbridge Castle were £7,900 more than estimated.
- 1.6.9 Funding of £36,300 is being provided to Domestic Abuse Volunteer Support Services (DAVSS) for to employ a Housing Independent Domestic Violence Advisor in 2023/24 and 2024/25. This is to be funded from the Domestic Abuse Act New Burdens Grant.

- 1.6.10 Three specialist pieces of work are to be undertaken as part of the review of Tonbridge Castle: heritage assessment (£3,000), architectural designer work (£6,000) and commercial activity market viability (£4,500).
- 1.6.11 Current homelessness caseload is around 106 compared to the estimated 80 used to estimate the budget approved in February 2023. In addition, the nightly charges for TA have also increased as a result of inflation and interest rate rises. If caseload and pricing remains at current levels for the remainder of the financial year, this would amount to a potential budget growth of at least £175,000 for the full financial year; work is being undertaken with the Service to understand the cost implications and further updates will be made with the 2023/24 revised estimate. In terms of 2024/25, the MTFs also assumes costs associated with a caseload of circa 80 households. If caseload cannot be reduced, then the 2024/25 Estimates will need to reflect a higher cost level and the MTFs updated accordingly. For now, the figures in this report do NOT allow for higher caseloads beyond the current financial year which is a risk that needs to be managed.
- 1.6.12 Spend to date on the Council's applications and appeals budget is around £100,000 compared to the annual budget of £25,000. The overspend is primarily due to costs being awarded against the Council in respect of two appeals – [Keeper's Cottage, Platt](#) and [83 High Street, West Malling](#). Costs have also been awarded against the Council in respect of [Laxton Farm, Hadlow](#). Overspends of up to £100,000 can be funded from an earmarked reserve set aside at the end of 2021/22 but anything above that will need to be funded from the Council's General Revenue Reserve.
- 1.6.13 The car parks repairs and maintenance budget is likely to be overspent for the year as a result of the sink hole at West Malling High Street car park which has cost approximately £18,000 to repair.
- 1.6.14 Management Team have made the following establishment changes under delegated authority:
- A temporary Resettlement Worker and a Homelessness Support Officer are to be employed to support Ukrainian refugees in the borough. These posts are to be funded from the share of the 'Homes for Ukraine' funding received from Kent County Council.
 - The fixed-term Domestic Abuse Co-ordinator post has been extended from end of December 2023 to end of March 2025. The additional cost will be £11,800 in 2023/24 and £48,700 in 2024/25. This post is funded from the Domestic Abuse Act New Burdens Grant.
 - A three-month fixed-term Open Space Auditor post has been created to assist with the tender of the Grounds Maintenance Contract, at a cost of £7,800 (none of which is reflected in salary monitoring above).
 - A Building Control Technician post has been regraded and hours increased for a six-month period. A Building Control Surveyor post has been deleted

and replaced by a senior post while a vacant part-time Building Control Surveyor post has been deleted. The changes will generate a saving of £20,600 in 2023/24 but the saving is to be ring-fenced pending a review of the temporary arrangements.

- A Principal Planning Officer (PPO) and a Senior Planning Officer post within Planning Policy have had their hours increased for a six-month period and an agency PPO has been taken on for a four-month period. The cost of these changes is £34,500 and is to be funded from a vacant two-year fixed-term PPO post.
- The temporary arrangements within the Street Scene Administration Team have been extended from end of December 2022 to end of March 2024. The additional cost in 2023/24 will be £7,100 (£3,000 reflected in salary monitoring above).

1.6.15 The Council has been awarded the following grants from central government which will be used to fund as yet unbudgeted expenditure:

- Council Tax Support New Burdens Grant £12,578
- Electoral Integrity Programme New Burdens Funding £10,866 (in addition to budgeted £32,150)
- Energy Bill Support Scheme Alternative Funding New Burdens Grant £18,030
- Homelessness Prevention Grant – Ukrainian Refugees £189,657
- Housing Benefit Award Accuracy Initiative Grant £15,688
- Local Authority Data Sharing Programme Grant £11,596
- Verify Earnings and Pension Alerts Grant £15,431
- Welfare Reform Grant £25,841

1.6.16 A summary of the items identified through budgetary control within the current financial year 2023/24, along with their potential impact moving into 2024/25, is given in the table below.

Description	Paragraph Reference	2023/24 £	2024/25 £
TMLT Pension Contributions	1.6.2	31,350	31,350 *
Planning Application Fees (<i>assumed w.e.f. Jan 24</i>)	1.6.3	(110,000)	(270,000) *
Local Plan (<i>funding yet to be agreed</i>)	1.6.4	345,000	-
Bridge Maintenance	1.6.5	10,000	26,600
Internal Audit and Fraud Service	1.6.7	(4,600)	(4,600) *
Tonbridge Castle Cleaning and Security	1.6.8	7,900	7,900 *
Independent Domestic Violence Advisor	1.6.9	-	-
Tonbridge Castle Review	1.6.10	13,500	-
Homelessness Caseload	1.6.11	175,000	-
Applications & Appeals	1.6.12	-	-
Car Parks Repairs & Maintenance	1.6.13	-	-
Ukrainian Refugees Workers	1.6.14	-	-
Domestic Abuse Co-ordinator	1.6.14	-	-
Open Space Auditor	1.6.14	7,800	-
Building Control	1.6.14	-	-
Planning Policy	1.6.14	-	-
Street Scene Administration	1.6.14	4,100	-
Central Government Grants	1.6.15	-	-
Total		480,050	(208,750)

Those items marked with an asterisk* will need to be considered and reflected as appropriate in updating the Medium Term Financial Strategy beyond 2024/25.

1.7 VAT Recovery

1.7.1 Some years ago, local authorities challenged HMRC's VAT treatment of sports and leisure activities. On the back of this challenge, in August 2011 the accountancy team, with the assistance of tax consultants KPMG, submitted a very detailed claim for overpaid VAT on sports and leisure activities covering the period August 2007 to June 2011.

- 1.7.2 Following detailed consideration of this matter, the courts finally found that local authorities' leisure services are provided under a statutory framework and can be treated as non-business for VAT purposes. The case was appealed by HM Revenues and Customs (HMRC) but was dismissed and, in March 2023, HMRC announced that allowing local authorities to treat their supplies of leisure services as non-business would not significantly affect competition. This means that income from activities such as swimming and gym membership, which had previously been treated as standard rated for VAT purposes, can now be treated as non-business supply.
- 1.7.3 In August 2023, HMRC accepted the Council's claim (that had been submitted twelve years earlier) and repaid VAT totalling £1,866,900 together with statutory interest of £175,600. The Council is due to pay KPMG £75,000 for their services. The 'net' windfall receipt is therefore £1,967,500.
- 1.7.4 The receipt is very welcome but is a 'one-off' windfall. For the avoidance of doubt it does not resolve the funding gap or savings target, but could *potentially* allow some capital projects or one off schemes to go ahead which otherwise wouldn't be the case.
- 1.7.5 Unless Cabinet wishes to make any recommendations at this meeting as to how the 'windfall' might be allocated I propose to include a paragraph in my MTFs update report to Cabinet in November to consider how this funding might best be utilised for the benefit of the borough.

1.8 Revenue Budget Summary

- 1.8.1 The table below brings together information on the key budget areas, the variations agreed to the revenue budget and items identified through budgetary control to provide an indicative overall budget position for the year.

Description	Budget to August £	Actual to August £	Variance £
Salaries Monitoring Statement	5,030,300	4,977,300	(53,000)
Income Monitoring Statement	(2,709,700)	(2,568,804)	140,896
Treasury Management (JULY)	(471,000)	(930,050)	(459,050)
Approved Variations to the Revenue Budget		(3,190)	(3,190)
Revenue Budgetary Control		480,050	480,050
VAT 'Windfall' net of fees		(1,967,500)	(1,967,500)
Net Favourable Variance**			(1,861,794)

- 1.8.2 Members will note that whilst there is a net favourable variance**, this is wholly related to the windfall VAT receipt. **Excluding this windfall** (pending further discussion at Cabinet in November) gives a **net adverse variance of £105,706**.
- 1.8.3 Cabinet may recall that when the Budget was set in February 2023, it was expected that by the end of 2023/24 a contribution of £1,356,800 would be made to the General Revenue Reserve.
- 1.8.4 Assuming that the VAT windfall is to be allocated/spent in full during 2023/24, the budgetary assessment above would suggest if nothing else changed, the contribution to the General Revenue Reserve would be £1,251,094 compared to £1,356,800 anticipate, if the Local Plan is to be met from the General Revenue Reserve; or £1,569,094 if it is met from other reserves or means.

1.9 Medium Term Financial Strategy / Savings and Transformation Strategy

- 1.9.1 The current economic climate will have an ongoing impact on the Council's financial position. Officers are currently in the process of assessing the impact on both the current and future financial years of the Council's Medium Term Financial Strategy. When the Budget was approved in February, the funding gap was noted as £1.7m. As ever, this is likely to change in the next iteration.
- 1.9.2 In respect of the Savings and Transformation Strategy, at Cabinet on 6 June 2023 it was agreed (Minute CB 23/53 refers) that;

“a timetable for the programme of savings and transformation contributions be progressed, in consultation with Officers, as soon as possible to meet the demands of the budget setting process to ensure the target of £500,000 was achieved by the start of the financial year 2024/25.”

- 1.9.3 Informal discussions have taken place between Management Team and Cabinet on proposed savings and these will be reported to Cabinet with the MTFS in November.

1.10 Budget Consultation

- 1.10.1 Members have not undertaken a dedicated budget consultation with the public for some time, although more recently a public consultation was undertaken in order to assist in the formulation of the Council's latest Corporate Strategy.
- 1.10.2 In its Annual Audit Report for 2022/23 (presented to the Audit Committee on 25 September 2023), the External Auditors, Grant Thornton, noted that the Council does not routinely undertake a Budget Consultation and therefore, within a Key Recommendation, recommended that the Council improves its performance management arrangements by:

“ engaging key stakeholders, where appropriate, to determine local priorities for resources or opportunities for savings.”

1.10.3 Cabinet may wish to reflect on this recommendation to determine whether it might wish to engage with the public and other stakeholders to evaluate future options for savings.

1.10.4 Cabinet's instructions are **REQUESTED**.

1.11 Capital Monitoring Statement

1.11.1 Appended for information at **[Annex 3]** is a capital monitoring statement which compares actual capital expenditure for the period 1 April 2023 to 31 August 2023 with the 2023/24 Capital Plan. The Capital Plan for 2023/24 is based on the 2023/24 budgets that were approved by Council on 21 February 2023, amended for slippage from 2022/23.

1.11.2 Prior year's expenditure is only shown for finite schemes for which there is a budget in 2023/24. Where schemes are of a rolling programme nature, prior year's expenditure has not been shown in order to avoid large, generally meaningless, totals building up.

1.11.3 Capital Plan schemes which are scheduled to start in 2024/25 and beyond have not been shown. The budget profile for these schemes can be found in the [2023/24 Revenue and Capital Budgets Book](#).

1.11.4 Cabinet will note a Capital Plan spend (net) at the end of August 2023 of income of £236,000 against a budget for the year of £7,851,000.

1.11.5 The largest project, the refurbishment of the Gibson East Building, has yet to commence due to ongoing legal discussions.

1.12 Approved Variations to the Capital Plan

1.12.1 Cabinet 7 March 2023

- Approved the Funding of Grants through the UK Shared Prosperity Fund. This amounts to £10,000 in 2023/24 and £50,000 in 2024/25.

1.13 Capital Plan Issues

1.13.1 The capital plan monitoring statement is essentially aimed at monitoring the financial performance of the capital plan overall and on a Service and scheme basis. Notes have been provided to supply further information where this is felt to be particularly relevant. Other monitoring reports, which provide greater information about individual schemes, are presented by the Services to the relevant Committee.

1.14 Business Rates Pooling

1.14.1 For 2023/24, Tonbridge and Malling Borough Council was accepted back into the Kent Business Rates Pool.

- 1.14.2 The pool offers advantages of retaining further income where the Council's Business Rates are above the Baseline set as part of the Government Grant Settlement.
- 1.14.3 When setting the budget for the Council and the pool for 2023/24, it was predicted that the borough would be £707,000 above the nationally set baseline and retain £460,000 additional income, **plus** a sum of £106,000 to be managed jointly with Kent County Council for economic development. This compares to a retention of additional income of £353,000 if we were outside of the pooling arrangements.
- 1.14.4 Monitoring as at the end of August 2023 puts the Council at £1,213,000 above the nationally set baseline with a retained local income of £785,000, **plus** a sum of £179,000 for joint economic development activities. This represents favourable variances against 2023/24 estimates of £325,000 for the Council's own retained income, and £73,000 for the joint economic development activities.
- 1.14.5 As at the end of August, 4 of the 6 properties at Panattoni Park on the former Aylesford Newsprint site have been occupied. Three of the four valuations have been received and the charges have been reflected in the above calculations.
- 1.14.6 The remaining two properties are expected to be ready for occupation between the end of this calendar year and sometime in 2024/25.
- 1.14.7 Looking ahead to 2024/25, local authorities are required to indicate their intentions about pool membership by Tuesday 10 October. Discussions within Kent thus far suggest that the pool membership should remain as it is.

1.15 Legal Implications

- 1.15.1 This report fulfils the requirement of the Local Government Act 2003 which places a statutory duty on the authority to monitor income and expenditure against budget and to take action if overspends or shortfalls in income emerge. If monitoring establishes that the budget situation has deteriorated, authorities are required to take such action as they consider necessary. This might include action to reduce spending in the rest of the year, to increase income or to finance all or part of the shortfall from reserves.

1.16 Financial and Value for Money Considerations

- 1.16.1 As set out above.

1.17 Risk Assessment

- 1.17.1 Budgetary control is a prerequisite of good financial management, financial planning and control and needs to be kept under review to ensure it remains effective and relevant.
- 1.17.2 The Council's financial sustainability is at increased risk following the Ukraine conflict and its adverse impact on global economic conditions. In addition, as

highlighted at paragraph 1.6.11, the homelessness caseload is above the levels allowed for within the MTFS and unless these numbers are brought down, there is a risk to the MTFS.

1.17.3 Cabinet is aware that the Strategic Risk Register highlights two separate financial risks as RED at the current time:

- 1) Financial position/budget deficit
- 2) Savings and Transformation Strategy

1.18 Equality Impact Assessment

1.18.1 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.

1.19 Policy Considerations

1.19.1 Budgetary and policy framework is relevant to all areas of the Council's business.

1.20 Recommendations

1.20.1 Cabinet is **REQUESTED** to:

- 1) **Note** that as at the end of August 2023 the projected overall outturn position for the year 2023/24 (paragraph 1.8 refers);
- 2) **Note** the need to identify and implement opportunities to deliver as a minimum tranche one savings target of £500,000;
- 3) **Note** the current business rate pool position as at the end of August 2023; and
- 4) **Consider** whether consultation/engagement with the public regarding potential options for savings should be undertaken (paragraph 1.10 refers).

Background papers:

contact: Paul Worden

Nil

Sharon Shelton
Director of Finance and Transformation

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Salaries Budgetary Control Monitoring Statement

Annex 1

Period Ended Last Day of August 2023

2023/24 Financial Year

2022/23 Actual to end of August	Service	Annual Budget	2023/24		Above (Below) Budget (b - a)
			Budget to end of August (a)	Actual to end of August (b)	
£		£	£	£	£
	Central				
348,400	Administration & Property	969,800	404,050	363,100	(40,950)
254,250	Legal	663,800	281,700	292,650	10,950
224,750	Personnel	568,950	237,050	234,650	(2,400)
230,800	Executive	637,700	261,550	268,850	7,300
	Finance & Transformation				
747,250	Finance	1,778,250	740,950	761,150	20,200
418,850	Information Technology	1,170,300	487,600	454,150	(33,450)
	Planning, Housing & Environmental Health				
688,800	Environmental Health & Housing	1,787,750	744,900	709,950	(34,950)
1,018,600	Planning	2,472,500	1,028,450	1,092,100	63,650
	Street Scene, Leisure & Technical				
559,160	Street Scene & Leisure	1,361,600	570,840	563,200	(7,640)
285,760	Technical	751,600	313,180	308,770	(4,410)
4,776,620	Sub-total	12,162,250	5,070,270	5,048,570	(21,700)
	Non-budgeted spend on recruitment & other expenses to the end of August				62,900
	Budgeted ring-fenced sum to the end of August				(2,650)
	Adjustments for expenditure funded from reserves or grants				(141,550)
	Budgeted management savings to the end of August				50,000
	Above / (Below) Budget				(53,000)

Financial Services
21 September 2023

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Income Budgetary Control Monitoring Statement

Annex 2

Period Ended Last Day of May 2023

2023/24 Financial Year

2022/23 Actual to end of August	Service	Annual Budget	2023/24		(Above) Below Budget (b - a)
			Budget to end of August (a)	Actual to end of August (b)	
£		£	£	£	£
	Central				
(90,668)	Land Charges	(243,000)	(101,250)	(76,953)	24,297
(119,834)	Licensing	(380,800)	(137,050)	(147,057)	(10,007)
(210,502)	Sub-Total	(623,800)	(238,300)	(224,010)	14,290
	Planning, Housing & Environmental Health				
(388,366)	Planning Applications	(850,000)	(354,150)	(318,908)	35,242
(191,253)	Building Regulations	(484,000)	(201,650)	(166,929)	34,721
(579,619)	Sub-Total	(1,334,000)	(555,800)	(485,837)	69,963
	Street Scene, Leisure & Technical				
(1,055,002)	Garden Waste Collection	(1,240,000)	(497,250)	(500,176)	(2,926)
(58,018)	Recycling Performance Payment	(628,000)	0	48,724	48,724
(58,743)	Bulky Refuse Collection	(147,000)	(61,250)	(60,690)	560
(53,919)	Tonbridge Cemetery	(141,450)	(58,950)	(51,658)	7,292
(612,387)	Short Stay Car Parking	(1,800,000)	(712,000)	(680,439)	31,561
(259,142)	Long Stay Car Parking	(635,000)	(263,000)	(264,227)	(1,227)
(133,249)	Penalty Charge Notices	(320,000)	(133,350)	(167,899)	(34,549)
(48,543)	Car Parks Season Tickets	(167,000)	(81,000)	(61,719)	19,281
(66,995)	Residents Parking Permits	(145,000)	(66,000)	(75,536)	(9,536)
(41,648)	Haysden Country Park Parking	(89,000)	(42,800)	(45,337)	(2,537)
(2,387,646)	Sub-Total	(5,312,450)	(1,915,600)	(1,858,957)	56,643
(3,177,767)	Grand Total	(7,270,250)	(2,709,700)	(2,568,804)	140,896

Financial Services
21 September 2023

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CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
SUMMARY OF SERVICES

	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023
	£'000	£'000	£'000
Capital Plan Schemes			
Planning, Housing & Environmental Health	1,488	113	3
Street Scene, Leisure & Technical Services	605	1,559	46
Corporate	10	3,330	41
Sub-total	2,103	5,002	90
Capital Renewals			
Planning, Housing & Environmental Health	n/a	0	0
Street Scene, Leisure & Technical Services	n/a	2,234	90
Corporate	n/a	615	56
Sub-total	n/a	2,849	146
Total	2,103	7,851	236

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
PLANNING, HOUSING AND ENVIRONMENTAL HEALTH

	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023
	£'000	£'000	£'000
Capital Plan Schemes			
Housing			
Grants	n/a	30	0
Temporary Accommodation	1,477	83	2
Environmental Health	11	0	1
Sub-total	1,488	113	3
Capital Renewals	n/a	0	0
Total Planning, Housing and Environmental Health	1,488	113	3

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
PLANNING, HOUSING AND ENVIRONMENTAL HEALTH

	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Housing					
(a) Disabled Facility Grants					
(i) Mandatory Grants Less repayments	P03AC	n/a n/a	2,203 (10)	330 (3)	Government grant of £1.153m carried forward to 2023/24.
(ii) Government Grant		n/a	(2,193)	(327)	
Sub-total		n/a	0	0	
(b) Housing Assistance Less repayments	P03AD	n/a n/a	60 (30)	16 (16)	
Sub-total		n/a	30	0	
Total Grants to Summary		n/a	30	0	
(c) Temporary Accommodation					
(i) 4 Dwellings Pembury Road, Tonbridge Less Developer Contributions	P03AX	2,127 (860)	83 0	2	Works completed to convert two of the four dwellings. The remaining budget is currently under consideration.
Sub-total		1,267	83	2	
(ii) Freehold of 47 High Street, Tonbridge	P03AZ	210			Purchase completed in 2022/23.
Total Temporary Accommodation to Summary		1,477	83	2	

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023					
PLANNING, HOUSING AND ENVIRONMENTAL HEALTH					
	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Environmental Health					
(a) Air Quality Monitoring Station	P02EN	11	0	1	
(b) Anti-idling Campaign Project Less Government Grant	P02EM	20 (20)	11 (11)		
Sub-total		0	0	0	
Total Environmental Health to Summary		11	0	1	

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023
	£'000	£'000	£'000
Capital Plan Schemes			
Street Scene	n/a	120	69
Leisure			
Sports Grounds	95	116	5
Open Spaces	124	0	11
Larkfield Leisure Centre	126	14	4
Other Schemes	103	15	1
Technical Services			
Car Parking	0	30	34
Transportation	7	33	(78)
Land Drainage / Flood Defence	150	1,231	0
Sub-total	605	1,559	46
Capital Renewals	n/a	2,234	90
Total Street Scene, Leisure & Technical Services	605	3,793	136

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Street Scene					
(a) Green Waste Bins Growth / Replacement	P02BC	n/a	31	29	
(b) Refuse Bins Growth / Replacement	P02DA	n/a	61	23	
(c) Garden Waste Bin Replacement	P03CF	n/a	28	17	
Total Street Scene to Summary		n/a	120	69	
Sports Grounds					
(d) Racecourse Sports Ground Riverside Revetment Less Grants	P05DD	108 (19)	117 (9)		
Sub-total		89	108	0	
(e) Racecourse Sportsground Rugby Pitch Drainage Less Developer Contributions	P05DE	15 (10)	16 (8)		
Sub-total		5	8	0	
(f) Tonbridge Farm Sportsground Site Improvements Less Developer Contributions	P05DF	40 (39)			
Sub-total		1	0	0	
(g) Racecourse Sportsground to Tonbridge Swimming Pool Bridge	P05DN			5	
Total Sports Grounds to Summary		95	116	5	
Larkfield Leisure Centre					
(h) Photovoltaic System	P05LR	126	14	4	
Total Larkfield Leisure Centre to Summary		126	14	4	

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023					
STREET SCENE, LEISURE & TECHNICAL SERVICES					
	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Open Spaces					
(a) Leybourne Lakes Country Park Path Improvements	P05FH	74	0	0	Scheme completed in 2022/23.
Less Grants & Developer Contributions		(22)	0	0	
Sub-total		52	0	0	
(b) Leybourne Lakes Country Park Facility Improvements	P05FF	929	0	16	
Less Grants & Developer Contributions		(857)	0	(5)	
Sub-total		72	0	11	
Total Open Spaces to Summary		124	0	11	
Other Leisure Schemes					
(c) Ton Cemetery / Closed Churchyards - Memorial Safety	P05KV	106	15	1	
Less Grants & Developer Contributions		(3)	0	0	
Sub-total		103	15	1	
Total Other Leisure Schemes to Summary		103	15	1	

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023					
STREET SCENE, LEISURE & TECHNICAL SERVICES					
	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Car Parking					
(a) Existing Car Parks Improvement Rolling Programme Less Grants & Contributions	P01AB	n/a	30	34	
Sub-total			30	34	
Total Car Parking to Summary		0	30	34	
Transportation					
(b) Electric Vehicle Charging Points Less Grants & Contributions	P01EA	7	113 (80)	1 (79)	DFT grant received in respect of Electric Vehicle Charging Points.
Total Transportation to Summary		7	33	(78)	
Land Drainage / Flood Defence					
(c) Wouldham River Wall	P01HS	25	1,100	0	
(d) Leigh FSA Enhancement Contribution	P01HV	125	131	0	
Total Land Drainage / Flood Defence to Summary		150	1,231	0	

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023
STREET SCENE, LEISURE & TECHNICAL SERVICES

	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes
		£'000	£'000	£'000	
Capital Renewals					
Sports Grounds & Open Spaces	P05KG BC05	n/a	950	9	} Budgets includes £458,000 underspend carried forward from } 2022/23. To be reviewed Autumn 2023. } } } } } } } } } }
Technical Services					
(a) CCTV Capital Renewals	P01BA	n/a	35	3	
(b) Car Parking	P01JF	n/a	24		
Provision for Inflation		n/a	9		
Sub-total			1,018	12	
Leisure Centres					
(c) Angel Centre	P05KG BC01	n/a	443	16	
(d) Larkfield Leisure Centre	BC02	n/a	614	37	
(e) Tonbridge Swimming Pool	BC04	n/a	344	7	
(f) Poulton Wood Golf Clubhouse	BC03	n/a	110	18	
Course	BC07	n/a	8		
Grounds Maintenance	BC06	n/a	93		
Provision for inflation	P05KZ	n/a	1,612	78	
Savings Target (assumes 25%)		n/a	11		
Sub-total			(407)		
			1,216	78	
Total Capital Renewals to Summary		n/a	2,234	90	

<u>CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023</u>			
<u>CORPORATE</u>			
	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023
	£'000	£'000	£'000
Capital Plan Schemes			
Land and Property	10	3,285	0
Information Technology Initiatives	0	0	14
Other schemes	0	45	27
Sub-total	10	3,330	41
Capital Renewals	n/a	615	56
Total Corporate	10	3,945	97

CAPITAL PLAN MONITORING STATEMENT 2023/24 TO 31 AUGUST 2023						
CORPORATE						
	Code	Expenditure To 31/03/23	2023/24 Including Prior Year Slippage	2023/24 Actual to 31 August 2023	Notes	
		£'000	£'000	£'000		
Land and Property						
(a)	Tonbridge Castle Offices: Re-tile Roof	P06AA	10	60	0	Work is currently ongoing on the issues surrounding legal arrangements affecting the start of this project
(b)	Gibson East Refurbishment	P06AL	0	3,000	0	
(c)	De-carbonising the Council's Estate	P06AM	0	225	0	
Total Land and Property to Summary			10	3,285	0	
Information Technology Initiatives						
(d)	General Data Protection Regs	P06DR	0	0	14	
Total Information Technology Initiatives to Summary			0	0	14	
Other Schemes						
(e)	UK Shared Prosperity Fund Projects/Initiatives	P06FN	0	10		Includes Grant award reported to Cabinet 7th March 2023
	Mobile CCTV	FN10	21			
	Tonbridge Wayfinding	FN20	10	14		
	Digital Information Boards	FN30		40	11	
	Shopfront and Vacant Unit Improvements	FN40		40		
	Bus Shelter Green Roofs Pilot	FN50		30		
	West Kent Green Business Grants	FN60		25	16	
	Carbon Descent Plans	FN70				
	Safer Sustainable Car Parks	FN80				
	Less Grants	FN90	(31)	(114)		
Total Other Schemes to Summary			0	45	27	

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 October 2023

Report of the Chief Executive

Part 1- Public

Executive Non Key Decisions

1 REVISED SAFEGUARDING POLICY AND REPORTING PROCEDURE

To endorse the revised Safeguarding Policy and Reporting Procedure 2023 – 2027

1.1 Background

1.1.1 The Council has had a combined Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk. Members endorsed the previous Safeguarding Policy in 2020 and it now needs to be updated to reflect additional revised guidance and procedures.

1.1.2 The Council has a Safeguarding Task Group which oversees safeguarding work and is responsible for updating and maintaining the Policy. A revised version of the Safeguarding Policy is attached as Annex 1 of this report.

1.2 Aims of the Safeguarding Policy

1.2.1 The policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected Members, those delivering services on behalf of the Council and volunteers have a good understanding of safeguarding guidelines and good practice.

The policy aims to:

- Raise awareness of the duties and responsibilities for children, young people and adults at risk of harm
- Encourage good practice among staff, elected members, volunteers and contractors, to safeguard children and adults at risk who receive Council services
- Provide clear guidance on procedures to be adopted if it is suspected that an adult, young person or child may be at risk of harm

1.3 Updates to the Policy

- 1.3.1 Due to evolving policies and procedures including updated information from the Safeguarding Boards, we have made some revisions to the TMBC Policy.
- 1.3.2 We have added to the information on self-neglect and hoarding, with a link to the revised policy and clutter rating, to help any staff who are visiting properties to correctly identify this issue and understand the process for referrals and support. In addition, there are sections added with links to the Mental Capacity Act, the “Think Family” toolkit and “Making Safeguarding Personal”. All these areas were highlighted during the external safeguarding audit and peer review session undertaken by the Kent and Medway Safeguarding Adults Board.
- 1.3.3 Going forward, as new safeguarding practice and procedures are endorsed by the Safeguarding Boards, the TMBC Policy will be amended accordingly. Any, major changes, or amendments will be brought to the attention of Members and staff.
- 1.3.4 To ensure the profile of safeguarding remains high and is a focus for everyone at the Council, we have appointed a Member Champion for Safeguarding. Councillor Keers has agreed to undertake this role and can act as another point of contact in addition to any of the Council Safeguarding Designated Officers.

1.4 Legal Implications

- 1.4.1 The Children Act 2004
- 1.4.2 The Care Act 2014
- 1.4.3 Mental Capacity Act

1.5 Financial and Value for Money Considerations

- 1.5.1 The Council contributes £1,500 per year towards the running of the KSCMP. This funding enables KSCMP to provide free training on a variety of child safeguarding issues.
- 1.5.2 The Council has been using QES (secure safeguarding database) on a free trial basis for one year. This arrangement is due to end 1 December 2023 and will cost approximately £2,500 per year thereafter.

1.6 Risk Assessment

- 1.6.1 Safeguarding and Prevent are included on the Councils Strategic Risk Register. There would likely be a significant impact should a child, young person or adult at risk of harm, including radicalisation and child exploitation, if TMBC are unable to demonstrate appropriate processes were in place.

A Section 11 (audit of child safeguarding) is undertaken every other year, with review and recommendations for improvement provided by KSCMP. In addition, a

KMSAB Self-Assessment Audit and Peer Review take place every other year in relation to Adult Safeguarding. Alongside the Council's own internal auditing, measures are in place to identify any areas of risk or requirements for improvement.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

- 1.8.1 Community
- 1.8.2 Equalities/Diversity
- 1.8.3 Health and Safety
- 1.8.4 Safeguarding Children Framework
- 1.8.5 Young People

1.9 Recommendations

- 1.9.1 That the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk **BE ENDORSED**.
- 1.9.2 That Councillor Keers **BE APPOINTED** the Member Champion for Safeguarding.

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

1.9.3

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

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TONBRIDGE AND MALLING BOROUGH COUNCIL

Safeguarding Policy & Reporting Procedure

Safeguarding Policy and Procedures for Children,
Young People and Adults at Risk



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Section 1: Safeguarding Context / Policy Aims and Objectives

INTRODUCTION

Tonbridge and Malling Borough Council is committed to working in partnership with others to safeguard children, young people and adults at risk from all detectable forms of abuse, neglect or exploitation. Everyone has a responsibility to ensure that concerns about the abuse of children, young people and adults at risk are addressed.

The lead responsibility for managing child and adult protection lies with Kent County Council which retains the co-ordinating role and duty of enquiry. However, it is recognised that successful safeguarding responses need multi agency and multi-disciplinary working and Tonbridge and Malling Borough Council will work with partners to identify and respond to suspected abuse.

In order to keep children, young people and adults at risk safe from harm, the Borough Council will ensure that it complies with all relevant legislation and government guidance, a summary of which is listed in Annex 2.

AIMS

This policy aims to ensure that an overarching approach to safeguarding is embedded within all Council services and that staff, elected Members, those delivering services on behalf of the Council and volunteers have a good understanding of safeguarding guidelines and good practice.

The policy aims to:

- Raise awareness of the duties and responsibilities for children, young people and adults at risk of harm.
- Encourage good practice among staff, elected members, volunteers and contractors, to safeguard children and adults at risk who receive Council services.
- Provide clear guidance on procedures to be adopted if it is suspected that an adult, young person or child may be at risk of harm.

OBJECTIVES

Through this policy the Borough Council will create an environment where staff and others associated with the delivery of Council services are adequately trained and encouraged to think of safeguarding as being their responsibility. This policy aims to ensure that all residents of the Borough are able to live a life free from abuse, exploitation and intimidation.

The policy objectives are to:

- Explain the responsibilities the organisation has in respect of children, young people and adults at risk.
- Provide an overview of safeguarding and the legal duties associated with the protection of children, young people and adults at risk.
- Raise levels of awareness of those who might be at risk, the types of harm and their impact on children, young people and adults at risk.
- Promote the general health and wellbeing of children, young people and adults at risk that come into contact with us through the delivery of services.
- Provide a clear procedure that will be implemented when issues arise.
- Maintain effective procedures for recording and responding to suspected incidents of harm.
- Regularly review and monitor our approach to safeguarding to ensure our procedures and policies remain fit for purpose.

CONTEXT

Child Safeguarding

For the purpose of this policy the term 'child' or 'children' applies to children and young people under 18 years of age and for those with an Education, Health and Care Plan (EHCP) under the age of 25. "Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children, 2015" defines child safeguarding as:

- Protecting children from harm
- Prevention and support provided to ensure the health and development of all children and young people is promoted.
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- Taking action to enable all children to have the best outcomes

Adult Safeguarding

For the purpose of this policy adult safeguarding is about protecting an adult's right to live in safety, free from abuse and neglect. The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes from someone 'who is or may be in need of community care services' to an adult who:

- Has need for care and support
- Is experiencing, or is at risk of, abuse or neglect; and
- As a result of those needs is unable to protect themselves from either the risk of, or the experience of abuse or neglect.

Making Safeguarding Personal

Making Safeguarding Personal (MSP) is about working with adults at risk to ensure they are making a difference to their lives. Considering, with them, what matters to them so that the interventions are personal and meaningful. The KMSAB have resources available to support [Making Safeguarding Personal](#) along with additional information in the [Multi Agency Safeguarding Adults Policy, Procedures and Practitioners Guidance](#).

What constitutes abuse and neglect?

Abuse is a violation of an individual's human and civil rights by any other person or persons and can be perpetrated by, and to, anyone, regardless of age, gender, class, disability or ethnicity. Abuse may be a single act or repeated over a period of time. Somebody may abuse or neglect a child or vulnerable adult by inflicting harm, or by failing to act to prevent harm. Children or vulnerable adults may be abused in a family, in an institutional or community setting, by those known to them or by a stranger. Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the person subjected to it.

When visiting people in their homes, it is important to be aware of the additional vulnerability of disabled children, young people and adults, especially if they have limited communication, for instance:

- Neglect of medical or emotional needs as well as more obvious physical needs
- Inappropriate restriction or restraint
- Lack of privacy when meeting care needs

Abuse and neglect can include:

Physical abuse – non accidental infliction of physical force that results, or could result, in bodily injury, pain or impairment, including assault, hitting, slapping, pushing, misuse of medication, restraint or inappropriate physical sanctions

Sexual abuse - involvement, either direct or indirect, in sexual activity without consent. It could also be the inability to consent, pressured or induced to consent or take part.

Child Sexual Exploitation (CSE) - forcing or enticing participation in sexual activities (regardless of whether or not the child or young person is aware of what is happening). CSE is illegal activity by people who have some form of power and control over children and use it to sexually abuse them. It involves forcing or enticing a child (under the age of 18) to take part in sexual activities whether or not the child is aware of what is happening, including exploitative situations, contexts and

relationships where children (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing, and/or others performing on them, sexual activities. CSE can be a form of organised or complex abuse, involving a number of abusers and/or a number of children.

Neglect - persistent failure to meet basic physical and/or psychological needs, likely to result in serious impairment of health or development. Ill-treatment and wilful neglect of a person who lacks capacity is a criminal offence under the Mental Capacity Act 2005.

Self-neglect – this covers a wide range of behaviour neglecting to care for one's personal hygiene, health or surroundings and includes behaviour such as hoarding ([KMSAB have a dedicated policy and procedure to help support people who demonstrate Self Neglect and Hoarding](#))

Emotional abuse - persistent emotional maltreatment to cause severe and persistent adverse effects on emotional development

Emotional or psychological abuse - acts or behaviour which impinge on the emotional health or, or which cause distress or anguish.

Bullying – deliberate hurtful behaviour, usually repeated over a period of time, where it is difficult for those bullied to defend themselves. Bullying may include – Physical eg: hitting, kicking and theft; verbal eg: name calling, constant teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures; emotional eg: tormenting, ridiculing, humiliating and ignoring; sexual eg: unwanted physical contact or abusive comments.

Financial abuse - unauthorised, fraudulent obtaining and/or improper use of funds, property or any resources.

Discriminatory abuse - values, beliefs or culture result in a misuse of power that denies mainstream opportunities. It includes discrimination on the basis of race, gender, age, sexuality, disability or religion, or any of the other protected characteristics.

Institutional abuse - an organisation imposing rigid and insensitive routines; poor practices embedded in systems; unskilled, intrusive or invasive interventions, or an environment allowing inadequate privacy or physical comfort.

Domestic Abuse is defined as any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over

who are or have been intimate partners or family members regardless of gender or sexuality.

Honour Based Abuse (HBA) is violence and abuse in the name of honour, covering a variety of behaviours (including crimes), mainly but not exclusively against females, where the person is being punished by their family and/or community for a perceived transgression against the 'honour' of the family or community, or is required to undergo certain activities or procedures in 'honour' of the family.

Female Genital Mutilation (FGM) is a collective term for illegal procedures which include the removal of part/all external female genitalia for cultural or other non-therapeutic reasons. The practice is not required by any religion. It is painful, medically unnecessary and has serious health consequences at the time it is carried out and in later life. The procedure is typically performed on girls of any age, but is also performed on new born girls and on young women before marriage/pregnancy. A number of girls die as a direct result of the procedure, from blood loss or infection. FGM may be practised illegally by doctors or traditional health workers in the UK, or girls may be taken abroad for the operation.

A Forced Marriage (FM) "is a marriage conducted without the valid consent of both parties, where duress is a factor" ('A Choice by Right' HM Government 2000).

Modern Slavery/Human Trafficking - the organised crime of human trafficking into the UK has become an issue of considerable concern to all professionals with responsibility for the care and protection of children and adults. Any form of trafficking humans is an abuse. Trafficking of persons means the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat of, or use of coercion, abduction, fraud, and deception, abuse of power or of a position of vulnerability. It also includes the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Annex 3 provides further information on recognising the potential indicators of abuse.

PARTNERSHIP ROLES AND RESPONSIBILITIES

Kent County Council (KCC)

KCC has statutory responsibilities as the Children's Services Authority and the Social Services Authority for Kent. All safeguarding concerns, incidents and allegations regarding the welfare of a child or vulnerable adult will be reported to KCC. The relevant officers at Kent County Council are responsible for co-ordinating any investigation.

Kent Police

Kent Police has the responsibility to investigate any allegations or suspicions of criminal offences against a child or adult. They will also support victims and enable them to access support services, e.g. victim support, social care.

Safeguarding Boards

Kent & Medway Safeguarding Adults Board (KMSAB)

[The Kent and Medway Safeguarding Adults Board \(KMSAB\)](#) is a statutory service which exists to make sure that all **member agencies** are working together to help keep Kent and Medway's adults safe from harm and protect their rights. It has an Independent Chair and meets three times per year. It is an inter-agency forum for agreeing how the different services and professional groups should co-operate to safeguard vulnerable adults across Kent & Medway. The board aims to raise awareness and promote the welfare of vulnerable adults by the development of an effective cooperative involving people from a wide range of public and voluntary services and other organisations. Issues arising from the meetings of the SAB will be fed back to relevant TMBC staff via the Council's Management Team and the Safeguarding Task Group. The KMSAB produces the [Multi-Agency Safeguarding Adults Policy, Procedures and Practitioner Guidance Kent and Medway](#) which includes responsibilities, new legislation and lessons learnt from Safeguarding Adult Reviews and Complex Case Audits.

Kent Safeguarding Children Multi Agency Partnership

The [Kent Safeguarding Children Multi-Agency Partnership](#) is overseen by an Independent Chair and sets the performance, policy and strategic priorities for KSCMP. It is responsible for ensuring that statutory requirements are met and resources are in place to meet these. Its member agencies comprise of senior representatives from agencies responsible for child protection arrangements in Kent. Details from the KSCMP are fed back to TMBC staff via Management Team and the Safeguarding Task Group.

The objective of the board is to co-ordinate what is done by each person or body represented on the board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; to ensure the effectiveness of what is undertaken by each person or body for that purpose; to challenge partner agencies' arrangements to safeguard children and to accept challenges to their own agency.

Prevent Strategy

Prevent is a national Government counter-terrorist strategy led by the Home Office. It aims to stop people becoming involved in terrorist activity or supporting terrorism

by working with individuals and communities. Supporting vulnerable individuals and reducing the threat from violent extremism in local communities is priority for statutory bodies and their partners.

The Counter Terrorism and Security Act became law on 16 February 2015; The Act places a statutory duty on local authorities to have 'due regard to the need to prevent people from being drawn into terrorism'. This is known as the Prevent Duty. Local Authorities are also required to establish panels to identify and support those felt to be vulnerable to being drawn into terrorist activity.

Part 5, Chapter 1, Section 26 places a statutory duty on 'specified bodies' including local authorities, schools, including academies and independent schools, further and higher education colleges, health, penal bodies and the police to pay due regard to the need to prevent people from being drawn into terrorism. Specified bodies are listed in Schedule 6 of the Act. Local authorities have established panels to assess the extent to which identified people are vulnerable to being drawn into terrorism. A Chief Police Officer may refer a person to the panel if s/he has reasonable grounds. The panel will establish a plan of support to reduce that person's vulnerability. If necessary the panel can consider referring a person to a health or social care provider even if it does not think that a plan of support is necessary. Panels will be chaired by local authorities and must include the local Chief of Police.

The Community Safety Unit at Tonbridge and Malling Borough Council is responsible for delivering the objectives and monitoring progress within the Tonbridge and Malling Borough Council [Prevent Action Plan](#). All staff need to be alert to the issues around terrorism and the local threat level. Training is undertaken for relevant frontline staff and safeguarding leads, to ensure that they are aware of Prevent and know how to respond if they think there is an issue.

Section 2: Responsibilities of Tonbridge and Malling Borough Council

Responsibilities of Tonbridge and Malling Borough Council (TMBC)

Children and Young People

In relation to children and young people, the Children Act 2004, places the following duties on District/Borough Councils:

- Section 11 places a statutory duty on key people and bodies, including district councils, to make arrangements to ensure that in discharging their functions they have regard to safeguard and promote the welfare of children
- Section 10 outlines the duty to promote inter-agency cooperation between named agencies- including district councils

- There is a reciprocal duty on those agencies, including district councils, to cooperate with the Children's Service Authorities (CSA) in budget pooling – a key provision that underpins children's trust arrangements
- Section 13 gives district councils representation on, and participation in, local safeguarding children's boards (LSGBs)
- Section 17 entitles district councils to be consulted on the CSA's children and young people plans (CYPPs)

Voice of the Child

Government guidance states, at an organisational or strategic level, partners are responsible for ensuring that children and young people are listened to appropriately and concerns expressed about their or any other child's welfare are taken seriously and responded to in an appropriate manner. As much as possible, the Council will actively seek feedback and listen to the views of children and young people, promoting their welfare and listening to the voice of the child.

Adults

In relation to adult safeguarding there is a wide range of legislation, applicable to adults at risk, that has been developed over a number of years. It includes laws about adult care services, where upper-tier councils have the statutory lead, and laws about crime, contracts and property, human rights and mental health capacity.

It is the responsibility of all employees and Council Members to adhere to best practice and participate in relevant training, report any concerns, incidents or allegations to a designated safeguarding officer or to their line manager in accordance with the relevant procedure set out within this policy. Safeguarding reports cannot be anonymous and should be made in the knowledge that, during the course of enquiries, they may be required as a prosecution witness. Basic Safeguarding training will be provided for all employees, with further additional training provided for some staff depending on job role and need.

Our Key Front-line Services

There are a number of Council services where the safeguarding of children, young people and adults at risk will be of particular relevance and where staff could be in direct contact with those at risk. These include our responsibilities in relation to the licensing of taxi services and public houses, the support services we provide for children and young people, our community safety role, and our role as a housing authority including those presenting as homeless, our customer services functions, and our council tax and welfare advice services. The Borough Council will therefore ensure that all staff who have face to face contact with customers as part of their normal responsibilities will receive regular training and assistance to ensure any safeguarding concerns are properly dealt with and that any issues which arise are reported to the Safeguarding Task Group for further review.

Use of Contractors, External Agencies and Service Level Agreements

It is the responsibility of TMBC employees and Members to consider safeguarding implications in their decision making processes, including the procurement of services and the issuing of licences in order to deliver services. A Contractor Advice Note incorporating the safeguarding of children and vulnerable adults into contracts and community grant awards is attached as Annex 1. Depending on the level of risk, the Council can include safeguarding clauses relevant to the service being provided. The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where relevant contractors should have their own Safeguarding Policy and training procedures in place. Responsibility for ensuring that contractors comply with TMBC safeguarding policies lies with the contract manager.

Recruitment at TMBC

It is important that the Council takes all reasonable steps to prevent unsuitable people working with vulnerable groups. For all new employees, confirmation of employment will be dependent on satisfactory checks. The Council has a Disclosure and Barring Service (DBS) Policy which is overseen by Human Resources.

Managers and Human Resources are responsible for risk assessing all job descriptions to identify which are likely to involve regular and/or substantial unsupervised contact with children, young people and adults at risk. A question is included on all application forms about unspent criminal convictions. Disclosure and Barring Service checks (DBS) have replaced the Criminal Records Bureau checks (CRB) since 1st December 2012 as a result of the Protection of Freedoms Act (2012). This service allows the Council to check whether there have been any updates since the date of an existing DBS check, as a DBS check has no official expiry date. Such a process should only be used in those few instances where employees and volunteers have substantial or regular and unsupervised contact with children, young people and vulnerable adults. Basic DBS checks can be undertaken where appropriate and Human Resources will assess this need.

Guidelines on use of photography and filming of children, young people and adults at risk (including mobile phone technology)

It is an unfortunate fact that some people have used children and young people's events as opportunities to take inappropriate photographs or footage of children and young people. Councillors, employees, volunteers and contracted service providers should be vigilant at all times to ensure that misuse of photography does not occur. All photography by Council employees or on behalf of the Council must be made in accordance with the Council's Photographic policy (available internally on request). In particular, written parental/carer consent must be obtained before anyone working for or on behalf of the Council takes a photograph of or films a child, young person or

vulnerable adult. Usually this will be in the form of the Council's image consent form (available internally).

When commissioning professional photographers or inviting the press to cover Council services, events and activities you must ensure that you make your expectations clear in relation to child protection. The following steps should be taken when professional photographers or the press are invited to events:

1. Check the credentials of any photographers and organisations commissioned,
2. Ensure identification is worn at all times,
3. Do not allow unsupervised access to children, young people or adults at risk
4. Do not allow photographic sessions outside of the activities or services,
5. Ensure that the names of children, young people, or vulnerable adults are not used in photographs or footage, unless the express permission of the parent/carer of the child, young person or vulnerable adult has been given as detailed on the Council's Photograph Consent Form. (Available from the Media Team).

Social Media

The open nature of the internet means that social networking sites can leave Council staff vulnerable if they fail to observe simple precautions to avoid social media putting them in a position where actions may be misconstrued or give rise to a safeguarding concern. Cyber security training (including caution when using social networking sites) is provided to all staff.

Information Sharing

In order to keep children and vulnerable people safe from harm, professionals will share relevant information across geographical and professional boundaries as required.

When there is a reasonable cause to believe that a child, young person or adult at risk, may be suffering or may be at risk of suffering significant harm, consideration will always be given to referring these concerns to Children's or Adults Social Care (as appropriate) and/or the Police. Information about children, young people, families and adults at risk will be shared appropriately, and always in accordance with the Council's Data Protection Policy.

At TMBC there are designated safeguarding officers within each service who should be contacted if you have any concerns relating to safeguarding (Annex 4).

General Data Protection Regulation

The General Data Protection Regulation (GDPR) came into force 25 May 2018. GDPR strengthens individuals and organisations rights and duties relating to information management. In response to GDPR, a Safeguarding Privacy Notice is in place which outlines how safeguarding information is used. If you would like further

information about this Privacy Notice, please contact the Council's Data Protection Officer.

Allegations against an employee/member of the Council staff or elected Member

It is important that any concerns for welfare of a child or adult at risk are reported immediately to a designated safeguarding officer or your line manager and an incident reporting form completed (Annex 5).

The Council also has a [Whistleblowing Policy](#) with further guidance and advice, which should be used if you have concerns.

Section 3: Response and Reporting Procedure

Responding to Initial Disclosure of Abuse

Although staff are encouraged to be alert to the signs and signals which may indicate that someone is being abused, many incidents will only come to light because the person discloses this themselves. Bear in mind that a disclosure may take place many years after a traumatic event or when someone is afraid and this should not cast doubt on the person's truthfulness. The person to whom a disclosure is made may not necessarily be the person to take an investigation forward. So if you are told about abuse, you must respond sensitively and professionally and pass the information on to your line manager/senior manager within 24 hours -unless you suspect that they themselves may be implicated. If this is the case or you are concerned about their response, you should report your concerns directly to a designated safeguarding officer or a Director. The decision may then be taken to report to the social services agency, or to the police or to The Care Quality Commission if it is a regulated service.

If someone discloses abuse to you, you should:

- stay calm and try not to show shock or disbelief
- listen carefully to what they are saying
- be sympathetic ('I am sorry that this has happened to you')
- be aware of the possibility that medical evidence might be needed

Tell the person that:

- they did the right thing to tell you
- you are treating the information seriously
- the alleged abuse was not their fault
- you have to inform the appropriate person

REPORTING PROCEDURE

Recognising and Reporting Abuse

Recognising abuse is not easy, and it is not the responsibility of council staff, elected members or volunteers to decide whether or not abuse has taken place or if there is significant risk. We do however have a responsibility to act if we think it may be happening.

If abuse or a safeguarding issue has arisen, it is the responsibility of all staff, Members and contractors to:

- Report concerns to line manager or designated safeguarding officer as soon as possible

- Consider immediate safety issues of the person e.g. are emergency services needed
- Preserve evidence (there may be a crime)
- Record
 - Nature of concern
 - Date and time
 - Name of victim
 - Victims view and description in own words
 - Name of person causing harm if known
 - Appearance of victim
 - Any injuries observed
 - Any third party allegation
 - Any questions that have been asked
 - Whether you have spoken to anyone else
 - Your name, date and who record given to

Child and Adult at Risk – Safeguarding Incident Report Form

Once the above facts have been gathered and recorded, you must pass them on immediately to a Safeguarding Designated Officer, who will action and record appropriately on the secure safeguarding database. You may find it helpful to complete an Incident Report Form. An example of the Safeguarding Incident Report Form is included in Annex 5.

Keep all initial recordings/notes. It is very important that confidentiality should be maintained and other staff told if they have a need to know. When you have recorded the information, please pass it on to your designated safeguarding officer (Annex 4).

Recording of incidents and the role of the Designated Safeguarding Officer

Designated safeguarding officers are responsible for dealing with reports or concerns about the protection of children, young people and adults at risk. Each new designated safeguarding officer will have appropriate training.

Designated safeguarding officers, should establish

- The level of seriousness of the concern (significant harm)
- Any immediate safety needs
- Clarifying the facts
- The views of the person concerned and their capacity to consent to action, if known
- Alert/Referral to [KCC Social Care Team](#) or Kent Police – Call 101 (if a crime is suspected)

The designated safeguarding officer may decide that a referral to KCC is necessary. If responding to a safeguarding issue that relates to a child, the designated officer will need to refer to [the Kent Support Levels Guidance Sheet](#) to establish the level of need and report the concern via the [Children's Services Portal](#). If you are responding to an adult safeguarding issue, complete a [Kent Adult Safeguarding Alert Form](#).

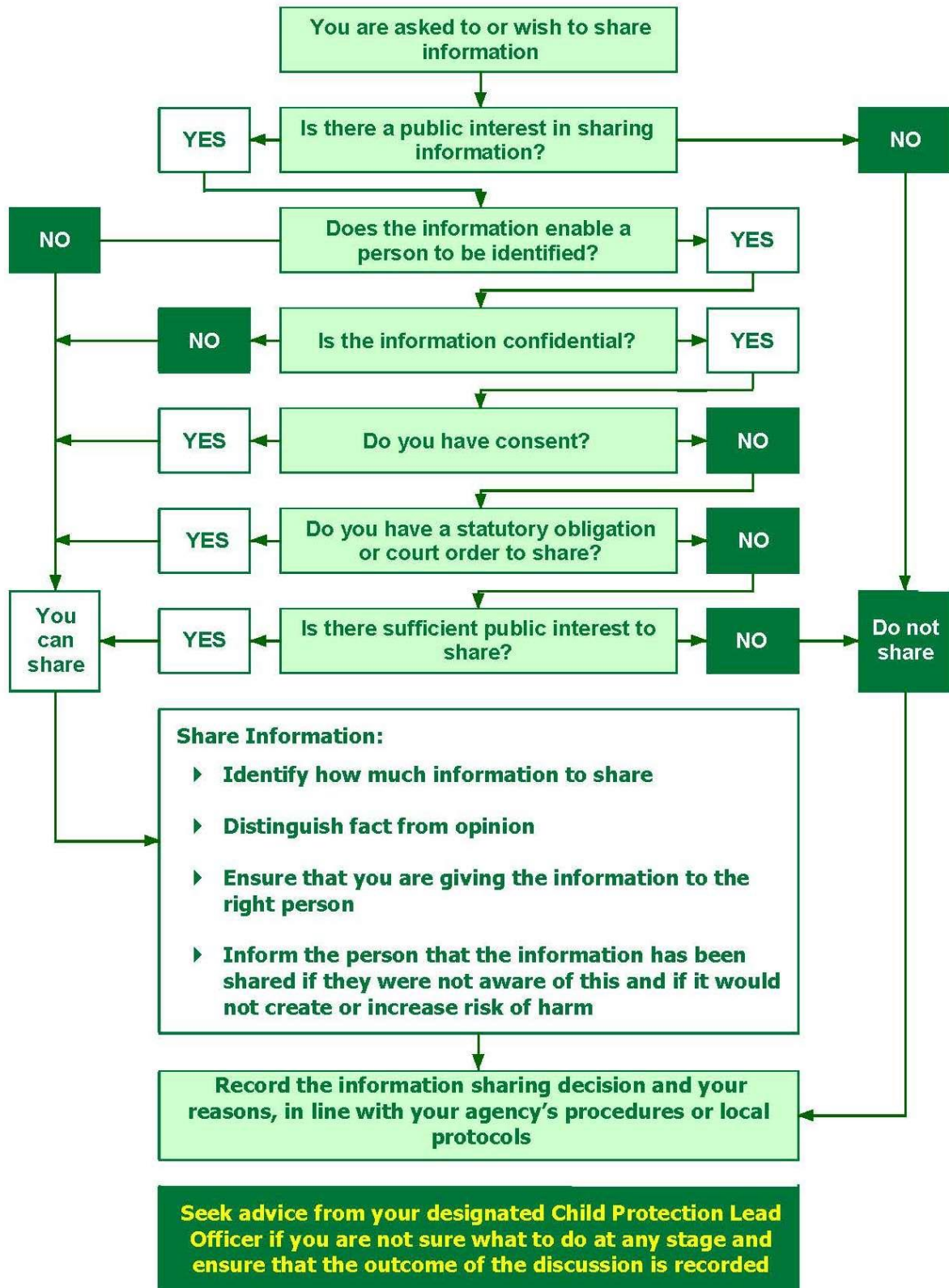
The line manager/ designated safeguarding officer will need to consider any support required by staff involved. It is understood that recognising and responding to abuse can be distressing for staff.

Information Sharing

Information sharing is fundamental to safeguarding and promoting welfare. It enables intervention to tackle problems at an early stage. It is important to ask for consent to share confidential information unless: asking for consent may increase the risk of significant harm or a delay in sharing information may increase the risk of harm. If someone is at risk of suffering significant harm, the law supports you to share information without consent.

Further Government Advice is available: [Advice for practitioners providing safeguarding services to children, young people, parents and carers](#).

The following flowchart should be used by safeguarding officers as a guide to determine when information needs to be shared.



Monitoring and Record Keeping

The designated safeguarding officer needs to ensure that a record is kept of any concerns about a child, young person or adult at risk and of any conversation or referral to statutory agencies. These details must be saved onto the QES Safeguarding System. Designated safeguarding officers across all services have access to this system.

The outcomes of any referral need to be followed up and a record kept of the outcome or any next steps or follow up actions.

Safeguarding Task Group

The Council has formed an officer level Safeguarding Task Group to carry out the monitoring and review processes who will report to the Council's Management Team to ensure they are fully informed of safeguarding issues.

The Safeguarding Task Group will ensure the Council stay up to date with Safeguarding knowledge and best practice, remain in touch with relevant external safeguarding groups and pass on information accordingly. The meetings of the Task Group will be chaired by the Safeguarding Lead Officer who will report to the Chief Executive to ensure that the policy and any safeguarding trends are being monitored. A Council Member will also be appointed to act as a Champion for safeguarding.

Monitoring and Review of this policy

The Borough Council is committed to monitoring the effectiveness of this policy every 4 years, or sooner if there are significant updates required. Where necessary, we will bring forward reviews and updates, for example, to reflect changes in legislation and advice and feedback from staff who have been involved in dealing with any safeguarding issues which have arisen.

Annex 1 – Contractor Advice Note

Incorporating Safeguarding Children and Vulnerable Adults into Contracts and Community Grant Awards

Risk Assessed Approach

TMBC has a duty to safeguard children and vulnerable adults. This extends to parties that carry out services on the council's behalf. Contracts and grant award agreements give the council the opportunity to state their expectations and place obligations on the contractor about how we expect them to act.

Rather than applying a 'catch all' clause to all agreements, which in many cases would not be relevant to service being provided, it is instead recommended that the council adopts a risk assessed approach. Depending on the level of risk, the council can then include safeguarding clauses relevant to the service.

Level 1 – Services where the council directly contracts a third party to deliver services directly to children, young people and/or vulnerable adult.

Level 2 – Services where the council contracts a third party to deliver services to the public generally, but in the process is likely to come into regular contact with children, young people and vulnerable adults.

Level 3 – Services where there is no contact with children, young people or vulnerable adults or where there is contact it is indirect, peripheral and in a public space or environment.

Requirements

The conditions placed within the contract should provide meaningful controls proportionate to the level of risk. Where controls need to be applied they should require the contractor to take a positive action (e.g. provide safeguarding training to their staff) rather than a passive action (e.g. provide a copy of their safeguarding policy). The contract manager is responsible for ensuring these requirements are adhered to.

Level 1 –

Clauses should require the contractor to have DBS checks for staff, staff to be risk assessed according to access and appropriate training given.

The council should ask for confirmation of training is completed and details of scheduled refresh training. Regular contract monitoring meetings with the contractor should incorporate information exchange about safeguarding concerns or incidents.

Level 2 –

Inclusion of the following clauses: -

1. The contractor will risk assess their operation in term of the requirement to safeguard children and vulnerable adults. The contractor will put in place appropriate training for their staff.
2. The TMBC client officer for the agreement will act as a confidential point of contact in order for the contactor to notify incidents and safeguarding concerns to the council.

Level 3 –

No clauses needed.

Annex 2 – Summary of relevant legislation and Government guidance

2014 Care Act

The 2014 Care Act extended the definition of a vulnerable adult for safeguarding purposes, placing Adult Safeguarding boards on a statutory footing, to spearhead safeguarding activity in a local area. Under the Act local authorities must: Investigate, if it believes an adult is experiencing, or is at risk of, abuse or neglect and if so, by whom; set up safeguarding adults boards, arrange where appropriate, for an independent advocate to represent and support the adult if s/he has “substantial difficulty” in being involved in the process and where there is no other suitable person to represent and support them; co-operate with each of its relevant partners to protect the adult. In their return each relevant partner must also co-operate with the local authority.

Mental Capacity Act 2005

The Mental Capacity Act (MCA) 2005 covers people in England and Wales who can't make some or all decisions for themselves. Alongside the MCA is the [MCA 2005 Code of Practice](#) which provides guidance to anyone working with an adult who may lack capacity to make decisions for themselves.

What to do if you're worried a child is being abused - March 2015

This [HM Government Guidance](#) was produced to help practitioners identify child abuse and neglect and take appropriate action in response.

[Working Together to Safeguard Children July 2018](#)

The Working Together to Safeguard Children guidance sets out the legislative requirements and expectations on individual services to safeguard and promote the welfare of children; and provides a clear framework for Local Safeguarding Children Boards (LSCBs) to monitor the effectiveness of local services. The guidance is issued under section 11 (4) of the Children Act 2004 and section 16 of the Children Act 2004.

[Kent & Medway Safeguarding Children Procedures 2015](#)

The Children Act 2004 obliges named statutory agencies to co-operate so as to improve the 'well-being' of children in their area with respect to their, physical and mental health; protection from harm and neglect; education, training and recreation; contribution to society; and emotional, social and economic well-being. Specified agencies are also obliged to make arrangements to 'safeguard and promote the welfare of children' by means of direct or indirect service provision. The Kent & Medway Safeguarding Children Procedures contains

comprehensive multi-agency policies and procedures that are fully compliant with law and best practice.

Kent Safeguarding Children Multi Agency Partnership – Guidance

This [Guidance Page](#) provides information and advice on handling specific safeguarding topics.

[Kent and Medway Safeguarding Adults Board Policies and Procedures](#)

Links to various KMSAB policies - legal responsibilities, how organisations work together, and general guidance on how to recognise and react to abuse or suspected abuse against adults at risk. Amongst other topics, this page links to the People in Position of Trust Policy (PiPOT), Safeguarding Adults Reviews Procedure and Self Neglect and Hoarding.

Information Sharing: 2018

[Advice for practitioners providing safeguarding services to children, young people, parents and carers](#) Information sharing is key to the Government's goal of delivering better, more efficient public services that are coordinated around the needs of the individual. It is essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection.

The aim of the guidance, and associated materials, therefore is to support good practice in information sharing by offering clarity on when and how information can be shared legally and professionally, in order to achieve improved outcomes.

[Statutory Framework for the Early Years Foundation Stage](#)

The Early Years Foundation Stage (EYFS) sets the standards that all early years providers must meet to ensure that children learn and develop well and are kept healthy and safe. The learning and development requirements (the seven areas of learning and development; the educational programmes; and the assessment requirements) and the legal requirements relating to welfare (child protection; suitable people; staff qualifications, training support and skills; key person, staff : child ratios; health; managing behaviour; safety and suitability of premises, environment & equipment, equal opportunities and information and records) apply to all children up until the 31 August after their fifth birthday.

Think Family Toolkit

Think Family practice is about making sure that the support provided by children's, adults' and family service is co-ordinated and focused on problems affecting the whole family. A [Toolkit](#) is available via the KMSAB website.

[Childcare Register](#)

The Childcare Register has two parts, the compulsory register which relates to those who care for at least one child from 1 September following their fifth birthday up to the age of eight for a period or total periods of more than two hours in any one day and the voluntary register for providers, who care for children aged eight or over, until their eighteenth birthday. If providers choose to be included on either part of the register they must meet the requirements set out at all times when providing childcare. The law allows Ofsted to carry out inspections to check that providers comply with these requirements.

[Sex Offenders Act 1997](#)

The Sex Offenders Act 1997 requires sex offenders convicted or cautioned on or after 1 September 1997 to notify the police of their names and addresses and of any subsequent changes (known colloquially as the sex offenders register).

[Sexual Offences Act 2003](#)

The Sexual Offences Act 2003 was introduced to update the legislation relating to offences against children. It includes the offences of grooming, abuse of position of trust, trafficking, and covers offences committed by UK citizens whilst abroad. It also updates the Sex Offenders Act 1997 by strengthening the monitoring of sex offenders.

[Rehabilitation of Offenders Act \(NI\) Order 1974 \(UK wide\)](#)

This Act/Order allows people not to declare convictions to employers which protects their privacy and counteracts prejudice against people with convictions seeking employment. However, people who are involved in situations where they have prolonged or sustained access to children are exempt from the Rehabilitation of Offenders legislation. This means that prospective employees, self-employed workers and volunteers must declare all criminal convictions relating to children, however long ago. These will be taken into account when deciding on their suitability for working with children.

[Protection of Freedom Acts 2012](#)

Chapter 1 of Part 5 amends the Safeguarding Vulnerable Groups Act 2006 which provides the framework for the vetting and barring scheme operated by the Independent Safeguarding Authority (ISA). In particular it changed the definition of 'regulated activity' and abolished the concept of 'controlled activity'

which related to persons working (paid or unpaid) in ancillary posts or who had access to sensitive information relating to children.

Disclosure and Barring Service (DBS)

The DBS searches police records and, in relevant cases, barred list information, and then issues a DBS certificate to the applicant to help them make an informed recruitment decision. The checking service currently offers two levels of DBS check; standard and enhanced. The order allows for applications to be submitted to a standard level. To qualify for the higher level of DBS check, the position must also meet one of the criteria set out in The Police Act 1997 (Criminal Records) Regulations.

The DBS is committed to ensuring that they make fair, consistent and thorough barring decisions that are an appropriate response to the harm that has occurred and to the risk of harm posed. There are two main ways barring can come to them including autobars or referrals from an organisation that has a legal duty or power to make referrals to DBS when they have dismissed or removed an employee from working in regulated activity, following harm to a child or vulnerable adult or where there is a risk of harm. Additionally, where a person is cautioned or convicted of a relevant (automatic barring) offence with the right to make representations, the DBS will ask the person to submit their representations and consider them before making a final barring decision.

At Tonbridge & Malling Borough Council the DBS process is managed by Human Resources who will assist with determining eligibility, the level of check required and the frequency it needs to be renewed. This will be overseen by the Council's Management Team.

[The Data Protection Act](#)

- Provides a comprehensive and modern framework for data protection in the UK, with stronger sanctions for malpractice.
- Sets new standards for protecting general data, in accordance with the GDPR, giving people more control over use of their data, and providing them with new rights to move or delete personal data.
- Preserves existing tailored exemptions that have worked well in the Data Protection Act 1998, ensuring that UK businesses and organisations can continue to support world leading research, financial services, journalism and legal services.
- Provides a bespoke framework tailored to the needs of our criminal justice agencies and the intelligence services, to protect the rights of victims, witnesses and suspects while ensuring we can tackle the changing nature of the global threats the UK faces.

[Health and Safety at Work Act 1974](#)

This is the same for Northern Ireland and Wales

This Act gives all organisations a legal responsibility to prevent injuries and ill-health to employees and others, including members of the public. Much of this responsibility is delegated to managers who have control of work activities but the legislation also provides all employees with an obligation to take reasonable care of themselves.

The Council also has a duty to consider the suitability of the Health & Safety arrangements for any organisation undertaking any work on our behalf.

[Equality Act 2010](#)

The Equality Act brings together nine separate pieces of legislation into one single Act providing a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

Annex 3 – Recognising Potential Indicators of Abuse

Recognising Potential Indicators of abuse		
Type of Abuse	Who it affects	Signs of abuse /Behaviour Indicator
<p>Emotional – acts or behaviour which impinges on the emotional health of, or which causes distress or anguish to individuals. This may also be present in other forms of abuse</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Threats of harm or abandonment • Humiliation, shaming or ridicule • Harassment, bullying, intimidation • Control or coercion • Deprivation of choice or privacy • Deliberate social isolation • Infantilisation – treating an adult like a child • Disturbed sleep or tendency to withdraw to a room or to bed • Loss of appetite or over eating especially at inappropriate times • Anxiety confusion or general resignation • Extreme submissiveness or dependency in contrast to known capacity • Sharp changes in behaviour in the presence of certain persons • Excessive or inappropriate craving for attention • Self-abusive behaviour – self mutilation, head banging, hand biting • Loss of weight without apparent loss of appetite • Loss of confidence
<p>Neglect and acts of omission – ignoring or withholding physical or medical care needs which result in a situation or environment detrimental to individual(s)</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Withholding help or support necessary to carry out daily living tasks • Ignoring medical and physical care needs • Failing to provide access to health, social or educational support • The withholding of medication, nutrition and heating • Keeping someone in isolation. • Failure to intervene in situations that are dangerous to the vulnerable person. • Inadequate supervision and guidance – leaving the child to cope alone, abandoning them or leaving them with inappropriate carers and failing to provide appropriate boundaries about behaviours such as under age sex or alcohol • Poor hygiene and cleanliness of a person who has assistance with their personal care • Unkempt or unsuitable clothing for the weather conditions/environment • Untreated illness or condition • Dehydration, weight loss, malnutrition • Repeated infections • Repeated/unexplained falls or trips • Worsening of health conditions <ul style="list-style-type: none"> • Pressure sores • Mentioning their being left alone or unsupervised • Sore or extreme nappy rash • Skin infections

<p>Physical – the non-accidental infliction of physical force that results (or could result) in bodily injury, pain or impairment</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • An inflicted physical injury, which is not satisfactorily explained • An injury where there is knowledge or suspicion that it was inflicted intentionally or through lack of care • Assaults on the body including hitting, slapping, pushing, kicking, resulting in injuries such as burns, abrasions, fractures, dislocation, welts, wounds or marks of physical restraint • Misuse of medication or medical processes, e.g. catheterisation • Inappropriate restraint or inappropriate actions or in actions • Multiple bruising that is inconsistent with the explanation given • Cowering and flinching • Bruises or marks resulting from a slap or kick • Abrasions, especially to neck, wrists and/or ankles • Unexplained burns • Scalds • Hair loss in one area, scalp sore to touch • Unusually sleepy or docile • Unexplained fractures • Frequent hopping from one GP to another or from one care agency to another • Untypical self-harm, emotional distress, low self esteem
<p>Sexual</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Rape • Indecent assault • Indecent exposure • Exposure to inappropriate sexual behaviour or images/material • Sudden or unexplained changes in behaviour e.g. becoming aggressive or withdrawn • Fear of being left with a specific person or group of people • Having nightmares • Running away from home • Sexual knowledge which is beyond their age or development age • Sexual drawings or language • Bedwetting • Saying they have secrets they cannot tell anyone about • Self-harm or mutilation, sometimes leading to suicide attempts • Eating problems such as overeating or anorexia
<p>Bullying</p>	<ul style="list-style-type: none"> • Children • Young People • Vulnerable Adults 	<ul style="list-style-type: none"> • Hitting, kicking and theft • Name calling, teasing, sarcasm, racist or homophobic taunts, threats, graffiti and gestures • Tormenting, ridiculing, humiliating and ignoring • Unwanted physical contact or abusive comments • Behavioural changes such as reduced concentration and/or becoming withdrawn,

		<p>clingy, depressed, tearful, erratic mood swings, reluctance to go to school, training or clubs, a drop in performance.</p> <ul style="list-style-type: none"> • Physical signs such as stomach aches, difficulty sleeping, bed wetting, damaged clothes, bingeing on food, cigarettes or alcohol. • Shortage of money or frequent loss of possessions
<p>Financial – unauthorised, fraudulently obtaining and improper use of funds, property or any resources of a vulnerable person</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Theft, fraud, exploitation • Pressure in connection with wills, property, inheritance or financial transactions • Extortion of money, property and possessions by threat, coercion or fraudulent means • Refusal to let the vulnerable person have access to their own money, property or possessions • The perpetrator befriending the victim and then using their position of trust to gain financially from the victim – moving into their house to 'care' for them, becoming their appointee/attorney. • Being over charged for services or tricked into receiving goods or services that they do not want or need.
<p>Discriminatory Abuse – exists when values, beliefs or culture result in a misuse of power that denies mainstream opportunities to some groups or individuals</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Unequal treatment • Verbal abuse • Inappropriate use of language • Harassment • Exclusion • Discrimination on the basis of race, gender, age, sexuality, disability, religion
<p>Institutional Abuse – for example where the culture of a care home places emphasis on the running of the establishment and the needs of the staff above needs and care of the vulnerable person</p>	<ul style="list-style-type: none"> • Vulnerable Adults 	<ul style="list-style-type: none"> • Abuse by an organisation imposing rigid and insensitive routines; poor practices embedded in systems, unskilled, intrusive or invasive interventions; or an environment allowing inadequate privacy or physical comfort

Annex 4: Designated Safeguarding Officers

Name	Phone	Email
Gill Fox	6077	gill.fox@tmbc.gov.uk
Stephen Gregg	6165	stephen.gregg@tmbc.gov.uk
Alison Finch	6247	alison.finch@tmbc.gov.uk
Anthony Garnett	6151	anthony.garnett@tmbc.gov.uk
Mathew Brooks	6105	Mathew.brooks@tmbc.gov.uk
Andrew Rosevear	6143	andrew.rosevear@tmbc.gov.uk
Jason Wheble	6259	jason.wheble@tmbc.gov.uk
Claire Potter	6321	Claire.Potter@tmbc.gov.uk
Claire Keeling	6223	Claire.Keeling@tmbc.gov.uk

Annex 5 – Children and Adults at Risk – Safeguarding Incident Report Form

This form may be used for reporting both suspicions and disclosures of possible abuse; therefore not all sections may be appropriate. Please complete with as much information as possible, using verbatim reports from people involved where possible. This information will be treated in the strictest confidence.



About you, the reporter	
Your name:	
Your job role:	
Your telephone number and email address:	
Are you reporting the concern on behalf of someone else?	
If yes to above, what is their name and their position?	
What involvement have you had? (Have you had contact with family/ other professionals etc)	
About the child, young person or vulnerable adult	
Name:	
Age and date of birth:	
Gender:	
Address, telephone and email contact details:	
Housing tenure (Housing Association/Council private rented/ owner occupier):	
Ethnic and/or religious background:	
Disabilities or other special factors:	
About the person's family/ support network	
Who is the person's next of kin?	
Address, telephone and email contact details:	
Names of other people living at the address or significantly involved:	
About the concern	

What has happened/ what are your concerns? (Please give full details, using verbatim reporting where possible and include physical or behavioural indicators)	
Have you or anyone else involved spoken to the person or with their parents/ family/ others involved? If so, what was discussed (record this verbatim where possible)? <i>Remember, you are not expected to undertake investigations so don't worry if you don't know.</i>	
Dates and times of significant events:	
About the alleged abuser, if known	
Name:	
Job position/ role:	
Address, telephone and email contact details:	
About other agencies involved	
Are you aware of any other services or professionals who are involved with the person?	
Name of agency and professional:	
Address, telephone and email contact details:	
Details of involvement and any advice you have received with dates:	
<i>For Designated Safeguarding Officer use only</i>	
<i>DSO name:</i>	
<i>Date, time, venue/ method of initial staff report regarding suspicions, concerns or disclosure relating to safeguarding: Who was present:</i>	
<i>Date, time and venue of Incident Reporting Form handover: Who was present:</i>	
<i>Notes regarding DSO follow up actions:</i>	

Annex 6 – Useful Contacts / Links

KCC Social Services (available 24 hours a day, 7 days a week).

During the day and in office hours: Concern relating to Adults: 03000 41 61 61 or email social.services@kent.gov.uk . Concern relating to a Child: 03000 41 11 11 or email social.services@kent.gov.uk.

Out of hours and in an emergency: 03000 41 91 91

If you think someone is in immediate danger, call 999

Police – Call 101 for information and advice or 999 in an emergency

NSPCC Childline – if you are worried about a child call: 0800 1111 or report directly onto the [website](#)

Hourglass – (Safer Ageing) 0808 808 8141 or helpline@wearehourglass.org

Kent Safeguarding Children Multi-Agency Partnership – 03000 42 11 26 or kscmp@kent.gov.uk

Kent and Medway Safeguarding Adults Board

Victim Support – 0808 1689 111

Age UK - 0800 055 6112

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

03 October 2023

Report of the Director of Finance & Transformation

Part 1- Public

Executive Non Key Decisions

1 DIGITAL & IT STRATEGY 2023 - 2027

A report recommending a new combined four-year Digital and IT strategy for the period 2023 to 2027.

1.1 Introduction

1.1.1 On 4 April this year, I reported on the outcomes and achievements of the separate IT and Digital strategies for the 4-year period ending 2023.

1.1.2 For ease, a copy of the report is attached at **Annex 1**.

1.1.3 It was noted by Cabinet at that time that the Digital and IT strategies were ambitious, but Members acknowledged that some significant achievements had been made.

1.1.4 Cabinet recognised that there are still more improvements that can be made, and it was agreed that these ambitions should be factored into a new 'combined' Strategy.

1.2 A new Digital & IT Strategy – 'Cognitive Council'

1.2.1 Having made significant progress over the last four years (2019 – 2023) in migrating the Council's IT infrastructure and adopting enterprise technological platforms, this four-year combined Digital and IT Strategy (2023 – 2027) sets out the Council's **five core digital priorities** in meeting the primary challenges faced by the authority.

1.2.2 Placing our residents and the businesses we serve at the heart; this strategy will focus on transforming the authority to provide seamless and responsive services at the convenience of our customers enabled by cognitive technologies.

1.2.3 The '**Cognitive Council**' transformation aims at providing smarter digital services that are linked to information held within multiple systems in accordance with legislative guidelines. Thus, reducing the amount of information needed to provide the services and ultimately improving the customer experience.

- 1.2.4 As well as underpinning corporate strategic ambitions of the authority, the following challenges faced by the Council are also recognised as the **key drivers** for this strategy:
- Cyber threats
 - Growing demand for digital workplace & life-skills
 - Increasing service demand
 - Financial sustainability
 - Climate Change demands
 - Loss of resilience in the local economy
 - Recruitment & retention challenges
 - Public expectation of quality and efficiency of digital services (24/7)
- 1.2.5 This strategy will be focused around the following **five core strategic priorities** in tackling the above-mentioned challenges:
- Secure by Design & Culture
 - Transformation
 - Demand management
 - Efficient workforce
 - Economic growth
- 1.2.6 The **mission** of our digital strategy will be to deliver the priorities of Tonbridge & Malling Borough Council (TMBC) through **challenge, innovation and transformation**, underpinned by technology.
- 1.2.7 The **vision** will be to become a ‘Cognitive Council’ where the communities and businesses we serve can interact with TMBC online instantly and securely 24/7 for the majority of our statutory services.
- 1.2.8 Whilst this strategy is ambitious, it looks to cater for the multiple and complex challenges facing the Council within the means of its financial and operational resource capacity.
- 1.2.9 The combined Digital & IT strategy for 2023 to 2027 is attached at **Annex 2** for **Cabinet’s consideration and approval**.

1.3 Legal Implications

1.3.1 None at this stage

1.4 Financial and Value for Money Considerations

1.4.1 This Digital & IT strategy will have a number of positive impacts on the Council's resources, including:

- 1) Increased efficiency through automated processes, streamlining workflows, and reducing the need for manual administration.
- 2) Improved customer experience through providing customers with more convenient and personalised services. This can lead to increased customer confidence and satisfaction, which can in turn lead to increased digital engagement. Thus, sustain the resource growth demand.

1.4.2 The Strategy will be underpinned by individual projects. Each project will be assessed on its own merits from both a financial perspective and its contribution to the overall aims and objectives.

1.5 Risk Assessment

1.5.1 Like all organisations, the Council is reliant on IT systems to deliver its services. The progress made through these strategies has reduced the risks to the authority significantly.

1.5.2 Digital solutions can help to manage demand pressures and make limited resources/capacity go further. However, reliance on digital services can also bring risks. If services are down for prolonged periods, productivity of staff is compromised as are services to the public. Disaster Recovery measures are therefore imperative.

1.5.3 Corporate strategies, goals and priorities need to align and support each other. This Digital & IT Strategy supports the activities and goals set by the Council. Without a clearly defined strategy we may not be able to prioritise our resources correctly, leading to missed opportunities to improve service delivery and reduce costs.

1.5.4 As the reliance on IT systems becomes even greater, opportunities are continuously explored to mitigate risks further.

1.5.5 Adoption of this strategy will help mitigate the following current strategic risks of the authority:

- 1) Financial position/budget deficit, and Savings and Transformation Strategy

Operational efficiencies gained via the automated technologies will help sustain and reduce the administration overheads of service provision.

Thus, becomes a catalyst in enabling the authority to meet its saving targets.

2) Performance Management

Power BI business intelligence and data visualisation tool will help the authority to proactively and dynamically measure performance and make better decisions by providing insights and foresights based on automated data analysis.

3) Carbon Neutral 2030 Aspiration

Transformation achieved over the last four-year Digital strategy has already reduced the IT services' carbon footprint by 73% (over 35 kilo tonnes). This four-year digital strategy will enable the authority to further reduce it by digitising its document management and workflows.

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.

1.6.2 Adopting this Digital & IT strategy will enable the authority to serve its vulnerable and elderly residents better through efficiency gained by enabling majority of our residents to self-serve via digital channels.

1.7 Policy Considerations

1.7.1 Remote working

1.7.2 Device policy

1.7.3 Business Continuity/Resilience

1.7.4 Information Governance

1.7.5 Data protection

1.7.6 Customer Contact

1.7.7 Human Resources

1.8 Recommendations

1.8.1 Cabinet is requested to **REVIEW** and **APPROVE** the Digital & IT Strategy 2023 - 2027 [**Annex 2**].

Background papers:

Nil

contact: Ganesh Thangarajah
Head of IT

Sharon Shelton
Director of Finance & Transformation

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

04 April 2023

Report of the Director of Finance and Transformation

Part 1- Public

Executive Non Key Decisions

1 OUTCOMES AND ACHIEVEMENTS OF THE IT STRATEGY AND DIGITAL STRATEGY

This report is focused on informing Members of the impact the Council's IT and Digital strategies have had on the organisation over the last 4-year period. Both strategies were customer-centric (residents and businesses) and aligned to underpin the Council's ambition to improve the customer experience in terms of quality and the efficiency of the services provided.

This report highlights the measurable outcomes against the overall vision set within the strategies. These outcomes also exemplify the pragmatism and foresight adopted by the Council which has enabled the organisation to adopt these ambitious and transformative strategies in such a short timescale.

A short powerpoint presentation will be given at the meeting by the Head of IT.

1.1 Introduction

- 1.1.1 The IT strategy was initially approved by Members in June 2018 covering the four year period 2018 to 2022. Subsequently, in January 2021 it was refreshed and 'rolled on' one year until 2023 in order to align with the Digital Strategy.
- 1.1.2 The Digital Strategy was adopted in June 2019 to cover a 4 year period through to 2023.
- 1.1.3 The Digital strategy consisted of five core priorities (One council, Efficient Workforce, Demand Management, Economic Growth and Smart Borough) and was primarily focused on various challenges faced by the Council, including meeting customer expectation, increasing service demand, diminishing resources and the 'Green' agenda.
- 1.1.4 The IT strategy was focused around enabling the corporate and digital strategies through secure, resilient, and highly available infrastructure, whilst ensuring best value with a reduced carbon footprint.
- 1.1.5 Adoption of these strategies were enabled through a number of key projects over the last 4 years. These included significant changes to the technical

infrastructure, business systems and processes involving not only IT but also both front, middle and back-office functions.

- 1.1.6 As Members will note, both strategies are now coming to the end of their life. This report gives Cabinet an update on the achievements and highlights of the two strategies, and also sets out those matters that need to be carried over into future strategies.

1.2 Outcomes

- 1.2.1 In developing and adopting the IT and Digital strategies the Council was able to cater for, meet and mitigate the key challenges faced by the authority since 2019 in the form of:
- preparedness to mitigate potential service disruptions due to Brexit (Operation Stack),
 - the lockdowns during the pandemic,
 - a major power outage caused by fire in April 2020, and
 - the energy price hike due to the conflict in Ukraine.
- 1.2.2 The Council is now able to adopt a remote working policy to enable all required staff to work remotely without compromising customer and user experience. Statistics show that the IT infrastructure is now catering for almost 95% of staff to be able to work remotely. Adoption of a Remote Working Policy by the General Purposes Committee has enabled the organisation to geographically widen its potential to recruit staff.
- 1.2.3 Migrating the telephony and email systems to cloud has enabled the Council to improve and maintain its key communication channels at 99.9% availability since January 2020.
- 1.2.4 Due to the adoption of a secure 'by design' approach embedded within both digital and IT strategies, the Council is able to defend against the cyber threats faced by public sector organisations across the country in the form of ransomware and malware. This has been verified by the successful achievement of Cyber Essentials certification for Tonbridge and Malling Borough Council in November 2022.
- 1.2.5 As a result of migrating the Council's website to a 'cloud hosted' JADU platform and introducing the new customer portal feature, we have enabled our residents and businesses to engage with all services digitally. The statistics shows that there is a staggering 51% increase in the self-service cases across the Council since the adoption of the digital strategy.
- 1.2.6 Our customers are able to manage all their queries and service requirements within their 'My TMBC Account', which enables them to access all council related information and transactions that only applies to them from a single account via an

App on their smartphones or the I website. Statistics show that there is a steady and rapid growth in the take up 'My Account' which currently has 31,077 subscribers. 6,400 of them are accessing the services via the mobile App, of which 4,400 subscribers have opted for push notifications. It is also worthwhile noting that there has been no negative feedback to date from the Mobile App users. In industry standards this shows greater confidence amongst our users.

- 1.2.7 The primary contributors to the positive customer experience of the Council's digital channels are the user-friendliness of the system and robustness of the infrastructure it is hosted on. The statistics shows that the availability of the website and the customer portal is being maintained at 100% since its launch in June 2021.
- 1.2.8 The Council's contact centre is able adopt a predictive analytic approach to manage its resource demand and availability due to the newly adopted 'Anywhere365' (AW365) contact management system. AW365 provides a platform for the Council to deal with residents' queries and transactions more efficiently via our multiskilled customer services team and getting calls to the right person first time with skills-based routing and redirecting to a digital platform. Statics show that first-time right calls are currently maintained at 96%.
- 1.2.9 By migrating the data centre to cloud, the Council has successfully managed to reduce its annual hosting carbon footprint by 73% equating to 34 kilotonnes per annum. This has been a key contributor to the Council's climate change targets.
- 1.2.10 Also due to migration to cloud, despite the significant increase in the cost of energy, the council has been able sustain its electric consumption in terms of hosting its data centre at a considerably low level comparatively. Based on the historical usage the saving equates up to £53k per annum
- 1.2.11 The 'Smart Borough' priority within the digital strategy is key to the Council meeting its future demands and improving the quality of life for the residents. As Tonbridge and Malling Borough Council (TMBC) does not have ownership of key assets required for the smart borough agenda, such as street furniture, roads, etc, this can only be achieved through partnership with other relevant authorities within Kent. TMBC has played a key role in initiating and establishing the 'Smart Kent & Medway' group involving Kent County Council and other district councils. The group focuses on exploiting technologies such as 'Internet of Things' (IoT) and other sensor-based solutions to tackle social, educational, environmental, health, housing, traffic and other challenges faced by local governments within the county.
- 1.2.12 Whilst there have been great inroads made on the overall Digital strategy and some significant outcomes as set out above, the 'Economic Growth' and 'Smart Borough' priorities will require to be carried over and factored into the next Digital & IT strategy 2023-27.
- 1.2.13 Work on the new Strategy will commence in the next few months and a draft brought to Members later in the year for consideration.

1.3 Summary

- 1.3.1 It is worth reflecting that the IT and Digital strategies were ambitious but as Members will note as a result of their adoption, some significant achievements have been made. There are still more improvements that can be made and these ambitions will be factored into the new Strategy which will be brought forward for Members' consideration later in the year.
- 1.3.2 At the time, the Council did take bold steps in adopting these strategies, but hopefully Cabinet will agree that this has reaped rewards in helping to transform the Council.
- 1.3.3 The Head of IT will give a short powerpoint presentation at the meeting to illustrate the achievements.

1.4 Legal Implications

- 1.4.1 All of systems and changes adopted were within the local government legislative guidelines and in compliance with GDPR.

1.5 Financial and Value for Money Considerations

- 1.5.1 All procurements were carried out in line with the government guidelines and where necessary through the Crown Commercial Services (CCS) frameworks such as G-Cloud.

1.6 Risk Assessment

- 1.6.1 Like all organisations, the Council is reliant on IT systems to deliver its services. The progress made through these strategies has reduced the risks to the authority significantly.
- 1.6.2 Digital solutions can help to manage demand pressures and make limited resources/capacity go further. However reliance on digital services can also bring risks. If services are down for prolonged periods, productivity of staff is compromised as are services to the public. Disaster Recovery measures are therefore imperative.
- 1.6.3 Corporate strategies, goals and priorities need to align and support each other. The IT Strategy supports the activities and goals set by the Council. Without a clearly defined strategy we may not be able to prioritise our resources correctly, leading to missed opportunities to improve service delivery and reduce costs.
- 1.6.4 As the reliance on IT systems becomes even greater, opportunities are continuously explored to mitigate risks further.
- 1.6.5 In terms of cyber security, training is regularly pushed out to all staff. The Council was successful in the achievement of Cyber Essentials certification in November 2022.

1.7 Policy Considerations

- 1.7.1 Remote working
- 1.7.2 Device policy
- 1.7.3 Business Continuity/Resilience
- 1.7.4 Information Governance
- 1.7.5 Data protection
- 1.7.6 Customer Contact
- 1.7.7 Human Resources

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 Recommendation

- 1.9.1 Cabinet is **RECOMMENDED** to:

- 1) Note the outcomes and achievements of both the Digital Strategy 2019-2023 and the IT Strategy 2018-2023; and
- 2) Agree that a new “Corporate IT and Digital Strategy” be developed and presented to Members of the Cabinet for consideration later in this calendar year.

Background papers:

contact: Ganesh Thangarajah

Nil

Sharon Shelton
Director of Finance & Transformation

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Cognitive Council

Digital & IT Strategy 2023 -2027

Making delivery of services cognitive,
through innovation and transformation



Foreword



In today's digital world, our residents and businesses expect a seamless experience across all services of the Council. Building on the successful outcomes achieved through the adoption of technological changes over the last four years (2019-23), by combining the Digital and IT strategies over the next four years (2023-27), we aim to create a more inclusive, consistent and engaging customer experience that meets the needs of communities within Tonbridge & Malling Borough Council.



Councillor Kim Tanner
Cabinet Member for Finance and Housing

Digital transformation has become a paramount objective for the Council, as we strive to enhance service delivery, engage residents, and optimise operational efficiency. A robust strategy is essential to harness the potential of technology in addressing the evolving needs of our communities. This Digital & IT strategy sets out the significance of citizen-centricity, data-driven decision-making, cybersecurity, and collaborative partnerships.



Councillor Martin Coffin
Cabinet Member for Transformation and Infrastructure

Retrospection: Digital strategy 2019-23

Agile, Flexible work for staff.
Enabling remote working.
95% of staff able to work remotely

Telephone, emails and 99% of servers now cloud-based.

Enabling increased availability and flexibility by design

Further securing our critical data from ransomware and cyber threats
Achieved Cyber Essentials certification for TMBC in November 2022

In only the last 90 days!
blocked **317** phishing attacks,
tagged **324,842** emails as spam,
scanned **21,858** emails attachments for viruses

Customer Experience

Self-service cases on average increased by 11% since the adoption of Digital Strategy

Enabling residents to self-serve with the new Citizen Accounts, enabling multiple queries to be managed in a single place.

Residents are able to self-serve via our app and website that has been available 100% of the time since going live in July 2021!

Cost savings based on electricity consumption

Saving between £39k-£53k per annum
based on current unit price and average yearly consumption

Customer mobile experience

Over 5000+ mobile active subscribers on Android and Apple devices without any major campaigns for the take up.

Comparatively better response rate to notifications sent to our mobile app users on various communications.

Supporting the 'Green Agenda'

Reduction in Carbon footprint per year (tgs of CO₂)

• 73% reduction (34472kg of CO₂/annum)



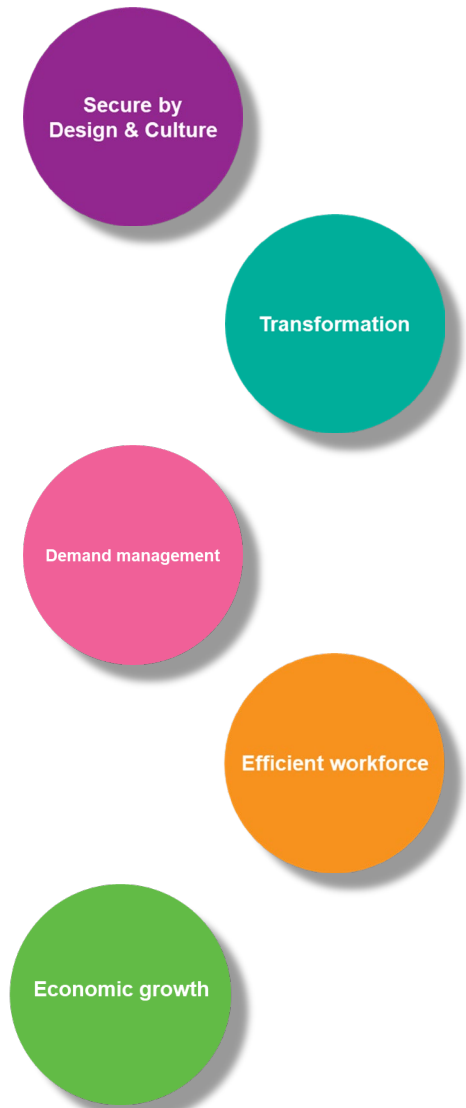
Introduction

Having made significant progress over the last four years in migrating the Council's IT infrastructure and adopting enterprise technological platforms, this four-year combined Digital and IT strategy sets out the Council's five core digital priorities in meeting the challenges faced by the authority.

As the Council increasingly relies on digital infrastructure, ensuring the security and privacy of citizens' data becomes paramount. Hence, this Digital & IT strategy includes robust cybersecurity measures to safeguard sensitive information. This involves implementing secure networks, encryption protocols, and regular vulnerability assessments. Adequate training and awareness programmes will also be provided to staff and members to mitigate the risks of cyber threats. Additionally, respecting citizens' privacy rights and complying with relevant data protection regulations are crucial to maintain public trust and confidence in the Council's digital services.

The primary focus of the strategy will ensure that the Council remains customer experience focused, placing the needs and preferences of residents at the forefront. This entails developing user-friendly digital platforms and services that facilitate easy access to information, streamline processes, and promote citizen engagement. Examples include online portals for service requests, digital citizen feedback mechanisms, and interactive mobile applications. By embracing citizen-centricity, the Council will continue to foster trust, improve transparency, and build stronger relationships amongst constituents.

This Digital & IT strategy is instrumental in unlocking efficiency, improving service delivery, and empowering citizens. By adopting a citizen-centric approach, leveraging data-driven decision-making, prioritising cybersecurity and privacy protection, and fostering collaborative partnerships, the Council can navigate the digital landscape successfully. Embracing these components will enable us to harness the transformative power of technology, resulting in more inclusive, responsive, and effective governance. **This strategy places citizens at the heart of decision-making and leverages technology to build sustainable and vibrant communities.**



Key challenges/drivers

- Cyber threats
- Growing demand for digital workplace & life-skills
- Increasing service demand
- Financial sustainability
- Climate Change demands
- Loss of resilience in the local economy
- Recruitment & retention challenges
- Public expectation of quality and efficiency of digital services (24/7)



Digital Objective

Mission:

To deliver the priorities of Tonbridge & Malling Borough Council (TMBC) through challenge, innovation and transformation, underpinned by technology

Vision:

To become a 'Cognitive Council' where the communities and businesses we serve can interact with TMBC online instantly and securely 24/7 for the majority of our statutory services.

Core Digital Strategic Priorities

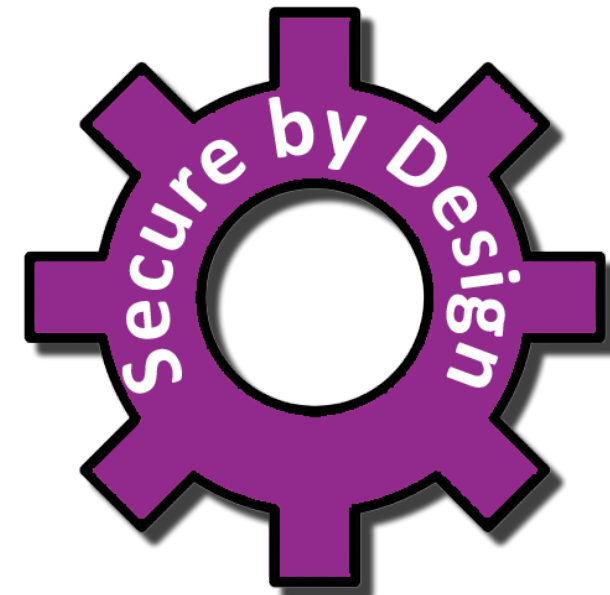
1. Secure by Design & Culture
2. Transformation
3. Demand management
4. Efficient workforce
5. Economic growth



Secure by Design & Culture

Protecting the information assets of our residents, staff, and council's data and increasing the communities' trust in Tonbridge & Malling Borough Council. Enhancing the Cyber security posture of the Council through automation of security solutions to mitigate risk and vulnerability to the ever-growing cyber threats.

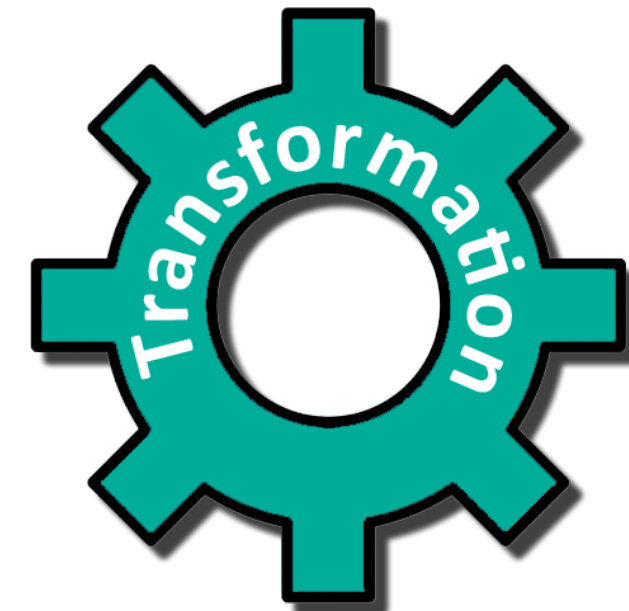
- Defender for Endpoint security solution
- Phishing and security awareness training
- Secure Cloud Backup Solution
- Enhanced Microsoft Licences to further secure and protect TMBC
- Investigation of solutions for Zero Trust Architecture
- Compliance solution to further prevent data loss
- PCI DSS certification submission
- New cyber awareness training e-Learning
- Investigation of AI based security solution to enable rapid cyber protection
- Security Templates to maintain compliance with achieving security standards
- Internal Phishing simulations for Cyber Awareness
- Cyber Essentials certification
- Security Centre vulnerability management for Endpoints to enhance and secure TMBC staff and residents' data
- Deployment of AI based security solution to enable rapid cyber protection
- Endpoint management to further reduce and remediate security vulnerabilities
- Automatic onboarding of TMBC devices to keep high security standards phased
- Obtain full discovery, categorisation, retention and defensible disposition to remediate risk and help protect data on file shares and on council's EDRMS platforms
- Automatic onboarding of TMBC devices to keep high security standards test group



2. Transformation

Continually monitoring the effectiveness of services throughout the Council both front and back-office to better serve residents. Ensuring the optimum efficiency is achieved to provide best value for money, whilst improving quality of service offered. Using digital transformation, improving the Council's processes and enhancing customer experience by streamlining transactions. This in turn will reduce the demand on staff and contribute towards the Council's financial sustainability.

- MFD Printer re-procurement and reduction
- Decommission of surplus solutions for cost savings
- Catalogue information assets
- Converting physical media to digital formats
- Enable centralised outgoing post printing and enveloping allowing officers to send a digital copy of the post to the print room. The outgoing mail is then printed, enveloped and posted from the print room
- Move all (shared) media to the DMS and provide a search tool to find data
- Digitalisation of case handling by moving all customer inquiries and processes to the case management system



3. Demand management

Granting better access and speed to public services in one place when required to deal with ever increasing demand and further cementing the ‘One Council’ ethos. We aim to achieve this by enhancing customer experience through analysis of data with the use of cognitive services to better respond to our residents and enable 24/7 interaction with the Council. Thus, enabling authority to switch from servicing the demands to managing them.

- Providing Digital life-skills through partnerships working with Government bodies and security specialists to help residents to understand how to use technology safely and responsibly online to access our services digitally and other day to day activities such as being able to shop, bank, access online services or apply for jobs online
- Monitoring and AI analytics to improve resource allocation to public facing and high demand systems
- Automated communication and status updates during the processing of customer inquiries using the mobile app, SMS messaging, email and the case management system
- Automated proactive communication through the mobile app, SMS messaging, email, website and user accounts
- Provide context sensitive information on website and user customisable relevant information panels on their user account’s home page
- Automation of scaling of internal and external systems to cope with predicted and unpredicted workloads
- Provide proactive communication for businesses (events, interruptions...) by mobile app, SMS, email, website and user accounts
- Enable online booking for all events and appointments for the residents. Provide automated reminders and ability to reschedule their bookings



4. Efficient workforce

We will make our workforce efficient through automation of workloads, data optimisation and predictive analytics. This will create a continual monitoring of services and performance via dashboards to enable managers to be more responsive. Constant learning and improving on how we deliver services will contribute to better outcomes for staff and service experience for residents and businesses.

- Enabling digital skillsets for staff through partnerships working with Microsoft and security specialists
 - Moving first line support and standard communication to the customer services if it can't be fully automated
 - Scanning all incoming post and distribute to the staff electronically
 - Implement data retention rules on all systems and automatically delete data that exceeds the retention time
 - Deploy automated schedulers and route planners to optimise the workflows and schedules for the officers
 - Provide predictive analysis and reports for the directors, managers and services relevant to their field and in relation to the council as a whole
- Provide role specific analysis and reports to enable individual officers to plan and monitor their output and performance
 - Provide access to top level trend analysis and reports for all the staff to help them better understand the “bigger” picture
 - Provide outcome reports to all officers involved in a case during its lifetime and summary reports of all similar cases to help the officers better to understand the impact of their input and part in the process
 - Use intelligent algorithms to dispose data without perceived value, is outdated, redundant or trivial
 - Architecture investigation and best practice for central reporting source



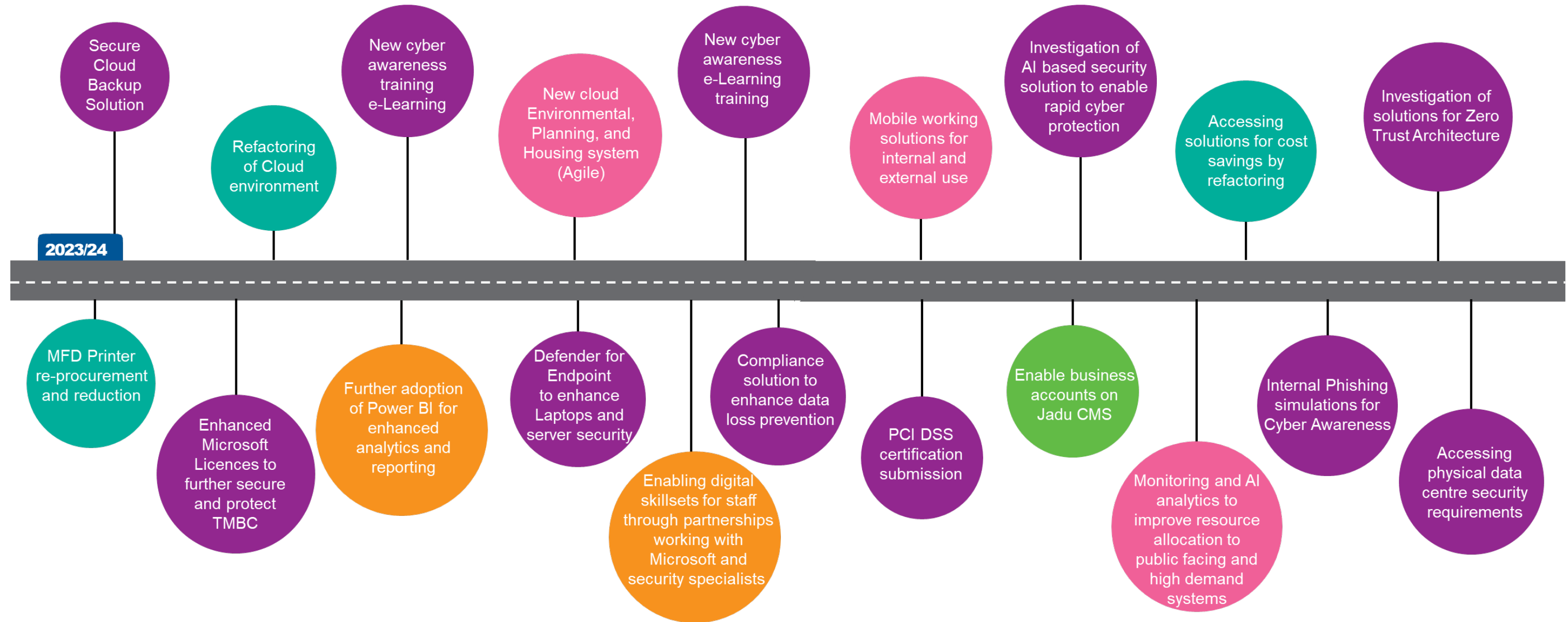
5. Economic growth

Promoting economic growth by enabling business to business (B2B) and business to consumer (B2C) relationships within Tonbridge & Malling Borough Council using the Council website and customer portals.

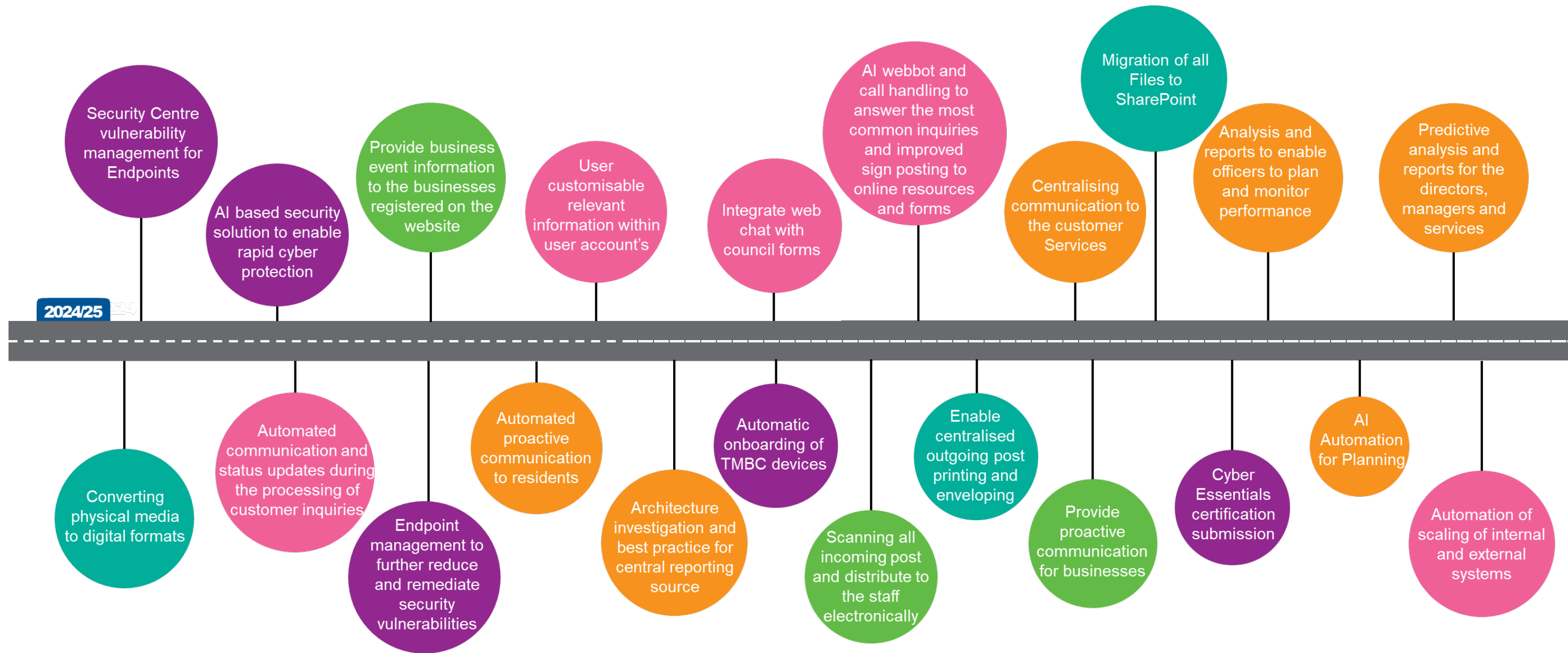
- Enable business accounts on TMBC customer portal (“My Business Account” on Jadu CXM)
- Provide business event information to the businesses registered on the website (“My Business Account”)
- Make the borough more attractive to businesses by providing borough centric business directory and discovery platform
- Enable businesses to find local services, resources and suppliers more easily through business portal (B2B)
- Provide borough centric business marketing tool through business directory (B2B advertising, discovery and product listings)
- Enable local business discovery to the website visitors and registered users by showing the businesses nearest to them (B2C)
- Provide opportunities for local businesses to advertise through the website, business directory and user accounts (B2C)
- Direct access to business related advice and forms from the business user accounts



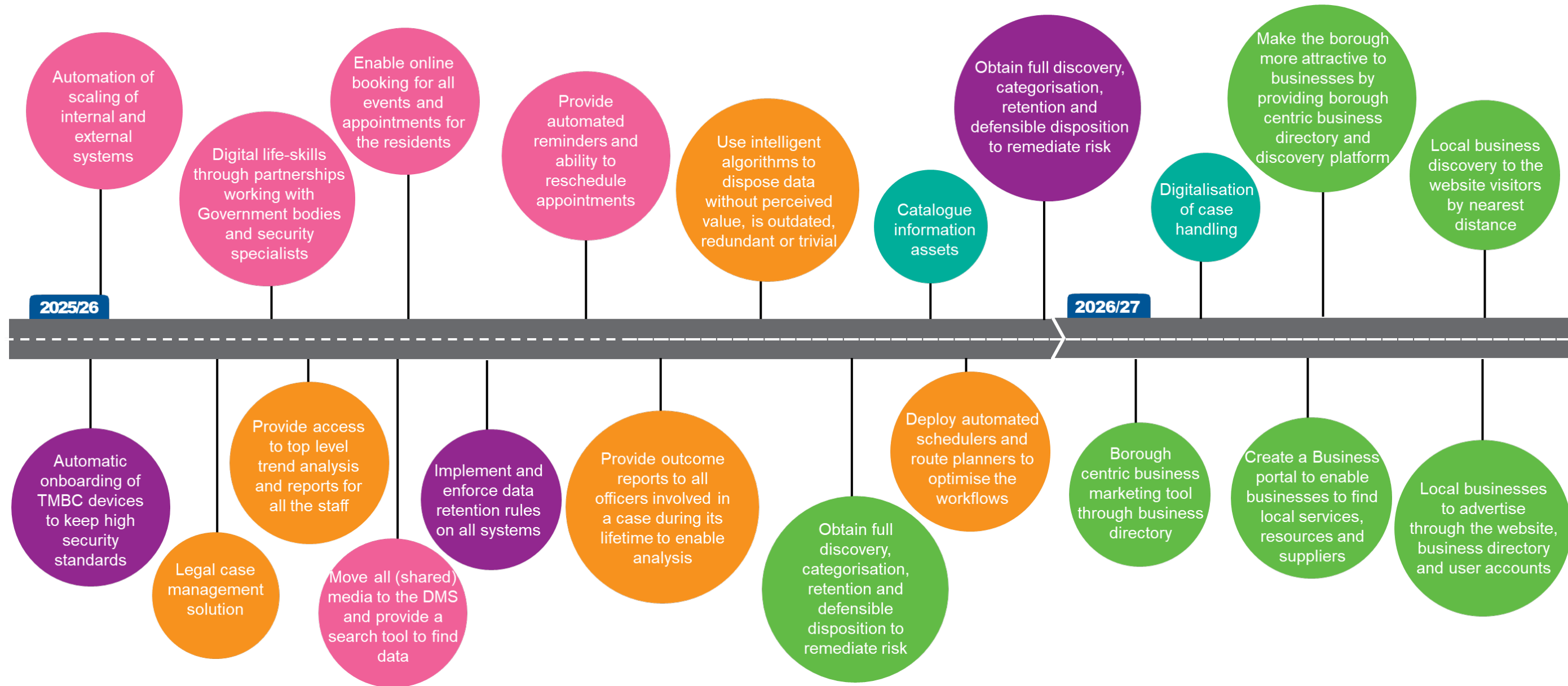
Digital & IT Strategic Road Map 2023 - 2024



Digital & IT Strategic Road Map 2024 - 2025



Digital & IT Strategic Road Map 2025 - 2026



Underpinning our Corporate vision
to be an innovative and forward-thinking council, that
leads the people and businesses of the borough towards
a vibrant, prosperous and sustainable future.

The Ultimate outcome

REVIEW OF GOVERNANCE ARRANGEMENTS

Item OS 23/41 referred from Overview and Scrutiny Committee of 14 September 2023

Members reviewed the governance changes introduced in May 2022 and considered whether the existing arrangements could be amended and/or improved. The scope of the review had been agreed by the Overview and Scrutiny Committee in April 2023 and these areas of discussion were detailed in 1.3 of the report.

The increase in the number of scrutiny committees was generally regarded as positive, although it was recognised that the system required further time to become familiar before it was possible to identify if any further, or significant, changes were required.

However, there were some concerns raised about the lack of collaboration and engagement from Members on issues, the difficulty in getting business onto agendas and insufficient matters being identified for the work programmes. There was also concern expressed that the move away from Advisory Boards meant that all Councillors were not fully appraised on all aspects of business.

Whilst the scrutiny committees were able to set their own agendas and work programmes there was still confusion around the process for agreeing topics for future meetings. The Committee supported the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year.

Attention was drawn to the Terms of Reference (TOR) for the 3 Scrutiny Select and the Overview and Scrutiny Committees (attached at Annex 2) and Members supported the introduction of regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees in order to minimise issues of overlapping of business. The Chair committed to meeting regularly with Cabinet Members, as set out in the Cabinet-Scrutiny Protocol.

There was heated debate on the call-in process and Cllr Hoskins proposed, seconded by Cllr Cope that the number of members of the Overview and Scrutiny Committee required to call-in a decision should be reduced to 3 (down from 5). Following a formal vote this proposal was supported by the Committee.

Consideration was given to the guidance issued by the Local Government Association on the setting of scrutiny work programmes. The Committee supported the inclusion

of this guidance into the Cabinet-Scrutiny Protocol for easy reference. It was also suggested that the Protocol be published as an Annex to the Constitution so that it was easily available on the website.

Members agreed that regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees be introduced to minimise issues of overlapping of business.

RECOMMENDED*: That

- (1) the number of members of the Overview and Scrutiny Committee required to call-in a decision be reduced to 3;
- (2) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (3) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
 - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in 1.3.10);
- (4) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

***Recommended to Executive**

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Director of Central Services & Deputy Chief Executive

Part 1- Public

Delegated

1 REVIEW OF GOVERNANCE ARRANGEMENTS

1.1 Introduction

1.1.1 On 6 April 2023 a scoping report was brought to the Overview and Scrutiny Committee that invited Members to review the Council's governance arrangements and identify any opportunities to amend or improve existing procedures.

1.1.2 Members were invited to reflect on whether the issues identified by the Peer Review team had been addressed, what had worked well and whether there were opportunities for improvement.

1.1.3 A suggested focus for the next stage of the review was detailed in the report and is set out below for reference. This was agreed by the Committee.

- Has the increase in the number of scrutiny committees, and the scope of such committees created a stronger, member-led scrutiny function?
- Are the scrutiny committees able to effectively set their agendas and work programmes? Is the process for agreeing topics for future meetings effective e.g., who can request items for the agenda and how are such requests considered by the Committees?
- How do the 3 Scrutiny Select Committees impact upon the strategic role of the Overview and Scrutiny Committee? Are there issues of overlapping?
- Is the Executive/ Scrutiny protocol fit for purpose or are revisions required?

1.1.4 Due to the upcoming local elections, the Committee felt that a review should be undertaken later in the year to enable any newly elected councillors to experience a meeting cycle before assessing arrangements. Concern was expressed that the current governance arrangements did not reflect the reduction in councillors arising from the recent boundary review i.e., a reduction from 54 to 44. However, Members also welcomed the opportunity to identify whether improvements could be made to the Scrutiny Select Committees structure and remove potential duplications with the main Overview and Scrutiny Committee.

- 1.1.5 Finally, it was felt that there should be further assessment on the format of Area Planning Committees and the review into governance arrangements offered opportunity for this to be revisited.
- 1.1.6 This report focusses on a review of the governance changes introduced in 2022. It does not therefore address the format of Area Planning Committees. Should Members wish to undertake a review of Area Planning Committees, it is suggested that this is carried out separately via the Housing and Planning Scrutiny Select Committee.

1.2 Background to the review

- 1.2.1 For the benefit of new Members of the Overview and Scrutiny Committee, the background to the governance changes (introduced in May 2022) is set out below.
- 1.2.2 Since 2002 the Borough Council has operated under executive arrangements, with a leader and cabinet executive being the chosen form of such arrangements.

Prior to May 2022

- 1.2.3 Prior to May 2022 the executive arrangements within the Constitution were as follows: -

- The executive was comprised of 7 Councillors (Leader plus 6).
- Meetings of the executive (Cabinet) were ordinarily held on 8 occasions per municipal year. The Constitution provided that Cabinet met on 'at least' 5 occasions per year but in practice the frequency of meetings was higher.
- Cabinet was supported by 5 Advisory Boards e.g., Communities & Housing Advisory Board and 2 Advisory Panels (Parish Partnership Panel/ Tonbridge Community Forum). These did not align directly with the Cabinet Portfolios and Cabinet Members were not appointed to the Boards.
- Individual members of the executive were able to take non-key decisions within their portfolios, but all such decisions were subject to specific conditions as set out in the constitution, as follows: -

A decision made by an Executive Member shall not have effect unless

(a) there has been a written report circulated to all Members prior to the meeting of an Advisory Board or an Area Planning Committee from the appropriate Chief Officer(s) stating that the decision is in conformity with the Council's budget and policy framework and that any reports are not substantially altered by supplementary reports circulated at the meeting.

(b) the report has been considered by an Advisory Board or an Area Planning Committee, which has recommended that the decision be made.

- (c) *the decision has been recorded in writing in the manner specified by the Monitoring Officer; and*
- (d) *the decision has been counter-signed by the Leader of the Council and the Chief Executive (save for a decision made by the Leader of the Council, which shall be counter-signed only by the Chief Executive).*

Key Decisions

Key decisions of the Council are defined in Article 8 of the Constitution. Prior to May 2022 these were decisions which were likely either

- to result in the Council incurring expenditure which is, or the making of savings which are, significant (i.e., in excess of £250,000) having regard to the local authority's budget for the service or function to which the decision relates; or
- to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the Borough.

Key Decisions could not be taken by individual executive members but instead were referred to a meeting of Cabinet for a decision. The threshold of £250,000 was a locally set figure. Whilst there is currently no statutory guidance in this regard, previous guidance issued under S38 of the Local Government Act 2000 makes clear that the local authority should agree as a full council, limits above which items are significant and publish these limits. A local authority is able to set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function.

- If a Cabinet Member did not agree with a recommendation from an Advisory Board then their only course of action was to refer the matter to Cabinet for a collective decision.
- The Council had a single Overview and Scrutiny Committee, scheduled to meet 5 times per municipal year.
- Certain non-key executive decisions were delegated to officers (Part 3 of the Constitution).

Decisions of the executive (whether taken at meetings of Cabinet/ by individual executive members or by officers under delegated powers) were able to be called-in for scrutiny by the Overview & Scrutiny Committee.

Peer review

- 1.2.4 Following recommendations from the LGA (Local Government Association) Peer Review, held in 2022, the Council adopted a new governance structure. The relevant sections from the Peer Review feedback report are below:

'TMBC's hybrid governance structure may have served the authority well historically, but it is resource intensive, and impedes the council's ability to respond to the changing landscape as governance requires many decisions go through the advisory boards prior to being considered by cabinet, with sometimes up to five months wait between meetings. The peer team heard from a number of sources that there were "far too many boards, meetings and committees."

In addition:

"The council's advisory boards also create a challenge around the scrutiny function which is devoid of having any real impact. The peer team observed that scrutiny is struggling to find a place and a role, and is disempowered by the advisory boards, evidenced by the lack of call ins over the last 20 years. There is no apparent scrutiny work programme where members can examine in greater depth a topic of interest or concern to the community bringing recommendations to the council and no pre-development work. As a result, scrutiny has become officer led who suggest what is discussed. Members do not see its value with very little debate or questions being asked. The peer team suggests increasing the status of scrutiny within the council and the role of the chair, to address this...

If TMBC is to move forward and make change at the pace required, it is recommended that the council reviews the current governance structure".

- 1.2.5 Recommendation 10 of the report therefore advised that the Council should review its current governance structure, as follows:

'Review the council's governance arrangements, with particular attention to area planning committees and the impact of advisory boards on decision making and the role of overview and scrutiny'

- 1.2.6 To address these issues, the Leader undertook a review of the Council's executive governance arrangements with the following aims and objectives: -

- To increase the scope, role, and responsibility of the Overview & Scrutiny Committee so that it can effectively discharge its functions.
- To ensure that Cabinet members are empowered to take decisions within their portfolios.
- To ensure that Cabinet meetings are held at an appropriate frequency.

- 1.2.7 The new governance arrangements were reported to Council on 27 April 2022 and came into effect on 10 May 2022.

1.2.8 The key aspects of the governance changes were as follows: -

- 3 new Scrutiny Select Committees were created to replace the existing Advisory Boards, each Committee containing 15 Members and meeting 5 times per municipal year. The existing Overview and Scrutiny Committee was to remain and be chaired by the Leader of the largest opposition group.
- A new Executive/ Scrutiny Protocol was created to ensure a constructive relationship between the Executive and the Scrutiny Committees (attached as **Annex 1**).
- Cabinet Members were to be empowered to take non-key decisions within their portfolios, save for specified exceptions e.g., where the decision was outside the budget and policy framework or proposed a new or amended strategy.
- In respect of key decisions, the financial threshold was reduced from £250,000 to £100,000.
- Cabinet would be scheduled to meet at least 8 times per municipal year.

1.2.9 Members may wish to note the feedback given by the LGA Peer Review Team during their progress review in November 2022.

“We noted that overall, there was a greater feeling of confidence and speed of decision making in the council. In part brought about by the council’s decision to accept the peer team’s recommendation to review the council’s governance arrangements”.

‘The implementation of new governance arrangements has been implemented at pace, and led to much speedier decision making, something that has been universally welcomed by members and officers. This pace of change is commendable and shows bold leadership, but as acknowledged by the Leader has been at the expense of some political capital.

The peer team heard that the new committee arrangements need time to bed-in, as they are still working under the old advisory board culture, rather than scrutinising the work of Cabinet, with very few call-ins. Therefore, the full accountability benefits of the new model are not being realised. There is also evidence that further training and development is required to provide clarity around the roles and responsibilities of scrutiny members, along with the function of the committees...

It was also acknowledged that the relationship between Cabinet and Scrutiny is still a work in progress, with regular and more structured meetings needed to add further value to the new arrangements.’

1.3 Areas for discussion

Has the increase in the number of scrutiny committees, and the scope of such committees created a stronger, member-led scrutiny function?

- 1.3.1 The creation of 3 new Scrutiny Select Committees has undoubtedly strengthened the scrutiny function of the Council. Whilst the previous advisory boards offered a pre-scrutiny function, their effectiveness was limited. For example, the advisory boards did not set their own work programmes and most Members were therefore unable, as the Peer Review team noted, to bring items of importance to these meetings.
- 1.3.2 Training has been provided to Members on the effective use of scrutiny, most recently on 5 October 2022. Further training is currently being arranged and members will be notified of a date shortly.

Are the scrutiny committees able to effectively set their agendas and work programmes? Is the process for agreeing topics for future meetings effective e.g., who can request items for the agenda and how are such requests considered by the Committees?

- 1.3.3 The future work programme is a standing item on all meetings of the Scrutiny Select Committees and the Overview and Scrutiny Committee.
- 1.3.4 The development of the work programme is addressed in the Executive/ Scrutiny protocol. This provides that the work programme is to be developed as follows: -
- Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate. The intention should be to programme such work at an early stage in the development of a policy.
 - Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are (i) relevant to the functions of that committee and that (ii) it may wish to scrutinise.
 - The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinize.
 - The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.
 - The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones

for decision making, including time needed to obtain any advice which is required.

1.3.5 The protocol also provides that the Scrutiny Work Programme will also have the following standing items:

- Development of the Annual Budget (Overview and Scrutiny Committee)
- Corporate Plan (Overview & Scrutiny Committee)
- The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee)
- Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee)
- Any property acquisition and/ or disposal strategy (Finance, Regeneration and Property Scrutiny Select Committee)
- Development of the statutory Development Plan (Housing & Planning Scrutiny Select Committee)
- Key Performance Indicators (relevant Scrutiny Select Committee)

1.3.6 The identification of the above items within the protocol ensures that key strategic plans of the Council will be scrutinised by the relevant Scrutiny Committee. Other than key performance indicators (which are a standing item for all scrutiny committees), no standing items for the Communities and Environment Scrutiny Select Committee are listed in the protocol. The Housing & Planning Scrutiny Select Committee also only has 1 unique standing item. This does not of course mean that one scrutiny select committee is busier than another simply because of the number of standing items.

1.3.7 Members may wish to consider whether any other strategic plans should be included within the protocol.

1.3.8 Outside of the above, all members of the Committees can request items for the work programme. In practice these requests have initially been made to the Chair of the relevant scrutiny committee so that they may manage the meeting agendas. Members may wish to formalise this process of submitting requests for items to the Chair so that they may liaise with key officers to ensure that the work programme remains balanced throughout the year.

1.3.9 Overall, the approach towards the scrutiny work programme represents a significant departure from the previous advisory board regime – as the purpose of the advisory board was to advise the Executive the work programme was set in consultation with the relevant Cabinet Member(s). Members of the Executive may still invite one of the scrutiny committee committees to consider a matter within their portfolio but they will otherwise have no influence over the agenda.

1.3.10 Members may wish to consider the guidance issued by the Local Government Association on the setting of scrutiny work programmes. In the Councillor's workbook on scrutiny, it is suggested that the following are/ are not suitable for scrutiny: -

Topics are suitable for scrutiny when	Topics are not suitable for scrutiny when
-scrutiny could have an impact and add value	-the issue is already being addressed elsewhere and change is imminent
-the topic is of high local importance and reflects the concerns of local people	-the topic would be better addressed elsewhere (and will be referred there)
-the resources are available that would be required to conduct the review, in terms of manpower and budget	-scrutiny involvement would have limited or no impact upon outcomes
-it avoids work duplication elsewhere	-the topic may be sub-judice or prejudicial to the council's interest
-the issue is one that the committee can realistically influence	-the topic is too broad to make a review realistic
-the issue is related to an area where the council, or one of its partners, is not performing well	-new legislation or guidance relating to the topic is expected within the next year
-the issue is relevant to all or large parts of the local area	-the topic area is currently subject to inspection or has recently undergone substantial change.
-the review would be in the council's interests	

1.3.11 Members may wish to consider introducing criteria to ensure that only necessary items make it onto the work programmes for the scrutiny committees. This will help in making the scrutiny function as effective as possible. If Members were minded to take this approach, the recommendations of the LGA above could form the basis for the agreed criteria.

How do the 3 Scrutiny Select Committees impact upon the strategic role of the Overview and Scrutiny Committee? Are there issues of overlapping?

1.3.12 The terms of reference for each of the 3 Scrutiny Select Committees and the Overview and Scrutiny Committee are attached at **Annex 2**.

1.3.13 The terms of reference for the 3 Scrutiny Select Committees are subject specific, thus ensuring that matters relating to service delivery are considered by the appropriate committee. Conversely, the terms of reference for the Overview and Scrutiny Committee are more general in nature. This should result in broader strategic issues affecting the whole Council falling to the Overview and Scrutiny Committee. This review of governance is one such example; the Corporate Plan is another.

1.3.14 In practice, there have been a few items considered by the Overview and Scrutiny Committee that could (or perhaps should) have been considered by one of the Scrutiny Select Committees. For example, the Overview and Scrutiny Committee has recently considered several items relating to Planning Services e.g., Development Management Officer Protocol, Member call-in (Development Management) which fall within the terms of reference for the Housing and Planning Scrutiny Select Committee. The same point could be made in respect of the Housing Association Performance Framework.

1.3.15 Members may wish to consider whether regular agenda setting meetings should take place between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees to assist in ensuring that potential issues of overlapping are minimised.

Is the Executive/ Scrutiny protocol fit for purpose or are revisions required?

1.3.16 The Executive/ Scrutiny protocol was agreed by Cabinet on 7 September 2022, following consideration by the Overview and Scrutiny Committee on 7 July 2022. The protocol is attached as **Annex 1**.

1.3.17 The protocol covers a number of areas, as follows: -

- Core principles
- Development of the scrutiny work programme
- Expectations of the Cabinet
- Expectations of the Overview and Scrutiny Committee
- Call-in
- Compliance with the protocol

1.3.18 The development of the scrutiny work programme is considered at paragraphs 1.3.2 to 1.3.10 above.

1.3.19 In respect of call-in, Members are asked to note that the protocol predominantly deals with the procedure. Other matters, such as the number of members of the Overview and Scrutiny Committee required to trigger a call-in (currently 5), are dealt with in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution. For completeness these rules are also attached as **Annex 3**.

1.3.20 It is suggested that the protocol should be subject to annual review by the Overview and Scrutiny Committee and Cabinet in order to ensure that it remains fit for purpose.

1.3.21 Members are invited to consider the remaining areas of the protocol and make such recommendations as they see fit to the Executive.

1.4 Legal Implications

1.4.1 None arising from this report.

1.5 Financial and Value for Money Considerations

1.5.1 None arising from this report.

1.6 Risk Assessment

1.6.1 N/A

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Business Continuity/Resilience

1.8.2 Communications

1.9 Recommendations

1.9.1 Members are invited to consider the issues set out in this report and make such recommendations to the Executive as they see fit.

Background papers:

contact: Gill Fox

Nil

Adrian Stanfield

Director of Central Services and Deputy Chief Executive

Overview & Scrutiny – Cabinet Protocol

This protocol sets out the relationship between the Council's Cabinet and its Overview & Scrutiny Committee/ Scrutiny Select Committees. This includes the processes that these bodies will follow, where they will interact with each other, and how they expect the other to conduct itself. The Protocol is in addition to requirements set out in the Council's Code of Conduct and the Officer/Councillor Protocol.

This Protocol will promote an effective role for Scrutiny and foster a good working relationship between the Overview & Scrutiny Committee and the Cabinet that will ensure the Committee makes a valuable contribution to the effective running of the Council.

In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Cabinet Members but that both are committed to developing an effective relationship. This will involve but not be limited to:

- Frequent and honest dialogue between Cabinet Members and Overview and Scrutiny Members, either individually or collectively,
- Regular discussions regarding Cabinet and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible,
- Establishing effective and formal reporting structures, and
- Respecting the confidential nature of the discussions that may from time to time take place.

Principles

The following principles set out how the working relationship between the Cabinet and the Overview and Scrutiny Committee should operate.

- (a) The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough.
- (b) All participants in the working relationship between Cabinet and the Overview and Scrutiny Committee will do so in a spirit of mutual respect and constructive challenge.
- (c) Meetings of the Overview and Scrutiny Committee should be conducted in accordance with the statutory guidance (Annex 1)
- (d) The Cabinet recognises that the Overview and Scrutiny Committee has several rights, for example requiring Portfolio Holders to attend its meetings or calling-in Cabinet decisions which have not yet been implemented should they consider a decision to be reviewed. The Overview and Scrutiny Committee will exercise those rights responsibly.
- (e) One of the principal responsibilities of the Overview and Scrutiny

Committee is to hold the Cabinet to account. This enables non-Cabinet members to fully scrutinise important decisions made by the Cabinet whilst also allowing routine decision making to take place in a responsive manner. An important method to ensure accountability is through examining performance and decisions taken by the authority. To facilitate this challenge the Overview and Scrutiny Committee may:

- a. The Agenda for Overview and Scrutiny will include as an early standard item, Non-Key Decisions made by members of Cabinet and officers since the last Overview and Scrutiny Meeting.
 - b. Challenge the Cabinet about decisions (whether key or non-key) which have been taken by Cabinet
 - c. Require and consider Key Performance Indicators.
 - d. Query or ask for information about any item on the Notice of forthcoming Key Decisions.
- (f) In addition to their rights as councillors, members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Cabinet or its committees. There are a few limits on this access, and these are identified in the rules.
- (g) Members of the Cabinet cannot be members of the Overview and Scrutiny Committee.
- (h) The Overview and Scrutiny Committee will report annually to Full Council to evaluate their work during the previous year and to summarise the programme for the forthcoming year.

Development of the Scrutiny Work Programme

Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.

The intention should be to programme such work at an early stage in the development of a policy.

Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are (i) relevant to the functions of that committee and that (ii) it may wish to scrutinise.

The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinize.

The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.

The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones for decision making, including time needed to obtain any advice which is required.

The Scrutiny Work Programme will also have the following standing items (Scrutiny Select Committee identified in brackets where relevant):

Development of the Annual Budget (Overview and Scrutiny Committee)

Corporate Plan (Overview & Scrutiny Committee)

The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee)

Any property acquisition and/or Disposal Strategy (Finance, Regeneration and Property Scrutiny Select Committee)

Development of the statutory Development Plan (Housing and Planning Scrutiny Select Committee)

Key Performance Indicators (relevant Scrutiny Select Committee)

Expectations of the Cabinet

It is expected that Cabinet Portfolio Holders will attend meetings of the Overview & Scrutiny Committee, when requested, to present reports relevant to their portfolio and answer any relevant questions.

All Members should promote an atmosphere of openness at Scrutiny Committee Meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member and other participants.

In order to notify Scrutiny Members of upcoming business and potential items to be added to the Committee's Work Programme, the Principal Democratic Services Officer will ensure that the Scrutiny Officer is kept updated of all new items that are added to the Cabinet Work Programme.

If necessary, the Leader will meet with the Scrutiny Officer, Principal Democratic Services Officer and the Chair of the Overview & Scrutiny Committee to consider the best way to deal with any forthcoming items of business.

Where the Overview and Scrutiny Committee (or Scrutiny Select Committee) has made recommendations to a decision-making body or person, that body or person will provide a written response to those recommendations setting out whether the recommendations are accepted or not, and the reasons for that decision.

Overview and Scrutiny Committee and the Scrutiny Select Committees are entitled to such information as is necessary to properly perform their functions. If the Overview and Scrutiny Committee or Scrutiny Select Committee request information from the Cabinet, the Cabinet will respond within 10 working days confirming whether the

information requested exists and, if so, provide the committee with access to that information.

Expectations of the Overview & Scrutiny Committee

The Committee will provide constructive 'critical friend' challenge to the Cabinet's proposals and decisions.

The Committee will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements.

The Cabinet's response to Scrutiny's recommendations will be published in the agenda of the next scheduled Overview & Scrutiny Committee meeting

The Overview & Scrutiny Committee will monitor the effectiveness of services and undertake regular reviews of performance in relation to the Council's services

Call-in

Call-in is the exercise of the Overview & Scrutiny Committee's statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.

Once made, Cabinet decisions will ordinarily be published by the Democratic Services Team within two working days of the meeting, with date of publication included. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.

Requests for Call-in can be made by any 5 Members of the Overview and Scrutiny Committee.

Cabinet Members will be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a call-in request in relation to his/her area of responsibility. Where the relevant Cabinet Member cannot attend a call-in meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader also being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.

The following procedure shall take place at call-in meetings:

- The Members who called in the decision should speak first.
- The Chair will then invite the Cabinet Member (decision maker) to respond.
- The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary.

The Committee will debate the issue and vote on the outcome

The Overview & Scrutiny Committee cannot overturn the decision that has been called in. It may either agree with the decision/ decide to make no recommendations to the Decision Maker (in which case it will take immediate

effect) or refer it back to the Cabinet/ Leader/ Portfolio Holder (as applicable) for further consideration, including any recommendations from Scrutiny Members.

It is the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.

Compliance with this protocol

The Scrutiny Officer is responsible for overseeing compliance with the protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny. Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report. The role also includes promoting the role of the authority's scrutiny committee, providing support and guidance to members and officers relating to the functions of the scrutiny committee and providing a link between the Cabinet and the Overview and Scrutiny Committee/ Select Committees.

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Scrutiny Select Committees – Membership and Terms of Reference

Title:	Communities and Environment Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Terms of Reference:	
Communities	
Community Safety initiatives	
Environmental Strategy	
Matters related to: <ul style="list-style-type: none"> - The West Kent Partnership (LSP) - LA21 - Climate Change 	
Implementation, monitoring and future review of the: <ul style="list-style-type: none"> - Borough's Sustainable Community Strategy - Community Safety Strategy 	
Liaison with local voluntary groups	
Grant support to local voluntary groups	
Take a strategic view of issues affecting: <ul style="list-style-type: none"> - rural parts of the Borough; including the work of the Medway Valley Countryside Partnership, and make appropriate recommendations to the Executive and other agencies - older persons within the Borough, including assessing the impact of the projected increase in the number of older persons, and make appropriate recommendations to the Executive and other agencies 	
Public Health strategies and actions	
Health improvement and health inequalities strategies	
Strategies and actions for tackling youth related drug problems	

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

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

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

Title:	Finance, Regeneration & Property Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Regeneration	
Attracting new business investment into the Borough	
Encouraging and supporting growth of existing businesses	
Engaging and listening to the local business community	
Promoting the Borough as a popular tourism destination/Tourism marketing	
Representing the Borough Council on the West Kent Partnership	
Supporting local entrepreneurship	
Working to improve the vitality of the Borough's town and local centres	
Economic Development Tasks	
Commission and fund: <ul style="list-style-type: none"> - Business support seminars - Free 1-2-1 business advice sessions 	
Ensure payments by the Council for services from local business are paid promptly	
Help to foster business networking via an online business directory	
Maximise use of the Council's own property portfolio to support local business	
Provide on-line advice for businesses in search of funding	
Signposting businesses to support provided by partner agencies	
Supporting Local Business	
Use the Council's own procurement processes to support local business	
Business Engagement	
Contribute to existing business networks and fora active in the Borough	

Holding regular engagement events for local business
Receive and act upon feedback from local businesses
Support locally held business award initiatives
Promoting Inward Investment
Promote, support and bring forward new sites for employment use
Engage with developers to ensure new employment-related development is well planned
Signpost to on-line advice for businesses in search of new premises/sites
Work with Locate in Kent to promote the take up of vacant business property
Partnership Working
Achieve a higher economic priority for the area in relation to the wider LEP
Assist with the delivery of the West Kent Investment Strategy
Contribute to the economic work of the West Kent Partnership
Rural Business Sector
Commission and fund support for: <ul style="list-style-type: none"> - home-based businesses - the land-based sector
Matters related to Farmers' Markets
Promote the enhancement of local broadband services in areas of need

Skills and Employability
Commission services to promote entrepreneurship in deprived communities
Develop and support Job Clubs in areas of particular need
Help promote: <ul style="list-style-type: none"> - the take up of local apprenticeships available in the Borough - work experience opportunities for young people with local businesses
Offer regular Borough Council apprenticeships to local young people
Work with Job Centre Plus and other partners to tackle local worklessness issues
Work with local schools and colleges to develop work-readiness skills
Supporting Town Centres
Allocation of Innovation Fund
Contribute to the promotional work of the Town Team in Tonbridge and in other local centres
Encourage the improvement of the environment and appearance of town and local centres
Support a major redevelopment of Tonbridge Town Centre
Support opportunities for additional retail activities e.g. Farmers Markets
Tackle the need to find new uses for empty shop premises
Supporting the Tourism Sector
Deliver an annual programme of cultural events
Manage Tonbridge Castle as a key visitor attraction
Operate the Tourist Information Centre at Tonbridge
Prepare online visitor information
Work with operators to help promote cultural and entertainment events
Work with Visit Kent to promote the Borough's visitor attractions and accommodation

Finance
Administration of Housing & Council Tax Benefits and Council Tax Reduction Scheme
Annual Estimates & the provision of medium term forecasts
All strategic and corporate matters relating to Information Technology and E-government (not within the direct purview of other portfolio holders)
Capital Planning including the management of new 'bids' and the preparation of a medium term plan
Collection of Council Tax and Business Rates
Day to Day financial operations, including debt recovery / management and payment of staff & creditors
Developing shared service arrangements
Development of the Council's procurement strategy
Financial management for the Council as a whole in accordance with proper practices, including the preparation of annual estimates and the provision of medium term forecasts
Property
Operational management of acquisition and disposal of land and property including leases, easements and other interests
Maintenance and improvement of Council property
Operational management of Council land and property not falling within the purview of other portfolio holders, specifically offices, depots, commercial and industrial holdings and vacant land and premises
Strategic management of land and property requirements, resources and allocation in line with the Asset Management Plan
Usage of Council offices and allocation of accommodation
Customer Services
Meeting the Council's targets for customer satisfaction

Development of a corporate customer charter
Development and implementation of a customer contact strategy encompassing a range of access channels including face-to face, telephone, website, letters and text messaging
<p>To consider:</p> <ul style="list-style-type: none"> - VFM (Value for Money) and Performance Reviews - Service delivery improvement for customers in support of the Council's Diversity Policy and Equality Act requirements in consultation with service users - Options for local service delivery across the Borough in response to identified need
All matters relating to Data Protection and Freedom of Information
Personnel issues that do not fall within the purview of the General Purposes Committee
Matters relating to skills education and training

Title:	Housing and Planning Scrutiny Select Committee
Membership:	13 Members
Quorum:	4 Members
Terms of Reference:	
Planning	
Conservation Area and Character Area appraisals and improvement schemes	
Countryside planning and transport initiatives	
Design and procedural guidance	
Evaluation, programming, consultation and implementation of projects on the Council's capital plan	
Improvement of operating systems	
Input into Regional Transport Strategy	
Liaison with the Cabinet Member for Housing over delivery of the Council's Strategic Housing Objectives	
Local transport projects (such as Tonbridge Transport Strategy, A228/A20 corridor, West Malling station)	
Major regional projects (e.g., A21, Rail Investment)	
Neighbourhood Plans/Village design statements	
Performance monitoring and review	
Planning enforcement - overview of performance, resources and priorities	
Preparation of development briefs	
Preparation of the statutory Development Plan (as defined in s.38 Planning and Compulsory Purchase Act 2004)	
Public transport initiatives (bus priority measures, Medway valley line)	

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

6.	Overview and Scrutiny Committee
Size and Membership: (Quorum: 4 Members of the Committee)	
To consist of 17 members and shall be politically balanced, none of whom may be a member of the Executive.	
The Overview and Scrutiny Committee will have the power to co-opt any person(s) it thinks appropriate (except for members of the Executive and officers of the Council) onto the committee, on whatever basis it thinks appropriate. Co-opted members may speak in debates but not vote. The Borough Council has approved a Scheme of Co-option as set out in Part 4, Overview and Scrutiny Procedure Rule 3.1	
The Overview and Scrutiny Committee will conduct its proceedings in accordance with the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution.	
Terms of Reference:	
The Overview and Scrutiny Committee shall discharge the following general functions	
1.	review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the Executive;
2.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are the responsibility of the Executive;
3.	review or scrutinise decisions (other than individual regulatory decisions) made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the Executive;
4.	make reports or recommendations to the authority or the Cabinet with respect to the discharge of any functions which are not the responsibility of the Executive;
5.	make reports or recommendations to the authority or the Executive on matters which affect the authority's area or the inhabitants of that area; and
6.	exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive
The power of the Overview and Scrutiny Committee under 1 above to review or scrutinise a decision made but not implemented includes power:	
7.	to recommend that the decision be reconsidered by the person who made it; or
8.	to arrange for its function under subsection 1, so far as it relates to the decision, to be exercised by the authority.

Specific Functions:	
Policy Development and Review	
The Overview & Scrutiny Committee may	
9.	assist the Council and the executive in the development of its budget and policy framework by in-depth analysis of policy issues;
10.	conduct research, community and other consultation in the analysis of policy issues and possible options;
11.	consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
12.	question members of the executive and/or committees and chief officers about their views on issues and proposals affecting the area;
13.	liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
Scrutiny	
The Overview & Scrutiny Committee may	
14.	review and scrutinise the decisions made by and performance of the executive and/or committees and council officers both in relation to individual decisions and over time;
15.	review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
16.	question members of the executive and/or committees and chief officers about their decisions and performance, whether generally in comparison with plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
17.	make recommendations to the executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
18.	review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the committee and local people about their activities and performance;
19.	question and gather evidence from any person (with their consent).

Finance	
20.	The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to it
Annual Report	
21.	The Overview and Scrutiny Committee must report annually to the full Council on its workings and make recommendations for future work programmes and amended working methods if appropriate.
Officers	
22.	The Overview & Scrutiny Committee may exercise overall responsibility for the work programme of the officers employed to support its work.
The Overview and Scrutiny Committee or a sub-committee of such a committee:	
(a)	may require members of the Executive, and officers of the authority, to attend before it to answer questions;
(b)	may require any other member of the Borough Council to attend before it to answer questions relating to any function which is exercisable by the member by virtue of section 236 of the Local Government and Public Involvement in Health Act 2007 (exercise of functions by local councillors in England); and
(c)	may invite other persons to attend meetings of the committee.
It is the duty of any member or officer mentioned in paragraphs (a) or (b) above to comply with any requirement mentioned in that paragraph. However, a person is not obliged to answer any question which the person would be entitled to refuse to answer in or for the purposes of proceedings in a court in England and Wales.	
The Borough Council has designated the Policy, Scrutiny and Communities Manager as the Scrutiny Officer for the purposes of the Local Government Act 2000.	

OVERVIEW AND SCRUTINY PROCEDURE RULES

1.	Arrangements for Overview and Scrutiny Committee
<p>The Council will have an Overview and Scrutiny Committee and three Scrutiny Select Committees (which are not sub-committees of the Overview and Scrutiny Committee) as follows:</p> <ul style="list-style-type: none"> - Housing & Planning Scrutiny Select Committee - Finance, Regeneration and Property Scrutiny Select Committee - Communities and Environment Scrutiny Select Committee <p>as set out in Part 3: Responsibility for Council Functions and will appoint to them as it considers appropriate from time to time.</p> <p>The Council has appointed a Scrutiny Officer whose functions are:</p> <ul style="list-style-type: none"> - To promote the role of the Council's scrutiny committees; - To provide support and training to the Council's scrutiny committees and the members of those committees; and - To provide support and any guidance to members of the Council, members of the Executive and Council officers in relation to the functions of the Overview and Scrutiny and Scrutiny Select Committees <p>The Overview and Scrutiny Committee may appoint sub committees which will also be subject to these Procedure Rules. Additional Overview and Scrutiny Committees may also be appointed for a fixed period, on the expiry of which they shall cease to exist.</p> <p>Overview and Scrutiny Committee and the Select Committees will have the power to investigate any matters they consider relevant to their work area, and to make recommendations to the Council, the executive or any committee or sub- committee of the Council as they see fit.</p> <p>The terms of reference of the Overview and Scrutiny Committee will be:</p>	
(a)	the performance of all overview and scrutiny functions on behalf of the Council in relation to the areas of work allocated to that committee;
(b)	the appointment of such further Select Committees as is considered appropriate to fulfil those overview and scrutiny functions;
(c)	to approve an annual work programme, including the programme of the Scrutiny Select Committees and any further sub-committees appointed so as to ensure that time is effectively and efficiently utilised;
(d)	to receive requests from the executive and/or full Council for overview and scrutiny reports and to respond accordingly;

(e)	to put in place a system to ensure that referrals from overview and scrutiny to the executive, either by way of report or for re-consideration are managed efficiently; and
(f)	in the event of the volume of referrals creating difficulty for the management of executive business or jeopardising the efficient running of Council business, at the request of the Executive, to make decisions about the priority of referrals made
<p>On adoption of this Constitution, Overview and Scrutiny Committee may appoint (and discontinue) sub-committees and amend their terms of reference, as appropriate, provided that consultation has been carried out with interested parties. Any changes will be reported to the Chief Executive and then to the next meeting of the Council by the Chair of the Overview and Scrutiny Committee, so that the Constitution may be amended accordingly.</p>	
2.	Who may sit on Overview and Scrutiny Committee and the Scrutiny Select Committees?
<p>All councillors except members of the Executive may be members of the Overview and Scrutiny Committee or Scrutiny Select Committees, the political composition of which will reflect as nearly as possible the political composition of the Council as a whole. No councillor may be involved in scrutinising a decision in which they have been directly involved.</p>	
3.	Co-optees
<p>The Overview and Scrutiny Committee and Scrutiny Select Committees and any sub-committees shall be entitled to recommend to Council the appointment to it of people as non-voting co-optees.</p>	
3.1	Scheme of Co-option
(a)	<p>At the initial ‘scoping stage of each Scrutiny Review being undertaken Members of the Committee will agree if:</p> <ul style="list-style-type: none"> - any co-option of external participants is necessary for that review; and - any co-option is needed, who might be most appropriate individual or organisation to invite to assist with that review.
(b)	There should be a maximum of 3 external co-optees for any one review taking place.
(c)	Any co-optees assisting the review are able to give their views on the matter under consideration but have no formal voting rights.
(d)	Any co-optees assisting the review would, where appropriate, be invited to review a final draft prior to its formal consideration by the Overview and Scrutiny Committee.

4.	Meetings of Overview and Scrutiny Committee and Scrutiny Select Committees
<p>There shall be 5 scheduled meetings of the Overview and Scrutiny Committee and each of the Scrutiny Select Committees in each municipal year at times to be agreed by the Council. In addition, extraordinary meetings may be called as and when appropriate. The Overview and Scrutiny Committee or Scrutiny Select Committee meeting may be called by:</p>	
(a)	the Chair of the relevant committee;
(b)	any three members of the relevant committee;
(c)	the Full Council; or
(d)	the Chief Executive if they consider it necessary.
5.	Quorum
<p>The quorum for the Overview and Scrutiny Committee and the Scrutiny Select Committees shall be as set out for committees in paragraph 14.10 of the Committee Procedure Rules in Part 4 of this Constitution.</p>	
6.	Chairing Overview and Scrutiny Committee meetings
<p>The Chair of Overview and Scrutiny Committee shall be the Leader of the largest minority (opposition) party. In the event of there being two (or more) minority parties of equal size, the position of Chair shall be rotated on an annual basis between the Leaders of each minority party.</p> <p>The Overview and Scrutiny Committee will appoint 2 Vice-Chairs. One Vice-Chair will be a member of a party which is not the political party of the Chair. At least one of the Vice-Chairs will be a member of the party forming the executive.</p>	
7.	Work Programme
<p>The Overview and Scrutiny Committee will be responsible for setting their own work programme and the work programme of the Scrutiny Select Committees and in doing so they will take into account the views of members on the committee who are not members of the controlling political group(s) on the Council.</p>	
8.	Agenda items
<p>Any member of the Overview and Scrutiny Committee, Scrutiny Select Committee or sub-committee shall be entitled to give notice to the Chief Executive and Scrutiny Officer that they wish an item relevant to the functions of the relevant committee or sub-committee of which they are a member to be</p>	

included on the agenda for the next available meeting of that committee or sub-committee. On receipt of such a request the Chief Executive will ensure that it is included on the next available agenda.

Any member of the Council may make a request to the Chief Executive or Scrutiny Officer that they wish an item relevant to the functions of the Overview and Scrutiny Committee or the Scrutiny Select Committees to be included on the agenda of the relevant committee. The request will be considered by the next available meeting of the Overview and Scrutiny Committee to determine whether it will accept the item.

In exercising its discretion, the Overview and Scrutiny Committee may have regard to any representations made by the member as to why it would be appropriate for the committee to accept the item.

If the Overview and Scrutiny Committee decides not to accept the item it must notify the member of its decision and the reasons for it.

The Overview and Scrutiny Committee may not accept items which relate to:

- Any matter relating to a planning decision;
- Any matter relating to a licensing decision;
- Any matter relating to a person in respect of which that person has recourse to a route of appeal; or
- Any matter which is vexatious, discriminatory or not reasonable to be included in the agenda

The Overview and Scrutiny Committee and Scrutiny Select Committees shall also respond, as soon as their work programmes permit, to requests from the Council and, if considered appropriate, the Executive to review particular areas of the executive's functions. Where they do so, the relevant Committee shall report its findings and any recommendations back to the Executive and/or Council.

9.	Policy Review and Development
(a)	The role of the Overview and Scrutiny Committee in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.

(b)	In relation to the development of the Council’s approach to other matters not forming part of its policy and budget framework, the Overview and Scrutiny Committee or Scrutiny Select Committees may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.
(c)	<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may:</p> <ul style="list-style-type: none"> - hold inquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process; - go on site visits, conduct public surveys, hold public meetings, carry out or commission research and do all other things that they reasonably consider necessary to inform their deliberations; - Consider and implement mechanisms to encourage and enhance community participation in the development of policy options; - ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so. - Question members of the Executive and/or members of committees or Management Team about their views on issues and proposals affecting the area
A9	Other Powers and Duties
	<p>Overview and Scrutiny and the Select Committees may:</p> <ul style="list-style-type: none"> - Review and scrutinise the decisions made by and the performance of the Executive; - Undertake more general reviews of executive decisions made by committees and officers; - Review and scrutinise the performance of the Council generally in relation to its policy objectives, performance targets and/or particular service areas; - Make recommendations to the Executive, appropriate committees and/or the Council arising from the outcome of the scrutiny process;
10.	Reports from Overview and Scrutiny Committees and Scrutiny Select Committees (“Scrutiny Reports”)
(a)	Once it has formed recommendations on proposals for development, the Overview and Scrutiny Committee or Scrutiny Select Committee will prepare a formal report and submit it to the Chief Executive and the Scrutiny Officer for consideration by the executive (if the proposals are consistent with the existing budgetary and policy framework), or to the Council as appropriate (e.g. if the recommendation would require a

	departure from or a change to the agreed Budget and Policy framework).
(b)	If the relevant Committee cannot agree on one single final report to the Council or Executive as appropriate, then one minority report may also be prepared and submitted for consideration by the Council or Executive alongside the majority report.
(c)	The Scrutiny Report shall be considered by the Council or by the Executive at its next appropriate meeting following submission to the Chief Executive and Scrutiny Officer, or such longer time scale as the Chair of the Overview and Scrutiny Committee may agree.
11.	Making sure that Overview and Scrutiny reports are considered by the Executive
Scrutiny Reports of Committees which have not already been considered by the Executive shall be included in the next programmed executive agenda.	
If the Chief Executive refers a Scrutiny Report to Council, they shall also serve a copy on the Leader with notice that the matter is to be referred to Council. When the Council meets to consider any referral from the Overview and Scrutiny Committee or Scrutiny Select Committee on a matter which would have an impact on the Budget and Policy framework, it shall also consider the response of the Executive to the Committee's proposals.	
Overview and Scrutiny Committee and the Scrutiny Select Committees will have access to the Executive's Forward Plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from the Overview and Scrutiny/ Scrutiny Select Committee following a consideration of possible policy/service developments, the relevant committee will at least be able to respond in the course of the executive's consultation process in relation to any key decision.	
12.	Rights of Overview and Scrutiny Committee Members to documents
(a)	In addition to their rights as councillors, members of Overview and Scrutiny Committee have the additional right to documents, and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
(b)	Nothing in this paragraph prevents more detailed liaison between the executive and Overview and Scrutiny Committee as appropriate depending on the particular matter under consideration.

13.	Members and Officers giving Account						
(a)	<p>The Overview and Scrutiny Committee, sub-committee or Scrutiny Select Committee may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the executive, the Chief Executive and/or any senior officer to attend before it to explain in relation to matters within their remit:</p> <table border="1"> <tr> <td>(i)</td> <td>any particular decision or series of decisions;</td> </tr> <tr> <td>(ii)</td> <td>the extent to which the actions taken implement Council policy; and/or</td> </tr> <tr> <td>(iii)</td> <td>about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects</td> </tr> </table> <p>and it is the duty of those persons to attend if so required.</p>	(i)	any particular decision or series of decisions;	(ii)	the extent to which the actions taken implement Council policy; and/or	(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects
(i)	any particular decision or series of decisions;						
(ii)	the extent to which the actions taken implement Council policy; and/or						
(iii)	about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects						
	The appropriate “senior officer” shall be identified following consultation with the Chief Executive.						
(b)	Where any member or officer is required to attend a committee under this provision, the Chair of that committee will inform the Chief Executive. The Chief Executive shall inform the member or officer in writing giving at least 10 working days’ notice of the meeting at which they are required to attend. (A shorter period of notice may be given with the agreement of the member or officer in question.) The notice will state the nature of the item on which they are required to attend to give account and whether any papers are required to be produced for the committee. Where the account to be given to the committee will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that documentation.						
(c)	Where, in exceptional circumstances, the member or officer is unable to attend on the required date, then the relevant committee shall in consultation with the member or officer arrange an alternative date for attendance.						

14.	Attendance by Others
<p>The Overview and Scrutiny Committee and Scrutiny Select Committees may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officers in other parts of the public sector and shall notify the Chief Executive who will issue an invitation to such people to attend. Their attendance is entirely optional.</p>	
15.	Call-In
(a)	<p>When a decision is taken by the Executive, an individual member of the Executive, a committee of the executive, or a 'key decision' is made by an officer with delegated authority from the executive, or an area committee or under joint arrangements, that decision shall be notified to all members of the Council as soon as possible after it is taken (normally within two working days) and shall be made available at the main offices of the Council.</p>
(b)	<p>That notice will bear the date on which it is published and will specify that the decision will come into force and may then be implemented on the expiry of five working days after publication of the decision unless it is called in.</p>
(c)	<p>During that period the Chief Executive shall call-in a decision for scrutiny by the Overview and Scrutiny Committee if so requested by any five members of the Overview and Scrutiny Committee.</p> <p>Such a request must be made in writing and must state the reason the members believe call-in to be necessary. On receipt of such a request within five working days of publication of the decision, the Chief Executive shall notify the decision taker of the call in and a meeting of the Overview and Scrutiny Committee shall be called to take place where practicable within 10 working days of receipt of a valid request for call-in. Pending that meeting, the decision shall stand deferred and shall not be implemented.</p>
(d)	<p>If, having considered the decision, the Overview and Scrutiny Committee is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns, or refer the matter to Full Council. If referred to the decision maker they shall then reconsider it, amending the decision or not, before adopting a final decision.</p>
(e)	<p>If following a call-in of the decision, the Overview and Scrutiny Committee does not refer the matter either to Council or back to the decision making person or body, the decision shall take effect on the date of the Overview and Scrutiny Committee meeting.</p>

(f)	If the matter was referred to Full Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it.
(g)	If the Council does not decide to refer the decision back to the decision-making body or person, the decision shall take effect on the date of the Council meeting.
(h)	A decision-making person or body can be required to reconsider any particular decision only once.
Call-In and Urgency	
(i)	The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call in process would seriously prejudice the Council's or the public's interest. The record of the decision and notice by which it is made public shall state whether, in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The decision proposed shall be regarded as reasonable in all the circumstances and be treated as a matter of urgency unless the Chair of Overview and Scrutiny and the political group Leaders by simple majority, disagree. Decisions taken as a matter of urgency must be reported to the next appropriate meeting of the Council by the Chief Executive, together with the reasons for urgency.
(j)	The operation of the provisions relating to call-in and urgency shall be monitored annually, and a report submitted to Council with proposals for review if necessary.
16.	Procedure at Overview and Scrutiny Committee and Scrutiny Select Committee meetings
(a)	Overview and Scrutiny Committee and the Scrutiny Select Committees and any sub-committees shall consider the following business:
(i)	minutes of the last meeting;
(ii)	declarations of interest;

	(iii)	consideration of any matter referred to the committee for a decision in relation to call-in of decision (Overview and Scrutiny Committee only);
	(iv)	determination of whether any executive decisions published since the Committee last met (and not 'out of time') should be 'called in' for consideration or referred to Council; (Overview and Scrutiny Committee only);
	(v)	responses of the Council or Executive to reports of the Overview and Scrutiny Committee/ relevant Scrutiny Select Committee; and
	(vi)	the business otherwise set out on the agenda for the meeting.
(b)		Where the Committee conducts an investigation (e.g. with a view to policy development), the committee may also ask people to attend to give evidence at committee meetings which are to be conducted in accordance with the following principles:
	(i)	that the investigation be conducted fairly and all members of the committee not having a conflict of interest be given the opportunity to ask questions of attendees, and to contribute and speak;
	(ii)	that those assisting the committee by giving evidence be treated with respect and courtesy; and
	(iii)	that the investigation be conducted so as to maximise the efficiency of the investigation or analysis.
(c)		Following any investigation or review, the committee/sub-committee shall commission a report, for submission to the executive and/or Council as appropriate and shall make its report and findings public.

Agenda Item 14

Recommendation CE 23/36 of Communities and Environment Scrutiny Select Committee of 21 September 2023 - To Follow

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

21 September 2023

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

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 GROUND MAINTENANCE CONTRACT

Summary

This report advises Members on the retender of the Council's Ground Maintenance Contract for Public Open Spaces. The report seeks Members comments and recommendations to Cabinet in regard to the procurement process and timeframe, length of contract, standards and levels of service and the proposed evaluation of tenders/award of contract.

1.1 Background

1.1.1 The current Ground Maintenance Contract is delivered by Landscape Services and was awarded on 1 January 2014. The contract was tendered for a five-year period, with an optional five-year extension. Following Cabinet approval of the five-year extension the current contract is due to expire on 31 December 2024.

1.1.2 The annual cost of the contract is currently £698,000 and generally covers ground maintenance of the following areas:

- Tonbridge Castle Grounds
- Tonbridge Cemetery
- Sportsgrounds in Tonbridge
- Amenity areas/Public open spaces
- Inspection of Council's tree stock

At the last meeting of this Committee Members considered strategic options for the future delivery of the services, potential savings to the contract and future measures to help address climate change. The Committee recommended to Cabinet that 'the Council progresses the external procurement of the Grounds Maintenance contract and updates the work previously undertaken by external consultants WCL including the preparation of a Public Sector Comparator. The cost of the consultancy work is £10,493.75.

1.2 Services Provided

1.2.1 The current contract covers a variety of ground maintenance services that generally consist of the following:

- grassed amenity area grass;
- hedge maintenance;
- shrub bed maintenance;
- planting and maintenance of annual bedding schemes;
- maintenance and inspection of trees, ditches, ponds, watercourses, weed
- control, cleansing of paths and internal roads;
- maintenance and inspection of children's play areas and equipment.

1.2.2 A full costed summary of the current specification was reported to the last meeting of this Committee.

1.2.3 The Council has appointed a temporary officer to audit the current areas covered by the contract to ensure the specification and bills of quantity are as accurate as possible and up to date. The officer will complete the audit by the end of the calendar year and amendments will subsequently be made to the documentation to be sent out to tenderers.

1.2.4 At the last meeting of this Committee a full copy of the current costed contact specification was presented to Members alongside potential specification alterations. Further to this, Members were asked to consider and bring forward any further alterations to the specification ahead of this Committee meeting. No such requests have been received and therefore the proposed alterations presented to Members at the last Committee are shown at **Annex 1** for Member consideration and recommendation to Cabinet. The only exception is the deletion of proposals for removal of flower beds and instead Officers will work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays. It is hoped that the savings resulting from this will equate to a saving in the region of £65,000 though no such saving can be guaranteed and will be dependent on how tenders approach and cost their bids. This figure is higher than previously advised as contract indexation has now been added.

1.2.5 At the previous meeting Members also agreed to progress the increase in Roadside Nature Reserves (RNR's) managed under the Contract. It is, therefore, proposed that the ambition to increase RNR's during the Contract term is reflected in the contract documentation and Officers identify potential sites with the support

of relevant Local Members and implement in liaison with the successful incoming Contractor.

- 1.2.6 Pesticide use was also previously raised and it is confirmed that use will continue at the minimal level and annual reviews on the requirement of application will be undertaken, specifically in regard to sports pitches. It is also proposed that contractors offer alternative costed methods through the tender for consideration.
- 1.2.7 The appointed contractor has use of maintenance storage buildings at Tonbridge Racecourse Sportsground, Tonbridge Farm Sportsground and Tonbridge Cemetery. These buildings are owned by the Borough Council and are made available to assist in the delivery of the contract.

1.3 Procurement/Timeframe

- 1.3.1 The contract will be retendered in line with the Council's Procurement Guidance, and in close liaison with the Directors of Finance & Transformation and Central Services.
- 1.3.2 With regard to external procurement a 'Framework' has been identified for potential use. The Kent Commercial Services framework provides the opportunity to seek tenders from a list of contractors which have already undergone thorough financial and quality appraisals. Seven companies are on the framework including the Council's existing contractor. The suitability of the framework has been considered by Dartford Borough Council and the Chief Solicitor and it has been agreed by them that the framework meets the authority's procurement rules. There is no additional cost to using the Framework.
- 1.3.3 It is the intention to procure and administer the contract with the assistance of Dartford Borough Council (DBC). This approach has been adopted previously on other major contracts led by this Council and DBC has proven to offer an efficient and value for money service. The cost of this assistance is £1,500.
- 1.3.4 An outline tender timescale has been developed which meets the requirements of the Council's Contracts Procedure Rules and takes into account programmed meetings of this Committee, Cabinet and Council. A copy of the timescale is attached at **Annex 2**, with Award of Contract being considered by this Committee in May 2024.
- 1.3.5 Over the next few months, the tender documents will be produced by members of the Officer Group overseeing the contract retender.

1.4 Type of Contract

- 1.4.1 Consideration has been given to the type of contract specification to be used and the relative benefits of each; these being frequency (i.e., cut the grass on a specified number of occasions per year) and performance (i.e., maintain the grass at a level no higher than a specific height). There are concerns that using a solely

performance related specification could create uncertainty for the contractor and could lead to a higher contract price.

- 1.4.2 It is noted, however, that there may be benefits to a performance specification in relation to specialised areas of maintenance such as fine turf and sports pitches. Frequency based contracts can remove ambiguity therefore tender evaluation can be carried out more confidently. It is suggested that a contract combining both types of specification would be appropriate and would offer a balanced approach. Whilst a predominantly frequency-based contract would be specified, the opportunity will also be taken to utilise performance related elements where appropriate. This hybrid approach is similar to the approach adopted in the Council's current grounds maintenance contract, which has generally served the Council well to date.

1.5 Length of Contract

- 1.5.1 The Council's current contract is for a 5-year plus 5-year option to extend. It is suggested that a minimum of 5 years should be applied and there should be caution to a single contract period over 10 years as it will remove flexibility for the Council should we decide to opt for another route at a later time or at the expiry of the 5-year term. Contractors understandably find it beneficial if contract duration is related to the average life of larger front-line machinery (five to seven years), and the Council would want the opportunity to retender after 5 years if significant changes occur in vehicles and equipment that support its environmental aspirations in the next few years. It is therefore suggested that a 5 plus 5-year contract be considered for the new contract.

1.6 Contract Evaluation

- 1.6.1 There are two possible award criteria: price and the Most Economically Advantageous Tender ("MEAT"). Price alone will rarely be a suitable criterion to adopt as it does not allow any aspects of the quality of the bid to be taken into account. It is therefore proposed that the award criteria for this contract should be MEAT, weighted 50%-50% between quality and price to ensure value for money is achieved and that the quality of the bids can be evaluated.
- 1.6.2 Factors that will be taken into account in determining the quality of the bids will include Tender presentation, Staffing Structure and Qualifications, Plant and Machinery, Health and Safety and Environmental Considerations. Quality elements will be evaluated using a weighted scoring matrix. This evaluation process, combining with the pricing score, will result in the contractor achieving the highest overall score being awarded the contract. The proposed criteria and weighing for tender assessment is shown at **Annex 3** for Members consideration.
- 1.6.3 In addition to the above, due diligence checks will also be undertaken on all tenderers to include financial stability, health and safety and previous experience. These will not be scored as part of the evaluation criteria though will be considered as pass/fail.

1.7 Lease of Maintenance Buildings

1.7.1 Under the existing grounds maintenance contract, a lease of Council owned maintenance buildings/facilities is granted to the contractor to use to deliver the contract. These include Tonbridge Racecourse Sportsground maintenance building, part of Tonbridge Farm Pavilion and areas at Tonbridge Cemetery.

1.7.2 It is assumed these facilities will be required by the contractor in the next contract and therefore a new lease will need to be granted on the following terms:

- Tenant – the contractor appointed to perform the grounds maintenance contract
- Term – to match the grounds maintenance term (10 years)
- Rent - £1 p.a. (if demanded). The alternative approach would be to charge a 'market rent' for the facilities, however that would simply result in the level of rent being added to contractor's tender. In this situation it is common practice to simply charge £1 p.a.
- Contracted Out – the lease will be 'contracted out' of the Landlord & Tenant Act 1954, which means at the end of the term the contractor is not automatically guaranteed a new lease, on the basis the overarching contract would have expired
- Break Clause – in the event a 5 + 5 year contract is awarded, the Council will have the ability to break the lease at the expiry of 5 years should the contract not be extended by a further 5 years
- Surrender – in the event the contract is determined the contractor shall surrender the lease

1.8 Legal Obligations

1.8.1 Legal obligations are met and adhered to the Council's Contract Procedure Rules.

1.8.2 Waivers to the Council's Contract Procedure rules will be required for the use of the Framework and the appointment of WCL and these will be sought from the Council's Statutory Officers.

1.9 Financial and Value for Money Considerations

1.9.1 At the last meeting of this Committee Members were advised of the current ground maintenance market and the potential impact this may have on the final contract price.

1.10 Risk Assessment

1.10.1 Liaison with the Chief Solicitor has been undertaken to ensure that the procedures applied fully conform to the Council's procurement rules and timeframe. The use

of an established framework ensures all required checks of the contractors have been undertaken and by working with Dartford Borough Council, full compliance with the administration of the contract will be met allowing the necessary compliance required for this type of tender. Full liaison with Services across the Council will be achieved via the Officer Group and Members will be fully updated throughout. Failure to do so could result in time delays causing a financial loss in a competitive market or an external challenge to our procedure.

1.11 Equality Impact Assessment

1.11.1 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.

1.12 Policy Considerations

1.12.1 Asset Management, Community and Healthy Lifestyles.

1.13 Recommendations

1.13.1 It is RECOMMENDED that Members of this Committee consider the proposed approach to the procurement of the ground maintenance contract outlined in this report, and make recommendations to Cabinet based on the following suggestions-

- Kent Commercial Services Framework is used for the external procurement.
- Length of contract will be five-years plus five-years.
- The Contract will be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality.
- The quality assessment criteria be agreed as set out in Annex 3.
- A lease be granted to the successful contractor as per the terms detailed in the report.

Background papers:

contact: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

GM CONTRACT RE-PROCUREMENT ANNEX 1 - PROPOSED LEVELS OF SERVICE AND POTENTIAL SAVINGS

No.	Current Level of Service	Proposed Level of Service	Implications	Potential Saving
1	Grass cutting – frequency for general open spaces (including car parks) at 15 cuts per year.	Reduce frequency to 12 cuts per year (March to November)	Longer grass and the potential for an increase in the number of complaints.	£12,307.07
2	Grass cutting (Cemetery and Closed Churchyards) – Inter/Full Lawn Plots cut once a fortnight (18 cuts).	Reduce frequency to 15 cuts per year (March to November)	Longer grass and the potential for an increase in the number of complaints.	£6,073.69
3	Grass cutting (Sportsgrounds) – General grass areas cut once a fortnight (18 cuts).	Reduce frequency to 15 cuts per year (March to November)	Longer grass and the potential for an increase in the number of complaints.	£8,822.00
4	Sweeping of hard surface (Tonbridge Cemetery) - twice a week.	Reduce frequency to once per month	Potential increase in accumulation of debris on paths in high profile and sensitive areas within the contract which could lead to an increased number of complaints	£2,419.35
5	Shrub bed maintenance (all areas) once per year.	Remove the requirement for bark to be applied to shrub beds.	Potential increase in number of weeds within shrub beds, decrease in moisture retention and reduction in aesthetic value.	£21,603.82
6	Shrub bed maintenance (all areas) once per year.	Remove fertilising of shrub beds.	It is not felt that this amendment would have a significant impact.	£1,709.62
7	Seat/bench cleaning (all areas) once per month.	Reduce frequency of seat/bench cleaning to once per year	Potential for seats and benches to become dirtier between cleans. Potential for an increase in the number of complaints.	£5,905.77
8	Cleansing of litter bins (all areas) once per months.	Reduce frequency of bin cleansing to once per year	Potential for litter bins to become dirtier between cleans. Potential for an increase in the number of complaints.	£3,619.38
9	Cleansing of signs and notices (all areas) once per month.	Remove requirement to cleanse of signs and notices.	Officers will clean signs and notices on an annual basis. Potential for signs and notices to become dirtier between cleans, which could lead to an increase in number of	£2,323.20
10	Cleansing of lifebuoys (all areas) once per month.	Reduce frequency of cleansing of life buoys to once per year	Potential for lifebuoys to become dirtier between cleans. Potential for an increase in the number of complaints.	£405.79
Total Potential Savings				£65,189.69

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	Grounds Maintenance Retender	2023												2024												2025
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
1.	Grounds Maintenance Officer Study Group meeting.					x																				
2.	Grounds Maintenance Officer Study Group meeting.							x																		
3.	Seek Member recommendation to Cabinet for approval of the strategic approach to procurement and guidance on specification savings at Communities and Environment Scrutiny Select Committee.							x																		
4	Review current contract documentation, establish proposed level of service and social environmental considerations in liaison with Council Officer Study Group.							x	x	x																
4.	Remeasure contract for revised contract specification and bills of quantity.								x	x	x															
5.	Grounds Maintenance Officer Study Group meeting.									x																
6.	Seek Cabinet approval for item 3 above.									x																
7.	Seek Member recommendation to Cabinet for approval of levels of service, specification amendments and terms of contract at Communities and Environment Scrutiny Select Committee on 21 st September.									x																

GM Contract Re-Procurement Annex 2 - Timeframe for use of Procurement Framework

	Grounds Maintenance Retender	2023												2024												2025
		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan
8.	Preparation of contract tender documentation.								X	X	X	X	X	X												
9.	Seek Cabinet approval for item 7 above on 3 rd October.									X																
10.	Grounds Maintenance Officer Study Group meeting.									X																
11.	Grounds Maintenance Officer Study Group meeting.										X															
12.	Grounds Maintenance Officer Study Group meeting.											X														
13.	Grounds Maintenance Officer Study Group meeting.												X													
14.	Grounds Maintenance Officer Study Group meeting.													X												
15.	Commencement of tender within framework.													X												
16.	Grounds Maintenance Officer Study Group meeting.														X											
17.	Tenders returned														X											
18.	Tender evaluation														X	X										
19.	Grounds Maintenance Officer Study Group meeting.															X										
20.	Grounds Maintenance Officer Study Group meeting.																X									
21.	Seek Member recommendation to Cabinet for approval of successful contracts at Communities and Environment Scrutiny Select Committee on 22 nd May.																X									

GM Contract Re-Procurement Annex 2 - Timeframe for use of Procurement Framework

		2023												2024												2025	
Grounds Maintenance Retender		Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	
22.	Seek Cabinet approval for item 10 above on 4 th June.																		X								
23.	Seek full Council approval for Item 11 above on 9 th July.																			X							
24.	Contractor mobilisation/lead in time																			X	X	X	X	X	X		
25.	Contract commences																									X	



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GM Contract Re-Procurement Annex 3 - Evaluation Criteria Summary

	EVALUATION CRITERIA SUMMARY	WEIGHTING	SCORE
1.	PRICE: Annual Price/Total Contract Price	50%	/50
2.	QUALITY: Tender presentation and information supplied.	5%	/5
3.	QUALITY: Health and safety.	7%	/7
4.	QUALITY: Details of the management and staffing structure(s) which are intended to be used use to deliver the contract including the previous relevant experience and qualifications of the proposed contract manager and senior staff.	15%	/15
5.	QUALITY: Details of the planned resources including vehicles, plant and equipment that are intended to be used to carry out the contract works.	15%	/15
6.	QUALITY: Social value / environmental factors including the how the organisation plans to reduce Carbon emissions from commencement of contract, how it aligns with The Councils adopted aim to be Carbon neutral by 2030 and details of how the sustainability of operations are to be monitored and improved during the term of the contract.	8%	/8
	Total Score	100%	/100

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Agenda Item 15

Recommendation AU 23/43 of the Audit Committee of 25 September 2023 will be circulated in advance of the meeting of Cabinet.

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

25 September 2023

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 RISK MANAGEMENT

An update on the risk management process and the Strategic Risk Register. Members of the Committee are asked to consider the updates to the Register and the 'direction of travel' indicated.

1.1 Introduction

- 1.1.1 The Risk Management Strategy sets out the Council's risk management objectives and details the roles and responsibilities of officers, Members and the Council's partners in the identification, evaluation and cost-effective control of risks.
- 1.1.2 The Council's risk management arrangements are designed to ensure that risks are reduced to an acceptable level or, where reasonable, eliminated thereby safeguarding the Council's assets, employees and customers and the delivery of services to the local community. Examples of risk include budget deficit, cyber/data loss, environmental and reputational.
- 1.1.3 The Council endeavours to pursue a forward-looking and dynamic approach to delivering services to the local community and will not be averse to taking a degree of commercial risk. However, it will always exercise a prudent approach to risk taking and decisions will be made within the parameters of the Council's internal control arrangements, i.e., Constitution, Procedural Rules, etc. These arrangements will serve to ensure that the Council does not expose itself to risks above an acceptable level.
- 1.1.4 The current Risk Management Strategy was endorsed by this Committee in January and subsequently adopted by Full Council on 21 February 2023.

1.2 Risk Management Escalation Process

- 1.2.1 Effectively risks are assessed/scored in terms of their likelihood/impact.
- 1.2.2 Any risk evaluated as 'High Risk' (score of 15 or above) will be deemed by the Council to be beyond 'risk tolerance' and to have exceeded its 'risk appetite' and will be escalated immediately. Such risks should be added to the service's risk

register and discussed at the earliest opportunity within the Service Management Team (SMT) to inform a decision as to whether this should be escalated to Management Team by the respective Service Director. Management Team should then consider whether the risk is significant enough for inclusion in the Strategic Risk Register and action this if relevant. A record should be maintained of risks discussed at both SMTs and Management Team and the outcome of those discussions.

- 1.2.3 Similarly risks identified as “Medium Risk” may be escalated to the appropriate SMT for advice and to ensure they are kept fully aware of the current risks being faced. Risks determined as “Low Risk” should be managed within the service team. It is recommended that SMTs consider periodic review or moderation processes for Service Risk Registers to ensure they are happy with the score’s risks have been given and confirm whether there are ‘Medium’ or ‘Low’ risks they wish to consider further.

1.3 Recent Reports

- 1.3.1 Elsewhere on this agenda are two reports from both external and internal audit sources on the current position on the Risk Management Strategy and Risk reporting.

- 1.3.2 Recommendations from the Internal Audit report cover the following areas

- Due to the evolution process of risks management an external review could be of benefit to ensure that risk management strategy is aligned with corporate objectives.
- Risk management processes are to be incorporated into induction of new staff.
- Review and standardisation of Risk Management templates.

- 1.3.3 Recommendations from the External Auditors report include the.

- Enhancement to the SRR showing direction of travel and changes to the formatting and information of shown on the Strategic risk register.

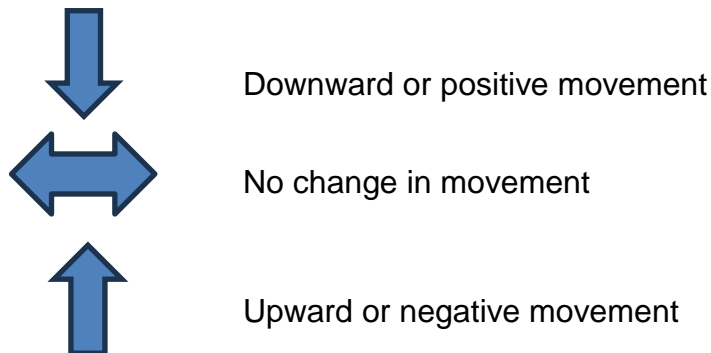
Some areas, such as direction of travel have now been included on the Strategic Risk Register, but further enhancements should be made.

- 1.3.4 In order to gain an independent review of the areas covered in the recommendations, Management Team are asking Zurich, the Council’s insurers, to undertake a review of the Strategic Risk reporting and the format of risk registers within the organisation and provide some training material for the purposes of staff induction.

1.4 Strategic Risk Register

- 1.4.1 The Strategic Risk Register (SRR) is considered to be a 'live' document and is updated, as often as is required, by the Management Team. An executive summary of the **RED** risks has been provided at **[Annex 1]** and a full update of the current strategic risks and how they are being managed as at the time of writing is appended at **[Annex 1a]**.
- 1.4.2 In line with recommendations from both internal audit and external audit (Grant Thornton), minor improvements to the Register are being worked on and these will be introduced over the coming months. However, as reported to the last meeting of the Committee, following the recommendation on the Auditor's Annual Report made in January 2023 (minute AU23/4 refers), a direction of travel on the risk scoring has been included on the annex.

Direction of Travel key:



- 1.4.3 Members are reminded that the risks categorised as **RED** at the time of the June meeting is given below:

- 1) **Financial position/budget deficit**
- 2) **Economic Stability**
- 3) **Savings and Transformation Strategy**
- 4) **Local Plan**
- 5) **Organisational Development including recruitment and retention/skills mix**
- 6) **Homes for Ukraine Scheme**
- 7) **Implementation of the Agile software system**
- 8) **Political factors including stability of political leadership and decision making**

1.4.4 Management Team has reviewed the register and has added further risks to the register, these are.

- 1) Performance Management
- 2) Carbon Neutral 2030 Aspiration
- 3) Waste and Recycling Income

For full details of these risks please refer to Annex 1 of this report. The headings of Key Performance Indicators and Carbon Neutral 2030 Aspirations have been assessed as **RED** risks at this time.

1.4.5 Members are asked to note the updates in red font since the last iteration of the Register.

1.4.6 There have been no changes in scoring on the register.

1.5 Ongoing Risks and Risks Identified by Service Management Teams and Management Team

1.5.1 To give Members some reassurance as to the effectiveness of risk management outcomes from the risk management escalation process are reported to the meetings of this Committee unless that is there is something that needs to be brought to Members' attention in the interim.

1.5.2 A schedule of ongoing risks and risks identified by Service Management Teams and Management Team since the last report to this Committee in June is appended at **[Annex 2]**.

1.6 Legal Implications

1.6.1 There is a Health and Safety requirement for effective risk management to be in place and the Strategy supports this requirement.

1.6.2 There is also a requirement in the Accounts and Audit Regulations that accounting control systems must include measures to ensure that risk is appropriately managed.

1.7 Financial and Value for Money Considerations

1.7.1 Financial issues may arise in mitigating risk which will be managed within existing budget resources or reported to Members if this is not possible.

1.7.2 Effective risk management arrangements make a positive contribution to ensuring value for money is provided in the delivery of services.

1.8 Risk Assessment

- 1.8.1 Sound risk management arrangements aid the Council in effective strategic decision-making. The Council's approach to risk should be reviewed on a regular basis to ensure it is up to date and operating effectively.
- 1.8.2 Officers have now been provided with Risk Management Training to assist with service and operational risk assessment in order to aid the escalation process to Management Team. Further Risk Management Training is being sourced for all Members of the Council and officers will be providing details in due course.

1.9 Equality Impact Assessment

- 1.9.1 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.

1.10 Policy Considerations

- 1.10.1 Risk management is relevant to all areas of the Council's business.

1.11 Recommendations

- 1.11.1 Members are to note recommendations made by the External and Internal Auditors on Risk Management as set out elsewhere on this agenda.
- 1.11.2 Members are asked to **CONSIDER** and **NOTE** the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as **RED**, and the direction of travel of all risks.
- 1.11.3 Members are asked to **ENDORSE** the approach proposed within paragraph 1.3 for reporting back to this committee at the next cycle of meetings.
- 1.11.4 Make any specific recommendations to Cabinet and/or Full Council as the Committee feels appropriate in light of the Auditors Annual Report concerning Risk Management and the new risks identified at paragraph 1.4.4.

Background papers:

contact: Sharon Shelton

Internal and External reports covering risk management

Julie Beilby
Chief Executive

Sharon Shelton
Director of Finance and Transformation
on behalf of the Management Team

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Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
2	Financial position/budget deficit	F, R	<p>Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention.</p> <p>This includes</p> <ul style="list-style-type: none"> Failure to maximise New Homes Bonus (for as long as it exists). Assessment of the current economic implications of higher inflation and interest rates Failure to deliver identified savings / Additional income 	01/04/2017	4	4	16	<p>The Council provides an annual statement (as a minimum) on the following areas;</p> <ul style="list-style-type: none"> Treasury Management and Investment Strategy. Robustness of estimates and adequacy of reserves. Medium Term Financial Strategy (MTFS) Savings and Transformation Strategy (STS) Statement of Accounts containing Audit and Value for Money Opinion <p>The Council also considers it has the following</p> <ul style="list-style-type: none"> Effective Budgetary control and reporting procedures covering areas such as Leisure Trust Utility costs Effective monitoring covering Business Rates and Council Tax income including reporting to the Kent Pool. Regular reviews undertaken on the forecast of the Local Government Settlement. <p>Interest rates for investments are at a recent high, these are providing some additional funds for reserves but cannot provide a long term solution.</p>	3	3	9	<p>Areas of potential savings yet to be identified and prioritised, with commitment to delivery of those selected.</p> <p>Commissioning of service reviews via MT to identify potential areas of transformation and savings.</p> <p>Review of key strategic assets to be completed, including office accommodation.</p> <p>Regular reports to Cabinet identifying potential sources of saving/income generation.</p> <p>MT considering the employment of a transformation resource to assist with identification and delivery of efficiencies</p> <p>Access to external consultancy opinion is key to ensure that correct decisions are being projected.</p> <p>Assess the potential financial impact of the Government's Extended Producer Responsibility (ERP) scheme in relation to Waste and Recycling which is currently still being drawn up. At the present time without further information it is unclear how this will impact in the Council's finances (positively or otherwise)</p> <p>Await and assess the outcome of the Government's consultation and review of New Homes Bonus. This was anticipated Spring 2023</p> <p>Three key financial risks were highlighted to Members: namely Waste, Homelessness and Local Plan. All three have significant financial implications for the Council in different ways. Consultants were engaged in respect of Homelessness to find ways of reducing cost and finding more efficient ways of delivering the mandatory function. Discussions with Waste contractor continue with regards to performance and garden waste. Resubmission of local plan has been reported to Members and decisions made about way forward. The additional costs were factored into budget reports from 22/23.</p> <p>Use of reserves likely over Medium Term in order to support revenue budget but it is imperative that savings/additional income are identified and delivered. Progress report to be brought to Cabinet in November</p>		Director of Finance and Transformation	↔	Nov-23



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3	Economic Stability	F	Financial impact and effect on the economy as well as uncertainty around current EU legislation, i.e. what replaces it, could have a significant financial impact and lead to legislative changes impacting on finance and resources. A number of key threats to business continuity including: border delays and congestion impacts on the Kent road network creating difficulties for local businesses, TMBC staff and potential air quality issues; loss of KCC staff e.g. welfare/social services support; potential loss of TMBC waste contract workforce, general increase in costs as imports become restricted. Coronavirus pandemic has significant economic implications for businesses and residents. Current high rates of inflation coupled with higher interest rates than have been seen for a number of years likely to have wider impact on community and businesses	01/04/2017	4	4	16	Kent-wide working to understand, plan for and react to pressures. Regular review of; MTFS reflecting economic factors Treasury Management and Investment strategies. Collection performance for council tax and business rates All staff equipped to be able to work from home and deliver public services and arrangements set out in adopted working policy Delivery of Household Support funds in liaison with KCC Delivery of government schemes (e.g. related to energy) to mitigate impacts on households	3	4	12	Council continuing to work with Kent Resilience forum and County Partnership groups as needed Keep Business Impact assessments under review. Business continuity planning updated to ensure smooth running of services to public. All energy schemes delivered on behalf of government Household Support Fund tranche 4 approved by Cabinet July 2023 and funds have already been transferred to partner organisations targeting food and fuel support, mental health support. Further roll out of funds to take place in response to emerging issues Continued focus on homelessness prevention work	N/A - external risk.	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Nov-23
5	Performance Management	F,R,S	Without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.	30/08/2023 (separated from Corporate Plan)	3	5	15	As mentioned above, with the adoption of the new Corporate Strategy, the authority has also set in place new aligned KPIs to monitor progress, and provide detail on direction of travel, and targets. Further work is required on benchmarking and also on instilling the KPIs within the culture of the organisation. At present the KPIs are discussed with Management Team and Informal Cabinet before being shared with the Scrutiny Select Committees on a quarterly basis.	2	4	8	Further work is required on benchmarking and also instilling the KPIs and broader performance management within the culture of the organisation. Following the Auditors Annual report for 2022/23, a review of the process of discussing and sharing KPI data is to be undertaken.	One of the priorities in the new Corporate Strategy is "Efficient services for all our residents, maintaining an effective council"	Chief Executive/ Management Team	N/A	Nov-23
6	Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error. Coronavirus pandemic and the subsequent economic crisis has significant economic implications for the Council, businesses and residents.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. With regular reports to update MT and Members MTFS and STS updated and approved by Council in Feb 2023. Funding gap estimated to be £1.7m, with tranche 1 of this (£0.5m) to be delivered by April 2024.	3	3	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Progress report to be brought to Cabinet Oct/November Commissioning of in service reviews via MT to identify potential areas of transformation and savings. MT considering employment of transformation resource to assist in identification and delivery of efficiencies Delivery of the savings targets is paramount for the financial stability of the Council. Work is now well underway by Cabinet/MT to identify tranche 1 savings/additional income of £0.5m. Reports to be brought forward in the coming weeks and months.	The current Corporate Strategy - to be a financially sustainable Council focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities. Taking a business-like approach.	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Nov-23



No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
7	Local Plan	F, R	Lack of sound legal footing for Plan through inadequacies in evidence base, legal advice or process, including duty to cooperate. Leading to widespread public concern, or risk of failure at Examination. External factors or widespread planning reforms leading to delays to timetable, reputational risks around plan-making and impacts on development management processes through protracted period with no up-to-date plan. Absence of corporate or external co-ordination leading to a lack of infrastructure to support future development.	01/04/2017	4	4	16	Members are updated via informal email updates and reports to the Housing & Planning Scrutiny Select Committee Reg 18 concluded in late 2022 Revised LDS adopted summer 2023 The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the PI by 30th June 2025. The Council has recently engaged Towers and Hamlins Law Firm to advise and support the Planning Policy Team in order to progress matters up until the Adoption stage of the Local Plan. Proposed informal engagement with members on emerging spatial strategy in Autumn 2023	3	3	9	Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning Ongoing engagement with Counsel Ongoing engagement with Members Regular analysis of budget position Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	↔	Oct-23
8	Organisational development inc. staff recruitment and retention/skills mix. Impact of loss of capacity caused by recruitment difficulties upon delivery of corporate objectives. Increase in rate of inflation and consequent pressure on level of pay award.	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	4	4	16	Review of staff resources and skills via service reviews. Organisational structure reviews are part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities. New market supplement and 'golden hello' recruitment and retention salary package offer being proposed to General Purposes Committee on 3 July 2023. Focused on the recruitment and retention of RTP1 qualified planning staff. Wider market supplement policy to be considered by General Purposes committee in October 2023.	3	4	12	Succession planning along with Development of further skills and expertise through strategies such as shared services and specialist Commissioning. Engagement of external consultants and specialists where required. Resilience and rationalisation of existing structures. Recruitment and retention strategy reviewed by MT. R&R report to be submitted to GP Committee and Council in October 2023 re hard to recruit to posts Pay award for 2023/24 5% for all staff, from April 2023. Backdated 5% to Jan 23 for scales 1-6 Structural reviews approved by Members on an ongoing basis. HR staff recruited with specialist experience in recruitment. This was demonstrated with a revised methodology for the recruitment of the DPEHH and Head of IT. Workforce Strategy approved by General Purposes Committee in June 2022	HR Strategy Savings and Transformation Strategy	Director of Central Services and Deputy Chief Executive/ Chief Executive	↔	Oct-23
17	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	4	4	16	Significant focus on temporary accommodation and in borough provision as well as framework agreement with private providers. Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy. Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS.	3	3	9	Member briefings and training sessions. Training for Officers has been arranged for September 2023 by the LGA - 'working in a no overall control council'	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive	↔	As required
19	Homes for Ukraine Scheme	F, R, S	Districts are required to undertake home assessments for potential host households to support Ukrainian refugees fleeing the conflict. Increased workload expected as likelihood of breakdown in housing arrangements as we have exceeded the 6 month mark. Requests for rematches are increasing and there is a risk of homelessness and duty to place in T.A. therefore work needs to be undertaken to facilitate rematches and/or support into private rented sector. This is an escalating risk given the longevity of the hosting arrangements. As of 1 April 2023, TMBC have taken on wider support role for Ukrainians in the borough under HFU scheme.	01/09/2022	4	4	16	Some reserve host families have been identified but larger families pose a bigger risk. Re-matches are unsustainable in the longer term. Work underway to support more families into PRS.	3	4	12	Additional support into Private Rented Sector required. Full time Resettlement Worker now in post and part time Housing Officer to start in September 2023.		Chief Executive	↔	As required

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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21	Implementation of Agile system	F, S	Service impacts from level of staff time required to develop the Agile product for use as operating system. Significant level of concern from staff about implementation process results in a lack of confidence in implementation, which will adversely impact service delivery and record keeping	01/11/2022	4	4	16	Programme of liaison meetings with Agile in place including Board and weekly catch ups Employment of Business Change PM to manage project on behalf of TMBC and coordinate all issues Weekly meetings with CM for Finance & Housing, who is the Cabinet Lead for Agile. Internal meetings with staff, managed by Business Change Project Manager Issues log in use Issues escalated to Agile management	2	2	4	Further escalation of issues to Agile CEO At least 3 stand ups per week between Business Change PM and SRO (DPHEH) in September to oversee APAS go live by end of September Request for PLACIS delivery plan to be populated by Agile by 8 Sept made by CE and Cabinet Member Weekly review of project plan and considerations of service impacts required to meet go live programme - to be reported into MT on a regular basis	Digital Strategy	Director of Planning, Housing and Environmental Health		Oct-23
23	Carbon Neutral 2030 Aspiration	F, R, S	Significant reputational risk, particularly if other similar councils have achieved similar goals or targets. Significant financial cost to purchasing offsets to meet carbon neutral. High cost of increased frequency and intensity of extreme events (floods, heat waves) that increase costs and disrupt service delivery.	01/09/2023	5	3	15	Development of climate evidence (e.g. for the Local Plan), partnerships (residents, community and other Councils) and pathway analysis to support move towards transformative and larger scale emissions reductions	3	2	6	Ongoing commitment by Members, senior management and services to new actions beyond 'business as usual'. Improved understanding of financial returns from climate mitigation measures that can be reinvested. Innovative thinking and delivery of services and mitigation options. Successful outcomes in bids for significant additional grant funding.	Climate Change Strategy, Corporate Strategy 2023 - 2025	Chief Executive	N/A	January 2024 (ahead of next climate change action plan)



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1	Safeguarding and PREVENT	S, R	Significant impact should a child, young person or adults at risk come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	3	4	12	<p>The overall responsibility for safeguarding lies with the Chief Executive, rather than individual services.</p> <p>The Council has undertaken the following actions to mitigate risk</p> <ul style="list-style-type: none"> Carried out audit review of procedures to identify and address weaknesses Provided training to all licenced Hackney Carriage and Private Hire Drivers Provides a secure database for the recording and sharing of safeguarding concerns. Established a community hub phone contact line providing support for those in urgent need. 	3	4	12	<p>Continue to refer Safeguarding concerns to appropriate agencies where necessary and also raise with partners at the weekly CSU meetings.</p> <p>Undertake actions from the latest Safeguarding Audit and update Safeguarding Policy.</p>	Safeguarding Policy	Chief Executive	↔	As required
2	Financial position/budget deficit	F, R	<p>Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention.</p> <p>This includes</p> <ul style="list-style-type: none"> Failure to maximise New Homes Bonus (for as long as it exists). Assessment of the current economic implications of higher inflation and interest rates Failure to deliver identified savings / Additional income 	01/04/2017	4	4	16	<p>The Council provides an annual statement (as a minimum) on the following areas;</p> <ul style="list-style-type: none"> Treasury Management and Investment Strategy. Robustness of estimates and adequacy of reserves. Medium Term Financial Strategy (MTFS) Savings and Transformation Strategy (STS) <p>Statement of Accounts containing Audit and Value for Money Opinion</p> <p>The Council also considers it has the following</p> <ul style="list-style-type: none"> Effective Budgetary control and reporting procedures covering areas such as Leisure Trust Utility costs Effective monitoring covering Business Rates and Council Tax income including reporting to the Kent Pool. Regular reviews undertaken on the forecast of the Local Government Settlement. <p>Interest rates for investments are at a recent high, these are providing some additional funds for reserves but cannot provide a long term solution.</p>	3	3	9	<p>Areas of potential savings yet to be identified and prioritised, with commitment to delivery of those selected.</p> <p>Commissioning of service reviews via MT to identify potential areas of transformation and savings.</p> <p>Review of key strategic assets to be completed, including office accommodation.</p> <p>Regular reports to Cabinet identifying potential sources of saving/income generation.</p> <p>MT considering the employment of a transformation resource to assist with identification and delivery of efficiencies</p> <p>Access to external consultancy opinion is key to ensure that correct decisions are being projected.</p> <p>Assess the potential financial impact of the Government's Extended Producer Responsibility (ERP) scheme in relation to Waste and Recycling which is currently still being drawn up. At the present time without further information it is unclear how this will impact in the Council's finances (positively or otherwise)</p> <p>Await and assess the outcome of the Government's consultation and review of New Homes Bonus. This was anticipated Spring 2023</p> <p>Three key financial risks were highlighted to Members: namely Waste, Homelessness and Local Plan. All three have significant financial implications for the Council in different ways. Consultants were engaged in respect of Homelessness to find ways of reducing cost and finding more efficient ways of delivering the mandatory function. Discussions with Waste contractor continue with regards to performance and garden waste. Resubmission of local plan has been reported to Members and decisions made about way forward. The additional costs were factored into budget reports from 22/23.</p> <p>Use of reserves likely over Medium Term in order to support revenue budget but it is imperative that savings/additional income are identified and delivered. Progress report to be brought to Cabinet in November</p>		Director of Finance and Transformation	↔	Nov-23



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3	Economic Stability	F	Financial impact and effect on the economy as well as uncertainty around current EU legislation, i.e. what replaces it, could have a significant financial impact and lead to legislative changes impacting on finance and resources. A number of key threats to business continuity including: border delays and congestion impacts on the Kent road network creating difficulties for local businesses, TMBC staff and potential air quality issues; loss of KCC staff e.g. welfare/social services support; potential loss of TMBC waste contract workforce, general increase in costs as imports become restricted. Coronavirus pandemic has significant economic implications for businesses and residents. Current high rates of inflation coupled with higher interest rates than have been seen for a number of years likely to have wider impact on community and businesses	01/04/2017	4	4	16	Kent-wide working to understand, plan for and react to pressures. Regular review of; MTFS reflecting economic factors Treasury Management and Investment strategies. Collection performance for council tax and business rates All staff equipped to be able to work from home and deliver public services and arrangements set out in adopted working policy Delivery of Household Support funds in liaison with KCC Delivery of government schemes (e.g. related to energy) to mitigate impacts on households	3	4	12	Council continuing to work with Kent Resilience forum and County Partnership groups as needed Keep Business Impact assessments under review. Business continuity planning updated to ensure smooth running of services to public. All energy schemes delivered on behalf of government Household Support Fund tranche 4 approved by Cabinet July 2023 and funds have already been transferred to partner organisations targeting food and fuel support, mental health support. Further roll out of funds to take place in response to emerging issues Continued focus on homelessness prevention work	N/A - external risk.	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Nov-23
4	Corporate Strategy	F, R, S	The lack of an up to date Corporate Strategy could lead to a lack of strategic direction for the Council, and lead to a lack of clarity about priorities, and the ability to meet objectives and make savings.	04/01/2017	4	3	12	Following the Peer Challenge Review (PCR), a draft Corporate Strategy was produced and benefited from staff consultation in November 2022 and Cabinet and O&S consideration ahead of going out to public consultation in Jan-Feb 2023. The findings from this consultation, along with aligned KPIs and draft Annual Action Plan went to Cabinet and O&S in Spring 2023 and the final version was approved by Council in July 2023.	3	2	6	Final adoption of the Corporate Strategy 2023-2027 (achieved in July 2023), along with annual action plan and KPI's that will ensure overview of performance.	The new Corporate Strategy has a 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".	Chief Executive	↔	Nov-23
5	Performance Management	F,R,S	Without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.	30/08/2023 (separated from Corporate Plan)	3	5	15	As mentioned above, with the adoption of the new Corporate Strategy, the authority has also set in place new aligned KPIs to monitor progress, and provide detail on direction of travel, and targets. Further work is required on benchmarking and also on instilling the KPIs within the culture of the organisation. At present the KPIs are discussed with Management Team and Informal Cabinet before being shared with the Scrutiny Select Committees on a quarterly basis.	2	4	8	Further work is required on benchmarking and also instilling the KPIs and broader performance management within the culture of the organisation. Following the Auditors Annual report for 2022/23, a review of the process of discussing and sharing KPI data is to be undertaken.	One of the priorities in the new Corporate Strategy is "Efficient services for all our residents, maintaining an effective council"	Chief Executive/ Management Team	N/A	Nov-23



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6	Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error. Coronavirus pandemic and the subsequent economic crisis has significant economic implications for the Council, businesses and residents.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. With regular reports to update MT and Members MTFS and STS updated and approved by Council in Feb 2023. Funding gap estimated to be £1.7m, with tranche 1 of this (£0.5m) to be delivered by April 2024.	3	3	9	Areas of potential savings to be formally identified and prioritised, with commitment to delivery of those selected. Progress report to be brought to Cabinet Oct/November Commissioning of in service reviews via MT to identify potential areas of transformation and savings. MT considering employment of transformation resource to assist in identification and delivery of efficiencies Delivery of the savings targets is paramount for the financial stability of the Council. Work is now well underway by Cabinet/MT to identify tranche 1 savings/additional income of £0.5m. Reports to be brought forward in the coming weeks and months.	The current Corporate Strategy - to be a financially sustainable Council focusing on ensuring good value for money, continuously reviewing how our services are provided and funded, focusing our available resources where they will have most beneficial impact, and maximising commercial opportunities. Taking a business-like approach.	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Nov-23
7	Local Plan	F, R	Lack of sound legal footing for Plan through inadequacies in evidence base, legal advice or process, including duty to cooperate. Leading to widespread public concern, or risk of failure at Examination. External factors or widespread planning reforms leading to delays to timetable, reputational risks around plan-making and impacts on development management processes through protracted period with no up-to-date plan. Absence of corporate or external co-ordination leading to a lack of infrastructure to support future development.	01/04/2017	4	4	16	Members are updated via informal email updates and reports to the Housing & Planning Scrutiny Select Committee Reg 18 concluded in late 2022 Revised LDS adopted summer 2023 The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the PI by 30th June 2025. The Council has recently engaged Towers and Hamlins Law Firm to advise and support the Planning Policy Team in order to progress matters up until the Adoption stage of the Local Plan. Proposed informal engagement with members on emerging spatial strategy in Autumn 2023	3	3	9	Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning Ongoing engagement with Counsel Ongoing engagement with Members Regular analysis of budget position Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	↔	Oct-23
8	Organisational development inc. staff recruitment and retention/skills mix. Impact of loss of capacity caused by recruitment difficulties upon delivery of corporate objectives. Increase in rate of inflation and consequent pressure on level of pay award.	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	4	4	16	Review of staff resources and skills via service reviews. Organisational structure reviews are part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities. New market supplement and 'golden hello' recruitment and retention salary package offer being proposed to General Purposes Committee on 3 July 2023. Focused on the recruitment and retention of RTP1 qualified planning staff. Wider market supplement policy to be considered by General Purposes committee in October 2023.	3	4	12	Succession planning along with Development of further skills and expertise through strategies such as shared services and specialist Commissioning. Engagement of external consultants and specialists where required. Resilience and rationalisation of existing structures. Recruitment and retention strategy reviewed by MT. R&R report to be submitted to GP Committee and Council in October 2023 re hard to recruit to posts Pay award for 2023/24 5% for all staff, from April 2023. Backdated 5% to Jan 23 for scales 1-6 Structural reviews approved by Members on an ongoing basis. HR staff recruited with specialist experience in recruitment. This was demonstrated with a revised methodology for the recruitment of the DPEHH and Head of IT. Workforce Strategy approved by General Purposes Committee in June 2022	HR Strategy Savings and Transformation Strategy	Director of Central Services and Deputy Chief Executive/ Chief Executive	↔	Oct-23



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9	Health and Safety	F, R, S	Significant reputational impact should a service user, officer, member or contractor come to harm and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	3	4	12	Lone working policy and service based practices to be continuously monitored. Health and Safety considered by management at weekly SMT meetings. Staff involvement with Health & Safety Group Ongoing review undertaken to react to potential key risk areas. Organisational learning and response to national events. Incident and near miss reporting.	2	3	6	Embedding and dissemination of good practice through staff briefings. Corporate Health and Safety Group (chaired by DPHEH) identifying cross organisational issues with feedback to Management Team and Health and Safety Officer. All services have reviewed all their Health & Safety local Procedures in particular Lone working and service specific risk assessments. Staff survey on H&W completed spring 2021, results reviewed and a future survey will be incorporated into general staff survey approach Corporate Health & Safety Policies and procedures are up to date and reviewed regularly which all staff can access. Continuing focus on risk assessment process including reviews as a result of Coronavirus pandemic. Further staff wellbeing survey to focus on working at home and wellbeing.	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health	↔	Oct-23
10	Compliance with legislation	F, R	Failure to meet legislative requirements or statutory obligations may result in loss of personal data, financial penalties and/or damage to the Council's reputation.	01/04/2017	3	4	12	The Council has a nominated Data Protection Officer and a separate Senior Information Risk Owner (SIRO) Assessment of Legal implications included within all reports to Members. GDPR requirements are addressed by two officer groups, Information Governance Group and Procurement OSG, which includes Legal representation. CPD and Professional Monitoring offered to all staff The Council has undertaken both Corporate Governance and GDPR reviews / audits. Code of Corporate Governance reported to members on an annual basis. Legal Services give sign off of key corporate projects	2	3	6	The Council continues to disseminate new legislative requirements to both Officers and Members. Officers ensure that professional update training is undertaken. Members received GDPR training in July 2018, with all officers completing e-learning on GDPR by May 2018. GDPR training is a requirement for all new starters and is offered through the TMBC Learning portal. Revised constitution approved by Members in July 2019. Further amendments submitted since that date to Council as and when required. Governance changes approved in April 2022 led to further revisions to Constitution. Regular review by Monitoring Officer and reports to full Council (most recently at Council in July 2023). Additional GDPR and Cyber Awareness Training rolled out to all staff and members (July 2023).	Information Governance Policy	Director of Central Services and Deputy Chief Executive	↔	As required

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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11	Cyber Security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017	3	4	12	<p>The Council has; Information Security Policy deployed via Policy Management System.</p> <p>Implemented network security measures including access controls.</p> <p>Considered cyber insurance. Established an Information Governance Group.</p> <p>Appointed a Member Cyber Champion.</p> <p>Rolled out Cyber awareness training to all staff and Members via eLearning.</p> <p>Deployed 'Next generation' Palo Alto firewall technology for improved visibility and control.</p> <p>Deployed software solution to identify potential confidential data held on file servers.</p> <p>Deployed DLP software at email egress point.</p> <p>Implemented secure email in accordance with NCSC guidelines.</p> <p>Maintained dual level firewall security with the KPSN gateway being primary and the Council's own firewalls secondary.</p> <p>Implemented Solarwinds Security Event Manager.</p> <p>1 member of IT team obtained Certified Information Systems Security Professional (CISSP) qualification October 2020.</p> <p>Implemented cloud backup and DR facilities to improve resilience; and embedded cyber security into DR and BCP processes.</p> <p>Continued to monitor Cybersecurity alerts via LGA Cyber Security email; through membership of NLAWARP and CiSP; and attending information sharing events such as Kent Connects Information Security Group.</p> <p>Cloud based web and email filtering has been deployed to improve availability and resilience.</p> <p>Completed firewall ruleset review following migration to Cloud to ensure our configuration is in line with best practice guidelines.</p> <p>Carried out phishing simulation exercise as first phase of awareness training for staff and members, to highlight areas of risk and to identify training needs. Subsequent online training sent out to all staff and members.</p> <p>Carried out phishing training quiz for all staff as second phase of phishing awareness campaign. Quiz was extended to Members although take-up has not been as successful. Further training to be targeted.</p> <p>Developed and deployed wallpaper/ lock screen to all TMBC laptops and PCs, with cyber security reminder to further reduce risk by increasing awareness.</p> <p>Head of IT appointed Senior Information Risk Owner (SIRO) from October 22. This role has responsibility for information and data risk and protection.</p> <p>Obtained Cyber Essentials accreditation in November 2022, demonstrating that our technical controls are designed to defend against the most common cyber threats.</p> <p>NCSC approved cyber security training has been evaluated and made available via the Council's new LMS.</p> <p>Achieved 'Substantial' rating for Cyber Security at Internal Audit Report TM19-2023 & TM07-2023 - Cyber Security and ICT Infrastructure (Combined Report).</p>	3	3	9	<p>The Council has; Prioritised the resources (both financial and staff) to ensure relevant updates and security mitigations are carried out in a timely manner.</p> <p>Scheduled annual IT Health Check (ITHC), quarterly PCI scans, and monthly vulnerability scans, feeding into remediation plans. July 2022 PCI scan passed. Investigating and resolving detected security issues from last ITHC 8/8/22 - 12/8/22. New ITHC completed August 2023, including the TMBC Microsoft 365 environment, report pending.</p> <p>Regular email messages are sent out to all staff and Members on cyber security vigilance.</p> <p>Continuing to investigate emerging threats and cyber alerts, communicating with 3rd party suppliers to check compliance/obtain security updates and implementing mitigations as required to reduce likelihood of compromise.</p> <p>Training for IT staff on security aspects of Cloud environment is underway.</p> <p>Investigating further improvements to DR capability with specific regard to recovery from cyber incidents.</p> <p>Ensuring new staff have been invited to undertake training cyber security training. Further training and audits will follow to ensure the Council is as aware and prepared as possible to respond to potential cyber attacks.</p> <p>Continued ongoing development training to ensure that knowledge is kept up to date.</p> <p>An in-depth phishing training package, to highlight specific risks and increase staff awareness, was been deployed to all staff. Completed by 76% of staff. To be followed up with phishing exercise in Q3.</p> <p>Procured NCSC approved cyber security training for Members from Matobo. Mandatory training deployed to Members August 2023.</p> <p>Deployed NCSC approved cyber security training for Staff from Matobo. Mandatory training, completion being monitored and reminders to be sent as required. Completed by 194 staff as at mid-August.</p> <p>We are currently working towards Cyber Essentials Plus accreditation to independently verify the Council's cyber defences and highlight areas for improvement.</p> <p>Pilot underway for enrolling and managing devices in Intune as a replacement for SCCM and to leverage additional security features including network blocking when malware is detected, and enforcement of encryption as a potential replacement for Checkpoint.</p>	IT Strategy	Director of Finance and Transformation	↔	Nov-23

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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12	IT Infrastructure	F, R	Failure to adequately invest resulting in inability to keep pace with technological change, leading to systems that are not fit for purpose to meet organisational need.	01/04/2017	3	4	12	<p>IT Strategy has been reviewed, updated and extended to 2023 (previously 2018-2022) with linkage to MTFS and Savings and Transformation and Digital Strategy.</p> <p>Invest to save opportunities and funding identified and projects have been initiated.</p> <p>Digital Strategy - developed and approved by Members in July 2019.</p> <p>Replacement of legacy business systems and greater use of digital alternatives (cloud based) projects have been initiated.</p> <p>Disaster Recovery solution (cloud based) has been implemented.</p> <p>All staff are able to work remotely via laptops and secure 'always-on' VPN.</p> <p>iPads and required software rolled out to Councillors, MT Members, Senior Management and in-field Staff.</p> <p>Data quality policy has been introduced to ensure improvement and efficiency can be achieved.</p> <p>Introduced Microsoft Teams for virtual meetings for members and staff.</p> <p>Implemented hybrid media conferencing solutions for on-site and remote workers.</p> <p>Multi-factor authentication solution enabled for remote access to O365 to improve security and business continuity.</p> <p>Migrated Telephony to the Cloud to improve business continuity and functionality.</p> <p>Multi-media Cloud based Contact Centre management solution implemented to improve functionality, availability and business continuity.</p> <p>Migrated production environment from on-premises to Cloud to improve and sustain business continuity and service availability.</p> <p>New CMS solution and website implemented to improve digital engagement for residents and businesses.</p> <p>Implemented cross-region Cloud backups for the new Cloud production environment to improve resilience.</p> <p>Implemented 'My TMBC' mobile app facilities to enable proactive and responsive engagement with residents and businesses in parallel with the Council's new website.</p> <p>Implemented corporate/enterprise document management system.</p> <p>VPN migrated to Cloud and Multi-factor authentication implemented for remote access over VPN to improve security and business continuity.</p> <p>All staff migrated to Office 365 to improve flexibility and reliability.</p> <p>MFD equipment and associated print management software renewed in March 2023.</p> <p>Microsoft Enterprise Subscription Agreement re-procured; new 3 year contract from June 2023. Licenses migrated from E3 to E5 to provide additional functionality and improved security features.</p> <p>Implemented the use of AI bots for automation of switchboard via the multi-media Cloud Contact Centre solution, in line with the Digital Transformation agenda in March 2023.</p> <p>Implemented new DR sandbox subscription in Azure Cloud IaaS in June 2023 for testing restore from backup to provide assurance of the Council's ability to recover critical systems and data.</p> <p>Achieved 'Substantial' rating for ICT Infrastructure at Internal Audit Report TM19-2023 & TM07-2023 - Cyber Security and ICT Infrastructure (Combined Report).</p>	3	4	12	<p>Active engagement of Officer and Member Groups in the implementation of digital agenda and changes to the Website format and content.</p> <p>Mobile working solution for in-field workers currently being developed and undergoing field testing.</p> <p>Further development of corporate/enterprise document management system and expansion in usage across the Council is being planned.</p> <p>Further development of the multi-media Cloud Contact Centre solution, to exploit state of the art technology and features to improve customer experience in line with current industry standards, is in progress. Wider use of AI bots for automation of contact centre endpoints is currently under development.</p> <p>Implementation of an immutable backup solution to improve resilience to cyber-attack is nearing completion. All VMs in the Cloud and on-premises are being successfully backed up. Work required to improve Oracle backups is progressing and approaching testing stage.</p> <p>Replacement of Varonis GDPR solution with features available in Microsoft E5 licenses is currently in test, to simplify management and reduce costs.</p> <p>Review of wired and wireless network infrastructure, in line with planned Gibson Building accommodation changes, is in progress. Proposals and quotations requested from suppliers.</p> <p>Planning migration from Server 2012 R2 in line with EOL notification. To be completed by end of Q2 2023/24 for on-premises VMs. Azure hosted VMs have up to 3 years extended support for 2012 R2. Upgrade of on-premises servers is underway and on target for completion by October.</p> <p>Review of end user IT equipment is underway to inform future device policy.</p> <p>Implementation of Agile Applications cloud based solution as a replacement for IDOX DMS, Uniform and TLC is underway to provide a cost-effective and modern service delivery platform.</p> <p>Digital Strategy and IT Strategy currently under revision.</p> <p>On-premises firewall replacement hardware has been procured. Implementation scheduled for Q3/Q4.</p> <p>Laptop renewals project has commenced for equipment that is due to be replaced in Q4 to ensure end user equipment is fit for purpose.</p>	IT Strategy	Director of Finance and Transformation		Nov-23

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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13	Business Continuity and Emergency Planning	F, R, S	Failure to provide statutory service or meet residents' needs resulting in additional costs, risk of harm and reputational impact. Impact/pressures on services and resources. Failure to ensure proper safeguards to prevent or to respond adequately to a significant disaster/event e.g. terrorist attack at a large scale public event or fire.	updated January	3	4	12	The Council has in place; Business Continuity Plan. Corporate Business Continuity Risk Register Emergency Plans Disaster Recovery Plans Inter-Authority Agreements Mutual Aid Agreement Partnership agreement with Kent Resilience Team. Emergency Planning Support Officer. Duty Emergency Coordinator System and Duty Officer System introduced to provide greater resilience. Covid Secure rest centre plan has been developed	3	4	12	Emergency planning documentation undergoing constant review and key aspects exercised . Increase % of staff trained in roles identified in the Emergency Plan Training organised by Kent Resilience Team . Business Continuity working group established to review and update existing Plan. Updated plan to be considered by Management Team and tested by a training exercise. Duty Officer rota in place to support Duty Emergency Coordinators out of hours. All staff fully trained before commencing duties. Out of Hours Manual reviewed and regularly updated. DSSLTS sits on Kent Resilience Forum Strategic Board. Actions taken in response to the Covid 19 pandemic will be reviewed and lessons learnt for the future. Any approved changes will be reflected in the Corporate Business Continuity Plan. Business Continuity Group including all members of Management Team meets twice weekly to oversee and coordinate response to pandemic. Annual Emergency planning review to be reported to Management Team. Pandemic response dealt with as emergency through Kent Resilience Forum. Reports regularly presented to Cabinet. More detailed reports covering Review Reorientation and Recovery presented to relevant Advisory Boards. Recruitment into roles in the Emergency Plan is on-going. Emergency Planning Officer's hours increased to full time during pandemic. Virtual Emergency Management systems are being developed to allow a virtualised Emergency Control Room and data handling.	Business continuity underpins the delivery of the Council's essential services	Director of Street Scene, Leisure & Technical Services	↔	Mar-24
14	Devolution	F, R, S	Uncertainty about future operating models and changes / opportunities in responsibilities or service provision leading to financial pressures, impact on quality of services, reputational damage.	01/04/2017	3	3	9	Continual scanning of national / regional and Kent wide agenda by CE / Corporate Services manager. Participation in county wide debate via Joint Kent Chief Execs and Kent Leaders meetings. Update DEC 18 - County wide devolution discussions have been formally ceased. Horizon scanning and continued participation in Kent Leaders and CE meetings is ongoing. County Deal discussions are invited and Kent Leaders are giving preliminary considerations albeit that there is no agreed view at this stage.	3	3	9	White Paper on Devolution is to be published in the Autumn. Analysis of this will be a priority action. This is now replaced by the anticipated "Leveling Up" prospectus in 2022	External risk/national issue	Chief Executive	↔	As required



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15	Partnerships inc. shared services	F, R, S	<p>Reliance on partners to deliver key services, including private sector companies. Could include specific partnership or shared service models such as the Leisure Trust and risks around service delivery and impact on staff morale / retention if base moves from TMBC . Potential resistance to shared services / partnerships impacting on ability to deliver Savings & Transformation Strategy. Private sector partnerships failing having consequences for service delivery.</p> <p>Coronavirus pandemic has significant economic implications for the Council, businesses and residents.</p>	01/04/2017	3	3	9	<p>Regular liaison meetings with partners. Partnership Agreements in place and reviewed as appropriate.</p> <p>Good communication with staff.</p> <p>Officers maintain awareness of issues relating to private sector partners and plans formulated for service delivery in the event of failure via business continuity.</p> <p>KCC undertaking Audit and Fraud function from 1 October 2021 on a newly agreed delegated functions arrangement. As previously report to Audit Committee and Cabinet, this arrangement will provide greater resilience and breadth of experience/knowledge.</p> <p>Partnership work and liaison with key voluntary sector groups will continue via community development meetings in priority wards.</p>	3	3	9	<p>Strengthening of the West Kent Partnership, including joint delivery of economic initiatives through the UKSPF and REPF, as well as creating a greater focus on promotion and inward investment.</p> <p>New Waste Services Contract in partnership with Urbaser, TWBC and KCC commenced 1st March 2019. Formal Inter Authority Agreement and Partnership Agreement in place.</p> <p>Ground Maintenance Contract extended in light of good performance of contractor.</p> <p>The Council is working within guidance issued by Cabinet Office "Guidance on responsible contractual behaviour in the performance and enforcement of contracts impacted by the Covid-19 emergency " and Procurement Policy Notes to support contractors and suppliers.</p> <p>The Council will continue to administer the grants to key voluntary sector bodies, with progress to be reported annually. Additional Government grants as a result of the response to the pandemic (Emergency Assistance Grant and Covid Winter Grant) will be promoted to local voluntary sector organisations and applications for funding will be agreed.</p>	Savings and Transformation Strategy	Chief Executive	↔	As required
16	Welfare reform inc. Housing need	F, R, S	<p>Safeguarding impact on TMBC residents due to reduction in benefits, introduction of UC and increase in applications for DHP, etc. Failure to adequately understand and meet housing needs and return unsuitable properties to use leading to increase in homelessness or occupation of unsuitable homes. Financial impact of increased emergency accommodation and failure to maximise new homes bonus.</p> <p>Current economic situation has implications for residents and businesses with high inflation and increasing interest rates.</p> <p>Ukrainian refugee temporary resettlement program - We are awaiting full guidance on Local Authority responsibilities. Kent Resilience Forum are acting as lead.</p>	01/04/2017	4	3	12	<p>Cross sector working (e.g. welfare reform group) to identify issues and solution.</p> <p>Providing advice to residents on welfare and housing issues, or signposting to relevant providers.</p> <p>Working with partners to identify land and funding opportunities.</p> <p>Working with Registered Provider Partners to ensure needs of residents are being met.</p> <p>Working with owners to bring long term empty properties back into use.</p> <p>Work with consultancy firm Altair on options for longer term TA provision</p> <p>commissioned consultancy work in respect of Homelessness function (TA)</p> <p>Concessionary charges for key services. EQIA assessment of key decisions included in all Board reports.</p> <p>Council rolled out energy schemes on behalf of government</p> <p>Signposting now to UC rather than HB for new working age claimants. Keeping track of welfare statistics</p> <p>CTR Scheme approved for 23/24 . Government council tax support of up to £25 being credited to bills for those on lower incomes</p> <p>Household Support fund tranche allocated by KCC</p> <p>Councils asked to administer further energy support schemes on behalf of government</p> <p>New housing panel in place to work alongside RPs in considering best use of available properties.</p>	3	3	9	<p>Improved working with TA providers leading to more guarantees of available accommodation and developing a TA Procurement Strategy</p> <p>Improved working with main housing provider to identify trends/specific cases across borough to jointly agree approach to preventing homelessness using housing provider mechanisms, DHP payments and homeless prevention funding where needed.</p> <p>Continue to facilitate Welfare Reform group and widen participation from external partners so as to ensure best support for those affected by welfare reforms in T&M.</p> <p>work with Kent councils collaboratively to ensure grants and support targeted to those most in need</p> <p>Consideration of the report from Altair (when received) on the potential options for the most cost effective provision of TA accommodation</p> <p>Continued focus on homelessness prevention Consideration of use of DHP to encourage downsizing to free up under occupied property. Report to be brought forward to Members in due course</p> <p>Focus on Empty properties in the Borough and how they can be brought back into use.</p> <p>Deliver District responsibilities of Ukrainian resettlement scheme.</p> <p>Continue to deliver payments in respect of latest Household support fund Tranche 4 in liaison with KCC</p>	Promoting Fairness - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities. Embracing Effective Partnership Working - achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.	Director of Finance and Transformation/ Director of Planning, Housing and Environmental Health	↔	Nov-23



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17	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	4	4	16	<p>Significant focus on temporary accommodation and in borough provision as well as framework agreement with private providers.</p> <p>Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy.</p> <p>Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS.</p>	3	3	9	<p>Member briefings and training sessions.</p> <p>Training for Officers has been arranged for September 2023 by the LGA - 'working in a no overall control council'</p>	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive	↔	As required
18	Flooding	F, R, S	Impact on resources to support emergency planning, financial impact due to damage, loss of resources, etc. Residents and staff put at risk of harm. Impact on key flood risk areas - Tonbridge, Hildenborough, East Peckham and Aylesford.	01/04/2017	3	4	12	<p>Working with partners through the Medway Flood Partnership (including EA/KCC/LEP) to secure funding and implement flood defence schemes which will reduce risk of future flooding, including LEHES and property resilience works at East Peckham.</p> <p>Assistance provided to Parish/Town Council's to help develop local Flood Plans. Team of Volunteer Flood Wardens in place.</p>	3	4	12	<p>Work with partner organisations via Kent Resilience Forum and the Medway Flood Partnership continuing.</p> <p>Council Officers dial into Severe Weather Advisory Group meetings.</p> <p>Regular attendance at KRF training sessions.</p> <p>Ongoing support for Tonbridge Flood Group.</p> <p>Funding allocated in Council's Capital Plan to support works to Leigh Flood storage area which will be completed by 2025.</p> <p>£20,000 from Business Rates Retention Pilot Reserve approved for Natural Flood Management Schemes in the Borough (Leybourne Lakes and Ightham Mote).</p>	Emergency Plan Civil Contingencies Act 2004 Kent Emergency Response Framework West Kent Partnership and Medway Catchment Partnership	Director of Street Scene, Leisure & Technical Services	↔	Nov-23
19	Homes for Ukraine Scheme	F, R, S	Districts are required to undertake home assessments for potential host households to support Ukrainian refugees fleeing the conflict. Increased workload expected as likelihood of breakdown in housing arrangements as we have exceeded the 6 month mark. Requests for rematches are increasing and there is a risk of homelessness and duty to place in T.A. therefore work needs to be undertaken to facilitate rematches and/or support into private rented sector. This is an escalating risk given the longevity of the hosting arrangements. As of 1 April 2023, TMBC have taken on wider support role for Ukrainians in the borough under HFU scheme.	01/09/2022	4	4	16	<p>Some reserve host families have been identified but larger families pose a bigger risk. Re-matches are unsustainable in the longer term. Work underway to support more families into PRS.</p>	3	4	12	<p>Additional support into Private Rented Sector required. Full time Resettlement Worker now in post and part time Housing Officer to start in September 2023.</p>		Chief Executive	↔	As required



No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
20	Waste/ Recycling Contract	F, R, S	<p>Failure to provide new service and deliver described outcomes in accordance with contract timescales and health and safety obligations. Significant reputational risk. Risk of challenge from tenderers.</p> <p>Failure to achieve financial targets for garden waste and performance payments scheme linked to changes in collection and disposals methods explained below and links to finance above.</p> <p>Coronavirus pandemic has significant economic implications for businesses and residents.</p> <p>Future sustainability of contract.</p> <p>Risk associated to the outcome of current government consultations on three waste aspects (Collection Consistency, Garden Waste and Extended Producer Responsibilities). Potential for alteration to levels and mechanisms for Council income associated to these areas including, but not restricted to, KCC Performance Payments and Garden Waste Subscriptions, this links to the Council's long term financial stability</p>	01/07/2018	3	4	12	<p>Partnership arrangement with TWBC, with allocation of key tasks.</p> <p>Internal Project Group reporting regularly to MT and Members.</p> <p>Joint Member meeting established with TW's to guide strategic approach</p> <p>External advice sought from specialists on key decisions including Legal.</p> <p>New inter authority agreement with KCC encourages improved recycling performance and shares risks and rewards.</p> <p>IT, Communications and Operations identified as crucial work streams and individual working groups established to manage and implement these work areas.</p> <p>Waste services have been affected by pandemic and national HGV shortage. Agreed with contractor to temporarily ceasing collection of garden waste, Saturday freighter and bulky waste booking system for a period of time to allow focus on recycling and general waste. Garden Waste and bulky booking has resumed.</p> <p>With regard to garden waste collections, residents will have subscriptions extended to compensate.</p> <p>New GW subscriptions were reinstated on 4.04.22.</p> <p>Street cleansing was not suspended but has been impacted as other services have taken priority.</p> <p>Council recently approved supplementary payments, financial support in relation to vehicle leasing. This will enable re-rounding to progress leading to improved service.</p> <p>Consultations currently being monitored through the KRP and updates being channelled through the Kent Chief Executives meetings</p>	3	3	9	<p>Continuation of Partnership working with TW's and monitoring through established Steering Group.</p> <p>Continuation of Member working group to steer strategic approach.</p> <p>Contract monitoring and the firm use of remedies to improve performance including the contractual default procedure.</p> <p>CE's continuing to liaise with Urbaser to discuss future sustainability of the contract.</p> <p>Monitor and phase roll out to flats and any impact of other frontline collections.</p> <p>Reports on progress submitted to appropriate meetings/committees</p>	Delivery of cost effective service to meet customer needs.	Director of Street Scene, Leisure & Technical Services	↔	Mar-24
21	Implementation of Agile system	F, S	<p>Service impacts from level of staff time required to develop the Agile product for use as operating system.</p> <p>Significant level of concern from staff about implementation process results in a lack of confidence in implementation, which will adversely impact service delivery and record keeping</p>	01/11/2022	4	4	16	<p>Programme of liaison meetings with Agile in place including Board and weekly catch ups</p> <p>Employment of Business Change PM to manage project on behalf of TMBC and coordinate all issues</p> <p>Weekly meetings with CM for Finance & Housing, who is the Cabinet Lead for Agile.</p> <p>Internal meetings with staff, managed by Business Change Project Manager</p> <p>Issues log in use</p> <p>Issues escalated to Agile management</p>	2	2	4	<p>Further escalation of issues to Agile CEO</p> <p>At least 3 stand ups per week between Business Change PM and SRO (DPHEH) in September to oversee APAS go live by end of September</p> <p>Request for PLACIS delivery plan to be populated by Agile by 8 Sept made by CE and Cabinet Member</p> <p>Weekly review of project plan and considerations of service impacts required to meet go live programme - to be reported into MT on a regular basis</p>	Digital Strategy	Director of Planning, Housing and Environmental Health	↔	Oct-23

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score	Impact score	Overall risk score	Current Mitigation	Desired Likelihood Score	Desired Impact score	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
22	Elections	R	Failure to comply with legislation, miscounts and significant reputational impact.	14/12/22	3	4	12	Ensure experienced staff are in place, corporate team reviewing activity and monitoring progress. Further Election Bill changes Parliamentary Boundaries Parliamentary election - date unknown, possible May 2024 or October 2024?	2	4	8	Broadening of staff skills and experience to build resilience. Discussions on core staffing for Elections and use of more IT modules to reduce workload and progress digital transformation. Increase in temp staffing resources to mitigate delayed implementation of two IT system modules. Following elections this needs to be reviewed. Implementation of changes to Postal Votes, Overseas electors, EU Citizenship. Core team keeping up to date with all notifications from EC and Cabinet Office and undertaking any training required. Changes to Parliamentary Boundaries to be completed this year including a further Polling District review. DA waiting for final recommendations to be able to implement. MT horizon scanning on any increased chance of snap General Election. RO and DRO's assessing risks. Risk has diminished at the moment.	Statutory requirement	Chief Executive	↔	Mar-24
23	Carbon Neutral 2030 Aspiration	F, R, S	Significant reputational risk, particularly if other similar councils have achieved similar goals or targets. Significant financial cost to purchasing offsets to meet carbon neutral. High cost of increased frequency and intensity of extreme events (floods, heat waves) that increase costs and disrupt service delivery.	01/09/2023	5	3	15	Development of climate evidence (e.g. for the Local Plan), partnerships (residents, community and other Councils) and pathway analysis to support move towards transformative and larger scale emissions reductions	3	2	6	Ongoing commitment by Members, senior management and services to new actions beyond 'business as usual'. Improved understanding of financial returns from climate mitigation measures that can be reinvested. Innovative thinking and delivery of services and mitigation options. Successful outcomes in bids for significant additional grant funding.	Climate Change Strategy, Corporate Strategy 2023 - 2025	Chief Executive	N/A	January 2024 (ahead of next climate change action plan)
24	Waste/Recycling Income	F	Risk associated to the outcome of current government consultations on three waste aspects (Collection Consistency, Garden Waste and Extended Producer Responsibilities). High potential for alteration to levels and mechanisms for Council income associated to these areas including, but not restricted to, KCC Performance Payments and Garden Waste Subscriptions	01/09/2023	4	3	12	Consultations currently being monitored through the KRP and direct through DEFRA briefings/updates by Waste and Financial Services and updates being channelled through the Kent Chief Executives meetings.	4	3	12	Whilst consultations and implementation plans will be monitored, the influence on government policy may be limited. This restricts the ability for the Council to directly control the level of this risk and is why the risk remains the same following mitigations.	Statutory Requirement	Director of Street Scene, Leisure and Technical Services	N/A	Mar-24

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Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Homes For Ukraine Scheme UKSPF Programme (inc. REPF)	Moved to Strategic Risk Register Having had our T&M Investment Plan approved by DLUHC, implementation of projects required over the next few years (up to March 2025)	Ongoing.	Need to keep under review to ensure that delivery on track so that future years funding is not compromised (based on annual funding award)
Gibson Building	Cabinet agreed in Sept 2022 that the main offices of the Council should remain located at Kings Hill and that Officers should investigate the feasibility of progressing option 4 set out in the report.	Ongoing.	Need to keep under review to ensure that changes in office accommodation deliver value for money and deliver identified savings.
Tonbridge Castle Gatehouse Roof	Water ingress from roof in Great Hall. Feb 2023 rot discovered in roof beam ends. Facility now open following completion of remedial works in July 2023. Permanent works in autumn 2024 to now be scoped	Ongoing	Extent to permanent works required still unknown and therefore operational and financial risk remains
Elections	Introduction of Elections Bill changes	Ongoing.	Further Election Bill changes, including new Postal vote portal, Postal vote renewals changing to every 3 years. Overseas electors renewal every 3 years, changes to EU citizenship eligibility
Elections	Move over of Election calls to Customer Contact	Ongoing.	Hope to move over all election calls to Customer Contact before 8July. Training being undertaken and FAQs being written and shared.
Elections Climate Change Action Scorecard	Changes to Parliamentary boundaries Climate Emergency UK conduct an annual review of all local authority's climate actions. For 2022-23, the Right to Reply process revealed that TMBC is likely to score only around 25% and, as such, we should expect to be one of the lower scoring authorities. Climate Emergency UK will seek national media coverage for its findings and publish its results in Autumn 2023, posing a reputational risk to TMBC.	Ongoing. Ongoing	Increased work load to implement changes and more complex for running future Parliamentary elections, due to sharing constituencies with other authorities. Further review of polling districts. Scorecard results not yet published so level of media interest and final TMBC score unknown. Climate Emergency UK will carry out the annual process again for 2023/24 and while some further actions will result in a higher score (e.g. we have started climate literacy training) it is hard to assess progress relative to other authorities at this stage.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
IT Security (formerly COCO Compliance)	Review of IT Infrastructure identified several areas of weakness for IT standards compliance	Ongoing	Number of risk removed, expected that remaining risks, once removed, will allow full compliance.
Economic Stability	Economic issues surrounding Council Finances	Ongoing	Part of Strategic Risk Register.
Recruitment of staff	Recent resignations will cause vacancies in several sections.	Ongoing and updated	Recruitment has commenced on vacant posts but it is likely that vacancies could last for several months. The vacancy in one section creates a 20% loss in capacity at a time of year with heightened resource requirements.
Corporate Insurance	Increases and changes to premiums for 2023/24 insured year	Ongoing	The Councils Insurers have made changes to the charges included within the premiums. Therefore changes will be required to capital and revenue project evaluations to include insurance assessment.
Payroll	Key information being supplied to Payroll in a timely manner, causing risk of staff and members not being paid.	Ongoing.	The Payroll Team pay over 250 Staff and Councillors on a monthly basis. Due to the date of payment, being the closest working day to the 15th of the month, information to be included in the pay run must be received no later than three working days into the month. In recent months some delays have occurred on the submission of data due to incomplete or incorrect information being supplied. this has jeopardised the payment to all staff requiring addition unsocial hours to be worked by the payroll team.
IT Resources	Resource capacity for Development Staff	Ongoing	The current demands on IT Development Staff are placing increased pressures on the resource capacity on the staff given competing demands of corporate systems being reviewed and implemented.
Computer Server failure	Weekend failure of server for Revenues and Benefits Software.	Remove	Issues with Software failure being identified by both staff and software
Security and Access to Information	Access to information with shared access with DWP	Ongoing	Review of staff access to be carried out and further additional checks to be carried out.
Supported Accommodation	Change in KCC approach for care need could have impact on ability to recover Housing Benefit Subsidy	Ongoing	The Supported Housing (Regulatory Oversight) Act 2023 came in to force August 2023. Assessment of the act is ongoing and a consultation will be undertaken on responsibilities to be allocated to Local Authorities and other partners.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Temporary Accommodation (TA)	TA consultancy review undertaken Dec 2021, actions implemented in 2022. Cost of living crisis and DA legislation implementation are impacting on maintaining TA levels within the agreed range.	Ongoing	TA costs remain high, as does level of need. Project underway to look at sustainable TA portfolio approach to help manage unit costs for TA. This is alongside ongoing work/training in service to support demand.
Temporary Accommodation (TA)	Personal injury claims	Ongoing	Updated inspection regime being developed by officers.
Food & Safety	Increased risk of food complaints/poisoning. Additional resources to manage backlog of inspections.	Ongoing	During the Covid-19 crisis the ceasing/reduction in the food hygiene inspection regime may result in food safety issues. There will also be a backlog of food safety inspections due to restrictions on visiting/businesses closed. Agreed catch up programme in place utilising COMF funding.
Increased number of planning appeals/inquiries	Application determination timescales not being met, more speculative development, creates reputational risks and increases likelihood of appeals.	Ongoing	Volume and complexity of applications coming forward in parallel with local plan progression and given current uncertainties in timescales for adoption. MT agreed agency planning funding for short term. Head of Planning conducting service review summer 2022
Staffing challenges in Planning services	Ongoing recruitment and retention difficulties in the sector and in T&M specifically. Several recruitment campaigns carried out.	Ongoing.	MT agreed that development of a Workforce Strategy will include recruitment and retention. Part 2 report to GP in July 2023 to look at immediate pressures. This will likely be followed by a new recruitment campaign and therefore this risk remains.
Windmill Lane Gypsy Site	KCC have requested return of management of this site (which is already owned by TMBC) to TMBC on 31 March 2024. This is part of a programme of returns to districts of their owned G&T sites. Initial discussions about management issues and costs have been undertaken.	New	The return requires Member approval, proposing that this happens via Cabinet in November 2023. There are a mixture of Property and Housing risks relating to this potential transfer. Officers are awaiting detailed information from KCC on maintenance costs, the detailed works schedule for grant funded improvements that are scheduled to complete before end of financial year and rent roll. TMBC will require a management arrangement for the site, which is being explored with neighbouring authorities as well as external providers. There will also be a requirement for the Council to have a G&T Allocation Scheme. Risk that the approach to management of this site is not fully in place before the proposed transfer, which could cause liability issues. Also need to consider specific equalities considerations for this group of residents.
Local Plan	Reg 18 carried out in Autumn 2022. Changes to NPPF and proposed changes to system via LURB published December 2022. Assessing options for delivery of a Local Plan.	Ongoing	Members to make a decision on a revised Local Development Scheme in Summer 2023. This is subject to a number of challenges including ongoing delays in Govt announcements on national planning policy. The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirement of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the Planning Inspectorate by 30th June 2025. The Council has recently engaged Trowers and Hamlins Law Firm to advise and support the Planning Policy Team up until adoption stage.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Bridge inspections	Bridges on Council owned land identified as service risk. Internal Officer Group established and bridge audit progressed. Identified as Service Pressure Aspiration. Revenue budget approved to inspect and repair bridges over 2 years and annual inspections to be progressed. Structural assessments being undertaken.	Ongoing	Second year programme of work currently being progressed. Further survey undertaken and report to be analysed. Remembrance Garden and Maintenance bridges reassessed to check if structurally stable. Remembrance Garden bridge confirmed safe for 5-7 years, Maintenance bridge confirmed safe for 3-5 years. Structural assessment being undertaken re Haysden Country Park bridge replacement.
Pay & Display machines	Continual issues with contractor, G4S in terms of cash collection.	Ongoing	Considering alternative options as very few companies in market place willing to undertake work.
Phone Signal	CEOs having difficulty enforcing parking in Tonbridge and customers having issues accessing Ringo due to deterioration in mobile phone signal.	Ongoing	Multi-network sim cards issues to CEO's and liaison taking place with service providers.
Garden Waste invoices	Delay in invoices being issued to subscribers wanting to renew due to IT issues.	Ongoing	Ongoing liaison with IT Services to resolve issue and distribute invoices.
Utilities costs	Significant energy price increases at leisure centres is resulting in financial cost to the Council under the risk sharing agreement in the Management Agreement with the Trust.	Ongoing	Trust providing regular updates via Strategic/Service Fee meetings - cost of swim charges increased to help contribute to additional cost, energy saving initiatives being investigated and implemented and central government being lobbied. Government recently announced support package within the Budget statement.
Tonbridge Swimming Pool / Larkfield Leisure Centre	Low supply of chemicals for treating pools available across Europe. May lead to closures.	Ongoing	Trust exploring all opportunities to secure supply. Alternative means of cleansing investigated by Property Services and order to be placed for new system. Funded through BRREP and contribution from Leisure Trust.
KRF Review	The KRF have undertaken a review and plan to make adjustments to how the forum operates.	Ongoing.	Risks associated with increased responsibility being undertaken by LA's . The impact of this is currently being assessed and addressed by Kent Chief Executives.
Business Continuity & Emergency Planning	The current structure of the LRF and legislation has been added to. The Kent Resilience Forum is undergoing a review with significant changes to how the Kent Resilience Team will provide support and guidance to Local Authorities. The UK Government has also recently published a new 'UK Government Resilience Framework'. Further guidance is expected but the theme is around increasing locally led resilience and planning at the LA level.	Ongoing	Need to track new guidance and review how we contribute and participate in the Kent Resilience Forum. We also need to be able to ensure that we maintain a fit-for-purpose organisation to enable suitable response.

Agenda Item 16

The minutes of meetings of Advisory Panels, Boards and Other Groups are attached. Any recommendations arising from these minutes are set out as individual items on this agenda.

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

MINUTES

Thursday, 31st August, 2023

Present: Cllr R W Dalton (Chair), Cllr Mrs M Tatton (Vice-Chair), Cllr Mrs S Bell, Cllr B Banks, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr D A S Davis (substitute) and Cllr M Taylor

Together with representatives from Aylesford, Borough Green (2nd Vice-Chair), Hadlow, Kings Hill, Leybourne, Offham, Platt, Shipbourne, Snodland, West Malling, Wrotham, Parish and Town Councils; and County Cllrs Mrs T Dean, S Hudson and County Cllr H Rayner

In attendance: Councillors D Keers, M A J Hood, M R Rhodes and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, P M Hickmott and Ditton, Hildenborough and Stansted Parish Councils

PART 1 - PUBLIC

PPP 23/16 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr D Davis substitute for Cllr R Betts

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

PPP 23/17 MINUTES

RESOLVED: That the Minutes of the meeting held on 15 June 2023 be approved as a correct record and signed by the Chairman.

PPP 23/18 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

- **Minute Number PPP 23/11 – Tonbridge and Malling Seniors Forum (TAMS)**

The Chair advised that Tonbridge and Malling Seniors Forum had confirmed attendance at the meeting of the Panel in November.

- **Minute Number PPP 23/14 – Local Plan (Carbon Emissions Goals)**

Shipbourne Parish Council had prepared a Climate Change Action Plan setting out potential measures to reduce carbon emissions, which could be circulated to other interested parishes.

PPP 23/19 LOCAL PLAN

The Planning Policy Manager provided an update on the progress of the Local Plan and thanked parish/town councils for their participation in the Regulation 18 consultation which had ended in November 2022. There had been a good response to this consultation with over 4,000 representations received and the submission of an additional 57 sites, which were currently being assessed.

The outcomes of the Regulation 18 consultation were available to view on the Borough Council's website.

Current work included the preparation of evidence, further site assessments, the development of an initial spatial strategy and a review of the Objectively Assessed Needs of the Borough and the Green Belt. It was reported that these would reflect the proposed national changes to the National Planning Policy Framework (NPPF) which were still to be confirmed by Government. In addition, it was indicated that these national changes would likely impact on the Local Plan timetable which made it difficult for the Borough Council to confirm dates of next steps.

However, Officers were hoping to commence a further round of consultation (Regulation 18B) in spring 2024. Following comments in respect of the previous consultation, a new customer portal had been commissioned which was more user friendly. The Borough Council were also producing regular newsletters, via the Media and Communications Team, and these would be used to promote the Local Plan consultations and deadlines.

Members welcomed the further consultation and the improved customer portal but expressed concern at the lack of published information on the additional 57 sites. In response, the Director of Planning, Housing and Environmental Health advised of the importance of understanding the scope and scale of the new sites, the importance of managing risk and the need to avoid treating stakeholders differently than in the previous round of consultation. It was also explained that the Local Plan Regulations set out a rigid framework that needed to be applied to ensure consistency and fairness.

The Panel were assured that all evidence would be published once the base studies and assessments were complete alongside the Regulation 18B Consultation in Spring 2024.

Finally, it was noted that Cabinet had considered a new Local Development Scheme, which set out a proposed revised timetable for the preparation of the Local Plan, in July and all reports were available on the Borough Council's [website](#).

PPP 23/20 S106 AGREEMENT AND TIMESCALES

The Senior Development Obligations Officer advised that an updated s106 Protocol, approved by Cabinet on [4 April 2023](#), improved the monitoring of allocations, distribution and spend and offered greater support to communities.

The main change implemented was the removal of the County Council as signatories to most agreements. This gave greater control to the Borough Council over the delivery of the mitigation and payment of relevant funds, enabled more oversight to be spent on the s106 agreements whilst minimising the time taken to complete and sign the agreement. It also had the advantage of ensuring that most payments were made and directed through the Borough Council who could ensure the projects being undertaken by all parties met the requirement of the planning obligations and the monies were being used towards the specified purposes.

Parish/Town Councils were reminded of the importance of completing a Parish Infrastructure statement identifying potential projects within their communities that could be funded through s106 agreements. These were valuable evidence tools which Planning Officers used to inform negotiations with potential developers. Whilst there had been a good response regarding Parish Infrastructure Statements those parish/town councils who had not yet submitted one were encouraged to do so.

It was indicated that any parish/town council were still able to object to potential development and ask that it be noted that if permission was granted the parish/town council would like to see a s106 agreement fund a project identified on their Parish Infrastructure Statement. In addition, if a parish/town council wished to amend their Statement, the Planning Obligations Team would be happy to assist as required.

In response to a question related to Community Infrastructure Levy (CIL), it was confirmed that Tonbridge and Malling were not a CIL charging authority and this position was unlikely to change. However, there were new proposals from Government in respect of a potential Community Levy Charge that might be of interest. Any new proposals were unlikely to be introduced very quickly although the Borough Council would monitor and explore options.

More information and guidance on s106 agreements and Parish Infrastructure Statements was available on the Borough Councils [website](#) or by contacting planning.obligations@tmbc.gov.uk The Senior

Development Obligations Officer also offered to visit parish/town councils if necessary.

PPP 23/21 CLIMATE CHANGE STRATEGY AND REDUCTION OF CARBON FOOTPRINT

The Chair of the Kent Association of Local Councils (KALC) (Tonbridge and Malling) advised of useful discussions held with the Cabinet Member for Climate Change, Regeneration and Property (Cllr Betts) and the Borough Council's Climate Change Officer. Both of whom had agreed to attend the KALC T&M AGM on 28 September 2023.

Following this discussion parish/town councils had been asked to submit a response on whether they already had a Climate Change Action Plan, were developing one or have not yet started a Climate Change Action Plan. Whilst there had been a good response rate a number of parish/town councils had yet to provide an Action Plan and these would be pursued by KALC.

The Climate Change Officer outlined key points to consider when formulating an Action Plan and these included:

- Minimising energy use;
- Decarbonise energy;
- Tackle transport; and
- More trees

Decarbonising heat and transport were key priorities for tackling carbon emissions from the Borough Councils own operations. Leisure Centres and refuse collection vehicles accounted for 86% of the total TMBC gross emissions, with staff travel and operational and service vehicles producing 39% of gross emissions.

However, the Borough Council was progressing energy efficiency, renewables and decarbonisation measures at the Leisure Centres, with solar panels installed at Larkfield Leisure Centre.

The presentation of the Climate Change Officer also highlighted the key milestones delivered by the Borough Council and key actions that were in progress. These included installation of an additional 60 EV chargers in Council-owned car parks; LED lighting installations for Larkfield Leisure Centre and Tonbridge Swimming Pool; solar panel array installations for Tonbridge Swimming Pool and bids for funding for heat pumps at swimming pool sites.

There was general discussion on a range of issues including difficulties with insulating older properties, recognition that heat pumps were not necessarily suitable for everyone and the effectiveness of solar and photovoltaic panels.

With regard to the further installation of EV chargers, Members welcomed the good progress being made and noted that future locations were dependent on the quality of the electric supply available. However, it was anticipated that there would be approximately 65 EV charging stations in the Borough by March 2025.

PPP 23/22 TRAFFIC REGULATION ORDERS (TROS)

In addressing questions raised by the Kent Association of Local Councils (Tonbridge and Malling) (KALC) in advance of the meeting, a briefing note was provided which set out the processes for considering and installing parking restrictions.

The Cabinet Member for Transformation and Infrastructure (Cllr Coffin) assured the Panel that the Borough Council placed contracts as soon as practicable once changes to parking arrangements were agreed.

The County Councillor for Malling West (Cllr Rayner) made particular reference to the delay in double yellow lines being installed in front of the new primary school at St Marys Platt. Given the specific nature of this concern, it was agreed that the Cabinet Member for Transformation and Infrastructure should provide more information out of meeting.

In addition, the Cabinet Member for Planning (Cllr Taylor) indicated that the traffic signs at St Marys Platt also required correction.

PPP 23/23 ANY OTHER BUSINESS

(1) Joint Standards Committee

The Principal Democratic Services Officer advised of the exercise to clarify the contact details for parish/town representatives, review the 'pool' of parish/town council participants and allocate six voting rights. This exercise was intended to streamline and improve the organisation of meetings of the Joint Standards Committee.

Members were reminded that when the Joint Standards Committee was established in 2013 there had been a canvass to see which parishes wanted to participate. These then formed a 'pool' of 15 who could attend the Standards Committee and be eligible to participate in Standards Hearings. Out of these 15, there should be 6 voting parish/town members as recommended in 2013. Now was the opportunity for those parish/town councils not currently in the 'pool' to express an interest by **Friday 29 September**.

At the same time, the Borough Council would allocate voting rights for 2024, and possibly 2025, based on previous attendance. Changes to the 'pool' and the nominated voting rights would be presented to the Parish Partnership Panel in November, with these noted at the first Joint Standards Committee in January 2024.

It was confirmed that Parish/Town Council representatives could still attend meetings of the Joint Standards Committee and participate in discussions even if they were not allocated voting rights during 2024. These rights would be reviewed annually.

(2) Improved communication and engagement with parish/town councils

The representative of Aylesford Parish Council asked about improved communication between the Borough Council, parish/town councils and residents. Reference was made to the myTMBC app and whether this could include a messaging facility and push notifications. It was also felt that the app should be easier to use.

In response, the Leader of the Borough Council (Cllr Boughton) expressed interest in the views of parish/town councils as users. It was also indicated that residents had many different ideas as to what they wanted the app to do. However, the Panel were assured that the Borough Council continued to look at ways of using and improving apps as well as the website.

The meeting ended at 9.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE COMMUNITY FORUM

MINUTES

Monday, 4th September, 2023

Present: Cllr G B Hines (Chair), Cllr D W King (Vice-Chair), Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr A Mehmet, Cllr R W G Oliver, Cllr B A Parry, Cllr M R Rhodes, Cllr K S Tunstall, County Cllr P Stepto and County Cllr M Hood

Together with representatives from:

- Friends of Mill Stream
- Rotary Club
- Tonbridge Bicycle Users Group
- Tonbridge Civic Society
- Tonbridge District Scouts
- Tonbridge Line Commuters
- Tonbridge Lions Club
- Tonbridge Sports Association
- Tonbridge Town Team

Councillors K Barton, M D Boughton and S Crisp were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillor L Athwal, Tonbridge Dementia Friendly and Tonbridge Parish Church

TCF 23/17 APPOINTMENT OF VICE CHAIR (COMMUNITY GROUPS)

A nomination for the appointment of Vice Chair from community representatives had been received for Mark Ansell. As there were no further nominations received by the deadline, the community representatives agreed that Mark Ansell be duly appointed as the second Vice Chair of the Tonbridge Community Forum.

TCF 23/18 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

TCF 23/19 MINUTES

RESOLVED: That the Minutes of the meeting held on 12 June 2023 be approved as a correct record and signed by the Chairman.

TCF 23/20 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

There was no update on any actions identified in the minutes of the previous meeting.

MATTERS RAISED IN ADVANCE OF THE MEETING**TCF 23/21 KENT POLICE UPDATE**

Members received a verbal update from Inspector Newman on recent initiatives.

Inspector Newman reported that staffing was currently at 50% and that following a recruitment drive, there would be a full complement of staff by October 2024.

There had been issues with e-bikes in the locality and the approach taken was to deal with these in a positive way. There had been a number of arrests in the town parks following drug related incidences and anti social behaviour.

An overview of crime in the area was provided and noted that there had been an increase in reported crime over the rolling year, partly due to the proactiveness of the neighbourhood team. It was highlighted that there had been a reduction in robbery and violence against the person and an increase in shoplifting and calls related to antisocial behaviour.

TCF 23/22 TONBRIDGE POST OFFICE

Members received an update on service provision from the Post Office during which they were advised that applications had been sought for a post office in Tonbridge since January 2022 and a number of locations in the town had been considered and although there had been interest, the challenge was finding the right premises. In Spring 2023, a successful applicant had identified a premise on the High Street, however it had been decided not to proceed with the premises. The Post Office were working with the applicant to identify alternative premises and negotiations were ongoing in regard to a lease agreement on a premise which had been assessed to be accessible and in a viable central location.

Members expressed concern if the current identified premise was not be financially viable and were advised that the business plan had been assessed and scrutinised. If determined not to be viable, discussions would be held with the applicant.

TCF 23/23 RAILWAY TICKET OFFICES AND THEIR POTENTIAL CLOSURE

Mr Robert Mansfield, representative of Tonbridge Line Commuters, brought members attention to the public consultation on Southeastern

and Southern Rail's ticket office closure. The proposals were to move staff out of ticket offices and onto station platforms and concourses to support better, face-to-face interactions, with the potential to close ticket offices in a number of locations, including Tonbridge. Members were invited to respond to stage 2 of the consultation when the consultation became live.

TCF 23/24 UPDATE REGARDING THE ROSE AND CROWN HOTEL

The Leader of the Borough Council provided an update on the Rose and Crown Hotel during which he reported that he had met with the new owners of the premises in July 2023 at which point their plans were in the early stages of development. Two phases of work were envisaged, firstly to the rear, followed by work to the front of the building. The expectation was for a planning application to be submitted detailing the intended changes and the applicant had been encouraged to seek pre-application advice from the Borough Council.

TCF 23/25 UPDATE ON THE BUS STOP OUTSIDE CAFE NERO

County Councillor Mark Hood explained that the Borough Council had a contract with an external provider for the bus stop outside Café Nero and the income from advertising space went towards the cost of infrastructure and maintenance. A bench had been installed in the interim to address concerns raised by the Community Safety Partnership and there were ongoing discussions with the Borough Council to resolve the issue.

TCF 23/26 PROMOTION OF UPCOMING EVENTS

Members noted the following forthcoming events to be held in Tonbridge and the surrounding area:

(1) Angel Indoor Bowls Club Open Weekend

Angel Indoor Bowls would be holding an open weekend on 16 and 17 September 2023.

(2) Armed Forces Day Concert

Plans were underway for an Armed Forces Day concert in Tonbridge in 2024. Businesses were invited to sponsor the event or to place an advertisement in the programme.

(3) Tonbridge Half Marathon

The annual Tonbridge Half Marathon event, run by Tonbridge Lions and the Tonbridge Rotary Club, would be held on 1 October 2023, commencing at 9.00am, and there would also be an opportunity to enter a 5km and 10km run.

(4) Mass Bicycle Ride

The next mass bicycle ride organised by the Tonbridge and Tunbridge Wells Bicycle Users Groups in support of the A26 Tonbridge to Tunbridge Wells cycle route would be held on 8 September at 6.30pm, starting from Quarry Hill Road.

TCF 23/27 ANY OTHER BUSINESS

Councillor Dennis King raised concerns regarding graffiti in Tonbridge Town Centre and the surrounding area and reported that his concerns had been raised with the Borough Council who would be approaching landowners to offer assistance in removing graffiti and the Communities and Environment Scrutiny Select Committee would be asked to consider a report detailing the different approaches the Council took to remove graffiti in the town.

The opinion of Members on advertisement banners was sought. During discussion, it was recognised that local events were good for the economy, however some banners remained for a significant period of time following the event or were for an event outside of the area.

The meeting ended at 8.38 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

MINUTES

Monday, 18th September, 2023

Present: Cllr M A Coffin (Chair), County Cllr H Rayner (Vice-Chair), Cllr A Cope, Cllr S Crisp, Cllr D A S Davis, Cllr F A Hoskins, Cllr A Mehmet, Cllr D Thornevell, County Cllr Mrs S Hohler, County Cllr M Hood, County Cllr S Hudson, County Cllr A Kennedy and County Cllr P Stepto.

In attendance: Councillor J R S Lark was also present pursuant to Council Procedure Rule No 15.21.

Mr O Baldock, Mrs W Palmer and Mrs S Barker were also present on behalf of the Kent Association of Local Councils (KALC).

Virtual: Councillors M D Boughton, Mrs A S Oakley, M R Rhodes, R V Roud, K B Tanner, M Taylor and K S Tunstall participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from County Cllr Mrs T Dean and Mr D Gaunt (KALC).

PART 1 - PUBLIC

JTB 23/18 NOTIFICATION OF SUBSTITUTE MEMBERS

The were no substitute members.

JTB 23/19 DECLARATIONS OF INTEREST

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

JTB 23/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Transportation Board held on 5 June 2023 be approved as a correct record and signed by the Chairman.

JTB 23/21 PETITION - OFF ROAD CYCLE PATH FOR THE A26 HADLOW ROAD TO HADLOW

The report of Kent County Highways and Transportation provided an update regarding the petition in respect of an Off Road Cycle Path for

the A26 Hadlow Road to Hadlow which was received by the Board at their meeting on the 5 June 2023.

The petition was to keep the route along the main A26, however it had since been found that an alternative route potentially existed which would take users away from part of the A26 by using the old alignment of Tonbridge Road and part of a Public Right of Way (PROW). The entire route had been broken down into sections starting from Tonbridge along the length of the A26 until it reached Hadlow College Campus. Kent County Council Highway Improvements team saw the merits and benefits of this scheme, however there was currently no funding in place to deliver improvements along the A26, therefore any works would be subject to successful funding bids. There was also ownership and/or changes to an existing PROW route which would also need to be overcome.

Members were advised that the Highway Improvements Team would be willing to create an internal bid via the Local Transport Plan (LTP) budget which was administered directly by Kent County Council. The bidding process usually took place in December with successful bids approved in March the following year. Outline design and initial communications could be started with other internal stakeholders to identify the correct procedure for upgrading the PROW. This could also include obtaining utility assets within the area to give a better picture as to what additional works may be required, however until a source of funding was confirmed, public consultation could not take place.

In accordance with Rule 6.2 of the Joint Transportation Board agreement, the lead petitioner was invited to address the Board, following which Members indicated their support of the scheme.

MATTERS FOR THE BOROUGH COUNCIL

JTB 23/22 PARKING ACTION PLAN - PHASE 14

(Decision Notice D230077MEM)

The report of the Director of Street Scene, Leisure and Technical Services covered the investigation and informal consultation stage of the parking restriction proposals contained in Phase 14 of the Parking Action Plan and sought approval to proceed to formal consultation.

Following the meeting of the Joint Transportation Board on the 5 June 2023, investigations into proposed parking changes had been undertaken at 30 sites across the Borough. A list of these sites, the issues raised and a recommendation for each was attached at Annex 1 to the report. A location summary and a more detailed response rate, analysis and recommendation was attached at Annex 2. The views of Local Members were sought on Ph 14-32 (West Street, Wrotham) and it was commented that the proposal should proceed to formal consultation.

The report also considered a Satisfaction Survey relating to new restrictions introduced in Shakespeare Road, Tonbridge (between Burns Crescent and Scott Road). It was highlighted that if changes were made to remove the double yellow line restrictions, these could be made without invalidating the current Traffic Regulation Order.

The Borough had taken forward the Kings Hill Parking Review and was about to undertake the installation of the scheme. Unfortunately, there had been a procedural issue by Kent County Council that too much time had elapsed since the formal consultation was carried out, and Kent County Council were unable to seal the Traffic Regulation Order. To address this, the statutory consultation would be repeated on the proposals as previously circulated, with the exception of the proposals for Fortune Way and Milton Lane, which were subject to Kent County Council developing proposals for one-way traffic flow. The aim was to provide a report to the next meeting of the Board. Subject to the outcome of the consultation and the agreement of the Board, the plan was to implement the proposals in Spring 2024.

RECOMMENDED: That

- (1) the recommendations for each location for Phase 14, shown in Annex 1 to the report, be adopted and where appropriate the proposals be taken forward to formal consultation. Furthermore, Members views were sought on West Street, Wrotham and agreed that this be taken forward to formal consultation; and
- (2) following consideration of the views of the Joint Transportation Board and local Members, the double yellow lines on Shakespeare Road (between Burns Crescent and Scott Road) be removed.

MATTERS FOR THE COUNTY COUNCIL

JTB 23/23 KENT STREET JUNCTION IMPROVEMENT UPDATE

The report of Kent County Council Highways and Transportation summarised the public consultation that had been undertaken on the proposed Kent Street/Malling Road highway improvements and recommended next steps.

Options had been presented to the Joint Transportation Board in March 2021, with the recommendation to progress to designs on a scheme that would give the most amount of improvement. Subsequently, various schemes had been investigated with the main aim to provide better visibility at the junction and proposals were consulted upon. The full consultation report and plans were attached at Appendix A to the report. If the proposal were to be supported as a whole or amended, there would be insufficient funding, however if an alternative option to amend the scheme by reducing the cycle facility but providing a footway

between Kent Street and Beech Road were to be supported, this would reduce the costs and bring it in line with the existing available budget along with reduced land requirements.

During discussion, Members recognised that there was an urgent need to improve visibility at the junction and enhance safety and conditions for local residents, pedestrians and cyclists.

RECOMMENDED: That Kent County Council proceed to detailed design and construction, with an amendment to the scheme of removing the cycle facility but providing a footpath between Kent Street and Beech Road.

MATTERS SUBMITTED FOR INFORMATION

JTB 23/24 HIGHWAYS FORWARD WORKS PROGRAMME - 2022/23 AND 2023/24

The report of the Kent County Highways, Transportation and Waste summarised schemes programmed for delivery in 2022/23 and 2023/23. The report provided an update on Road, Footway and Cycleway Renewal and Preservation Schemes (Appendix A), Drainage Repairs and Improvements (Appendix B), Street Lighting (Appendix C), Transportation and Safety Schemes (Appendix D), Developer Funding Works (Appendix E), Bridge Works (Appendix F), Traffic Systems (Appendix G) and the Combined Members Grant (Appendix H).

Members sought an update on the refurbishment of the existing traffic signal-controlled crossing and conversion to near-sided pedestrian facilities. An update was provided on the Members Grant programme in respect of West Peckham 30 mph and it was noted that the scheme was currently at the design stage and the Traffic Regulation Order was being drafted.

In relation to the replacement of the lamp column on Western Road Borough Green, the Chair invited the local Ward Member to submit a representation for Member Grant funding.

MATTERS FOR CONSIDERATION IN PRIVATE

JTB 23/25 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

Executive Decisions Record - August/September 2023

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D230071MEM	Shopfront and Vacant Unit Improvement Grant Scheme	Climate Change, Regeneration and Property	08.08.23	08.08.23	15.08.23						16.08.23
D230072MEM	Overview and Scrutiny Procedure Rules - Amendment	Leader	21.08.23	22.08.23	30.08.23*						31.08.23
D230073CAB	Regulation 18 Consultation	Cabinet	05.09.23	07.09.23	14.09.23						15.09.23
D230074CAB	Grounds Maintenance Contract - Service Delivery Review										
D230075CAB	Risk Management										
D230076CAB	Economic Development Strategy 2023-27 Draft Consultation										
D230077MEM	Emerging Kent Local Transport Plan - Consultation response	Transformation and Infrastructure	07.09.23	08.09.23	15.09.23						16.09.23
D230078MEM	Volunteering and Enrichment	Climate Change, Regeneration and Property	08.09.23	11.09.23	18.09.23						19.09.23
D230079MEM	Parking Action Plan Phase 14	Transformation and Infrastructure	18.09.23	20.09.23	27.09.23						
D230080MEM	Extension of Pilot Project - National Enforcement Solutions	Transformation and Infrastructure	20.09.23	20.09.23	27.09.23						
D230081MEM	KCC Community Warden Consultation response	Community Services	21.09.23	25/09.23	02.10.23						
D2300xxMEM	Response to Plan Making reforms implementation consultation	Planning	26.09.23								
D2300xxMEM	Reponse to Freight Logistics and the Plannng Systems	Planning	26.09.23								

Decision pending SSC of 26.9.23	Call in period	Key Decision	Private	Urgent
	Subject to call in			

URG - outside of budget and policy framework

*reflects Bank Holiday

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Agenda Item 18

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

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Agenda Item 19

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

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

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Agenda Item 20

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

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