

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### 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](mailto:committee.services@tmbc.gov.uk)

31 October 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 Wednesday, 8th November, 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

## A G E N D A

1. Guidance for the Conduct of Meetings

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## **PART 1 - PUBLIC**

2. Apologies for absence 9 - 10
3. Declarations of interest 11 - 12

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 13 - 22

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 3 October 2023

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

#### **Executive Key Decisions**

5. Review of Car Parking Fees and Charges 23 - 42

Proposals in respect of existing on street and off street car parking fees and charges will be considered by the Communities and Environment Scrutiny Select Committee on 6 November.

The recommendations of the Committee are 'to follow' and will be circulated in advance of the meeting of Cabinet.

6. Review of Fees and Charges - Miscellaneous 43 - 60

Proposals for fees and charges for the provision of services in respect of garden waste subscriptions, household bulky refuse & fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners, food certificates, contaminated land monitoring and private water supplies from 1 April 2024 will be considered by the Communities and Environment Scrutiny Select Committee on 6 November.

The recommendations of the Committee are 'to follow' and will be circulated in advance of the meeting of Cabinet.

#### **Matters submitted for Information**

7. Decisions taken by Cabinet Members 61 - 62

A record of the decisions taken by portfolio holders since the last meeting of Cabinet are attached.

8. Urgent Items 63 - 64

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

**Matters for consideration in Private**

9. Exclusion of Press and Public 65 - 66

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**

10. Urgent Items 67 - 68

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.

## **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](mailto: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](mailto:committee.services@tmbc.gov.uk) for further information.

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

### **Ground Rules:**

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

### **Voting:**

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

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

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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, 3rd October, 2023

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

**In attendance:** Councillors Mrs A S Oakley and D Thornevell were also present pursuant to Access to Information Rule No 23.

**Virtual:** Councillors L Athwal, Mrs S Bell, M A J Hood and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

### PART 1 - PUBLIC

#### **CB 23/82 DECLARATIONS OF INTEREST**

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

#### **CB 23/83 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 5 September 2023 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 23/84 COUNCIL TAX DISCOUNT**

The report of the Director of Finance and Transformation reviewed the current position with regard to the 100% council tax discount being applied to uninhabitable properties for a maximum period of 12 months and sought Members' views on whether the discount should be retained or reduced from 1 April 2024.

Due regard was given to both the financial and non-financial considerations, legal implications, risk assessment and policy considerations should a change be made to the 100% discount that was currently offered by the Borough Council. Consideration was also given to positions of the neighbouring authorities in respect of the discount.

Members noted that in the extreme cases where a property was severely damaged, the Borough Council could use its discretionary

powers under Section 13A Local Government Finance Act 1992 to waive the council tax charge.

**RECOMMENDED\*:** That the percentage of the current period of twelve months 100% council tax discount for 'uninhabitable' properties be reduced to 0% with effect from 1 April 2024.

**\*Referred to Council**

#### **CB 23/85 AUDITOR'S ANNUAL REPORT 2022/23**

Consideration was given to the recommendations of the Audit Committee meeting held on 25 September 2023 (AU 23/41).

**RECOMMENDED\*:** That

- (1) the Auditor's Annual Report (attached at Annex 1) for 2022/23 be approved;
- (2) the key recommendations made in respect of 'performance management' and 'procurement' be noted and the management comments be endorsed;
- (3) the management comments to the improvement recommendations be noted and endorsed; and
- (4) the Audit Committee receive a progress report on the key recommendations made in respect of 'performance management' and 'procurement' at their next meeting.

**\*Referred to Council**

#### **CB 23/86 TREASURY MANAGEMENT UPDATE**

Consideration was given to the recommendations of the Audit Committee meetings held on 24 July 2023 (AU 23/30) and 25 September 2023 (AU 23/42) respectively.

**RECOMMENDED\*:** That

- (1) the action taken in respect of treasury management activity for the period April to July 2023 be endorsed;
- (2) the 2022/23 outturn position be noted;
- (3) the Audit Committee's appreciation of the work undertaken by officers in Treasury Management, be noted; and
- (4) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report of the

Director of Finance and Transformation for the Audit Committee meeting of 25 September 2023, be retained.

**\*Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**EXECUTIVE KEY DECISIONS**

**CB 23/87 CAR PARKING PROPOSALS**

(Decision Notice D230084CAB)

The supplementary report of the Director of Street Scene, Leisure and Technical Services, the Director of Finance and Transformation and the Cabinet Member for Transformation and Infrastructure highlighted a number of proposed changes to the Borough Council's car parking services that had been considered by the Communities and Environment Scrutiny Select Committee on 21 September 2023. In addition, it was proposed that formal public consultation on the proposed changes be undertaken and the outcomes reported to future meetings of the Cabinet.

Careful consideration was given to recommendation CE 23/35 (attached at Annex 2) and Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money and legal implications. The risk to the Borough Council's aim of providing a balanced approach to the management of its car parks, detailed in 1.1.1 of the supplementary report, if the proposals were not implemented, were recognised.

It was also recognised that income generation was essential given the context of the Medium Term Financial Strategy and that the Borough Council sought to ensure that its assets were managed in the most efficient way and that costs were recovered and optimised.

A clarification was made in respect of the parking areas around Avebury Avenue, Tonbridge (west of Holford Street) where the issue of Business On-Street Parking Permits be revised to a maximum of 3 per business.

**RESOLVED:** That

- (1) the proposals below be taken forward to public consultation and the outcomes reported to future meetings of the Cabinet:
  - a) parking charges be extended to include Sundays, evenings up to 8pm and Bank Holidays;

- b) the on-street parking machines in Avebury Avenue, Tonbridge (west of Holford Street) be removed, the area be changed to parking permit only to add capacity to the D1 parking area and that the issue of Business On-Street Parking Permits in the D1 and D2 areas be revised to a maximum of 3 per business to allow more residential parking opportunities;
  - c) parking charges be introduced at Martin Square, Larkfield (as set out in Annex 1);
  - d) parking charges be introduced at both Bailey Bridge car parks in Aylesford (as set out in Annex 1);
  - e) parking charges be introduced to on street parking bays in West Malling High Street and Swan Street (as set out in Annex 1);
  - f) parking charges be introduced to the existing Gateway Visitor parking bays in Tonbridge Castle Grounds (as set out in Annex 1);
- (2) a project to improve the Bailey Bridge East car park be brought forward in the forthcoming Capital Plan Review;
  - (3) a scheme to introduce Automatic Number Plate Recognition (ANPR) systems at selected car parks on a trial basis be brought forward in the forthcoming Capital Plan Review;
  - (4) a scheme to enable these proposals to be implemented including CCTV, parking machines and signage be brought forward in the forthcoming Capital Plan Review; and
  - (5) a scheme to extend the existing Upper Castle Field car park to provide additional parking be brought forward in the forthcoming Capital Plan Review.

## **CB 23/88 BIODIVERSITY NET GAIN PROTOCOL**

(Decision Notice D230085CAB)

Consideration was given to recommendation HP 23/27 of the Housing and Planning Scrutiny Select Committee of 26 September 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that not having an adopted local approach to Biodiversity Net Gain (BNG) could mean a higher risk that offsite measures associated with development within Tonbridge and Malling could be delivered outside of the Borough. It was also noted that delays to the publication of secondary legislation and remaining Government guidance presented a risk as the Protocol needed to be



prepared in the absence of all necessary information and might need to be updated accordingly.

Following consideration of the Protocol by the Housing and Planning Scrutiny Select Committee on 26 September 2023, a delay to the publication of the guidance was announced by the Government. However, approval of the Protocol remained to be sought so that it could be introduced in line with any revised timetable as soon as the guidance is issued.

**RESOLVED:** That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes and be introduced in line with any revised timetable as soon as the guidance is issued by the Government; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 23/89 FINANCIAL PLANNING AND CONTROL 2023-24**

(Decision Notice D230086CAB)

The report of the Director of Finance and Transformation brought together information on salaries, major operational income streams and investment income. The performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. Updates on capital expenditure and variations agreed in relation to the Capital Plan were also provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of August 2023 was £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.

Overall actual income to the end of August was £140,986 less than budgeted. The majority of areas were currently below profiled budget and these were currently subject to review to identify trends that could provide better detail on income being received.

Members' attention was drawn to the significant demand on Temporary Accommodation (TA) and increasing costs on nightly paid accommodation, and the need to explore all options to improve TA

position to ensure sustainable provision, including expanding own stock, was recognised.

Particular reference was made to a successful claim to HMRC in respect of overpaid VAT on sports and leisure activities covering the period August 2007 to June 2011. In August 2023, this claim was accepted and the 'net' windfall receipt was £1,967,500. Proposals on how this funding might best be utilised for the benefit of the Borough would be included in the Medium Term Financial Strategy update report to Cabinet in November.

Members welcomed the positive update in respect of the position of the Business Rates pooling, as detailed in paragraph 1.14.

With regard to the recommendation from the External Auditors on engaging the public to undertake a dedicated budget consultation to determine local priorities for resources or opportunities for savings, Cabinet considered their existing approach to decision making rigorous but would keep the recommendation in mind.

**RESOLVED:** That

- (1) it be noted that as at the end of August 2023, the projected overall outturn position for the year 2023/24 was a net favourable variance of circa £1,861,794 when compared to the budget set in February 2023;
- (2) it be noted that the net favourable variance was wholly related to the windfall VAT receipt and that excluding this windfall there was a net adverse variance of £105,706;
- (3) the need to identify and implement opportunities to deliver as a minimum this financial year's savings target of £500,000 be noted;
- (4) the current business rate pool position as at the end of August 2023 be noted; and
- (5) a dedicated public consultation event on savings would not be undertaken but the process for identifying potential options for savings be kept under review.

**CB 23/90 REVISED SAFEGUARDING POLICY AND REPORTING PROCEDURE**

(Decision Notice D230087CAB)

Consideration was given to a revised Safeguarding Policy and Reporting Procedure for 2023-2027 (attached at Annex 1).

Due to evolving policies and procedures, the Policy had been updated to include information on self-neglect and hoarding, the Mental Capacity Act, the 'Think Family' toolkit and 'Making Safeguarding Personal'. All of these areas had been highlighted during an external safeguarding audit and peer review session undertaken by the Kent and Medway Safeguarding Adults Board.

To ensure the profile of safeguarding remained a focus for everyone at the Borough Council, it was proposed that Councillor D Keers be appointed as Member Champion for Safeguarding as part of his role as Cabinet Member for Community Services.

Cabinet had regard to the financial and value for money considerations, the legal implications and the risk and equality impact assessments and noted that Safeguarding and Prevent were included on the Borough Council's Strategic Risk Register. If Tonbridge and Malling were unable to demonstrate appropriate processes were in place, there was a risk of significant impact on a child, young person or adult at risk of harm.

**RESOLVED:** That

- (1) the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk, attached at Annex 1, be endorsed; and
- (2) Councillor D Keers be appointed as the Member Champion for Safeguarding.

## **CB 23/91 DIGITAL AND IT STRATEGY 2023-27**

(Decision Notice D230088CAB)

A new combined four-year Digital and IT Strategy for the period 2023 – 2027 was attached at Annex 2 for consideration. The new Strategy set out the Borough Council's five core digital priorities in meeting the primary challenges faced by the authority. These priorities would support Secure by design and culture; Transformation; Demand management; Efficient workforce and Economic growth. A Road Map outlining the major projects planned for the period 2023 – 2027 to underpin the priorities was also provided.

Cabinet had regard to the financial and value for money and political considerations and the risk and equality impact assessments and recognised that adopting this Digital and IT Strategy would enable the Borough Council to serve its vulnerable and elderly residents better through efficiency gained by enabling the majority of residents to self-serve. In addition, it was noted that adoption of this Strategy would help mitigate a number of strategic risks for the organisation including Savings and Transformation, performance management and carbon neutral aspiration.

**RESOLVED:** That the Digital and IT Strategy 2023-2027, attached at Annex 2, be approved.

### **CB 23/92 REVIEW OF GOVERNANCE ARRANGEMENTS**

(Decision Notice D230089CAB)

Consideration was given to recommendation OS 23/41 of the Overview and Scrutiny Committee of 14 September 2023.

As suggested by a number of Members at the meeting of the Overview and Scrutiny Committee on 14 September 2023, Cabinet supported governance changes being revisited by the Overview and Scrutiny Committee at a later date to allow the current arrangements more time to settle in.

**RESOLVED:** That

- (1) 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;
- (2) 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 paragraph 1.3.10);
- (3) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

### **CB 23/93 GROUND MAINTENANCE CONTRACT**

(Decision Notice D230090CAB)

Consideration was given to recommendation CE 23/36 of the Communities and Environment Scrutiny Select Committee of 21 September 2023.

Cabinet noted that no requests for further alterations to the proposed levels of service and potential savings previously reported had been received. However, proposals for the removal of flower beds had been rejected and Officers would work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays.

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and the risk and equality impact assessments.

**RESOLVED:** That

- (1) Kent Commercial Services Framework be used for external procurement;
- (2) the length of the contract be five years plus five years;
- (3) the Contract be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality;
- (4) the proposed levels of service and potential savings (as set out in Annex 1) be noted, and incorporated in the contract documentation;
- (5) the quality assessment criteria be agreed (as set out in Annex 3); and
- (6) a lease of the Maintenance Buildings be granted to the successful contractor as per the terms detailed in the report.

**CB 23/94 RISK MANAGEMENT**

(Decision Notice D230091CAB)

Consideration was given to recommendation AU 23/43 of the Audit Committee of 25 September 2023.

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

**RESOLVED:** That

- (1) the recommendations made by the External and Internal Auditors on Risk Management as set out, be noted;
- (2) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below), and the direction of travel for all risks, 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;
  - Performance management; and
  - Carbon Neutral 2030 Aspiration
- (3) the approach proposed within paragraph 1.3 for reporting back to the Audit Committee at the next cycle of meetings, be endorsed;
- (4) in light of the Auditor's Annual Report, the property asset management provision be reviewed in relation to the Organisational Development risk; and
- (5) a report be provided at the next meeting of the Audit Committee on the implementation of the Agile software system.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **CB 23/95 MINUTES OF PANELS, BOARDS AND OTHER GROUPS**

The Minutes of the Parish Partnership Panel of 31 August 2023, the Minutes of the Tonbridge Community Forum of 4 September 2023 and the Minutes of the Joint Transportation Board of 18 September 2023 were received and noted.

#### **CB 23/96 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 23/97 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.57 pm

# Agenda Item 5

The recommendations of the Communities and Environment Scrutiny Select Committee of 6 November are 'to follow' and will be circulated in advance of the meeting of Cabinet.

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**TONBRIDGE & MALLING BOROUGH COUNCIL**

**COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE**

**06 November 2023**

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

**Part 1- Public**

**Matters for Recommendation to Cabinet - Key Decision**

**1 REVIEW OF CAR PARKING FEES & CHARGES**

**Summary**

**This report brings forward proposals for existing on street and off street car parking fees and charges for implementation from 1<sup>st</sup> April 2024. The Committee is requested to consider the proposals and make recommendations to Cabinet.**

**1.1 Introduction**

- 1.1.1 Fees and charges for parking in the Borough are regularly reviewed in the context of current and planned service improvements and the operational management of the parking service with the exception of Haysden Country Park, the last full review was last undertaken in November 2021.
- 1.1.2 In bringing forward the proposals in this report, consideration has been given to the set of guiding principles for the setting of fees and charges established by the Council. The guiding principles can be summarised as follows:-
- Fees and charges should have due regard to the Council's Medium Term Financial Strategy and should reflect the Council's key priorities.
  - If there is to be a subsidy from the Council taxpayer to the service user this should be a conscious choice.
  - The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its key priorities and other corporate aims and priorities.
  - Fees and charges should be reviewed at least annually (unless fixed by statute or some other body).
  - Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators.
  - There should be consistency between charges for similar services.

In addition to the above, consideration also needs to be given to a number of specific principles relating to the provision of a successful car parking service. In summary the Council should:-

- Seek to optimise the availability of parking.
- Manage assets in a fair commercial and efficient manner.
- Implement an appropriate charging regime taking into account the cost of the parking service
- Balance the management of the car parks to meet the needs of all users
- Have in place suitable inspection and maintenance regimes to ensure it provides safe and well-maintained opportunities for the public to park their vehicles.

At the recent meeting of Cabinet it was agreed to consult on proposed evening, Sunday and Bank holiday charges and charges in previous free for use car parks and on street parking bays. These charges are subject to formal public consultation prior to further consideration by Cabinet.

1.1.3 The report considers current and future fees and charges for parking, and following careful consideration of the aforementioned principles, brings forward a number of proposals. In summary the proposals are as follows:

- Short stay parking charges in Tonbridge for parking longer than 1 hour to increase in a linear fashion in line with an hourly charge of £1.60. A penalty tariff is in place for parking longer than 4 hours. Long stay parking charges in Tonbridge to increase by 20p per tariff band.
- Residential preferential parking permits to increase from £52 to £57 per annum across the whole borough, with a rising scale of charges based on the number of cars per household increasing by proportionate amounts. New applicants to continue to receive 10 visitor permits free of charge.
- Visitor permits to be increased to £14 for 10 permits.
- Country parks – an increase from £2 to £2.20 for the first 4 hours. Season tickets for regular users to increase from £65 to £70.
- West Malling High Street car park – an increase in short stay parking charges in the High Street car park as shown in Table 5. Season tickets for the Ryarsh Lane car park to increase from £255 to £290 and the Saturday phone payment charges to reflect the same rate as the High Street car park.
- Borough Green – charges in the Western Road car park to increase by 10p per hour.
- Peak and Off-Peak Season tickets – increases to reflect market conditions/demand.

- Business permits/dispensations for on-street – increases applied with the exception of permits for carers.
- Carers permits to remain free of charge

1.1.4 It is relevant for Members to note that the last annual review of car parking charges was in 2021 with implementation of the new charges in April 2022. Since those charges were implemented inflation has been running at a high level which has impacted on the cost of providing the parking service.

## **1.2 Investment in the Parking Service**

1.2.1 The review seeks to achieve a balance between proactively managing parking on behalf of residents and businesses and an appropriate charging regime taking into account the cost of the parking service. Many items contribute to this cost, such as maintenance of the car parks, enforcement, business rates, lighting, security measures, renewal of signs and lines and a considerable investment in the Parking Action Plan to improve the management and convenience of parking throughout the Borough. Members will also note that off-street car parking charges paid by users are subject to VAT. It is also true to say that many of the Council's car parks are potentially valuable land assets were they not to be given over for parking purposes, representing an 'opportunity cost' to the Council.

1.2.2 Over the period since the previous review report in November 2021, the Council has implemented a significant number of parking management initiatives. In the context of this review of fees and charges, it is worth setting these out so that Members as well as local residents and businesses can understand the totality of the parking service beyond the purely financial considerations, and obtain a better perspective on the positive impacts that the parking service has on local parking conditions:-

- Improvement works to the value of £55,000 have been carried out in a number of car parks including Martin Square, Bradford Street, Teston Road, Sovereign Way Mid & North, Ryarsh Lane and Angel West
- In addition to these works approximately £335,000 has been spent in Angel East resurfacing large areas of the car park with replacement drainage channels added. As part of the contract agreement with Sainsburys, the value of these works are re-charged back to Sainsburys.
- The improvement work is underpinned by a continuing and consistent programme of maintenance work to keep the car parks safe, clean, well presented and convenient for our customers. This programme also includes work on-street to keep all the signs and lines in the Borough clear and legible to support the enforcement work of the Civil Enforcement Officers (CEO). Annual provision for this programme of maintenance work is £30,000 and it is

notable that there is a nationwide increase in materials costs for civil engineering works, that affects the Council's maintenance work.

- Business Rates are around £294,000 per annum and to round off this section on maintenance and safety, CCTV provision amounts to £188,500 each year to keep the car parks safe and secure.
- The enforcement service includes 10 full time CEO's. Staff are patrolling until 8pm at locations across the whole Borough, and the team are critical to promoting a well-ordered parking environment in the Borough that is responsive to local needs and pressures. It is also relevant to note that the expectations from the public in terms of levels of enforcement continue grow. In addition, an external contractor is employed to empty the ticket machines at an annual cost of £71,500.
- In addition, there is also a staff cost associated with implementing Local Parking Plans and the phased programme of more ad-hoc parking interactions. Whilst this is integrated with other parking related work, the average annual cost is iro. £30,000

1.2.3 Taking all these elements together, they amount to a significant investment by the Borough Council in seeking to provide a comprehensive and integrated parking service on behalf of residents and businesses and provide an important context for the review of parking fees and charges that follows. Further investment may also be required in the future to meet initiatives brought forward in the context of the Council's Digital and Climate Change Strategies.

### **1.3 Comparative Charges**

1.3.1 Comparison with the parking fees and charges of other Kent districts and private sector operators should not be the main driver of what might be appropriate in this Borough, since local circumstances, such as the availability of short and long-stay parking, the convenience of the car park locations, and any "through the till" refunds offered by businesses in Tonbridge (Sainsburys, Waitrose, Iceland and TM Active) are critical in such considerations. Ticket refunds from the aforementioned businesses in Tonbridge amount to £451,000 per annum. Comparative charges do, however, act as a guide and can be viewed by the public as to what might be considered the 'going rate' for parking. For these and other local reasons comparisons of charges outside the Borough and even within must be carefully qualified.

1.3.2 The scope of the review exercise covers consideration of all existing services and charges and includes an assessment of whether current circumstances justify them being maintained as they are or increased. In overview, a comparison of parking charges levied by neighbouring authorities would indicate the proposals

are generally in line with others, and it is anticipated that most other Councils will be bringing forward their own increases in advance of the next financial year.

#### 1.4 Current Income Levels

1.4.1 Income from the Council's car parks is monitored by the Council's Management Team on a monthly basis. This enables any variances against profile to be identified and if necessary action to be taken. Current levels of income reflect an ongoing but gradual recovery from Covid and have been carefully considered in bringing forward the proposals in this report.

1.4.2 After the first 6 months of the current financial year, income is close to profile.

1.4.3 Parking income for Haysden Country Park is monitored separately. Income after the first 6 months is above/below profile, with a year-end forecast of £89,000.

#### 1.5 Off-Street Parking in Tonbridge – Daily Short and Long Stay Charges

1.5.1 Detailed in Table 1 below are the current and proposed charges for daily short and long stay car parking charges in Tonbridge. It is proposed, subject to public consultation, to extend the Tonbridge car park charging period from 8am-6pm to 8am-8pm, Monday to Saturday and to introduce charges on Sundays or Bank Holidays. The proposed charges shown in the table below will apply to these proposals.

<b>TABLE 1</b>		
<b>Short Stay</b>		
<b>Period – Hours</b>	<b>Current Charge</b>	<b>Proposed Charge</b>
30 minutes	£0.70	£0.80
1 hour	£1.40	£1.60
2 hours	£2.80	£3.20
3 hours	£4.20	£4.80
4 hours	£5.60	£6.40
Additional hours	£2.80	£3.20
<b>Long Stay</b>		
1 hour	£1.40	£1.60
2 hours	£2.60	£3.00
3 hours	£3.50	£4.10
6 hours	£5.40	£6.20
All day (23 hours)	£6.80	£7.00

- 1.5.2 The proposed all-day tariff of £7.00 does not exceed the current all-day rate of £7.90 in the privately operated Tonbridge railway station car park. It operates for 23 hours to prevent the long-term storage of vehicles.
- 1.5.3 Upper Castle Field and Castle Grounds car parks were changed from long stay to short stay as part of the car parking charges last review. This has proved successful, and it is proposed this be retained.

## 1.6 Season Tickets, Tonbridge

- 1.6.1 The Council currently offers Season Tickets focussed primarily on commuters and workers in the town to park all-day in the Sovereign complex (Sovereign Way East, Sovereign Way North and Vale Road) and Lower Castle Fields car parks. Season tickets are available on a monthly and yearly basis. In addition, as part of the last review of car parking charges, the Council introduced a Town Centre Residents Season Ticket covering a designated area within the town centre. It is suggested that the designated area be extended further to include areas north of the river. A plan of the proposal is shown at **Annex 1** to include residential properties in the area shown in orange to the north of the Medway, west of Cannon Lane, south of Bordyke and east of The Slade.
- 1.6.2 The annual take-up of Season Tickets is currently 57 at the annual rate and 317 at the monthly rate. 38 of the new Residents Season tickets have been sold. Uptake of the season tickets has increased in the recovery period from Covid.
- 1.6.3 The proposed Season Ticket charges at Table 2 takes into consideration the charges applied at the Railway Station car park which has the advantage for commuters of being located immediately next to the Station. The current price of a Tonbridge Station season ticket is £1,415.50.

**TABLE 2**

<b>Season Tickets, Tonbridge</b>		
	<b>Current Charge</b>	<b>Proposed Charge</b>
Monthly	£120	£132
Annual	£1050	£1150

- 1.6.4 The existing charge for the Town Centre Residents season ticket is £87.50 for 3 months or £350 for a year. Taking into account the aim to increase take up and extend availability it is suggested a modest increase to £90 and £360 respectively is applied.

## 1.7 Off-Peak Season Ticket, Tonbridge

- 1.7.1 The Council offers an “Off-Peak Season Ticket” in Tonbridge that allows anyone to park between 4pm and 9am the next day (and all-day Saturdays) for £320 per year in any of the Council’s car parks in central Tonbridge. There are currently 7 off peak annual season tickets as demand has reduced since the introduction of the Residents Season tickets. Members will note from Table 3 below that it is the intention to increase the charge to £360 per year.

**TABLE 3**

<b>Off Peak Season Ticket, Tonbridge</b>		
	<b>Current Annual Charge</b>	<b>Proposed Annual Charge</b>
Off-peak season ticket (4pm-9am & Saturdays)	£320	£360

## 1.8 Off Street Parking in West Malling – Season Tickets and Short Stay Charges

- 1.8.1 The current Season Ticket for the Ryarsh Lane car park is set at £255 per year or £26 per month. The car park is primarily used by businesses and retailers in the week for their staff. The car park is also free of charge after 3pm on weekdays to enable parents to collect their children from the local primary school. At the last review of charges, charges were introduced for Saturday at the same level as the High Street short stay car park subject to a public consultation exercise, it is suggested these charges will be extended to also apply on Sundays and bank holidays in the future.
- 1.8.2 Privately managed, alternate long-stay parking is available at West Malling railway station. Although it is recognised that this is less convenient for the town, the comparative cost of the parking is shown below in Table 4.

**TABLE 4**

<b>West Malling Long Stay Parking</b>				
<b>Parking provider</b>	<b>Daily Charge</b>	<b>Off peak Charge</b>	<b>Saturday Charges</b>	<b>Annual Charge</b>
South-eastern (West Malling Station)	£5.60	£5.10	£3.80	£976.00
Ryarsh Lane car park	Not available	Not available	Short stay charges apply as shown below at Table 5	£255 (annually) £26 per month

- 1.8.3 Despite successive increases demand for season tickets in Ryarsh Lane continues to exceed supply and there still remains a tendency for season ticket holders to retain their tickets even when not always required. The car park has 114 spaces and the allocation of tickets is currently limited to 127. At the last review of charges a monthly Season Ticket at £26 per month was introduced. This has proved to be quite popular with 106 monthly tickets sold last year.
- 1.8.4 It is proposed to increase the annual season ticket to £290. The Saturday charges will increase in line with the short stay charges shown below in Table 5.
- 1.8.5 Detailed in Table 5 below are the current and proposed charges for daily short stay car parking charges in West Malling High Street car park.

**TABLE 5**

<b>West Malling Short Stay</b>		
<b>Period</b>	<b>Current Charge</b>	<b>Proposed Charge</b>
30 minutes	£0.50	£0.60
1 hour	£1.10	£1.20
2 hours	£1.80	£2.00
3 hours	£2.60	£2.90
4 hours	£3.40	£3.80



- 1.8.6 Resident Season tickets are also available for the car park but these are restricted to local residents. There are currently 13 annual resident season tickets issued.

**TABLE 6**

<b>Borough Green Western Road Car Park</b>		
	<b>Current Charge</b>	<b>Proposed charge</b>
Up to 30 minutes	£0.20	£0.30
30 minutes to 1 hour	£0.50	£0.60
1 to 2 hours	£0.80	£1.00
2 to 4 hours	£1.50	£1.80
4 to 6 hours	£2.20	£2.60
6 to 9 hours	£3.10	£3.50
All day	£5.30	£5.50
Residents Season Ticket	£350	£385

## 1.9 Residents Permit Parking Scheme

- 1.9.1 Residents permits across the Borough are shown below in Table 7 and are based on a rising scale of charges with those who park more cars on the road, paying more for their permits. The rising scale is designed to help manage road space demand where parking is at a premium. In essence, it seeks to discourage people from parking more cars in the road, unless absolutely necessary. 3147 residents permits are currently issued. 3056 relate to a 1st or 2<sup>nd</sup> car, 76 for a third car and 15 for a 4<sup>th</sup>.

TABLE 7	Current Annual Charge	Proposed Annual Charge
1 <sup>st</sup> car	£52	£58
2 <sup>nd</sup> car	£52	£58
3 <sup>rd</sup> car	£104	£115
4 <sup>th</sup> car	£156	£175

- 1.9.2 Foreign registered vehicles are required to be exported or re-registered in the UK via DVLA after 6 months. With this in mind, we offer 6 month permits to non-UK registered vehicles belonging to residents, at the pro-rata rate for comparable resident parking permits. The proposed change to the cost of resident permits will require a change from £26 to £28.50 for 6 months,

- 1.9.3 The Council offers Business and Carers Permits and Dispensations shown below in Table 8.

**TABLE 8**

<b>Business/Carers Permits</b>		
<b>Permit type</b>	<b>Current charge per annum</b>	<b>Proposed charge per annum</b>
Business permit (for businesses located within a permit scheme)	£200	£250
Carers permit	£0	£0
<b>Dispensations</b>		
Property Maintenance	£200	£250
On-street dispensation (for building works etc.)	£15 per day £60 per week	£18 per day £75 per week

- 1.9.4 Members will note that it is the intention to increase the cost of the permits/dispensations with the exception of the Carers Permit which it is felt should remain free of charges.

## **1.10 Visitor Permits**

- 1.10.1 The Council has a system of issuing Visitor Permits to holders of Residents Permits to enable their visitors to park within the restricted area. The Visitor Permits effectively operate as a one-day parking permit.

- 1.10.2 Visitor Permits currently cost £12 per sheet of 10 permits, and every permit holder is given a free sheet of 10 permits when they first take out their permit. Currently iro. 2,500 permit sheets are sold each year. The charge per sheet of £12 has not been increased for 4 year and it is therefore proposed that it be increased to £14.

## **1.11 Haysden Country Park**

- 1.11.1 The last increase in charges for parking at the country park was applied in July 2023 with charges rising to £2.00 for up to four hours and 4.50 for over four hours.

- 1.11.2 To reflect the popularity of the Park and the cost of providing the facility it is proposed that the current “up to 4 hour” rate of £2.00 be revised to £2.20. It is not proposed to amend the “over 4 hour” rate to £5.00.

1.11.3 Annual season tickets can also be purchased for regular users of the Park and is. The season ticket was introduced in 2008 and is currently £65 for the whole year. It is suggested that the charge be increased to £70 per annum. There are currently 268 season tickets.

1.11.4 Members may be interested to note that the current charging structure in relation to Kent County Council's Manor Country Parks in West Malling is:

- £2.00 Monday to Friday
- £3.00 Weekend and Bank Holidays
- £62 season ticket (valid at all 9 KCC Country Parks)

1.11.5 The existing charges, together with the proposed charges, are detailed below in Table 9. The proposals take into account the charges at the KCC Country Parks, the value of the season ticket for regular users and current demand.

**TABLE 9**

<b>Haysden Country Park</b>		
<b>Period</b>	<b>Current Tariff</b>	<b>Proposed Tariff</b>
0-4 Hours	£2.00	£2.20
4+ Hours	£4.50	£5.00
Annual Season Ticket	£65.00	£70.00

1.11.6 With regard to Leybourne Lakes Country Park the management of the site has now transferred to the Tonbridge and Malling Leisure Trust.

## **1.12 Tonbridge On-Street Pay and Display**

1.12.1 The Council currently operates some limited on-street pay and display parking in Tonbridge, the majority operating for up to a maximum stay of either 2 or 3 hours. The purpose of on-street pay and display is to provide short stay parking that is convenient to customers of local businesses, with a regular turn-over of spaces. In addition, the Council offers long stay on street parking in Morley Road, Tonbridge.

1.12.2 The proposed on-street pay and display parking charges are shown in Table 10 below, and are identical to the proposed short stay parking charges in Tonbridge reported earlier in these papers.

**TABLE 10**

<b>On-Street Pay &amp; Display</b>		
	<b>Current Charge</b>	<b>Proposed charge</b>
Up to 30 minutes	£0.70	£0.80
Up to 1 hour	£1.40	£1.60
Up to 2 hours	£2.80	£3.20
Up to 3 hours (where allowed)	£4.20	£4.80
All day (Morley Road only)	£1.80	£2.00

### **1.13 Timescale**

1.13.1 Changes to the On and Off-street charges will be progressed and reported as required to the appropriate Member meetings. The Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations 1996 requires a statutory consultation of at least 21 days for the invitation of objections, which will then be considered by Cabinet for off street charges and the Joint Transportation Board for on street charges. This will result in any Member endorsed proposals being introduced later next year.

### **1.14 Legal Implications**

1.14.1 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.

1.14.2 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.

1.14.3 Part 2 of The Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 introduced a statutory requirement for a 10 minute “grace” period to time limited parking, whether on-street or off-street, including Pay and Display, regardless of the intended duration of stay, effectively adding the facility to park for an additional 10 minutes to all parking periods.

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

1.15.1 This review has examined parking fees and charges within the context of a set of guiding principles, the cost of parking service to the Council and ongoing investment in the parking management service. It is anticipated that the proposals outlined in this report will generate estimated additional income of £364,011. This estimate is based on the assumption that current usage and refund levels remains constant, that ticket sales remain uninfluenced by price increases and that there is a similar distribution of tickets in each pricing bracket.

## **1.17 Asset Management**

1.17.1 It is worthy of note that many of the Council’s car parks represent a significant asset in terms of resale and for development. It is essential given the context of the Medium Term Financial Strategy that the Council seeks to ensure that the assets are managed in the most economically advantageous way and may in some cases include disposal of the asset.

## **1.18 Risk Assessment**

1.18.1 The estimated additional income is modelled on predicted future parking patterns and demand matching what currently takes place. It does not reflect any potential adverse customer reaction or the possibility of increased take up. The proposed charges will be subject to formal public consultation early in the New Year, with the outcome reported to Cabinet.

## **1.19 Equality Impact Assessment**

1.19.1 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.

1.19.2 Blue Badge holders can park free of charge in the Council’s car parks for up to 23 hours. For Blue Badge holders living in a parking permit area, a Resident Parking Permit is not required as long as the valid Blue Badge and clock is correctly displayed. The Blue Badge scheme has recently been extended by Central Government to include people with “hidden disabilities”. This includes people with learning disabilities, autism, and mental health conditions.

## **1.20 Policy Considerations**

1.20.1 Asset Management

1.20.2 Community

1.20.3 Customer Contact

1.20.4 Climate Change

## 1.21 Recommendations

1.21.1 It is RECOMMENDED that the Committee considers the following car parking proposals for formal public consultation early in the New Year, implementation from 1<sup>st</sup> April 2024 ,and makes recommendations to Cabinet-

- 1) Introduce the schedule of charges for short and long stay parking in Tonbridge shown in Table 1;
- 2) Adopt the schedules of Peak and Off-Peak Season ticket charges in Tonbridge shown in Tables 2 and 3;
- 3) Increase the Tonbridge Town Centre annual Residents Season ticket from £350 to £360;
- 4) Extend the designated Tonbridge Town Centre Residents Season ticket to the area shown in orange in **Annex 1** to the report.
- 5) Introduce the schedules of charges for long stay and short stay parking in West Malling as shown in Tables 4 & 5;
- 6) Introduce the schedule of charges for parking in Borough Green Western Road car park shown in Table 6;
- 7) Increase Residents Permits as shown in Table 7;
- 8) Introduce the schedule of charges for Business Carers Permits and Dispensations shown in Table 8;
- 9) Visitor permits be increased to at £14 for a book of 10 permits, with the current offer of 10 free permits to new applicants retained;
- 10) Introduce the schedule of charges for Haysden Country Park shown in Table 9; and
- 11) Introduce the schedule of charges for on-street pay & display parking in Tonbridge shown in Table 10.

Background papers:

Annex 1 – Tonbridge Town Centre Residents Season  
Ticket area

contact:  
Andy Bracey

Robert Styles  
Director of Street Scene, Leisure & Technical Services

Sharon Shelton  
Director of Finance & Transformation

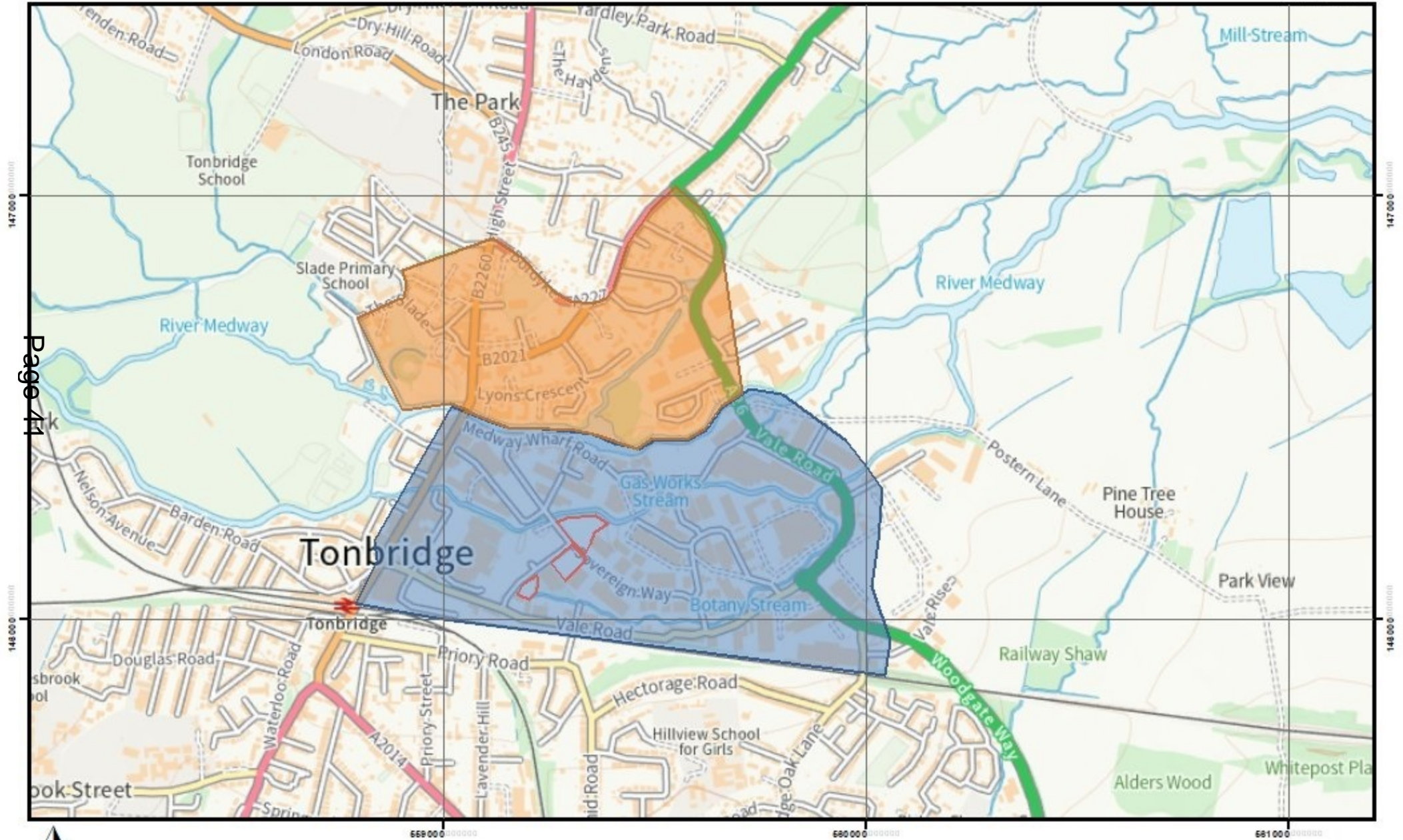
Martin Coffin  
Cabinet Member for Transformation and Infrastructure

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KEY

- Proposed extension to Town Centre Residents Season Ticket area
- Existing Town Centre Residents Season Ticket area



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# Agenda Item 6

The recommendations of the Communities and Environment Scrutiny Select Committee of 6 November are 'to follow' and will be circulated in advance of the meeting of Cabinet.

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**TONBRIDGE & MALLING BOROUGH COUNCIL**

**COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE**

**06 November 2023**

**Report of the Directors of Street Scene, Leisure & Technical Services, Planning,  
Housing & Environmental Health and Finance and Transformation**

**Part 1- Public**

**Matters for Recommendation to Cabinet - Key Decision**

**1 REVIEW OF FEES AND CHARGES**

**This report sets out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, household bulky refuse & fridge/freezer collections, “missed” refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2024.**

**1.1 Introduction**

1.1.1 In bringing forward the charging proposals for 2024/25 consideration has been given to a range of factors, including the Council’s overall financial position, market position, trading patterns, the current rate of inflation and customer feedback.

1.1.2 The proposed charges for 2024/25 have also taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:

- Fees and charges should reflect the Council's key priorities and other corporate aims and priorities recognising there may be trade-offs as these are not mutually exclusive;
- Fees and charges should have due regard to the Council's Medium Term Financial Strategy;
- If there is to be a subsidy from the Council tax payer to the service user this should be a conscious choice;
- The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its key priorities and other corporate aims and priorities;

- Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
- Fees and charges should not be used to provide a subsidy from the Council tax payer to commercial operators;
- There should be consistency between charges for similar services;
- Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.

1.1.3 It is essential in light of the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.

## **1.2 Garden Waste Subscriptions**

1.2.1 The current charge for an annual garden waste subscription is £49.50 with a second or third bin discounted to £32.50. 28,400 residents have now signed up for the service representing a take up of 55%. This level of take up is one of the highest in Kent and is very encouraging.

1.2.2 Current charges for garden waste subscription across local authorities in Kent are as follows:

Ashford BC - £45.00  
 Canterbury CC - £47.25  
 Dartford BC - £46.25  
 Dover DC - n/a as provide a sack service  
 Folkestone and Hythe DC - £53.00  
 Gravesham BC - £54.00  
 Maidstone BC - £45.00  
 Sevenoaks DC - £50.00  
 Swale BC - £55.00  
 Thanet DC - £65.00  
 Tonbridge & Malling BC - £49.50  
 Tunbridge Wells BC - £56.00

It can be seen that charges range from £45 to £65 with an average County charge of £51.45.

- 1.2.3 Income to the Council from the garden waste subscription scheme is significant - second only to income from parking - and uptake across the borough since its introduction has been extremely good. This has been assisted by a number of marketing campaigns which will be continued in the future.
- 1.2.4 Within the Council's Medium Term Financial Strategy an increase of £2 has been included annually which would take the annual charge to £51.50 with a second or third bin discounted to £34.50. It should be noted however that the recent price indexation for the contract was 16%, increasing the cost to the Council of collecting the bins. It is, therefore, suggested that a price increase to £53 and £36 for a second or third bin would be appropriate. This places the charge marginally above the current county average, but it should be noted that the other authorities are likely to be increasing their charges for the next financial year. Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £120,000 above the revised estimate of £1,270,000 for 2023/24.

### **1.3 Household Bulky Refuse & Fridge/Freezer Collection Service**

- 1.3.1 In April 2016, a two-tier fee was introduced with a price for up to six items of bulky refuse and a lower price for up to two fridge/freezer only collections. The new fee structure also included a concessionary charge for those receiving Council Tax Support.
- 1.3.2 At the Cabinet meeting on the 7 September 2022 Bulky Collections charges were reviewed with the following recommendations being approved: 'the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and the subsidy fee levied should be increased in line with the projected contract indexation, as per inflation, levels from 1 April 2023.
- 1.3.3 While Councils are not able to make a profit from the collection of a "prescribed" household waste (such as a bulky collection service), the legislation does allow Council's to recover the associated collection costs together with reasonable administration costs.
- 1.3.4 The current fee structure of our neighbouring authorities is outlined below, with each authority having different arrangements in place. Only Tunbridge Wells BC offer any form of concession: -

<b>Gravesham B.C.</b>	<b>Maidstone B.C.</b>	<b>Sevenoaks D.C.</b>	<b>Tun. Wells B.C.</b>
1-4 items - £30 5-8 items - £60	1-4 Items - £29 5 - 8 items - £39 Fridge Freezer - £21	1 item - £18 2 items - £30 3 to 4 items - 40 5 to 10 items - £52 White goods - £18 each Large American-style fridge freezers - £42 each	1-4 items - £53 (max.1 fridge or freezer) 5-8 items - £106
No concessions	No Concessions	No Concessions	1 free collection per quarter for residents receiving certain benefits.

1.3.5 It is proposed to increase this authorities existing full and concessionary prices as set out below. Demand for this service has been steady over the last few years which is expected to continue in 2024/25 which is reflected in the estimated income.

1.3.6 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £10,300 above the 2023/24 revised estimate of £147,000

<b>Service</b>	<b>Current Full Charge</b>	<b>Proposed Full Charge 2024/25</b>	<b>Current Concession Charge</b>	<b>Proposed Concession Charge 2024/25</b>	<b>Est. Annual Income 2024/25</b>
Household Bulky Refuse Collection (up to six items)	£65.00	£69.50	£13.50	£14.50	£136,000
Household Fridge/ Freezer Collection (up to two items)	£40.00	£42.50	£13.50	£14.50	£21,300

## **1.4 Refuse collection charge**

1.4.1 On occasion the Waste Services Team receive requests from customers to empty wheeled bins where the customer has not placed their bin out and has missed the collection. On these occasions the Team are occasionally asked by the customer if they can pay for a “one off” return collection.



1.4.2 A collection charge to cover these circumstances was introduced in April 2015. It covers the contract cost of returning and includes a small administration fee. To date there have been no concerns raised by customers. Although the number of requests is low, it does allow our Waste Services staff to offer an alternative solution.

1.4.3 It is proposed to increase this charge to £25.00 for 2024/25 as outline below.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2024/25</b>	<b>Est. Annual Income 2024/25</b>
Refuse Collection Charge	£22.00	£25.00	£250

## **1.5 Stray Dog Redemption fee**

1.5.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 set down a prescribed redemption fee of £25 and provides for local authorities to recover its other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.

1.5.2 Where a dog is taken to kennels the Council charges the owner for the other reasonable expenses, associated with the costs of providing the Dog Warden contract and admin costs. This is presently set at £82.50. The total fee charged by the Council is therefore £107.50.

1.5.3 It is proposed that the contract & administration fee be increased to £87.50 with no formal waiver or discount, but the Council will continue to exercise discretion to allow payment by instalments. Daily kennelling costs are paid direct to the kennels by the owner when collecting their dog.

1.5.4 The number of stray dogs being claimed by their owners has been declining in recent years and this is reflected in the estimated income for 2024/25.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2024/25</b>	<b>Est. Annual Income 2024/25</b>
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£100
Stray Dog Redemption Fee - Kennelling required	£107.50 (including statutory fee, but not including daily kennelling costs).	£112.50 (including statutory fee, but not including daily kennelling costs).	£4,950

1.5.5 The proposed total charge of £112.50 is comparable to charges applied by neighbouring Councils. At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee of £25. No change is proposed to this charge as it is a statutory fee set in legislation.

1.5.6 Members may wish to note that next spring the dog warden contract will be retendered and a more detailed review of the above charges may be required.

## **1.6 Tonbridge Allotment Charges**

1.6.1 Allotments in Tonbridge are managed on the Council's behalf by the Tonbridge Allotments and Gardens Association. The Council was previously advised that the Association had considered a future charging structure that was approved at their own annual general meeting in October 2021. The proposed future charging structure raises annual rents per rod by one pound through to 2024/25.

1.6.2 The proposed charging structure was considered and approved by Members of the former Communities and Housing Advisory Board on the 16 February 2021. A typical full allotment plot is measured at 10 rods, with half plots (5 rods) also available. The table below shows the agreed charging structure through to 2024/25.

Approved Annual Charges (10 rod plot)	
2021/22	£60
2022/23	£70
2023/24	£80
2024/25	£90

- 1.6.3 Whilst no direct income is received by the Council, it is expected that there will be no increase in management fee paid by the Council to the Association, rather that the Association will offset their increased costs (including utilities) through the proposed increases highlighted above.

## 1.7 Tonbridge Cemetery Charges

- 1.7.1 On the 9 November 2021 Members of the former Communities and Housing Advisory Board undertook a strategic and comprehensive review of charges at the Cemetery. The review specifically took into consideration the significant subsidy applied in relation to site management and maintenance costs. The Board, and subsequently Cabinet, approved charges for 2021/22 to reflect and address the above.
- 1.7.2 In addition to the above, a 10% increase in charges was applied in April 2023 to reflect inflationary and contract increases at that time. It is proposed that an increase of 5.25% is applied to charges from the 1 April 2024 again to take into account inflation and relevant contract indexation. Proposed charges are shown at **Annex 1**.
- 1.7.3 Members will note that there are no fees for burials of under 18's. This policy decision was recommended to and approved by Cabinet through a Supplementary Report considered on the 14 February 2019. Cabinet resolved that: "the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18-year-olds being free of charge with immediate effect". Members may wish to note that on average only one to two burials for under 18s have been undertaken in recent years, and the Council is able to seek reimbursement of an element of the costs for these burials.
- 1.7.4 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £6,400 above revised estimate for 2023/24 of £122,150. It should be noted that the estimate for 2024/25 remains lower than the initial MTFs by £12,900. This is due to a reduction in the uptake of services particularly burials.

## 1.8 Events on Public Open Spaces/Hire of Billboards and Banners

- 1.8.1 In line with the Policy for events undertaken on Council owned land charges were implemented on the 1 April 2022. An inflationary increase of 5.25% is proposed. The proposed increases are shown at **Annex 2**. Some figures have been rounded up.
- 1.8.2 The proposed charges for the hire of billboards and banners are shown at **Annex 2**. The charges include the cost of installation and removal of the materials.

## 1.9 Condemned Food Certificates

- 1.9.1 This is a service available to food businesses in the borough which properly controls the safe surrender and disposal of food deemed by Environmental Health staff as unfit for human consumption. The service continues to reflect legislative requirements for stricter controls and is based on total cost recovery. The proposed charges, as set out below, continue to reflect this approach.
- 1.9.2 Recent years have seen no requests for these certificates. The lower income rate is reflected in estimated full year income.

Service	Current Charge	Proposed Charge 2024/25	Income Full Year 2024/25
For each Condemned Food Certificate Issued	£205 for first hour plus £205 for each additional hour plus VAT	£220 for first hour plus £220 for each additional hour plus VAT	£220

## 1.10 Exported Food Certificates

- 1.10.1 This is a service provided by the Council for food exporters who export food not of animal origin. In this instance, Authorised Officers from the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.
- 1.10.2 The level of demand for Exported Food Certificates has slowly declined over the last few years to about 19 per year.
- 1.10.3 There is some variance across the County in fees charged for this service in 2022/23:
- Dartford BC – Price on Application  
Maidstone BC - £135  
Sevenoaks DC - £82.00  
Swale BC - £135  
Tunbridge Wells BC - £135.00
- 1.10.4 We propose to apply a small increase to the current charge to reflect costs in responding to these certificate requests.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2024/25</b>	<b>Income Full Year 2024/25</b>
For each Exported Food Certificate issued	£85 plus VAT per certificate	£89.25 plus VAT per certificate.	£1,700

## **1.11 Food Hygiene Requests for Re-visits**

1.11.1 Food business operators that have made improvement to hygiene standards following their inspection can request a re-visit with a view to giving them a new and higher food hygiene rating. There is currently a charge of £215 for this service, which is based on cost recovery. Neighbouring authorities are currently charging as follows:

- Ashford £105
- Mid Kent Environmental Health Partnership £183,
- Sevenoaks £205
- Dartford £200
- Gravesham £196 and
- Dover £170.

1.11.2 The proposal is not to increase the fee for 2024/25.

## **1.12 Food Safety Training**

1.12.1 The Food and Safety team have not been required to run inhouse food training courses since 2019/20 as the commercial market now meets the needs for providing the training. We have no plans in place to run future in-house courses. This will lead to a loss of income of £3,000 per annum.

## **1.13 Contaminated Land**

1.13.1 The Environmental Protection Act 1990 Part 2A requires local authorities to implement a system for the identification and remediation of land where contamination is causing a risk to human health or the wider environment because of historic or current uses.

1.13.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £90 per hour in responding to these requests for information.

- 1.13.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the Officer responsible for providing information, on-costs and an administration charge.
- 1.13.4 The fee has been derived based upon comparison with other Kent local authorities. For example while Ashford charge £25 per hour, Gravesham charge £95. Some Authorities such as Folkestone & Hythe, and Medway charge flat rates of £153 and £150 respectively. There is no maximum fee under the legislation.
- 1.13.5 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

<b>Service</b>	<b>Current Charge</b>	<b>Proposed Charge 2024/25</b>	<b>Income Full Year 2024/25</b>
Responding to requests for information relating to contaminated land	£90.00 per hour (1 hour minimum charge)	£100.00 per hour (1 hour minimum charge)	£1,650

#### **1.14 Private Water Supplies**

- 1.14.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 1.14.2 In a report to this Board on 28 February 2011 it was agreed to introduce a charge to recover the cost of Officer's time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 1.14.3 We have reviewed the cost of providing this service and propose to apply a small increase to £90 per hour, plus the cost of sample analysis.
- 1.14.4 The fee has been derived based upon comparison with other Kent local authorities. Medway charge £51 per hour. Dover charge a flat fee of £100 for sampling and £500 for a risk assessment, with sample analysis costs on top. These charges are no longer subject to a maximum limit by virtue of the Private Water Supplies (England) (Amendment) Regulations 2018. However, there is an expectation that charges should only cover costs incurred.
- 1.14.5 As each private water supply is very different, the Officer time for each visit/ risk assessment is difficult to quantify. We have seen a decline in this service over recent years which is reflected in the estimated full year income.

Service	Current Charge	Proposed Charge 2024/25	Income Full Year 2024/25
Carrying out sampling and risk assessment of private water supplies	£85.00 per hour (1 hour minimum charge) plus VAT	£90.00 per hour (1 hour minimum charge) plus VAT	£950

### 1.15 Financial and Value for Money Considerations

1.15.1 The fees and charges have been considered in accordance with a set of guiding principles and the opportunity to maximise income has been taken into account where possible.

### 1.16 Legal Implications

1.16.1 Section 93 of the 2003 Local Government Act allows authorities to charge for services that they have a power [but not a duty] to provide.

### 1.17 Financial and Value for Money Considerations

1.17.1 The fees and charges proposed have been considered in accordance with a set of guiding principles and the opportunity to maximise income has been taken where possible.

### 1.18 Risk Assessment

1.18.1 A decision is required now on the proposed fee structure for these activities to ensure that the Council has timely and up-to-date arrangements in place to administer service requests when received.

### 1.19 Equality Impact Assessment

1.19.1 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.

### 1.20 Recommendations

1.20.1 It is suggested that the Committee **RECOMMENDED** the following to Cabinet:-

- 1) The proposed scale of charges for garden waste subscriptions, household bulky refuse & fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, events, billboards and banners pest control, food certificates, contaminated land

monitoring and private water supplies as detailed in the report be approved;  
and

- 2) The proposed scale of charges be implemented from 1st April 2024.

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

Background papers:

Nil

Robert Styles  
Director of Street Scene, Leisure & Technical Services

Eleanor Hoyle  
Director of Planning, Housing & Environmental Health

Sharon Shelton  
Director of Finance & Transformation



**TONBRIDGE CEMETERY CHARGES**  
**WITH EFFECT FROM 1 APRIL 2024**

- Please Note:**
1. For burials in graves at Tonbridge Cemetery the fee payable will normally be both Section 1 and Section 2 charges.
  2. All charges apply where the person to be buried or the person leasing the grave, etc., are residents of the Borough. Residents of the Borough who have moved into a home or hospital outside the Borough prior to death are charged as residents.
  3. **All charges are doubled for non-residents.**

<b>Section 1:</b>	<b>Exclusive right of burial in a grave for 60 years</b>	
	(a) Stillborn – 1 year (inclusive) Children’s Plot only	1.00
	(b) 2 – 18 years (inclusive) – Children’s Plot / adult plot	1.00
	(c) Over 18 years	2255.00
	(d) Plot 15 – single graves	1182.00
<b>Section 2:</b>	<b>Interment</b> (including digging of grave)	
	(a) Stillborn – 18 years (inclusive)	NIL
	(b) Over 18 years	1500.00
	(c) Ashes (Memorial Wall or Grave, where exclusive right has been granted)	361.00

Please note: These charges apply to interments taking place between 0900 hours – 1500 hours (Monday – Thursday) and 0900 hours – 1300 hours (Friday). In other cases, the Council’s additional costs may be payable. A fee of £50 per hour may be charged for late arrivals.

<b>Section 3:</b>	<b>Permits for Monuments, Memorials &amp; Inscriptions</b>	
	(i) Memorial not exceeding 1 metre in height and occupying an area not exceeding 2’ x 4’	328.00
	(ii) Memorial larger than specifications in (i)	657.00
	(iii) For each additional inscription after the first	219.00

Please note: Permits will only be approved in accordance with the Cemetery Regulations.

<b>Section 4:</b>	<b>Memorial Garden</b>	
	(i) Memorial tablet and vase block (to include plaque, inscription, 20 year lease and scattering of ashes if required)	1247.00
	(ii) Double Underground Vault, Memorial Tablet and Vase Block. (To include plaque, inscription, 20 year lease and interment of up to 2 urns)	2407.00
	(iii) Double Overground Vault, Memorial Tablet and Vase Block (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 2 urns)	2341.00
	(iv) Additional Inscriptions	438.00
	(v) Sanctum Panorama Vault and Memorial Tablet (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 3 urns)	2341.00
	Optional bronze vase container	81.00
	(vi) Photo plaque or design on plaque for Sanctum 2000 Overground Vault or Sanctum Panorama	Individually priced
	(vii) Additional cost for inscriptions for Sanctum 2000 and Panorama over 80 letters	£3.30 per gilded letter

<b>Section 5:</b>	<b>Chapel Area – Memorial Wall</b>	
	(i) Memorial Plaque. (Includes supply and installation of plaque, 20 year lease and scattering of ashes if required)	361.00
	(ii) Additional Inscription. (Includes new plaque, installation and scattering of ashes, if required)	361.00

<b>Section 6:</b>	<b>Miscellaneous</b>	
	(i) Use of Chapel	339.00
	(ii) Transfer of Burial Rights/admin fee	197.00
	(iii) Entry in Book of Remembrance	At Cost + Admin Fee
	(iv) For up to and including five searches for names by one applicant	120.00

- Notes:**
- (i) Other services/options may be available and charged on an “at cost” basis plus an administration fee. Please discuss any items with the Cemetery Registrar
  - (ii) A copy of the Cemetery Regulations is available free of charge from the Cemetery Registrar
  - (iii) For the repurchase of burial rights for unused graves by T&MBC the Council will pay:  
The current purchase price times the remaining duration of the exclusive right less the Council’s administration fee ruling at the time

**All charges shown are exempt of VAT**

### Events on Public Open Spaces - Proposed charges 2024/25

<b>ADMINISTRATION FEE</b> Type of event	<b>Maximum attendees (at once)</b>	<b>Administration fee</b>
Commercial	Less than 100	£58.00
	Less than 500	£58.00
	Between 500 and 1,499	£350
	More than 1,500	£695
Charity or community	Less than 100	£29.00
	Less than 500	£29.00
	Between 500 and 1,499	£58.00
	More than 1,500	£116

Where events or activities require the production of bespoke legal agreements the Council will charge legal fees based on a rate of £217 per hour.

#### VENUE HIRE:

<b>Type of event</b>	<b>Maximum attendees (at once)</b>	<b>Charge</b>
Commercial	Less than 100	£580
	Less than 500	£580
	Between 500 and 1,499	£1,158
	More than 1500	£1,737
Charity or community	Less than 100	£0
	Less than 500	£116
	Between 500 and 1,499	£116
	More than 1,500	£116

#### BILLBOARDS AND BANNERS

<b>Type of event</b>	<b>Hire Duration 2 weeks</b>	<b>Charge</b>
Commercial	Billboards (A0) – 3no. Max	£250
	Notice boards (A2 size) – 6no. Max	£150
	Banners (2m x 3m) – up to 3no.	£200

	Banners (2m x 3m) up to 6no. Max	£350
<b>Type of event</b>	<b>Billboards – Duration 2 weeks</b>	<b>Administration fee</b>
Community	Billboards (A0) – 3no. Max	£25
	Notice boards (A2 size) – 6no. Max	£20
	Banners (2m x 3m) – up to 3no.	£25
	Banners (2m x 3m) up to 6no. Max	£40
<b>Type of event</b>	<b>Billboards – Duration 2 weeks</b>	<b>Administration fee</b>
Charity	Billboards (A0) – 3no. Max	£0
	Notice boards (A2 size) – 6no. Max	£0
	Banners (2m x 3m) – up to 3no.	£0
	Banners (2m x 3m) up to 6no. Max	£0

Executive Decisions Record - October 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
D230084CAB	Car Parking Proposals	Cabinet	03.10.23	05.10.23	12.10.23						13.10.23
D230085CAB	Biodiversity Net Gain										
D230086CAB	Financial Planning and Control										
D230087CAB	Revised Safeguarding Policy and Reporting Procedure										
D230088CAB	Digital and IT Strategy 2023-27										
D230089CAB	Review of Governance Arrangements										
D230090CAB	Ground Maintenance Contract										
D230091CAB	Risk Management										
D230092MEM	Community Worker for the Trench Ward in Tonbridge	Community Services	9.10.23	10.10.23	17.10.23						18.10.23
D230093MEM	Extension of Pest Control Contract	Climate Change, Regeneration and Property	13.10.23	17.10.23	24.10.23						18.10.23
D230094MEM	Medway Local Plan - Regulation 18 Consultation	Planning	13.10.23	17.10.23	24.10.23						18.10.23
D230095MEM	Taddington Valley - Draft Management Plan for Public Consultation	Community Services	25.10.23	31.10.23	7.11.23						

Decision pending	Call in period	Key Decision	Private	Urgent
	Subject to call in			

URG - outside of budget and policy framework

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# Agenda Item 8

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 9

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 10

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

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