

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Interim 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

29 December 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, 9th January, 2024 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

ADRIAN STANFIELD

Interim Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

7 - 10

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).

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

4. Minutes 15 - 22

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 8 November and the Extraordinary meeting held on 5 December 2023.

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

Executive Non-Key Decisions

5. Extension of Green Belt - Petition 23 - 34

The Borough Council has received a petition from East Malling and Larkfield Parish Council and West Malling Parish Council 'seeking support for an extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill.'

The petition organisers have been invited to address the Cabinet. Two speakers will have 5 minutes each.

A copy of the petition is available as a background paper but has not been included to avoid disclosing personal information of signatories.

6. Tonbridge Model Engineering Society - Petition 35 - 44

The Council has received a petition from the Tonbridge Model Engineering Society 'Urging Tonbridge Council to think again about the new Leisure Centre location'.

The petition organisers have been invited to address the Cabinet. Two speakers will have 5 minutes each

Due to its size the petition (Annex 1) is attached as a supplement to the main agenda.

7. Review of Fees and Charges 2024/25 45 - 60

Recommendation FRP 23/28 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

8. Economic Development Strategy 2023 - 2027 61 - 82
 Recommendation FRP 23/29 of the Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023
9. Review of Outside Bodies 83 - 94
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10. Sustainable Temporary Accommodation Options Report and 95 - 146
 Temporary Accommodation Provision Action Plan
 Recommendation HP 23/39 (2) of the Housing and Planning Scrutiny Select Committee of 14 December 2023

Executive Key Decisions

11. Review of the Planning Performance Agreement Protocol and 147 - 188
 Fee Charging Schedule 2024/25
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12. Review of Fees and Charges 2024/25 for Pre-application 189 - 210
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 Recommendation HP 23/37 of the Housing and Planning Scrutiny Select Committee of 14 December 2023
13. HMO and Caravan Site Licensing Fee Charges for 2024/25 211 - 216
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14. Corporate Key Performance Indicators 217 - 238
 This report provides data on our July-September 2023 Corporate Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis.
15. Minutes of Panels, Boards and Other Groups 239 - 254
 The minutes of meetings of Advisory Panels, Boards and Other Groups are attached:
- Parish Partnership Panel of 9 November 2023
 - Tonbridge Community Forum of 27 November 2023

16. Decisions taken by Cabinet Members 255 - 256

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

17. Urgent Items 257 - 258

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

18. Exclusion of Press and Public 259 - 260

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

19. Urgent Items 261 - 262

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

Wednesday, 8th November, 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

Virtual: Councillors Mrs A S Oakley and W E Palmer participated via MS Teams pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 23/98 DECLARATIONS OF INTEREST

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

CB 23/99 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 3 October 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 23/100 REVIEW OF CAR PARKING FEES AND CHARGES

(Decision Notice: D230099CAB)

Consideration was given to recommendation CE 23/45 of the Communities and Environment Scrutiny Select Committee of 6 November 2023 in respect of proposals for existing on street and off street parking fees and charges.

Due regard was given to the set of guiding principles for the setting of fees and charges, the legal, financial and value for money implications together with the views expressed by the Scrutiny Select Committee. It was also noted that the last annual review of car parking charges was in 2021 and since those charges were implemented in June 2022, the high level of inflation had impacted on the cost of providing the parking service.

RESOLVED: That

- (1) the proposed fees and charges for existing on street and off street parking, as set out below, be approved for formal public consultation in November 2023 and the outcomes reported to future meetings of the Joint Transportation Board and the Cabinet as appropriate, with implementation from 1 April 2024:
 - (i) the schedule of proposed charges for off-street short and long stay parking in Tonbridge as shown in Table 1 of the report, be approved;
 - (ii) the schedules of proposed Peak and Off-Peak Season Ticket charges in Tonbridge as shown in Tables 2 and 3 respectively, be approved;
 - (iii) the charges for the Tonbridge Town Centre Residents Season ticket be increased to £90 for a 3-month ticket and £360 for an annual ticket respectively as set out in 1.6.4 of the report;
 - (iv) the designated area for the Tonbridge Town Centre Residents Season ticket be extended to include residential properties in the area shown in orange in the Plan attached at Annex 1 and as detailed in 1.6.1 of the report;
 - (v) the schedules of proposed charges for long stay and short stay parking in West Malling as shown in Tables 4 and 5 respectively and as detailed in 1.8.4 of the report, be approved, including increasing the charge for Ryarsh Lane car park annual season ticket to £290;
 - (vi) the schedule of proposed charges for parking in Borough Green Western Road car park as shown in Table 6, be approved;
 - (vii) the schedule of proposed charges for Residents Permits as shown in Table 7, be approved; the charge of 6-month Residents Permits offered to non-UK registered vehicles belonging to residents be increased to £28.50, as detailed in 1.9.2 of the report;
 - (viii) the schedule of proposed charges for Business and Carers Permits and Dispensations as shown in Table 8, be approved;
 - (ix) the charge of Visitor Permits be increased to £14 for a book of 10 permits, with the current offer of 10 free permits to new applicants being retained, as set out in 1.10.2 of the report;

- (x) the schedule of proposed charges for Haysden Country Park car park as shown in Table 9, be approved; and
 - (xi) the schedule of proposed charges for on-street Pay & Display parking in Tonbridge as shown in Table 10, be approved; and
- (2) investigation be undertaken in respect of the facility of card reader ticket machines and/or adding card reading facility to existing car park ticket machines, and the outcomes be reported back to a future meeting of the Communities and Environment Scrutiny Select Committee.

CB 23/101 REVIEW OF FEES AND CHARGES - MISCELLANEOUS

(Decision Notice D230100CAB)

Consideration was given to recommendation CE 23/46 of the Communities and Environmental Scrutiny Select Committee of 6 November 2023 in respect of proposed fees and charges for garden waste, household bulky refuse and 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.

Due regard was given to the set of guiding principles for the setting of fees and charges, the legal, financial and value for money implications, together with the views expressed by the Scrutiny Select Committee. The fees and charges applied by neighbouring authorities, and averages across the County, were also given careful consideration.

RESOLVED: That

- (1) the proposed annual garden waste subscription of £53 for the first bin and £36 for a second or third bin, as set out in 1.2.4 of the report, be approved;
- (2) the schedule of proposed charges for household bulky refuse and fridge/freezer collection service as set out in 1.3.5 and 1.3.6 of the report, be approved;
- (3) the proposed charge for "missed" refuse collection as set out in 1.4.3 of the report, be approved;
- (4) the schedule of proposed charges in respect of Stray Dog redemption service, as set out in 1.5.3 to 1.5.5 of the report, be approved;

- (5) the charging structure for Tonbridge Allotment as set out in 1.6.1 and 1.6.2 of the report, be noted;
- (6) the schedule of proposed charges for Tonbridge Cemetery as set out in Annex 1 and 1.7.2 of the report, be approved;
- (7) the schedule of proposed charges for Events on Public Open Spaces, including the hire of billboards and banners, as set out in Annex 2 and 1.8 of the report, be approved;
- (8) the proposed charge for condemned food certificates as set out in 1.9.2 of the report, be approved;
- (9) the proposed charge for exported food certificates as set out in 1.10.4 of the report, be approved;
- (10) the proposed charge for provision of services in respect of contaminated land as set out in 1.13.5 of the report, be approved;
- (11) the proposed charge for provision of services in respect of private water supplies as set out in 1.14.3 and 1.14.5 of the report, be approved; and
- (12) the above proposed scale of charges be implemented from 1 April 2024.

MATTERS SUBMITTED FOR INFORMATION

CB 23/102 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 23/103 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th December, 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

M A J Hood, Mrs A S Oakley, R W G Oliver, B A Parry and M R Rhodes were also present pursuant to Access to Information Rule No 23.

Apologies for absence were received from Councillors

PART 1 - PUBLIC

CB 23/104 DECLARATIONS OF INTEREST

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

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 23/105 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE

The report provided an update on the Medium Term Financial Strategy (MTFS) and set out the savings identified that would assist in meeting 'tranche 1' of the latest savings targets. Proposals for the allocation of the one-off windfall sum, highlighted in the 'Financial Planning and Control 2023/24' report to Cabinet in October were also set out.

As the budget cycle for 2024/25 was in progress, the financial issues impacting on the MTFS were highlighted and included uncertainty around the level of inflation, the local government financial settlement, the Fair Funding Review and the future of New Homes Bonus as well as many other factors. Whilst uncertainty regarding future settlements and economic factors did not help with financial planning, it was possible that the Borough Council could benefit from a later Fair Funding Review and Business Rates reset. Current calculations, based on best information to date and savings identified and incorporated into Estimates (as detailed in 1.5.1), the funding gap was now in the region of £1.78m.

Particular reference was made to the savings target and it was reported that it was unlikely that Tranche 1 would be fully met by the time the Budget was set in February 2024. Given the change in administration and make-up of the Borough Council since the local elections in May 2023, it was proposed by Councillor Tanner and seconded by the

Leader that the Tranche 1 target be divided into 2 parts, with the Tranche 1a target being set at £195k and Tranche 1b at £305k. This was supported by Cabinet on the grounds that provided that the full tranche was met by the time the budget was set for 2025/26 there would be a limited effect on the overall MTFS. It was felt appropriate that the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented.

To ensure the continued financial sustainability of the Borough Council, urgent and concerted effort was necessary in identifying significant savings targets for tranches 2 onwards.

Finally, reference was made to the 'one-off' windfall of almost £2m received from HMRC in respect of the treatment of sports and leisure activities. A number of proposals for the use of this 'windfall' were detailed in 1.6.3.

RECOMMENDED*: That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, now estimated to be £1.78m after incorporating £120k of savings into Draft Estimates, for 2024/25 (as detailed in 1.5.1) be noted;
- (2) the progress with the Savings and Transformation contributions for Tranche 1, as set out in 1.5.1 be noted;
- (3) the Tranche 1 savings target be divided into two parts, with a target saving of £195k in Tranche 1a and £305k in Tranche 1b;
- (4) the Finance, Regeneration and Property Scrutiny Select Committee give consideration to potential savings for Tranche 2 onwards and how these could be implemented; and
- (5) the proposals set out in 1.6.3 in respect of the windfall sum be commended to Council for approval.

***Recommended to Council**

CB 23/106 COUNCIL TAX PREMIUM CHANGES FOR EMPTY AND SECOND HOMES

Following the recent Royal Assent of the Levelling Up and Regeneration Bill, consideration was given to proposals to introduce a Council Tax premium for second homes from 2025/26 onwards and to amend Council Tax empty home premiums from 2024/25 onwards.

The previous recommendation of Cabinet to Council (CB 23/3) in respect of these proposals had been deferred pending enactment of the

Bill. Whilst the criteria for both empty homes and second homes premium charges remained unchanged the effective date for implementation of the latter had changed due to the delay in the Bill being enacted.

Due regard was given to the financial and value for money considerations, the legal implications and the summary of perceived risks set out in the report. In addition, it was recognised that these premiums could strengthen the incentive of owners of empty properties to bring them back into use and might encourage the sale or even private rental of properties in support of the Borough Council's priorities in respect of housing options.

RECOMMENDED*: That

- (1) the amendments to Council Tax empty home premiums from 2024/25 financial year onwards, as set out in 1.3.1 be adopted; and
- (2) a Council Tax premium to second homes from 2025/26 financial year onwards, as set out 1.4.3, be introduced.

***Recommended to Council**

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

EXECUTIVE NON-KEY DECISIONS

CB 23/107 FUTURE OF THE ANGEL CENTRE, TONBRIDGE

(Decision Notice: D230106CAB)

Consideration was given to recommendation FRP 23/27 of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the future of the existing Angel Centre building.

Due regard was given to the operational, building fabric and climate change considerations, together with the views expressed by the Leisure Trust and the Scrutiny Select Committee. The financial implications and advantages and disadvantages of both refurbishment and new facility options were also taken into account.

Members recognised that, due to the age, design and changing nature of leisure provision, the Angel Centre was no longer fit for purpose without significant investment in both plant and equipment. In addition, substantial investment would be required to reduce the carbon footprint of the building to achieve the Borough Council's carbon neutral aspirations for its leisure facilities. At this stage, any decision was 'in-

principle' only to allow phase 2 of the Tonbridge Town Centre asset review work to progress.

On the grounds of providing clarity regarding the Borough Council's review of its assets in Tonbridge, supporting climate change and ensuring that leisure facilities in the town were fit for purpose and represented value for money, the Leader proposed that the Angel Centre be demolished and replacement leisure facilities be provided; and in-principle, all options be kept on the table for the future location of the replacement leisure facilities within Tonbridge and the nature of such replacement facilities. This was seconded by Councillor Betts and supported unanimously.

RESOLVED: That the Angel Centre be demolished and replacement leisure facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure facilities within Tonbridge.

MATTERS SUBMITTED FOR INFORMATION

CB 23/108 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 23/109 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

MATTERS FOR INFORMATION

CB 23/110 FUTURE OF THE ANGEL CENTRE, TONBRIDGE - ANNEX 1

(Reason: LGA 1972, Sch 12A, Paragraph 3 – Financial or business affairs of any particular person)

Members had regard to Annex 1 – Legal Implications, set out in Part 2 of the agenda, during consideration of the Future of the Angel Centre, Tonbridge (Minute CB 23/107 refers).

RESOLVED: That the report be received and noted.

The meeting ended at 8.23 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

09 January 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Executive Non Key Decisions

1 PETITION – EXTENSION OF THE GREEN BELT

The Borough Council has received a petition from East Malling and Larkfield Parish Council and West Malling Parish Council 'seeking support for an extension to the Green Belt to protect the green fields between East and West Malling and Kings Hill.'

1.1 Introduction

1.1.1 The Petition was originally hosted online via the change.org platform and was created on 20 January 2023 where it gained a significant number of signatures within a short period.

1.1.2 The Borough Council became aware of the petition at the beginning of October and received a request for a formal submission to the Mayor of a paper petition. This was arranged for 19 October 2023.

1.1.3 At the time of submission, the petition (attached at Annex 1) had approximately 2,900 signatures.

1.2 Petition Scheme

1.2.1 In accordance with the Borough Council's adopted petition scheme (attached at Annex 2), petitions containing more than 1,500 signatures will be debated by Cabinet or Full Council, whichever body is appropriate.

1.2.2 The petition organiser(s) are also allowed five minutes to present the petition at the meeting prior to discussion by Councillors.

1.2.3 As the matter in question relates to an executive function it is appropriate for the matter to be discussed by Cabinet.

1.2.4 The organisers have been invited to address the Cabinet.

1.2.5 The Cabinet may decide:

- To take the action requested;

- Not to take the action requested, for reasons put forward in the debate;
- To commission further investigation into the matter.

1.2.6 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.

1.3 Local Plan Considerations

- 1.3.1 The borough is highly constrained in nature, and with around 71% Green Belt coverage this already restricts the borough's potential for growth. Any further development constraints, such as Green Belt expansion, would make it more challenging to deliver our objectively assessed needs for housing and other uses, as required by the National Planning Policy Framework (NPPF).
- 1.3.2 The NPPF sets out the policy expectations in relation to the Green Belt. Once established, boundaries should only be altered where exceptional circumstances are fully evidenced and justified through the plan-making process. Paragraph 139 sets out a high bar for the extension of the Green Belt, including what would need to be demonstrated under these circumstances, including why the extension is required, what changes require the extension, the consequences and necessity.
- 1.3.3 However, where a local planning authority can demonstrate through its local plan evidence the potential harm of settlements merging, there are also other potential policy levers. One such option is the consideration of strategic gap approaches. This would need to be sufficiently distinct from Green Belt policy and relate to the potential harm to local character and its setting, while acknowledging the impacts of introducing additional constraints on development. Although the NPPF is silent on strategic gaps, it would be broadly consistent with the framework as a whole, and there are some precedents of being applied recently in 2021 (eg Fareham Borough Council).
- 1.3.4 In the context of the above, members opted to commission a borough-wide Strategic Gap Assessment (see July 2023 [Cabinet decision](#)) to assess whether there is any potential for such a policy approach. The council has subsequently commissioned Ove Arup to produce this alongside the Stage 2 Green Belt Study. The study will assess the potential need for, and locations of any strategic gaps to prevent settlement coalescence. At the time of writing the outcome of this work has not yet been reported, however if the study identifies some potential, then further area character assessments and landscape character assessments will be required.
- 1.3.5 In summary, members have already made the decision to investigate the potential for strategic gaps within the borough, rather than to pursue an extension of the Green Belt. The Green Belt and Strategic Gap evidence will be key evidence to underpin future decisions on sites, and the spatial strategy within the local plan. Until this work has been concluded then there is no evidence to justify either a Green Belt extension or a strategic gap approach. Therefore, any decision to

formally and firmly support a Green Belt extension at this stage in plan-preparation would be premature, and not be based on available evidence, therefore likely to fail at local plan examination.

- 1.3.6 Should the outcomes of the Green Belt and Strategic Gap evidence demonstrate potential for a strategic gap then further landscape and character area will be commissioned. This would be in place in time for the Regulation 19 local plan in late 2024.

1.4 Legal Implications

- 1.4.1 The Council has adopted a Petition Scheme, and this Petition has been submitted by the petitioners for consideration by Cabinet in accordance with the Scheme.
- 1.4.2 Changes to the Green Belt boundaries are made through the Local Plan. In order to make such a change, there has to be exceptional circumstances as detailed in NPPF Paragraph 145 – 148.

1.5 Financial and Value for Money Considerations

- 1.5.1 The costs of the Green Belt and Strategic Gap work are fully accounted for within the local plan budget. Any further landscape and character work, estimated to be circa £20,000 would be in addition to the estimates agreed at the July 2023 cabinet meeting and will need to be taken from the local plan reserve.

1.6 Risk Assessment

- 1.6.1 Potential extensions to the Green Belt boundary are required to be led by evidence, and any decisions prior to this being made available is likely subject to challenge. This could present risks to future adoption of the local plan, and damage to the reputation of the council.
- 1.6.2 Therefore, any decision to formally and firmly support a Green Belt extension at this stage in plan preparation would be premature and not be based on available evidence, and therefore likely fail at local plan examination.

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 Recommendations

- 1.8.1 It is recommended that:
- 1.8.2 Members RECEIVE and NOTE the Petition at Annex 1;
- 1.8.3 Members AGREE that all policy options continue to be explored to provide protection for the green belt and open land.

Background papers:

contact: James Bailey

Nil

Extend the Green Belt between West Malling, East Malling and Kings Hill

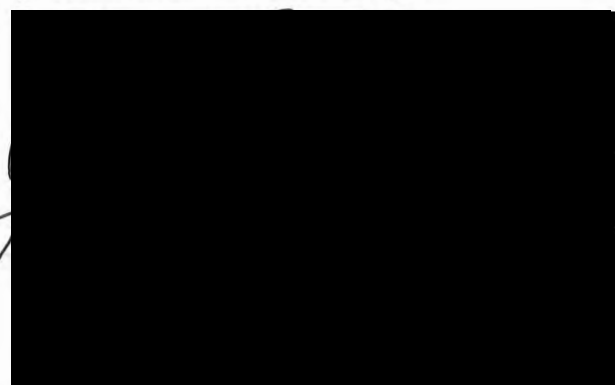
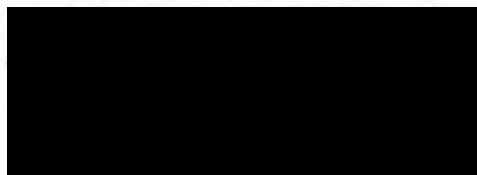


[East Malling & Larkfield Parish Council and West Malling Parish Council](#) started this petition

The countryside between our local communities is under threat. The pressure for new house building in Malling is greater than ever before. Developers have put forward 40 sites for new house building in the two parishes of West Malling and East Malling alone.

Tonbridge & Malling Borough Council will be looking at whether to include them in the new Local Plan which will set out development sites in the Borough until 2041.

The extension of the Green Belt would:



- ✓ Protect the historic communities of West Malling and East Malling
- ✓ Prevent the merging of East Malling, West Malling, Larkfield, Leybourne and Kings Hill
- ✓ Protect the openness of the countryside between these communities, helping to retain their rural character

This petition seeks support for an extension to the Green Belt to protect the green fields between West and East Malling and Kings Hill. This should be done by drawing the boundary broadly along Wateringbury Road from Red Hill in the south to the A20 London Road in the north via Chapman Way, Winterfield Lane, Lucks Hill and the West Malling bypass. The Forty Acres Country Park offered by developers should be included in this new Green Belt.

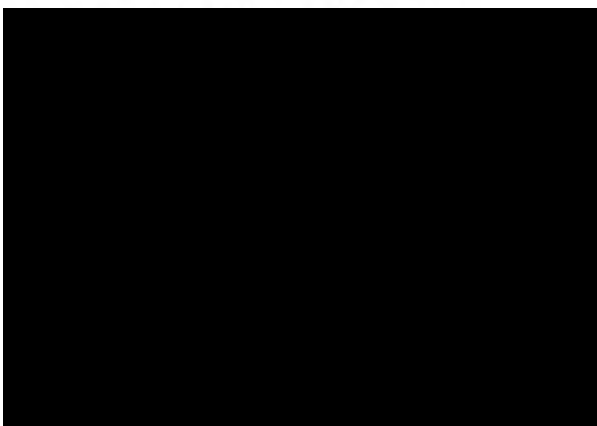
Please sign the petition to send a message to TMBC that defending our countryside is a top priority for us, and it must be for their Local Plan too.

Please share with friends, family and neighbours.

Please make sure your postcode is fully recorded and please ignore the invitations to contribute money. It has nothing to do with the petition.
2,050 have signed. Let's get to 2,500!

At 2,500 signatures, this petition is more likely to get picked up by **local news!**

Recent signers



PETITION SCHEME

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<p>Alternatively, in electronic form if created, signed and submitted online by following the procedure set out on the Council's website.</p>
<p>Petitions can also be presented to a meeting of the Council. These meetings take place on a regular basis and dates and times are published by Notice and on the Council's website. To present a petition to the Council in person, or to request your Councillor or someone else to present it on your behalf, please contact our Democratic Services team on: committee.services@tmbc.gov.uk at least 10 working days before the meeting for further advice.</p>
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Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply.

If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

What will the Council do when it receives my petition?

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If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply and the matter will be dealt with accordingly. Further information on all these procedures and how you can express your views is available on our website.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Wherever possible we will also publish all correspondence relating to the petition (all personal details will be removed). When you sign an e-petition you can elect to receive this information by email. We will not send you anything which is not relevant to the e-petition you have signed, unless you choose to receive other emails from us.

How will the Council Respond to Petitions?

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council or Cabinet meeting (whichever is appropriate)

- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the Council's Overview and Scrutiny Committee*
- calling a referendum
- writing to the petition organiser setting out our views on the request in the petition

*The Overview and Scrutiny Committee is a committee of Councillors who are responsible for scrutinising the work of the Council – in other words, the Overview and Scrutiny Committee has the power to hold the Council's decision makers to account.

In addition to these steps, the Council will consider what specific actions are available to address the issues highlighted in a petition.

The Council's response to a petition will set out the steps we intend to take and the reasons for taking this approach.

If the petition is about something over which the Council has no direct control we will consider making representations on behalf of the community to the relevant body. The Council works with a large number of local partners and where possible will work with these partners to respond to the petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with Council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the Council is responsible on our [website](#).

If the petition is about something that a different Council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other Council, but could involve other steps. In any event we will always notify you of the action we have taken.

Full Council/ Cabinet Debates

If a petition contains more than 1,500 signatures it will be debated by the Full Council or Cabinet as appropriate (depending on whether the matter relates to an Executive or Council responsibility) unless it is a petition asking for a senior Council officer to give evidence at a public meeting.

The Council/ Cabinet will endeavour to consider the petition at its next ordinary meeting although on some occasions this may not be possible and it will then be referred to the next following meeting.

A maximum of two members of a deputation may address the Council/ Cabinet for no longer than five minutes each, in line with the Council and Committee Procedure rules. One of these speakers should be the petition organiser.

The Council/ Cabinet will decide how to respond to the petition at this meeting. It may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee or Board. The petition organiser will receive written confirmation of the decision. This confirmation will also be published on the Council's website.

Officer Evidence

A petition may ask for a senior Council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, the petition may ask a senior Council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision.

If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the Council's Overview and Scrutiny Committee. The senior officers that can be called to give evidence are those officers who are members of the Council's Management Team. Their details can be found on the Council's [website](#).

The Overview and Scrutiny Committee may decide that it would be more appropriate for another officer to give evidence instead of any officer named in a petition; for instance if the named officer has changed jobs. The committee may also decide to call the relevant Portfolio Holder to attend the meeting. Committee members will ask the questions at this meeting, but the petition organiser will be able to suggest questions to the Chair of the Committee by contacting the Democratic Services team at the above postal address or on committee.services@tmbc.gov.uk up to three working days before the meeting.

E-Petitions

A committee management system (Modern.Gov) provides a facility for members of the public to create and submit an e-petition through the Council's website. This allows petitions and supporting information to be made available to a potentially much wider audience than a traditional paper based petition.

E-petitions will follow the same guidelines as paper petitions.

The petition organiser will need to provide their name, postal address and email address and will also need to decide how long the petition is to be open for signatures. Most petitions are expected to run for six months, but you will be able to choose a shorter or longer timeframe, up to a maximum of 12 months.

When you create an e-petition, it may take five working days before it is published online. This is because we have to check that the content of the petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to our Democratic Services team. In the same way as a paper petition, you will receive an acknowledgement within 10 working days. If you would like to present your e-petition to a meeting of the Council, please contact Democratic Services as above within 10 working days of receipt of the acknowledgement. A petition acknowledgement and response will be emailed to everyone who has signed the e-petition and elected to receive this information. The acknowledgment and response will also be published on this website.

All the e-petitions currently available for signature will be on our website.

When you sign an e-petition you will be asked to provide your name, your postcode and a valid email address. When you have submitted this information you will be sent an email to the email address you have provided. This will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

There is a preference for e-petitions to be submitted via the Borough Council's online system as it cannot be guaranteed that other e-petition platforms, such as Change.org or other similar providers, can be verified sufficiently to meet the required criteria. Where e-petitions are submitted via an alternative provider the Borough Council require hard copies to be provided for administration and audit purposes.

By signing an e-petition you are giving permission for your information to be held and used by the Borough Council in connection with the e-petition.

What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request that the Council's Overview and Scrutiny Committee review the steps that the Council has taken in response to your petition. The petition organiser must give a short explanation of the reasons why the Council's response is not considered to be adequate.

The Committee will endeavour to consider the request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine the Council has not dealt with the petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Cabinet and arranging for the matter to be considered at a meeting of the Full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

09 January 2024

Report of the Interim Chief Executive

Part 1- Public

Executive Non Key Decisions

1 PETITION – TONBRIDGE MODEL ENGINEERING SOCIETY SITE

The Council has received a petition from the Tonbridge Model Engineering Society 'Urging Tonbridge Council to think again about the new Leisure Centre location'.

1.1 Background

1.1.1 The Tonbridge Model Engineering Society operate from Council owned land at The Slade in Tonbridge.

1.1.2 At their meeting on 5 December 2023 Cabinet resolved that 'the Angel Centre be demolished and replacement leisure facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure facilities within Tonbridge'.

1.2 Petition

1.2.1 The petition was hosted online via the change.org website and was created on 8 December 2023. The petition was closed on 13 December 2023, having received 2,890 signatures. A copy of the petition can be found at **Annex 1**. Individual's names have been removed for data protection purposes.

1.3 Petition Scheme

1.3.1 In accordance with the Council's adopted petition scheme (attached at **Annex 2**), petitions containing more than 1,500 signatures will be debated by Cabinet or Full Council, whichever body is appropriate.

1.3.2 The petition organiser(s) are also allowed five minutes to present the petition at the meeting prior to discussion by Councillors.

1.3.3 As the matter in question relates to an executive function it is appropriate for the matter to be discussed by Cabinet.

1.3.4 The organisers have been invited to address the Cabinet.

1.3.5 The petition organiser will receive written confirmation of the decision reached and this will also be published on the Borough Council's website.

1.4 Legal Implications

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

1.4.2 The petition is being considered inline with the Council's Petition Scheme.

1.5 Financial and Value for Money Considerations

1.5.1 It is not felt there are any financial and value for money considerations in considering the petition.

1.6 Risk Assessment

1.6.1 It is not felt there are any risks associated with considering the petition.

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 Recommendations

1.8.1 Cabinet are RECOMMENDED to:

1.8.2 Receive and consider the petition at Annex 1

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield
Interim Chief Executive

Due to its size the petition (Annex 1) is attached as a supplement to the main agenda

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Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.

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REVIEW OF FEES AND CHARGES 2024/25

Item FRP 23/28 referred from Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

The joint report of the Director of Central Services and the Director of Finance and Transformation set out the proposed fees and charges for the provision of services in respect of legal fees, photocopying, Street Naming and Numbering, local land charges searches and enquiries, Tonbridge Castle and recovering unpaid Council Tax debts from 1 April 2024.

In bringing forward the charging proposals for 2024/25 consideration had been given to a range of factors, including the Borough Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback, apart from which a set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 1.1.2 of the report.

A point of clarification/amendment was made in respect of 1.2.4 of the report, which should read "... In respect of the fees set out at 1.2.1 above, the Supreme Court guideline hourly rates may change from time to time, so it is therefore **RECOMMENDED** that the level of legal fees charged by the Council is in accordance with the applicable rates set out in the Supreme Court guidelines...".

Moreover, additional information was sought on the number of wedding ceremonies held in the Castle Chamber in the current financial year in order to ascertain whether there was any impact on the business by the fee increase from 2022/23 to 2023/24, although Members were reminded that there would normally be a lag in the data due to the advanced booking nature of wedding ceremonies.

RECOMMENDED*: That

- (1) the proposed charges for legal costs, as set out in 1.2 of the report, be adopted with effect from 1 April 2024;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 1.3.4 of the report, be retained;
- (3) the proposed fee schedules for Street Naming and Numbering, as set out in 1.4 of the report, be adopted with effect from 1 April 2024, subject to clarification of the percentage of the proposed fee increase as indicated in 1.4.4 of the report;
- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in Annex 1 and 1.5 of the report, be adopted with effect from 1 April 2024;

- (5) the proposed fees and charges for 2024/25 related to Tonbridge Castle, as set out in 1.6 of the report, be adopted with effect from 1 April 2024; and
- (6) the amount of costs charged in 2024/25 to recover unpaid Council Tax debts be increased from £100 to £110, as set out in 1.7 of the report, with effect from 1 April 2024.

***Recommended to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

14 November 2023

**Joint Report of the Director of Central Services and
Director of Finance and Transformation**

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 REVIEW OF FEES AND CHARGES

This report sets out the proposed fees and charges for 2024/25 within the purview of the Scrutiny Select Committee for recommendation to Cabinet.

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 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 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 taxpayer 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 & Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Councils.

1.2 Legal fees payable by third parties

1.2.1 From time to time the Council's legal fees can be recovered from third parties, for example costs in connection with section 106 agreements or certain property transactions. Our level of fees have historically followed the Supreme Court guideline hourly rates, which are currently as follows:-

Solicitors and legal executives with over 8 years post qualification experience	£261
Solicitors and legal executives with over 4 years post qualification experience	£218
Other solicitors or legal executives and fee earners of equivalent experience	£178
Trainee solicitors, paralegals and fee earners	£126

1.2.2 For some Property transactions the amount to be charged in connection with the Council's legal work is indicated in the Property document or Lease and in such cases the amount stated in such documents will apply on a case-by-case basis.

1.2.3 For certain leasehold and miscellaneous property transactions the Council does not charge the full fee for the legal and administrative work undertaken as the operators, who are often sole traders and small businesses, have to pay full market rate for the rental of the business premises in accordance with statutory provisions. This is for instance the case with regard to lease renewals where only a contribution

towards legal and administrative work is charged of £250. It is proposed to continue with this approach to assist the local economy.

- 1.2.4 It is **RECOMMENDED** that the Council's charges follow the rates set out above and continue to reflect existing practises highlighted above. In respect of the fees set out at 1.3.1 above, the Supreme Court guideline hourly rates may change from time to time, so it is therefore **RECOMMENDED** that the level of legal fees charged by the Council is in accordance with the applicable rates set out in the Supreme Court guidelines. This will avoid the necessity of a further report should the guideline hourly rates change.

1.3 Photocopying Charges

- 1.3.1 A photocopying service is offered for members of the public calling at the council's main offices or requiring copies of Council documents sent by post. The current charges are 10p for each page of the same document or additional copies of the same page plus postage as appropriate.
- 1.3.2 These charges are intended to cover the costs of the photocopy meter charge (including toner), paper and an allowance towards the staff time in looking out documents and postage where appropriate.
- 1.3.3 The level of charge was reduced in 2007/08 after remaining static for a number of years to comply with Freedom of Information requirements. The marginal cost per copy (including paper) is still approximately £0.10 per copy. Comparative charges in neighbouring authorities have been somewhat difficult to ascertain and many appear not to charge for photocopying. However, it is considered appropriate to retain a charge to avoid requests for multiple copies of pages and to cover cases where documents cannot be provided by email. It is therefore suggested that the current charge be maintained.
- 1.3.4 It is **RECOMMENDED** that Cabinet be recommended to retain the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate.

1.4 Street Naming and Numbering

- 1.4.1 The requirement to provide a Street Naming & Numbering (SNN) service is derived from the Towns Improvement Clauses Act 1847, the Public Health Acts Amendment Act 1907 and the County of Kent Act 1981. The TMBC Street Naming & Numbering Policy sets out the framework under which the service is delivered in this authority.
- 1.4.2 The IT GIS Team are responsible for delivery of this service. The actual cost of service delivery has been calculated by recording staff processing time, software costs and postage costs. The service generates an income of circa £45,000 a year. Neighbouring boroughs have their costs calculated in a different way from

TMBC, where new developments can be more costly and single addresses can be less costly, but the overall income is balanced.

1.4.3 Members had previously agreed for prior years reviews the following priorities were relevant:

- There should be no overall reduction of income to the Council through the SNN function;
- The cost of SNN to the Council should, where possible, be recovered through fees and charges (noting that this is not always possible, and not always desirable);
- Ensure there are no 'perverse incentives' to apply for alternative naming schemes to minimise costs;
- Ensure there is clarity in the fee schedule to avoid confusion and the need for officer discretion in charging fees;
- Where workloads are sufficient to justify such, additional new fees should be considered.

1.4.4 CPI inflation for September 2023 is 6.7%. The proposals below are based on one increase of 7% effective from 1 April 2024.

Proposed Fee scale for Street Naming and Numbering

1.4.5 A development is considered to be separate if they are received on separate applications and/or they do not share a common road which is also being named for the first time as part of the application.

1.4.6 Individual flats are considered as individual plots.

1.4.7 *New Properties*

Category	Up to three in-fill properties on an existing street	Current Fee 2023/24	Proposed Fee 2024/25
1	Addressing one new in-fill property	£212	£227
2	Addressing two to three in-fill properties	£110 per property	£119 per property
	Where four or more properties are to be named or numbered, the fee for new developments (below) will be levied.		

1.a.1

	Four or more in-fill properties on an existing street, or new properties on a new street
--	--

3	Fee for naming of a street, other than in relation to new property addressing	£260	£278
4	Fee for addressing plots, including street naming if Required 1- 4 Units	£261 +£40	279+£44
5	5 – 10 Units	£260 +£35	£278+£39
6	11 or more units	£523 +£13	£575+£14

1.4.8 Existing Properties

7	Renumbering an existing property	£95	£102
8	Renaming an existing property, not in a current numbering scheme	£95	£102
9	Registering the addition or change or an alias to a numbered property	£95	£102
10	Removing an existing alias from a numbered property	No charge	No charge
11	Rename an existing street	£1,943	£2,137
12	Rename a block of flats	£1,943	£2,137
13	Fee for addressing units (flats) when splitting an existing property	£128 per unit	£143
14	Fee for addressing a single property when merging separate units	£217	£232

1.4.9 It is **RECOMMENDED** that the above fee Schedule for Street Naming and Numbering be adopted from 1 April 2024.

1.5 Land Charges

1.5.1 Maintenance of the land charges register is a mandatory function of the Council. The Council is required to allow inspection of the register at no cost. This includes inspection by search agents (a “personal search”) which provide a commercial service to people seeking to buy a property (residential or commercial), and more generally those carrying out “due diligence” in relation to a property transaction.

1.5.2 The Council may, however, charge for an official search of the register, which is backed by the Council’s indemnity insurance in the event of there being an error in the search result. The Council is therefore in competition with personal search companies for this fee: if the fee is set too high, it is likely more people will engage a search agent to undertake a personal search rather than pay the Council’s fees.

- 1.5.3 There are two types of search, an “LLC1” search and a “Con 29” form. The LLC1 search looks at 12 separate parts of the register, whilst the Con 29 form is a complementary search setting out a standard set of enquiries agreed by central government, the Law Society and local authorities.
- 1.5.4 The Local Land Charges Act 1975 (“the Act”) and the Local Authorities (England) (Charges for Property Searches) Regulations 2008 (“the Regulations”) enable local authorities to charge for their property search services and set out rules for calculating the fees. The charges must be on a cost recovery basis and not on a “profit basis” and so the Council is legally restrained in its approach to such fee setting.
- 1.5.5 The regulations allow for the fact that the fee has to be set in advance and so is based on an estimate of the likely level of searches received and the likely expenditure of the local authority in connection with answering those enquiries for the forthcoming year. The Act provides that registering authorities must secure that taking one financial year with another, that fee income does not exceed the cost of providing the services. This applies to the Official Search of the Land Charges Register. The Regulations apply in respect of the Official Enquiries of Local Authorities (more commonly known as Con 29) and further provide that over any three year period the authority should not make a profit in relation to the fees it has charged.
- 1.5.6 The housing and commercial property market is known to be a volatile area of activity where income can fall, or alternatively increase, quickly.
- 1.5.7 The LLC1 search is due to migrate to HM Land Registry in 2024 and at this point the Council will lose LLC1 income, whilst retaining responsibility to maintain the register. It is envisaged that this loss of income should be accounted for (at least in part) in fee setting for 2024/25 financial year (FY). At present, migration is due to complete in May 2024. Once the migration is complete, officers will need to review the level of fees charged to ensure that they reflect the time spent on dealing with the relevant enquiries.
- 1.5.8 The table at **[Annex 1]** shows the fees for land charges searches and enquiries and the VAT element of those proposed to be effective from 1 April 2024.
- 1.5.9 It is not believed that it is appropriate to have any concessionary charges apply to these fees given that the search function supports the sale and purchase of private property. Members are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have regard to the requirement to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) to advance equality of opportunity between people from different groups and (iii) to foster good relations between people from different groups, however it is not believed that these charges will have an adverse impact on any particular group protected by the 2010 legislation. The charges will be the

same for everyone who requires the Services and there does not appear to be any disproportionate effect on any of the protected groups.

- 1.5.10 It is **RECOMMENDED** that the proposed scale of fees for local land charges searches and enquiries set out in **Annex 1** be adopted with effect from 1 April 2024.

1.6 Tonbridge Castle

- 1.6.1 There are three levels of fees at Tonbridge Castle:-

Type 1 “Fixed rate”	Type 2 “Discount / commission when criteria is met”	Type 3 “Events”
<p>Examples</p> <ul style="list-style-type: none"> • Attraction Tickets (Castle Tours) • Vast Majority of Weddings 	<p>Examples</p> <ul style="list-style-type: none"> • Attraction Tickets (Castle Tours – e.g. discount for groups) • School parties (1 place free in 10) • Castle event partners (Partners who book Weddings / Events) 	<p>Examples</p> <ul style="list-style-type: none"> • Events where different levels of commission or fees are negotiated between TMBC and Event Organiser for events on: • Castle Lawn and grounds (where the Chamber is booked as part of a package) • Gatehouse / Council Chamber (Where Partners enter in to an agreement to hold functions and the income to TMBC will vary)

1.6.2 Proposed pricing for Castle tours 2024/25 -

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Adult*	£9.00	£9.00	£9.00	£9.90	£9.90
Concessions* Jun/Senior/Student	£6.50	£6.50	£6.50	£7.15	£7.15
Family Ticket* 2 adults 2 children	£28.00	£28.00	£28.00	£30.00	£30.00
Season Ticket Adult*	£28.00	£30.00	£30.00	£30.00	£35.00

*With other castles charging a lower entrance fee than Tonbridge (Rochester and Upnor) £7.70. We recommend fees being kept at current level for one year, especially with the Tonbridge Castle OSG future plans being formulated.

1.6.3 Additional tour fees 24/25

Item	Cost	Comment
Castle Tour Guide – Commercial	£35.00	One off - charge per tour guide

1.6.4 Proposed fees for schools 24/25

1.6.5 Costs for School Visits does not include VAT.

1.6.6 The key difference between the normal entrance fee which is charge inclusive of VAT, is that you have the audio tour guide included with the price of the ticket.

Year	2020/21	2021/22	2022/23	2023/24	2024/25
Adult	£8.50	£8.60	£8.60	£9.46	£9.46
School Children	£6.00	£6.00	£6.00	£6.60	£6.60
Education Facilities includes toys, dressing up clothes, games, paper, pens and 2 tour guides (1 teacher free per 10 children. For special needs groups, carers admitted free as required)	£90.00	£95.00	£95.00	£104.50	£110

In line with general ticket prices, these have to be lower due to the VAT element.

1.6.7 Ceremonies – fee model – chamber

	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Weddings -						
Monday - Thursday	£880	£880	£900	£990	£990	£990
Friday	£920	£920	£940	£1034	£1085	£1085
Saturday	£980	£980	£980	£1078	£1,125	£1,125
Sunday	£980	£980	£980	£1078	£1,125	£1,125
Events like Renewal of Vows/Baby Naming / Wakes						

Monday - Thursday	£330	£330	£330	£363	£380
Friday	£440	£440	£440	£484	£500
Saturday	£550	£550	£550	£605	£630
Sunday	£550	£550	£550	£605	£630

1.6.8 Chamber reception after ceremonies

	2022/23	2023/24	2024/25	2025/26
Receptions -				
Monday - Thursday	£1100	£1210	£1,270	£1,270
Friday	£1350	£1485	£1,550	£1,550
Saturday	£1400	£1540	£1,600	£1,600
Sunday	£1400	£1540	£1,550	£1,550

1.6.9 Ceremonies – additional fees

Additional Ceremony fees	Current cost 23/24	Proposed cost 24/25	Comments
Castle Photo Opportunity – buy 30mins in the Castle 4-4.30pm	£55.00	£60	One off
Wedding Fair Table (single)	£28.00	£30	One Day
Wedding Fair Table (Double)	£55.00	£60	Weekend
Corkage Table	£55.00	£60	One off for a wedding who wish to have tea/coffee drinks/nibbles following the ceremony

1.6.10 Council Chamber

Venue	Current cost 23/24	Proposed cost 24/25	Comments
Chamber Half Day	£110.00	£115	Monday to Sunday
Chamber Full Day	£220.00	£230	Monday to Sunday
Chamber Evening*	£110.00	£225	Monday to Sunday
Castle Conference Room Half day	£83.00	£85	Monday to Sunday

Castle Conference Room Full Day	£165.00	£170	Monday to Sunday
Castle Conference Evening*	£83.00	£195	Monday to Friday *Plus Caretaker Charge

*This fee for 2024/25 includes 5 hours of caretaking cost

1.7 Council Tax and Business Rate Court Costs

1.7.1 The Council is obliged by law to collect all unpaid amounts of council tax and business rates and therefore has to take recovery action through the Magistrates' Court to obtain the necessary order. The Council's costs in taking this recovery action is charged back to the taxpayer as follows:

Court Costs 2023/24			
Tonbridge & Malling	Summons	Liability Order	Total
Council Tax	£55	£45	£100
Business Rates	£120	£60	£180

1.7.2 These charges have not changed since 2009/10. However, Members will appreciate that, despite inflation in recent years, it has not been an appropriate time to uplift them given the impact of the pandemic and the recent economic crisis.

1.7.3 That said, more of our residents are struggling to pay their council tax which requires an increased resource to recover their unpaid debts. Therefore, having reviewed the costs charged by other Kent authorities (table below), I propose to seek the Court's approval to increase the level of council tax costs requested from taxpayers from the current amount shown above to £110 (£60 summons and £50 liability order).

	Council Tax - costs requested			Non Domestic Rates - costs requested		
	Summons	Liability Order	Total	Summons	Liability Order	Total
Ashford	£60.00	£65.00	£125.00	£0.00	£180.00	£180.00
Canterbury	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00
Dartford	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00
Dover	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00
Gravesham	£60.00	£50.00	£110.00	£110.00	£0.00	£110.00
Maidstone	£60.00	£50.00	£110.00	£145.00	£55.00	£200.00

Medway	£80.00	£0.00	£80.00	£80.00	£0.00	£80.00
Tonbridge & Malling	£60.00	£50.00	£110.00	£120.00	£60.00	£180.00
Sevenoaks	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00
Folkestone & Hythe	£46.00	£54.00	£100.00	£109.00	£65.00	£174.00
Swale	£60.00	£43.00	£103.00	£0.00	£103.00	£103.00
Thanet	£60.00	£50.00	£110.00	£145.00	£55.00	£200.00
Tunbridge Wells	£60.00	£50.00	£110.00	£145.00	£55.00	£200.00

1.7.4 This increase will bring us in line with the majority of Kent authorities. I do not propose to increase the level of costs for non-domestic rates as the current amount is appropriate for the recovery action required.

1.7.5 It is **RECOMMENDED**, therefore, that the amount of costs charged in 2024/25 to recover unpaid council tax debts be increased from £100 to £110 as shown in the table.

1.8 Legal Implications

1.8.1 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.

1.9 Financial and Value for Money Considerations

1.9.1 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.

1.9.2 If Members are minded to approve proposals as set out, the additional income to be built into **Estimates for 2024/25** would be as follows:

Budget Heading	Original 2023/24 £	Proposed 2024/25 £
Street Naming and Numbering	40,450	45,000
Land Charges	250,000	230,000
Tonbridge Castle Gatehouse	40,600	33,500
Tonbridge Castle Chamber	27,000	35,000
Local Revenues Summons Costs	250,000	335,000
Total	608,050	678,500

The income above reflects the current levels of demand for the service and shows an increase between years of **£70,450**, which is **£38,500** above the level assumed in the updated MTFs due to be presented to Cabinet in December.

1.10 Risk Assessment

1.10.1 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.

1.11 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 Recommendations

1.12.1 It is **RECOMMENDED** to Cabinet that:-

- 1) the proposed charges for legal costs as set out in paragraph 1.2.4 be approved;
- 2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained as set out in paragraph 1.3.4;
- 3) the Fee Schedule for Street Naming and Numbering as set out in paragraph 1.4 be adopted from 1 April 2024;
- 4) the proposed scale of fees for local land charges searches and enquiries set out in Annex 1 and paragraph 1.5 be adopted with effect from 1 April 2024;
- 5) the fees and charges 2024/25 related to Tonbridge Castle as set out in 1.6 of the report be approved; and
- 6) the amount of costs charged in 2024/25 to recover unpaid council tax debts be increased from £100 to £110 as set out in paragraph 1.7.

Background papers:

Nil

contact: Glen Pritchard

Joy Ukadike

Stuart Edwards

Nizete Vasconcelos

Anthony Garnett

Adrian Stanfield
Director of Central Services

Sharon Shelton
Director of Finance & Transformation

				Current		Suggested		Suggested	
				2023/24 £		Upto Transfer 2024/25 £		After Transfer 2024/25 £	
Separate Fee	Residential / Commercial	LLC1		42.00		42.00		0.00	Deleted
Separate Fee	Residential	CON29R	AG	135.00		135.00		135.00	
			VAT	27.00		27.00		27.00	
		Total		<u>162.00</u>		<u>162.00</u>		<u>162.00</u>	No change
Separate Fee	Commercial	CON29R	AG	293.00		293.00		293.00	
			VAT	58.60		58.60		58.60	
		Total		<u>351.60</u>		<u>351.60</u>		<u>351.60</u>	No change
Combined Search	Residential	LLC1	YG	35.00		35.00		0.00	
		CON29R	AG	113.00		113.00		0.00	
			VAT	22.60		22.60		0.00	
		Total		<u>170.60</u>	Discounted	<u>170.60</u>		<u>0.00</u>	Deleted
Combined Search	Commercial	LLC1	YG	35.00		35.00		0.00	
		CON29R	AG	264.00		264.00		0.00	
			VAT	52.80		52.80		0.00	
		Total		<u>351.80</u>	Discounted	<u>351.80</u>		<u>0.00</u>	Deleted
Optional Questions		CON29O	AG	16.50		17.50		17.50	
			VAT	3.30		3.50		3.50	
		Total		<u>19.80</u>		<u>21.00</u>	Increased	<u>21.00</u>	Increased
Solicitor Questions			AG	18.00		20.00		20.00	
			VAT	3.60		4.00		4.00	
		Total		<u>21.60</u>		<u>24.00</u>	Increased	<u>24.00</u>	Increased
Additional Parcels			AG	11.00		12.00		12.00	
			VAT	2.20		2.40		2.40	
		Total		<u>13.20</u>		<u>14.40</u>	Increased	<u>14.40</u>	Increased
Expedited Fee			AG	49.00		49.00		49.00	
			VAT	9.80		9.80		9.80	
		Total		<u>58.80</u>		<u>58.80</u>		<u>58.80</u>	No change

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ECONOMIC DEVELOPMENT STRATEGY 2023 – 2027

Item FRP 23/29 referred from Finance, Regeneration and Property Scrutiny Select Committee of 14 November 2023

The report of the Chief Executive set out the proposed changes to the draft Economic Development Strategy 2023-2027 in light of the feedback received during the consultation exercise which was undertaken between 15 September and 13 October 2023.

Key amendments were summarised in 1.3.2 of the report and a revised draft of the Economic Development Strategy 2023-2027 was provided at Annex 1. Members' approval was sought on the adoption of the Strategy as amended.

Members welcomed the introduction of the revised Strategy and were advised that updates on progress of delivering the initiatives would be reported on a 6-monthly basis in the future.

RECOMMENDED*: That

- (1) the report be noted; and
- (2) the revised Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved, subject to the definition of the 'Markets' as in 'Programme of Town Centre Events and Markets' under the theme of 'Vibrant Town Centres' being added to the Action Plan to clarify its coverage of farmers' markets.

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

14 November 2023

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 ECONOMIC DEVELOPMENT STRATEGY 2023-2027

This report sets out the proposed changes to the draft strategy in light of the feedback received during the consultation exercise which was undertaken in September-October 2023, and recommends the adoption of the strategy as amended.

1.1 Background

1.1.1 A report setting out a draft Economic Development Strategy 2023-2027 was presented to the committee on 25 July 2023. The committee recommended approval of the document, and this was subsequently signed off by Cabinet on 05 September 2023.

1.1.2 The consultation commenced on 15 September and ran until 13 October 2023. Having now been the subject of consultation, the purpose of this report is to present a final draft for approval. The strategy has been amended to take account of the comments received and to reflect views of local businesses and key partner organisations on our economic priorities and actions for the borough.

1.2 Results of Consultation

1.2.1 The following measures were undertaken in order to obtain consultation responses from local stakeholders:

- Dedicated webpage inviting people to comment through a short questionnaire.
- Direct email to database of key economic partner contacts.
- Programme of social media messaging – Facebook, Twitter and LinkedIn
- Inclusion of an article in two editions of the Tonbridge and Malling Business e-bulletin, which goes out to over 900 business contacts.

1.2.2 A total of 23 formal responses were received from local businesses and business representative organisations, partner organisations (such as the West Kent Partnership and adjoining Borough and District Councils), as well as from Officers

and Members within the council (22 responses via the questionnaire and one written email). Whilst the number of responses was lower than hoped for, the quality of the feedback from those that did respond was high and as such extremely helpful in shaping the final draft of the strategy. A summary of the responses is provided below:

- 91% of respondents agreed with the vision set out in the strategy, with 0% disagreeing with the vision.
 - Of the priorities set out in the strategy, the highest ranked priorities are:
 - Supporting local business
 - A greener more productive economy
 - Vibrant town centres
 - A thriving rural economy
 - 0% disagreed with the indicators on the dashboard – 62% agreed with them and 38% were unsure.
 - When asked if there was anything missing in the strategy, the following were suggested:
 - Ensuring the Unique Selling Points (USPs) of the borough are covered.
 - A greater emphasis on tackling empty commercial premises and town centre eyesore sites/premises.
 - More on harnessing volunteers and their skills and experience.
 - More business networking opportunities.
 - Ensuring new developments support biodiversity/tree planting.
 - Issues of housing affordability for local people.
- 1.2.3 In addition, comments were also shared about the presentation of the strategy – making it more visually appealing and ensuring that the information is as easily digestible as possible.

1.3 Economic Development Strategy 2023-2027

- 1.3.1 Following the feedback from the consultation, the draft Economic Development Strategy 2023/2027 has been amended. The revised document is set out in **Appendix 1**.

1.3.2 The amendments include:

- Inclusion of more imagery from across the borough that help to reference the strengths of the local economy.
- Further information on the shopfront and vacant unit improvement grant scheme in the action plan to emphasise the role of the council in helping to support our town centres.
- Reference to housing affordability for local people as a key challenge.
- Inclusion of more detail in the action plan – relating to funding and timescales.

1.4 Legal Implications

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

1.5 Financial and Value for Money Considerations

1.5.1 The actions set out in the strategy can be delivered using existing Economic Regeneration budgets.

1.6 Risk Assessment

1.6.1 Not applicable.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Economic Development

1.8.2 Skills and Employability

1.8.3 Inward Investment

1.8.4 Tourism Development

1.8.5 Climate Change

1.9 Recommendations

1.9.1 That the report **BE NOTED**.

1.9.2 That the Economic Development Strategy 2023-2027 as set out in Appendix 1 **BE RECOMMENDED** to Cabinet for approval.

The Cabinet Member for Climate Change, Regeneration and Property confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Julie Beilby
Chief Executive

Economic Development Strategy 2023-2027



Dynamic – Resilient – Inclusive - Sustainable

November 2023

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01 Foreword

Tonbridge & Malling Borough Council recognises the leading role it can play in helping to drive forward sustainable economic growth, and shape the borough into a place that offers a high quality of life for residents, businesses and visitors alike.

This is a responsibility that we take on with enthusiasm, but it is by no means a small undertaking in the current economic climate. The COVID-19 pandemic has left a considerable legacy, with the sizeable impact on economic and personal well-being resulting in changes in the way many people live their lives and how businesses continue to operate.

At the same time there is a growing imperative for action in mitigating the worst effects of climate change – making sure that the council leads by example, but also supporting the local business community to move towards carbon net zero.

These are challenging times, but it is vital that the council proactively uses the resources at its disposal to help steer our economy towards a prosperous, inclusive and sustainable future. Our Economic Development Strategy 2023-2027 sets out how, with our partners, we aim to achieve this.



Cllr Robin Betts
Cabinet Member for Climate Change,
Regeneration and Property
November 2023

02 Strategic Context

The council is in the process of adopting a new Corporate Strategy 2023-2027 which sets out a bold new vision for the borough:

“To be an innovative and forward-thinking council, that leads the people and businesses of the borough towards a vibrant, prosperous and sustainable future.”

One of the priorities that underpins the vision focusses specifically on the local economy and the role that the council and its partners can play in supporting it. The priority, which emphasises the need for sustainable growth, is:

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

These statements provide a strong starting point for the direction that this strategy needs to take.

When the council’s last economic strategy was produced in 2020/21 (Economic Recovery Strategy 2021-23), the emphasis was very much on navigating through the COVID-19 pandemic. However, a number of key considerations now need to be factored into our thinking when formulating our new strategy document and identifying our priorities. These include:

- The economic uncertainty arising from high inflation, tight labour markets and supply chain disruption, as well as the longer-term impact and opportunities arising from Brexit.
- Moving towards a net zero carbon economy in a way that incentivises the use of new technologies and green skills development as well as the enhancement of our natural environment.
- The need to align this economic strategy closely with the re-positioning of the West Kent Partnership and its new priorities, the Kent & Medway Economic Development Strategy and our UK Shared Prosperity Fund Investment Plan in order to support our local economy effectively.
- Gross Value Added (GVA) per head data has highlighted the strong role that West Kent plays in contributing towards the Kent economy – for example in Tonbridge and Malling the GVA per head is £36,690 compared to £27,907 across Kent as a whole. However, when compared to other locations equidistant to London, such as Guildford, it is clear that there is room for improvement.
- The challenge for our High Streets as they evolve from purely ‘shopping centres’ to provide a wider array of services.
- Supporting the rural economy as it undergoes a period of change, particularly with the switch away from the Direct Payment system in the farming sector and changes in the labour market.

03 Key Strengths & Challenges

Like any borough, Tonbridge and Malling has numerous strengths and challenges that have an impact on its potential for success. In addition to being well located with good transport links, the borough also has a strong business community, and an attractive environment.

However, many of these strengths also bring challenges. For example, for much of the borough development is constrained due to environmental and landscape designations (such as the Kent Downs Area of Outstanding Natural Beauty and the Green Belt), and whilst proximity to London and good accessibility to international gateways brings wealth into the area, it also contributes to higher housing prices, greater employment costs and congestion.

<p>Strengths:</p> <p>Location – proximity to London and to international gateways</p> <p>Good strategic transport network – good road and rail links that enable high levels of accessibility.</p> <p>An attractive environment that creates a high quality of life.</p> <p>A strong business community with a diverse number of key sectors that ensure local resilience.</p> <p>Comparatively low level of unemployment amongst the local work force.</p> <p>A high level of household income in comparison to other areas of Kent.</p> <p>A proactive and well-run local authority, with a strong partnership network.</p>	<p>Challenges:</p> <p>Identifying new employment sites to meet future need given constraints.</p> <p>Housing price affordability for local people.</p> <p>Decarbonising the economy whilst maintaining sustainable growth.</p> <p>Loss of existing commercial premises through Permitted Development Rights.</p> <p>Limited Higher Education provision in the borough.</p> <p>Carving out a positive future for our town centres.</p> <p>Recruitment challenges for local businesses.</p> <p>Transport infrastructure often congested at peak times.</p> <p>Rural isolation – especially with local public transport services reduced and some areas of variable broadband coverage.</p> <p>Ineligibility for many public funding opportunities due to perceived affluence.</p>
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04 Vision & Strategic Priorities

“Maximising the unique strengths of the local area to help create a resilient, dynamic and inclusive economy that fosters sustainable growth.”

During the early 2020s, the local economy has been impacted by a series of national and global events. We have worked closely with local businesses to ensure that we have managed to avoid the very worst impacts of these events, and it has demonstrated that we are fortunate to have a **resilient** and **dynamic** business community. This is something that we need to build upon in order to provide greater protection against any future challenges.

We also need to ensure that everyone sees the benefit of improvements in our economy, and that no-one is left behind. By being **inclusive** in our approach, we can help to increase skills levels and reduce unemployment through helping to create local opportunities.

Reducing our own carbon footprint, and encouraging others to do the same, is a central part of our Climate Change Strategy. In line with the aims and objectives of this strategy, we need to ensure that this Economic Development Strategy has a strong focus on **sustainable growth** that can reap benefits for our businesses and positively impact future generations.

With these key elements to our vision in mind, 7 themes have been identified that make up our approach in this strategy:

Theme 1: Promoting the borough:

Tonbridge and Malling borough has lots of great things to shout about, and a wide range of successful businesses across a number of sectors. By promoting the area, as part of a wider West Kent initiative, it will help to increase investment, attract visitors and help to foster a stronger identity that will help to support our business community.

Theme 2: Supporting local business:

Starting or growing a business is no easy task with just under 40% of businesses failing to last three years and nearly 90% of businesses in the borough being classed as ‘micro’. The council and partner organisations can offer areas of support to business, such as establishing advice and mentoring programmes, providing grant support and running events that support networking opportunities or enable businesses to find new members of staff.

Theme 3: Land and premises (and supporting infrastructure):

The adoption of a Local Plan that identifies new employment sites is key to ensuring that existing businesses and inward investors have the room to grow and are supported, where required, in that journey. There are also a number of strategic investment sites in the borough that are vital to the strengthening of the local economy, and it is therefore important that the council engages fully with these to ensure that they are delivered in a timely fashion and offer the maximum benefit locally.

Theme 4: A greener more productive economy:

Whilst growth is clearly important, it is essential that the economy de-carbonises in order to reduce its impact on the environment and mitigates against the worst impacts of climate change. A growing economy can be a green economy: between 1990 and 2019 the UK reduced greenhouse gas emissions by 41% while the economy grew by 78%. Many businesses are well-advanced on their journey towards

Net Zero, reaping the benefits of greater efficiencies and shielding themselves from the volatility of the energy markets, but others still need support along the way. There are also new challenges such as making sure that there are sufficient skills locally to enable the decarbonisation of the economy and our homes, and the support infrastructure is available to enable growth in the use of electric vehicles.

Theme 5: A thriving rural economy:

The borough is mainly rural in nature, and as such our rural businesses play a strong part in the overall performance of our local economy. As well as fantastic land-based businesses, institutions such as East Malling Research Station (NIAB EMR) and Hadlow College (part of North Kent College), there are a diverse range of innovative rural businesses covering a range of sectors. With recruitment challenges and the loss of some funding sources, it is important that we offer support to contribute towards a flourishing rural economy.

Theme 6: An inclusive economy

Despite Tonbridge and Malling being perceived as affluent, not everyone enjoys equal access to opportunities. This is best illustrated by the variation in unemployment rates and deprivation indices across the borough. We will collaborate with local schools, the Department for Work and Pensions (DWP), Kent County Council and community organisations to create opportunities that contribute towards a more inclusive society.

Theme 7: Vibrant town centres

High streets are the beating hearts of our towns, and in recent years they have had to deal not only with the impact of economic downturns and the covid-19 pandemic, but also the shift in spending behaviour as online retailing expands. We will support our town centres as they adapt to change, to ensure they are attractive places to socialise, shop and be entertained.

05 Working in Partnership

The Borough Council recognises the key role it has to play in helping the local economy to recover and grow, both in terms of setting a strategic framework for its approach as well as through the various initiatives it undertaken order to contribute towards the creation of a better economy.

However, our positive impact can only really be maximised by working with partners that also play an equally important role and can offer specialist skills, experience, knowledge and additional resources. As such, we are committed to working with partners organisations to achieve the actions set out in this strategy. Key individual partners are too numerous to include individually in this chapter, but the following partnerships will be essential in supporting the council to meet the needs of the local economy:

UK Shared Prosperity Fund Partnership (UKSPF): the council is working closely with Central Government and local organisations to deliver its Levelling Up Programme. An important part of the delivery of this programme is the role of a 'Local Group' comprising community and business representatives, which provides oversight, advice and support in advancing UKSPF funded initiatives.

Kent and Medway Economic Partnership (KMEP): KMEP is focussed on driving forward economic growth and prosperity in Kent and Medway and is governed by a Board with membership drawn from business, local government and education establishments. KMEP delivers the objectives set out in Kent and Medway's Growth Plan, and in recent year has supported the borough in securing investment through government initiatives such as the Local Growth Fund and Growing Places Fund.

West Kent Partnership (WKP): is the strategic economic partnership covering the local authority areas of Tonbridge and Malling, Sevenoaks and Tunbridge Wells. The three areas work closely together to leverage the resources available to them in order to deliver more for our local businesses, attract inward investment and promote the local economy.

Over recent years, the partnership has successfully delivered initiatives including:

- the West Kent Enterprise Adviser Network, which had a focus on business-relevant careers advice for schools;
- the West Kent Kick Start Programme, giving young people 6-month work placement opportunities;
- the West Kent Jobs Fairs and West Kent SkillsFest.

There are plenty of exciting new initiatives starting, including the West Kent Business Support Programme, West Kent Rural Grants Scheme and the Invest West Kent initiative to promote the area as a great place to do business.

In addition, there are a number of key partners that the Borough Council works with directly to deliver initiatives or to support work in a specific area of the local economy. A list of these partners, along with some of the key funding streams, is provided in Appendix 1.

06 Action Plan

Theme	Action	Measure	Partners	Funding	Timescale
Promoting the Borough	Rebranding of the West Kent Partnership. Launch and management of Invest West Kent website and campaigns.	Delivery of brand and launch of website by Autumn 2023. Ongoing campaigns.	West Kent Partnership (Sevenoaks District Council (SDC) and Tunbridge Wells Borough Council (TWBC))	Existing West Kent Partnership Contribution and other West Kent authorities.	November 2023 From March 2024 onwards.
Promoting the Borough	Delivery of Service Level Agreement with Visit Kent to promote the area as a tourism destination.	100% of targets in the SLA met.	Visit Kent	Existing TMBC Economic Development Budgets.	Ongoing – annual SLA for duration of strategy (2027)
Supporting Local Business	Delivery of the West Kent Business Support Programme	20 T&M based businesses per annum given mentoring support and access to micro-grant support. Delivery of minimum 6 workshops across West Kent per annum	West Kent Partnership (SDC and TWBC), Smarter Society Ltd	UK Shared Prosperity Fund (UKSPF) and Existing TMBC Economic Development Budgets.	Currently until March 2025.
Supporting Local Business	Promote the Kent and Medway Growth Hub and other business support organisations.	To promote the support available and appropriately refer businesses.	Kent Invicta Chamber of Commerce, other business representative organisations.	TMBC Officer time.	Currently until March 2025.
Supporting Local Business	Local Business Networking	Minimum of 3 events per annum.	Federation of Small Business (FSB); Tonbridge Town Team; Town and Parish Councils; local businesses.	Existing TMBC Economic Development Budgets and partner funding.	Ongoing for the duration of the strategy (2027)
Supporting Local Business	Creation and Distribution of the monthly Business Bulletin.	Minimum 12 bulletins per annum Minimum 900 recipients on the business database.	Input from all partner organisations and businesses.	TMBC Officer time.	Monthly for the duration of the strategy (2027)
Supporting Local Business	Annual West Kent Business Conference	Delivery of one summit per annum with minimum 40 businesses attending.	West Kent Partnership (SDC and TWBC)	Existing West Kent Partnership Contribution and other West Kent authorities.	Next event - March 2024.

Theme	Action	Measure	Partners	Funding	Timescale
Land and Premises	Delivery of the Tonbridge and Malling Local Plan by the Local Planning Authority	Work towards the adoption of the Local Plan and the allocation of strategic sites and new employment allocations by 2026.	Statutory Consultees, local residents and businesses.	Existing TMBC Budgets.	Adoption of Local Plan from April 2026.
Land and Premises	Work with Panattoni to help complete the Panattoni Park Aylesford development.	Full occupation of the site.	Panattoni, Kent County Council	TMBC Officer time.	2024.
Land and Premises	Work with NIAB EMR to bring forward further phases of the Green Tech Hub for Advanced Horticulture.	Implementation of Phase 2 during the course of this strategy.	NIAB EMR, East Malling Trust.	TMBC Officer time.	By end of 2027
Land and Premises	Support the Royal British Legion Industries in bringing forward the next phase of the Centenary Village and other on-site developments	Implementation of works during the course of this strategy.	RBLI	TMBC Officer time.	Centenary Village – 2024.
Land and Premises	Support the delivery of the Leigh Expansion and Hildenborough Embankment Scheme (LEHES)	Works fully completed.	Environment Agency, Kent County Council, SE Local Enterprise Partnership	TMBC Capital Allocation.	Completed by 2025
Land and Premises	Promote Locate in Kent to businesses looking for land or premises to grow.	To promote the support available and appropriately refer businesses.	Locate in Kent	TMBC Officer time.	Ongoing throughout duration of the strategy (2027)
A Greener More Productive Economy	Green Business Grant Scheme (UKSPF)	Deliver 2 more rounds of the GBGS (in 2023 and 2024) supporting a minimum 20 businesses.	Sevenoaks District Council, Kent County Council (LoCASE); Local Businesses.	UKSPF and Business Rates Pool funding.	All projects completed by March 2025.
A Greener More Productive Economy	Delivery of Green Retrofit Skills Pilot (UKSPF)	Support up to 50 people into gaining green retrofit skills in 2024/25.	Sevenoaks District Council, Local Colleges	UKSPF	Completed by March 2025.

Theme	Action	Measure	Partners	Funding	Timescale
A Greener More Productive Economy	Carbon Literacy Training (UKSPF)	Delivery of Carbon Literacy Training to up to 100 people in 2024/25	Town and Parish Councils, Charitable and Community Groups	UKSPF	Completed by March 2025.
A Greener More Productive Economy	Promote existing advice on energy efficiency and emissions reduction to local businesses	To promote the support available and appropriately refer businesses.	Low Carbon Kent, LoCASE, GSE Net Zero Hub.	TMBC Officer time.	Ongoing for duration of the strategy (2027)
A Greener More Productive Economy	Support provision of Electric Charging Points	50 Electric Charging Points delivered in Phase 2 of the Programme.	Kent County Council, Connected Kerb	TMBC existing budgets and KCC.	Installed April 2025.
A Thriving Rural Economy	West Kent Rural Grant Scheme Programme	A minimum of 25 grants provided to support rural businesses and communities during 2023-2025	West Kent Partnership	Rural England Prosperity Fund.	Completed by March 2025
A Thriving Rural Economy	Promote and refer local businesses to the Growing Kent and Medway initiative	To promote the support available and appropriately refer businesses.	NIAB EMR (at East Malling), Growing Kent and Medway partners.	TMBC Officer time.	Ongoing for duration of the strategy (2027)
An Inclusive Economy	Delivery of jobs fairs that support people into work or training.	2 per annum (Tonbridge and Aylesford (RBLI Village))	Department for Work and Pensions; Housing Associations, RBLI	Existing TMBC Economic Development budgets.	Ongoing for duration of the strategy (2027)
An Inclusive Economy	Support apprenticeship and internship opportunities for people with SEN.	Work with specialist college to support up to 8 young people into workplace opportunities.	Oaks Specialist College, Education People (KCC)	Business Rates Retention Pilot	Delivered by September 2024.
An Inclusive Economy	Support local schools with careers advice and work experience.	Attend up to 2 school careers fairs per annum.	T&M Schools, The Education People, Kent Education Business Partnership.	TMBC Officer time.	Ongoing for duration of the strategy (2027)
An Inclusive Economy	Help to reduce digital exclusion in our most deprived communities.	Establish an initiative to help tackle Digital Exclusion	Kent County Council	Business Rates Retention Pilot.	Delivery during 2024/25.
Vibrant Town Centres	Shopfront and Vacant Unit Improvement Scheme (BRRP/UKSPF)	Support up to 35 shopkeepers with grant support and advice during 2023-2025	Let's Do Business Group, local businesses.	UKSPF and Business Rates Retention Pilot.	Completed by March 2025.

Theme	Action	Measure	Partners	Funding	Timescale
Vibrant Town Centres	Programme of Town Centre Events and Markets	Deliver and support a minimum of 30 events per annum to support our town centres.	Events Companies and organisers, local businesses.	TMBC Officer time and existing TMBC budgets.	Ongoing for duration of the strategy (2027)
Vibrant Town Centres	Tonbridge Town Centre Review	Production and implementation of sustainable plans for the regeneration of Tonbridge Town Centre.	Key Landowners, MACE Consultants	TMBC Budgets, Business Rates Retention Pilot and UKSPF.	Ongoing for duration of the strategy (2027)
Vibrant Town Centres	Improve wayfinding and signage in Tonbridge Town Centre	Delivery of first phase to improve links between Tonbridge Station and the rest of the town centre.	Community Rail Partnership, Network Rail, Southeastern, local residents and businesses	UKSPF	During 2024.
Vibrant Town Centres	Explore potential of a BID in Tonbridge.	Carry out initial research to examine the viability of a BID in Tonbridge.	Tonbridge Town Team, local businesses	TMBC Officer time.	During 2024.

07 Economic Dashboard

This economic dashboard provides a very high-level illustration of the performance of the local economy. Whilst there is some delay in the data, it does display that many aspects of the economy have plateaued, with ‘business failures’, youth unemployment and skills attainment on a negative trajectory.

The aspiration for 2027 is set out in the end column. Obviously, this can be impacted by a number of factors that are outside the control of this authority, however through the initiatives set out in the action plan the strategy does have the potential to help move all of these indicators in a positive direction.

Along with the action plan, updates on this dashboard will be provided on an annual basis, with comparison data also being provided in order to benchmark the performance of the local economy.

	Economic Indicator	Latest Data	Date	Current Trend	Aspiration for 2027
Dynamic	VAT Registrations (Start-Ups)	750	2021		800 per annum
Dynamic	Job Density	0.98	2021		1
Resilient	VAT De-registrations	775	2021		650 per annum
Resilient	3 Year Business Survival Rates (%)	62.5	2021		65%
Resilient	Median Gross Weekly Full-time Earnings (£) by Residence	£703.60	2022		£750
Resilient	Median Gross Weekly Full-time Earnings (£) by Workplace	£608.80	2022		£650
Inclusive	Unemployment Rate (%)	2.2%	Aug 2023		Less than 2%
Inclusive	16–24-year-olds claiming out of work benefits (%)	3.9%	Aug 2023		Less than 3%
Inclusive	National Vocational Qualification Level 3+ (%)	48.3%	2021		60%
Inclusive	Happiness Score (out of 10)	7.6	2022		8 out of 10
Sustainable	Greenhouse Gas emissions from industry and commercial sectors in T&M (tCO2e)	188	2020		150
Sustainable	Percentage of T&M Greenhouse Gas emissions from industry and commercial sectors (%)	25	2020		20%
Sustainable	No. of renewable electricity installations	1,848	2021		2,750
Sustainable	% of all dwellings with EPC band C and above (%)	48.95	2022		55%
Sustainable	Proportion of employment in energy intensive sectors (%).	36	2022		30%

Appendix 1:

Partners
Community Rail Partnerships
Clarion Housing
Department for Business, Energy and Industrial Strategy (BEIS)
Department for Environment, Food and Rural Affairs (DEFRA)
Department for International Trade (DIT)
Department for Levelling Up Housing and Communities (DLUHC)
Deskrenters (Castle Lodge)
East Malling Trust
Education Business Partnership Kent
Environment Agency
Federation of Small Businesses
Golding Homes
Highways England
Homes England
JobCentre Plus
Kent Apprenticeships
Kent County Council
Kent Farmers Market Association
Kent International Business
Kent Invicta Chamber of Commerce
Locate in Kent
Mid Kent College
Kent Invicta Chamber of Commerce
Network Rail/Great British Railways
NIAB East Malling Research
North Kent College
Orbit Group
Produced in Kent
Royal British Legion Industries
Southeastern Railways
The Education People
The National Trust (Ightham Mote)
Tonbridge and Malling Businesses
Tonbridge and Malling Schools
Tonbridge Community Forum
Tonbridge Town Team
Town & Parish Councils
Visit Kent
West Kent Partnership – including Sevenoaks DC & Tunbridge Wells BC
Key Funding Streams:
Business Rates Pool
Business Rates Retention Pilot (BRRP)
Rural England Prosperity Fund (REPF)
UK Shared Prosperity Fund (UKSPF)

TMBC.GOV.UK

Serving our community

Tonbridge and Malling Borough Council
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ.

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REVIEW OF OUTSIDE BODIES

Item OS 23/53 referred from Overview and Scrutiny Committee of 16 November 2023

The report of the Chief Executive provided an update on the recent review of appointments to outside bodies. A short survey had been distributed to external organisations and whilst there was a relatively low response rate, those that did respond felt that the Borough Council appointments were beneficial.

A summary of the perceived benefits of local authority representation was provided at 1.1.3 of the report. As the external organisations all operated very differently, with varied requirements from their nominated representative, it was difficult to draw any fixed conclusions from the responses received. However, there was consensus that the perceived benefits were being achieved although it was apparent that there was a lack of consistent reporting back to the Borough Council.

Members recognised the impracticability of inviting all outside bodies to address the Overview and Scrutiny Committee to explain the role of their organisations. It was, therefore, recommended that the list of annual appointments to outside bodies be distributed between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees. Each Committee could then decide on the best way to gain feedback from the organisations. The Scrutiny Officer was asked to reconsider the distribution of the outside bodies organisations between the Committees with particular reference made to the Leisure Trust which might fit better with the Overview and Scrutiny Committee.

There was detailed discussion on the role of outside bodies and the Chair invited Mr M Davis and Mr O Baldock to share their views as Borough Council appointees, who felt these appointments provided an opportunity to see how the funding offered by the Borough Council was being used; provided an opportunity for useful and valuable feedback and the use of former Councillors meant that experience wasn't lost. Reference was also made to the issues around conflicts of interest in respect of some appointments which meant that serving Members had to leave a debate in which they could have made a valuable contribution. The Committee asked that options around best practice on this issue be explored.

On the grounds of allowing Group Leaders sufficient time to identify and nominate suitable candidates, especially in an election year, Councillor Hood proposed, seconded by Councillor Cope that nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year rather than Annual Council. Whilst this proposal was supported in principle, it was

explained that Council Procedure Rule 1.2 (i) would need to be revised and this would be considered further by Cabinet and the Monitoring Officer.

RECOMMENDED*: That

- (1) the approach of distributing the annual appointments to outside bodies list between the Overview and Scrutiny Committee and the 3 Scrutiny Select Committees, as set out in 1.2.3 of the report, be endorsed by Cabinet;
- (2) each Scrutiny Committee be invited to consider how to receive feedback from the outside bodies assigned to them; and
- (3) subject to revising CPR 1.2 (i) in Part 4 of the Constitution and the views of Cabinet and the Monitoring Officer, nominations for appointments to outside bodies should be considered at the second meeting of Full Council in a municipal year.

***Recommended to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

16 November 2023

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 REVIEW OF OUTSIDE BODIES

1.1 Background

1.1.1 On 14 September 2023 the Committee received a scoping report to review the Council's list of Appointments to Outside Bodies (attached at Annex 1). A summary of the scope of the review is as follows:

- Gain a better understanding of the aims and objectives of the organisations.
- Explore the role of the nominated Borough Councillor/representative.
- To hear from some of the organisations on the list, to ask questions and consider any value for money issues.

1.1.2 A short survey was distributed to the organisations on the list, with 9 organisations responding. Whilst this is a relatively low response rate, those that did reply all felt that the representatives were beneficial to their organisation. When asked: "What form should feedback from the organisation to the Council take?" the responses were as follows:

We provide updates and reports and have meetings but it would be helpful if a local councillor could attend our board meetings on a regular basis if possible. Thank you

N/A

The Council should request reports from appointed Board member after each full meeting to stay abreast of the Boards dealings.

n/a

Tonbridge and Malling benefits from collective voice and joint action for a very small subscription. Current feedback is through Officers in the form of a Quarterly Update Report (QUR) and monthly strategic meetings. The QUR is shared with the Leader and relevant Cabinet Member. No mechanism appears to exist for direct feedback via the LA Board members.

The council would be placed on the circulation of the meeting minutes.

Through the Council's representative.

Through the Councillor representative or relevant officers.

1.1.3 The respondents summarised the perceived benefits of local authority representation as follows:

We are very grateful for the funding that we receive from the Local Authority. This helps us to provide advice to those who need help. It is really helpful for the Council appointee to give us feedback and advice about issues in the community but also for them to hear about the work that we are doing and how we are spending the funds we receive.

Councillor nomination to the JC is mandatory as per the Memorandum of Participation/Agreement entered into by your authority that allows the operation of civil parking / moving traffic enforcement schemes

The Land Drainage Act requires that collecting authorities have a seat on the board equivalent to the amount they collect on our behalf.

There are no council appointees to the ICB Board.

However, there are four elected members on the Integrated Care Partnership (1 from each of the four local health and care partnerships);

and there are also officers on each of the health and care partnerships (numbers vary depending on HCP - I think there is one district CEO on the West Kent HCP)

To provide a representative cross party cohort of elected representatives of communities from across the region to engage government, parliament, media and others on matters of common interest and/or shared concern.

To provide Council representation on the Board of Trustees that govern the Trust in accordance with the Trust's Articles of Association. Representation has to be below 20% to ensure the Trust may not be considered a connected entity.

To represent the local community at this forum which sits on the boundary between T&MBC and MBC.

The PCP is established as a formal joint committee of KCC, Medway Council and all 12 District Councils in Kent. IT will also include two independent members.

The County Council may arrange Borough/District Council representatives

1.1.4 As the groups all operate very differently, with varied requirements from their nominated representative, it is difficult to draw any fixed conclusions from the responses above. There was consensus that the perceived benefits of local authority representation are being achieved, but it is apparent that there is a lack of any consistent reporting method back to the Council.

1.2 Feedback from Outside Bodies

1.2.1 As suggested in the scoping report, two organisations have been invited to present to this Committee (the Upper Medway Internal Drainage Board and the Lower Medway Internal Drainage Board). This will allow members to gain a greater understanding of the organisations and to ask any questions.

1.2.2 It is impractical to invite all outside bodies to provide presentations in this way, but one suggested way forward would be for the list of annual appointments to outside bodies be distributed between Overview and Scrutiny Committee and the relevant Scrutiny Select Committees. Each individual Committee can then decide on the

best way to gain feedback from the organisations. This could be via an annual report or a presentation from the organisation.

- 1.2.3 If Members agree with the approach of dividing up the list of outside bodies, then the table below indicates what this distribution could look like, the list focuses on the list of outside bodies with annual appointments:

OVERVIEW & SCRUTINY COMMITTEE	Communities & Environment SSC	Finance, Regeneration & Property SSC	Housing & Planning SSC
Citizens Advice in North and West Kent	Allington Community Liaison Group	Lower Medway IDB	Gatwick Airport Noise Management Board Community Forum
KCC Health Overview and Scrutiny	Kent and Medway Police and Crime Panel	Rochester Airport Delivery Board	Kent Flood Risk Management Committee
LGA General Assembly	Maidstone Mediation Scheme	Upper Medway IDB	High Weald AONB
South East England Councils (Leaders Forum)	Parking and Traffic Regulations Outside London Adjudication Joint Committee	West Kent Partnership	Kent Downs AONB Joint Advisory Committee
WK Health Integrated Care Partnership Elected Members Forum	Snodland Partnership		
	Tonbridge and Malling Leisure Trust		
	Youth and Community Centres/Project Management Committees		

- 1.2.4 The above table is a suggestion only and Members who represent these groups may feel that the group would be better suited to a different Committee. Due to the nature of many of the groups, there was a disproportionate amount that fitted with CESSC, however, where possible groups have been divided across the Committees.
- 1.2.5 The Policy, Scrutiny and Communities Manager will liaise with the Chair of each Committee, to establish the best method to receive feedback from the organisation and will contact each group accordingly to explain how feedback will be sought going forward.

1.3 Legal Implications

1.3.1 None

1.4 Financial and Value for Money Considerations

1.4.1 As set out in the Scoping Report on 14 September 2023

1.5 Risk Assessment

1.5.1 Partnerships are included on the Council's Strategic Risk Register. Where outside bodies are appointed to deliver services, formal agreements or Service Level Agreements are in Place.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

1.7.1 Business Continuity/Resilience

1.7.2 Communications

1.7.3 Community

1.8 Recommendations

1.8.1 That Members **ENDORSE** the approach of distributing the annual appointments to outside bodies list between Overview and Scrutiny Committee and the Scrutiny Select Committee's (as set out in 1.2.3) and;

1.8.2 Each Committee to **CONSIDER**, how they would like to receive feedback from the outside body.

Background papers:

contact: Gill Fox

Nil

Julie Beilby
Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE

14 September 2023

Report of the Chief Executive

Part 1- Public

Delegated

1 SCOPING REPORT: TO REVIEW OUTSIDE BODIES

To review the Council's list of Appointments to Outside Bodies

1.1 Background

1.1.1 At the annual meeting of Council held on 17 May 2023 several appointments to outside bodies were confirmed and agreed. Following notification of these appointments, the Borough Council were advised of some inaccuracies in respect of the number of representatives required and the status of some of the organisations.

1.1.2 The necessary changes were brought to the meeting of Council on 11 July 2023 where it was also agreed that the Overview and Scrutiny Committee undertake a review of appointments to outside bodies. This Scoping Report looks to consider the revised list of Appointments to Outside Bodies (attached at Annex 1) and the role of the Borough Councillors on these groups.

1.1.3 The majority of organisations on the list are based in the borough. Some organisations are located outside the borough but provide either support or services to borough residents.

1.2 Suggested focus for the review

1.2.1 Members may wish to review the role of the outside bodies to gain a better understanding of the aims and priorities of the organisations. A request could be made to each organisation to provide a short overview of their aims and objectives. This could be presented at the next meeting.

1.2.2 It may also be useful to further explore the role of the nominated Borough Councillors and how information can be brought back to the Council. Representatives could also be asked to provide a short update if this would be helpful?

1.2.3 Members will note that there are also several non-Councillors on the list. It has been accepted that these representatives have usually got local knowledge/experience and/or a previous relationship with the Council. Members

may wish to consider if this remains valuable and if feedback has been provided to the Council. There isn't currently a formal mechanism for these representatives to update the Council, which may be something that should be considered?

- 1.2.4 Most of the organisations do not receive any financial assistance from the Borough Council, however a small number on the list receive either a grant or request a payment for their services. Whilst it is not practical to invite all organisations into the meeting, it may be helpful to focus on those that receive either grants or payments to attend the next meeting. This would allow Members of the Overview and Scrutiny Committee to ask any questions regarding their operation and consider any value for money issues.
- 1.2.5 There may be other outside bodies who have approached the Council for nominated Borough Council representatives, which Members may want to consider. In addition, the Mayor is invited to some, but not all of the organisations AGM's. Members may wish to consider the merits of this.

1.3 Legal Implications

- 1.3.1 None

1.4 Financial and Value for Money Considerations

- 1.4.1 Levies made by the two drainage boards in our area under the Land Drainage Act, 1991 and the Internal Drainage Boards (Finance) Regulations are as follows:

- Lower Medway Internal Drainage Board – 2023-24 levy of £227,059.67
- Upper Medway Internal Drainage Board – 2023-24 levy of £257,006.97

- 1.4.2 Organisations on the list who currently receive financial support from the Council via a grant or payment for services, are as follows:

- Citizens Advice in North and West Kent – Grant of £95,000 for 2023-24 Service Level Agreement
- High Weald AONB – £1451 for 2023-24 – formal agreement in place
- Kent Downs AONB - £4138 for 2022-23 (2023-24 invoice yet to be received) – formal agreement in place
- Maidstone Mediation Scheme – Grant of £4,320 per year for 2020-2024 Service Level Agreement. (£2,500 is also provided via the Community Safety Partnership, with funding from the Police and Crime Commissioner)
- Tonbridge & Malling Leisure Trust – No management fee, but there are financial responsibilities for the Council in relation to energy increases, pension fund increases (for staff who TUPE transferred) above a threshold.

- West Kent Partnership - £10,000 per annum staffing costs towards the West Kent Partnership Manager

1.5 Risk Assessment

- 1.5.1 Partnerships are included on the Council's Strategic Risk Register. Where outside bodies are appointed to deliver services, formal agreements or Service Level Agreements are in place.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

- 1.7.1 Business Continuity/Resilience
- 1.7.2 Communications
- 1.7.3 Community

1.8 Recommendations

- 1.8.1 That Members **ENDORSE** the approach as suggested in 1.2 of the report, to undertake further evaluation of the issues raised.

Background papers:

Nil

contact: Gill Fox
Policy, Scrutiny &
Communities Manager

Julie Beilby
Chief Executive

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REPRESENTATIVES ON OUTSIDE BODIES 2023/24	
Annual Appointments	
Allington Community Liaison Group	Councillor Steve Hammond
Citizens Advice in North and West Kent	Councillor Matt Boughton
Gatwick Airport Noise Management Board Community Forum	Councillor Matt Boughton
High Weald Area of Natural Beauty	Councillor Mike Taylor
KCC Health Overview and Scrutiny	Councillor Kim Tanner
Kent and Medway Police and Crime Panel	Councillor Des Keers
Kent Downs AONB Joint Advisory Committee	Councillor Mike Taylor
Kent Flood Risk Management Committee	Councillor Matt Boughton
Internal Drainage Boards: Lower Medway	Councillor Dave Davis
Upper Medway	Councillor Dennis King Mr Howard Rogers Mr Mark Davis Mr Owen Baldock
LGA General Assembly	Councillor Matt Boughton Councillor Martin Coffin (substitute)
Maidstone Mediation Scheme	Mrs Ann Kemp
Parking and Traffic Regulations Outside London Adjudication Joint Committee	Councillor Dave Davis Councillor Dennis King (substitute)
Rochester Airport Consultative Committee	Councillor Des Keers
Rochester Airport Delivery Board	Councillor Robin Betts
Snodland Partnership	Councillor Paul Hickmott + 1 Town Council appointment (Sue Bell)
South East England Councils (Leaders' Forum)	Councillor Matt Boughton Councillor Martin Coffin (substitutue)
Tonbridge and Malling Leisure Trust	Councillor Tim Bishop Councillor Keith Tunstall

Annual Appointments	
West Kent Health Integrated Care Partnership Elected Members Forum	Councillor Kim Tanner
West Kent Partnership	Councillor Robin Betts
Youth and Community Centres/ Project Management Committees	Councillor Des Keers
Non-Annual Appointments	
Armed Forces Champions	Cllr Dave Davis Cllr Steve Hammond
Haysden Country Park User Panel (3 year appointment)	Councillor Mark Hood Councillor Dennis King <i>(Extended until May 2025)</i>
Hospital of the Holy Trinity, Aylesford	Mr David Lettington Councillor Colin Williams
Leybourne Lakes Country Park User Panel (3 year appointment)	Councillor Timothy Bishop Mr Brian Luker <i>(Extended until May 2025)</i>
Petley & Deakins Almshouse Charity	Ms April Clark Councillor Frani Hoskins
The Berry Housing Trust	Mr Paul Gurney Mr Richard Hogbin
Tonbridge Town Lands & Richard Mylls Charity	Mr Owen Baldock Mr David Davis Mrs Diane Huntingford Mr Eddie Prescott
Tonbridge United Charity	Mrs Diane Huntingford
William Strong Foundation	Mr Howard Rogers Mr David Aikman

SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN

Item HP 23/39 referred from Housing and Planning Scrutiny Select Committee of 14 December 2023

The report of the Director of Planning, Housing and Environmental Health introduced a consultant report by Altair, who were commissioned to research and report on sustainable Temporary Accommodation (TA) delivery options for the Borough Council, as part of the Local Government Association Housing Advisers Programme, to deliver 40 sustainable temporary accommodation units. A copy of the report was provided at Annex 1.

As informed by the options report, a Temporary Accommodation Portfolio Action Plan had been developed to work towards securing sustainable TA provision and a copy was attached at Annex 2.

Members had an in-depth discussion with regard to the various options as recommended in the consultant report, with particular reference made to modular construction of new homes, private sector leasing, partnership working with registered providers, social lettings agency and re-purposing existing stock. It was explained that the research focused on meeting the core and ongoing needs of the Borough Council in providing sustainable TA.

The in borough location had been acknowledged as one of the primary goals the Council was seeking to achieve in respect of sustainable TA provision, however, this needed to be balanced with considerations across a range of priorities, including suitability and feasibility of potential sites.

Furthermore, it was noted that potential sites, once identified and assessed to be suitable for delivery, would be presented to full Council in due course for consideration by Members.

RECOMMENDED*: That

- (1) the Options Appraisal Report on Sustainable Temporary Accommodation Delivery by Altair, attached at Annex 1, be noted and endorsed by Council; and
- (2) **the Temporary Accommodation Portfolio Action Plan, attached at Annex 2, be approved and adopted.**

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS REPORT AND TEMPORARY ACCOMMODATION PROVISION ACTION PLAN

TMBC used funding from the Local Government Association Housing Advisers Programme (HAP) to commission research options to deliver 40 sustainable temporary accommodation units. Consultants at Altair were commissioned to research and report on sustainable TA delivery options and the final report is presented to members for information (Annex 1).

The options report has informed the development of a Temporary Accommodation Portfolio Action Plan (Annex 2) to work towards securing sustainable TA provision for consideration and recommendation to Cabinet to approve for adoption.

1.1 Background

- 1.1.1 The action plan from consultancy advice on Temporary Accommodation (TA) in early 2022 included an action on TA procurement approach as the cost of placing households in TA remains high, primarily due to the ongoing use of nightly paid accommodation for the majority of provision. The consultancy work advised a 'natural level' of TA need to be 80-100 placements.
- 1.1.2 At the time of the TA consultancy report in January 2022 the peak number of households in TA was 164 and in November 2022 had reduced to 97. There are 118 households in TA currently (November 2023) with nightly rates at an average of £50.26 in 2023/4, a 5.2% increase from the average nightly cost of placements in 2022/23.
- 1.1.3 With actions implemented on managing the numbers of households in temporary accommodation our focus is now on managing the cost of TA provision through reducing the cost of each placement to reduce revenue spend.
- 1.1.4 The Housing Portfolio Approach OSG formed in May 2023 with the purpose to carry out work to ensure TMBC makes best use of its assets to support its statutory housing functions and alleviate housing pressures in the borough. The

group aims to oversee a reduction in the net cost of temporary accommodation provision.

- 1.1.5 Altair were commissioned to research and report on sustainable TA delivery options and the final report is presented to Members for information (**Annex 1**). The aim of the project was to research and investigate options for sustainable temporary accommodation provision, specifically developing an initial assessment of options and recommendations for direct delivery, such as commissioning delivery of units on council land using Modern Methods of Construction (MMC), long lease options and property acquisition to secure approximately 40 units of temporary accommodation in borough. The 40 units could be achieved through a combination of options.
- 1.1.6 The Temporary Accommodation Portfolio Action Plan (**Annex 2**) sets out range of actions over the next five years aiming to improve TA provision and reduce revenue expenditure on TA.

1.2 The Council's existing TA portfolio and costs

1.2.1 The Council's TA portfolio currently consists of;

- 6 self-contained units in Tonbridge
- 8 HMO units and 2 houses in Tonbridge
- 7 self-contained studio units at in Maidstone, utilised for 1 bed need households with more complex needs
- 9 Clarion properties (this number fluctuates and can be up to 20 depending on conversion to permanent tenancies, move on options and suitability/availability of new properties)
- Remainder of households placed in nightly paid TA.

1.2.2 Current expenditure of TA provision, primarily through nightly paid provision is summarised in the table below, with spend for last financial year 2022-23 being £1,628,290 with a net cost of £748.14 to the Council:

	Actual			Estimates		Projection		
	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2026/28
	£	£	£	£	£	£	£	£
Gross Expenditure	1,840,256	2,174,298	1,628,290	1,550,000	1,400,000	1,442,000	1,470,800	1,500,200
Gross Income	(1,013,596)	(1,217,576)	(880,144)	(823,050)	(743,400)	(765,700)	(781,000)	(796,600)
Saving Target							(300,000)	(400,000)
Net Costs	826,660	956,722	748,146	726,950	656,600	676,300	389,800	303,600

1.2.3 The approach to management of existing provision along with occupancy charges and subsidy for temporary accommodation is an important consideration to ensure rental income is maximised towards meeting the costs of provision to the Council. The housing team are currently developing the approach to management of TA including procurement of a repairs and maintenance contract. It is expected that this will be place for the new financial year. A review of the TA charging policy is also planned and will be carried out jointly between housing and financial services.

1.3 Sustainable Temporary Accommodation Delivery Options – Altair report

1.3.1 This options research project gives the Council insight into delivery options available to meet the need for sustainable temporary accommodation provision and associated costs and benefits.

1.3.2 To be sustainable the Council is seeking to achieve the following:

- In Borough location – sustainable in management and control terms, and for households occupying the provision to sustain and maintain their social, family and employment commitments and responsibilities.
- Enabling more direct management and influence over provision by the Council, with good quality design and ease of access and management of occupancy.
- Energy efficient and low carbon
 - Construction methods, with MMC to be explored, and utilisation of unused sites/brownfield sites
 - Energy efficiency for occupation with low carbon emissions – use of energy efficiency heating and hot water options.

1.3.3 The report sets out the following recommendations to secure sustainable TA in the borough:

- Modular Construction of new homes – explore the option to develop new TA through modular construction. This includes identifying possible sites, modular developers, capital available and any Homes England grant to take forward this option.
- Private Sector Leasing – explore opportunities to lease homes from the private sector on a longer-term basis than the nightly-paid properties. This may be through developing relationships with landlords with local portfolios.
- Partnership working – explore opportunities to partner with a third party to provide new TA units in the borough, including but not limited to:
 - Extending the current partnership working with Clarion Housing

- Partnering with another local registered provider to explore a similar arrangement to the Clarion partnership.
- Social Lettings Agency – engage with local social lettings agencies (including an established Kent agency) to understand if and how a TA offering would work if the Council joined the agency.
- Re-purpose existing stock – identify if there are any existing sheltered accommodation schemes that could be re-purposed for TA. Work with Registered Providers (RPs) in the borough to identify potential assets to re-purpose, such as ex or soon to be ex-sheltered accommodation blocks. Be agile to any future opportunities that arise to re-purpose accommodation within the borough.

1.4 Temporary Accommodation Portfolio Action Plan

1.4.1 The Temporary Accommodation Portfolio Action Plan has been informed by work by the Housing Portfolio Approach OSG and Sustainable Temporary Accommodation delivery options report by Altair. The action plan has short and medium term actions all aiming towards securing more sustainable TA provision, in turn enabling the Council to move away from the current reliance on nightly paid private provision, improve quality and reduce revenue expenditure. In the short-term key actions are to:

- Explore the possibility of modular development in more detail.
- Develop partnership working with Clarion Housing further and engage with other Registered Providers about TA provision.
- Develop and secure management resource for existing council owned TA provision.
- Review the current TA charging policy.

1.4.2 Some initial work relating to modular development has been carried out with soft market testing through contact with a range of modular development firms.

1.4.3 The modular market offers a range of products from single person to family sized units that are fabricated offsite for a shorter installation period. Many providers offer ‘turnkey’ solutions, where they work with the local authority for planning and design stages and deliver fully fitted out units on site. There are also some providers that offer management services.

1.4.4 More detailed consideration of modular delivery will be taken forward and monitored by the Housing Portfolio Approach OSG and include consideration of possible sites for this type of provision along with further engagement with modular providers as appropriate.

1.4.5 Progress on the action plan will be monitored through the Housing Portfolio Approach OSG. The Chair of the OSG (Director of Planning, Housing and Environmental Health) will report progress against the action plan to Management Team and relevant Cabinet Members and into this Committee as required.

1.5 Legal Implications

1.5.1 Statutory functions under the Housing Acts mean we have a need for TA provision for interim placements made under section 188 of the Housing Act 1996 (as amended), and longer-term placements for households accepted as homeless under section 193 of the same Act.

1.6 Financial and Value for Money Considerations

1.6.1 TMBC currently holds £254,343.08 S106 funds to be used for Affordable housing provision, with further contributions in the pipeline and £944,000 capital funding (included in Cabinet decision in January 2023).

1.6.2 S106 pipeline contributions information:

Application	Amount expected	Note
19/00287/FL (2-12 Avebury Avenue)	£229,959	2x payments of £114,979.50.
19/01108/FL (1-4 River Walk)	£441,000	2x payments of £220,500.
20/01392/FL (Former Somerfield Distribution Centre)	Unknown – profit above 17% where the appraisal provides that AH is not viable on the dev.	Viability report to be submitted 28 days after sale of last open market unit.
20/02245/FL (Oakhill House)	£854,334	2x payments of £427,167
21/01542/FL (Rear of 78 to 80 High Street)	£273,479.88 £1,389,000	Upfront payment Up to payment Cap minus upfront cost
21/01911/FL (Land Rear of 182 High Street)	£251,323.42	

1.6.3 Existing budgets and reserves will be explored as the first port of call to meet costs associated with delivery of this action plan, alongside any opportunities for external funding.

1.7 Risk Assessment

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 that would vary between groups of people and protected characteristics.

Additional good quality temporary accommodation in the borough should result in improved services and therefore have an overall positive impact for service users.

1.9 Policy Considerations

- 1.9.1 Development and adoption of the Temporary Accommodation Portfolio Action Plan give structured approach to work relating to temporary accommodation provision and implementing recommendations of the Altair options report.
- 1.9.2 Reducing the use and cost of nightly paid Temporary Accommodation provision is an objective in the Housing Strategy, along with seeking alternative options to ensure a range of provision.
- 1.9.3 Climate Change – The Climate Change Strategy commits to local action on climate change with an aspiration for the borough to be carbon neutral by 2020. Energy efficiency in terms of sustainable temporary accommodation provision is considered within the options report informing the Temporary Accommodation Portfolio Action Plan.

1.10 Recommendations

- 1.10.1 NOTE the report by Altair in Annex 1 and RECOMMEND to Council to endorse it.
- 1.10.2 ENDORSE the Temporary Accommodation Portfolio Action Plan in Annex 2 and RECOMMEND this to Cabinet for approval and adoption.

Background papers:

contact: Eleanor Hoyle

Annex 1 Sustainable Temporary Accommodation
Delivery Report (Altair)

Annex 2 Temporary Accommodation (TA) Portfolio
Action Plan

Eleanor Hoyle

Director of Planning, Housing and Environmental Health



Options Appraisal Report

October 2023

Tonbridge and Malling Borough Council
Sustainable Temporary
Accommodation Delivery



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DISCLAIMER: Our report is addressed to Tonbridge and Malling Borough Council. We stress that our report is confidential and prepared for the addressees only. It should not be used, reproduced, or circulated for any other purpose, whether in whole or in part without our prior written consent, which consent will only be given after full consideration of the circumstances at the time.

If the report is released to a third party without prior consent from Altair, we do not acknowledge any duty of care to the third party and do not accept liability for any reliance placed on the report.

1. Executive Summary

- 1.1. Altair Consultancy and Advisory Services (“Altair”) were commissioned by Tonbridge and Malling Borough Council (“TMBC” or “the Council”) to research and analyse options to deliver and secure sustainable temporary accommodation (“TA”) within the Tonbridge and Malling borough area with a target number of 40 units.
- 1.2. For the context of the review, TMBC defined ‘sustainable’ options as:
 - In-borough location
 - Enabling more direct management and provision by the Council
 - Energy efficient and low carbon
- 1.3. Altair undertook market research and interviewed key Council officers related to TA to devise a longlist of potential options for the Council to be able to deliver new TA. An interim report was provided to the project steering group who agreed the proposed options shortlist to take forward to the appraisal workshop.
- 1.4. Following this, an options appraisal workshop was undertaken with key Council officers in which the options were presented with cases studies and financial modelling. Workshop attendees discussed each of the presented options and then assessed the options’ suitability, feasibility, and acceptability (“SFA”) against TMBC’s strategic objectives and ‘sustainable’ criteria.
- 1.5. Based on the SFA scores and discussion from the workshop, we recommended that the following options are to be explored further by Council:
 1. Modular construction of new homes
 2. Private sector leasing
 3. Partnership to deliver TA
 4. Join a social lettings agency
 5. Re-purpose existing stock for TA
- 1.6. These recommendations, the rationale for them and our interim report were subsequently discussed at a meeting of the Council’s ‘Informal Cabinet.’ This important consultation with elected members was generally supportive of the options presented. However, although there was support for modular construction there was also a desire to move away from further leasing. Members also expressed a desire to utilise and expand the existing relationship with Clarion. Members are generally not open in the short term, given current interest rate levels, to taking on additional debt and prefer to utilise existing funding streams to pursue the recommended options.

2. Introduction & Context

2.1. Overview of project

2.1.1. The number of TA placements in TMBC has increased over the last 5 years, from an average of 60 households to a high of 160 in 2021. The number of placements currently stands at around 100 households.

2.1.2. The majority of TMBC's current TA portfolio is 'nightly-paid' accommodation, most of which is not located within TMBC's local authority area. In addition to the nightly-paid accommodation, TMBC own 16 units of TA within the borough which is a mixture of self-contained units and HMOs. The Council also have 7 properties on a long-term lease agreement from a private provider to use for TA placements. Finally, TMBC also have an agreement with Clarion Housing Group ("Clarion") to use up to 20 of its properties in the borough for TA. Currently, only 7 properties are being used as TA under this agreement.

2.1.3. In June 2023, Altair were commissioned to research and analyse options to deliver and secure sustainable TA within the Tonbridge and Malling borough area, with a target number of 40 units, carry out feasibility studies for recommended options and produce an options report and recommendations.

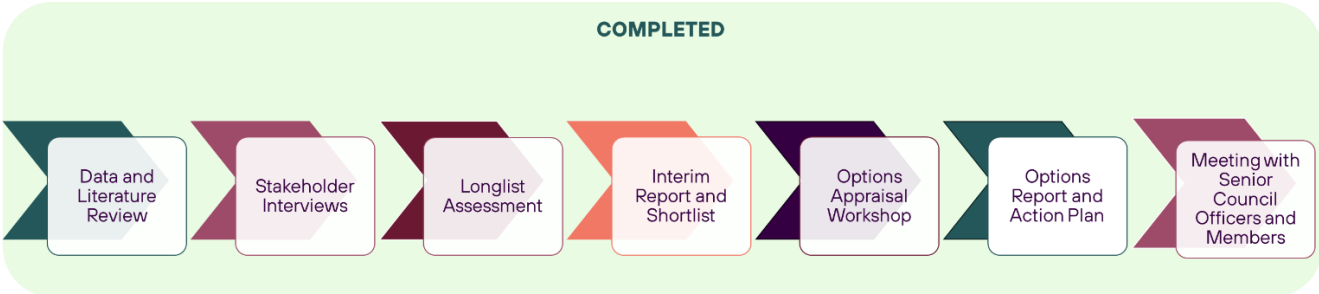
2.1.4. In the context of this review, 'sustainable' is defined by TMBC as:

- In-Borough location – sustainable in management and control terms, and for households occupying the provision to sustain and maintain their social, family and employment commitments and responsibilities. Note that it was agreed by the project steering group (see Appendix 1 for the list of project steering group members) that this criteria may be flexible to out-of-borough depending on the option (see section 6 for further explanation).
- Enabling more direct management and influence over provision by the Council, with good quality design and ease of access.
- Energy efficient and low carbon in its:
 - Construction methods and utilisation of unused sites/brownfield sites.
 - Energy efficiency for occupation with low carbon emissions and use of energy efficiency heating and hot water options.

2.1.5. The aim of this project is to minimise the use of nightly paid accommodation to manage temporary accommodation costs and seek alternative provision.

3. Approach

3.1. Project stages and methodology



- 3.1.1. Following the project inception meeting, we reviewed documents and data provided by TMBC and held interviews with nine stakeholders within TMBC to understand the Council’s baseline position and its strategic priorities for delivering TA. The interviewees were from a range of teams within the Council including housing accommodation, property services, housing solutions, finance, benefits and welfare and housing improvement.
- 3.1.2. Simultaneously Altair identified a longlist of potential options for TMBC to deliver and secure TA. We drew upon the available literature and research on TA, as well as expertise from the wider Altair team who contributed best practise case studies as well as some ‘outlandish’ options they have seen being discussed within the sector. The longlist of options (see Appendix 2), totalling 16 options, was reviewed as part of an internal workshop by the Altair team on this project and assessed against TMBC’s ‘sustainable’ criteria.
- 3.1.3. After Altair’s internal assessment, we identified which options should be taken forward to the shortlist and which should be dismissed based on their suitability, feasibility, and acceptability against TMBC ‘sustainable’ criteria.
- 3.1.4. The proposed shortlist of options was presented in an interim report prior to a steering group meeting with project stakeholders on the 10th of July 2023. At the steering group meeting, the proposed longlist of options was discussed and a shortlist of 10 options was agreed to be brought forward to be assessed at the options appraisal workshop.
- 3.1.5. Following the agreement of the options shortlist, Altair undertook financial modelling on each the options under consideration. More information on the inputs, assumptions and outputs of the financial models are outlined in section 5 of this report.
- 3.1.6. On the 9th of August 2023, an options appraisal workshop was held with project stakeholders to assess the suitability, feasibility, and acceptability of the longlist of options. Further detail on the session is set out in section 6 of this report. The outcome of the session and our recommendations are included in this report.
- 3.1.7. It should be noted that Altair were made aware that TMBC have £944,000 of capital funding earmarked for TA provision after the financial modelling and options appraisal workshop took place. Therefore, it has not been included in the commentary contained

in this report. However, this funding should be considered by TMBC when exploring which options to take forward.

- 3.1.8. The options, outputs of the options appraisal workshop and recommendations from our interim report were presented to TMBC's Informal Cabinet on 26th September.
- 3.1.9. Following agreement on which options and recommendations will be taken forward, we have prepared an outline implementation plan to deliver the modular option (Appendix 5).
- 3.1.10. A final report will be taken to TMBC's Housing Planning Select Scrutiny Committee in December 2023.

4. Options Shortlist

4.1.1. Early within the options development phase of the research, it was established that there were five main categories of options that the Council could take forward. These options categories were:

- Option 1 – Direct delivery of new homes
- Option 2 – Property acquisition
- Option 3 – Leasing
- Option 4 – Partnership working
- Option 5 – Re-purpose existing stock

4.1.2. Within each option category, there were specific sub-options to be explored at the options appraisal workshop. An overview of the sub-options within the agreed shortlist are as follows:

4.1.3. Option 1a – Building new homes

4.1.4. The Council develop new TA through capital expenditure.

4.1.5. Option 1b – Modular construction of new homes

4.1.6. The Council use modular construction to deliver new TA units. Modular construction is the use of prefabricated demountable accommodation, which can be delivered onsite from a lorry, constructed rapidly, and then moved to another site when the original site is needed for permanent development.

4.1.7. Option 1c – Shipping containers

4.1.8. The Council convert shipping containers to be used as TA.

4.1.9. Option 2a – Purchasing properties as the Council

4.1.10. The Council purchases properties directly through the General Fund and let them as TA.

4.1.11. Option 2b – Office conversions

4.1.12. The Council convert commercial or Council-owned offices for the use of TA.

4.1.13. Option 3a – Private Sector Leasing

4.1.14. The Council lease properties from the private sector on long-term leases to be used as TA. This can either be through leasing directly from private landlords or through an agent whereby the Council sub-lease the property from the agent.

4.1.15. Option 3b – Private Licenced Accommodation (nightly paid)

4.1.16. The Council continue to acquire properties for TA through private licences on a nightly-paid basis.

4.1.17. Option 4a – Partnership to deliver TA

4.1.18. The Council enter into a partnership with another organisation to purchase, develop and/or manage properties to let as temporary accommodation. For example, this could be through a joint venture or in partnership with a Registered Provider of social housing.

4.1.19. Option 4b – Join a social letting agency

4.1.20. The Council join a local and existing social lettings agency to acquire more properties to use as TA.

4.1.21. Option 5a – Re-purpose existing stock for TA

4.1.22. The Council re-purpose existing stock within the borough to be used as TA. This could include social housing provision such as sheltered housing schemes which are becoming undesirable by the customer group it was originally for, and/or not fit for purpose, in partnership with Registered Providers.

5. Financial Modelling

5.1. General assumptions

5.1.1. Altair have undertaken financial modelling on each of the options under consideration. Consistent assumptions were made across the different models in order to provide an illustrative comparison of the options and for attendees to assess the relative strength and impact of the different options. The assumptions were based on market and internal data provided by TMBC where possible.

5.1.2. It should be reiterated that the costs and revenues are estimates, and that the actual costs and revenues may differ. Some options also have very wide costs parameters and therefore may have significant variability in practice.

5.1.3. The following financial assumptions were made:

- Two property types were considered: 1-bed self-contained accommodation (single homeless) & 3-bed family homes. Results for 2-beds would fall somewhere between the two.
- Rental income: Tenant pays 90% 2011 LHA based on a straight average of BMRA's across TMBC. Tenant rent based on 1 bedroom size higher than the unit being occupied: includes a habitable room (e.g. dining room) assumed to be used as a bedroom.
- House prices & market rents based on average lower quartile house prices in TMBC December 2022 and lower quartile rents for 2022/23 (with 5% uplift to 2023/24 rents).
- Management & maintenance cost assumptions are based on the upper quartile (i.e. higher cost) 2022 RSH Global Accounts¹ averages for 54 providers with under 3,000 units, excluding lease-based providers. This was considered an appropriate benchmark for a local authority with no in-house general needs housing management function. These costs exclude depreciation.
- Land cost assumed to be nil (except for existing property purchases).
- No government subsidy assumed unless stated.
- Capital cost funded by debt at PWLB fixed interest rates over 30 years (or expected asset life, if shorter).
- Annuity loan payment – equal annual instalments, where both principal and interest are paid. Loan repaid gradually over the loan term.

¹Annual cost data published by the RSH (Regulator of Social Housing) for all English Registered Providers of social housing with more than 1,000 units in management.

- 5.1.4. We note in the presentation of the options (in the next section) any additional assumptions being made, or where assumptions were varied from the general assumption above.
- 5.1.5. The purpose of using common assumptions across all options was to maximise comparability. Even if the absolute assumption is too high or too low (meaning the financial performance might in practice be better or worse than modelled), the use of the same assumption across all the options means that their relative performance can be compared.
- 5.1.6. We also compared the cost of schemes at 2% lower interest rates (in anticipation of interest rates being lower in future years) but they made relatively little difference to the relative viability of the schemes.
- 5.1.7. It is the annual cost from day 1 that is being considered, rather than the net present value of the investment over a 30+ year time period. It should be noted that options which deliver the lowest annual cost are not necessarily the best value long term investment, but this analysis recognises that choices need to be made under an annual cost constraint.

5.2. Summary of outputs (include comparison graphs)

5.2.1. We have compared the performance of each option both for the operating position (peach bars) and the post-debt position (purple bars). As noted above, we would stress that the absolute level of surplus or deficit in these calculations is less important than the relative performance of each option.

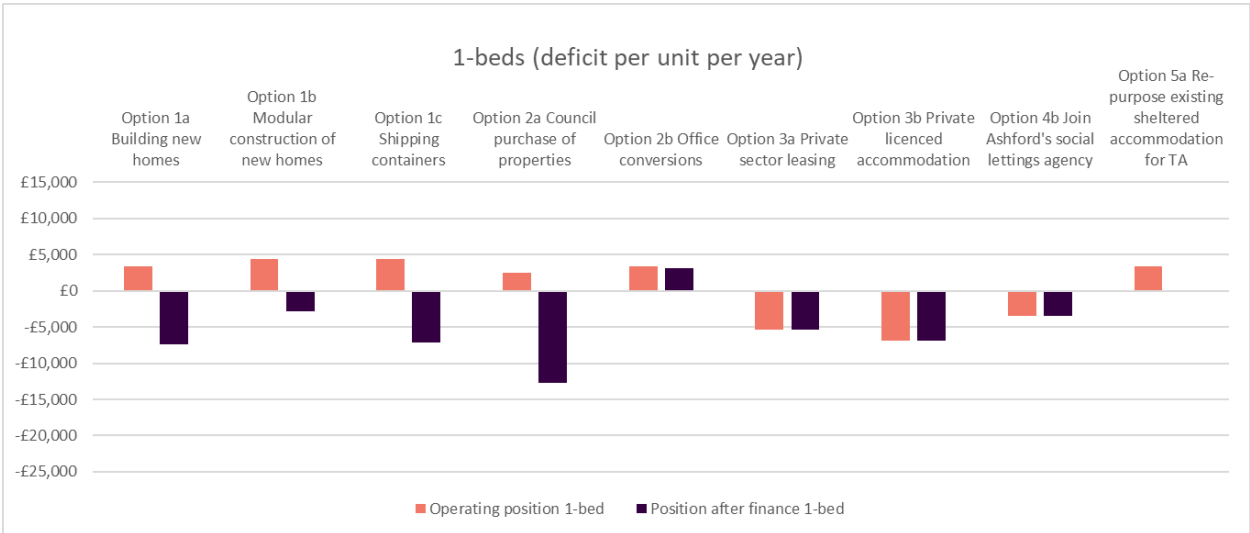


Figure 1: Options 1a-5a operating vs post debt position for 1-beds

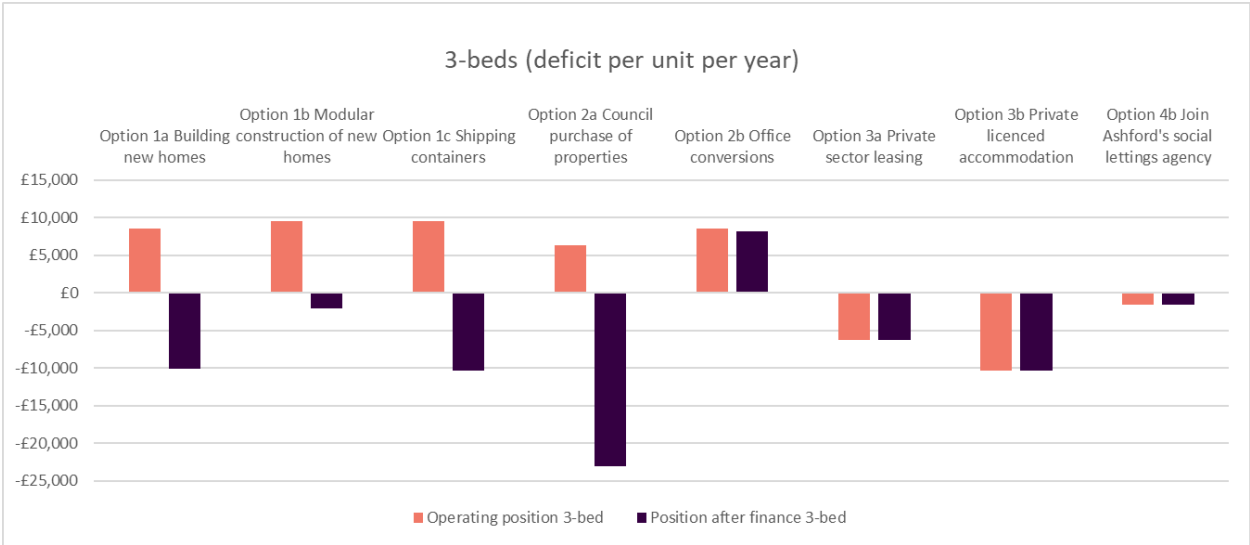


Figure 2: Options 1a-5a operating vs post debt position for 3-beds

5.2.2. As can be seen, purchase of existing properties gives the most negative outcome. This is unsurprising as it entails buying property at full market value, without subsidy, and letting it at below market rents. Options with public subsidy (e.g. 1a new build), lower capital cost (e.g. 1b modular), and options which do not involve borrowing (e.g. 3a private sector leasing) perform better in relative terms.

5.2.3. The cost of the office conversion option 2b depends hugely on the site under consideration – with free land and average conversion costs, it is the most financially viable option, but if conversion costs are higher and the building needs to be acquired, it may be as expensive as new build.

5.2.4. Similarly, option 5a (re-purposing existing sheltered accommodation) is modelled as a rental, but a capital purchase could entail much higher costs.

5.2.5. Note that no 3-bed option has been modelled for option 5a as it was considered probably that sheltered accommodation units would be mainly 1-beds and conversion to larger family-sized accommodation would be unfeasible.

5.3. Inputs, assumptions and outputs for options 1a-5a

5.3.1. In each case the relevant financial consideration is how the option compares with option 3b private licenced accommodation (also referred to as nightly paid accommodation) which is currently TMBC’s dominant mode of provision.

5.4. Option 1a: Building new homes

5.4.1. It is assumed that there is no land cost, i.e. TMBC is building on land it already owns. Adding a land cost would reduce the viability of this scheme (the post-finance deficit could be 35%-70% higher, depending on the mix of housing sizes and the development density).

5.4.2. In this option it is assumed that 30% of the total scheme cost (including land, if applicable) will be funded by Homes England grant. This is based on previous TMBC discussions about possible grant funded schemes.

5.4.3. Debt servicing costs mean that there are large annual deficits until the loan is repaid. However, once the debt is repaid, TMBC owns a valuable asset with various potential alternative uses (subject to any planning conditions such as having to remain as affordable housing).

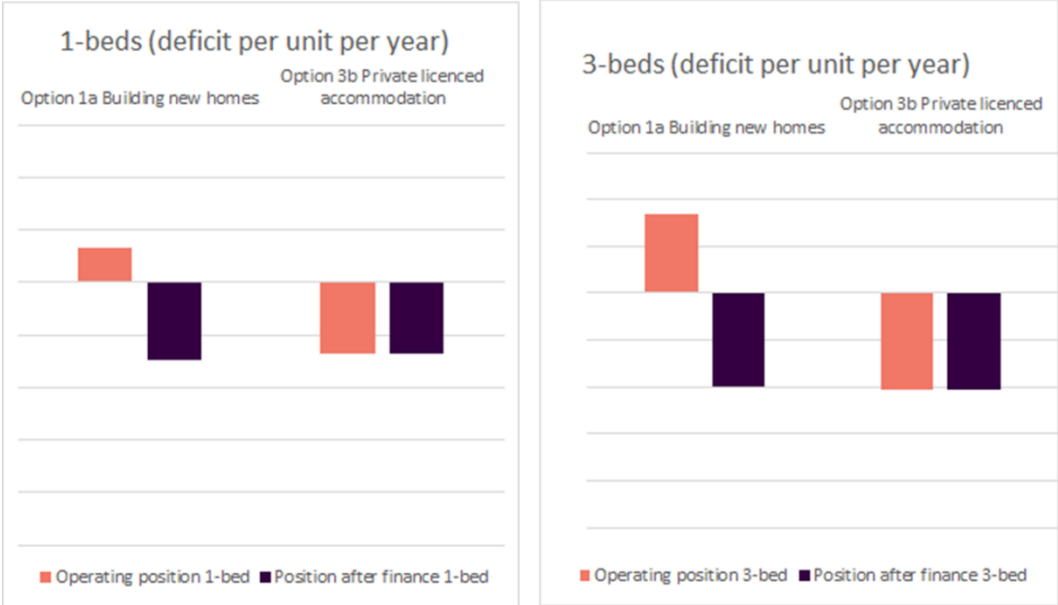


Figure 3: Comparison of financial modelling for option 1a vs current nightly-paid model

5.5. Option 1b: Modular Construction of New Homes

- 5.5.1. This model is based on the use of Hill Group's 'Solohaus' modules being installed on council owned land (i.e. no land cost). Typical unit and installation costs have been provided by the company, but this may vary depending on site access and connections.
- 5.5.2. Costs also include an allowance for on costs (planning, building control, landscaping, additional furniture and white goods to the extent not already included in the units).
- 5.5.3. No grant has been assumed, although with a lifespan of 60 years they could be eligible for Homes England funding, which would improve viability further.
- 5.5.4. We have assumed that major repairs costs will be minimal for the first 10-20 years, so the longer-term annual cost may be higher than currently modelled. However, we would assume that being small units with only a 60 year life, the long term repairs and renewals cost should be lower than for traditional housing.

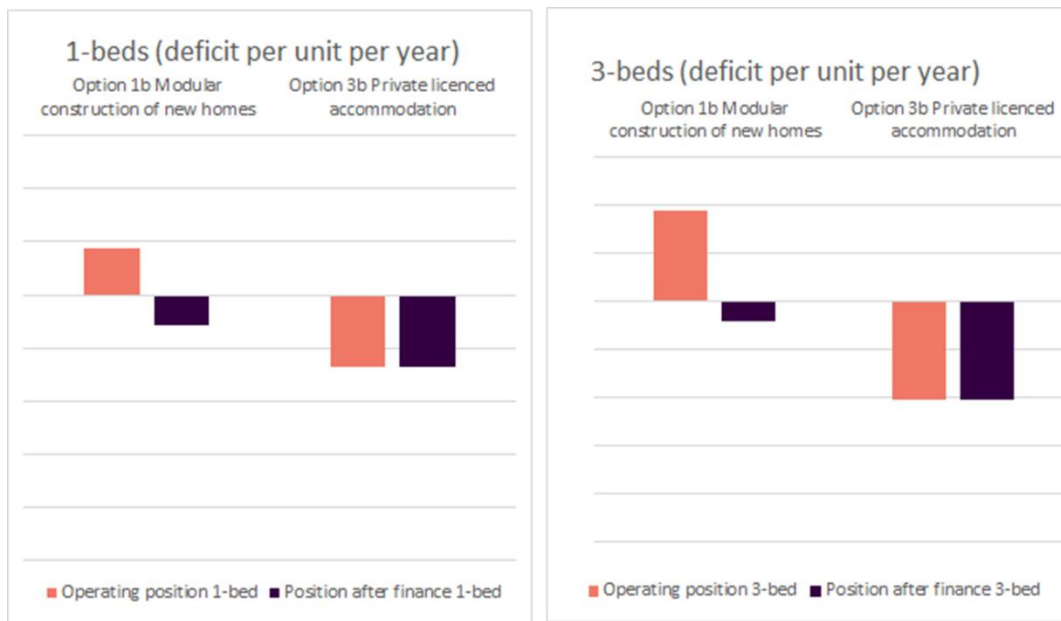


Figure 4: Comparison of financial modelling for option 1b vs current nightly-paid model

5.6. Option 1c: Shipping containers

- 5.6.1. Costs for these units were obtained from suppliers of private residential container accommodation and 'Tiny Homes'. It is possible that discounts could be obtained for bulk orders but this has not been assumed. Again, we have assumed the containers are installed on council owned land (i.e. no land cost).
- 5.6.2. Costs also include an allowance for on costs (planning, building control, landscaping, additional furniture and white goods to the extent not already included in the units).
- 5.6.3. The typical asset life of this type of dwelling is 10-15 years and many providers offer a 10 year 'lifetime warranty'. We have therefore assumed no long term repair costs. On ongoing cost for routine repairs has been retained, as the warranty is unlikely to cover wear and tear or tenant damage.
- 5.6.4. Given the asset life, we have assumed that the loan would be repaid over 10 years. This increases the annual payment significantly, reducing the viability of this option on an annual cost basis. The asset is assumed to have zero residual value at the end of its useful life. This option has a low up-front cost but is expensive over a 10-year time frame.
- 5.6.5. The site connection costs will vary, as with the modular units above: we have assumed the same connection cost for both options for consistency. However, this being a sunk cost, if after 10 years the containers were replaced with new containers, the connection costs would not need to be incurred again. This would reduce ongoing costs for the second wave of containers, bringing them closer to those of the modular units in 1b.
- 5.6.6. However, if container accommodation were to be regarded as a temporary solution, it may not be appropriate to assume that second and subsequent units would be commissioned.

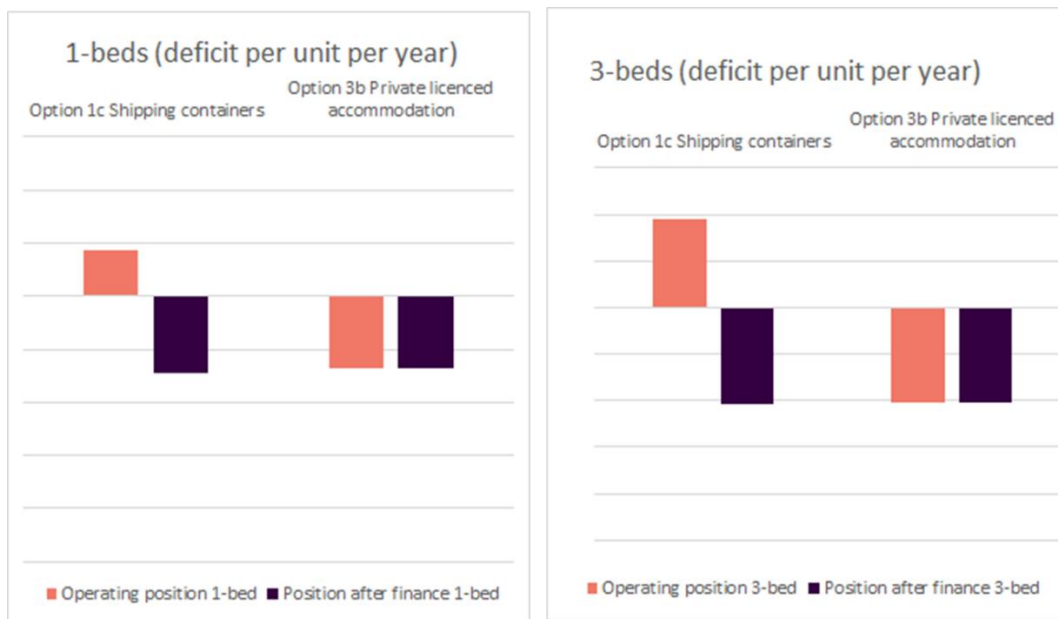


Figure 5: Comparison of financial modelling for option 1c vs current nightly-paid model

5.7. Option 2a: Purchasing existing properties

- 5.7.1. This is the least viable option from a financial perspective: buying at market value, letting at sub-market rents, and funding the purchase with a repayment loan on 100% loan-to-value terms.
- 5.7.2. Purchase grant is unlikely to be available as there is no additional housing supply created.
- 5.7.3. However, once the loan is repaid TMBC would own a valuable asset with few restrictions on its use.
- 5.7.4. We have assumed purchase prices based on an average of lower quartile sales values across all wards in TMBC (£208k for 1-beds and £383k for 3-beds). Additional costs include stamp duty, fees, and £12k-£20k spend to make the property lettable (e.g. upgrading thermal efficiency to EPC level C).
- 5.7.5. Units in least expensive wards may deliver lower deficits (but still larger deficits than nightly paid accommodation).
- 5.7.6. Less expensive areas are likely to be in lower LHA areas so capital savings may be offset by lower rental income from which to service borrowing (although there may be local areas which are outliers which would result in smaller deficits).

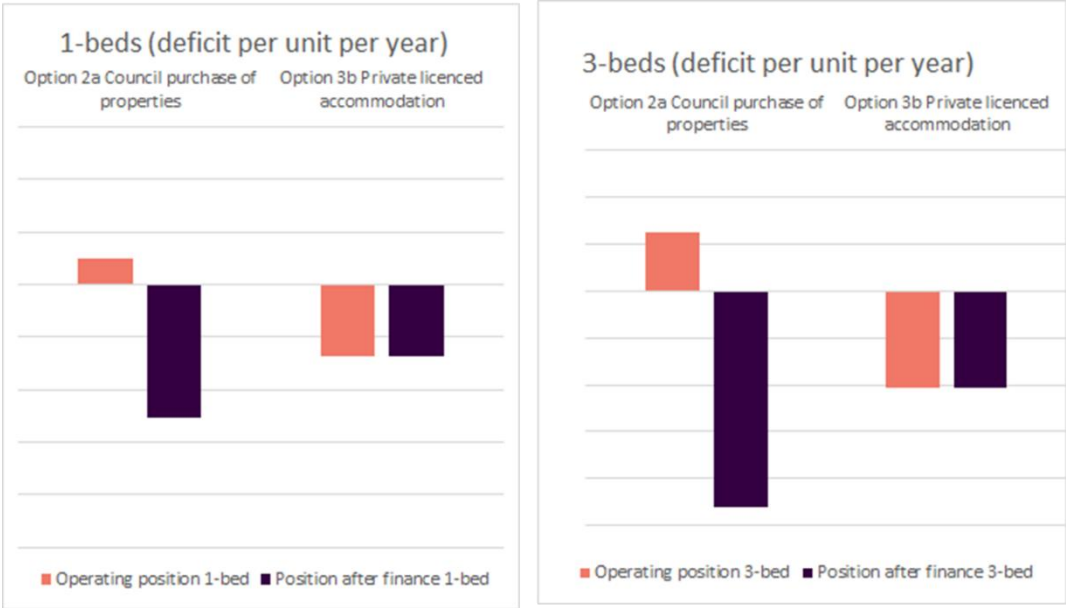


Figure 6: Comparison of financial modelling for option 2a vs current nightly-paid model

5.8. Option 2b: Office conversions

- 5.8.1. It is impossible to give a typical conversion cost, as this cost will depends heavily on the property in question.
- 5.8.2. Costs in this option are based on Buildings Cost Information Service's ("BCIS") July 2023 median refurbishment & conversion costs for the Tonbridge & Malling area, applied to nationally described space standards (NDSS) for unit sizes and allowing for circulation space and common parts. Costs include 10% on-costs (planning, building control, etc). Again, we have assumed the property is already owned by the Council, i.e. no acquisition cost.
- 5.8.3. This scheme looks like the most viable option at median costs. However, at upper quartile costs the overall scheme cost would be comparable to the new build option 1a and thus much less financially viable.
- 5.8.4. Overall, this option has a wide range of possible outcomes depending on the property, so it is worth exploring.
- 5.8.5. Purchasing unwanted office buildings could be an option (although less financially viable since there is an acquisition cost). We have not modelled this option, as it would be even more difficult to price. It should be borne in mind that any property with good conversion potential is likely to have this quality reflected to some extent in its purchase price.

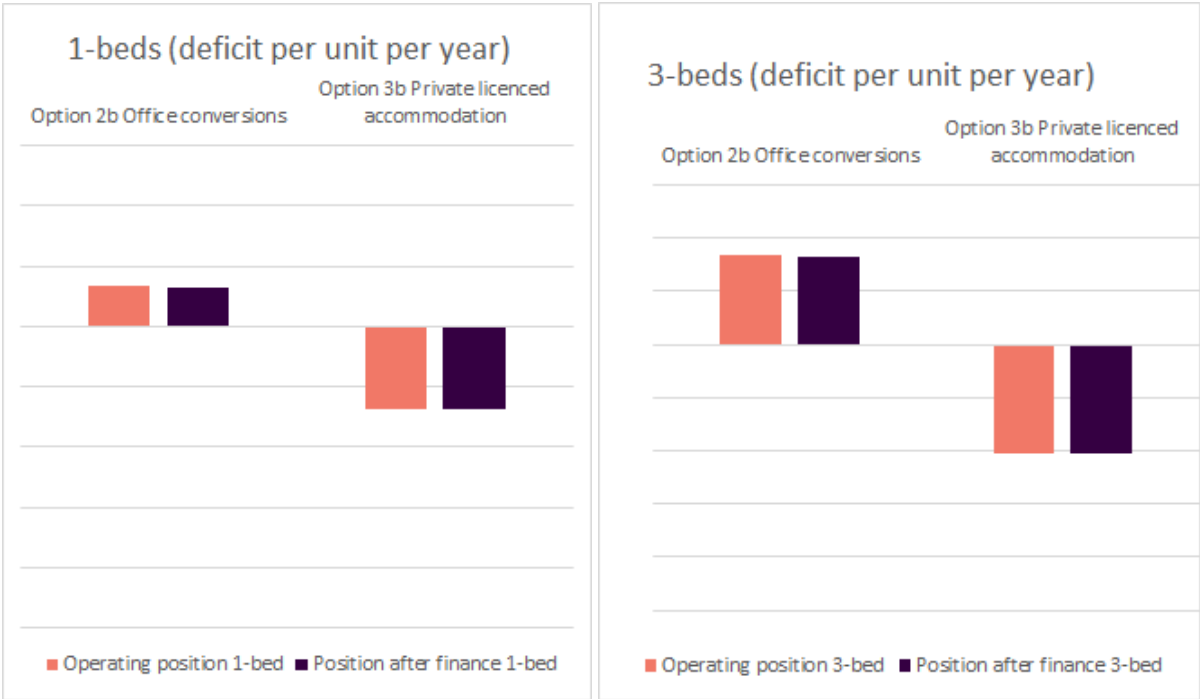


Figure 7: Comparison of financial modelling for option 2b vs current nightly-paid model

5.9. Option 3a: Private Sector Leasing

- 5.9.1. Under this model, TMBC has 3-5 year leases with private landlords. Landlords receive a 5% discount to lower quartile market rents in TMBC, the discount reflecting the benefit of guaranteed rental income. The landlord receives rent as long as the property is habitable and the void risk lies with TMBC.
- 5.9.2. We have assumed lower management & maintenance costs than for ownership models, as the landlord retains responsibility for some repairs.
- 5.9.3. Longer lease terms may be available from institutional investors, but we would advise caution as such lease models can create a risk of being tied to paying CPI-linked rents or incurring significant early termination costs.
- 5.9.4. Regardless of the length of the lease, TMBC should be aware of the potential for dilapidation costs when the lease is handed back to the owner – this risk can be reduced by keeping the properties well-maintained throughout the lease period and agreeing with the landlord a thorough property condition report at the start of the lease.
- 5.9.5. Under our modelling assumptions, this option generates a smaller deficit than nightly paid accommodation (option 3b) or purchases of traditional build properties. However, it assumes that landlords can be attracted at these rent levels and they will accept the discount in the headline rent to benefit from the guaranteed income.

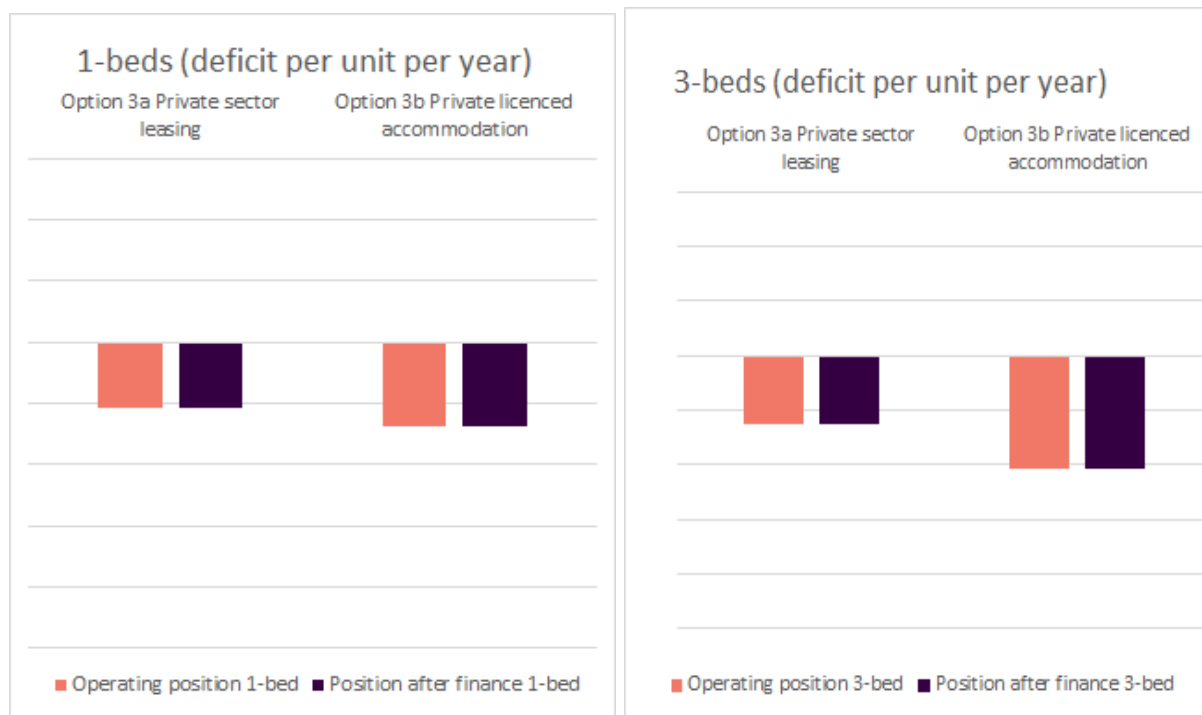


Figure 7: Comparison of financial modelling for option 3a vs current nightly-paid model

5.10. Option 3b: Private Licenced Accommodation (Nightly Paid)

5.10.1. This is the dominant model of TA provision in TMBC against which other options are being compared. Landlords receive a premium to market rents and the arrangements with TMBC are short term. This is a costly procurement route on which TMBC would like to reduce its dependence. This option is increasingly expensive as market rents increase while tenant rents are frozen.

5.10.2. We have used supplier cost information from TMBC for rents payable to landlords and assumed the same management and maintenance costs as for PSL, as landlords will be responsible for non-routine maintenance costs. Compared to lower quarter market rents, landlords receive a premium of at least 20%-30% but bear void risk.

5.10.3. The loss TMBC makes varies widely by supplier, by Local Authority area and by property size. Some suppliers appear better value than others, but the sample size is small so this may reflect arrangements at particular properties.

5.10.4. Under our modelling assumptions, this option makes a larger deficit than PSL (option 3a) but smaller than that for purchases of traditional build properties.

5.11. Option 4 – Partnerships to deliver TA

5.11.1. We have not modelled any particular arrangement as the partnership working approach could be applied to any procurement route to purchase, develop and/or manage TA properties.

5.11.2. Whichever option the partnership works to provide, the option would need to generate sufficient income for the partner to achieve their required return on investment. Depending on the partnership, finance may be more expensive than PWLB rates.

5.12. Option 4b – Join a social lettings agency

- 5.12.1. We have assumed TMBC joins an established Kent social lettings agency. Tenants pay 90% 2011 LHA rent based on bedroom need, and landlords receive current LHA based on the number of bedrooms. The Agent takes 10% of the landlord rent as a management fee. The agent provides day to day management, and routine repairs not falling to the landlord, while TMBC retains responsibility for case management, referrals and rent/HB aspects. We have assumed TMBC unit management and maintenance costs are halved, but this would depend in practice on the division of work between TMBC and the Agent.
- 5.12.2. Under our modelling assumptions, this option generates a much smaller deficit than the current nightly paid option (3b). However, the model is sensitive to differences between 2023 LHA & 2011 LHA, and to the bedroom size differential.
- 5.12.3. The main difference from PSL (option 3a) is that the rent received by the landlord is lower and a different agent manages the relationship with the landlord (providing a fully managed service). It can be financially advantageous if this service can be provided at lower cost than by TMBC in house.
- 5.12.4. If landlord rents need to be higher to attract supply, this option becomes comparable with PSL in financial terms, although without the risk to TMBC of being tied into leases with fixed outgoings.

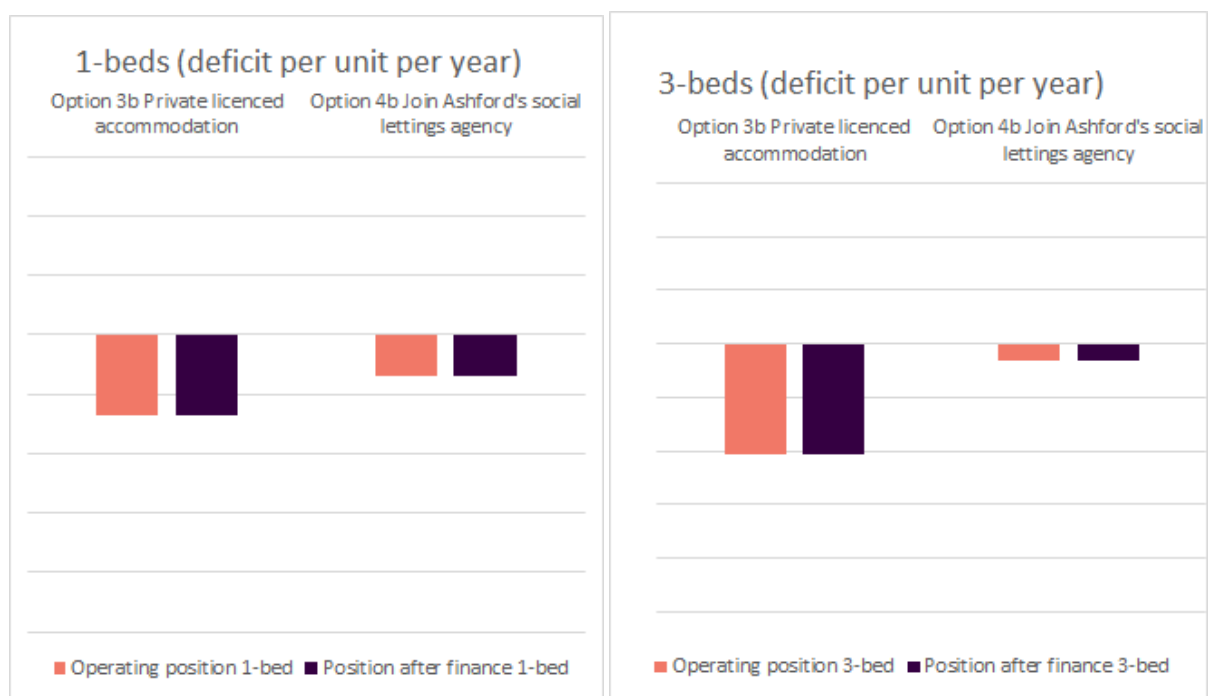


Figure 8: Comparison of financial modelling for option 4b vs current nightly-paid model

5.13. Option 5a – Repurpose existing stock

- 5.13.1. We are assuming the use of underused sheltered stock owned by RPs (or possibly other housing organisations) in borough. Sheltered accommodation is likely to provide only 1-beds and some 2-beds, so the 3-bed option has not been modelled.

- 5.13.2. We have assumed a rental model – TMBC would rent units (by room, or more likely as a block) from a housing provider at a rate to be negotiated (we have used an approximate break-even rate, which should offer an attractive level of operating surplus for the provider, but the rent would of course be subject to negotiation). TMBC is assumed to bear full management and maintenance costs (although the exact terms would again be for negotiation).
- 5.13.3. We envisaged this as a low cost option for sourcing units for single homeless households, which may be a suitable 'meanwhile' use for RP sheltered stock while redevelopment plans are being worked up by the RP (like 'short life' housing).
- 5.13.4. We assume the properties only need minor spend (void works plus provision of some furniture & white goods) to be lettable.
- 5.13.5. A purchase version of this option would increase the cost (via borrowing charges). Given the age of typical sheltered housing stock, this option entails a risk of acquiring a property in need of significant longer-term investment. We have not modelled this option as the acquisition cost is likely to depend on the condition of the property.



Figure 9: Comparison of financial modelling for option 5a vs current nightly-paid model

6. Options Appraisal Workshop

6.1. Introduction

6.1.1. On the 9th of August 2023, an options workshop was held with key Council officers at TMBC. The aim of the session was to develop and assess potential options to deliver and secure sustainable TA within the Tonbridge and Malling borough area.

6.1.2. This section sets out more details of the procedure for the workshop, the discussion on the proposed options and the outcome of the appraisals.

6.2. Overview of workshop

6.2.1. At the workshop we presented the agreed shortlist of options.

6.2.2. Each option was described with an overview of the option, the identified strengths and weaknesses, financial modelling (including assumptions and relative performance against TMBC’s current nightly-paid TA model), and for most of the options, a case study. The case studies for the shortlisted options are outlined in Appendix 3.

6.2.3. After each option was presented, attendees were asked to reflect on the options and to make an assessment using the suggested criteria for suitability, feasibility, and acceptability (SFA) as outlined in the table below:

Criteria			Potential Score
1	Suitability	How suitable/effective is each option for TMBC? Does it meet TMBC’s objectives (e.g. meeting the ‘sustainable’ criteria)?	1 (low) - 5 (high)
2	Feasibility	Is the option implementable in practice with reasonable expectations for resource and available skills? Is the option financially viable?	1 - 5
3	Acceptability	How acceptable is the option to stakeholders within your directorate and also to wider stakeholders?	1 - 5

6.2.4. The combined 1-5 scores for SFA of each option gave an overall score out of 15. The scores presented in the following section are the overall average of each of the attendees scores.

6.2.5. It should be noted that prior to the workshop, it was agreed that the ‘in-borough location’ element of TMBC’s sustainable criteria may be flexible to be out-of-borough dependent on the option. For example, options such as property acquisition, private sector leases and direct delivery of homes would need to be in-borough but options such as accessing the private rented sector through joining a social lettings agency and shorter-term lease arrangements could be out-of-borough if suitable. The discussions on whether the option would be suitable out-of-borough or not is highlighted in the section below.

6.3. Assessment of options

6.3.1. This section highlights the identified strengths and weaknesses for each option presented in the workshop, the discussion by attendees on the options and the SFA scoring.

6.4. Option 1a – New build

6.4.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> Enables direct provision for the Council. Will create a valuable residual asset with various alternative uses. 	<ul style="list-style-type: none"> High capital or borrowing cost. High net loss per unit p.a. The Council will incur management, repairs and maintenance costs for the units.

6.4.2. The workshop attendees' discussion highlighted that the Council does not have the resources or skills to develop new homes.

6.4.3. It was also felt that this option may be more acceptable to Members if the developments were just an asset to the Council that could be used for TA as well as alternative uses, rather than solely for TA.

6.4.4. Whilst this was viewed as a suitable option for the Council to deliver new TA, the feasibility of funding this option through significant debt expenditure lead to a low feasibility scoring.

6.4.5. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1a	Building new homes	4.4	1.6	2.8	8.8

6.5. Option 1b – Modular Construction

6.5.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> Timely and cost-effective use of sites. Speed of construction. Less waste on-site. Reduced on-site disruption. Timber frames are more sustainable than traditional building methods 	<ul style="list-style-type: none"> Availability of land for these sites will be a challenge as they are typically delivered on meanwhile sites. There may also be funding constraints for the Council. Rising building costs has led to a reduction in the market for modular developers, as seen by large RPs such as L&Q recently exiting the modular market.

	<ul style="list-style-type: none"> • Little to no residual asset value at end of asset life
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6.5.2. The attendees all agreed that there would be a lower development risk for this option in comparison to Option 1a. Some potential sites in the borough that could be used for this option were also identified and discussed by attendees.

6.5.3. Overall, this option scored the highest in the SFA assessment.

6.5.4. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1b	Modular construction of new homes	4.8	4	4.6	13.4

6.6. Option 1c – Shipping Containers

6.6.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Enables direct provision for the Council. • The units are self-contained. • Cost effective to set up. 	<ul style="list-style-type: none"> • Overcrowding can be an issue in these units. • Quality of accommodation can be poor. • Shipping containers typically have a lifespan of 10-15 years so are not a long-term sustainable option for the Council

6.6.2. Attendees noted that this could be a suitable and feasible option if a site became available for a maximum of 10-15 years.

6.6.3. Despite it being the least financially viable option, the feasibility score reflected the practical ease of implementing this delivery option.

6.6.4. Ultimately, the attendees felt that it was neither a suitable nor acceptable option for the Council to progress with.

6.6.5. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1c	Shipping containers	2.6	3.6	2	8.2

6.7. Option 2a – Purchasing Properties

6.7.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses

<ul style="list-style-type: none"> • The Council can have full provision over the delivery and management of the accommodation. • Long-term option for the Council to deliver more TA units. • Will create a valuable residual asset with various alternative uses. 	<ul style="list-style-type: none"> • This option will not address short-term fall in TA supply for TMBC. • This option will be costly in the current economic environment. • Buying existing stock does not increase overall supply of housing within the borough.
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6.7.2. Attendees considered the trade-off between purchasing properties in and out of borough. It was noted that in-borough prices would be higher than out-of-borough options in the north of Kent, but LHA rates would still remain the same.

6.7.3. Management costs were also noted as a consideration for this option in light of recent management services proposals received for the provision of some of the Council’s TA units.

6.7.4. It was agreed that this option could have a role in meeting the number of units but would be too costly to meet the full 40-unit target number alone.

6.7.5. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
2a	Purchasing Properties	4	2.2	3.6	9.8

6.8. Option 2b – Office to residential conversions

6.8.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Converting and repurposing commercial premises into residential can be a quick route to boosting the supply of temporary accommodation. • Likely to be more cost effective than building new properties (although exact costs are unknown and dependent on the asset that is being converted). 	<ul style="list-style-type: none"> • Overcrowding can be an issue in these units. • These units can also often be poor quality and below the required space standards. • Depending on the local market conditions, unused office accommodation may be in short supply.

6.8.2. Attendees discussed some potential commercial office sites in the borough that are currently empty. The possibility of converting the current TMBC’s office building once it had been vacated was discussed, however it was deemed unlikely due to planning permission constraints on a grade 2 listed building and covenant restrictions from Kent County Council.

6.8.3. Workshop attendees agreed that the benefit of this option would be that it could allow local provision and a high amount of unit in-borough. However, there were more unknowns and uncertainties about costs for converting offices, particularly commercial offices, into residential units than other options which led to a low feasibility scoring.

6.8.4. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
2b	Office to residential conversions	3.2	2.8	3.8	9.8

6.9. Option 3a – Private Sector Leasing

6.9.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> The Council can have greater control on management, property standards, and voids. Supply is safeguarded for the duration of the lease. 	<ul style="list-style-type: none"> Although there should be break clauses, it can reduce flexibility for the Council if the property is void for long periods. In the current market PSL may not be available other than at a loss to the council – particularly with low LHA rates.

6.9.2. The attendees acknowledged that TMBC do already have properties on longer-term leases from the private sector but highlighted that it is a challenge to attract landlords within the borough due to the low LHA rates.

6.9.3. Another challenge for the Council is that this approach may result in competitive bidding for properties against local TA portfolio providers.

6.9.4. Although this was viewed as an acceptable option for TMBC, particularly as a shorter-term solution, attendees questioned how feasible and realistic it would be to get landlords to provide properties on the LHA rate basis.

6.9.5. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
3a	Private sector leasing	3.8	2.8	4	10.6

6.10. Option 3b – Private Licensed Accommodation (Nightly-Paid)

6.10.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> PLA is easier to get out of quickly for both the council and the owner/agent. This flexibility can be good if a particular property is no longer needed. Maintenance responsibilities for the council may also be less than in PSL, reflecting the potentially shorter- 	<ul style="list-style-type: none"> It is a very costly delivery model The flexibility for landlords to pull out of the market can also be a long-term challenge for this option.

term use, though this depends on the terms of the agreement.
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6.10.2. After discussion, the attendees scored this option based on it being an as-is delivery model to increase TA supply within the borough.

6.10.3. Attendees noted that the location of the TA units acquired through this option would have to be flexible. Although in-borough units would be more acceptable, they would also be more costly.

6.10.4. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
3b	Private licensed accommodation (nightly paid)	2.2	1.6	1.8	5.6

6.11. Option 4a – Partnership to deliver TA

6.11.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> Reduces the Council's overall investment requirement for the project. May reduce the Council's up-front investment requirement (depending on how partnership is structured). Shared risk with the partner Lower total interest costs to the Council (because of lower total investment is shared). 	<ul style="list-style-type: none"> Depending on the partnership, finance may be more expensive than Public Works Loan Board rates. Risk of loss of control to the partner. For a Joint Venture, there is a risk of financial failure. Partnership with an HA may depend on the willingness of RPs in the borough. For a partnership with a developer, the developer will expect the Council to 'bring something to the table'.

6.11.2. The workshop attendees were presented with different partnership options to deliver TA such as joint venture, partnership with a developer and partnership with an HA.

6.11.3. Although the different partnership routes were discussed by attendees, there was not an agreement on which one they would take forward. As such, this option was not scored on its SFA. However, the attendees did agree to explore partnership working as a variation on each of the recommended options.

6.12. Option 4b – Join a social lettings agency

6.12.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Effective method of procuring properties from the private sector. • An established Kent social lettings agency is keen for TMBC to join its social letting agency. • Only costs to TMBC relate to tenant case management/referral. • Repairs costs are covered by the landlord or from the letting agency fee. 	<ul style="list-style-type: none"> • LHA rates may be too low to attract landlords in the borough. • May be more suitable for settled accommodation than temporary accommodation (with more frequent voids). • TMBC involvement might have to be greater with TA tenants (and thus more costly).

6.12.2. It was noted by attendees that social lettings agencies are more likely to be used for settled accommodation discharge into the private sector rather than for TA.

6.12.3. Although there were queries on how realistic this option would be for delivering TA, attendees agreed that they would like to explore whether TMBC could use local social lettings agencies for the use of TA. It was noted that in order to explore this option further, the Council would need to understand how the relationships would work between the agency, Council, residents and landlords to deliver TA and how they would be able to set up a potential discharge service from TA into private sector accommodation through the agency.

6.12.4. Attendees did acknowledge that joining a social lettings agency would strengthen their private sector offering but this was not within the scope of this assessment.

6.12.5. As the practicalities of this option still needed to be further explored by TMBC with local social lettings agencies, the attendees did not score this option on its SFA.

6.13. Option 5a – Re-purpose existing stock

6.13.1. The strengths and weaknesses of this option identified by Altair were:

Strengths	Weaknesses
<ul style="list-style-type: none"> • Effective and sustainable use of existing properties. • More cost effective than developing new properties. • TMBC can have direct provision of the accommodation (if purchased). 	<ul style="list-style-type: none"> • Properties may need retrofitting to bring up to adequate standard and to be energy efficient. • In the long-term, energy efficiency of properties may need addressing if below EPC C standard, therefore having future cost implications. • This option may present management challenges while existing residents are in situ

6.13.2. It was noted that a block of accommodation would need to be re-purposed for this option to be feasible, rather than just individual bed spaces. Attendees highlighted that blocks of sheltered accommodation in the borough that could be re-purposed range between 5-20 units.

6.13.3. Some potential schemes were identified by the attendees for this option.

6.13.4. It was highlighted by attendees that this option is dependent on a partner having available stock and therefore it is out of the control of the Council to pursue. Although the financial viability of this option was good, the Council's lack of control made its ability to be implemented low and therefore reduced the feasibility scoring from attendees.

6.13.5. The SFA scoring for this option was:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
5a	Re-purpose existing stock for TA	3.6	2.8	4	10.4

6.14. Conclusion

6.14.1. The overall SFA scorings from the options workshop were as follows:

No.	Option	Suitability	Feasibility	Acceptability	Overall Score
1a	Building new homes	4.4	1.6	2.8	8.8
1b	Modular construction of new homes	4.8	4	4.6	13.4
1c	Shipping containers	2.6	3.6	2	8.2
2a	Purchasing properties	4	2.2	3.6	9.8
2b	Office to residential conversions	3.2	2.8	3.8	9.8
3a	Private sector leasing	3.8	2.8	4	10.6
3b	Private licensed accommodation (nightly paid)	2.2	1.6	1.8	5.6
5a	Re-purpose existing stock for TA	3.6	2.8	4	10.4

6.14.2. Based on the SFA scores from the workshop, the following options were rated most highly (more than ten out of a possible 15):

1. Modular construction of new homes
2. Private sector leasing
3. Re-purpose existing stock for TA

6.14.3. Although they were not scored in the SFA assessment, the following options were agreed to be explored further by attendees:

1. Partnership to deliver TA
2. Join a social lettings agency

7. Informal Cabinet

7.1. Introduction

- 7.1.1. The recommendations from the Optional Appraisal Workshop and the rationale for them were subsequently discussed at a meeting of the Council's Informal Cabinet on 26th September. Brief notes of the discussion are set out below.
- 7.1.2. Members discussed the fact that TA numbers are down significantly from the peak but still much higher than the 80 'target.' Even with improved processes in place, the increased demand will mean that the number of households in TA is not likely to reduce hugely, even though officers are managing it very closely. Therefore, managing down the net cost of each placement is key.

7.2. Modular Construction

- 7.2.1. Members expressed an interest in the possibility of progressing a modular scheme on a provisional site identified for further investigation and to look to fund this scheme – at least in part – through S106 affordable housing commuted sums. Although Members were aware that for a smaller scale project the set-up, project management and ground work costs might be disproportionately and prohibitively high, this was an option they wished to explore further.

7.3. Private Sector Leasing

- 7.3.1. Generally, the view from members was that they wished to move away from leasing. However, there was also recognition that leasing will remain part of the overall provision and that the strong relationships developed with some operators should be maintained. It was noted that alternative procurement routes could be utilised, for example 'competitive dialogue' type processes, whereby solutions are co-developed with the providers. This might be a better approach as some providers do not have an appetite for competitive bidding processes due to the high demand for their product.

7.4. Clarion

- 7.4.1. Clarion are already committed to working with the Council on TA provision and members acknowledged the positive working relationship. It was noted that the properties with Clarion do not remain static, as when one is vacated for TA, it is reassessed by Clarion/TMBC working jointly to consider best use at that time (which may be another TA household, direct nomination from a TA unit into this as permanent housing or advertising on CBL).
- 7.4.2. Members wondered if there could be a further push on use of additional Clarion units for TA, but understood that without increased supply Clarion would only be using existing homes that could be put to other use, for example, permanent rehousing.
- 7.4.3. Clarion have agreed to provide information on a longer-term leasing model they utilise with other boroughs and members were keen for officers to look at this more closely.
- 7.4.4. Given the very strong relationship members were keen to explore all the options for further collaboration with Clarion.

7.5. Appetite for borrowing

- 7.5.1. Members discussed whether they were prepared to take on additional borrowing to fund new TA delivery options and there was a consensus that it was not a good time to be taking on additional borrowing given current interest rates. Therefore, existing available funding should be utilised first. Additional borrowing was not ruled out over the longer term however.

8. Recommendations

8.1. Recommendations

8.1.1. Our recommendations take account of the SFA scoring by the key Council stakeholders; however, this has not been the only driver. Rather, our recommendations are also formed on the opportunities and issues identified within the options appraisal workshop discussions and with key Council stakeholders, as well as our own view based on experience.

8.1.2. These recommendations have been subject to consultation and discussion with senior Council officers and TMBC cabinet members at TMBC’s Informal Cabinet.

No.	Recommendation
1	<p>Modular construction of new homes – TMBC should explore the option to develop new TA through modular construction. This includes identifying possible sites, modular developers, capital available to the Council and grants available from Homes England to take forward this option.</p>
2	<p>Private sector leasing - TMBC should continue to explore opportunities to lease homes from the private sector on a longer-term basis than the nightly-paid properties. Initially, this may be through developing relationships with landlords with local portfolios.</p>
3	<p>Partnership – TMBC should explore opportunities to partner with a third party to provide new TA units within the borough. These opportunities could include, but are not limited to:</p> <ul style="list-style-type: none"> • Extending the current partnership arrangement with Clarion • Partnering with another local registered provider to explore a similar arrangement to the Clarion partnership
4	<p>Social Lettings Agency – TMBC should engage with local social lettings agencies to understand if and how a TA offering would work if the Council joined the agency. Areas that the Council will need to understand further before exploring this option further include (but are not limited to):</p> <ul style="list-style-type: none"> • How the relationships between TA stakeholders (resident, landlord, agent, TMBC etc.) would work in practice to deliver TA through the agency. • How a discharge service would be set up and work in practice.

5	Re-purpose existing stock – TMBC should identify if there are any existing sheltered accommodation schemes that could re-purpose for TA. TMBC should work with RPs in the borough to identify potential assets to re-purpose, such as ex or soon to be ex-sheltered accommodation blocks. TMBC should also be agile to any future opportunities that arise to re-purpose accommodation within the borough.
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8.2. Next steps

8.2.1. A final report will be presented at TMBC’s Housing Planning Select Scrutiny Committee in December 2023.

Appendix 1 Project Steering Group members

The project steering group comprised of the following TMBC officers:

- Julie Beilby – Chief Executive
- Eleanor Hoyle – Director of Planning, Housing and Environment
- Sharon Shelton – Director of Finance and Transformation
- Linda Hibbs – Head of Housing and Health
- Stuart Edwards – Head of Administrative and Property Services
- Andrew Rosevear – Benefits and Welfare Manager
- Gillian Aylett – Housing Strategy and Enabling Manager

Appendix 2 Longlist of Options

The following options were identified in the initial longlist presented in the interim report:

- Option 1 – Private Sector Leasing (PSL)
- Option 2 – Private Licensed Accommodation (PLA)
- Option 3 – Housing Association Leasing Schemes (HALS)
- Option 4 – Buy properties directly as the Council
- Option 5 – Wholly Owned Housing Company
- Option 6 – Joint Venture
- Option 7 – Property Purchase Fund
- Option 8 – Partner Organisation
- Option 9 – Modular Construction
- Option 10 – Working with Other Councils
- Option 11 – Office Block Conversions
- Option 12 – Shipping Containers
- Option 13 – Empty Properties
- Option 14 – Letting Agents
- Option 15 – Private Finance
- Option 16 – Repurposing existing stock

There were a number of options that were proposed by Altair team members that, after assessment, were not brought forward even onto the longlist. These included:

- **Caravans / mobile homes** – this type of accommodation can be a breach of planning as caravans / mobile homes usually have limitations to use and therefore for people to live in them for longer than a holiday can be the Council condoning a breach. Also, caravans don't need to meet building regulations so TMBC could be open to criticism if there are issues with damp/cold/mould etc.
- **Boats / canal barges** – housing benefit can only be claimed on cost of mooring and not on the rent of an actual boat. Therefore, it was deemed to be an unsuitable and unviable option for TMBC.

Appendix 3 Case Studies

The following case studies were presented alongside the associated option at the options appraisal workshop:

Proposed Option	Organisation/s	Case Study Description
Building new homes	Bournemouth, Christchurch and Poole Council (BCP)	<p>BCP Council developed 24 purpose-built temporary accommodation units through a mix of 1-, 2- and 3-bedroom self-contained units . The development, which is due for completion in autumn, is situated on the site of the former Bourne Valley Community Centre in Herbert Avenue.</p> <p>The development received the Affordable Housing Development of the Year accolade at the Insider South West Property Awards earlier this year due to the social impact of the scheme, tackling homelessness in a challenging area of the region while providing strong eco, accessibility and Passivhaus credentials.</p>
Modular construction of new homes	London Borough of Lewisham Council/PLACE's Ladywell Scheme	<p>In 2014, LB Lewisham Council decided to construct purpose-built housing for homeless families with children using pioneering modular construction techniques in partnership with PLACE.</p> <p>The units themselves are manufactured from standard timber components and fully fitted out with bathroom, kitchen, flooring and all finishes in the factory. Each apartment is made up of two 'boxes', one comprising the bedrooms and the other the bathroom, kitchen and living area with electrical and water connections. In February 2016, the apartments and four community/retail units were transported by road from the factory in Derbyshire and lifted into place, then linked together. Each of the 24 apartments provides a high-quality homes that exceeds the London Space Standards by 10%.</p>

Proposed Option	Organisation/s	Case Study Description
		<p>Not counting the value of the land, PLACE/Ladywell cost about £160,000 per two-bed flat (including lifts and walkways fitted on site), compared to approximately £200,000 for a standard build two-bed flat.</p>
Shipping containers	Brighton and Hove City Council	<p>Richardson’s Yard, in New England Road, was built in 2013 by Brighton Housing Trust – now BHT Sussex – with an original lease of five years. The scheme is made up of 36 self-contained units of converted shipping containers used for TA.</p> <p>This was extended for another five years to May 2023 – but BHT Sussex and its partner QED Sustainable Urban Developments are asking for a further two years. Planning permission for the units to stay for another two years has been submitted.</p> <p>It was noted that there were “initial teething problems including isolated cases of ASB”.</p>
Purchasing properties	London Borough of Islington Council	<p>Islington Council were concerned about the amount spent on private accommodation for TA, which had reached about £9 million per annum. At the same time there were concerns about the standards of the accommodation being provided, as the LHA and benefits cap limited searches to the bottom decile of the property market.</p> <p>The acquisitions programme started in September 2018 with a target to purchase 50 properties for TA within the year. Six months later Islington had acquired 49 properties and 15 had been let. All 49 are within Islington and the majority of the properties are ex-right to buy properties on council estates. A ceiling of £400,000 per property means that most of the purchases are two- and three-bed flats.</p> <p>Islington’s success in acquiring the properties can be partly attributed to experienced staff with good negotiating skills, who are adept at building</p>

Proposed Option	Organisation/s	Case Study Description
		<p>relationships with local estate agents. But Islington also presented as a cash buyer, able to progress the sale quickly and consequently was appealing to many sellers.</p> <p>Acquisitions were partly funded with RTB receipts. The borough’s analysis showed that the strategy would deliver significant savings over ten years, but there is now a question mark over whether the government will continue to allow the use of RTB receipts for this purpose.</p> <p>Through these and other actions, Islington’s overall target is to reduce reliance on the PRS (for TA) by 30% by 2020.</p>
Office to residential conversions	London Borough of Newham Council & Local Space	<p>In 2023, a small housing association set up by LB Newham Council, Local Space, recently signed a lease with Newham Council to manage a converted office block for TA.</p> <p>Acquired to accommodate homeless families, the block was refurbished using Local Space’s letting standard. This was done in consultation with residents and with a focus on access to communal space.</p>
Partnership to deliver TA	London Borough of Waltham Forest & Mears	<p>London Borough of Waltham Forest entered a Joint Venture (JV) with Mears Limited to secure homes for 40 years. The JV expects to purchase 400 homes to house people in temporary accommodation and those for whom the council has accepted homelessness duty.</p> <p>The council will lease homes from the JV paying a rent (Local Housing Allowance and top up) which will enable the JV to pay a return to investors and still represent good value for money to the General Fund.</p> <p>At the end of the 40-year period, the homes will revert to the ownership of Waltham Forest.</p>

Proposed Option	Organisation/s	Case Study Description
Join a social lettings agency	Let Us	<p>Let Us is the Greater Manchester Ethical Letting Agency. It comprises a group of five housing providers (Salix Homes, Bolton at Home, Stockport Homes Group, Wigan Council and Forhousing), formed by the Greater Manchester Housing Providers partnership, and is funded by the GMCA.</p> <p>It manages over 40,000 private rented properties across the region.</p> <p>Rents are at, or very close to, the Local Housing Allowance rate and offered to homeless households.</p>
Re-purpose existing stock for TA	Birmingham City Council	<p>In 2018, Birmingham City Council converted an obsolete 1960's tower block, previously scheduled for demolition, into temporary accommodation. The 20-storey tower was converted into 160 units.</p> <p>Birmingham also converted a former care home, Magnolia House, into 55 units of temporary accommodation.</p> <p>The conversion of the former care home and tower block cost the Council a combined £16m (£5m and £11m respectively).</p>

Appendix 4 Financial assumptions

General assumptions: rental income (90% 2011 LHA) ranges from £137pw to £345pw depending on the size and location of the property in TMBC. We have used an average rent of £141.59pw for modelling 1-bed units and £246.75 for 3-beds.

Option 1a – New build

Total build cost of £224k (including 10% on-costs) for 1-beds and £386k for 3-beds. It is assumed that 3-beds are more likely to be houses, not flats. Social housing grant at rates of 30% could reduce this cost to £157k and £270k respectively.

Option 1b – Modular units

The cost information was provided confidentially by the modular unit supplier. The indicative cost including installation ranges from under £100k/unit to nearly £160k/unit, but this cost would depend on the site. The modelling includes an additional 5% on-costs for costs such as planning, building control, landscaping, etc, plus £2,500–£3,500 per unit for a resident's starter pack including additional necessary furniture or items not already included in the unit.

Option 1c – Shipping container units

Shipping containers suitable for use as accommodation can be acquired for £40k–£65k depending on size (including some internal fit out). The modelling includes an additional 10% on-costs for costs such as planning, building control, landscaping and some basic furniture and white goods to the extent not already included in the unit. Installation and connection costs of £40k/unit have been assumed but this figure would depend on the site. We have modelled a 40-unit development – it is likely that there would be some economies of scale in site connection costs so much smaller scale schemes (e.g. 3–5 units) may be expected to have higher per unit installation costs, other things being equal.

Option 2a – Purchase of existing properties

The average lower quartile house price across TMBC ranged from £157k to £275k for 1-beds and £320k to £485k for 3-beds. We used averages of £208k and £383k respectively. 90% 2011 LHA rents across different parts of the borough also varied widely, so yields on cheaper properties were not necessarily higher than those on more expensive ones. Acquisition costs included SDLT including the additional property rate, on-costs of 3% (legal and professional fees), plus £12k–£20k works to bring the properties to a suitable standard for letting (re-decoration, bringing the electrical installation up to current standards, making some improvements to thermal performance e.g. loft/cavity wall insulation).

Option 2b – Conversion of offices

For modelling we used BCIS residential conversion costs per sqm. We assumed a 1-bed flat of 50sqm and a 3-bed flat of 86sqm (net internal area) plus 20% for communal/circulation space in the building. The average BCIS median costs averaged £1,616/sqm but average upper quartile costs ranged from £1,963/sqm to £3,646/sqm depending on the numbers of storeys in the building (and the cost did not appear to be correlated with height). We allowed 10% on costs for legal, professional and design costs.

Option 3a – Private Sector Leasing

Average lower quartile market rents across TBMC are assumed to be £850pcm for 1-beds and £1,358pcm for 2-beds. This reflects a 5% uplift on ONS figures for 2022/23. A discount to market rent of 5% is then assumed since the landlords benefit from a guaranteed rent. Management and maintenance costs are assumed to be 40% lower than in the ownership models, as the landlord retains some repairs responsibility.

Option 3b – Nightly Paid Accommodation

The average nightly cost of accommodation (excluding Clarion) is £47.95, which equates to £335.65pw. This compares with an average nightly rental income of £23.63, or £165.43pw. This gives an average £170.22pw (£8,851 pa) gap between rent in and rent out for each property, to which is added the cost of TMBC management and maintenance (those costs borne by TMBC rather than the landlord, as with option 3a).

Option 4b – Social Lettings Agency

Landlords receive current LHA rent levels under this option. The average LHA rent across TMBC is £189.10pw for 1-beds (ranging from £172 to £207 across the borough) and £254.07pw for 3 beds (ranging from £196 to £345).

Option 5a – Repurposing sheltered housing stock

We assume a gross 1-bed rental income of £141.59pw, which gives a net rental income of c.£135 per unit after voids, bad debts, management and maintenance costs. We assume full management and maintenance costs, including major repairs, although this would be negotiable. This equates to £3,333 per unit per year. From the net rental income we assume that TMBC could pay up to £55 per unit per week in rent and remain in at least a break-even position. We assume a one-off minor works cost of £6,500 per unit (internal redecoration, some limited furniture and white goods).

For context, a lease rental of £55pw would represent approximately half the weekly formula rent for a Clarion unit of Supported or Older People's Housing (based on historic housing association Statistical Data Return information). Depending on the RP's previous operating margin on its sheltered housing stock, any level of rental income that was no worse than its current operating position should in theory be acceptable, which may mean a lower rent payment could be negotiated which recouped the cost of the minor works to the properties.

Appendix 5 Modular Option – Outline Implementation Plan

No.	Action	Cost Est.
1.	<p>The Council identify potential sites within the borough for modular development. Considerations for sites need to include:</p> <ul style="list-style-type: none"> - Suitability for client group(s) - Proximity to amenities - Proximity to existing support services - Development suitability e.g. ground conditions etc - Planning policy considerations and likelihood of achieving a planning permission 	Nil (existing TMBC resources)
2.	The Council identify capital available for development and grants available from Homes England to take option forward. If required, the Council should also begin exploring alternative finance options.	Nil (existing TMBC resources)
3.	Undertake a desktop ground investigation on preferred site/s to understand potential suitability of the preferred sites for development of new homes.	£1,000 per site
4.	Engage in early discussions with potential modular developers as soon as possible after the site/s have been identified. Discussions will need to explore the type of modular home, the potential location(s) for development and the Council's wider aspirations for this programme.	Nil (existing TMBC resources)
5.	<p>Commission an employer's agent to undertake a two-phase approach:</p> <ol style="list-style-type: none"> 1) Employer's agent will need to work with the modular builders to understand their development model and likely additional costs (beyond the modular build) such as foundations, groundworks, external works etc. 2) Once due diligence is in hand, the employer's agent will work up site specific development costs. 	£5,000-£10,000 depending on scope.
6.	TMBC's legal team undertake legal searches and perform basic due diligence checks on the developer, finances, site etc.	Nil (existing TMBC resources)
7.	Consult with Council's planning team to outline the proposed approach to development of new homes.	Nil (existing TMBC resources)

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Temporary Accommodation (TA) Portfolio Action Plan 2024

Type	Nature of provision: existing or additional	Action	Lead	Milestones	Finish date
High Street & Pembury Rd, Tonbridge	Existing provision, Council owned TA	Secure Management for provision	Housing Improvement Manager	Preferred approach developed	Dec-23
			Housing Improvement Manager	Management resource contracted	Mar-24
Modular option	Future additional				Mar-24
		Consider any suitable sites - TMBC owned	Housing Strategy and Enabling Manager	Internal Planning Advice	Dec-23
			Housing Strategy and Enabling Manager	Legal position confirmed	Jan-24
			Housing Strategy and Enabling Manager	Member approval to carry out expressions of interest exercise	Mar-24
		Carry out due diligence investigations for this option	Housing Strategy and Enabling Manager	Summary of soft market testing to date/update figures and company positions	Mar-24
		Full option appraisal to establish costs and feasibility if suitable site identified following steps in the Implementation plan of Appendix 5 in Altair's Sustainable TA delivery options report.	Housing Strategy and Enabling Manager		Oct-24
Private sector leasing	Future additional	Research options to lease homes for the provision of TA from private landlords; including through a letting agency	Housing Strategy and Enabling Manager	Explore option to provide a lettings agency offer to secure TA	May - June 2024
		Develop pilot leasing approach and offer	Housing Strategy and Enabling Manager		July - Sept 2024
		Engage with local landlords with properties in the area to explore possible leasing arrangements for TA provision, pilot period for offer.	Housing Strategy and Enabling Manager		Oct 2024 - Sept 2025
Partnership working with Registered Providers	Existing and future additional	Continue to engage with Clarion about options to extend TA provision	Head of Housing and Health	Written agreement on current arrangement and numbers	Mar-24
			Head of Housing and Health	Full review of leasing option	Jul-24
		Contact other stock holding Registered Providers to explore ways to provide existing stock as TA	Housing Strategy and Enabling Manager		Mar-24
Review existing TA charging policy	Existing and future revenue costs	Joint review by housing and finance. Report into MT and seek Member approval for any changes to approach.	Benefits & Welfare Manager		Mar-24
Identify and build upon finance resource	Future additional	Consider finance options and associated actions for TA delivery option actions in this plan as they progress	Director of Planning, Housing and Environmental Health		Ongoing
Re-purpose existing stock	Future additional	Engage with housing providers to identify any existing housing provision that could be re-purposed for TA, e.g. sheltered accommodation schemes. Consider any possible stock as appropriate.	Housing Strategy and Enabling Manager		Mar-24
		Monitor voids within sheltered schemes with RP partners	Housing Strategy and Enabling Manager		Ongoing
Nightly paid private provision	Existing	Procurement exercise for nightly paid provision, possibly through competitive procurement approach.	Housing Improvement Manager		Dec-24

Action Plan to be monitored via monthly meetings of Housing Portfolio OSG

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REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE 2024/25

Item HP 23/36 referred from Housing and Planning Scrutiny Select Committee of 14 December 2023

The report of the Director of Planning, Housing and Environmental Health set out the proposed amendment to the Planning Performance Agreement (PPA) Protocol following a review of the existing Protocol, including the introduction of an Inception Meeting. A revised Planning Performance Agreement Protocol was attached at Annex 1 and a copy of the Inception Meeting template was provided at Annex 2. Furthermore, a revised Planning Performance Agreement Charging Schedule for 2024/25 was proposed for consideration by Members as set out in Annex 3.

Members noted that the PPA fees were set on a cost recovery only basis, however, the current fee schedule associated with PPAs did not recover the full costs of the service. Therefore, a revised fee schedule was proposed taking into review the Borough Council's hourly charging rates and the best estimate of timescales to cover all aspects of the PPA service. Furthermore, a baseline review had been undertaken across the Kent authorities to review charging schedules for those authorities. Nonetheless, it was recognised that not all development sizes were suitable to progress through a PPA.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the amendment and the publication of the Planning Performance Agreement Protocol, attached at Annex 1, be approved;
- (2) the Inception Meeting template, attached at Annex 2, be adopted; and
- (3) the updated Planning Performance Agreement Charging Schedule for 2024/25, as attached at Annex 3 and set out in 1.3.13 of the report, be adopted.

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF THE PLANNING PERFORMANCE AGREEMENT PROTOCOL AND FEE CHARGING SCHEDULE

1.1 Introduction

1.1.1 Planning Performance Agreements (PPA) are useful tools in setting out an efficient and transparent process from inception and pre-application to planning application decision and post reserved details and condition discharge. This voluntary process encourages joint working between applicant/developer and the local planning authority whilst potentially involving the community and bringing together other experts and statutory consultees. They are undertaken in the spirit of a 'memorandum of understanding' rather than a legal binding document with statutory sanctions.

1.1.2 A Planning Performance Agreement protocol and charging schedule was adopted and implemented by the Council in April 2020. The protocol objectives and fees were then reviewed in November 2020 and again in 2021 when the current fee schedule was adopted.

1.1.3 We have signed and received fees for five PPA's in 2023 with three currently awaiting additional fees to be validated. These are mostly for large scale developments. The applications relating to these PPA's are currently being assessed by officers.

1.2 The Existing Protocol

1.2.1 The protocol and fee structure, introduced identifies four main development types, as follows including the current fees set in April 2022. These were not increased during 2023/24.

- **Small** development: under 50 dwellings or up to 2,500 sq. m of commercial floor space. (£3,500)
- **Medium** development: between 50 and 99 dwellings or 2,500 – 4,999 sq. m of commercial floor space. (£5,000)

- **Large** development: between 100 and 249 dwellings or 5,000 – 9,999 sq. m of commercial floor space. (£7,500)
- **Strategic** development: over 250 dwellings or 10,000 sq. m of commercial floor space. (£13,800)

1.2.2 The schedule then goes on to set out expectations for the number of meetings with officers and Member briefings provided for within the PPA. These vary depending on the size of the development.

1.3 Review of Current Protocol

1.3.1 The Council continues to promote PPAs as a key project management tool to promote sustainable and positive outcomes with particular regard to large and strategic housing and commercial developments. Fees received for this service, which are on a cost recovery basis, are then used to assist in resourcing the Development Management Team. PPA fees currently mostly fund one Senior Planning Officer role in the Major Projects team. However, it has become clear that the current fee schedule, associated with PPAs, does not recover the full costs of the service.

1.3.2 A review of the protocol and template agreement by officers alongside benchmarking against other Kent authorities has identified several key issues which require addressing to ensure PPAs can continue to be valuable tools for the service. (The revised Protocol & Template is attached at **Annex 1**). This review has also been informed by work carried out by the Planning Advisory Service.

Inception Meeting prior to PPA

1.3.3 It has been noted in the current system there are delays on the part of some applicants in completing the PPA and paying the associated fee. The PPA should be completed and paid for prior to the formal submission is made, but habitually this does not happen in good time. There are examples when developers are submitting PPAs just prior to the submission of the application for the only reason to allow them to submit a series of reactive amendments during the planning application stage, without having first undertaking meaningful pre-app and/or undertaking engagement before the application was submitted. Such behaviour places an unnecessary administrative burden on the team along with delays to the initial registration, consultation and assessment processes. It is therefore now recommended as part of the initial engagement and prior to a PPA, that it becomes a requirement that an **Inception meeting** will need to take place between the Council and the developer before a PPA can progress. This will prevent a late request for a PPA at the time a planning application is submitted.

The **Inception meeting** will set out the following “road map” to the PPA:

- Develop structure and content of PPA.

- Agree project vision and objectives.
- A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA.
- Identifying key issues for consideration to follow through into individual **topic area meetings** in the PPA.
- Scope the requirements and cost to the developer of external advice.

Inception Meeting template

The table below to be used as the basis of the Council written response to the developer setting out the outcomes of the meeting. Also produced as **Annex 2** to this report

Topic for discussion	Minute	Agreed Actions
Develop structure and content of PPA.		
Agree project vision and objectives.		
A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA		
Identifying key issues for consideration to follow through into individual topic area meetings in the PPA.		
Scope the requirements and cost to the developer of external advice		

Decision on whether to pursue the PPA		
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1.3.4 There is a separate fee for the Inception meeting, which is deducted from the resultant PPA. If the PPA is not progressed the Inception meeting fee is non-refundable. It is also worth stating that the **final decision** to progress a PPA sits with the Council.

1.3.5 The Inception Meeting will ensure that the signed and dated PPA and the associated fees paid along with the required milestones identified in the PPA are achieved before any application is submitted.

External Advice – Developer Payment

1.3.6 Furthermore, on occasion applicants have disputed making additional payments to commission reports during the application stage, particularly around viability work. To avoid any ambiguity around the Council's expectations in this regard, the PPA protocol and associated template agreement shall make it clear that the applicant will need to pay for the following:

- Any external specialist advice not covered by statutory consultee pre-app protocols shall be paid for by the developer at **pre-app** and **during the planning application and discharge of conditions**. For example, viability testing, conservation/urban design, ecology & EIA assessment.
- Highways, Environment Agency, and other consultee advice at **pre-app** will need to be paid by the applicant separately to this PPA under the relevant agency's pre-app charging schedule. These charges are in addition to the PPA charges.

1.3.7 It is also important that officers understand that they have the flexibility to negotiate these clauses should they consider it to be necessary. This will be dependent on the parameters set out in the **Inception Meeting** on the scale and nature of individual schemes and will become clear at the first meeting of the PPA (Introduction meeting).

1.3.8 The Inception meeting and the PPA will set out the timelines throughout the process and in particular the pre-application process, taking a development from inception through engagement with Council professional advisors (Planning, Housing, Environmental Health) to external consultees (Highways, Environment Agency) to bespoke commissioned external advice on viability, design, conservation EIA etc to engagement with communities and potentially Members of the Council. Once the proposal has been positively shaped to reflect this engagement further officer/developer discussions can take place during the progression of the planning application usually after a full round of formal/statutory consultee responses allowing for the submission of amended plans.

Planning Application stage and submission of amendments

1.3.9 The Council operates a non-amendments policy on live applications. However, the PPA process gives the developer the opportunity to submit at least one round of amendments (depending on the PPA category) during the application stage to address specific issues raised during the application that have not been highlighted during the pre-app engagement. The number of amendment rounds are set out as follows:

- Small/Medium PPA: 1
- Large PPA: 2
- Strategic PPA: 3

Pre-App Fees

1.3.10 The Council operates a standalone pre-app service separate to the PPA process, albeit the desired outcome of creating sustainable developments are linked. The pre-app fees paid by a developer on the standalone service will **not** be refunded. If at a later stage the developer wants to agree a PPA via the accepted route by first entering and paying for an Inception Meeting, then the Inception Meeting fee is deducted if this is progressed to a full PPA.

Expectations and timelines

1.3.11 Officers have, on occasion, indicated that applicants seek to impose unrealistic deadlines within PPA programmes which cannot be met due to the Council's own processes and committee structures and regardless of whether additional resources are brought in via PPA fees. Whilst it is recognised that there needs to be some flexibility on the Council's part, the protocol should manage developer expectations on what is realistically achievable. Equally, officers should be making this clear during their own negotiations with developers on the programme. It is also worth re-stating that the final decision to progress a PPA sits with the Council and not the developer.

1.3.12 In terms of managing the expectations of developers in dealing with PPA cases, the protocol should be amended to expand on what we require the developer to submit before meetings take place and how meetings will be arranged and conducted. It is the Council's experience that some applicants seek to utilise the PPA process to make unrealistic demands on time and resources.

PPA Fee Structure

1.3.13 It is fully accepted that for the Council to agree a PPA it must provide an agreed level of service which is achievable within the resources available. However, it is increasingly clear the current PPA fee structure does not cover the full cost of this service and while the PPA fee cannot create a profit for the Council, it should cover the full cost of providing the service. The proposed revised fee schedule has been reviewed using the Council's hourly charging rates and best estimate of timescales to cover all aspects of the PPA service. A baseline review has also been undertaken across the Kent authorities to review charging schedules for

these authorities. The fee schedule is reproduced in **Annex 3** and includes the revised number of meetings and member briefings together with the number of amendments permitted at application stage associated with the relevant size of the PPA. This is summarised below:

Size	Existing fee £	Proposed fee £	Approx. % increase
Small	3,500	5,760	65
Medium	5,000	8,060	61
Large	7,500	11,200	49
Strategic	13,800	18,200	32

It will be noted that in percentage terms the greatest increase is at the lower end ie Small PPAs. It became clear through the review that for the smaller PPAs the existing fees fell well short of the resource required on a cost recovery basis when compared to the larger schemes.

1.3.14 There are also ways to improve the efficiency and maximise the benefit of the PPA service. This can include the following around meeting protocol/structure:

- Agree reasonable timelines for providing and exchanging information prior to an arranged meeting.
- Reasonable lead in times when creating a new scheduled meeting.
- Agree how meetings will be managed including agreement of the chair & agenda, production of draft minutes (and by who) and how are action points and outcomes agreed and taken forward.

1.3.15 The protocol and template agreement will be made clearer to reflect the above (see **Annex 1**). It should also make clear that the Council reserves the right to cancel pre-arranged meetings where such deadlines have not been met.

1.3.16 It is just as important to recognise not all development sizes are suitable to progress through a PPA, so existing resources can focus on more complex development proposals. Consequently, it is recommended that there be a minimum threshold cap on the scale and nature of developments that can be subject to a PPA ie. no fewer than 10 residential units and not less than 1,000 sq.m of non-residential floorspace. Please see the proposed fee schedule at **Annex 2**.

1.3.17 For a number of planning reasons not all proposals brought forward by developers are likely to be acceptable. In these instances, while applicants may wish to enter a PPA with a view to narrowing the issues/eventual grounds of refusal it does not necessarily reflect best practice or most suitable use of available resources for the Council. It also creates uncertainty amongst stakeholders and local communities if decisions are unnecessarily delayed. Consequently, it is recommended that the protocol be amended to make clear that through the **Inception Meeting** process

the **Council reserves the right not to enter into a PPA** where it is not considered constructive to do so, or where there are principle reasons why the Council consider the scheme should not progress. This decision on the Council's position would be a matter for the case officer in agreement with Development Manager.

1.4 Legal Implications

1.4.1 PPAs are intended to be agreed in the spirit of a 'memorandum of understanding'. They are not intended to be a legally binding contract unless the parties wish to approach it in this way. It is helpful to be clear about its status in the planning performance agreement itself. The parties are encouraged to make the existence and content of a planning performance agreement publicly available, so that the agreed process and timescale are transparent.

1.4.2 A PPA does not differ from other forms of pre-application engagement. It does not commit the local planning authority to a particular outcome. It is instead a commitment to a process and timetable for determining an application.

1.5 Financial And Value For Money Considerations

1.5.1 The Planning Practice Guidance (PPG) states that local planning authorities may make a charge for the administrative work involved in agreeing and implementing the planning performance agreement itself. As such, a fee schedule is produced as an annex to the protocol.

1.5.2 The fees to be charged should be subject to annual review.

1.5.3 The increase of fees as detailed above would generate additional income of £10,000 from 2024/25 onwards compared to the revised estimate.

1.6 Risk Assessment

1.6.1 Encouraging the use of PPAs at the early stages of engagement with applicants, agents and developers will create greater certainty in the decision making process in terms of expectations placed on each of the parties and in particular timescales for determination. This should assist in ensuring appeals against non-determination are avoided because the existence of a PPA means that the statutory time limits for determining the application no longer apply (to the extent that the agreement specifies a longer period for the decision, in which case the agreement will count in the same way as an agreed extension of time). If an authority fails to determine the application by the agreed date, then the applicant may appeal.

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 Recommendations

- 1.8.1 It is **RECOMMENDED** to **APPROVE** the following amendment with effect from 01 April 2024:
- 1.8.2 It be **AGREED** that amendment and publication of the Planning Performance Agreement Protocol at Annex 1
- 1.8.3 Adopt the Inception meeting template as attached at Annex 2
- 1.8.4 Adopt the updated Planning Performance Agreement Charging Schedule for 2024/25 as attached at Annex 3.

Background papers:

- Annex 1 – PPA Revised Protocol
- Annex 2 – Inception meeting template
- Annex 3 – Inception and PPA Fees 2024/25

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Annex 1

Planning Performance Agreement Protocol

Contents:

- 1 Introduction and Context
- 2 Aims and Scope
- 3 Benefits
- 4 Types of development
- 5 Community Engagement
- 6 Member Involvement
- 7 TMBC responsibilities and commitments
- 8 Developer responsibilities and commitments
- 9 Funding

Appendices

Appendix 1: Suggested Agreement Template

1. Introduction and Context

- 1.1 A planning performance agreement (PPA) is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage, such as the discharge of planning conditions.
- 1.2 They can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees. A PPA is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.
- 1.3 They allow for both the developer and the local planning authority to agree a project plan and programme which will include the appropriate resources necessary to determine the planning application or pre-application master planning within a defined timetable.

2. Aims and Scope

- 2.1 Tonbridge and Malling BC want to ensure that planning applications are dealt with in a timely and effective way. We recognise that the successful delivery of development of all scales requires good communications with developers, the community and other agencies. This can reduce delays, conflicting advice and increase certainty for all involved in the planning process. We will work in partnership with the development industry and communities enabling us to work more efficiently and transparently to achieve this and the use of PPAs is an important tool in facilitating such practices.

3. Benefits

- 3.1 There are many benefits and advantages of a PPA between the Council and a developer, including:
 - Better overall management of advice and post application stages.
 - Identification of key issues at an early stage.
 - More realistic and predictable timetables.
 - Greater accountability and transparency.
 - Improved partnership working.

3.2 It should be noted that the PPA agreement and the process of PPAs is in no way prejudicing or pre-judging the outcome of the application or the Council's impartiality or its discretion as local planning authority.

4. Types of development

4.1 PPAs can be used for any application, although whether an agreement is justified will depend on the size and complexity of the proposal. However, developments that are likely to qualify for this approach would generally fall within the category of large-scale major applications or significant developments, which are unique, complex schemes. This is further detailed in the Fee Schedule.

4.2 Not all developments that fall within these criteria are necessarily suitable for planning performance agreements. Equally, other developments may also be suitable for the PPA approach such as:

- Individual developments and development programmes of major strategic importance to Tonbridge and Malling in terms of housing delivery, job creation or investment.
- Individual developments which may raise significant issues needing environmental assessment, where particularly challenging constraints are present or where matters relating to conservation of the built environment and/or urban design or heritage apply, for example.
- Developments which are a corporate priority which may have a wider Council involvement.
- Developments eligible for limited public funding.
- Individual development parcels of larger strategic sites to ensure consistency and timely delivery of the wider scheme and any associated infrastructure.

4.3 Officers will advise developers at the Inception Meeting if a scheme is considered appropriate for progression via a PPA. In the event that this opportunity is not taken up (i.e. an application is subsequently submitted without engagement through the Inception Meeting process and a subsequent PPA is not activated), it will be handled as a routine application within the existing workload of the team, without dedicated resource or priority, regardless of its particular nature.

5. Community Engagement

5.1 As part of its ongoing pledge to community engagement and consultation the Council is committed to consulting local residents and businesses to inform its decisions so they have a meaningful opportunity to influence the development of Tonbridge and Malling. The type of consultation that is

appropriate before applications are made will vary depending upon the scheme and will be agreed via the PPA but could include public exhibitions and meetings, surveys of opinion and consultation with other key local groups. The Council will expect the developer to carry out the consultation but can provide advice on the most appropriate methods for doing so and the groups they may wish to consult.

6. Member Involvement

- 6.1 Councillors should be involved so they can gain an understanding of the project and other relevant issues. The Council consider that this engagement is important, this is reflected in the inclusion of remote member briefings(s) within the fee schedule. Any such involvement will always be led by the Council. They may ask questions and raise issues but will not be expected to offer personal opinions on a scheme. All Councillors will need to adhere to the Code of Conduct for Members in this respect and cannot predetermine their view on a scheme that will subsequently be the subject of a planning application.
- 6.2 Applicants should not engage privately with councillors. There will be occasions when briefings may be held with relevant councillors particularly those whose electoral ward the PPA scheme is situated. This will be agreed on a case by case basis between the two project teams.

7. TMBC responsibilities and commitments

- 7.1 TMBC will identify a lead case officer who will manage the process and take on the responsibility of project delivery. This will be a council officer with experience relevant to the nature and scale of development proposed. The Council, via the lead case officer will:
- Act as the primary point of contact with the developer's project team and where necessary arrange meetings between the project teams in a timely manner.
 - Progress the project through all key stages in accordance with the agreed project plan through ongoing review and communication.
 - Ensure delivery of tasks within the agreed timetable through regular review of the programme, provision of feedback on key stages where necessary and identification of early key issues.
 - Coordinate the Council's project team.
 - Manage all public consultation including the coordination of all external statutory or specialist advisers and liaise with all necessary stakeholders.
- 7.2 All case officers will work on behalf of TMBC in the wider public interest to ensure delivery of the optimum scheme that meets the Council's strategic objectives and accordance with all relevant planning policy. Officers in meeting

their responsibilities will express their own professional judgment that will form the basis for the negotiations with the developer. Such judgements will not, however, bind the Council to a final recommendation nor will they override the requirements for a planning application to be determined without prejudice and within the statutory requirements.

8. Developer responsibilities and commitments

8.1 TMBC will expect the developer to approach any project in a collaborative manner and work cooperatively with the Council at all stages. The developer will be expected to use best endeavours to meet the agreed programme and to provide any information requested in a timely manner. They will also be expected to appoint the appropriate professional consultants with sufficient experience to reflect the complexity of any given project.

8.2 In particular, the developer will:

- Engage in meaningful pre-application discussions, with adequate time allowed for the preparation of essential information and assessment of proposals and as part of this progress with master planning work as necessary.
- Agree to a project plan, including the key stages and milestones, which take into account the need for discussion and review to take place.
- Pay the required fees.
- Submit a complete planning application with all of the requested supporting information as agreed with the Council, including a draft legal agreement where appropriate.
- Respond within the agreed timescales to requests for further information and/or revisions.
- Attend project meetings with relevant persons.
- Keep the Council informed of progress at all key stages of the project.
- Undertake public consultation prior to submission where agreed.

9. Funding

9.1 TMBC expects the developer entering into a PPA with the Borough Council to pay the agreed PPA fee before the PPA is activated. The PPA schedule of charges will be published on the Council's website and will be periodically reviewed.

Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent
ME19 4LZ

Planning Performance Agreement

DATE

SITE ADDRESS

PLANNING REFERENCE

Between:

Tonbridge and Malling Borough Council
and

AGENT/APPLICANT

Planning Performance Agreements

Excerpt from the National Planning Practice Guidance, paragraph 016 Reference ID: 20-16-20150326 (revised 26 March 2015):

A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications. It should cover the pre-application and application stages but may also extend through to the post-application stage.

Planning performance agreements can be particularly useful in setting out an efficient and transparent process for determining large and/or complex planning applications. They encourage joint working between the applicant and local planning authority and can also help to bring together other parties such as statutory consultees.

A planning performance agreement is agreed voluntarily between the applicant and the local planning authority prior to the application being submitted and can be a useful focus of pre-application discussions about the issues that will need to be addressed.

Paragraph 018: Reference ID: 20-018-20150326

A planning performance agreement can extend to matters beyond the formal application process – such as programming the negotiation of any section 106 agreement and related non-planning consents. For very large or complex schemes the agreement may also provide a basis for any voluntary contributions which the applicant has offered to pay to assist with abnormal costs of processing the application. The parties will want to ensure that such payments do not exceed the cost of the additional work involved, are not seen to have any implications for the decision on the application, and do not deflect resources from processing other cases; any additional resource provided in this way needs to be used for additional capacity that is genuinely required to ensure a timely and effective service.

Contents:

1. Introduction and Purpose
2. General Principles
3. Form and Content of the Pre-application submission
4. Resources and Liaison
5. Application (Project) Programme
6. Appeals and Third Party Challenges
7. Nature of Agreement
8. Breach and Termination
9. Third Party Rights
10. Agreement

Appendix 1: Project Programme

Appendix 2: Project Team Contact List

Appendix 3: Documents

1. Introduction and Purpose

- 1.1 Tonbridge and Malling Borough Council is the local planning authority for development within the area in which the development site is located.
- 1.2 The applicant has submitted an Inception Meeting request to scope a PPA and seek advice regarding the DESCRIPTION OF PROPOSAL.
- 1.3 This Planning Performance Agreement is an agreement between TMBC and the Applicant to provide a project management framework for handling both the pre-application advice and the forthcoming planning application from receipt of a valid submission through to the determination stage. This framework seeks to appropriately resource these discussions and should improve and speed up the pre-application advice process by committing both parties to an agreed timetable containing “milestones” (as scoped at the Inception Meeting) that make clear what level of resources and actions are required, ensuring all key planning issues are properly considered through Topic Meetings and, wherever possible, resolved.
- 1.4 This agreement does not give a guarantee of planning permission. It relates to the process of considering development proposals and not the decision itself.
- 1.5 This agreement is made pursuant to Section 111 of the Local Government Act 1972 Section 93 of the Local Government Act 2003 and Section 1 of the Localism Act 2011.

1.6 Definitions

- 1.6.1 Terms in this agreement shall have the meanings assigned below unless the context requires otherwise:

Party	Details
Applicant	
Applicant's Team	Those personnel employed or appointed by the Applicant in connection with the Project set out at Table 1 of Appendix 2
Application Documents	The documents set out at Part 2 of Appendix 3 of this agreement

Planning Counsel	Any of the following Barristers:
Pre Application Documents	The documents set out at Part 1 of Appendix 3 of this agreement
Project	DESCRIPTION
Site	SITE ADDRESS
Third Party Challenge	Any legal challenge against a decision made by TMBC in connection with the Project, including any appeal in the higher courts.
TMBC	Tonbridge and Malling Borough Council
TMBC's Team	Those TMBC personnel involved in the Project as set out at Table 2 of Appendix 2

2. General Principles

2.1 The objective of this Planning Performance Agreement is one of co-operation and consistency throughout the negotiation and discussion relating to the pre-application and application processes to provide a degree of certainty for the intended outcomes and to improve the quality of the Project and of the planning decision.

2.2 TMBC and the Applicant agree to be governed at all times by the following principles:

Principle 1: To work together in good faith, and to respect each other's interests and confidentiality.

Principle 2: To commit and provide promptly information to support and manage the development management process, in accordance with the Performance Standards contained in paragraph 4.4 of this agreement.

Principle 3: To be transparent and consistent at all times between all parties so that outcomes are anticipated, defined and understood.

Principle 4: To help to facilitate (where appropriate) effective involvement and consultation with the surrounding community, statutory and other stakeholders, and any individual or group with a legitimate interest.

Principle 5: To reach agreement milestones which will remain fixed unless agreed by all parties otherwise.

Principle 6: To identify and involve specialist consultees and advisors including authority officers/managers where appropriate.

Principle 7: All parties will seek to use the pre-application period to address matters that would otherwise arise via planning conditions, and significantly reduce the level of potential conditions, particularly in respect to those preventing commencement of works. However, nothing in this Principle shall fetter the TMBC's power as local planning authority to impose such conditions on any grant of planning permission in connection with the Project as it considers appropriate in its absolute discretion.

3. Form and Content of the Pre-Application Submission

3.1 The pre-application discussions relate to the Project's need for TYPE planning permission.

3.2 The greater the level of information provided by the applicant at the pre-application stage, the better and more detailed the response. With this in mind, key documents (relating to the specifics of the proposal) will be requested at the earliest opportunity during the pre-application discussions. The dates for the provision of such information shall be fed into the timetabling to help TMBC efficiently allocate time and resources.

3.3 The Applicant shall provide TMBC with the Pre-Application Documentation (as a minimum) as part of the pre-application discussion process.

4. Resources and Liaison

4.1 The Project Team

The Project Team will comprise of the Applicant's Team and TMBC's Team, as defined within Appendix 2. The Project Team will be amended/expanded or reduced where necessary and the party amending its Team shall notify the other Team at the earliest opportunity. All personnel shall be suitably qualified and experienced to bring forward the Project.

4.2 Performance Standards

- 4.2.1 Communications, be it via email or hard copy correspondence shall be acknowledged within **5 working days** (AMEND AS NECESSARY) of receipt with a suitable response where possible.
- 4.2.2 Telephone messages shall be returned within **3 working days** (AMEND AS NECESSARY) of receipt.
- 4.2.3 Relevant information will be circulated by all parties no later than **3 working days** (AMEND AS NECESSARY) prior to a meeting.
- 4.2.4 The Applicant's Planning Agent to circulate meeting agendas, unless otherwise agreed, no later than **3 working days** (AMEND AS NECESSARY) prior to any meeting.
- 4.2.5 Unless otherwise agreed, the Applicant's Planning Agent will circulate minutes no later than **3 working days** (AMEND AS NECESSARY) after the meeting.
- 4.2.6 Unless otherwise agreed, actions arising from meetings shall be agreed no later than **5 working days** (AMEND AS NECESSARY) after the minutes of that meeting have been circulated.
- 4.2.7 If requested by the Applicant or Applicant's Planning Agent, TMBC shall provide informal feedback on information presented at a meeting within **10 working days** (AMEND AS NECESSARY) from that meeting.

4.3 Meetings

- 4.3.1 Meetings will be attended by the Project Team (unless specific attendance is not required due to meeting topic).
- 4.3.2 The Applicant's Planning Agent, in conjunction with the TMBC Case Officer, will act as PPA Project Managers and will convene meetings, organise agendas and produce minutes to be agreed by the Project Team.
- 4.3.3 Project Team meetings will be held at the times set out in the Project Programme (unless

otherwise agreed or cancelled).

- 4.3.4 **3 working days** (AMEND AS NECESSARY) in advance of any meeting the Project Team shall agree whether any specialist advice is required and seek to ensure the relevant personnel are available to attend.

4.4 Availability of People and Resources

- 4.4.1 The parties to this agreement will endeavour to make available members of the Project Team to facilitate meetings within **10 working days** (AMEND AS NECESSARY) from a formal written request, unless otherwise agreed.
- 4.4.2 The parties will also share with each other project tools (such as traffic models, visualisation models and development viability information) subject to protecting commercial confidentiality and Freedom of Information considerations.

4.5 Confidentiality

- 4.5.1 Confidentiality protocols will be agreed and applied to specific issues and/or information as they emerge.

4.6 Costs

- 4.6.1 The Applicant commits to cover all charges from DATE. (In the signed PPA)
- i) TMBC's costs incurred in the staffing and resourcing of necessary meetings between TMBC's Team and the Applicant's Team during the life of the PPA (FINF REFERENCE). T

Charges incurred as set out in the PPA charging schedule (to be paid on the date of this agreement):

- ii) Additional meetings will be charged as set out in the TMBC PPA charging schedule for additional meetings
- iii) In the event that it is agreed between the parties that legal representation is required at any meeting, the Applicant shall pay TMBC's costs in connection with its legal adviser.
- iv) TMBC's legal adviser shall be its internal planning lawyer (at the date of this agreement the post-holder designated as "Principal Solicitor (Litigation)") unless due to resourcing issues it is

necessary for TMBC to appoint an external solicitor to provide advice and representation.

- v) The costs of such representation shall be:
 - a. in the case of the internal solicitor the rates set by TMBC's Finance, Property and Innovation Board (as amended from time to time) which at the date of this agreement are FEE per hour, to a maximum of 5 (AMEND AS NECESSARY) hours. If additional work is required, this sum shall only increase with the written agreement of the Project Team.
 - b. in the case of external representation, the full costs of such representation.
- vi) In the event that TMBC deems necessary (in its reasonable opinion) to appoint external consultants to provide an independent review of any of the Application Documents or Pre-Application Documents (or to provide technical advice in connection with consultation responses), the Applicant shall pay the full costs of such external consultants. This shall relate to a maximum of 5 (AMEND AS NECESSARY) separate reports, including the Viability Report, at a cost of FEE per area of expertise. If additional work is required, this sum shall only increase with the written agreement of the Project Team.

4.6.2 If required by TMBC the Applicant will pay TMBC the costs of appointing an additional Planning Officer (not to be part of the Project Team) for the duration of the Project to enable TMBC to adequately resource the Project within the timescales set out in this agreement. This shall be at a cost of FEE per hour (for an agency planner of medium experience) for a 37 hour week.

4.6.3 The overall cost of the PPA will be paid on signing the agreement and then the PPA will be activated. TMBC will invoice the Applicant any additional fee payment due within 5 (AMEND AS NECESSARY) working days of a meeting taking place or receipt of commissioned work.

4.6.4 The Applicant will pay such invoices within 28 days. In the event the Applicant does not pay any invoice when it becomes due, TMBC reserve the right to refuse any additional meetings or commission any additional work unless and until outstanding invoices are paid.

5. Application (Project) Programme

- 5.1 The applicant will not submit the planning application to TMBC until the Inception meeting has taken place, the subsequent PPA has been signed and paid for (activated), any additional fees are paid for and the project programme timeline (as agreed in the PPA) has been adhered to.
- 5.2 When the Applicant submits the planning application for the Project, the planning application will include the Application Documentation listed in Appendix 3. The submission shall be made online and also provide a CD or DVD and 2 paper copies.
- 5.3 The PPA Programme is devised to provide a realistic timeframe for planning and resourcing the pre-application discussions, with the aim of agreeing a submission date. The Applicant acknowledges that the timetable may be subject to change which will be kept under review moving forward. The Project Programme is detailed in **Appendix 1** of this document.
- 5.4 In determining the application there are **two agreed stages** which in combination set out the agreed **date for determination** of the application (which will replace the statutory 13 week). Firstly a ?? (AMEND AS NECESSARY) week timeframe for the Project programme is appropriate for consideration of the planning application and a resolution from Full Council/Area Planning Committee. Secondly the subsequent negotiation of the S106 agreement will be undertaken and agreed in ?? (AMEND AS NECESSARY) weeks after the resolution to grant planning permission. Ideally this should be completed within 4 months of the Committee resolution. This combination of both these dates will provide the date to determine the application.
- 5.5 Within the agreed timeframe, meetings will be arranged as above and when considered necessary by agreement, with suggestions of appropriate meetings set out within the Project Programme (**Appendix 1**).
- 5.6 If there is a delay in the Project Programme, the Project Team will review whether the Project Programme is still realistic or whether the Project Programme and the Planning Performance Agreement determination timeframe need to be revised. Any revisions to the Planning Performance Agreement determination timeframe shall be agreed in writing by the Applicant and TMBC.
- 5.7 At the request of any party to this agreement, the parties shall as soon as is reasonably practicable [after the expiry of xx weeks from the date of this agreement] in good faith discuss the progress of the consideration of the planning application (or Pre-Application Documents as may be the case) against the project programme as set out at Appendix 1 and review whether any extension of any period will be necessary in order to enable TMBC to discharge its

planning functions in respect of the Project and ensure compliance with the project programme.

6. Appeals and Third Party Challenges

- 6.1 Nothing in this agreement shall restrict or inhibit the Applicant from exercising their right of appeal under Section 78 of the Town and Country Planning Act 1990. In the event of such an appeal, this agreement shall terminate immediately without further notice to either party, save in respect of the invoicing arrangements at clause 4.6 for any outstanding payments.
- 6.2 In the event of a Third Party Challenge, the Developer and TMBC shall jointly appoint such expert legal representation from Planning Counsel as shall be agreed between them, and upon such appointment shall request a legal opinion as to the merits of the challenge and the likelihood of a successful defence. The parties shall bear the costs of such instruction equally.
- 6.3 In the event that Planning Counsel's opinion is that the Third Party Challenge has a reasonable prospect of success, TMBC shall consider whether to revoke or modify the relevant planning permission, or to consent to judgement.
- 6.4 Should TMBC decide to revoke or modify planning permission in relation to the Project on the advice of Planning Counsel, and such a determination would ordinarily attract the payment of compensation under s.107 of the Town and Country Planning Act 1990 (or otherwise), the Applicant shall not pursue the payment of any such compensation.
- 6.5 If TMBC decides to proceed with the defence of a Third Party Challenge against the advice of Planning Counsel, it shall do so at its own cost.
- 6.6 In the event that Planning Counsel's opinion is that the Third Party Challenge does not have a reasonable prospect of success, or more generally gives a positive opinion that the decision under challenge is suitably robust, the parties agree to joint instruction of Planning Counsel for the purposes of defending the Third Party Challenge and will bear the costs of such instruction equally.
- 6.7 Nothing in this agreement affects the ability of TMBC or the Applicant to instruct their own solicitors to provide advice and assistance in connection with any Third Party Challenge.

7. Nature of Agreement

- 7.1 Nothing in this Agreement shall operate or be construed as any fetter on TMBC's discretion

either as the local planning authority in connection with the Project or more generally as a local authority. For the avoidance of doubt, nothing in this agreement is intended to commit TMBC to the delivery of an approval of any planning application.

7.2 If any provision of this agreement is held by any court or other competent body to be void or unenforceable in whole or in part, then the other unaffected remaining provisions of the agreement shall continue.

7.3 Nothing in this agreement shall create or be deemed to create a partnership between the parties.

8. Breach and Termination

If any party shall commit any breach of its obligations under this agreement and shall not remedy the breach within 10 working days of written notice from the other party to do so, then the other party may notify the party in breach that it wishes to terminate this agreement forthwith and the agreement shall be terminated immediately upon the giving of written notice to this effect to the party in breach provided always that the breach is within the control of the party that is in breach and capable of being remedied.

9. Third Party Rights

9.1 Nothing in this agreement creates or is intended to create any right for any third party to enforce its provisions by virtue of the Contracts (Rights of Third Parties) Act 1999.

9.2 Without prejudice to clause 9.1, this agreement may be varied, revoked, modified or supplemented without the consent of any third party.

10. Agreement

TMBC and the Applicant hereby agree to the content of this Planning Performance Agreement.

Tonbridge and Malling Borough Council

Name:

Signature:

Position:

On Behalf Of:

Date:

Applicant

Name:

Signature:

Position:

On Behalf Of:

Date:

APPENDIX 1 – PROJECT PROGRAMME

TMBC and the Applicant shall work to ensure that the consideration of the proposal is progressed in accordance with the Pre-application programme set out below (unless a variation to the Pre-application programme is agreed in writing in by both the Applicant and TMBC).

Project Programme - Pre-application Phase

PPA Task	Parties	Week Number	Date
Signing & payment of Planning Performance Agreement (Activation)	Council & Applicant		
Introduction Meeting & Topic Area Meeting(s)	Planning Officer(s) & Applicant Co-ordinator		
Public Consultation & Exhibition	Applicant Co-ordinator		
Member Briefing (s)	Planning Officer(s) & Applicant Co-ordinator		
Submission of all outstanding pre-application documents and material	Applicant Co-ordinator		
Consideration of submitted pre-application documents	Planning Officer (s) & Statutory Consultees		
Further pre-application meeting Planning Officer to arrange with internal Council personnel Developer Co-ordinator to arrange with EA and KCC (AMEND AS NECESSARY)	Planning Officer(s) & Developer Co-ordinator		

Project Programme - Application Phase

The timescales are based upon the following assumptions:

- The Developer to submit **DATE**
- No more than x **joint working meetings** (AMEND AS NECESSARY) are required and dependent on the category size of the development (ie Small, Medium PPA etc)*

**Small and Medium = 1 joint working meeting (up to 1 set of amendments)*

Large = 2 joint meetings (up to 2 sets of amendments)

Strategic = 3 Joint meetings (up to 3 sets of amendments)

- The outcomes of the joint working meeting(s) should be productive and resolve outstanding issues
- The application is not called in by the Secretary of State

PPA - Task	Parties	Week Number	Date
Submission of Application & Consider validity of the Application	Applicant Co-ordinator & Planning Officer(s)		
Registration and validation of the application (Provided that the Application is valid) Consultation in respect of the Application	Technician & Planning Officer(s)		
1 st Joint Working Meeting - consideration of consultation responses received	Planning Officer(s) & Developer Co-ordinator		
Developer Co-ordinator to address issues raised in the joint working meeting and submit further information if required	Developer Co-ordinator		
Developer Co-ordinator to address issues raised in the 2 nd joint working meeting and submit further information if required (depending on size of PPA)	Developer Co-ordinator		
Re-consultation on amended or additional information	Planning Officer (s)		

Decision stage	Parties	Week Number	Date
Preparation of Members Briefing Note	Planning Officer (s)		
Organisation of Members Site Inspection (add -on Strategic PPAs only)	Full Council/Planning Committee		
Developer Co-ordinator to address any issues raised and submit amendments and/or additional information (Depending on size of PPA)	Developer Co-ordinator		
Preparation and submission of Report to Full Council/Planning Committee	Planning Officer(s)		
Consideration by Full Council/Planning Committee	Full Council/Planning Committee		
Negotiation and completion of Section 106 agreement	Council legal representative / Planning Officer(s) / Developer representative		
Referral to Secretary of State (three weeks)	Planning Officer (s)		
Issue of planning application decision notice	Planning Officer(s)		

APPENDIX 2 – PROJECT TEAM

Table 1 – Applicant’s Team

Company	Contact Names	Responsibility	Telephone No	Email

Table 2 – TMBC’s Team

TMBC	NAME	POSITION	TELE No.	EMAIL

Appendix 3
Part 1 – Pre Application Documents

FOR EXAMPLE

- The Masterplan
- Draft Planning Statement addressing all relevant policies
- Transport Statement
- Draft Flood Risk Assessment
- Contaminated Land Factual Report
- Odour Risk Assessment
- Draft Air Quality Chapter
- Draft Ecology Appraisal including GCN, Reptile and Bat surveys

Appendix 3
Part 2 – Application Documents

FOR EXAMPLE

- Masterplan
- Planning Statement
- Employment Land Market Review
- Affordable housing statement
- Archaeological and Heritage assessment
- Design and Access Statement
- Landscaping details
- Open, play space and recreational assessment
- Photographs and photomontages
- Parking and servicing provision
- Draft Head of terms for planning obligation
- Schedule of works
- Telecommunications information
- Transport assessment
- Utilities and foul sewage assessment
- Viability statement
- Environmental Statement to include
 - Air quality assessment
 - Biodiversity survey
 - Contaminated land assessment
 - Flood risk assessment
 - Noise impact assessment

and the following information as detailed in the Scoping Report REFERENCE IF APPLICABLE issued
DATE

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Annex 2 Inception Meeting template

The table below to be used as the basis of the Council written response to the developer setting out the outcomes of the meeting.

Topic for discussion	Minute	Agreed Actions
Develop structure and content of PPA.		
Agree project vision and objectives.		
A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted; the agreed date will be incorporated into the PPA		
Identifying key issues for consideration to follow through into individual topic area meetings in the PPA.		
Scope the requirements and cost to the developer of external advice		
Decision on whether to pursue the PPA		

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Annex 3: Proposed Fee Schedule from 1st April 2024/25 – Planning Performance Protocol

Inception Fee = **£1,240**

An Inception meeting is required before Developer/Council can enter a PPA. The final decision to progress a PPA sits with the Council.

An **Inception meeting** will discuss and agree the following:

- Develop structure and content of PPA
- Agree project vision and objectives
- A work programme setting out key deliverables (milestones) and responsibilities. Including at what stage a planning application will be submitted.
- work programme setting out key deliverables and responsibilities
- Identifying key issues for consideration to follow through into individual **topic area meetings** in the PPA
- Scope the requirements and cost to the developer of external advice

PPA Fees

Development type	Residential Units	Commercial Floorspace (sq.m)	Meetings (intro + topic area*)	Member Briefings** (Microsoft Teams)	Number of amendments at application stage	PPA Fee (£)
Small	10 to 49	1,000 to 2,499	1 + 1	1	1	5,760
Medium	50 to 99	2,500 to 4,999	1 + 2	1	1	8,060
Large	100 to 249	5,000 to 9,999	1 + 3	1	2	11,200
Strategic	250+	10,000+	1 + 4	2	3	18,200

*Additional Topic Area meetings = £1,240 per meeting

**Additional Member Briefings (Teams) = £500 per meeting

Additional Meeting Briefing (Council Chamber) = £1,470 per meeting (Strategic only)

Additional Meeting Site Visit Briefing = £1,620 per meeting (Strategic only)

Notes:

Fees and deductions

For the avoidance of any doubt, all PPA fees are payable in addition to the requisite application fee as set out by the Fee Regulations.

Furthermore, if it is agreed between the parties at any point during pre-application discussions that a PPA is an appropriate tool, the pre-application fees already incurred will not be refunded or deducted from the PPA fee. However, the **Inception Meeting fee** will be deducted if a PPA is progressed.

Public Engagement Events

Any public engagement event agreed through the PPA process shall be funded by the developer. Any associated Local Authority costs will be agreed on a bespoke basis.

External Specialist Advice

Any external specialist advice either during the pre-app or application stage in the PPA and not covered by statutory consultee pre-app protocols, shall be commissioned independently by the Council and paid for by the developer. For example, viability testing, conservation/urban design, ecology & EIA assessment.

External Consultee Advice

Highways, Environment Agency, and other consultee advice will need to be paid by the applicant separately to this PPA, under the relevant agency's pre-app charging schedule. These charges are in addition to the PPA charges

Design Review

This is only on offer for the Strategic PPA and at an additional add-on cost. The developer shall pay the full costs of the Review Panel plus any additional Council costs.

Member Briefings

For all PPAs a member briefing is on offer through Microsoft Teams as part of the service. For Strategic PPAs there is also the additional option to have a face to face Member briefing at an additional charge

Member Site Visit

A member site visit is offered only as an additional cost for strategic PPAs

Submission of Amendments (planning application stage).

The Council operates a non-amendment policy on live planning applications. However, the PPA process gives the developer the opportunity to submit at least one round of amendments (depending on the PPA category)

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REVIEW OF FEES AND CHARGES 2024/25 FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES

Item HP 23/37 referred from Housing and Planning Scrutiny Select Committee of 14 December 2023

The report of the Director of Planning, Housing and Environmental Health proposed a revised set of Pre-application Charging Schedule [Annex 1], a revised Building Control Fee Charging Schedule [Annex 2] and an updated charging fees for S106 monitoring and High Hedge, following reviews undertaken in relation to the respective services.

Members recognised that the fees were set on the basis of cost recovery to provide the services and/or increased by the baseline rate of the inflation. In addition, benchmarking exercises had been undertaken against the fees charged by the other local authorities in Kent as part of the review process for the relevant services.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the proposed Pre-application Charging Schedule 2024/25, attached at Annex 1, be adopted;
- (2) the proposed Building Control Fee Schedule 2024/25, attached at Annex 2, be adopted;
- (3) the proposed charging fees for High Hedges, as set out in 1.2.2 – 1.2.4 of the report, be adopted; and
- (4) the proposed charging fees for S106 monitoring, including an update to the Planning Obligations Protocol S106 (paragraph 9.5), as set out in 1.2.5 – 1.2.9 of the report, be adopted.

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 REVIEW OF FEES AND CHARGES FOR PRE-APPLICATION ADVICE SERVICE, BUILDING CONTROL FEES AND FOR HIGH HEDGES AND S106 MONITORING FEES

1.1 Charging

1.1.1 The current pre-application advice and charging regime for Development Management was introduced on 1st April 2016 and was updated annually following ongoing periods of monitoring and review. A comprehensive review of the service was undertaken and reported to the Planning and Transportation Advisory Board in November 2021 – <https://democracy.tmbc.gov.uk/ieListDocuments.aspx?CId=159&MId+4655> and changes were recommended and made at that time to the pre-application advice service. These changes remain in place with increases to the fees on a yearly basis.

Development Management Charges

1.1.2 No changes are proposed to the pre-application categories as part of this report as it is considered the charging categories work well. However, when the fees were last reviewed in 2023/24, the fees for Strategic developments were not reviewed and were the same as for Major Developments. A review has now been undertaken of the cost for providing this service and this has been increased to £3500. Meetings for this type of development due to their strategic nature also take longer which justifies the higher cost. A full list of reviewed and updated fees is included as **Annex 1**.

1.1.3 Fees for providing householder, listed buildings, small (minor), medium and larger developments have been raised only by the baseline rate of inflation as there has been no increase in the time taken to provide this advice, and therefore the costs should only rise in line with inflation. Fees for major developments have however been increased by 10% due to the added complexity and officers time which is required for a larger pre-application review. Applicants also benefit from an enhanced service with the introduction of Planning Policy comments to assess the implications on key infrastructure provision.

Building Control

- 1.1.4 A review has been undertaken for Building Control Fees which has also included a benchmarking exercise against other Building Control fees across Kent.
- 1.1.5 The review has included an assessment of the work undertaken, the number of hours required to carry out the work and the hourly charge to undertake the work. **Annex 2** sets out the current and proposed charges. This sets out the standard charges across Tables A – C and includes above and at inflationary increases.
- 1.1.6 Table A has been increased by 10% due to the additional work that is required on new dwellings in light of Building Regulation changes. Table B has only been increased in line with inflation as the fees currently cover the hours spent on these applications. As charges can only be levied on a cost recovery basis and having benchmarked against other Kent based Building Control teams, it is not recommended that Table B fees be increased further than the inflationary increase. Table C has also been increased by 10%, except for when we employ a contractor to undertake site inspections where the fee has been recommended at just the inflationary increase. This is considered to be justified on the same grounds as cited above due to the additional work that is required under the Building Regulation changes.
- 1.1.7 Whilst Building Control fees can only be levied on a cost recovery basis, it is recommended that the hourly rate, currently charged at £55.93 be increased by 10% to **£61.52** to cover the additional work that is required in light the Building Regulation changes.
- 1.1.8 Minor changes have also been made Annex 2 document which is displayed on the Building Control pages of the website in order to provide better clarity.

1.2 Additional discretionary Fees - High Hedges and S106 Monitoring Fees

- 1.2.1 A review has also been undertaken of other discretionary fees namely High Hedge compliant fees and S106 Monitoring Fees. These have been assessed on the average time taken to progress these cases/monitor the obligation with the hourly rate of the officer who would be responsible for carrying this out.

High Hedge Complaints

- 1.2.2 A benchmarking exercise was carried out for the 2023/24 review of fees for High Hedge complaints against other Kent authorities and the average time taken to process these by the relevant officer. This established the current fees of £484.
- 1.2.3 A further review has been undertaken against other Kent authorities with three raising their fees, eight keeping their fees unchanged and one lowering their fees. TMBC is currently the mean average for Kent for High Hedge fees and there has

been no increase in staff time processing such applications. The fees are currently considered to cover the actual officer time processing the complaint. On this basis, fees should only be increased in line with inflation.

- 1.2.4 It is recommended that High Hedges Fees be increased to **£510**

S106 Monitoring

- 1.2.5 A review and benchmarking exercise has also been undertaken to assess the contributions charged for S106 monitoring. This varies significantly across Kent and only gives a snap-shop of the charges but not the size of the teams involved in S106/CIL monitoring. Some authorities due to being CIL charging authorities also have expensive back-office monitoring systems and additional staff due to the complexities of the CIL regime. Therefore, the benchmarking exercise does not assist in evaluating the cost for providing the service.
- 1.2.6 We currently charge £330 per obligation for the monitoring fee and employ a Senior Obligations Officer who solely manages the S106 monitoring and most (80%) of her time is devoted to S106 monitoring. Her salary is partly funded but not all through the monitoring fees and this does not cover all the salary costs.
- 1.2.7 In order to recover the costs for S106 monitoring and to provide sufficient funding to cover the salary costs for this monitoring, a 20% increase in fees is proposed from the current chargeable rate of £330 to £400.
- 1.2.8 It is further recommended that the increased rate be reflected in the Planning Obligations Protocol S106 (paragraph 9.5) to reflect the proposed increase in monitoring fees.
- 1.2.9 It is recommended that S106 Monitoring Fees be increased to **£400 for each obligation contained in the agreement.**

1.3 Review Planning Performance Agreements and Charging Schedule

- 1.3.1 This has been reviewed separately and is on the same committee agenda as this report to enable members to have a complete overview of the discretionary charges proposed for 2024/25.

1.4 Future Charging Opportunities

- 1.4.1 A review has also been undertaken to assess whether any additional services could be offered to customers on a chargeable basis.
- 1.4.2 A key area for potential charging relates to work undertaken relating to requests for history searches on applications (from solicitors and search companies). Research into charging for history searches was undertaken with a review of all Kent Local Planning Authorities as well as several in Southeast London, East Sussex and Wessex.

1.4.3 The conclusions reached were as follows:

- Councils do not typically charge fees to make old planning documents available.
- It appears that the vast majority of other LPA's have either a digitised planning register or have clearly outlined cut off dates for digitised vs. non digitised.
- Some LPA's hold a specific online form for requesting the old planning information and ask for parameters of the request such as a date range or types of permission for example.

1.4.4 Having also considered the digitalisation project to scan all our historic records and the likely costs incurred in recovering our costs, it not considered that a charge should be made for historic searches.

1.4.5 We will continue to review other opportunities for charging for services over the next 12 months with a view to establishing whether any additional services could be integrated in the future.

1.5 Legal Implications

1.5.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.

1.5.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may, in particular, charge only certain people for a service or charge different people different amounts.

1.5.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.

1.5.4 Local Planning Authorities therefore have powers to recover the costs of pre-application advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

1.6 Financial And Value for Money Considerations

1.6.1 It is appropriate to review the charging schedule every year, to ensure we continue to effectively recover costs. This will ensure that we are responsive to the

needs of the customer and that the charging schedule is fairly applied and reflects the costs of delivering the service.

1.6.2 Based on the current level of uptake, the proposed increases to the fees discussed within this report will generate additional income of £33,950 in 2024/25 onwards, compared to the revised estimate. Which can be split out as follows:

- Development Management - £5,000
- Building Control - £21,000
- S106 Monitoring - £7,950

1.6.3 However, it should also be noted that the 2023/24 revised estimate for Building Control fees has been reduced by £84,000 due to the reduction in the demand for the service.

1.7 Risk Assessment

1.7.1 Robust monitoring should be carried out on a yearly basis to ensure that our protocols are up to date and reflect best practice and that the charging schedule reflects the costs of delivering the service and is based on up-to-date evidence.

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 Recommendations

1.9.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following with effect from 1st April 2024

- Adopt the updated Pre-application Charging and Building Control Fee Schedules 2024/25 as attached at Annex 1 and 2.
- Adopt the updated charging fees for S106 monitoring and High Hedge as set out in sections 1.2.4 and 1.2.9 above including an update to the Planning Obligations Protocol S106 (paragraph 9.5).

Background papers:

Annex 1 – Proposed Development Management Fee Charging Schedule

Annex 2 – Proposed Building Control Fee Charging Schedule

contact: James Bailey
Head of Planning

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

Tonbridge and Malling Borough Council

Pre-application charging schedule 2024/25

Type of Development	Criteria	Existing Fees 2023/24	Proposed Fees increase	Proposed Fees 2024/25
Householder development fees	<ul style="list-style-type: none"> Alteration or extension of individual houses for residential purposes and where the building affected is not a listed building 	Written advice only: £283	5.25% increase (baseline Inflation)	Written advice only: £297
Small (Minor) development fees for minor /other applications	<ul style="list-style-type: none"> Alterations to an existing building where there is no increase in floor space and no new residential units are to be created New or replacement shopfronts New or replacement Advertisements Demolition Telecommunications equipment Air conditioning or ventilation equipment 	Written advice only: £428	5.25% increase (baseline Inflation)	Written advice only: £450
Medium development fees for minor applications	<ul style="list-style-type: none"> Creation of one to four new residential units Where the floorspace to be created or changed in use is less than 499 square metre 	Written advice only: £557 Virtual meeting and letter: £1,105 Meeting on site and letter: £1,197	5.25% increase (baseline Inflation)	Written advice only: £586 Virtual meeting and letter: £1,163 Site visit, follow up meeting and letter £1259

<p>Larger scale development fees for minor applications</p>	<ul style="list-style-type: none"> • Creation of five to nine new residential units • Where the floorspace to be created or changed in use is between 499 to 999 sqm metres 	<p>Written advice only: £834</p> <p>Virtual meeting and letter: £1,658</p> <p>Meeting on site and letter: £1,846</p>	<p>5.25% increase</p> <p>(baseline Inflation)</p>	<p>Written advice only: £877</p> <p>Virtual meeting and letter: £1,745</p> <p>Site visit, follow up meeting and letter £1942</p>
<p>Major development fees</p>	<p>Existing criteria</p> <ul style="list-style-type: none"> • Creation of 10 units or over • Creation or change of use of over 1,000 square metres or more floorspace <p>Proposed criteria</p> <ul style="list-style-type: none"> • Ten to 99 new residential units • Creation or change of use is between 1,000 square metres 9,999 square metres 	<p>£2,575</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council</p>	<p>10% increase</p> <p>Enhanced service</p>	<p>£2,832</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and</p>

		teams (60 mins) Written response (format to be agreed by the parties)		council teams (60 mins) Written response (format to be agreed by the parties)
Strategic development	<ul style="list-style-type: none"> • Creation of 100 or more new residential units • Creation or change of use of 10,000 square metres or more floorspace 	Not currently available	N/A	<p>£3500</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council teams (up to 2 hours)</p>

				Written response (format to be agreed by the parties)
Works to listed buildings fees	<ul style="list-style-type: none"> • Internal and external works to listed buildings • Enquiries relating to whether proposed works require listed building consent should be subject to a formal application for a lawful development certificate 	<p>Virtual meeting and letter: £480</p> <p>Meeting on site and letter: £638</p>	<p>5.25% increase (baseline Inflation)</p>	<p>Virtual meeting and letter: £506.00</p> <p>Site visit, follow up meeting and letter: £671</p>



Phone: 01732 876230

Email: building.control@tmbc.gov.uk

www.tmbc.gov.uk

Building Control, Council Offices, Gibson Building, Gibson Drive, Kings Hill, West Malling, ME19 4LZ

Standard Building Control Guide to Charges Effective from 1 April 2024

These tables and guidance notes are based on the Tonbridge and Malling Borough Council's Building Control Charges scheme. The charges scheme is made under the Building (Local Authority Charges) Regulations 2010. The charges have been established to cover the cost of building control fee earning work in respect of commonly occurring building projects.

Charges payable for:

Before you build, extend, convert or make alterations to a property, you may need to submit a Building Regulation application to Tonbridge and Malling Borough Council and this will take the form of either a Full Plans application, a Building Notice submission or Regularisation application. If the basis on which the charge has been determined significantly changes, the Building Control Partnership may either provide a refund or request a supplementary charge in writing setting out the basis and detailing the method of calculation.

Full Plans

If you submit a Full Plans application the Plan Charge must accompany the plans to cover an assessment of the works and the passing or rejection of the plans. The Inspection Charge becomes due after our Building Surveyors first inspection of the works on site. An invoice will be sent to the applicant for the relevant amount and this covers all necessary site inspections by Building Control Surveyors including issuing a completion certificate.

Building Notice

Where a Building Notice is submitted, the Building Notice Charge is payable at the time of submitting the Notice. The fee covers Building Control Surveyors visiting the site when notified to ensure the work conforms to Building Regulations and the issuing of a completion certificate. Supplementary information, ie floor plans, structural & thermal calculations, may be requested as necessary to confirm compliance with the Building Regulations 2010.

Fire Safety Order

A Building Notice cannot be used for a 'designated building' which is a building subject to the Regulatory Reform (Fire Safety) Order 2005, i.e. non-domestic properties, common areas of flats and homes in multiple occupation, etc.

Regularisation

If you have carried out unauthorised building work you can apply for a Regularisation Certificate if the works were carried out on or after 11 November 1985. There is a fee to pay to cover the cost of assessing your application and all inspections, but no VAT is payable on this type of application.

Individually Determined Charges

You can request a bespoke fee quote where:

- All or part of the project falls outside of the standard charges in Tables A, B & C
- These categories do not cover all aspects of the project
- The categories do not reflect a reasonable charge
- You are unsure what standard charges to apply.

We will use or calculated hourly rate of £61.52 for individually determined charges.

You can obtain an Individually Determined Charge by sending plans of your proposals by email: building.control@tmbc.gov.uk or by contacting us by telephone: 01732 876230.

Exemption from Charges

Existing dwelling - where the **whole** of the work is solely for the purpose of providing access for a disabled person to, from and within their residence, or for the purpose of providing accommodation, or facilities designed to secure the greater health, safety, welfare or convenience of the disabled person (subject to Regulation 4(2)) no charge shall be payable. Note: evidence of the person's disability or special needs may be required, ie, a letter from a medical practitioner or an occupational therapist.

Existing building - to which members of the public are admitted (e.g. public buildings, shops, banks, etc) - where the **whole** of the work is solely for the purpose of providing access for disabled persons to, from and within the building, or for the provision of facilities designed to secure the greater health, safety, welfare or convenience of disabled persons no charge shall be payable.

Service level

The inspection fee will cover all site inspections carried out during the construction phase including discussions and meetings with the builder, architect &/or the owner if required. Our Surveyors provide a next day inspection service and because we are local we will do our utmost to accommodate any reasonable requests for inspections at short notice in the event of problems on site. We offer a prompt, proactive, commercially aware service and we understand the pressure involved in delivering construction projects on time including the programming issues of major builds.

The stages the Surveyor will look at include:

- Foundations
- Damp proofing
- Drainage
- Beams, floor and roof structures
- Thermal insulation
- Completion

VAT

VAT is charged at 20% (VAT is not applicable to Regularisation applications)

Payment

Payment can be made on our website; www.tmbc.gov.uk.

Debit /Credit card payments are accepted by telephone; 01732 876230 and cheques should be made payable to “Tonbridge & Malling Borough Council”.

Further guidance, application forms and advice can be obtained from:

Building Control, Council Offices,
Gibson Building, Gibson Drive,
Kings Hill, West Malling,
ME19 4LZ

Email: building.control@tmbc.gov.uk

Phone: 01732 876230

www.tmbc.gov.uk

Standard Charges

Table A – New dwellings

Limited to work less than 300m2 floor area

Code	Bungalows or Houses less than 3 storeys	Totals	23/24 Full plans Plan Charge	Uplift by 10% For 24/25	23/24 Full plans Inspection Charge	Uplift by 10% For 24/25	23/24 Building Notice Charge	Uplift by 10% For 24/25	23/24 Regularisation Charge	Uplift by 10% For 24/25
H01	1 Plot	Net	280.83	308.33	577.50	635.00	1028.33	1130.83	1546.00	1700.00
		VAT	56.17	61.67	115.50	127.00	205.67	226.17		
		Total	337.00	370.00	693.00	762.00	1234.00	1357.00	1546.00	1700.00
H02	2 Plots	Net	350.00	385.00	933.33	1026.67	1541.67	1695.83	2100.00	2310.00
		VAT	70.00	77.00	186.67	205.33	308.33	339.17		
		Total	420.00	462.00	1120.00	1232.00	1850.00	2035.00	2310.00	2310.00
H03	3 Plots	Net	420.83	462.50	1225.83	1348.33	1974.17	2171.67	2962.00	3258.00
		VAT	84.17	92.50	245.17	269.67	394.83	434.33		
		Total	505.00	555.00	1471.00	1618.00	2369.00	2606.00	2962.00	3258.00
H04	4 Plots	Net	490.00	539.17	1512.50	1663.33	2402.50	2402.50	3604.00	3964.00
		VAT	98.00	107.83	302.50	332.67	480.50	480.50		
		Total	588.00	647.00	1815.00	1996.00	2883.00	2883.00	3604.00	3964.00
H05	5 Plots	Net	560.00	615.83	1657.50	1823.33	2661.67	2927.50	3992.00	4391.00
		VAT	112.00	123.17	331.50	364.67	532.33	585.50		
		Total	672.00	737.00	1989.00	2188.00	3194.00	3513.00	3992.00	4391.00
		Flats on application.	Remove these items below as rarely / if ever used. Fees for new flats to be quoted							
F01	1 Flat	Net	151.67		409.17		559.17		992.00	
		VAT	33.33		81.83		111.83			
		Total	182.00		491.00		671.00		992.00	
F02	2 Flats	Net	280.83		409.17		689.17		992.00	
		VAT	56.17		81.33		137.83			
		Total	337.00		491.00		827.00		992.00	
F03	3 Flats	Net	350.00		557.50		927.50		1338.00	
		VAT	70.00		111.50		185.50			
		Total	420.00		669.00		1113.00		1338.00	
		Net	420.83		715.00		1135.83		1635.00	

F04	4 Flats	VAT	84.17		143.00		227.17			
		Total	505.00		858.00		1363.00		1635.00	
F05	5 Flats	Net	490.00		980.00		1469.17		2116.00	
		VAT	98.00		196.00		293.83			
		Total	588.00		1176.00		1763.00		2116.00	

Standard Charges

Table B – Extensions to a single dwelling

Limited to work not more than 3 storeys above ground level

Code	Extensions & Outbuildings	Totals	23/24 Full Plans Plan Charge	Uplift by 5.25% For 24/25	23/24 Full Plans Inspection Charge	Uplift by 5.25% For 24/25	23/24 Building Charge Notice	Uplift by 5.25% For 24/25	23/24 Regularisation Charge	Uplift by 5.25% For 24/25
D01	Single storey extension with a floor area less than 10m ²	Net	140.00	147.50	350.00	368.33	490.00	515.83	735.00	774.00
		VAT	28.00	29.50	70.00	73.67	98.00	103.17		
		Total	168.00	177.00	420.00	442.00	588.00	619.00	735.00	774.00
D02	Single storey extension with floor area between 10m ² & 40m ²	Net	210.00	220.83	490.00	515.83	700.00	715.83	1051.00	1106.00
		VAT	42.00	44.17	98.00	103.17	140.00	143.17		
		Total	252.00	265.00	588.00	619.00	840.00	859.00	1051.00	1106.00
D03	Single storey extension with floor area between 40m ² & 100m ²	Net	280.83	295.83	560.00	589.17	840.83	885.00	1260.00	1326.00
		VAT	56.17	59.17	112.00	117.83	168.17	177.00		
		Total	337.00	355.00	672.00	707.00	1009.00	1062.00	1260.00	1326.00
D04	Multi-storey extension (ie some part 2 or 3 storeys in height) & floor overall area not exceeding 40m ²	Net	280.83	295.83	560.00	589.17	840.83	885.00	1260.00	1326.00
		VAT	56.17	59.17	112.00	117.83	168.17	177.00		
		Total	337.00	355.00	672.00	707.00	1009.00	1062.00	1260.00	1326.00
D05	Multi-storey extension (ie some part 2 or 3 storeys in height) & overall floor area 40m ² to 100m ²	Net	280.83	295.83	630.00	663.33	910.00	957.50	1406.00	1441.00
		VAT	56.17	59.17	126.00	132.67	182.00	191.50		
		Total	337.00	355.00	756.00	796.00	1092.00	1149.00	1406.00	1441.00
D06	Extension comprising a garage, carport or store with an overall floor area less than	Net	140.00	147.50	350.00	368.33	490.00	515.83	714.00	751.00
		VAT	28.00	29.50	70.00	73.67	98.00	103.17		
		Total	168.00	177.00	420.00	442.00	588.00	619.00	714.00	751.00

D07	Detached non-habitable domestic outbuilding building, overall floor area less than 60m ²	Net	140.00	147.50	350.00	368.33	490.00	515.83	735.00	774.00
		VAT	28.00	29.50	70.00	73.67	98.00	103.17		
		Total	168.00	177.00	420.00	442.00	588.00	619.00	735.00	774.00
D08	Detached habitable domestic outbuilding / Annex with an overall floor area less than 60m ²	Net	280.83	295.83	560.00	589.17	840.83	885.00	1260.00	1326.00
		VAT	56.17	59.17	112.00	117.83	168.17	177.00		
		Total	337.00	355.00	672.00	707.00	1009.00	1062.00	1260.00	1326.00
Conversions										
D09	Loft conversions with a floor area less than 40m ²	Net	280.83	295.83	560.00	589.17	840.83	885.00	1260.00	1326.00
		VAT	56.17	59.17	112.00	117.83	168.17	177.00		
		Total	337.00	355.00	672.00	707.00	1009.00	1062.00	1260.00	1326.00
10	Loft conversions with a floor area between 40m ² & 100m ²	Net	280.83	295.83	630.00	663.33	910.00	957.50	1406.00	1480.00
		VAT	56.17	59.17	126.00	132.67	182.00	191.50		
		Total	337.00	355.00	756.00	796.00	1092.00	1149.00	1406.00	1480.00
11	Conversion of a garage to a habitable room	Net	140.00	147.50	256.67	270.00	396.67	417.50	595.00	626.00
		VAT	28.00	29.50	51.33	54.00	79.33	83.50		
		Total	168.00	177.00	308.00	324.00	476.00	501.00	595.00	626.00

Multiple work reductions:

- a) Where more than one extension, or an extension and a loft conversion is proposed and the works are carried out concurrently, the individual fees should be combined and reduced by 30%.
- b) Where domestic alterations up to £15,000 are to be carried out at the same time as work described in codes D01 – D09 above, the charge payable in Table C can be reduced by 30%.

Standard Charges

Table C – Alterations to a single dwelling and all other non-domestic work

Limited to work not more than 3 storeys above ground level

Code	Alterations	Totals	23/24 Full Plans Plan Charge	Uplift by 10% For 24/25	23/24 Full Plans Inspection Charge	Uplift by 10% For 24/25	23/24 Building Notice Charge	Uplift by 10% For 24/2	23/24 Regularisation Charge	Uplift by 10% For 24/25
D11	Renovation of a thermal element ie recovering a roof or recladding walls	Net	210.00	230.83			210.00	230.83	316.00	348.00
		VAT	42.00	46.17			42.00	46.17		
		Total	252.00	277.00	0	0	252.00	277.00	316.00	348.00
D12	Replacement of windows, roof windows, or external glazed doors (up to 10 units)	Net	210.00	230.83			210.00	230.83	316.00	348.00
		VAT	42.00	46.17			42.00	46.17		
		Total	252.00	277.00	0	0	252.00	277.00	316.00	348.00
D13	Cost of work not exceeding £2000	Net	210.00	230.83			210.00	230.83	316.00	348.00
		VAT	42.00	46.17			42.00	46.17		
		Total	252.00	277.00	0	0	252.00	277.00	316.00	348.00
D14	Cost of work between £2,001 & £5,000	Net	291.67	320.83			291.67	320.83	426.00	469.00
		VAT	58.33	64.17			58.33	64.17		
		Total	350.00	385.00	0	0	350.00	385.00	426.00	469.00
D15	Cost of work between £5,001 & £15,000	Net	175.00	192.50	294.17	323.33	467.50	514.17	669.00	736.00
		VAT	35.00	38.50	58.83	64.67	93.50	102.83		
		Total	210.00	231.00	353.00	388.00	561.00	617.00	669.00	736.00
D16	Cost of work between £15,001 & £25000	Net	199.17	219.17	391.67	430.83	590.00	649.17	887.00	976.00
		VAT	39.83	43.83	78.33	86.17	118.00	129.83		
		Total	239.00	263.00	470.00	517.00	708.00	779.00	887.00	976.00

D17	Cost of work between £25,001 & £50000	Net	315.00	346.67	637.50	701.67	952.50	1047.50	1429.00	1572.00
		VAT	63.00	69.33	127.50	140.33	190.50	209.50		
		Total	378.00	416.00	765.00	842.00	1143.00	1257.00	1429.00	1572.00
D18	Cost of work between £50,001 & £100000	Net	391.67	430.83	770.83	847.50	1162.50	1278.50	1724.00	1896.40
		VAT	78.33	88.17	154.17	169.50	232.50	255.67		
		Total	470.00	517.00	925.00	1017.00	1395.00	1534.00	1724.00	1896.00

Table C continued – Alterations to a single dwelling and all other non-domestic work where a satisfactory Competent Persons Scheme notification can / will not be provided (in addition to the above, where applicable)

This charge relates to the first fix pre- plaster inspection and final testing on completion. For an electrical works Regularisation Certificate full testing and appraisal will be carried out.

Code	Alterations	Totals	23/24 Application Charge	Uplift by 5.25% For 24/25
D19	Where a satisfactory competent person's certificate can / will not be provided, Electrical Part P, HETAS.	Net	312.50	329.17
		VAT	62.50	65.83
		Total	375.00	395.00

Estimated Cost of Works:

The estimated cost of work used to determine the charge in Table C should be a reasonable estimate that would be charged by a professional builder to carry out such work (excluding the amount of any VAT).

Competent Persons Schemes:

The Charges generally in Tables A,B and C have been reduced to reflect where controlled electrical and heating installations are being certified by an installer registered with one of the Governments Competent Persons Schemes. If a certified installer is not subsequently employed or Competent persons certification is not received, the charge in Table C, code D19, will be required for each unit. This is to enable checks and tests on the work to be made by our nominated contractor to establish that the work meets with the requirements of the Building Regulations 2010.

HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

Item HP 23/38 referred from Housing and Planning Scrutiny Select Committee of 14 December 2023

The report of the Director of Planning, Housing and Environmental Health updated Members on the existing fees charged to license a house in multiple occupation (HMO) or caravan site for permanent residential use and set out the proposed fee charges for 2024/25 to process the respective applications.

RECOMMENDED*: That with effect from 1 April 2024

- (1) the proposed charge of £753 for processing a new mandatory house in multiple occupation (HMO) licence application, as set out in 1.1.5 of the report, be approved;
- (2) the proposed charge of £675 for processing a renewal application for a mandatory HMO licence, as set out in 1.1.5 of the report, be approved;
- (3) the proposed charge of £475 for processing a new caravan site licence application where the use of the site was for permanent residential use, as set out in 1.2.3 of the report, be approved;
- (4) the proposed charge of £232 for the transfer of a caravan site licence for a permanent residential use site, as set out in 1.2.3 of the report, be approved; and
- (5) the proposed charge of £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites, as set out in 1.2.7 of the report, be approved.

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

14 December 2023

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 HMO AND CARAVAN SITE LICENSING FEE CHARGES FOR 2024/25

This report updates members of the existing fees charged to licence a house in multiple occupation (HMO) or caravan site for permanent residential use and the recommended fee charge for 2024/25 to process the respective applications.

1.1 Review of HMO licensing fees

- 1.1.1 Under the Housing Act 2004 Part 2 houses in multiple occupation (HMOs) occupied by five or more persons living in two or more households are required to be licensed. HMOs in self-contained flats in purpose built blocks where the block comprises three or more self-contained flats are excluded from this licensing requirement.
- 1.1.2 There are currently 25 licensed HMOs in the Tonbridge & Malling area.
- 1.1.3 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.
- 1.1.4 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the Council. The licence is held on a public register maintained by the Council.
- 1.1.5 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used, the proposed revised charges are detailed in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2024/25	Predicted increase on 2023/24 income
New HMO licence application fee	£627	£753	£2,259 for three new HMO licence applications.	£378
Renewal of a HMO licence application	£572	£675	£4,050 for six licence renewals due in this period	£2,906

1.1.6 The charge for a new HMO licence application (in 2023/24) in Tunbridge Wells is £735 (for 5 to 7 occupants) and £825 (for 8 or more occupants) and £720 in Maidstone.

1.1.7 The charge for the renewal of an HMO licence application (in 2023/24) in Tunbridge Wells is £635 (for 5 to 7 occupants) and £680 (for 8 or more occupants) and £670 for Maidstone. The lower cost for a renewal is attributed to the reduced inspection time.

1.2 Caravan Site Licensing

1.2.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.

1.2.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.

1.2.3 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges based on an increase of 5.25% are shown in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2024/25	Predicted increase on 2023/24 income
New caravan site licence application fee	£451	£475	£475 for one new licence	-£427

Transfer of a caravan site licence	£220	£232	£464 based on the transfer of two caravan site licences	£24
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- 1.2.4 The charge to process a licence application for a new caravan site and transfer of the licence (in 2023/24) in Tunbridge Wells is £315 and £175 respectively. The charge in Sevenoaks is an incremental cost from £542 dependent on the number of pitches above one for a new caravan site, free if a single pitch site, and to transfer an existing licence is £84.
- 1.2.5 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for site owners/caravan site licence holders or for their person appointed to manage the mobile home/caravan/park home site. This only applies to relevant protected sites other than non-commercial family occupied sites.
- 1.2.6 The Regulations require site owners/caravan site licence holders to apply to be included or their appointed manager to be included on a register of fit and proper persons. Inclusion on the register is for five years.
- 1.2.7 The Council adopted a fee policy for processing fit and proper person test applications and the fee charge in 2023/24 was £259. It is proposed to increase this fee for the 2024/25 period to £273. The predicted income from this in 2024/25 is £273 which will be a £14 increase on income for 2023/24. The fee charged by our neighbouring boroughs of Tunbridge Wells and Sevenoaks (in 2023/24) is £132 and £88.45 respectively.
- 1.2.8 The total increase in income for 2024/25 compared to 2023/24 is predicted to be £2,895. This is based on the increased fee charges plus awareness of when new licence applications are expected to be submitted.

1.3 Legal Implications

- 1.3.1 The Council is legally required to licence certain HMOs and caravan sites under the Housing Act 2004 Part 2 and the Caravan Sites and Control of Development Act 1960 (as amended by the Mobile Homes Act 2013) respectively. For this licensing function they may charge a fee to fund the costs to process an application.

1.4 Financial and Value for Money Considerations

- 1.4.1 The cost to process the HMO and caravan site licence related applications is reflected in the fee charged to the applicant. Therefore, there should be no additional financial and value for money considerations.

1.5 Risk Assessment

1.5.1 There are no risks associated with this report.

1.6 Equality Impact Assessment

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

1.7 Recommendations

1.7.1 Members are **RECOMMENDED** to **AGREE** charges from the 1 April 2024 for the following:

- £753 for processing a new mandatory HMO licence application;
- £675 for the processing of a renewal application for a mandatory HMO licence;
- £475 for processing a new caravan site licence application where the use of the site is for permanent residential use;
- £232 for the transfer of a caravan site licence for a permanent residential use site; and
- £273 for processing a fit and proper person test application for licence holders of relevant protected sites other than non-commercial family occupied sites.

Background papers:

contact: Linda Hibbs

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

09 January 2024

Report of Interim Chief Executive

Part 1- Public

Matters for Information

1 CORPORATE KEY PERFORMANCE INDICATORS – UP TO SEPT 2023

This report provides data on our July-September 2023 Corporate Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis.

1.1 Background:

1.1.1 The KPIs covering July-September 2023 have been provided to the Scrutiny Select Committees and Overview and Scrutiny Committee for consideration over the course of November and December 2023, and are now being provided to Cabinet for their analysis.

1.2 Key Performance Indicators – July-September 2023:

1.2.1 The aligned KPIs are provided in **Appendix 1**, with the data for July-September 2023 representing the most up-to-date available statistics in most instances. However, due to the lag in some statistics the previous quarter does still represent the most up to date figures.

1.2.2 There are some quarterly **trends** that can be identified and highlighted in this report. These include:

Positive Trends:

- Myaccount registrations have increased by a further 1,345 to 32,506 and is on track to meet the target of 35,000 by the end of 2023/24.
- My TMBC App downloads have reached over 8,000 and is on track to meeting the target of 8,500 by the end of 2023/24.
- Vacant posts have dropped significantly from 19 to 14 and is close to the target of 12 by the end of 2023/24.
- Short-term sickness absence levels have dropped down to 1.61 days, which currently exceeds out target for year end. Medically signed-off

sickness absence, whilst higher than the baseline, dropped slightly this quarter to 3.93 days.

- Town Centre vacancies have reduced from July 2022 to July 2023 from 7.82% to 6.48%.

Static Trends:

- Gender Pay Gap remains the same as last quarter (29.89%)
- Council Tax collection rates are at 55.63% compared to 55.78% at the same time last year.
- Occupation of our 27 commercial properties remains at 100%
- External funding on economic initiatives (UK Shared Prosperity Fund (UKSPF)/Rural England Prosperity Fund (REPF)) remains on course as of September 2023.

Negative Trends:

- Drop in social media clicks/engagement, **however** the summer marketing campaign with Visit Kent and partners meant clicks were recorded on third party social media channels rather than TMBC channels. This activity did lead to much higher hits on the TMBC events web pages (up from c.4,000 to 24,000)
- Staff numbers have dropped very slightly to 221.78 Full-Time Equivalent (FTE) **however**, recent recruitment efforts should mean this increases next quarter.
- NNDR collection rates are lower than last year (55.63% compared to 62.3% last year), **however** this has been impacted by Panattoni Park Aylesford.
- Income Monitoring Data shows that in the July-September quarter income was £361,298 below profile.
- There has been an increase in Anti-Social Behaviour (ASB) cases and whilst the figure for victim-based crimes looks like it has decreased it should be noted that this figure only relates to July-August as the data for September will not be available until the end of the month. Through the UKSPF programme the Council has invested in Mobile CCTV and youth diversionary activities which are responding flexibly to hot-spot areas.
- The number of people in temporary accommodation has increased slightly from 110 in April-June 2023 to 113.

- Unemployment rates have crept up very slightly from 2.10% to 2.20%. The Council are in regular discussions with the Department for Work and Pensions (DWP) with our most recent jobs fair on 16 November 2023 in Aylesford.

1.3 Targets and Benchmarking

- 1.3.1 Targets/aspirations have been added as part of the changes to the aligned KPIs, which now set a clearer ambition for improvement and allow our performance to be measured. The use of targets and developing our use of benchmarking are both vital components of performance management.
- 1.3.2 Whilst there is a considerable amount of benchmarking being undertaken at a departmental level this isn't being captured as part of the new Corporate KPIs. As a first step, officers have been consulted internally to ascertain which of the Corporate KPIs are already being benchmarked, where officers get their benchmarking data from and with which areas the borough is being compared against. It is clear that at present around half of KPIs are being benchmarked (as shown in **Appendix 2**), and this represents a good starting point for the inclusion of such data on a quarterly basis alongside the KPIs.
- 1.3.3 It is proposed that for those KPIs that are being benchmarked, that the inclusion of benchmarking data be added in the next cycle of reporting. Further work will be undertaken to address whether there is potential for any other KPIs to be benchmarked.

Background papers:

Nil

contacts:
Jeremy Whittaker, Strategic
Economic Regeneration
Manager

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Appendix 1: Corporate KPIs – July-September 2023

Aligned KPI	BASELINE				SSC	2023/24		Target/ Aspiration 2023/24	TREND	Data Assurance	Comments
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Priority 1: Efficient services for all our residents, maintaining an effective council.											
% of due food safety inspections undertaken (Risk Category A-C)	33 due/47 undertaken	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	CESSC	30 due/34 undertaken	37 due/45 undertaken	100% of due inspections undertaken	→	Yes	July-Sept -6 inspections are still due over this period
% of due food safety inspections undertaken (Risk Category D-E)	49 due/85 undertaken	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	CESSC	45 due/91 undertaken	83 due/74 undertaken	100% of due inspections undertaken	→	Yes	July-Sept 5 inspections are still due. Some premises had closed that fell due an inspection.
Total attendance at LLC/AC/TSP/PWGC (cumulative for year by quarter)	1,191,704	2022/23	Quarterly	TMLT Management System	CESSC	347,928	N/A	1.3m	↑	Yes	Apr-Jun now released and 16% higher than same time last year. Jul-Sept Data from TMLT not yet available.
Number of clients referred into the One You service	214	Jan-Mar 2023	Quarterly	ReferAll OYWK	CESSC	199	170	200 per quarter	↓		Reduced staffing.
Total number of ASB cases	78	Jan-Mar 2023	Quarterly	ASB Database	CESSC	94	98	Under 350 pa	↓		

Aligned KPI	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Notes
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Total number of victim-based crimes	1,894	Jan-Mar 2023	Quarterly	Kent Police	CESSC	1,972	1,350	Under 7,500 pa	↓		Please note that Jul-Sept figure is only available to the end of August.
No. of red flags on our annual safeguarding self-assessment framework (SAF) and Section 11 audit.	0	2022	Annually	Annual SAF	CESSC	N/A	N/A	0		Yes	
Social media clicks/engagement	5,200	Jan-Mar 2023	Quarterly	Orlo	O&S	7,462	3,029	25,000 pa	↓	Yes	See Report for explanation.
Website Myaccount Registrations (total)	31,387	Jan-Mar 2023	Quarterly	Jadu	O&S	31,161	32,506	35,000 by end of March 2024	↑	Yes	
My TMBC app downloads (total)	6,474	Jan-Mar 2023	Quarterly	One Signal	O&S	7,306	8,017	8,500 by end of March 2024	↑	Yes	
Staff Numbers (FTE)	224	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	221.78	220.77	225 by end of March 2024	→		A small reduction
Vacant Posts (FTE)	17	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	19	14	Under 12 by end of March 2024	↑		

	BASELINE					2023/24					
Aligned KPI	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Target/Aspiration 2023/24	TREND	Data Assurance	Comments
Sickness absence (days) - short term	3.5	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	2.07	1.61	Under 3.0	↑		Significant reduction since baseline.
Sickness absence (days) - medically signed off	2.89	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	4.01	3.93	Under 2.75	↑		Trend going in the right direction albeit still higher than the baseline.
Gender Pay Gap - Median	30.60%	2022	Annually	Chris 21 Reports	O&S	29.89%	29.89%	Under 25%	→	Yes	
Salary Monitoring data (£)	£106,150 below profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£34,200 below profile	£59,700 below profile	To profile	→	Yes	
Income Monitoring data (£)	£65,409 over profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£128,739 below profile	£361,298 below profile	To profile	↓	Yes	
Council Tax collection (%) - cumulative	98.40%	2022/23	Quarterly	Revenues System	FRPSSC	27.63%	55.63%	98.50%	→		Was 55.78% in 2022/23 at this point in the year.
NNDR collection (%) - cumulative	99.40%	2022/23	Quarterly	Revenues System	FRPSSC	30.52%	57.95%	99.50%	↓		See report for explanation.
Sales ledger - outstanding debt (£)	£786,627.80	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£535,813.00	£811,131.00	Below £500,000	↓		

Aligned KPI	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Priority 2: Sustaining a borough which cares for the environment											
T&M carbon dioxide emissions data (tCO2e)	816.4	2021	Annually	BEIS - CO2 Emissions Statistics	CESSC	N/A	N/A	675 tCO2e		Yes	Annual figures still awaited.
TMBC annual carbon audit emissions data (tCO2e)	3.3	2022/23	Annually	Primary Research/gov.uk	CESSC	N/A	N/A	3.1		Yes	Annual figures still awaited.
<i>Biodiversity KPI - TBC</i>	<i>TBC</i>	<i>TBC</i>	<i>Annually</i>	<i>TBC</i>	<i>CESSC</i>	<i>N/A</i>	<i>N/A</i>	<i>TBC</i>		<i>N/A</i>	<i>Still significant uncertainty regarding DEFRA Biodiversity Net Gain</i>
% of household waste sent for recycling and composting	51.6	2020/21 (audited)	Annually	Waste Data Flow (DEFRA)	CESSC	N/A	N/A	55%		Yes	
Number of contaminated land enquiries.	6	2022/23	Annually	EP Database	CESSC	N/A	N/A	Reactive to need			Annual figures still awaited
Total number of service requests leading to investigation	518	2022/23	Annually	Reports from IDOX	CESSC	N/A	N/A	Reactive to need			Annual figures still awaited.
Number of enforcement notices served	8	2022/23	Annually	EP Notices Register	CESSC	N/A	N/A	Reactive to need			Annual figures still awaited.

Aligned KPI	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Number of AQMA's in the Borough (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	1	2022	Annually	Annual Status Report (ASR)	CESSC	N/A	N/A	0			Annual figures still awaited.
Total number of actual missed collections (waste)	13,217	2022/23	Annually	Whitespace Analytics	CESSC	N/A	N/A	Under 12,000 pa		Yes	Annual figures still awaited.
Total attendance at LLC/AC/TSP/PWGC	1,191, 704	Apr-Jun 2022	Quarterly	TMLT Management System	CESSC	347,928	N/A	1.3m	↑	Yes	Apr-Jun now released and 16% higher than same time last year. Jul-Sept Data from TMLT not yet available.
No of parks with Green Flag status	3	Jun-22	Annually	Green Glag Award website	CESSC	3	3	3	→	Yes	
Priority 3: Improving housing options for local people whilst protecting our outdoor areas of importance.											
Housing Land Supply (years)	3.22	2022	Annually	HLS Study	HPSSC	N/A	N/A	5-year supply	→	Yes	

	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
Aligned KPI	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Milestones achieved on delivering the T&M Local Development Scheme	Regulation 18 Consultation Closed	Nov-22	Quarterly	Local Development Scheme	HPSSC	Report to Cabinet on impact of NPPF on plan-making	Feedback on the Reg 18 consultation to HPSSC.	Reg 18B consultation approved for April 2024.	→	Yes	
Number of affordable homes built out per annum	30	2022/23	Annually	New Homes Bonus	HPSSC	N/A	N/A	75			
Number of people on housing register	1208	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	1000 by end of financial year.		Yes	A new IT system was implemented from June 2023 and all households on the housing register were asked to reapply. To provide these figures at this stage would not be reflective of usual business.
Number of HR applications received	541	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	350 by end of financial year		Yes	
Waiting time for assessment of HR applications (days)	140	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	100 by end of financial year		Yes	
Number of people in Temporary Accommodation	91	Jan-Mar 2023	Quarterly	Locata/TA System	HPSSC	110	113	80-100	↓	Yes	

	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
Aligned KPI	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Number of properties where property conditions have been improved	10	Jan-Mar 2023	Quarterly	Uniform	HPSSC	19	14	60 for 2023/24	↓	Yes	Still on course to meet target of 60 per annum.
Number of housing enforcement notices served	0	Jan-Mar 2023	Quarterly	Notices Register	HPSSC	0	0	Reactive to Need	→		
Number of disabled facilities grants completed in the borough.	80	2022/23	Annually	Housing Improvement Team Database	HPSSC	N/A	N/A	80			
Priority 4: Investing in our local economy											
Page 227 Number of economic projects delivered through the UKSPF and REPF	0	Jan-Mar 2023	Quarterly	DLUHC	FRPSSC	N/A	0	11 (cumulative by March 2024)	→	Yes	All 11 projects as part of the UKSPF/REPF programme are well underway but not completed, as such counted as 0 at present.
Ratio of enterprise births to deaths	0.97	2021	Annually	Kent Analytics/KCC	FRPSSC	N/A	N/A	Greater than 1		Yes	

Aligned KPI	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
	Town Centre Vacancy Levels (%)	7.82%	Jul-22	Annually		Economic Regeneration Town Centres Survey	FRPSSC				
Unemployment rate (%)	2.10%	Jan-Mar 2023	Quarterly	NOMIS LA Profile	FRPSSC	2.10%	2.20%	Under 2%	↓	Yes	Very slight rise which is reflected nationally - figure for Kent 3.3%, Sevenoaks 1.9% and Tunbridge Wells 2.4%.
% Occupation of rental properties	96%	Jan-Mar 2023	Quarterly	Property Database	FRPSSC	100%	100%	100%	→		Consists of retail and office units let on commercial terms - 27 properties in total
Total income generated from property rentals (£)	£349,000	2021/22	Annually	Integra	FRPSSC	N/A	N/A	£380,000		Yes	
Progress made on Tonbridge Town Centre Regeneration Plans.	Approval to proceed with Phase 2	Jul-22	Quarterly	Project Management	FRPSSC	Options analysis work being undertaken	Reports from Consultants being drafted.	Progress to detailed site proposals.	→	Yes	

	BASELINE				SSC	2023/24		Target/Aspiration 2023/24	TREND	Data Assurance	Comments
Aligned KPI	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Total income generated by Tonbridge Castle (£)	£79,100	2022/23	Annually	Integra	FRPSSC	N/A	N/A	£85,000			
Leisure Centres - overall income (% to profile)	117%	Jan-Mar 2023	Quarterly	TMLT Management System	FRPSSC	N/A	N/A	Over 100%			Jul-Sept Data from TMLT available at end of October 2023
Leisure Centres - overall expenditure (% to profile)	110%	Jan-Mar 2023	Quarterly	TMLT Management System	FRPSSC	N/A	N/A	Under 100%			
Total income from council run supported events	£39,244	2022/23	Annually	Integra	FRPSSC	N/A	N/A	£50,600			
External funding spent (UKSPF/REPF) on economic initiatives (£) - cumulative	£73,594	2022/23	Annually	Integra	FRPSSC	N/A	£149,841	£331,000	→	Yes	Mid-year claim being compiled - spend for April-September 2023 is £76,247.
No of economic projects jointly delivered with strategic partners.	13	2022/23	Annually	Annual Economic Strategy Action Plan	FRPSSC	N/A	N/A	15		Yes	

Additional KPIs:

Planning	Baseline				SSC	2023/24		Target (where applicable)	Trend	Data Assurance	Notes
	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
% against Government target of 60% (for major apps)	100%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	100%	100%	75%	→	Yes	Performance remains strong with major applications with the use of Planning Performance Agreements (PPA) and Extension of Time (EOT) Agreements
% against Government target of 65% (for minor apps)	85%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	91.89%	88.16%	80%	↓	Yes	Slight drop from Apr-June but still above the initial baseline and above national target.
% against Government target of 80% (for 'others')	93%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	94.09%	96.02%	92%	↑	Yes	Performance remains strong for others with less use of EOTs and a greater focus on determining applications within the 8-week deadline.
Number of appeals received	15	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	11	5		↑		The number of appeals received has gone down from the previous quarter but it is difficult to predict.
Number of appeals determined - allowed			Quarterly		HPSSC	8	5		↑		A drop in the number of appeals allowed in this quarter in line with a reduced number of determinations. A monitoring review for Team Leaders and training to ensure the quality of decision making

	3	Jan-Mar 2023		PS1/2 Returns							is maintained have been put in place.
	Baseline				SSC	2023/24		Target (where applicable)	Trend	Data Assurance	Notes
Planning	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept				
Number of appeals determined - dismissed	4	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	12	7		↓		The number of appeals dismissed in the quarter has fallen although this is in line with a reduced number of determinations. The quality of decision making is continually monitored with appeal success being a significant measure of quality.
Number of planning enforcement cases opened	80	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	66	81		↑		The number of cases opened fluctuates over the quarters with no apparent pattern.
Number of planning enforcement cases closed	117	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	45	64		↑		
Number of planning enforcement notices served	0	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	0	0		→		
Customer Services and Licensing											
% Handled rate (Customer Services)	93%	Jan-Mar 2023	Quarterly	AW365	O&S	88%	87%		↓		Currently three vacant posts, and high level of housing calls.

% emails responded to within 24 hours (Customer Services)	100%	Jan-Mar 2023	Quarterly	Outlook	O&S	100%	100%		→		Castle team are picking up emails on the weekend when service allows.
	Baseline					2023/24		Target (where applicable)		Data Assurance	
Customer Services and Licensing	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept		Trend		Notes
% webchat answer rate (Customer Services)	99%	Jan-Mar 2023	Quarterly	Webchat Tool	O&S	99%	98%		→		
Total number of licenced drivers	596	Jan-Mar 2023	Quarterly	IDOX Uniform	O&S	601	615		↑		
Total number of vehicle licences	538	Jan-Mar 2023	Quarterly	IDOX Uniform	O&S	558	565		↑		
Total number of premises licences	398	Jan-Mar 2023	Quarterly	Home Office Return	O&S	403	402		→		

Appendix 2 – Benchmarking

KPI	Lead Officer	Benchmarking Source	Who we Benchmark against
<i>e.g. Unemployment Rate (%)</i>	JW	<i>NOMIS Local Authority Profile</i>	<i>Kent Districts</i>
% of due food safety inspections undertaken (Risk Category A-C)	MH	Food Standards Agency	All England LA'S
% of due food safety inspections undertaken (Risk Category D-E)	MH	Food Standards Agency	All England LA'S
Total attendance at LLC/AC/TSP/PWGC (cumulative for year by quarter)	SG	Tonbridge and Malling Leisure Trust and Sport England Moving Communities	Previous years data and other operators
Number of clients referred into the One You service	CP	Nil (information re TMBC provided to KCC but no access to other area's data)	Nil
Total number of ASB cases	AF	Nil	Nil
Total number of victim based crimes	AF	Kent Police	Kent districts
No. of red flags on our annual safeguarding self-assessment framework (SAF) and Section 11 audit.	GF	Nil	Nil
Social media clicks/engagement	JS	Nil	Nil
Website Myaccount Registrations (total)	JS	Nil	Nil
My TMBC app downloads (total)	JS	Nil	Nil
Staff Numbers (FTE)	MB	Nil	Nil
Vacant Posts (FTE)	MB	Nil	Nil
Sickness absence (days) - short term	MB	Kent Heads of HR Network and CIPD national survey	Kent Districts and KCC and all public sector employers
Sickness absence (days) - medically signed off	MB	Kent Heads of HR Network and CIPD national survey	Kent Districts and KCC and all public sector employers
Gender Pay Gap - Median	MB	Gov.uk - www.gov.uk/find-gender-pay-gap-data	All Public Sector employers with over 250 employees
Salary Monitoring data (£)	PW	Salary Monitoring Report to MT	nil

KPI	Lead Officer	Benchmarking Source	Who we Benchmark against
Income Monitoring data (£)	PW	Income Monitoring Report to MT	nil
Council Tax collection (%) – cumulative	GP	Collection rates for Council Tax and non-domestic rates in England, 2022 to 2023 - GOV.UK (www.gov.uk)	Kent Districts (discussed at Kent Revenues Group)
NNDR collection (%) – cumulative	GP	Collection rates for Council Tax and non-domestic rates in England, 2022 to 2023 - GOV.UK (www.gov.uk)	Kent Districts (discussed at Kent Revenues Group)
Sales ledger - outstanding debt (£)	PW	Integra Ledger System	Nil
T&M carbon dioxide emissions data (tCO2e)	CS	Nil	Nil
TMBC annual carbon audit emissions data (tCO2e)	CS	Nil	Nil
<i>Biodiversity KPI – TBC</i>	<i>CS/JK</i>	<i>Nil</i>	<i>Nil</i>
% of household waste sent for recycling and composting	DCL	Waste Data Flow (Defra data system)	Kent Districts
Number of contaminated land enquiries.	CK	Nil	Nil
Total number of service requests leading to investigation	CK	Nil	Nil
Number of enforcement notices served	CK	Nil	Nil
Number of AQMA's in the Borough (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	CK	Nil	Nil
Total number of actual missed collections (waste)	DCL	Nil	Nil
Total attendance at LLC/AC/TSP/PWGC (duplicate - see 3)	SG	Tonbridge and Malling Leisure Trust and Sport England Moving Communities	Previous years data and other operators
No of parks with Green Flag status	JF	Nil	Nil
Housing Land Supply (years)	GuA	5 Year Housing Land Supply	Ourselves- target
Milestones achieved on delivering the T&M Local Development Scheme	GuA	Regulation 18b Q1 24/25; Regulation 19 Q3 2025/25	Ourselves- target

KPI	Lead Officer	Benchmarking Source	Who we Benchmark against
Number of affordable homes built out per annum	GiA	40% of annual target	Our annual target
Number of people on housing register	LH	Kent Housing Group	Kent and Districts
Number of HR applications received	LH	Nil	Nil
Waiting time for assessment of HR applications (days)	LH	Nil	Nil
Number of people in Temporary Accommodation	Claire Keeling	Nil	Nil
Number of properties where property conditions have been improved	Hazel Skinner	Nil	Nil
Number of housing enforcement notices served	Hazel Skinner	Nil	Nil
Number of disabled facilities grants completed in the borough.	Tina Mitchell	Disabled Facilities Grants DELTA return	National
Number of economic projects delivered through the UKSPF and REPF	JW	Nil	Nil
Ratio of enterprise births to deaths	JW	Kent Analytics	Kent Districts
Town Centre Vacancy Levels (%)	JW	British Retail Consortium Quarterly Statistics	National
Unemployment rate (%)	JW	NOMIS Local Authority Profile	Kent Districts
% Occupation of rental properties	SE	Nil	Nil
Total income generated from property rentals (£)	SE	Previous financial year	Ourselves
Progress made on Tonbridge Town Centre Regeneration Plans.	SE	Nil	Nil
Total income generated by Tonbridge Castle (£)	LM	Previous financial year	Ourselves
Leisure Centres - overall income (% to profile)	SG	Tonbridge and Malling Leisure Trust and Sport England Moving Communities	Previous years data and other operators

KPI	Lead Officer	Benchmarking Source	Who we Benchmark against
Leisure Centres - overall expenditure (% to profile)	SG	Tonbridge and Malling Leisure Trust and Sport England Moving Communities	Previous years data and other operators
Total income from council run/supported events	SG	Previous financial year	TMBC
% against Government target of 60% (for major apps)	JB	HMCLG - NI 157a	Government Targets
% against Government target of 65% (for minor apps)	JB	HMCLG - NI 157b	Government Targets
% against Government target of 80% (for 'others')	JB	HMCLG - NI 157c	Government Targets
Number of appeals received	JB	Nil	Nil
Number of appeals determined – allowed	JB	Nil	Nil
Number of appeals determined - dismissed	JB	Nil	Nil
Number of planning enforcement cases opened	JB	Nil	Nil
Number of planning enforcement cases closed	JB	Nil	Nil
Number of planning enforcement notices served	JB	Nil	Nil
% Handled rate (Customer Services)	LM	Nil	Nil
% emails responded to within 24 hours (Customer Services)	LM	Nil	Nil
% webchat answer rate (Customer Services)	LM	Nil	Nil
Total number of licenced drivers	AG	1) Department for Transport - https://www.gov.uk/government/collections/taxi-statistics - 2) TMBC Licensing tracker data using December 2019 (pre Covid)	Kent Districts
Total number of vehicle licences	AG	1) Department for Transport - https://www.gov.uk/government/collections/taxi-statistics - 2) TMBC Licensing tracker data using December 2019 (pre Covid)	Kent Districts

KPI	Lead Officer	Benchmarking Source	Who we Benchmark against
Total number of premises licences	AG	1) https://www.gov.uk/government/collections/beer-and-late-night-refreshment-licensing-england-and-wales-statistics - 2) TMBC Licensing tracker data using December 2019 (pre Covid)	Kent Districts

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Agenda Item 15

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, 9th November, 2023

Present: Cllr R W Dalton (Chair), Cllr Mrs M Tatton (Vice-Chair), Cllr R P Betts, Cllr B Banks, Cllr M D Boughton, Cllr P Boxall, Cllr D Harman, Cllr P M Hickmott, and Cllr M Taylor.

Together with representatives of Birling, Borough Green (Vice-Chair), Burham, Ditton, East Malling and Larkfield, Hadlow, Ightham, Offham, Platt, Plaxtol, Shipbourne, Snodland, West Malling, Wrotham Parish/Town Councils and County Cllrs Mrs T Dean and County Cllr H Rayner.

Virtual attendance: Councillor D Keers* were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell*, M A Coffin; Kings Hill, Ryarsh and Wateringbury Parish Councils; and County Cllrs Mrs S Hohler and S Hudson* and the Kent Association of Local Councils (Tonbridge and Malling).

*attended via MS Teams.

(Note: Apologies had been received from Cllr Bell for in-person attendance.)

PART 1 - PUBLIC

PPP 23/24 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute members.

PPP 23/25 MINUTES

RESOLVED: That the Minutes of the meeting held on 31 August 2023 be approved as a correct record and signed by the Chairman.

PPP 23/26 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

There were no actions identified that didn't appear elsewhere on the agenda.

PPP 23/27 TONBRIDGE AND MALLING SENIORS

Apologies had been received from the Chair of the Tonbridge and Malling Seniors (TAMs) Forum. In their absence, the Principle Democratic Services Officer read out a prepared statement which outlined the role of the organisation in informing and representing the views of senior people in the Borough.

The TAMs Forum was an independent group run by local older people for local older people and communicated with the County and Borough Councils; other local service providers and local agencies. A Management Committee met regularly to organise meetings, events and promote the needs of older residents.

Meetings of the Forum were free, open to all and were held every two months at the Angel Centre, Tonbridge. These meetings were generally planned around a specific theme such as health and other support services for older residents. The next meeting would be held at 1200 on Friday 24 November where Robin Betts (TMBC environmental spokesperson) and Steve Harman (Head Gardner at Tonbridge School) were guest speakers.

The Forum was keen to engage with the wider Tonbridge and Malling areas and had provided promotional leaflets advising of upcoming activities in the Borough and these were shared with parish/town council representatives. Anyone requiring further information were asked to contact tams.forum@gmail.com

An invitation would be extended to the organisation to provide a presentation in Spring of 2024, subject to the views of Members.

PPP 23/28 JOINT STANDARDS COMMITTEE - PARISH/TOWN REPRESENTATIVES AND VOTING ALLOCATIONS

The report of the Principal Democratic Services Officer confirmed parish/town council representatives for the Joint Standards Committee and allocated voting rights for the period 2024-2025, as set out in Annex 1.

In response to a question regarding substitutes for parish/town council voting members, the Panel was advised that whilst this was supported in principle the use of substitute members would need to be agreed by the Joint Standards Committee, by the Borough Council's Full Council and at each Parish Council.

RECOMMENDED*: That

- (1) The revised 'pool' of parish and town council representatives and the voting allocations for 2024 – 2025 (as set out at Annex 1) be

endorsed by the Joint Standards Committee at its first meeting in 2024; and

- (2) Options for the use of substitute parish/town council voting representatives be investigated and presented to the Joint Standards Committee for consideration in due course.

***Recommended to Joint Standards Committee**

MATTERS RAISED IN ADVANCE OF THE MEETING

PPP 23/29 KENT POLICE UPDATE

Inspector Newman provided a verbal update on the achievements made in performance and the neighbourhood policing agenda. The Panel was advised that the ongoing restructure of Kent Police was due to be completed by September 2024. Good progress was being made in recruitment with beat officer positions up by 57% and it was hoped to increase this further.

Details of recent initiatives and operations in the Borough were also outlined. It was indicated that the Neighbour Taskforce had doubled in size and was working to address issues in Snodland and Holborough Lakes where there had been a spate of anti-social behaviour and thefts of motor vehicles. Kent Police continued to work with key stakeholders on a variety of issues and had a good working relationship with the Borough Council via the Community Safety Unit. It was noted that the co-location at the Borough Council offices was valuable and effective for both parties.

Reference was made to the low crime figures within Tonbridge and Malling and it was reported that although there had been a marginal increase of 0.1% for all crime the Borough continued to be a safe place to live. There had been a 0.1% reduction in ASB in Tonbridge and Malling despite an overall increase in Kent. This demonstrated that the targeted approach adopted by the Neighbour Taskforce was achieving results. Violent crime, domestic abuse and stalking/harassment had also seen improving results.

In response to a question raised by Wouldham Parish Council regarding the use of CCTV evidence if provided by a parish council, Inspector Newman indicated this would be dependent upon the integrity of the evidence and quality of film provided. The best solution in respect of road traffic management continued to be 'designing out' of issues. However, Inspector Newman offered to discuss this further out of meeting.

There was a question regarding the support provided to shopkeepers when reporting instances of shoplifting. The Panel was advised that each time a crime was reported it was recorded and assessed. If

individuals felt they were not getting adequate support from Kent Police they were encouraged to contact Inspector Newman to raise their concerns.

PPP 23/30 UPDATE ON THE IMPLEMENTATION OF THE AGILE PROJECT

The Director of Planning, Housing and Environmental Health explained that the Borough Council was transferring a number of service-based platforms to a new software provider called Agile. The Services affected included planning, building control and land charges. This was a significant change and the systems had 'gone live' in October.

Unfortunately, services were experiencing technical difficulties due to a number of outstanding issues which were creating backlogs in planning cases. The Borough Council was working closely with the software provider on resolving data and transfer issues.

Members were advised that the weekly list was now available as a basic function. The enhanced 'click link' directing to the case files on the planning portal was being worked on. Consultation comments could also now be submitted via the portal. The issues around the 21-day notice period for call-in and the new system were noted. To ensure that parish/town councils did not miss the opportunity to comment, consultation emails were also being sent out in tandem with the weekly list. It was also clarified that the 21-day notice period for parish/town councils to call-in an application was not a new process. If parish/town councils had concerns about an application they were encouraged to discuss a potential call-in with their local ward members, even if the ultimate decision was that the call-in didn't need to proceed following consultation with residents. Parish/town councils were encouraged to raise concerns with Planning Services if they felt there were discrepancies between the weekly list and the consultation emails.

It was also confirmed that it was now possible to see other comments on the planning portal. If this was not the case, Members were asked to report this to the Director of Planning, Housing and Environmental Health for investigation.

Concern was expressed that parish/town councils had not been notified of the changes to systems and it was difficult to get information. The Director of Planning, Housing and Environmental Health indicated that it had been expected that the implementation of the new system would be quicker and with minimal downtime/change apparent to external users.

In response to a question regarding why parish/town councils were no longer consulted on trees, it was confirmed that this was not as a result of the new Agile system and the position on when the Council can consult had been confirmed to all Parishes in January 2022. Details of the new process had been circulated, via the weekly list, upon its introduction. The Director of Planning, Housing and Environmental

Health offered to include a reminder in respect of trees on the next weekly list. It was also clarified that Tree Protection Orders (TPOs) were assessed on risk and if there was an immediate issue it would be taken as a matter of urgency.

There was detailed discussion regarding potential implications for new and/or major applications and the risk of non-determination of applications. Regarding the latter, the Director of Planning, Housing and Environmental Health would hope to engage with the developer to avoid the application proceeding direct to appeal.

The Cabinet Member for Planning (Cllr Taylor) and the Leader (Cllr Boughton) recognised the challenging position faced by Officers in identifying and resolving the technical issues, dealing with the software provider and addressing the increasing backlog of cases. It was also confirmed that the Borough Council were actively monitoring progress and would only be paying for services once they had been introduced appropriately.

Finally, the Director of Planning, Housing and Environmental Health indicated that the main priority continued to be resolving 'bugs'; identifying 'fixes' and getting back to business as usual as soon as possible.

PPP 23/31 ELECTIONS - PARLIAMENTARY BOUNDARY CHANGES, REVIEW OF POLLING DISTRICTS AND STATIONS AND PCC ELECTIONS

The Head of Electoral Services provided an overview on the parliamentary boundary changes, the Tranche 2 changes arising from the Election Bill and summarised details in respect of new constituencies, polling district and polling station reviews and changes to postal and proxy votes.

There were no changes proposed to polling districts as the current configuration aligned with the new constituencies. However, a polling station review would be undertaken with consultation starting on 1 December for a four week period. Final proposals arising from this review/consultation would be considered by the General Purposes Committee on 24 January 2024.

Reference was made to new application forms for postal and proxy votes from 31st October 2023, which now included boxes for National Insurance number to enable verification checks on electors to be completed. Existing postal voters would change to new system when renewing.

It was noted that the Parliamentary Election had to take place before 25 January 2025. However, the next election would be the Police and Crime Commissioner on Thursday 2 May 2024. Booking forms for

community/village halls to host polling stations would be sent to parish/town councils early in 2024.

There was also a request for anyone interested in working on elections to contact the Elections Team as there was an extreme shortage of election staff.

The presentation would be shared with parish/town councils after the meeting for information.

PPP 23/32 LOCAL PLAN

The Director of Planning, Housing and Environmental Health provided an update on the progress of the Local Plan. The Local Development Scheme, setting out the timetable for the preparation of the Local Plan, had been approved by [Cabinet](#) in July 2023 and good progress continued to be made towards a Regulation 18b consultation in Spring 2024.

There had been a number of briefings with Borough Councillors on key issues and sites, Officers were liaising with developers/agents on deliverability as part of the overall assessment of sites and collection of evidence. Engagement was also taking place with infrastructure providers.

Reference was made to the Levelling Up and Regeneration Bill which had recently been enacted. There remained uncertainty around housing targets and the green belt and it was anticipated that this detail would be included in the technical guidance to the Bill.

Future reports to the Housing and Planning Scrutiny Select would provide more information in relation to evidence base and the progress of the Local Plan.

The Cabinet Member for Planning (Cllr Taylor) indicated the importance of sharing the burden across the borough as a whole to avoid uncontrolled development as a result of not having a Local Plan in place. The Leader (Cllr M Boughton) encouraged all communities to work together to achieve the best outcome for the borough.

Members referred to the additional sites identified following further consultation and it was indicated that information relating to these would be published as part of the Regulation 18b Consultation to remain consistent with the approach adopted for the Regulation 18 Consultation.

In response to a question, it was confirmed that development in the Green Belt or in an Area of Outstanding Natural Beauty would be carefully assessed and special circumstances would need to be evidenced to enable development to take place.

PPP 23/33 ANY OTHER BUSINESS**(1) Terms of Reference**

It was confirmed that Terms of Reference for the Parish Partnership Panel were set out in Part 3 (Responsibilities) of the Borough Council's Constitution which was available on the [website](#). However, the Panel was intended as 'A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and the parish councils in the Borough.'

The Leader advised that there had been a review of the Parish Partnership Panel in 2021 and the outcomes of this review had been reported to the Panel on 4 November 2021. [Minute Number PPP 21/16 refers](#). To reflect the responses provided, the role of second Vice-Chair, to be a parish/town councillor, had been introduced.

If there were any suggestions for improving the format of the Parish Partnership Panel, Members were invited to share these with the Chair, Vice-Chairs and Kent Association of Local Councils in the first instance.

(2) Tackling Graffiti

The Chair referred to discussions at the [Communities and Environment Scrutiny Select](#) Committee on 6 November 2023 on proposals for tackling graffiti in the Borough. The Committee had recommended that parish/town councils be included in the public consultation into the introduction of graffiti walls.

The meeting ended at 9.20 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE COMMUNITY FORUM

Monday, 27th November, 2023

Present: Cllr G B Hines (Chair), Cllr D W King (Vice-Chair), Friends of Mill Stream (Vice-Chair), Cllr K Barton, Cllr M D Boughton (substitute member), Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr A Mehmet, Cllr B A Parry, Cllr K S Tunstall, County Cllr P Stepto and County Cllr M Hood

Together with representatives from:

- Tonbridge Bicycle Users Group
- Tonbridge Civic Society
- Tonbridge Historical Society
- Tonbridge Line Commuters
- Tonbridge Lions Club
- Tonbridge Sports Association
- Tonbridge U3A

Apologies for absence were received from Councillors L Athwal, R W G Oliver and Rotary Club of Tonbridge.

TCF 23/28 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of a substitute Member was recorded as set out below:

- Cllr Boughton substituting for Cllr Rhodes.

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

TCF 23/29 MINUTES

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

TCF 23/30 ELECTIONS - PARLIAMENTARY BOUNDARY CHANGES AND THE ELECTION BILL

The Head of Electoral Services provided an overview on the parliamentary boundary changes, the Tranche 2 changes arising from the Election Bill and summarised details in respect of new constituencies, polling district and polling station reviews and changes to postal and proxy votes.

There were no changes proposed to polling districts as the current configuration aligned with the new constituencies. However, a polling station review would be undertaken with consultation starting on 1 December 2023 for a four week period. Final proposals arising from this review/consultation would be considered by the General Purposes Committee on 24 January 2024.

Reference was made to new application forms for postal and proxy votes from 31 October 2023, which now included boxes for National Insurance number to enable verification checks on electors to be completed. Existing postal voters would change to the new system when renewing.

It was noted that the Parliamentary Election had to take place before 25 January 2025. However, the next election would be the Police and Crime Commissioner on Thursday 2 May 2024.

There was a request for anyone interested in working on elections to contact the Elections Team as there was an extreme shortage of election staff.

TCF 23/31 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

Minute Number TCF 23/25 – Update on the bus stop outside Café Nero

Concern was expressed regarding the time it was taking to install a replacement bus shelter at the bus stop outside of Café Nero on Tonbridge High Street. The Leader of the Borough Council advised that when the contract was due for renewal, consideration would be given to the inclusion of a clause that stipulated that a replacement bus shelter would be installed within a reasonable period of time.

MATTERS RAISED IN ADVANCE OF THE MEETING

TCF 23/32 KENT POLICE UPDATE

Inspector Newman provided an update on the achievements made in performance and the neighbourhood policing agenda. Good progress was being made in recruitment with beat officer positions up by 57 and the plan was for the full quota to be reached by October 2024.

Reference was made to the low crime figures within Tonbridge and Malling, however over the past month there had been several burglaries in the Tonbridge area where burglars were seeking to steal expensive jewellery and gold, with many of the victims from Asian households. Kent Police were investigating at least 10 break-ins which may be linked. Families were reminded of the steps they could take to protect their homes from burglars.

There had been multiple arrests of individuals dealing low level drugs and noted that there was no organised crime or county lines activity in the area.

The discussion at the Borough Council's Communities and Environment Scrutiny Select Committee meeting on 6 November 2023 on proposals for tackling graffiti in the Borough was raised and in response to questioning, Inspector Newman explained that graffiti walls in some areas worked well and were generally used by street artists, however the walls would not deter vandals graffitiing in other areas of the town.

In terms of building relationships with local police officers, a list of contacts would be circulated to enable arrangements to be made for residents to meet with their ward officer.

TCF 23/33 TONBRIDGE 'NEEDS ACCESS TO CASH' CAMPAIGN

Sally Pearce presented a briefing paper on Tonbridge Needs Access to Cash. The campaign was for a Banking Hub in Tonbridge following the closure of several banks in the town. At present, Tonbridge did not qualify for a Banking Hub as there were still banks in the town that provided personal banking services. The campaign was to change the criteria so that the removal of business banking services was sufficient to qualify and an announcement confirming the new Banking Hub criteria was currently awaited.

TCF 23/34 REQUEST FOR DRINKING TAP AT TONBRIDGE RACECOURSE SPORTSGROUND

A request was made by Tonbridge Bicycle Users Group for a drinking tap at Tonbridge Racecourse Park.

The Leader of the Borough Council explained that officers were in the process of preparing a new Management Plan for the site that would cover the period 2024 – 2029 and that year 1 of the plan (2024) would include a project to carry out a detailed investigation to consider the installation of a bottle refill station. This would, however, need to consider the health and safety implications, purchase and installation costs, service and cleaning costs and water supply costs. Officers would investigate and take into account existing refill schemes, such as the Refill app which raised awareness of Tonbridge businesses which currently offered free refills, as well as a greater focus on promoting a reduction in the use of single use plastics.

TCF 23/35 PROMOTION OF UPCOMING EVENTSVisions of Tonbridge Town

The Tonbridge Civic Society had organised a Visions of Tonbridge Town event which would be held at The Old Fire Station on 3 December at 5.00pm.

Tonbridge Folk Club

Members were reminded that the Tonbridge Folk Club met every first and third Monday of each month at Ye Olde Chequers Inn, Tonbridge.

Children's Christmas Bicycle Ride

A children's bicycle ride organised by Tonbridge Bicycle Users Group would be held on 30 December 2023 at 11.00am, starting from the Christmas Tree in Tonbridge High Street.

Weald of Kent Christmas Fete

The Weald of Kent Christmas Fete would be held on 3 December 2023, 12pm to 3pm, at Weald of Kent Grammar School, Tonbridge.

Tonbridge Historical Society

A lecture by Michael Smith for the Tonbridge Historical Society on Tom Crean: The Unsung Hero of Polar Exploration would be held at the Angel Centre, Tonbridge on 14 December 2023 at 7.45pm.

TCF 23/36 ANY OTHER BUSINESS(1) Car parking fees and charges consultation

Concern was expressed in regard to the review of car parking fees and charges and the timing of the formal public consultation on the proposed changes to the on-street and off-street charges. The Leader of the Borough Council advised that the Local Authorities Traffic Orders (Procedure) (England & Wales) Regulations required a statutory consultation of at least 21 days for the invitation of objections, however the decision had been made to extend the period of consultation to the 7 January 2024 due to the Christmas period. Residents were encouraged to respond to the consultation and to provide any comments.

(2) Enforcement issues

In terms of enforcement, concern was raised regarding the retail units in the industrial estate. The Leader explained that the Borough Council was transferring a number of service-based

platforms to a new software provider called Agile. This was a significant change and the systems had 'gone live' in October. Unfortunately, services were experiencing technical difficulties due to the number of outstanding issues and the Borough Council were working closely with the software provider on resolving these issues.

The meeting ended at 9.18 pm

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Executive Decisions Record - December 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
D230106CAB	Future of the Angel Centre	Cabinet (Extraordinary)	5.12.23	8.12.23	15.12.23	15.12.23	10.01.24				
D230107MEM	Approval of consultation response to Sevenoaks District Council's Regulation 18 (Part 2) draft Local Plan	Cabinet Member for Planning	13.12.23	18.12.23	28.12.23						
D230108MEM	Update on Local Plan Infrastructure Evidence/Delivery Plan	Cabinet Member for Planning	14.12.23	19.12.23	29.12.23						
D230109MEM	Infrastructure Funding Statement 2022/23	Cabinet Member for Transformation and Infrastructure	14.12.23	19.12.23	29.12.23						
D230110MEM	Active Travel Strategy	Cabinet Member for Transformation and Infrastructure	14.12.23	19.12.23	29.12.23						

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

URG - outside of budget and policy framework

*reflects Bank Holiday

	1
Total Call-ins for Year	2

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Agenda Item 17

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 18

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 19

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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