

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

21 March 2024

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, 2nd April, 2024 **commencing at 6.30 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/code-of-conduct-for-members).

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

4. Minutes 15 - 16

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 5 March 2024

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

Executive Key Decisions

5. Parking Proposals and Changes to On-street and Off-street Parking Fees and Charges 17 - 130

The report sets out proposals in respect of off-street and on-street parking, provided an assessment following the recent formal consultation together with the recommendations of the Joint Transportation Board of 4 March 2024.

The consultation responses (Annexes 8 -15) are set out in a supplement to the main agenda.

6. Tonbridge Town Centre Programme Manager 131 - 132

The report outlined proposals for an appointment of a Tonbridge Town Centre Programme Manager to support the programme of work in respect of the Tonbridge Town Centre and the proposed Tonbridge Town Centre Programme Board (as recommended by the Finance, Regeneration and Scrutiny Select Committee)

7. Empty Homes 133 - 140

Recommendation HP 24/9 of the Housing and Planning Scrutiny Select Committee in respect of empty homes

8. Voluntary Sector Grants - Future Funding Options 141 - 164
- The report considers options and levels of support for key Voluntary and Community Sector Groups
9. Procurement Support 165 - 204
- This report brings forward a proposal to enter into an agreement with the Mid Kent Procurement Partnership to provide procurement support to this authority.

Executive Non-Key Decisions

10. Tonbridge Town Centre Asset Review - Phase 2 205 - 208
- Recommendation FRP 24/2 of Finance, Regeneration and Property Scrutiny Select Committee of 12 March 2024 in respect of Phase 2 of the Tonbridge Town Centre Asset Review
- Due to their size, the reports previously considered by the Scrutiny Select Committee are not attached as part of this agenda and can be viewed on the public [website](#)
11. National Planning Policy Legislation Update 209 - 298
- Recommendation HP 24/10 of the Housing and Planning Scrutiny Select Committee of 19 March 2024 in respect of National Planning Policy legislation
12. Temporary Accommodation and Homelessness Consultancy Review 299 - 340
- Recommendation HP 24/11 of the Housing and Planning Scrutiny Select Committee in respect of temporary accommodation

Matters submitted for Information

13. Corporate Key Indicators 341 - 356
- This covering report and appendix provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. This data is made available to the Scrutiny Select Committees, Overview and Scrutiny and Cabinet on an ongoing basis.
14. Minutes of Panels, Boards and Other Groups 357 - 366
- 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.
- Tonbridge Community Forum of 26 February 2024 (To Follow)
 - Joint Transportation Board of 4 March 2024

15. Decisions taken by Cabinet Members 367 - 368

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

16. Urgent Items 369 - 370

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

17. Exclusion of Press and Public 371 - 372

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

Executive Key Decision

18. Gibson Building update 373 - 382

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

The report provided an update in respect of the Gibson Building

19. Urgent Items 383 - 384

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

MEMBERSHIP

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

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

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

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

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

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

Attendance:

- Members of the Committee are required to attend in person and be present in the meeting room. Only these Members are able to move/ second or amend motions, and vote.
- Other Members of the Council can join via MS Teams and can take part in any discussion and ask questions, when invited to do so by the Chair, but cannot move/ second or amend motions or vote on any matters. Members participating remotely are reminded that this does not count towards their formal committee attendance.
- Occasionally, Members of the Committee are unable to attend in person and may join via MS Teams in the same way as other Members. However, they are unable to move/ second or amend motions or vote on any matters if they are not present in the meeting room. As with other Members joining via MS Teams, this does not count towards their formal committee attendance.
- Officers can participate in person or online.

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

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

Ground Rules:

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

Voting:

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

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

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th March, 2024

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

Virtual: Councillors Mrs S Bell, J Clokey, S Crisp, Mrs A S Oakley, M R Rhodes and Mrs M Tatton participated via MS Teams in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor D Keers.

PART 1 - PUBLIC

CB 24/35 DECLARATIONS OF INTEREST

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

CB 24/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 13 February 2024 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION

CB 24/37 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 24/38 NOTICE OF FORTHCOMING KEY DECISIONS

Notice of Forthcoming Key Decisions for April 2024 was presented for information.

CB 24/39 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

RESOLVED: That as public discussion would disclose exempt information, the following matters be considered in private.

PART 2 - PRIVATE**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION****EXECUTIVE NON-KEY DECISIONS****CB 24/40 WINDMILL LANE GYPSY AND TRAVELLER SITE**

(Decision Notice D240029CAB)

(Reasons: LGA 1972 – Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Careful consideration was given to options in respect of the future management arrangement of the Windmill Lane Gypsy and Traveller site following transfer of the management of the site from Kent County Council to the Borough Council on 31 March 2024.

RESOLVED: That

- (1) in principle, subject to a legal position being agreed, the management of the Windmill Lane Gypsy and Traveller site be carried out by Kent County Council during the 2024/25 financial year;
- (2) the one-year management cost for 2024/25 be funded from Budget Stabilisation;
- (3) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Finance and Housing, to conclude negotiations on the management agreement; and
- (4) it be noted that Kent County Council's ongoing review of asset management meant that options for management beyond this 12-month period would need to be fully explored and presented to Members again in a timely manner to ensure that appropriate arrangements would be in place for management of the Windmill Lane site from 1 April 2025.

The meeting ended at 7.40 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2024

Report of the Director of Street Scene, Leisure & Technical Services & Director of Finance & Transformation and Interim Deputy Chief Executive

Part 1- Public

Executive Key Decisions

1 PARKING PROPOSALS AND CHANGES TO ON-STREET AND OFF-STREET PARKING FEES AND CHARGES

1.1 Introduction

1.1.1 At its October and November 2023 meetings Cabinet considered and approved a number of proposals relating to both on and off-street parking fees and charges subject to full formal consultation.

1.2 Changes to on-street and off-street fees and charges and parking arrangements – Formal Consultation

1.2.1 The Council's proposals represent a range of changes in the way that the Council delivers its parking services, most notably changes to both on and off-street parking charges and the associated on and off-street Traffic Regulation Orders.

1.2.2 To present a complete picture to the public of the Council's proposed changes, the on and off-street changes were both advertised at the same time. Following the consultation exercise, the procedure is that the outcome of the on-street changes are considered by the Joint Transportation Board for recommendation to Cabinet and the outcome of the off-street changes are reported direct to Cabinet.

1.2.3 The statutory process for making or amending Traffic Regulation Orders requires that the Council undertakes a formal consultation on the proposed changes for a minimum of 21 days. In light of the wide-ranging nature of the changes, and to improve community engagement, the Council decided to extend the consultation period beyond the minimum requirements. The formal consultation was carried out between 24th November 2023 and 7th January 2024.

1.3 On-street consultation

1.3.1 The outcome of the on-street parking consultation was considered by the Joint Transportation Board on 4th March 2024.

1.3.2 The Joint Transportation Board report is shown in **Annex 1**. The Board made the following recommendations to Cabinet -

- The proposals for Avebury Avenue, Tonbridge to remove the current on-street Pay and Display be approved, and the on-street Traffic Regulation Order be amended to this effect.
- The proposals for the introduction of on-street charges in West Malling High Street and Swan Street should be introduced as drawn with the inclusion of no charge for up to 1 hour of parking and the on-street Traffic Regulation Order be altered to reflect this.
- The proposal for the loading bay in West Malling High Street should be introduced as drawn, the future level of enforcement and size of signs to be reviewed and the on-street Traffic Regulation Order be altered to reflect this.
- The changes to the on-street fees and charges be implemented as advertised, and the on-street Traffic Regulation Order be altered to reflect this.

1.3.3 Cabinet are asked to consider the recommendations from the Joint Transportation Board.

1.4 Off-Street Consultation

1.4.1 The off-street proposals (shown in the previous reports Annexes 2A and 2B) include;

- The introduction of charges to Martin Square car park in Larkfield
- The introduction of parking charges into Bailey Bridge (East) and Bailey Bridge (West) car parks in Aylesford
- The extension of Bailey Bridge (East) car park in Aylesford
- The extension of Upper Castle Field car park in Tonbridge
- The change of use of parking spaces in Castle Grounds car park in Tonbridge
- Revisions to the off-street parking tariffs
- Revisions to the times of operation of the off-street parking arrangements, with charging periods extending until 8pm, and operating every day (including Sundays and Bank Holidays)

1.4.2 The public notice for the off-street changes is shown in **Annex 3**.

1.4.3 The proposed changes require a change to the Council's off-street Traffic Regulation Order, as shown in **Annex 4**.

1.4.4 Details of off-street parking charges applied by neighbouring local authorities are shown at **Annex 5**.

1.5 Parking Charges in Martin Square, Larkfield

1.5.1 The proposal for Martin Square car park in Larkfield is to introduce parking charges, payable by Pay & Display and by the Council's phone payment service.

1.5.2 The car park currently has no parking charges but is well used. Whilst it is intended to serve the shops, the car park experiences low turnover long-stay parking which reduces the availability of spaces for all users. This includes staff working in the local businesses and the nearby Medical Centre (even though this has its own parking facilities).

1.5.3 Season tickets for those requiring regular long-stay parking are also proposed, as this would help manage the usage of the car park. It would also act as a deterrent for those that do not need to be there, could travel by more environmentally friendly means or could park elsewhere, freeing-up parking opportunities for customers.

1.5.4 The proposed parking changes would apply 8am to 8pm every day, including Sundays and Bank Holidays.

1.5.5 The introduction of charges would assist in covering the costs of the management and maintenance of the car park, the provision of CCTV, parking enforcement and improvements.

1.5.6 The Council has had requests for additional disabled parking bays and motorcycle parking and is also looking to introduce electric vehicle charging facilities and provide CCTV to improve safety.

1.5.7 The full Statement of Reasons for all the proposals is shown in **Annex 6**.

1.5.8 As part of the consultation, the number of respondents on this issue are shown below.

Object to charges	Support charges	Object to season tickets	Support season tickets	Not specific
2029	195	995	261	29

1.5.9 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in **Annex 7**.

Comment	Frequency	Rank
Negative effect on local businesses / services / library	667	1
Deter customers	393	2

Comment	Frequency	Rank
Should offer free short period - or reduce time limit	370	3
Displace to Morrisons / local streets	273	4
Effect local residents / increase parking on local roads	184	5
Not needed	138	6
Money-making / unnecessary	125	7
Can't afford to pay for parking / cost of living	124	8
Lack of parking at Doctors	123	9
School pick-up problem	114	10

1.5.10 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**.

1.5.11 A full breakdown of the responses received to the consultation are shown in **Annex 9**.

1.5.12 Amongst the stakeholder responses, East Malling & Larkfield Parish Council responded with a number of points relating to the proposals, expressing concerns over potential displacement parking to the grassed areas near the toilet block, to the rear accesses to the shops and to Magpie Close.

1.5.13 It also commented that the proposals may deter visitors or create problems for those wishing to use the local facilities. This was also a comment made by the local trading association in a meeting with the Leader of the Council. The full text of the Parish Council's response is contained within **Annex 8**.

1.5.14 Officers have carefully considered the Parish Council's response, and whilst there is understanding for the concerns raised in relation to displacement parking and the potential deterrent of users, any deterrent is likely to be short-term, as users will still need to access the local services.

1.5.15 The comments relating to the planning permission from 1964 that the car park was to serve the shops and the flats above is supported by the Council's current proposals as the proposals include facilities for the occupants of the shops and residential properties to obtain season tickets, at rates that are significantly advantageous when compared to the other proposed charges.

1.5.16 The other issues raised in the Parish's response are beyond the Borough Council's control – for example, operation of the Health Centre. It should be noted that the Health Centre has chosen to sacrifice some of its own parking facility to expand their operation through the use of temporary buildings, and this is placing more parking demand on the Borough Council's car park, with a resultant impact on the nearby shops and accessibility for customers.

1.5.17 The consultation shows respondents concerns over the introduction of charges and fears that charges would have a negative effect on visitors and businesses, and that there was support to retain an element of free parking for short duration

visits, whether to visit the shops and takeaways, or to drop-off and pick up at the local schools.

- 1.5.18 This is an issue that Cabinet may wish to consider due to the specific circumstances of the car park. If an element of free parking is considered appropriate this will require this aspect to be subject to a further consultation.
- 1.5.19 At present there are three disabled parking places in Martin Square car park at the end closest to the medical centre and chemist (there are also two disabled parking spaces at the other end of the car park). The disabled parking provision near to the medical centre and chemist could be increased, providing more facilities for Blue Badge holders that use the medical centre and chemist. These would provide more priority parking for those in need.
- 1.5.20 It should also be considered that blue badge holders would be exempt from the parking charges and time limits, as they are across the whole of the Borough.
- 1.5.21 There would also be an opportunity to adjust the layout to create a motorcycle parking area as this has also been raised separately.

1.6 Parking Charges in Bailey Bridge (East) & Bailey Bridge (West), Aylesford

- 1.6.1 The proposal for Bailey Bridge (East) & Bailey Bridge (West) car parks in Aylesford is to introduce parking charges, payable by Pay & Display and by the Council's phone payment service.
- 1.6.2 The car parks currently have no parking charges but are well used. The car parks suffer from a low turnover of long-stay parking which reduces the availability of spaces for all users.
- 1.6.3 Season tickets for those requiring regular long-stay parking are also proposed, as this would assist in managing the long-stay parking issue.
- 1.6.4 Concerns over capacity in the car parks has also been raised, and this is covered in a separate proposal in this report, where a potential extension to the Bailey Bridge (East) car park is discussed.
- 1.6.5 The proposed parking changes would apply 8am to 8pm every day, including Sundays and Bank Holidays.
- 1.6.6 The full Statement of Reasons for all the proposals is shown in **Annex 6**.
- 1.6.7 As part of the consultation, the number of respondents on this issue are shown below.

Object to charges	Support charges	Object to season tickets	Support season tickets	Not specific
1343	230	733	242	27

1.6.8 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in *Annex 7*.

Comment	Frequency	Rank
Impact businesses and community	178	1
Non-specific / not relevant	99	2
Displace parking to other roads / private car parks	91	3
Free parking for school drop-off / school drop-off issues	77	4
Deter visitors	71	5
Needs 30 mins free parking or 1 hour parking	43	6
Money-making	42	7
2 hrs / 3hrs or 4hrs free parking (charges after?)	42	7
Cost of living crisis	38	9
Free residents & business permits	28	10

1.6.9 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**.

1.6.10 A full breakdown of the responses received to the consultation are shown in **Annex 10**.

1.6.11 Amongst the stakeholder responses, Aylesford Parish Council commented that there should be consideration given to a free period to support short retail visits, and that free parking ought to be provided for those attending weekend events.

1.6.12 It is not felt possible to provide balanced parking management across the Aylesford car parks that gives free parking for attendees at weekend events, as it is not possible to differentiate between attendees and other users.

1.6.13 The consultation shows respondents concerns over the introduction of charges and fears that charges would have a negative effect on visitors and businesses, and that there was support for retaining an element of free parking for short duration visits, mainly to drop-off and pick up at the local school.

1.6.14 The concerns about the charges and potential displacement, and the concerns that the proposals are “money-making” needs to be considered against the Council’s proposal for the extension of the Bailey Bridge (East) car park, which would require significant capital investment by the Council.

1.6.15 Officers have sympathies with parents that need to pick-up and drop-off at schools that are located in areas with parking and access problems.

1.7 Extension of Bailey Bridge (East) car park, Aylesford

- 1.7.1 The proposal is to extend the Bailey Bridge (East) car park in Aylesford, constructing a new surface car park to the west of the existing car park area. This would provide approximately 15-30 additional parking spaces and be operated and managed in the same way as the existing car parks.
- 1.7.2 The full Statement of Reasons for all the proposals is shown in **Annex 6**.
- 1.7.3 As part of the consultation, the number of respondents on this issue are shown below.

Object to proposal	Support proposals	Not specific
591	783	1

The 10 most frequent response categories are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in **Annex 7** and full breakdown of the responses received to the consultation are shown in **Annex 11**.

Comment	Frequency	Rank
Agree	107	1
Non-specific / not relevant	60	2
No charges	54	3
Need evidence of the need for extra parking	18	4
Climate issue	16	5
Impact businesses / visitors	15	6
Money-making	12	7
No need for it if charges introduced	10	8
Free parking for short stay (1-2) hours	10	8
Displace parking to nearby streets / private parking	5	10

- 1.7.5 Cabinet will note that the majority of respondents support the proposal and it is felt it would be a positive addition to parking arrangements in the village. If Cabinet wish to support the proposal it would seem appropriate that this only proceed if charges are introduced due to the significant capital cost required and associated ongoing revenue costs.

1.8 Extension of Upper Castle Field car park, Tonbridge

- 1.8.1 The proposal is to extend the Upper Castle Field car park in Tonbridge, constructing a new surface car park to the west of the existing car park area. This would provide approximately 28 additional parking spaces and be operated and managed in the same way as the existing car parks. Demand for parking in this area is high particularly to serve the popular leisure facilities in this area of town

including the Castle and Tonbridge Racecourse Sportsground. The full Statement of Reasons for all the proposals is shown in **Annex 6**.

1.8.2 The number of respondents on this issue are shown below.

Object to proposal	Support proposal	Not specific
866	877	19

1.8.3 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in **Annex 7**.

Comment	Frequency	Rank
Climate comments/green spaces/play park/heritage site	345	1
No evidence for the need for extra parking	97	2
Non-specific / not relevant	71	3
Agree	71	3
Healthy and safety risk	52	5
Improve public transport / cycling options	33	6
Money-making	26	7
Safe footpath must be maintained and crossing	23	8
Displace vehicles to Zone J / improve enforcement in area	20	9
Economic argument, large outlay against small gain	7	10

1.8.4 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**.

1.8.5 A full breakdown of the responses received to the consultation are shown in **Annex 12**.

1.8.6 Cabinet will note that marginally more respondents supported the proposal.

1.8.7 Amongst the responses, the local Member suggested that the parking charges in nearby car parks should be increased to match those in the Upper Castle Field car park, rather than extend the Upper Castle Field car park, and that there was sufficient spare capacity in car parks nearby.

1.9 Change of use of Castle Grounds (Tonbridge) parking spaces

1.9.1 The proposal is for the existing 9 “Gateway” parking places already located in the Castle Grounds car park in Tonbridge to become available for general use. These would be subject to the same parking conditions and requirements for payment as the rest of the Castle Grounds car park.

1.9.2 The existing disabled parking arrangements in the car park remain unchanged.

1.9.3 A Statement of Reasons for the proposal is shown in **Annex 6**.

1.9.4 The number of respondents on this issue are shown below.

Object to proposal	Support proposals	Not specific
620	1086	16

1.9.5 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in Annex 7.

Comment	Frequency	Rank
Will help parking issues	69	1
Non-specific/relevant	40	2
Affecting local trade/businesses/deterrent to visit	19	3
Not enough disabled parking	16	4
Loss of play facilities / green space	16	4
Objection to charge	13	6
Should be free for those using Council services at the Castle	9	7
Money-making	8	8
There is enough parking in Tonbridge	6	9
Discourage driving / encourage public transport / cycling	6	9

1.9.6 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**.

1.9.7 A full breakdown of the responses received to the consultation are shown in **Annex 13**.

1.9.8 Cabinet will note that a majority of respondents support the proposal.

1.10 Revision to Off-Street parking tariffs

1.10.1 The proposal is for a revision to the Council's tariff of charges for off-street parking.

1.10.2 The full Statement of Reasons for all the proposals is shown in **Annex 6**.

1.10.3 The number of respondents on this issue are shown below.

Object to proposal	Support proposal	Not specific
1942	206	8

1.10.4 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in **Annex 7**.

Comment	Frequency	Rank
Cost of living / can't afford parking / too expensive	272	1
Deter visitors / shoppers	255	2
Impact business / local services	250	3
Money-making	98	4
Not specific / not relevant	69	5
There should be a short free parking period	45	6
Shoppers will go elsewhere, out of town or shop online	42	7
I support the charging proposals / seems reasonable	33	8
No problem / No need	30	9
Not evenings and Sundays	23	10

1.10.5 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**.

1.10.6 A full breakdown of the responses received to the consultation are shown in **Annex 14**.

1.10.7 West Malling Parish Council commented in their response that the Borough Council should consider options for making the Ryarsh Lane car park operate more efficiently, to make better use of unused spaced.

1.10.8 This is beyond the scope of the proposals at this time, but the Council may look to review the management principles of the Ryarsh Lane car park as a separate issue.

1.10.9 Cllr Hood also commented on the proposal, that his support was contingent on the car parking charges proposals being introduced to all car parks where it is financially sustainable. However, he also commented that there should be free or reduced-price parking near places of worship.

1.10.10 Increases in car park charges are understandably not popular amongst the public but Cabinet will be aware of the growing cost of managing this Council's car park stock, ranging from business rates to enforcement and maintenance to improvements.

1.11 Revision to time of operation of parking charges (until 8pm, Sundays and Bank Holidays)

1.11.1 The proposals are for the Council's off-street parking charges to extend until 8pm (save for in West Malling High Street car park, where restricted by covenant), to apply on Sundays and to apply on Bank Holidays.

1.11.2 The full Statement of Reasons for all the proposals is shown in **Annex 6**.

1.11.3 The number of respondents on this issue are shown below.

Object to Sunday charges	Support Sunday charges	Object to Bank Holiday charges	Support Bank Holiday charges	Object to Evening Charges (until 8pm)	Support Evening Charges (until 8pm)
2180	83	2096	83	2247	17

1.11.4 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies for all the proposals are shown in **Annex 7**.

Comment	Frequency	Rank
Deter visitors / shoppers	584	1
Impact business	368	2
Money-making	180	3
Impact village / town life	177	4
Cost of living / can't afford parking	129	5
Effect church-goers	73	6
Not specific / not relevant	62	7
Displace parking to other areas / roads	44	8
Short free parking period	29	9
No problem / no need	26	10

1.11.5 Stakeholder responses to the consultation for all the proposals are shown in **Annex 8**. Within the consultation responses received Cabinet would be interested to note the Leisure Trust has raised concern over extension of hours and the impact this will have on usage of the Angel Centre and Tonbridge Swimming Pool.

1.11.6 A full breakdown of the responses received to the consultation are shown in **Annex 15**.

1.11.7 Similar to the increase in existing charges it is understandable that the extension of times to charging periods is not popular. The proposal will however reflect the changing shopping habits of the public and allow the Council to fund changes and improvements to the parking service to meet those needs.

1.12 Next Steps – Implementation

1.12.1 Subject to the views of this Cabinet, the changes would start to be implemented as soon as possible. Some of the changes require the procurement of equipment and services and capital works. This results in variable lead-in times so implementation dates will vary, however, it is hoped that changes that relate to

existing tariffs or do not require significant physical works could be implemented by June/July this year.

- 1.12.2 With variable implementation dates, the Council may need to introduce the elements covered in the Traffic Regulation Order in stages.

1.13 Legal Implications

- 1.13.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.
- 1.13.2 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.
- 1.13.3 Changes to parking charges are made via an Amendment Orders to the Council's on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. The proposals have followed and exceeded the requirements of the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996.

1.14 Financial and Value for Money Considerations

- 1.14.1 Funding for the implementation of the proposals in this report will come from existing revenue budgets and capital funding. The capital funding will require the consideration and approval of a number of capital schemes currently sitting in List C of the Capital Plan.
- 1.14.2 The review of the car parking fees and charges was progressed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. Details were reported to the September and November 2023 meetings of the Community and Environment Scrutiny Select Committee.

1.15 Risk Assessment

- 1.15.1 The comprehensive assessment and consultation process applied to the review of on-street parking charges provides the assurance that the Borough Council has the will and ability to adapt proposals brought forward, in the light of comment and

circumstances, and to ensure that it achieves a best balance of local parking needs. A regular review of the schemes is crucial to ensure that the Council correctly and effectively manages on-street parking in these areas, as the proposals are either introduced for safety reasons or to provide a more appropriate balance of parking needs.

1.16 Equality Impact Assessment

1.16.1 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.

1.17 Policy Considerations

1.17.1 Asset Management

1.17.2 Communications

1.17.3 Community

1.17.4 Customer Contact

1.17.5 Health and Safety

1.18 Recommendations

It is RECOMMENDED that Cabinet --

- 1) considers the recommendations made at the recent meeting of the Joint Transportation Board in regard to on street parking charges, as stated in the report,
- 2) considers the introduction of parking charges to Martin Square car park as stated in the report,
- 3) considers the introduction of parking charges to Aylesford Bailey Bridge (East) and Bailey Bridge (West) car parks as stated in the report,
- 4) considers the extension of the Bailey Bridge (East) car park, subject to the introduction of car parking charges in Bailey Bridge (West) and (East) car parks,
- 5) considers the extension of Upper Castle Field car park,
- 6) supports the extension of charges to the Gateway parking bays at Tonbridge Castle as outlined in the report,
- 7) considers the revision to off-street parking tariffs as stated in the report, and

- 8) considers the revisions of times for the operation of the car parks including evenings up to 8pm, weekends and bank holidays.

Background papers:

contact: Andy Bracey
Parking Manager

Annex 1 – On-Street Parking Changes - Joint Transportation Board report

Annex 2a – Off-Street Parking Proposals Report Sep 2023

Annex 2b – Off-Street Fees and Charges Report Nov 2023

Annex 3 – Off-street proposals – TRO Advertisement

Annex 4 – Off-street proposals – Draft Traffic Regulation Order

Annex 5 – Comparative Charges

Annex 6 – Off-street changes – Statement of Reasons

Annex 7 – Off-street Consultation - Response frequencies

Annex 8 – Stakeholder Responses

Annex 9 – Responses (Martin Square)

Annex 10 – Responses (Bailey Bridge East & West)

Annex 11 – Responses (Bailey Bridge East extension)

Annex 12 – Responses (Upper Castle Field extension)

Annex 13 – Responses (Castle Grounds)

Annex 14 – Responses (Revision to Off-Street tariffs)

Annex 15 – Responses (Evenings, Sundays and Bank Holidays)

Robert Styles

Director of Street Scene, Leisure & Technical Services

Sharon Shelton

Director of Finance & Transformation and Interim Deputy Chief Executive

TONBRIDGE & MALLING BOROUGH COUNCIL
JOINT TRANSPORTATION BOARD

04 March 2024

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

Part 1- Public

Matters For Decision

1 PARKING PROPOSALS AND CHANGES TO ON-STREET PARKING FEES AND CHARGES

Summary

This report presents Members with the outcome of the recent formal consultation on changes to the Traffic Regulation Order with regard to on-street parking fees and charges and makes recommendations to the Borough Council's Cabinet.

1.1 Introduction

- 1.1.1 At the October and November 2023 meetings of Cabinet, Members considered and approved a number of proposals relating to both on and off-street parking fees and charges subject to full formal consultation.
- 1.1.2 The details of the on-street proposals are shown in **Annex 2**. These proposals included amendments to on-street parking arrangements in Avebury Avenue, Tonbridge, the introduction of charges to the High Street and Swan Street in West Malling and changes to the loading bay in West Malling High Street.
- 1.1.3 To enable the charges to be introduced a new on-street Traffic Regulation Order amendment is required.

1.2 Changes to on-street fees and charges and parking arrangements – Formal Consultation

- 1.2.1 The statutory process for making a Traffic Regulation Order requires that the Borough Council undertakes a formal consultation on the proposed changes for a minimum of 21 days. In light of the wide-ranging nature of the changes, and to improve community engagement, the Council decided to extend the consultation period beyond the minimum requirements. The formal consultation was carried out between 24th November 2023 and 7th January 2024.
- 1.2.2 As part of the consultation process, the following actions were progressed, inviting comments or objection;

- Notices were placed in each on-street Pay & Display area and by each pay and display machine.
- Adverts were placed in the local media
- Letters were sent to each Member of the Borough Council and local Parish Councils
- Letters were sent to all statutory consultees (Police, Fire, Bus operators etc.)

1.2.3 Consultation information was also placed on the Borough Council's website which was linked to a comprehensive on-line consultation portal. A copy of the consultation questions are shown in **Annex 6**.

1.3 Consultation responses

1.3.1 Through the use of the on-line consultation portal we asked a series of 10 questions that covered the proposals linked to both the on and off-street parking fees and charges. Responses for consideration by this Board relate only to the on-street changes which have been broken down by question and subject area.

1.3.2 The consultation took advantage on an online response form to collect and collate responses. Direct email responses and replies in writing were also received and considered. All of the responses are included in **Annexes 9.1 to 9.4**.

1.3.3 One of the merits of the online consultation form is that it allows easy access and the public can comment on all of the issues. This has led to a number of situations where responders have commented several times, on differing questions, but answering in relation to one topic only – for example, commenting on the potential changes in Avebury Avenue or the on-street changes in West Malling, but “copy and pasting” the response in to every question.

1.3.4 The level of response and public engagement was significant for this sort of issue and the indications from the responders can clearly be seen.

1.3.5 Responses were also received from key stakeholders including Parish Councils, Chambers of Commerce, Churches, schools etc on the proposals. These are all included at **Annex 7** for Members consideration in the relevant sections later in this report.

1.4 Avebury Avenue

1.4.1 The proposals in Avebury Avenue are to remove the on-street parking machines in Avebury Avenue Tonbridge (west of Holford Street) and the area be changed to permit parking only to add capacity to the D1 permit parking area, as shown in **Annex 4**.

1.4.2 A Statement of Reasons for the proposal is shown in **Annex 3**, with the proposal aimed at better meeting the needs of town centre visitors and residents.

1.4.3 The number of respondents on this issue are shown below;

Object to proposal	Support proposal	Not specific
135	77	5

1.4.4 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies are shown in **Annex 8**

Comment	Number of comments made	Rank
Non-specific comments (or not relevant to proposal)	28	1
Impact businesses / local services / Church	9	2
Deter visitors / customers	8	3
Favourable to residents	4	4
Not necessary / not wanted	3	5
Cost of living	3	5
Impact on school drop-off /pick up	3	5
Really useful parking keep as is	2	8
Money making	2	8
Seems sensible	1	10
Political comment	1	10
Suggest dual use Resident and P&D	1	10

1.4.5 Analysis

1.4.6 A significant number of comments in response to this element of the consultation relate to other proposals – for example, the comments relating to school pick-up and drop-off, or church attendees are not relevant as there are no schools or churches nearby that are affected by the changes.

1.4.7 There were also comments that the resident parking bays in Avebury Avenue should be made available to the residents of Iron, Steel and Copper Houses – developments on Avebury Avenue that are currently excluded from the D1 permit parking area. This could provide additional parking opportunities for the residents in the D1 area.

1.4.8 Recommendations

1.4.9 It is recommended that the proposals for Avebury Avenue are considered by members of the Board, including the potential inclusion of the residential

properties in Iron, Steel and Copper Houses and the on-street Traffic Regulation Order be amended to this effect.

1.5 West Malling High Street and Swan Street – introduction of charges

1.5.1 There are two proposals for West Malling; to introduce charges to on street parking bays in West Malling High Street and Swan Street and to amend the operation of the loading bay area to the front of Tesco on the High Street.

1.5.2 The proposals for the introduction of charges are shown on the plans in **Annex 4**

1.5.3 A Statement of Reasons for these changes are shown in **Annex 3** with the aim to address the abuse of the current arrangements and increase the opportunity for shoppers to visit the town centre.

1.5.4 The number of respondents on this issue are shown below;

Object to proposal	Support proposal	Not specific
682	39	5

1.5.5 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies shown in **Annex 8**

Comment	Number of comments made	Rank
Impact businesses / local services / Church	294	1
Deter visitors / customers	199	2
Improved enforcement needed, should enforce the 1 hour existing	105	3
1 hour free very useful	68	4
Money making	55	5
Impact on school drop-off / pick up	55	5
Displace parking to free areas / residential streets	52	7
Not necessary / not wanted	33	8
15, 30 minute, 1 hour or 2 hour free tickets (high charges for longer parking)	33	8
Cost of living	26	10

1.5.6 Analysis

1.5.7 It is important to note that this proposal asks people if they want to pay for something that so far has been available to them for free. It is therefore not surprising that a majority of respondents stated that the changes were not wanted.

- 1.5.8 The highest ranked comments represented concerns about the impact of charges (and the removal of 1 hour free parking) on local businesses, closely followed by comments that the changes would deter visitors from visiting the town. There was a similar response when charges were introduced to the High Street short-stay car park in the town in 2016, which did not transpire.
- 1.5.9 It can also be argued that the proposals will enable more accessibility to High Street businesses which should increase footfall and turnover.
- 1.5.10 It is important to note that the proposal does not represent the complete removal of free parking in West Malling – unrestricted free parking will still be available for cars in St Leonards Street and Water Lane, and for up to 2 hours in Norman Road / Offham Road area to the west of the town and Town Hill and Nevill Court area to the north.
- 1.5.11 The Council currently permits a “walking bus” to operate from the High Street car park on school days in the mornings, and allows free parking from 3pm in the Ryarsh Lane car park to assist with the school pick-up time. No change to this arrangement that supports parents and the local school are proposed.
- 1.5.12 There was also significant comment that there should be more parking enforcement of the restrictions – not just the parking bays, but the double yellow lines, and that the enforcement should cover wider time periods than currently available. An increase in the level of parking enforcement is an issue that will need to be considered once final decisions have been taken by Cabinet on both on-street and off-street parking proposals.
- 1.5.13 68 responses indicated a wish to retain the 1 hour free parking. This is however difficult to enforce and is currently frequently abused by those wishing to stay longer. Tackling abuse of the bays in the central area of West Malling in High Street and Swan Street, to create a greater opportunity for shoppers and visitors was a key aim of the proposals.
- 1.5.14 It is also important to note that such an arrangement would create an inequity between the arrangements for West Malling and the current on-street parking arrangements in Tonbridge. The current on-street Pay & Display parking in Tonbridge does not include any free of charge arrangements.
- 1.5.15 **Recommendation**
The proposals for the introduction of on-street charges in West Malling High Street and Swan Street should be introduced as drawn and the on-street Traffic Regulation Order be altered to reflect this.
- 1.6 Changes to Loading Bay, West Malling**
- 1.6.1 The proposals are shown on the plans in **Annex 5**.

1.6.2 A Statement of Reasons for the change are shown in **Annex 3**, with the aim to address significant problems with obstructive parking which impacts on buses and the ability for deliveries and collections to take place.

1.6.3 The number of respondents on this issue are shown below;

Object to proposal	Support proposal	Not specific
242	164	6

1.6.4 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies shown in **Annex 8**.

Comment	Number of comments made	Rank
More enforcement needed / bigger signs	50	1
Not necessary / not wanted	48	2
Losing too many parking spaces / not enough spaces	39	3
Impact businesses / local services	21	4
Parking here is dangerous	20	5
Non-specific comments (or not relevant to proposal)	15	6
Support	15	6
Will affect carers / elderly visiting Tesco and Boots	8	8
Deter visitors / customers	6	9
More disabled parking, or parent and child parking	6	9

1.6.5 Analysis

1.6.6 The lead comment was that there should be more enforcement, and/or that the signs should be bigger.

1.6.7 The signs already meet the national requirements for this sort of restriction and the Council already carries out a high level of enforcement in this area, resulting in a high level of PCN issue for a short section of restriction.

1.6.8 The signs also meet standards for a conservation area, so are similar in design but smaller than those normally used. Given the comments relating to the size of the signs, consideration should be given to any new signs at this location being at the standard size rather than the reduced conservation size, however, it is recommended that the views of the local Members are sought on this detail.

1.6.9 With regard to parking enforcement, this is an issue that needs to be considered as the current usage of the location is considered to be dangerous by respondents.

1.6.10 Recommendation

The proposal for the loading bay in West Malling High Street should be introduced

as drawn, the future level of enforcement and size of signs be reviewed and the on-street Traffic Regulation Order be altered to reflect this.

1.7 On-Street Fees and Charges

1.7.1 The proposals are shown in the advertisement at **Annex 2** and the Draft Traffic Regulation Order at **Annex 1** and cover two elements;

- increases to the on-street Pay & Display parking charges (T1.1, 1.2, 1.3, T2, T3 & T4 in **Annex 2**) collected through ticket machines and the phone payment system, and
- variations to the on-street parking permit charges (T7.3, 7.4, 7.5 & 7.6 in **Annex 2**).

1.7.2 The number of respondents on this issue are shown below;

Object to proposal	Support proposals	Not specific
394	26	4

1.7.3 The 10 most frequent response categories for this issue are shown in the following table, with the full list of response categories and their frequencies are shown in **Annex 8**

Comment	Number of comments made	Rank
Impact businesses / local services	69	1
Cost of living / too expensive	55	2
Deter visitors / customers	52	3
Non-specific comments (or not relevant to proposal)	37	4
Money-making	26	5
Not necessary / not wanted	19	6
Short free period needed	13	7
Price rises too frequent / too large / too high already	12	8
More parking enforcement needed	9	9
Displace parking to free areas	7	10
Want evidence of costs increasing	7	10

1.7.4 Analysis

1.7.5 Whilst it is never popular for any prices to increase, the Council's proposals are felt to represent a balanced set of changes, aimed at increases to cover the costs

of its services against increasing inflation costs, and to recognize that parking charges have not been increased for two years.

1.7.6 The costs for on-street P&D parking set by Cabinet mirror the proposals for off-street parking, so there is no differential between the two.

1.7.7 **Recommendation**

That the changes to the on-street fees and charges be implement as advertised, and the on-street Traffic Regulation Order be altered to reflect this.

1.8 Next Steps – Implementation

1.8.1 It is intended that the recommendations in this report will be taken forward to the Borough’s Cabinet in April 2024, for consideration alongside the off-street parking changes that were consulted upon at the same time.

1.8.2 Subject to the outcome of the Cabinet meeting, the changes would be implemented through the summer of 2024, as some of the changes require the procurement of equipment and services that have variable lead-in times.

1.9 Legal Implications

1.9.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.

1.9.2 The Borough Council carries out parking enforcement under an Agency agreement with Kent County Council by way of a Traffic Regulation Order, under the terms of the Road Traffic Act 1988 (and its amendments), the Road Traffic Regulation Act 1984 and the Traffic Management Act 2004.

1.9.3 Changes to parking charges are made via an Amendment Orders to the Council's on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities’ Traffic Orders (Procedure) (England and Wales) Regulations 1996 and will reflect any temporary amendments to procedures introduced to address Covid-19 restrictions. The proposals have followed and exceeded the requirements of the Local Authorities’ Traffic Orders (Procedure) (England & Wales) Regulations 1996.

1.10 Financial and Value for Money Considerations

1.10.1 Funding for the implementation of the proposals in this report will come from existing revenue budgets and capital funding which will be subject to the outcome of Cabinet.

1.10.2 The review of the on-street car parking fees and charges was progressed within the context of a set of guiding principles, the cost of the parking service to the Council and ongoing investment in the parking management service. Details were reported to the September and November 2023 meetings of the Community and Environment Scrutiny Select Committee.

1.11 Risk Assessment

1.11.1 The comprehensive assessment and consultation process applied to the review of on-street parking charges provides the assurance that the Borough Council has the will and ability to adapt proposals brought forward, in the light of comment and circumstances, and to ensure that it achieves a best balance of local parking needs. A regular review of the schemes is crucial to ensure that the Council correctly and effectively manages on-street parking in these areas, as the proposals are either introduced for safety reasons or to provide a more appropriate balance of parking needs.

1.12 Equality Impact Assessment

1.12.1 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.

1.13 Policy Considerations

1.13.1 Asset Management

1.13.2 Communications

1.13.3 Community

1.13.4 Customer Contact

1.13.5 Health and Safety

1.14 Recommendations

1.14.1 It is RECOMMENDED to Borough Council Cabinet that:-

- The proposals for Avebury Avenue, Tonbridge be considered by Members of the Board, including the potential inclusion of the residential properties in Iron, Steel and Copper Houses, and the on-street Traffic Regulation Order be amended to this effect.
- The proposals for the introduction of on-street charges in West Malling High Street and Swan Street should be introduced as drawn, and the on-street Traffic Regulation Order be altered to reflect this.
- The proposal for the loading bay in West Malling High Street should be introduced as drawn, the future level of enforcement and size of signs to be reviewed and the on-street Traffic Regulation Order be altered to reflect this.
- That the changes to the on-street fees and charges be implemented as advertised, and the on-street Traffic Regulation Order be altered to reflect this.

Background papers:

Annex 1 Draft Traffic Regulation Order
 Annex 2 TRO Advertisement
 Annex 3 TRO Statement of Reasons
 Annex 4 Plan of on-street changes in Avebury Avenue,
 Tonbridge
 Annex 5 Plans of on-street changes in West Malling
 Annex 6 Consultation questions
 Annex 7 Stakeholder responses (on-street)
 Annex 8 On-street response frequency
 Annex 9 Consultation responses (redacted)

contact:
 Andy Bracey
 Parking Manager

Robert Styles
 Director of Street Scene, Leisure & Technical Services

PARKING PROPOSALS AND CHANGES TO ON-STREET PARKING FEES AND CHARGES

Item JTB 24/4 referred from Joint Transportation Board of 4 March 2024

The report of the Director of Street Scene, Leisure and Technical Services presented the outcome of the recent formal consultation on changes to the Traffic Regulation Order with regard to on-street parking fees and charges.

At the October and November 2023 meetings of Cabinet, Members considered and approved a number of proposals relating to both on and off-street parking fees and charges subject to full consultation. The detail of the on-street proposals was attached at Annex 2 to the report. The proposals included amendments to on-street parking arrangements in Avebury Avenue in Tonbridge, the introduction of charges to the High Street and Swan Street in West Malling and changes to the loading bay in West Malling High Street. In accordance with the statutory requirements, a formal consultation was undertaken on the proposed changes and the responses were attached at Annexes 9.1 to 9.4 to the report.

During discussion regarding the proposed changes to parking bays in Avebury Avenue, the D1 permit holder parking proposal to meet the needs of residents in Iron, Steel and Copper Houses, was not supported by Members on the grounds that the proposal was not permissible due to planning constraints.

Consideration was given to the proposals in respect of West Malling High Street and Swan Street. Although the proposal to introduce Pay and Display parking charges for on-street parking for up to 4 hours was supported, it was recommended that the proposed parking charges for 30 minutes and 1 hour be removed, allowing free parking for up to 1 hour.

Members discussed the proposed changes to the on-street fees, in particular the resident's on-street permit charges, and agreed the new charges as detailed in Annex 2 to the report.

***RECOMMENDED:** That

- (1) the proposals for Avebury Avenue, Tonbridge, excluding D1 residential permit parking for the properties in Iron, Steel and Cooper Houses, be agreed, and that the on-street Traffic Regulation Order be amended to reflect the changes;
- (2) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced, subject to an amendment that the proposed parking charges for West Malling High Street and Swan Street for 30 minutes and 1 hour be removed and that the on-street Traffic Regulation Order be amended to reflect the changes;
- (3) the proposal for the loading bay in West Malling High Street be introduced, the future level of enforcement and size of signs be reviewed and the on-street Traffic Regulation Order be altered to reflect the changes; and

- (4) the changes to the on-street fees and charges be implemented as advertised and the on-street Traffic Regulation Order be altered to reflect the changes.

***Recommendation to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITY AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

21 September 2023

Joint Report of the Directors of Street Scene, Leisure & Technical Services and Finance and Transformation and the Cabinet Member for Transformation and Infrastructure**Part 1- Public****Matters for Recommendation to Cabinet - Key Decision****1 CAR PARKING PROPOSALS****Summary**

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

1.1 Car Parking

- 1.1.1 The Council owns and manages 46 car parks across the borough to serve the needs of residents, businesses, visitors and workers. The aim is to balance the management of the car parks to meet the needs of all users, optimise the availability of parking, maximise income subject to market conditions and provide consistency across the assets in a fair commercial and efficient manner.
- 1.1.2 There are significant annual costs associated with the operation of the parking service such as the maintenance of car parks costing £320,000, enforcement costing £376,000 in salaries, business rates costing £295,000, lighting, security measures, renewal of signs and lines and considerable investment in the Parking Action Plan. These costs have increased on average by 10% over the last 2 years, whilst charges have remained unchanged.
- 1.1.3 It has been two years since the last review of parking charges and the next review is due, and a report will be presented to the next meeting of this Select Committee on 7th November 2023.

1.2 Charging Proposals

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

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

a. Extension of car park charging periods

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

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

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

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

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

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

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

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

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

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

b. Removal of on-street charges in Avebury Avenue

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

c. Introduce new charges

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

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

i) Larkfield - Martin Square

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

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

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

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

ii) Aylesford – Bailey Bridge Car Parks

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

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

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

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

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

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

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

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

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

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

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

d. Tonbridge Castle Grounds – extension of charging

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

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

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

1.3 Automatic Number Plate Recognition (ANPR)

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

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

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

1.4 Upper Castle Fields Car Park

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

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

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

1.5 Legal Implications

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

1.6 Financial and Value for Money Considerations

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

1.7 Risk Assessment

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

1.8 Equality Impact Assessment

- 1.8.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act.

1.9 Policy Considerations

- 1.9.1 Asset Management, Communications, Customer Contact

1.10 Recommendations

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

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

Background papers:

contact: Andy Bracey

Nil

Robert Styles
Director of Street Scene, Leisure and Technical Services

Sharon Shelton
Director of Finance and Transformation

Martin Coffin
Cabinet Member for Transformation and Infrastructure

CAR PARKING PROPOSALS
PROPOSED CHARGES

1. Larkfield/Martin Square

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

2. Aylesford/Bailey Bridge

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

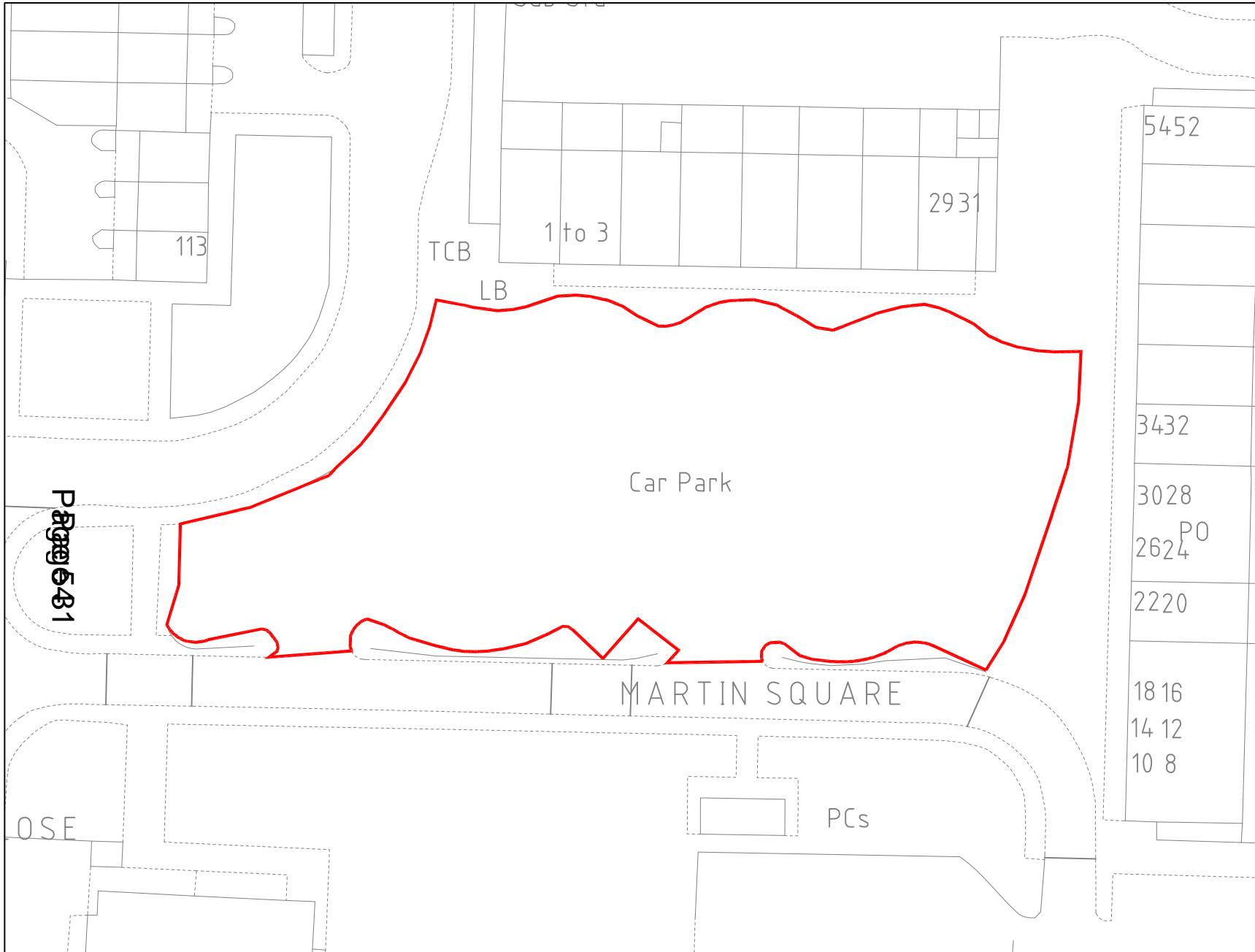
Season ticket (monthly)	£29.00
Season ticket (annually)	£290.00


3. West Malling (On-street)

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

4. Tonbridge Castle Grounds

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



Key
 Proposed area for charges



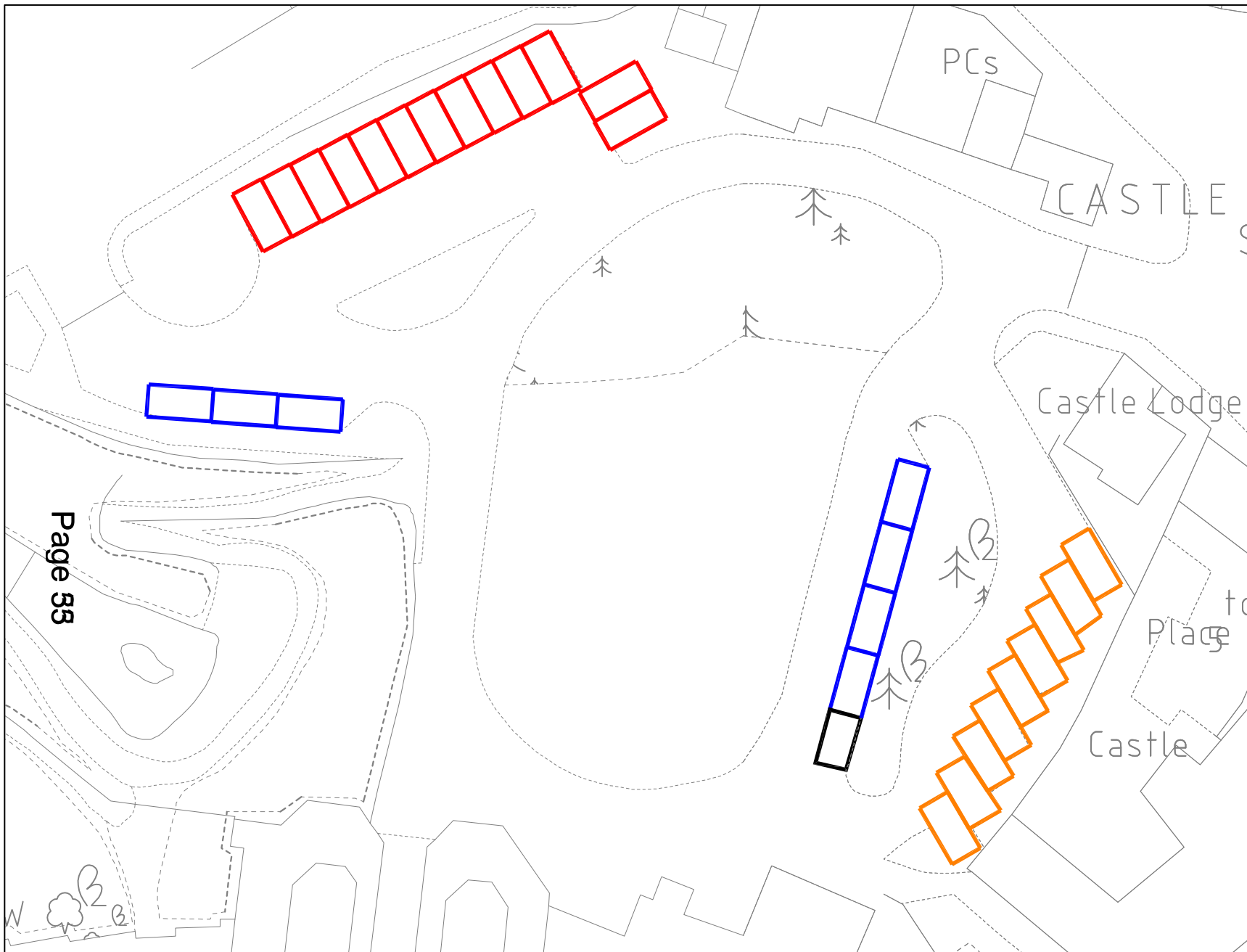
STREETSCENE,
LEISURE & TECHNICAL
SERVICES

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

Project Title
**Larkfield
 Martin Square car park**

Drawing Title
Extents of car park

Drawn SM	Checked	Date
Scale		
Drawing No.		Rev



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

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STREETSCENE,
LEISURE & TECHNICAL
SERVICES

Technical Services

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

Project Title

Tonbridge
Castle Grounds car park

Drawing Title

Extents of car park

Drawn SM	Checked	Date
Scale		
Drawing No.		Rev

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TONBRIDGE & MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

06 November 2023

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

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

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

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

1.1 Introduction

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

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

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

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

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

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

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

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

1.2 Investment in the Parking Service

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

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

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

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

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

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

1.3 Comparative Charges

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

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

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

1.4 Current Income Levels

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

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

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

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

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

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

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

1.6 Season Tickets, Tonbridge

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

TABLE 2

Season Tickets, Tonbridge		
	Current Charge	Proposed Charge
Monthly	£120	£132
Annual	£1050	£1150

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

1.7 Off-Peak Season Ticket, Tonbridge

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

TABLE 3

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

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

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

TABLE 4

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

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

TABLE 5

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

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

TABLE 6

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

1.9 Residents Permit Parking Scheme

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

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

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

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

TABLE 8

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

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

1.10 Visitor Permits

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

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

1.11 Haysden Country Park

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

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

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

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

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

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

TABLE 9

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

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

1.12 Tonbridge On-Street Pay and Display

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

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

TABLE 10

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

1.13 Timescale

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

1.14 Legal Implications

1.14.1 The powers allowing the Borough Council to carry out parking management activity are contained in the Road Traffic Regulation Act 1984, supplemented by formal agreement with Kent County Council as the Local Highway Authority, in respect of its powers under the Traffic Management Act 2004. In particular, section 122 of the Road Traffic Regulation 1984 Act imposes a general duty on local authorities exercising functions under the Act to secure the expeditious, convenient and safe movement of vehicular and other traffic (including pedestrians) and the provision of safe and adequate parking facilities on and off the highway.

1.14.2 Changes to parking charges should be made via an Amendment Order to the Council's on and off-street parking Traffic Regulation Orders, using the procedures set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.

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

1.15 Financial and Value for Money Considerations

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

1.17 Asset Management

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

1.18 Risk Assessment

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

1.19 Equality Impact Assessment

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

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

1.20 Policy Considerations

1.20.1 Asset Management

1.20.2 Community

1.20.3 Customer Contact

1.20.4 Climate Change

1.21 Recommendations

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

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

Background papers:

Annex 1 – Tonbridge Town Centre Residents Season
Ticket area

contact:
Andy Bracey

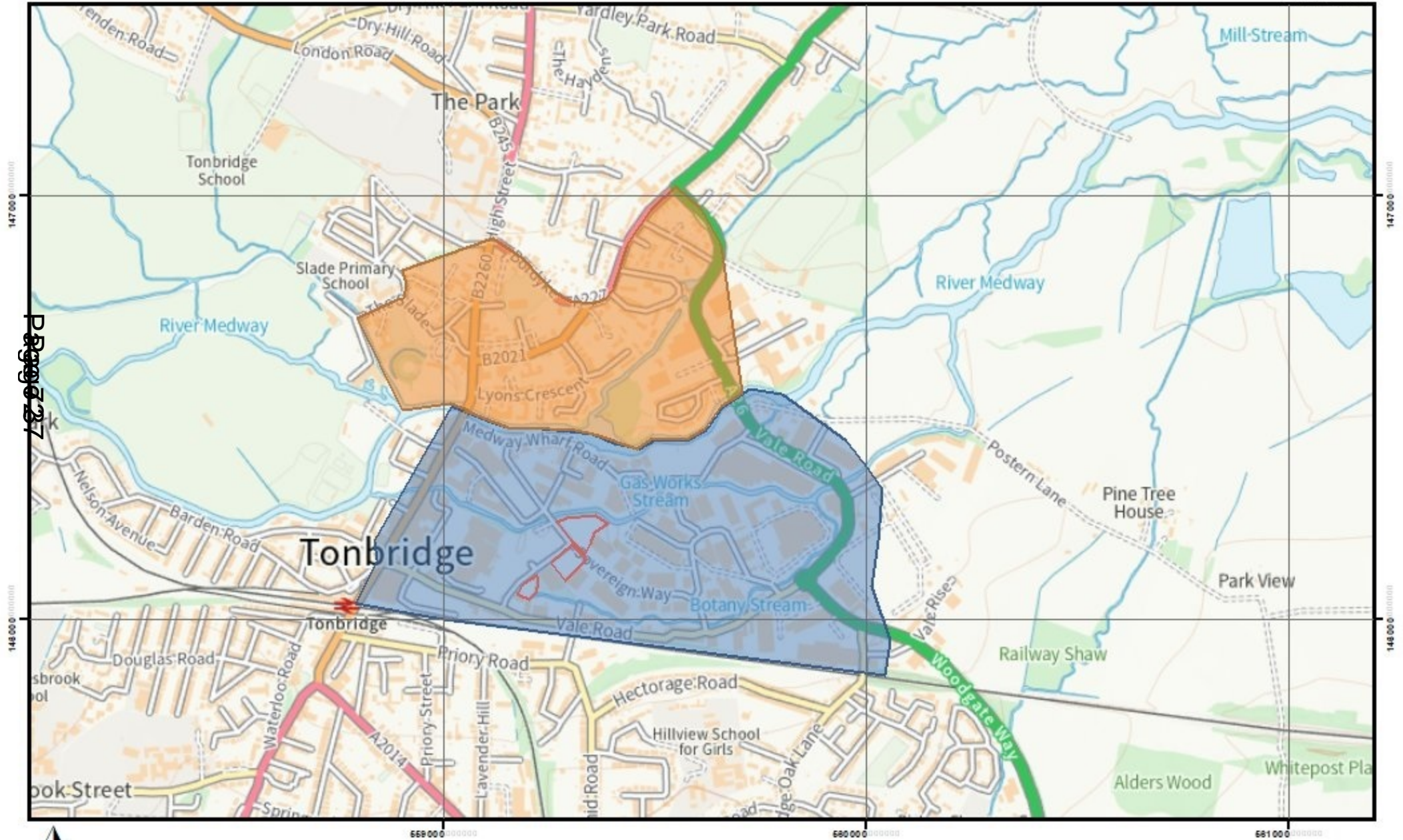
Robert Styles
Director of Street Scene, Leisure & Technical Services

Sharon Shelton
Director of Finance & Transformation

Martin Coffin
Cabinet Member for Transformation and Infrastructure

KEY

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





THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023 No.2

Notice is hereby given that Tonbridge & Malling Borough Council intends to make the above Order under Sections 32 and 35 of the Road Traffic Regulation Act 1984, the effect of which will be as per the Council's existing Off-Street Parking Places Order, save for changes in the following areas;

Part 1 - New Parking Charges

a) Larkfield - Martin Square car park

The Council is proposing the introduction of parking charges as follows;

- A new charge of £0.60 for parking up to 30 minutes
- A new charge of £1.20 for parking up to 1 hour
- A new charge of £2.00 for parking up to 2 hours
- A new charge of £2.90 for parking up to 3 hours
- A new charge of £3.80 for parking up to 4 hours
- A new charge of £5.80 for parking up to 23 consecutive hours
- A new charge of £29 for a 1 month season ticket
- A new charge of £290 for a 12 month season ticket

Details of the Pay and Display machine locations are shown in the documents on-deposit at the Council Offices and are also available online.

b) Aylesford – Bailey Bridge (East) and Bailey Bridge (West) car parks

The Council is proposing the introduction of parking charges as follows;

- A new charge of £0.60 for parking up to 30 minutes
- A new charge of £1.20 for parking up to 1 hour
- A new charge of £2.00 for parking up to 2 hours
- A new charge of £2.90 for parking up to 3 hours
- A new charge of £3.80 for parking up to 4 hours
- A new charge of £5.80 for parking up to 23 consecutive hours
- A new charge of £29 for a 1 month season ticket
- A new charge of £290 for a 12 month season ticket

The Council also has initial proposals to improve and extend the Bailey Bridge (East) car park to create a further 15 to 30 Pay & Display and Season Ticket parking spaces (depending on design constraints), available to all to use.

Details of the Pay and Display machine locations are shown in the documents on-deposit at the Council Offices and are also available online.

Part 2 - Extended parking areas

Tonbridge – Castle Grounds car park

The Council is proposing that the existing 9 Castle Gateway visitor spaces be added to the existing Pay & Display parking arrangements, available for all to use.

Details of the revised layout and Pay and Display machine locations are shown in the documents on-deposit at the Council Offices and are also available online.

Tonbridge – Upper Castle Field car park

The Council has initial proposals to extend the existing Upper Castle Field car park to create a further 28 Pay & Display parking spaces (subject to design constraints), available for all to use.

Details of the revised layout and Pay and Display machine locations are shown in the documents on-deposit at the Council Offices and are also available online.

Part 3 – Revised tariff of existing charges

The Council is revising its tariff of charges for off-street parking as follows;

Car parks in the town of Tonbridge,

Group 1 (Short Stay), covering Angel, Botany, Bradford Street, Kinnings Row, Lamberts Yard and River Lawn

Groups 5 & 7 (Short Stay), covering Upper Castle Field and Castle Grounds

- an increase of 10 pence to £0.80 for parking for up to 30 minutes
- an increase of 20 pence to £1.60 for parking up to 1 hour
- an increase of 40 pence to £3.20 for parking up to 2 hours
- an increase of 60 pence to £4.80 for parking up to 3 hours
- an increase of 80 pence to £6.40 for parking up to 4 hours
- an increase of 40 pence for additional hours to £3.20 per hour, to a maximum of 23 consecutive hours
- an increase of £40 (to £360) for 12 month off-peak season tickets.

Group 2 (Long Stay), covering Sovereign Way Mid and Waterloo Road

- an increase of 20 pence to £1.60 for parking up to 1 hour
- an increase of 40 pence to £3.00 for parking up to 2 hours
- an increase of 60 pence to £4.10 for parking up to 3 hours
- an increase of 80 pence to £6.20 for parking up to 6 hours
- an increase of 20 pence to £7.00 for parking up to 23 consecutive hours
- an increase of £40 to £360 for a 12 month off-peak season ticket
- an increase of £2.50 to £90 for a 3 month Town Centre residents' season ticket
- an increase of £10 to £360 for a 12 month Town Centre residents' season ticket

Groups 3 & 6 (Long Stay), covering Sovereign Way East, Sovereign Way North and Lower Castle Field, and

Group 4 (Long Stay), covering Vale Road

- an increase of 20 pence to £1.60 for parking up to 1 hour
- an increase of 40 pence to £3.00 for parking up to 2 hours
- an increase of 60 pence to £4.10 for parking up to 3 hours
- an increase of 80 pence to £6.20 for parking up to 6 hours
- an increase of 20 pence to £7.00 for parking up to 23 consecutive hours
- an increase of £12 to £132 for a monthly season ticket
- an increase of £100 to £1150 for a 12 month season ticket
- an increase of £40 to £360 for a 12 month off-peak season ticket
- an increase of £2.50 to £90 for a 3 month Town Centre residents' season ticket
- an increase of £10 to £360 for a 12 month Town Centre residents' season ticket

Group 14.1, covering Haysden Country Park

- an increase of 20 pence to £2.20 for parking up to 4 hours
- an increase of 50 pence to £5.00 for parking over 4 hours
- an increase of £5 to £70 for 12 month car park season tickets

In the town of West Malling,

Group 16, covering High Street car park

- an increase of 10 pence to 60 pence for parking up to 30 minutes
- an increase of 10 pence to £1.20 for parking up to 1 hour
- an increase of 20 pence to £2.00 for parking up to 2 hours
- an increase of 30 pence to £2.90 for parking up to 3 hours
- an increase of 40 pence to £3.80 for parking up to 4 hours

Group 10, covering Ryarsh Lane car park

- no increase to the 1 month car park season ticket, staying at £26
- an increase of £35 to £290 for a 12 month car park season ticket
- an increase of 10 pence to 60 pence for parking up to 30 minutes
- an increase of 10 pence to £1.20 for parking up to 1 hour
- an increase of 20 pence to £2.00 for parking up to 2 hours
- an increase of 30 pence to £2.90 for parking up to 3 hours
- an increase of 40 pence to £3.80 for parking up to 4 hours

In the village of Borough Green

Group 13, covering Western Road car park

- an increase of 10 pence to £0.30 for parking up to 30 minutes
- an increase of 10 pence to £0.60 for parking up to 1 hour
- an increase of 20 pence to £1.00 for parking up to 2 hours
- an increase of 30 pence to £1.80 for parking up to 4 hours
- an increase of 40 pence to £2.60 for parking up to 6 hours
- an increase of 40 pence to £3.50 for parking up to 9 hours
- an increase of 20 pence to £5.50 for parking all day (23 consecutive hours)
- an increase of £35 to £385 for the residents car park season ticket

Part 4 – Changes to car park charging periods

The times that parking charges apply in the listed parking areas to be extended as follows;

Car Park(s)	Proposed charging periods	Existing charging periods	Proposed season ticket periods	Existing season ticket periods
Angel, Botany, Bradford Street, Kinnings Row, Lamberts Yard, River Lawn, Upper Castle Field, Castle Grounds (Tonbridge)	8am-8pm, every day of the week	8am-6pm, Monday to Saturday, excluding Bank Holidays	Off-peak 4pm to 9am the following day and Weekends	Off-peak 4pm to 9am the following day and Saturdays
Sovereign Way Mid, Sovereign Way North, Sovereign Way East, Waterloo Road, Lower Castle Field, (Tonbridge)	8am-8pm, every day of the week	8am-6pm, Monday to Saturday, excluding Bank Holidays	Season tickets – every day. Off-peak 4pm to 9am the following day and Weekends	Season tickets – Monday to Saturday Off-peak 4pm to 9am the following day and Saturdays

Car Park(s)	Proposed charging periods	Existing charging periods	Proposed season ticket periods	Existing season ticket periods
Vale Road, (Tonbridge)	8am-8pm, weekends	8am-6pm, Saturdays	Season tickets – every day. Off-peak 4pm to 9am the following day and Weekends	Season tickets – Monday to Saturday Off-peak 4pm to 9am the following day and Saturdays
Blue Bell Hill car park, (Blue Bell Hill)	8am-8pm, every day of the week	8am-6pm, Monday to Saturday, excluding Bank Holidays	Season tickets – every day	Season tickets – Monday to Saturday
Western Road, (Borough Green)	8am-8pm, every day of the week	8am-6pm, Monday to Friday, excluding Bank Holidays	Season tickets – every day	Season tickets – Monday to Friday
High Street, (West Malling)	8:30am–5:30pm, every day of the week	8:30am-5:30pm Monday to Saturdays, excluding Bank Holidays	Not offered	Not offered
Ryarsh Lane, (West Malling)	Pay parking - Saturdays and Sundays, 8am-8pm	Pay parking - Saturdays, 8:00am – 5:30pm	Season tickets – Monday to Friday, 8am – 3pm Saturday & Sunday 8:30am-5:30pm	Season tickets – Monday to Friday, 8am – 3pm & 8am-6pm Saturdays, excluding Bank Holidays

A copy of the draft Order and the Statement of Reasons for proposing to make the Order may be inspected during normal working hours at the offices of Tonbridge and Malling Council Offices, Kings Hill, West Malling or at Tonbridge Castle and also at the Kent County Offices, Sessions House, County Hall, Maidstone, Kent.

The proposed Order may also be viewed on www.tmbc.gov.uk/consultations or you can scan the QR code to visit the consultation page



Anyone wishing to support these proposals, or object to them, should write stating reasons, and quoting the name of the Order (or complete the online form) by no later than 7th January 2024.

If you have any questions concerning this notice, require further information or have difficulty in reading this notice, please contact, during normal office hours, the Parking Office tel: (01732) 844522, email: parking.consultations@tmbc.gov.uk or by post to;

The Parking Office, Tonbridge & Malling Borough Council,
Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ.

Dated 24th November 2023

Julie Beilby
Chief Executive

For enquires relating to these proposals please contact Tonbridge & Malling Borough Council on 01732 844522.

Please note that the Council also has proposals for changes to on-street parking arrangements – these can also be viewed online.

Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2023 No.2

The Tonbridge & Malling Borough Council, in exercise of its powers under sections 32, 35 and 124 and Schedule 9 of the Road Traffic Regulation Act 1984, as amended, and Part 6 of the Traffic Management Act 2004 and of all other enabling powers, with the consent of the County Council of Kent in accordance with section 39(3) of the Act and after consulting the chief officer of police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

Citation and Commencement

This Order may be cited as the *Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2023 No.2*, and shall come into operation on (to be confirmed).

The Common Seal of the Tonbridge and
Malling Borough Council was hereunto
affixed the

in the presence of:

Chief Solicitor

Explanatory note (not part of this Order)

Items to be revoked are shown in red

Items to be introduced are shown in coloured

- *Proposal A – change of times of parking charge restrictions in existing parking areas*
- *Proposal B – change of existing tariff of charges*
- *Proposal C – new parking charges in Martin Square*
- *Proposal D – new parking charges in Bailey Bridge (East) and (West) car parks*

Part A – Index of this Order

Part B – Definitions & Interpretations

Part C – General provisions on the use of parking places

Part D – Parking permits and Season Tickets

Part E – Enforcement and contraventions of this Order

Part F – Exceptions and Exemptions

Part G – Revocations and consolidations

Schedule 1 – Tables of Parking Places and Restrictions

Schedule 2 - Exemptions from initial charges for parking in parking places

Part B - Definitions & Interpretations

1. Definitions

In this Order, except where the context otherwise requires, the following expressions, have the meanings hereby respectively assigned to them:

"Act of 1984"	means the Road Traffic Regulation Act 1984 or any subsequent amendment thereto;
"Act of 1988"	means the Road Traffic Act of 1988, or any subsequent amendment thereto;
"Act of 1994"	means the Vehicle Excise and Registration Act 1994, or any subsequent amendment thereto;
"Act of 2004"	means the Traffic Management Act 2004, or any subsequent amendment thereto;
"authorised person"	means a civil enforcement officer or other person duly authorised by the Council or a police constable in uniform;
"caravan"	means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a vehicle or trailer);
"charging periods"	exclude public holidays and Sundays, unless otherwise stated in Schedule 1 (Tables of Parking Places);
"civil enforcement officer" or "CEO"	has the same meaning as "parking attendant" in section 63A of the Act of 1984, amended by virtue of section 76 of the Act of 2004.in relation to parking contraventions;
"contravention"	means any breach of the provisions herein contained;
"Council"	means Tonbridge & Malling Borough Council;
"current"	in relation to a vehicle licence means valid on the relevant date;
"disabled parking bay"	means a bay within a parking place identified by surface markings and/or other signage, for the parking at any time of vehicles displaying valid disabled persons badges;
"disabled person" and "disabled persons badge"	have the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
"disabled persons vehicle"	means a vehicle lawfully displaying a disabled person badge and which is a vehicle which, immediately before or after any period of parking allowed by virtue of a provision of a kind required by the Local Authorities Traffic Orders (Exemption for Disabled Persons)(England) Regulations 2000 to be included in an order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;
"driver"	in relation to a vehicle parking in a parking place, means the person driving the vehicle at the time it was left in the parking place;
"holder"	means the person or organisation to whom a valid season ticket

	(including off peak season ticket), preferential permit (valid in GROUP 15 of Schedule 1 (Tables of Parking Places)) or permit has been correctly issued;
"long stay"	parking place allows a maximum of 23 hours parking, unless otherwise stated in the Schedule, when the appropriate fee is paid;
"motor cycle bay"	means a parking bay marked out on the surface of the parking place, or indicated by sign(s), that is reserved for parking of solo motorcycles only;
"On Street Parking Order"	means <i>The Kent County Council (Various Roads, Tonbridge and Malling) (Waiting Restrictions and On-Street Parking Places) (Consolidation) Order 2012</i> or any subsequent Amendment or Consolidation of that Order;
"parking bay"	means any areas of a parking place which is provided for the leaving of a vehicle and indicated by markings on the surface of the parking place;
"parking charge"	means the charge specified in respect of a parking place in Schedule 1 (Tables of Parking Places);
"Parking Manager"	means the officer with responsibilities for managing the Parking Service on behalf of the Council;
"parking period"	means the period during which the vehicle is parked in the parking bay;
"parking place"	means an off-street car parking area, which is any area of land specified by name in column 1 of Schedule 1 (Tables of Parking Places), including any access road thereto from the public highway;
"parking place notice"	means any notice placed in or adjacent to a parking place that displays any of the conditions of parking, including time restrictions;
"pay & display" or "P & D"	means a system of payment used at parking places operated by the Council for the parking of vehicles where a prepaid tickets must be obtained from a ticket machine and displayed in the relevant position within the vehicle bearing the registration mark for which it has been issued; or an appropriate payment has been made by the Council's approved phone payment for parking system;
"pay & display ticket" or "P & D ticket"	means a prepaid ticket issued from a ticket machine operated by the Council within a parking place in which the vehicle is parked, obtained for the purpose of showing proof of payment to park (according to charges specified in Schedule 1 (Tables of Parking Places) and showing the following information: <ul style="list-style-type: none"> i. the name of the Council and VAT No., ii. amount paid, iii. date and time of purchase, iv. expiry time, v. name of car park area, and vi. the ticket machine reference number vii. the vehicle registration number (where supplied)
"phone payment service"	means a method of payment whereby the parking charge specified in Schedule 1 (Tables of Parking Places) (and any appropriate

	administration charge) is collected by a Council appointed third party, via an arranged account, with payment being made over the telephone or by other electronic system (including the internet) by credit or debit card or other means of secure authorised payment. This method requires contact with the Council appointed third party immediately upon parking to register the act of parking;
"penalty charge"	means a charge of the appropriate higher/lower level rates, set in accordance with the provisions of the Act of 2004 payable to the Council in the event of any contravention of this Order;
"penalty charge notice" "PCN"	means a notice attached to the vehicle, or personally served to the driver or served by post to the registered keeper in appropriate circumstances as laid down in the Act of 2004;
"permit"	means a permit issued by the Council to an individual to park a vehicle in the parking places(s) identified in Schedule 1 (Tables of Parking Places), with or without restrictions, but subject otherwise to the provisions of this Order;
"preferential permit"	means a permit issued by the Council (according to the provisions established in Zone R Preferential Parking Scheme detailed in the On Street Parking Order) to an individual to park a vehicle in GROUP 15 of Schedule 1 (Tables of Parking Places);
"public holiday"	includes Christmas Day, Good Friday and any other bank holiday for England as defined by central government;
"registered keeper"	in relation to a vehicle, means the person in whose name the vehicle is registered under the Act of 1994;
"Regulations of 2000"	means the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;
"relevant company"	means the current company appointed to administer and manage the pay by phone system operated in the Council's car parking places;
"relevant position"	means: <ol style="list-style-type: none"> 1. in the case of preferential permits, permits and season tickets (including off peak season tickets), the display: <ol style="list-style-type: none"> i. in a vehicle fitted with a front windscreen, that such items must be exhibited thereon with obverse side facing forwards on the near side of, and immediately behind, the windscreen so that it is clearly visible from the outside of the vehicle; ii. in the case of a vehicle not fitted with a front windscreen, such items must be exhibited in a conspicuous position on the front or near side vehicle; 2. in the case of P & D tickets and T & D tickets, the display of such items are exhibited in a conspicuous position on the front or nearside of the vehicle;
"Schedule"	means the Schedule to this Order, unless otherwise stated.
"season ticket"	means a ticket issued by the Council to an individual to park a

	vehicle in the parking places identified in the Schedule;
"short stay"	parking place allows a maximum of 4 hours parking when the appropriate fee is paid;
"solo motor cycle"	means a motor bicycle without a sidecar or trailer;
"specified class(es)"	<p>means the following classes of vehicle:</p> <ul style="list-style-type: none"> i. a motor vehicle within the provisions of section 136 (1) of the Act of 1984; ii. motor car within the provisions of section 136 (2) of the Act of 1984; iii. heavy motor car that meets the provisions of the Act of section 136 (3) iv. motor cycles as defined in section 136(4) of the Act of 1984; v. a motor vehicle within the provisions of section 136 (1) of the Act of 1984 that requires electrical recharging from an external power source <p>PROVIDED ALWAYS that they do not exceed any height restrictions and will fit within the marked bays in the parking places;</p>
"take & display ticket" or "T & D ticket"	means any free ticket issued by a ticket machine operated by the Council to demonstrate the time of arrival so as to comply with maximum parking periods;
"ticket machine"	means an apparatus of a type and design approved by the Secretary of State for Transport in accordance with section 35(3) of the Act of 1984 for the purpose of issuing P&D tickets and T&D tickets in the parking places specified in Schedule 1 (Tables of Parking Places);
"trailer"	means a trailer as defined in section 136 (1) of the Act of 1984;
"vehicle"	means a vehicle of the specified class;
"Zone R"	means the roads in East Malling as described in the Fourth Schedule (Part 4) of the On Street Parking Order.

2. In the case of a disabled person's badge, this must be clearly displayed at all times in accordance with the directions/guidance issued by the Department for Transport".

3. Interpretation

The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Unless expressly stated to the contrary any reference to a specific statute includes any statutory extension or modification, amendment or re-enactment of that statute and any regulations or orders made under it, and any general reference to a statute includes regulations or orders made under that statute.

Reference to any order regulation or statutory instrument includes any order replacing or amending the order regulation or statutory instrument.

Part C - General provisions relating to the use of parking places

1. Location of parking places

In Schedule 1 (Tables of Parking Places), each area of land specified by name in Column 1 may be used, as a parking place for vehicles of the specified class, on the days, times and conditions specified in Column 2, and at a charge, if any, indicated in Column 3.

2. Parking for specified classes of vehicle

Unless previously agreed in writing by the Council, the driver of a vehicle shall not cause it to park in a parking place where a vehicle class has been specified unless the vehicle is of the specified class for that parking place and parking bay.

3. Requirement to park within bay markings

Where within a parking place, there are surface markings which indicate parking bays; the driver of a vehicle shall not cause it to park otherwise than wholly within such a parking bay, specific to that class of vehicle.

4. Alterations to parking bays and markings

The Council may at any time change the location or number of such parking bays or markings within a parking place.

5. Relating to disabled persons parking bays

Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a disabled person's vehicle, the driver of a vehicle shall not cause it to park in that parking bay unless it displays a current 'disabled person's badge' in accordance with the provisions of the Regulations of 2000 and the registered disabled person is either the driver or a passenger in the vehicle.

The driver of a vehicle displaying a current 'disabled person's badge' in accordance with the provisions of the Regulations of 2000 may park the vehicle, free of charge in a parking place provided that the period of stay does not exceed the maximum stay for that parking place. A driver displaying a current 'disabled person's' valid badge may also park in a normal bay under the same conditions.

6. Maximum duration of stay

The driver of a vehicle shall not cause or allow that vehicle to remain in the parking place for longer than the maximum period of time indicated on the relevant parking place notice.

7. "No return" period

The driver of a vehicle shall not cause or allow that vehicle to return to the parking place within the period of time specified on the parking place notice.

8. Suspension of use of parking places

Notwithstanding any other provision of this Order, the Council may suspend the use of or close a parking place, or any part of a parking place, for such period as it considers appropriate.

The driver of a vehicle shall not leave that vehicle in a parking place at any time when it is deemed to be suspended or closed by the Council in accordance with the provisions of the prior paragraph of this Article.

9. Authority to park and conditions of use

Except as otherwise provided in this Order, no vehicle shall be left in a parking place during a charging period unless the driver has first obtained one of the following: P & D ticket, T & D ticket, season ticket (including off peak season tickets), preferential permit or permit and displayed it in the relevant position, or made use of the pay by phone option.

10. Requirement to clearly display permits etc.

Whenever a vehicle occupies any of the parking places specified in Schedule 1 (Tables of Parking Places) and is required to display one of the following;

- a) P & D ticket
- b) T & D ticket
- c) season ticket (including off peak season tickets)
- d) preferential permit or permit

it must be done in a manner so that the expiry time or date, permit or season ticket bar code (where present), or any other condition of parking is clearly visible at all times.

11. Extending stay in P & D parking

Additional P & D tickets may be purchased to allow the vehicle to remain up to the maximum period of stay.

12. Vehicles changing parking places and validity of P & D tickets

Unless otherwise directed, a P & D ticket shall only be valid for use in a parking place in which it was purchased or in any other parking place within the same charge group within column 1 of Schedule 1 (Tables of Parking Places).

13. Vehicles changing parking places and validity of T & D tickets

T & D tickets shall only be valid for use in a parking place in which it was obtained

14. Transfer of tickets between vehicles

P & D tickets and T & D tickets are not transferable between vehicles. Where a registration number is displayed upon a P & D or T & D ticket, it is only valid when displayed within a vehicle bearing that registration.

15. Requirements of drivers using phone payment services

Whenever the Council's phone payment service option is used it is the driver's responsibility to ensure that their period of stay has been recorded with the relevant company. This registration is not transferable and a fresh notification is required if the vehicle is moved to a different parking place.

16. Parked vehicles to be licensed and insured

The driver of a vehicle shall not cause that vehicle to park in a parking place;

- a) if the vehicle has been declared S.O.R.N,
- b) unless the driver possesses a policy and certificate of insurance, in relation to the use of the vehicle by the driver, that complies with the requirements of the Act of 1988, and;
- c) unless the vehicle registration number plate is visible at all times and, that if it is obscured by any covering on the vehicle, the CEO shall be empowered to

uncover the plate to record the registration number;

17. Activities prohibited in parking place

The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in, or to depart from, the parking place.

The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in, or to depart from, the parking place.

18. Actions requiring written permission the Council

Except with the prior written permission of the Council, no person shall use any part of a parking place or any vehicle left in a parking place –

- a) for overnight sleeping, camping or cooking;
- b) to erect (or cause to be erected) any tent, booth, stand, building, structure or any other thing;
- c) to light, allow or cause any fire to be lit;
- d) to display, place on vehicles or distribute, or cause to be displayed, placed or distributed any notice, leaflet, handbill, booklet, book or other item; display or distribute, or cause to be displayed or distributed, any notice, leaflet, handbill, booklet, book or other item;
- e) for the unauthorised sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skill or services;
- f) for the furtherance of business of any kind, private or otherwise;
- g) for the purpose of servicing or washing any vehicle or part thereof, other than is reasonably necessary to enable that vehicle to depart from the parking place;
- h) for the display of any vehicle for sale or to sell any vehicle;
- i) to park any caravan or trailer unless otherwise approved before parking, in which case the caravan or trailer must:
 - i. be connected to the towing vehicle at all times,
 - ii. both units must fit wholly within marked bays,
 - iii. the towing vehicle must display consecutive valid pay and display tickets for the number of spaces occupied.
- j) to carry out repairs or adaptations to the vehicle unless the need for such works was not identified until after parking took place and that without them the vehicle could not be moved from the parking place PROVIDED such repairs are carried out within 24 hours of the identification of the breakdown.

19. Annoyance, nuisance and antisocial behaviour

No person in a parking place shall;

- a) shout or make or cause any loud noise to be made to the annoyance or disturbance of any users of the parking place, any occupants of adjoining or neighbouring premises or any passers-by;
- b) use any threatening, abusive or insulting language, gesture or conduct likely

- to occasion, or occasioning, a breach of the peace;
- c) deposit litter or fly tip any items;
 - d) cycle, skateboard, or play any ball game or any other game;

20. Alteration of the position, of vehicles

For the purpose of meeting the requirement of an emergency, an authorised person may alter, or cause to be altered, the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place.

Any person removing or arranging the removal of a vehicle by virtue of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed.

21. Requirements for the safe management of parking places

An authorised person may move, or cause to be moved, any vehicle or other container containing any substance which appears to him to be hazardous to health as defined by the Control of Substances Hazardous to Health Regulations 1988 or any other legislation relating to health or safety.

22. Restrictions on driving of vehicles in parking places

Where in a parking place signs are erected, or surface markings are laid, for the purpose of either indicating the entrance to (or exit from) the parking place; or indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place, no person shall drive, or cause to be driven, any vehicle;

- a) so that it enters the parking place otherwise than by an entrance so indicated;
- b) so that it leaves the parking place otherwise than by an exit so indicated; or
- c) in a direction other than so specified.

No person shall, except with the prior written permission of the Council, drive or cause to be driven any vehicle in a parking place for any purpose other than that of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from that parking place.

23. Securing or removal of vehicles in relation to the execution of court warrants by third parties

The Council gives permission for appointed court Bailiffs and appointed Enforcement Agents (for the purposes of the execution of court warrants) to act on warrants pertaining to vehicles parked within the parking places listed in Schedule 1 (Tables of parking places)

Part D – Parking Permits and Season Tickets

1. Application for a permits and season tickets

The registered keeper of a vehicle may, on application to the Council, purchase a season ticket which will enable a vehicle to park a) in a parking place for which season tickets are available and b) for a charge, both of which are identified in Schedule 1 (Tables of Parking Places).

2. Validity of season tickets

Season tickets are issued subject to the provisions of this Order, and to availability, and are only valid (unless otherwise specified) in respect of the parking place or places for which it was issued.

3. Granting of Permits

The Council may at any time, whether on payment or otherwise, grant written permission by way of a permit for vehicles to park in such parking places and at such times as it may consider appropriate:

Provided that a Permit Application Form (obtainable from the Council) is completed and submitted, together with the relevant authorisation(s) and any appropriate fee

Applicants for these permits shall complete all information required by such Forms, and the Council may, at any time, before or after its issue, require an applicant to produce to an officer of the Council reasonable evidence which verifies the information provided.

PROVIDED that no vehicle shall be left in a parking place in reliance upon such permission, and unless a permit issued in accordance with such permission is fixed in the relevant position on or in the vehicle in respect of which it was issued.

4. Discretion to issue permits and season tickets

Without prejudice to the Council's powers as set out in this Order, the Council shall have discretion not to issue preferential permits, permits or season tickets (including off-peak season ticket) to a vehicle which has three or more unpaid and unchallenged penalty charge notices issued by the Council, being those penalty charge notices where payment is lawfully due.

5. Charges for replacement of season tickets

An administrative charge, currently £10, may be made for the replacement of any season ticket, whether resulting from loss, damage or to change details thereon.

6. Rights to terminate parking permits

The Council shall be entitled to terminate all rights granted by the issue of any season ticket (including off peak season ticket), preferential permit, or permit if at any time the holder is in contravention of any of the provisions contained in this Order. In any such circumstance the holder shall not be entitled to any refund whatsoever without prejudice to any other right of action the Council may have whether under this Order or otherwise.

Notwithstanding the previous paragraph, the Council shall be entitled to terminate, without notice and for any reason, any season ticket (including off peak season ticket), preferential permit or permit, but subject to a full refund for any unused period.

7. Season tickets - Relating to Borough Green

In the case of Western Road, Borough Green Car Park, season tickets will only be issued to those whom the Council deem to be working in Borough Green town centre.

8. Season tickets - Relating to Ryarsh Lane, West Malling

In the case of Ryarsh Lane, West Malling Car Park, the Car Park is reserved for season ticket holders only, during the specified hours of the Schedule and they will only be issued to those whom the Council deem to be working in West Malling town centre;

9. Season tickets - Relating to Commercial Road, Tonbridge

In the case of Commercial Road, Tonbridge, season tickets will only be issued to those whom the Council deem to be resident in Commercial Road, and the Council may limit the number of season tickets issued to reflect the limited number of spaces.

10. Relating to Village Field car park

The registered keeper of a vehicle may, on application to the Council, purchase a preferential permit provided they meet the Zone R qualifications established in the Preferential Parking Scheme in the On Street Parking Order. This will allow parking in the Village Field Car Park, East Malling listed in GROUP 15, Schedule 1 (Tables of Parking Places).

The owners of the Village Field Car Park, East Malling, currently East Malling and Larkfield Parish Council, may at any time, whether on payment or otherwise, grant permission for vehicles to park in the Village Field Car Park, East Malling, listed in GROUP 15, Schedule 1 (Tables of Parking Places), at such times as it may consider appropriate:

PROVIDED that no vehicle shall be left in a parking place in reliance upon such permission, and unless a permit is displayed in a relevant position on or in the vehicle in respect of which it was issued.

Part E – Enforcement and Contraventions of this Order

1. Parking “out of bay”

A vehicle that is left within a parking place where parking spaces are marked outside of those marked parking spaces shall be deemed to be in contravention of this Order.

2. Parking with an expired or amended ticket or permit

A vehicle that exhibits an expired or amended P & D ticket, T & D ticket, season ticket (including off peak season tickets), preferential permit or permit is invalid and is in contravention of this Order.

3. Penalty charge notice

Where a vehicle is left in a parking place in contravention of any of the provisions of this Order, a civil enforcement officer may attach to the vehicle in a conspicuous position a penalty charge notice, in accordance with the Act of 2004, or by handing the penalty charge notice to the driver, or by subsequent postal issue.

4. Disposal of Vehicles abandoned in a Parking Place.

The Council, as respects any vehicle which has been or could at any time be removed from a parking place in pursuance of this Article if it appears to them to have been abandoned, may sell or otherwise dispose of the vehicle and may recover any expenses and charges reasonably incurred from any person responsible.

Part F – Exceptions and Exemptions

Schedule 2 (Exemptions from initial charges in parking places) shall have effect for the purpose of exempting drivers of vehicles from payment of a parking charge.

Part G - Revocations and Consolidations

Tonbridge & Malling Borough Council (Off-Street Parking Places) Order 2021 and its subsequent amendments are to be revoked in its entirety, to be replaced by this Order.

Schedule 1 - Tables of Parking Places

GROUP 1 (Short Stay)

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges	
<p>Angel car park (Tonbridge)</p> <p>Botany car park (Tonbridge)</p> <p>Bradford Street car park (Tonbridge)</p> <p>Kinnings Row car park (Tonbridge)</p> <p>Lamberts Yard car park (Tonbridge)</p> <p>River Lawn car park (Tonbridge)</p>	<p>Existing</p> <p>a) Charging period 8am to 6pm Monday to Saturday</p> <p>b) Free at all other times including public holidays</p> <p>c) Maximum stay 23 consecutive hours.</p> <p>Proposal A</p> <p>a) Charging period 8am to 8pm every day, including public holidays</p> <p>b) Free at all other times</p> <p>c) Maximum stay 23 consecutive hours.</p>	<p>Pay and Display charges</p> <p>up to 30 minutes up to 1 hour up to 2 hours up to 3 hours up to 4 hours additional hours</p>	<p>Proposal B</p> <p>80p £1.60 £3.20 £4.80 £6.40 £3.20 per additional hour</p> <p>Existing</p> <p>70p £1.40 £2.80 £4.20 £5.60 £2.80 per additional hour</p>
		<p>Off Peak Season Tickets</p>	<p>Proposal B</p> <p>£360 per 12 month period.</p> <p>(available 4pm to 9am following day and Weekends)</p> <p>Existing</p> <p>£320 per 12 month period.</p> <p>(available 4pm to 9am following day and Saturdays)</p>

GROUP 2 (Long Stay)

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges																					
<p>Sovereign Way Mid car park (Tonbridge)</p> <p>Waterloo Road car park (Tonbridge)</p>	<p>Existing</p> <p>a) Charging period 8am to 6pm Monday to Saturday</p> <p>b) Free at all other times including public holidays</p> <p>c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p> <p>Proposal A</p> <p>a) Charging period 8am to 8pm every day, including public holidays</p> <p>b) Free at all other times</p> <p>c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <p>Proposal B</p> <table border="0"> <tr><td>up to 1 hour</td><td>£1.40</td></tr> <tr><td>up to 2 hours</td><td>£2.60</td></tr> <tr><td>up to 3 hours</td><td>£3.50</td></tr> <tr><td>up to 6 hours</td><td>£5.40</td></tr> <tr><td>up to 23 consecutive hours</td><td>£6.80</td></tr> </table>	up to 1 hour	£1.40	up to 2 hours	£2.60	up to 3 hours	£3.50	up to 6 hours	£5.40	up to 23 consecutive hours	£6.80	<p>Existing</p> <table border="0"> <tr><td>up to 1 hour</td><td>£1.40</td></tr> <tr><td>up to 2 hours</td><td>£2.60</td></tr> <tr><td>up to 3 hours</td><td>£3.50</td></tr> <tr><td>up to 6 hours</td><td>£5.40</td></tr> <tr><td>up to 23 consecutive hours</td><td>£6.80</td></tr> </table>	up to 1 hour	£1.40	up to 2 hours	£2.60	up to 3 hours	£3.50	up to 6 hours	£5.40	up to 23 consecutive hours	£6.80
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<p>Off Peak Season Tickets</p> <p>Proposal B</p> <p>£360 per 12 month period. (available 4pm to 9am following day and all day Weekends)</p>	<p>Existing</p> <p>£320 per 12 month period. (available 4pm to 9am following day and all day Saturdays)</p>																						
<p>Town Centre residents' season tickets</p> <table border="0"> <tr><td>3 months</td><td>£90</td></tr> <tr><td>12 months</td><td>£360</td></tr> </table>	3 months	£90	12 months	£360	<p>Existing</p> <p>£87.50 £350</p>																		
3 months	£90																						
12 months	£360																						

GROUP 3 (Long Stay)

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges		
Sovereign Way East car park (Tonbridge) Sovereign Way North car park (Tonbridge) NB. GROUP 3 and GROUP 4 form part of the Sovereign Way Complex.	Existing a) Charging period 8am to 6pm Monday to Saturday b) Free at all other times including public holidays c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply Proposed a) Charging period 8am to 8pm every day, including public holidays b) Free at all other times c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply	Pay and Display charges	Proposal B	Existing
		up to 1 hour £1.40 up to 2 hours £3.00 up to 3 hours £4.10 up to 6 hours £6.20 up to 23 consecutive hours £7.00		£1.40 £2.60 £3.50 £5.40 £6.80
		Season Tickets	Proposal B	Existing
		Monthly £132 12 months £1150		£120 £1050
		Off Peak Season Tickets	Proposal B	Existing
		£360 per 12 month period. (available 4pm to 9am following day and all day Weekends)		£320 per 12 month period. (available 4pm to 9am following day and all day Saturdays)
		Town Centre residents' season tickets	Proposal B	Existing
		3 months £90 12 months £360		£87.50 £350

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Season ticket holders for the Sovereign Way Complex may park in any of the following 3 Car Parks: Sovereign Way North, Sovereign Way East and Vale Road, Monday to Saturday.

GROUP 4

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges																						
<p>Vale Road car park (Tonbridge)</p> <p>NB. GROUP 3 and GROUP 4 Form part of the Sovereign Way Complex.</p>	<p>Existing</p> <p>a) Monday to Friday 8.00am – 6.00pm - season ticket holders only</p> <p>b) Saturday 8.00am – 6.00pm - season ticket holders and P & D tickets</p> <p>c) Free at all other times including public holidays</p> <p>d) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p> <p>Proposed</p> <p>a) Monday to Friday 8.00am – 8.00pm - season ticket holders only</p> <p>b) Saturday & Sunday 8.00am – 8.00pm - season ticket holders and P & D tickets</p> <p>c) Free at all other times</p> <p>d) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <table border="0"> <tr> <td></td> <td align="center">Proposal B</td> <td></td> </tr> <tr> <td></td> <td align="center">£1.40</td> <td>Existing</td> </tr> <tr> <td>up to 1 hour</td> <td align="center">£3.00</td> <td>£1.40</td> </tr> <tr> <td>up to 2 hours</td> <td align="center">£4.10</td> <td>£2.60</td> </tr> <tr> <td>up to 3 hours</td> <td align="center">£6.20</td> <td>£3.50</td> </tr> <tr> <td>up to 6 hours</td> <td align="center">£7.00</td> <td>£5.40</td> </tr> <tr> <td>up to 23 consecutive hours</td> <td></td> <td>£6.80</td> </tr> </table>		Proposal B			£1.40	Existing	up to 1 hour	£3.00	£1.40	up to 2 hours	£4.10	£2.60	up to 3 hours	£6.20	£3.50	up to 6 hours	£7.00	£5.40	up to 23 consecutive hours		£6.80	
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up to 23 consecutive hours		£6.80																						
<p>Tickets to be obtained from Sovereign Way (East) or Sovereign Way (North) Car Parks, or use the pay-by-phone service</p>		<p>Season Tickets</p> <table border="0"> <tr> <td></td> <td align="center">Proposal B</td> <td></td> </tr> <tr> <td>Monthly</td> <td align="center">£132</td> <td>Existing</td> </tr> <tr> <td>12 months</td> <td align="center">£1150</td> <td>£120</td> </tr> <tr> <td></td> <td></td> <td>£1050</td> </tr> </table>		Proposal B		Monthly	£132	Existing	12 months	£1150	£120			£1050										
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Season ticket holders for the Sovereign Way Complex may park in any of the following 3 Car Parks: Sovereign Way North, Sovereign Way East and Vale Road, Monday to Saturday.

GROUP 5

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges	
<p>Upper Castle Field car park (Tonbridge)</p>	<p>Existing</p> <p>a) Charging period 8am to 6pm Monday to Saturday</p> <p>b) Free at all other times including public holidays</p> <p>c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <p align="right">Proposal B</p> <p>up to 30 minutes 80p</p> <p>up to 1 hour £1.60</p> <p>up to 2 hours £3.20</p> <p>up to 3 hours £4.80</p> <p>up to 4 hours £6.40</p> <p>additional hours £3.20 per additional hour</p>	<p>Existing</p> <p>£0.70</p> <p>£1.40</p> <p>£2.80</p> <p>£4.20</p> <p>£5.60</p> <p>£2.80 per additional hour</p>
	<p>Proposed</p> <p>a) Charging period 8am to 8pm every day, including public holidays</p> <p>b) Free at all other times</p> <p>c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Off Peak Season Tickets (available 4pm to 9am following day)</p> <p align="right">Proposal B</p> <p>£360 per 12 month period. (available 4pm to 9am following day and all day Weekends)</p>	<p>Existing</p> <p>£320 per 12 month period. (available 4pm to 9am following day and all day Saturdays)</p>

GROUP 6

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges																													
<p>Lower Castle Field car park (Tonbridge)</p> <p>Which includes;</p> <ul style="list-style-type: none"> a. The approach road to the Swimming Pool b. The main car park area c. Deaconsfield 	<p>Existing</p> <ul style="list-style-type: none"> a) Charging period 8am to 6pm Monday to Saturday b) Free at all other times including public holidays c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply 	<p>Pay and Display charges</p> <p>Monday to Saturday</p> <table border="0"> <tr> <td></td> <td align="right">Proposal B</td> <td></td> </tr> <tr> <td>up to 1 hour</td> <td align="right">£1.40</td> <td></td> </tr> <tr> <td>up to 2 hours</td> <td align="right">£3.00</td> <td></td> </tr> <tr> <td>up to 3 hours</td> <td align="right">£4.10</td> <td></td> </tr> <tr> <td>up to 6 hours</td> <td align="right">£6.20</td> <td></td> </tr> <tr> <td>up to 23 consecutive hours</td> <td align="right">£7.00</td> <td></td> </tr> </table>		Proposal B		up to 1 hour	£1.40		up to 2 hours	£3.00		up to 3 hours	£4.10		up to 6 hours	£6.20		up to 23 consecutive hours	£7.00		<p>Existing</p> <table border="0"> <tr> <td>up to 1 hour</td> <td align="right">£1.40</td> </tr> <tr> <td>up to 2 hours</td> <td align="right">£2.60</td> </tr> <tr> <td>up to 3 hours</td> <td align="right">£3.50</td> </tr> <tr> <td>up to 6 hours</td> <td align="right">£5.40</td> </tr> <tr> <td>up to 23 consecutive hours</td> <td align="right">£6.80</td> </tr> </table>	up to 1 hour	£1.40	up to 2 hours	£2.60	up to 3 hours	£3.50	up to 6 hours	£5.40	up to 23 consecutive hours	£6.80
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<p>Proposed</p> <ul style="list-style-type: none"> a) Charging period 8am to 8pm every day, including public holidays b) Free at all other times c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply 	<p>All Tickets to be obtained from Main Car Park</p>																														
	<p>Season Tickets</p> <table border="0"> <tr> <td>Monthly</td> <td align="right">Proposal B</td> <td></td> </tr> <tr> <td>12 months</td> <td align="right">£132</td> <td></td> </tr> <tr> <td></td> <td align="right">£1150</td> <td></td> </tr> </table>	Monthly	Proposal B		12 months	£132			£1150		<p>Existing</p> <table border="0"> <tr> <td>Monthly</td> <td align="right">£120</td> </tr> <tr> <td>12 months</td> <td align="right">£1050</td> </tr> </table>	Monthly	£120	12 months	£1050																
Monthly	Proposal B																														
12 months	£132																														
	£1150																														
Monthly	£120																														
12 months	£1050																														
	<p>Off Peak Season Tickets (available 4pm to 9am following day)</p> <p>Proposal B</p> <p>£360 per 12 month period. (available 4pm to 9am following day and all day Weekends)</p>	<p>Existing</p> <p>£320 per 12 month period. (available 4pm to 9am following day and all day Saturdays)</p>																													

GROUP 7

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges																						
Castle Grounds Car Park (Tonbridge)	<p>Existing</p> <p>a. Charging period 8am to 6pm Monday to Saturday: permit holders and P & D ticket holders</p> <p>b. Free at all other times including public holidays</p> <p>c. Maximum stay 23 hours.</p> <p>Proposed</p> <p>a) Charging period 8am to 8pm every day, including public holidays</p> <p>b) Free at all other times</p> <p>c) The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <table border="0"> <tr> <td></td> <td align="center">Proposal B</td> <td></td> </tr> <tr> <td>up to 30 minutes</td> <td align="center">80p</td> <td></td> </tr> <tr> <td>up to 1 hour</td> <td align="center">£1.60</td> <td></td> </tr> <tr> <td>up to 2 hours</td> <td align="center">£3.20</td> <td></td> </tr> <tr> <td>up to 3 hours</td> <td align="center">£4.80</td> <td></td> </tr> <tr> <td>up to 4 hours</td> <td align="center">£6.40</td> <td></td> </tr> <tr> <td>additional hours</td> <td align="center">£3.20 per additional hour</td> <td></td> </tr> </table>		Proposal B		up to 30 minutes	80p		up to 1 hour	£1.60		up to 2 hours	£3.20		up to 3 hours	£4.80		up to 4 hours	£6.40		additional hours	£3.20 per additional hour		<p>Existing</p> <p>£0.70</p> <p>£1.40</p> <p>£2.80</p> <p>£4.20</p> <p>£5.60</p> <p>£2.80 per additional hour</p>
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	Proposal B																							
	£360 per 12 month period.																							
	(available 4pm to 9am following day and all day Weekends)																							

GROUP 8

Column 1 - Location	Column 2 – Restrictions
River Walk (Tonbridge)	No waiting at any time on any part that is owned and maintained by Tonbridge & Malling Borough Council.

GROUP 9

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges								
Commercial Road (Tonbridge)	a. Unlimited parking b. Permit holders only may use this parking place	<table border="0"> <tr> <td>Permits</td> <td></td> </tr> <tr> <td>3 months</td> <td align="right">£13</td> </tr> <tr> <td>6 months</td> <td align="right">£26</td> </tr> <tr> <td>12 months</td> <td align="right">£52</td> </tr> </table>	Permits		3 months	£13	6 months	£26	12 months	£52
Permits										
3 months	£13									
6 months	£26									
12 months	£52									

GROUP 10

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges																			
Ryarsh Lane (West Malling)	<p>Existing</p> <p>a) Season ticket holders only between 8am and 3pm Monday to Friday</p> <p>b) Season tickets available for workers in West Malling town centre.</p> <p>c) Phone payment parking 8am-5:30pm Saturdays</p> <p>d) Free at all other times including public holidays</p> <p>e) The maximum stay is, unless otherwise stated, that of the charging period, or 23 consecutive hours where charging does not apply</p> <p>Proposed</p> <p>a) Season ticket holders only between 8am and 3pm Monday to Friday</p> <p>b) Phone payment parking 8am-8pm Saturdays & Sundays</p> <p>c) Free at all other times</p> <p>d) The maximum stay is, unless otherwise stated, that of the charging period, or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <table border="0"> <tr> <td></td> <td>Proposed</td> <td>Existing</td> </tr> <tr> <td>up to 30 minutes</td> <td>£0.50</td> <td>£0.50</td> </tr> <tr> <td>up to 1 hour</td> <td>£1.10</td> <td>£1.10</td> </tr> <tr> <td>up to 2 hours</td> <td>£1.80</td> <td>£1.80</td> </tr> <tr> <td>up to 3 hours</td> <td>£2.60</td> <td>£2.60</td> </tr> <tr> <td>up to 4 hours</td> <td>£3.40</td> <td>£3.40</td> </tr> </table>		Proposed	Existing	up to 30 minutes	£0.50	£0.50	up to 1 hour	£1.10	£1.10	up to 2 hours	£1.80	£1.80	up to 3 hours	£2.60	£2.60	up to 4 hours	£3.40	£3.40	
			Proposed	Existing																	
up to 30 minutes	£0.50	£0.50																			
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<p>Season Tickets</p> <table border="0"> <tr> <td>1 month</td> <td>Proposed</td> <td>Existing</td> </tr> <tr> <td></td> <td>£26</td> <td>£26</td> </tr> <tr> <td>12 months</td> <td>£290</td> <td>£255</td> </tr> </table>	1 month	Proposed	Existing		£26	£26	12 months	£290	£255												
1 month	Proposed	Existing																			
	£26	£26																			
12 months	£290	£255																			

GROUP 11

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges		
Blue Bell Hill Car Park (Aylesford)	<p>Existing</p> <p>a) Charging period 8am to 6pm Monday to Saturday</p> <p>b) Free at all other times including public holidays</p> <p>Proposed</p> <p>a) Charging period 8am to 8pm every day including public holidays</p> <p>b) Free at all other times</p>	<p>Pay and Display charges</p> <p>24 hours</p> <p>1 week</p>	<p>Proposed</p> <p>£2.70</p> <p>£12.00</p>	<p>Existing</p> <p>£2.70</p> <p>£12.00</p>
		<p>Season Tickets</p> <p>Monthly</p> <p>12 months</p>	<p>Proposed</p> <p>£40</p> <p>£420</p>	<p>Existing</p> <p>£40</p> <p>£420</p>

GROUP 12

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges
<p>Premier Parade (Aylesford)</p> <p>East of Bailey Bridge Road (Aylesford) – To be deleted</p> <p>West of Bailey Bridge Road (Aylesford) – To be deleted</p> <p>Hildenborough</p> <p>Wingtham</p> <p>Martin Square (Larkfield) – To be deleted</p> <p>Offham</p> <p>Snodland</p> <p>Twisden Road (East Malling)</p> <p>Wateringbury</p> <p>Wrotham Hill</p>	<p>a. Free at all times, except that in:-</p> <p>b. Snodland (the 9 parking bays on the east side of the approach road to Car Park from the High Street) between 8.00am and 6.00pm Monday – Thursday parking is limited to 1 hour (no return 1 hour);</p> <p>c. Maximum stay 23 consecutive hours.</p>	<p>No charges</p>

GROUP 13

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges		
<p>Western Road Car Park (Borough Green)</p>	<p>Existing</p> <p>a) Charging period 8am to 6pm Monday to Friday.</p> <p>b) Free at all other times, including public holidays.</p> <p>c) Season tickets only available for workers in Borough Green town centre.</p> <p>d) The maximum stay is, unless otherwise stated, that of the charging period, or 23 consecutive hours where charging does not apply</p> <p>Proposed</p> <p>a) Charging period 8am to 8pm every day including public holidays.</p> <p>b) Free at all other times.</p> <p>c) Season tickets only available for workers in Borough Green town centre.</p> <p>The maximum stay is, unless otherwise stated, that of the charging period, or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <p>up to 30 minutes</p> <p>up to 1 hour</p> <p>up to 2 hours</p> <p>up to 4 hours</p> <p>up to 6 hours</p> <p>up to 9 hours</p> <p>up to 23 consecutive hours</p>	<p>Proposed</p> <p>£0.30</p> <p>£0.60</p> <p>£1.00</p> <p>£1.80</p> <p>£2.60</p> <p>£3.50</p> <p>£5.50</p>	<p>Existing</p> <p>£0.20</p> <p>£0.50</p> <p>£0.80</p> <p>£1.50</p> <p>£2.20</p> <p>£3.10</p> <p>£5.30</p>
		<p>Season Tickets</p> <p>12 months</p>	<p>Proposed</p> <p>£385</p>	<p>Existing</p> <p>£350</p>

GROUP 14.1

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges		
<p>Haysden Country Park main car park (Tonbridge)</p> <p>Haysden Water (both car parks) (Tonbridge)</p> <p>Audley Rise Car Park (Tonbridge)</p>	<p>Maximum stay: Opening times of the Country Park</p> <p>P & D tickets must be purchased to park during opening times of the Country Park.</p>	<p>Pay and Display charges</p> <p>up to 4 hours</p> <p>Over 4 hours</p>	<p>Proposed</p> <p>£2.20</p> <p>£5.00</p>	<p>Existing</p> <p>£2.00</p> <p>£4.50</p>
		<p>Season Tickets</p> <p>12 months</p>	<p>Proposed</p> <p>£70</p>	<p>Existing</p> <p>£65</p>
		<p>In the case of Haysden Country Park (Main Car Park, the two Car Parks at Haysden Water and Audley Rise Car Park), the P & D tickets may be purchased in the Main Car Park.</p>		

GROUP 14.2

No longer used.

GROUP 15

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges						
<p>The Village Field car park (High Street, East Malling)</p>	<ul style="list-style-type: none"> a) Monday to Friday between 8am and 6pm parking limited to 4 hours (no return 2 hours), except for qualifying season tickets and permits. b) The East Malling and Larkfield Parish Council will authorise season tickets issued, and undertake an annual review of allocation. Any changes to the allocation will be authorised by them. c) Permit holders for Zone R issued under the On-Street Parking Order, who meet the qualifications of the Residents Preferential Parking Scheme established in that Order. d) The maximum stay (unless otherwise stated) is that of the charging period, or 23 hours where charging does not apply 	<p>Season Tickets</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 70%;">3 months</td> <td style="text-align: right;">£75</td> </tr> <tr> <td>6 months</td> <td style="text-align: right;">£140</td> </tr> <tr> <td>12 months</td> <td style="text-align: right;">£250</td> </tr> </table> <p>up to a maximum number of 15 tickets on first issue (approximately 33% of Car Park capacity).</p> <p>Preferential Permits charges indicated in the On Street Parking Order.</p>	3 months	£75	6 months	£140	12 months	£250
3 months	£75							
6 months	£140							
12 months	£250							

GROUP 16

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging/controlled period	Column 3 - Scale of charges		
High Street car park (West Malling)	a. Charging period 8am to 5:30pm Monday to Saturday b. Free at all other times including public holidays c. No return within 3 hours	Pay and Display charges up to 30 minutes up to 1 hour up to 2 hours up to 3 hours up to 4 hours	Proposed £0.60 £1.20 £2.00 £2.90 £3.80	Existing £0.50 £1.10 £1.80 £2.60 £3.40

GROUP 17

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging period	Column 3 - Scale of charges
Swanmead Way (Tonbridge)	a. Limited waiting between 8am to 6pm Monday to Friday b. Maximum stay 4 hours c. No return to the car park on the same day	No charges

GROUP 18

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging/controlled period	Column 3 - Scale of charges												
Martin Square (Larkfield)	<p>a. Charging period 8am to 8pm every day, including public holidays</p> <p>b. Free at all other times</p> <p>c. The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply</p>	<p>Pay and Display charges</p> <table> <tr> <td>up to 30 minutes</td> <td style="text-align: right;">£0.60</td> </tr> <tr> <td>up to 1 hour</td> <td style="text-align: right;">£1.20</td> </tr> <tr> <td>up to 2 hours</td> <td style="text-align: right;">£2.00</td> </tr> <tr> <td>up to 3 hours</td> <td style="text-align: right;">£2.90</td> </tr> <tr> <td>up to 4 hours</td> <td style="text-align: right;">£3.80</td> </tr> <tr> <td>up to 23 consecutive hours</td> <td style="text-align: right;">£5.80</td> </tr> </table>	up to 30 minutes	£0.60	up to 1 hour	£1.20	up to 2 hours	£2.00	up to 3 hours	£2.90	up to 4 hours	£3.80	up to 23 consecutive hours	£5.80
		up to 30 minutes	£0.60											
up to 1 hour	£1.20													
up to 2 hours	£2.00													
up to 3 hours	£2.90													
up to 4 hours	£3.80													
up to 23 consecutive hours	£5.80													
<p>Season tickets</p> <table> <tr> <td>1 month</td> <td style="text-align: right;">£29</td> </tr> <tr> <td>12 months</td> <td style="text-align: right;">£290</td> </tr> </table>	1 month	£29	12 months	£290										
1 month	£29													
12 months	£290													

GROUP 19

Column 1 - Names of Parking Places	Column 2 - Maximum period for which vehicles may park & charging/controlled period	Column 3 - Scale of charges
Bailey Bridge (east) car park (Aylesford) Bailey Bridge (west) car park (Aylesford)	a. Charging period 8am to 8pm every day, including public holidays b. Free at all other times c. The maximum stay is, unless otherwise stated, that of the charging period or 23 consecutive hours where charging does not apply	Pay and Display charges up to 30 minutes £0.60 up to 1 hour £1.20 up to 2 hours £2.00 up to 3 hours £2.90 up to 4 hours £3.80 up to 23 consecutive hours £5.80
		Season tickets 1 month £29 12 months £290

Schedule 2 - Exemptions from initial charges for parking in parking places

The drivers of the following vehicles shall be exempt from payment of an initial charge for parking during the charging periods, though any payment for re-charging of batteries in electric vehicle charging bays would still apply:

- (a) A disabled person's vehicle parked in accordance with the provisions of Part C.
- (b) A motor cycle (without a sidecar) or a moped as defined in the Act of 1994 parked in a motor cycle bay – a parking bay reserved for the parking of motor cycles and mopeds.

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Annex 5 Comparative Charges

	30 minutes	1 hour	2 hours	3 hours	4 hours	5 hours	6 hours	7 hours	8 hours	9 hours	10 hours/all day (23 hours consecutive hours)	Season ticket monthly	Season ticket yearly
TMBC proposed short stay (not West Malling High Street car park and Borough Green car park)	0.80	1.60	3.20	4.80	6.40	9.60	12.80	16.00	19.20	22.40	25.60		
TMBC proposed long stay		1.60	3.00	4.10			6.20				7.00	132.00	1150.00
TMBC proposed West Malling High Street short stay car park	0.60	1.20	2.00	2.90	3.80								
TMBC proposed Ryarsh Lane season ticket car park												26.00	290.00
Proposed charges Larkfield and Aylesford car parks	0.60	1.20	2.00	2.90	3.80						5.80	29.00	290.00
TMBC proposed Borough Green car park	0.30	0.60	1.00		1.80		2.60				3.50		385.00
TMBC proposed Haysden Country Park car park			2.20		5.00								70.00
Sevenoaks DC short stay		2.00	4.00	6.00	10.00								
Sevenoaks DC long stay						4.50						5.50	Varies - Swanley £400, Sevenoaks TC £990, Station £1300
Maidstone BC Short/Long Stay		1.30	2.60	3.90	5.20	6.50	7.30	7.30	7.30	7.30	7.30	Season ticket 5-day week (Mon to Fri) 6 months £496 and year £910. Season ticket 6 months 7-day week (Mon-Sun) 6 months £638 and year £1163	
Tunbridge Wells BC short stay		2.00	3.00	4.00	5.00	6.00	7.00	10.40	10.40	10.40	10.40		
Tunbridge Wells BC long stay		2.00	3.00	4.00	5.00	6.00					7.00	Depends on car park but ranges from £840 full time to £1210 full time, and £620 part time to £100.83 part time.	Depends on car park but ranges from £840 full time to £1210 full time, and £620 part time to £100.83 part time.

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THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023 No.2

Statement of Reasons

In the Borough of Tonbridge & Malling

Part 1 - New Parking Charges

Introduction of charges in Larkfield - Martin Square car park

The Martin Square car park in Larkfield currently has no parking charges but is well used. Whilst it is intended to serve the shops, the car park suffers from low turnover long-stay parking which reduces the availability of spaces for all users. It is proposed that the car park should have charges introduced to reduce long-stay parking and help ensure the car park is managed in a balanced manner.

Season tickets would be available to those with a need to park in the car park for longer periods.

Aylesford – Bailey Bridge (East) and Bailey Bridge (West) car parks

The Bailey Bridge (East) and (West) car parks in Aylesford currently have no parking charges but are well used. The car park suffers from a low turnover long-stay parking which reduces the availability of spaces for all users. It is proposed that the car park should have charges introduced to reduce unwarranted long-stay parking and help ensure the car park is managed in a balanced manner.

Season tickets would be available to those with a need to park in the car park for longer periods.

The Council also has a proposal to extend the Bailey Bridge East car park, to provide an additional 15-30 parking spaces towards the river in the “overflow” area, though this is an initial proposal and would be subject to further investigation and design.

Part 2 - Extended parking areas

More Pay & Display bays in Tonbridge – Castle Grounds car park

It is proposed that the 9 “Gateway Visitor” parking spaces at the Castle be changed to Pay and Display parking similar to the other parking spaces in the Castle Grounds. The Gateway is leaving the Castle next year, and through the Castle Study Group the use of the Castle is changing. There is also confusion by some drivers as to why there are different restrictions in place, and the existing Gateway parking arrangements are regularly abused.

This proposal would make a further 9 parking spaces available for public parking.

THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023 No.2

Extension to Tonbridge – Upper Castle Field car park

The Upper Castle Field Car Park is the most successful car park run by the Council in terms of income generation and occupancy. It is often full and has become increasingly popular with the growth of events at the Castle. It is also well used on weekdays due to its proximity to Slade Primary school, and at weekends due to its proximity to Tonbridge Racecourse Sportsground, Tonbridge Swimming Pool and Tonbridge Juddians Rugby Club.

The Council is proposing an extension to the Upper Castle Field, with the intention to create an additional 28 parking spaces (depending on design) to better meet the demand in the area.

Part 3 – Revised tariff of existing charges

Increase in parking charges in our car parks

As part of the Borough Council's review of fees and charges for its services, the Council is proposing to increase off-street parking charges, to reflect the increasing costs of the provision of services.

Full details of the changes and the associated reasons are stated in the reports and minutes of the 8th November 2023 meeting of the Council's Cabinet, and can be viewed on the Borough Council's website via the Committee pages.

Part 4 – Changes to car park charging periods

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

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

THE TONBRIDGE AND MALLING BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2023 No.2

To this end, the Council is proposing the extension of its off-street car parking periods, to apply until 8pm (save in the West Malling High Street car park and Hayden Country Park, which remain unchanged) and to apply on Sundays and Bank Holidays.

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Off-street parking

Evenings, Sundays & Bank Holidays

Object to Sunday charges	Support Sunday charges	Object to Bank Holiday charges	Support Bank Holiday charges	Object to Evening Charges (until 8pm)	Support Evening Charges (until 8pm)
2180	83	2096	83	2247	17

Comment	Frequency	Rank
Deter visitors / shoppers	584	1
Impact business	368	2
Money-making	180	3
Impact village / town life	177	4
Cost of living / can't afford parking	129	5
Effect church-goers	73	6
Not specific / not relevant	62	7
Displace parking to other areas / roads	44	8
Short free parking period	29	9
No problem / no need	26	10
Staff will have to pay more	17	11
Deter car use / need to improve public transport	16	12
Already pay taxes and council tax	16	12
Limited / no evidence of issue	14	14
Evenings ok but free Sunday	11	15
P&D machines should take card payments	11	15
Ok on Sundays not evenings	6	17
Not cost-effective	4	18
Increase Council Tax rather than introduce parking charges	3	19
Free parking for Electric Vehicles	3	19
Flat £1 fee for Sunday	3	19
P&D machines are old/broken	2	22
Unfair if parking charges don't apply across the Borough	2	22
Parking costs should be included in event price	2	22
TMBC should use the same machines as Southborough	1	25
Disabled will be disadvantaged	1	25
Effort of using the machines	1	25
Should be free parking on Saturday as well	1	25
The Council should use cheaper private enforcement	1	25
Increase long-stay tariffs	1	25
Half-price parking on Sundays & Bank Holidays	1	25
RingGo needs to improve	1	25
Keep free after dark keeps it safe	1	25
Increase current charges, not charging period	1	25
Parking charges will cause drink-driving	1	25

Revision to parking charges

Object to proposal	Support proposal	Not specific
1942	206	8

Comment	Frequency	Rank
Cost of living / can't afford parking / too expensive	272	1
Deter visitors / shoppers	255	2
Impact business / local services	250	3
Money-making	98	4
Not specific / not relevant	69	5
There should be a short free parking period	45	6
Shoppers will go elsewhere, out of town or shop online	42	7
I support the charging proposals / seems reasonable	33	8
No problem / No need	30	9
Not evenings and Sundays	23	10
Parking will be displaced to local streets / more enforcement	22	11
Parking charges should be reduced / removed to encourage high streets	18	12
Impact village / town life	16	13
P&D machines should take card payments / work better	11	14
Limited / no evidence of issue	9	15
This will impact leisure activities e.g. Sunday football	9	15
Staff will have to pay more / staff should have permit options	9	15
Political comment	9	15
Evenings ok but free Sunday	8	19
Ok on Sundays not evenings	8	19
Visitor numbers will reduce, which will impact negatively on council revenues	8	19
Improve other transport options	8	19
Need charges across more free areas to keep overall charges lower	6	23
More flexible time / price bands for gym users	5	24
Increases should be lower for shorter time periods	5	24
Effect church goers	4	26
Shorter time bands for Haysden Country Park / cheaper parking	4	26
Retain cash option as some can't use cards / app	3	28
Remove cash option from P&D machines	2	29
Should have a 20 or 30 minute option	2	29
Parking charges at all times to encourage other transport options	2	29
Pay per minute would be fairer	2	29
EV should get free parking	2	29
Charges should be rounded to nearest £ as machines don't give change	1	34
Stop paving-over green spaces	1	34

Comment	Frequency	Rank
More disabled parking needed	1	34
Less disabled parking / disabled should pay	1	34
Increase Council Tax instead	1	34
TMBC should use same machines as Southborough	1	34

Upper Castle Field car park extension, Tonbridge

Object to proposal	Support proposal	Not specific
866	877	19

Comment	Frequency	Rank
Climate comments/green spaces/play park/heritage site	345	1
No evidence for the need for extra parking	97	2
Non-specific / not relevant	71	3
Agree	71	3
Healthy and safety risk	52	5
Improve public transport / cycling options	33	6
Money-making	26	7
Safe footpath must be maintained and crossing	23	8
Displace vehicles to Zone J / improve enforcement in area	20	9
Economic argument, large outlay against small gain	7	10
Impact trade	5	11
Cost of living crisis	3	12
New revenue should be used instead of proposed changes	2	13
No space, leave alone	1	14
Council tax already high	1	14
Should have free 30 mins for school drop off	1	14
1hr free parking	1	14
No evening charges	1	14
Must be made of a porous substance	1	14

Changes to Castle Grounds car park, Tonbridge

Object to proposal	Support proposals	Not specific
620	1086	16

Comment	Frequency	Rank
Will help parking issues	69	1
Non-specific/relevant	40	2
Affecting local trade/businesses/deterrent to visit	19	3
Not enough disabled parking	16	4
Loss of play facilities / green space	16	4
Objection to charge	13	6
Should be free for those using Council services at the Castle	9	7
Money-making	8	8
There is enough parking in Tonbridge	6	9
Discourage driving / encourage public transport / cycling	6	9
Free first period of parking	5	11
Not on a Sunday / BH / evening	5	11
Improve green space	4	13
Cost of living / low incomes	4	13
More air / noise / visual pollution and congestion	4	13
Road safety concerns	3	16
Too much development	2	17
Not needed	2	17
First hour should be free	1	19
No mention of motorcycle parking	1	19
P&D must accept cash	1	19
More EV chargers	1	19
Don't extend car park	1	19
If there are more spaces, the price should be cheaper	1	19

Extension to Aylesford Bailey Bridge (East) car park, Aylesford

Object to proposal	Support proposals	Not specific
591	783	1

Comment	Frequency	Rank
Agree	107	1
Non-specific / not relevant	60	2
No charges	54	3
Need evidence of the need for extra parking	18	4
Climate issue	16	5
Impact businesses / visitors	15	6
Money-making	12	7
No need for it if charges introduced	10	8
Free parking for short stay (1-2) hours	10	8
Displace parking to nearby streets / private parking	5	10
No extension & no charges	4	11
No charge for parking	4	11
Visitors free parking	3	13
Car park extension should be for season tickets only	3	13
Improve safety	3	13
Free permits for staff & 2 hrs charges for others	3	13
Introduce ANPR	1	17
No change, just improve sizes of current spaces & increase charges	1	17
Free parking for residents only	1	17
Charge for parking	1	17
No charges on Sunday	1	17
No charges weekend or evenings	1	17
Agree if parking charges in Aylesford pays for it	1	17
Objects due to the costs involved	1	17
Object on grounds of fairness	1	17
Use Council Tax to pay for it	1	17
Cost of living crisis	1	17
extending the car park would be unsightly	1	17

Charges in Aylesford Bailey Bridge car parks, Aylesford

Object to charges	Support charges	Object to season tickets	Support season tickets	Not specific
1343	230	733	242	27

Comment	Frequency	Rank
Impact businesses and community	178	1
Non-specific / not relevant	99	2
Displace parking to other roads / private car parks	91	3
Free parking for school drop-off / school drop-off issues	77	4
Deter visitors	71	5
Needs 30 mins free parking or 1 hour parking	43	6
Money-making	42	7
2 hrs / 3hrs or 4hrs free parking (charges after?)	42	7
Cost of living crisis	38	9
Free residents & business permits	28	10
Free / cheap permit parking for those who work in Aylesford	27	11
Car park was built for residents, so residents shouldn't have to pay	25	12
No need	21	13
Pedestrian & child safety	21	13
Deter church goers	16	15
Already pay enough in Council Tax / just another tax	16	15
Parking charges should apply in all areas or in none across TMBC	14	17
Residents need allocated spaces / will penalise residents with no private parking	11	18
Expensive	11	18
Will free up short-stay spaces / charges are reasonable	10	20
No evidence	7	21
ANPR or more parking enforcement	6	22
No public transport alternative	6	22
No evening or weekend charges	4	24
Sunday charges are excessive	4	24
Not enough parking spaces / how will you guarantee a space?	3	26
Deter station parkers	3	26
Increase Council Tax	2	28
P&D machines must take card payments	2	28
Reduce costs for residents & business parking permits	2	28
1 car park residents with allocated other for visitors	2	28
Height barriers have affected businesses / displaced work vans on-street	2	28
Season tickets for businesses will prevent parking	2	28
Fixed price for station users	1	34
If pay parking, not just on App / machines must take cash	1	34
Charges at evenings and weekends only	1	34
No mention of motorcycle parking	1	34

Comment	Frequency	Rank
Discounted parking for elderly	1	34
More Electric Vehicle chargers needed	1	34
Charges only in west car park, keep east free	1	34
Parking charges at all times should help encourage greener transport options	1	34
Enforce overnight parking ban	1	34
Season tickets should guarantee a space	1	34
West car park should be given to Parish Council	1	34
East car park should be enforced by TMBC	1	34
School should operate a walking bus from car parks	1	34
School should have free parent spaces in car park	1	34

Charges in Martin Square car park, Larkfield

Object to charges	Support charges	Object to season tickets	Support season tickets	Not specific
2029	195	995	261	29

Comment	Frequency	Rank
Negative effect on local businesses / services / library	667	1
Deter customers	393	2
Should offer free short period - or reduce time limit	370	3
Displace to Morrisons / local streets	273	4
Effect local residents / increase parking on local roads	184	5
Not needed	138	6
Money-making / unnecessary	125	7
Can't afford to pay for parking / cost of living	124	8
Lack of parking at Doctors	123	9
School pick-up problem	114	10
Uncertain visit lengths at Doctors / chemists / Post office	96	11
Will affect elderly and vulnerable disproportionately	69	12
Non-specific / relevant	61	13
Residents / staff should be allowed permits	55	14
Disagree with the stated information / reasons	26	15
Agree	25	16
Why do we have to pay? / No need for charges	16	17
Parking charges should apply in all areas or in none across TMBC	13	18
Will make it difficult to go to Doctors	12	19
Season tickets cost too much	8	20
Should use ANPR	6	21
Political motivation	6	21
Charges for all or no charges	4	23
Cost of installation	2	24
Penalising NHS staff	2	24
Should prevent overnight parking	1	26
More disabled parking	1	26
Don't want hassle of parking meters	1	26
Will affect women disproportionately - hair and beauty treatments for women take longer than men	1	26
Car parks should be pay as you leave	1	26

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2024

Report of the Interim Chief Executive

Part 1- Public

Executive Key Decisions

1 TONBRIDGE TOWN CENTRE PROGRAMME MANAGER

1.1 Introduction

1.1.1 Cabinet is considering the recommendations from the Finance, Regeneration & Property Scrutiny Select Committee meeting, held 12 March 2024, at their meeting on 2 April 2024 in relation to the Tonbridge Town Centre Asset Review.

1.2 Programme Manager

1.2.1 The report on Tonbridge Town Centre includes reference to the appointment of a Programme Manager on a full time, 3 year fixed term basis, to co-ordinate the various town centre related projects, developing and managing a town centre wide programme and monitoring progress.

1.2.2 The role would also support the Tonbridge Town Centre Programme Board, which the Finance, Regeneration & Property Scrutiny Select Committee recommended be created to oversee the wider programme of work.

1.2.3 An advert will be placed for a directly employed member of staff.

1.3 Legal Implications

1.3.1 There are not considered to be any legal implications associated with this matter.

1.4 Financial and Value for Money Considerations

1.4.1 The cost of appointing to this post for a period of 3 years will be £228,324 including oncosts (£169,713 excluding oncosts), which will be funded from the Regeneration of Tonbridge Reserve.

1.4.2 Should a direct appointment not be possible following a recruitment exercise, an alternative appointment route may be required, such as appointing specialist recruitment advisors or making an appointment through an agency. Any additional request for funding will be subject to a Cabinet Member decision.

- 1.4.3 The Council does not have the necessary in-house resources to devote to this wide ranging and complex programme of work. The appointment of a dedicated resource is seen as the best way of progressing the scheme.

1.5 Risk Assessment

- 1.5.1 The appointment of the Programme Manager will help to mitigate risks associated with having sufficient resource to progress the wide range of work. If this appointment is not made there is a high risk the programme will not be progressed at a rate Members would want to see, due to a lack of in-houses resource.
- 1.5.2 The Finance, Regeneration & Property Scrutiny Select Committee report identifies the Programme Manager will be monitoring risks at a programme level, in liaison with the Programme Board, including identifying and implementing risk mitigation measures.

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

Asset Management

1.8 Recommendations

- 1.8.1 Cabinet are **RECOMMENDED** to approve allocation of funds from the Regeneration of Tonbridge Reserve to meet the costs of the appointment of the Tonbridge Town Centre Programme Manager.

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield
Interim Chief Executive

EMPTY HOMES

Item HP 24/9 referred from Housing and Planning Scrutiny Select Committee of 19 March 2024

The report of the Director of Planning, Housing and Environmental Health provided an update on the current position in respect of empty homes in the borough, outlined a new Local Government Association (LGA) report on dealing with empty homes and recommended the introduction of a new Empty Homes Officer post.

Members were reminded that 'improving housing options for local people, whilst protecting outdoor areas' was a key priority for the Borough Council and bringing empty homes back into use played an important part within this priority. It was reported that as at 7 February 2024 there were 950 empty homes within the borough although it was important to note that there were two developments/sites accounting for approximately 120 of these, one of which should soon not appear on the list due to demolition.

Attention was drawn to the LGA report which aimed to inform, educate and support all councils irrespective of their current levels of resource and activity on empty homes. The key points and recommendations arising from the LGA report were detailed and summarised in 1.2.2 and 1.2.3. Due regard was also given to the recommendation that councils should consider opportunities to employ a dedicated resource where possible.

Concern was expressed at the number of empty properties within the borough and Members recognised the importance of adopting measures to get these back into use. However, it was also noted that the number of empty properties within Tonbridge and Malling was comparable to similar sized local authorities. There was also detailed discussion on the powers available to local authorities to tackle the longer-term empty properties and it was explained that legislation such as Compulsory Purchase Orders and Enforced Sale could be complex and challenging. It was recognised that there were many reasons why properties remained empty and it was hoped that the engagement of a dedicated resource would enable the Borough Council to explore a number of options to address empty homes, including incentives for tenants to downsize.

The Committee welcomed the establishment of a fixed term Empty Homes Officer post to focus attention, monitor progress and consider a longer-term approach, and supported the recommendation set out in 1.3.2. The financial and value for money considerations detailed in 1.5 were noted and Members supported the creation of a budget of £30,000 to fund work that enabled the facilitation of empty homes being brought back into use. The total cost of the Empty Homes Officer post (estimated at £91,000) and the empty homes budget was circa £121,000 which could be funded from the Housing Assistance Reserve.

Finally, Members supported the suggestion that progress in respect of empty properties should be reviewed and monitored as part of the Key Performance Indicators.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) a two-year fixed-term post of Empty Homes Officer be established;
- (2) the cost of the post (£91,000) and empty homes budget (£30,000) be taken from the Housing Assistance Reserve; and
- (3) the Local Government Association report on empty homes be noted and that this approach be utilised as the basis for the fixed term Empty Officers' work programme.

***Recommended to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 March 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 EMPTY HOMES

Summary

This report updates Members on the current position with empty homes within the borough, outlines a new Local Government Association report on dealing with empty homes and recommends the introduction of a new Empty Homes Officer post for TMBC.

1.1 Background

1.1.1 At a time of acute housing need the supply of housing is a key focus. The Council's Corporate Strategy for 2023 to 2027 states that "improving housing options for local people, whilst protecting our outdoor areas" is a key priority. Tackling empty homes and wherever we can bringing them back into use plays a part within this priority. The Council's Housing Strategy priority of "making best use of existing homes, improving housing quality and sustainability" also incorporates this area of work with a specific Year 2 action on empty homes policy.

1.1.2 As at 7/2/24 there were 950 empty homes as a snapshot from the Council Tax system. The table below shows the different length of times these properties have been empty for. It is important to note that there are a two developments/sites which account for approximately 120 of these empty homes, one of which should soon not appear on this list due to demolition (St Georges Court, Wrotham).

Length of time empty	Number of properties
0 to 6 months	399
6 to 12 months	252
1 to 2 years	119
2 to 3 years	35
Over 3 years	145

TOTAL	950
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1.2 Local Government Association resource

1.2.1 In November 2023 the Local Government Association (LGA) issued a new report “A practical approach for Councils on dealing with empty homes”. A copy can be found here [A practical approach for councils on dealing with empty homes | Local Government Association](#). The report aims to inform, educate and support all councils irrespective of their current levels of resource and activity on empty homes. It explores four key areas of empty home work:

- Statistics – determining accuracy and if trends match local experiences;
- Resources – can existing service models show how other councils could operate successfully;
- Best Practice - to develop and propose a number of best practice tools, and set a common standard to support councils to enhance their existing empty homes services, or from which the inception of one can be based;
- Enforcement - to gain an appreciation of the levels of appetite and use of enforcement powers by councils.

1.2.2 The report is very thorough and is a useful tool for the Council to refer to going forwards. I draw out below what I consider to be some key points for Members to be aware of:

- 1) Often overlooked for engagement and action by councils, properties left empty for less than six months can offer a detailed insight into both the numbers of total empty homes in their respective areas, but also allow for monitoring of those that are yet to reach the threshold of being empty for over six months. By expanding the understanding of all empty homes across the spectrum, the inclusion of properties empty for less than six months for consideration can allow properties to be tracked and monitored should they move closer to the six-month mark. This also allows for several additional benefits. Large clusters of new build properties, or those outlined for regeneration can be identified and intervention and engagement with owners can be started earlier in order to slow down the flow of properties on to the long-term list.
- 2) Nationally, the number of properties being charged the empty homes premium has risen year on year, with figures showing over a 10 per cent increase across the country since 2018. Whilst only a small percentage of the country’s total housing stock, the continual rise suggests that properties are remaining empty for longer, and that despite significant financial charges being placed against a property by the authority, this continues to

provide a minimal deterrent to those that can afford to pay any additional levy sums imposed.

- 3) Often used as a legitimate explanation as to why a home is left empty, second homes are a further category of unused property that can require attention and investigation by councils. As with other categories, second homes are a term used for the allocation of a property for council tax purposes, where previously owners could class their property as such in order to qualify for the relevant discount. Councils could consider whether more focus and attention is given to second homes as an opportunity to increase available housing stock quickly and effectively.
- 4) Although often focusing on the number of long term empties as well as those charged the empty homes premium, the wider picture with the inclusion of homes empty for less than 6 months, second homes and unoccupied exemptions illustrates that the issue could be considered as more widespread than initially thought. In England, there are more reported cases of second homes than there are long term empty homes, and nearly as many of each of both unoccupied exemptions and less than six months empties as there are those that are classed as long term. Long term empty homes, the main area of focus for councils, make up only a quarter of those registered as being vacant and unoccupied. With this in mind, it is critical for councils to consider the other categories of empty homes, both in terms of their procedures in dealing with complaints about them, but also how they are defined in terms of the types of property councils are willing to take action against. As previously referred to, the categories and descriptions of a property are bound by the terms used for council tax purposes, and therefore councils should consider determining their own criteria for allocating and prioritising complaints, and the properties subjected to them.
- 5) The report describes four levels of empty homes activity within local authorities depending on resources etc. These are proactive, reactive, active and inactive. We would currently assess TMBC as “active” in that we have empty homes work carried out as part of an Officer’s role, complaints are investigated with specific issues dealt with both other work on enforcement, engagement with owners, statistics is limited. Members will see the proposals below for a dedicated Empty Homes Officer role will take us to the “reactive” level and we would hope to be able to aspire to some of the “proactive” traits such as pro-active engagement with owners and statistics being actively monitored.
- 6) The No Use Empty: Kent initiative is highlighted as a case study and resource model within this report. TMBC have maintained our contact with this initiative and regularly attend the Kent empty property meetings however we have generally found the issues we come across with empty homes are not within the remit of the financial support offered through No Use Empty. However, with the dedicated Empty Homes Officer role and the

ability to proactively tackle empty homes may lead to an increase in uptake of the No Use Empty funding. The advice and assistance available from the KCC Officers in this team will prove valuable as we develop further our empty homes work.

1.2.3 The report makes eight recommendations and a summary of these is provided below:

- 1) Councils should consider developing their understanding, approach and prioritisation of the wider definitions surrounding empty homes, free from the boundaries that council tax definitions currently provide.
- 2) Despite not being a statutory function, councils should consider the opportunity to employ a dedicated resource where possible or seek creative solutions in the design of a role which links to a relevant yet complimentary function.
- 3) Where empty homes work is carried out by officers of any role level, authorities are encouraged to ensure they are supported with the tools and resources already at the council's disposal.
- 4) To develop towards a more proactive approach, and to reduce the flow of empty homes reaching the standard threshold of six months empty, councils should consider engaging with owners of properties empty for three to six months.
- 5) Councils could consider broadening the scope of empty homes work to include homes empty for less than 6 months, second homes, and those eligible for a council tax unoccupied exemption.
- 6) In respect of their empty homes work, councils are encouraged to move upwards on the activity scale to reach a wholly proactive service where possible and where resources allow.
- 7) To assist in enabling councils with their ability to move towards a wholly proactive approach, councils are encouraged to implement and develop the tools contained within this report to suit their capacity and resources.
- 8) Councils should consider implementing the proposed council tax changes as set out in the Levelling Up Bill.

1.3 Empty Homes Officer resource

1.3.1 TMBC has not to date had a dedicated Officer post for empty homes work, it has always been part of another Officer's role, for example the EHO's/Private Sector Housing Initiatives Officer role within the Housing Improvement Team. Successful Empty Homes work is a resource intensive exercise due to the complexities of working with multiple parties – the previous approach of adding this onto other

roles has resulted in the approach having to focus on specific complaint issues and ‘tinkering around the edges’ with owner engagement rather than being able to have a sustained focus on reduction in the number of Empty Homes.

- 1.3.2 The establishment of a fixed term Empty Homes Officer post would be a way to focus attention on this issue and have a time period in which to monitor progress and consider what the longer-term approach may be. The post would work within the Housing Improvement Team alongside the Housing EHO resource who would support with enforcement. The role would work closely with Council Tax colleagues on data and approach to empty homes and as already mentioned be supported remotely through the No Use Empty: Kent initiative. A key part of their role will be to liaise with our Registered Provider partners over any empty properties they may have and seek to bring them back into use as quickly as possible.
- 1.3.3 It is proposed to establish a two-year fixed term post. A job description for the post has been assessed by HR and graded at Scale 5/6.

1.4 Legal Implications

- 1.4.1 There is no statutory duty to have an empty homes resource however some of the issues that arise from empty homes fall within our housing related statutory duties e.g. housing conditions, nuisance, pest control.

1.5 Financial and Value for Money Considerations

- 1.5.1 The cost of the proposed two-year fixed term contract is estimated at £91,000. It is proposed to also create a budget of £30,000 to sit alongside this post to fund any work that enables the facilitation of empty homes being brought back into use, for example, legal expertise, mediation, survey work, promotional work. This total cost of £121,000 will be funded from the Housing Assistance Reserve which currently has a balance of £360k.
- 1.5.2 There may be occasions when bringing an empty property back into use will negatively impact on Council Tax income as there may be a loss in a premium payment. We will work with Council Tax colleagues to understand this impact and ensure that it is managed appropriately.

1.6 Risk Assessment

- 1.6.1 None

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** to **APPROVE** a two-year fixed term post of Empty Homes Officer be established;
- 1.7.2 It is **RECOMMENDED** to **APPROVE** the cost of the post (£91,000) and empty homes budget (£30,000) be taken from the Housing Assistance Reserve;

1.7.3 It is **RECOMMENDED** that Members **NOTE** the Local Government Association report for Councils on empty homes and **AGREE** that the Council will utilise this approach as the basis for the fixed term Empty Homes Officers' work programme.

Background papers:

contact: Linda Hibbs

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2024

Report of the Interim Chief Executive

Part 1- Public

Executive Key Decisions

1 VOLUNTARY SECTOR GRANTS – FUTURE FUNDING OPTIONS

To consider options and levels of support for key Voluntary and Community Sector Groups

1.1 Background

1.1.1 The Council has provided grant funding via service level agreements (SLA's) to several voluntary and community sector organisations providing support in Tonbridge and Malling. These arrangements have been in place for many years, with SLA's updated and renewed periodically over time. It should be noted that the funding received by these groups over the years has not increased with inflation and has in fact reduced slightly.

1.1.2 We have now reached a point where the existing SLA's for each organisation are up for renewal and decisions need to be taken with regards to future funding levels and any amendments to the terms.

1.1.3 As a reminder, the organisations and the funding agreed last year (for 2023/24) are listed below:

For the three organisations with fixed 4-year grants, the funding as they enter year four of their agreements, remains as follows:

Maidstone and West Kent Mediation Schemes - £4,320

Imago - £3,600

Involve - £3,600

For Age UK Sevenoaks and Tonbridge, the funding as they enter year two of their two-year agreement remains as follows:

Age UK Sevenoaks and Tonbridge - £6,400

For CANWK, it is suggested that another 1-year agreement be offered at the existing level of £95,000.

- 1.1.4 Progress updates from each organisation are provided in Annex 1 and 2. All organisations have provided support to residents in the borough.
- 1.1.5 CANWK have supported 2,484 T&M residents with a total of 9,460 advice issues (Jan 2023 – Dec 2023). Through a combination of virtual meetings, telephone sessions and face to face (for any vulnerable resident unable to access virtual services) they have managed to reach and support all areas of the borough.
- 1.1.6 The Mediation Schemes have taken referrals for neighbour disputes, family, parent/teen disputes and anger management. In addition, they have visited primary and secondary schools, undertaken peer training and attended the weekly CSU meetings.
- 1.1.7 Imago continue to support residents by providing a Volunteer Recruitment Service with local groups and charities and working alongside the Job Centre. They have also undertaken training for organisations, including understanding eligibility for DBS. They continue to offer the Dial 2 Drive service to assist older or vulnerable people without access to a car or public transport.
- 1.1.8 Involve continue to support and promote volunteering across the borough and currently have 42 volunteers participating in supporting activities such as exercise groups, falls prevention, volunteer driving, volunteer gardening, buddying, administration, assisting creative classes and coffee/chat groups. They have increased the number of voluntary sector partners in T&M who are funded by Involve under the KCC Universal Wellbeing contract- all partners provide volunteering opportunities and they estimate this would amount to over 1000 volunteers in the borough.
- 1.1.9 Age UK Maidstone, Sevenoaks and Tonbridge continue to provide support, with their main office based at Bradford Street, Tonbridge. Drop ins are available for older people to access when they need support or a warm space. The services provided enable older people to live independently in their own homes for as long as possible. The information and advice service has responded to over 2000 signposting queries as well as providing specific advice to 1999 clients. They also run coffee mornings, dementia cafés and peer support groups. A foot-care clinic runs weekly at Town Lock, this will be expanding to offer care at home for those that can't get to Tonbridge.
- 1.1.10 It is recognised that each organisation has provided invaluable support, but as their SLA's have ended, it is also important that options are considered to ensure value for money with all our grants.

1.2 Future Funding Options

- 1.2.1 Cabinet is invited to consider the following 4 options and make recommendations for future funding arrangements:

Option 1

Make **no change** to the existing terms and continue to fund all the above organisations at the 2023/24 level for the next financial year.

Option 2

To help meet the Council's savings targets, **discontinue** grants to the above organisations. A transition phase will need to be implemented to support this approach, it will require further consideration and discussion with the organisations, if this is felt to be an appropriate option.

Option 3

The UKSPF Community Development Grant launched on 1 March 2024 (with grants up to £5,000). **Discontinue funding via SLAs** for the Mediation Schemes, Imago, Involve and Age UK and encourage them to **apply for funding** from this pot. It is likely that they will submit eligible bids against the criteria for this scheme. However, we cannot guarantee the level of grant that would be awarded, particularly if we are oversubscribed, as they will be bidding against other groups providing services in the borough. We also cannot guarantee any further funding via the UKSPF, so it is likely this would only be applicable for the 2024/25 financial year.

Option 4

Offer lower amounts (to Mediation Schemes, Involve, Imago and Age UK), **set for 4 years**, to provide additional stability. Each organisation has been contacted to establish what service impacts there would be with a lower amount, set for a longer term. The imminent launch of the UKSPF grant scheme has also been raised with them and they have been encouraged to apply to this to fill any gaps in funding that a possible reduction in grant would cause.

The lower amounts suggested over 4-year SLA's are as follows, including the assumed savings set against 2023/24 levels:

Imago - £2,000 per year for 4 years (saving of £1,600 or £6,400 over 4 years)

Involve - £2,000 per year for 4 years (saving of £1,600 or £6,400 over 4 years)

Mediation Schemes - £3,000 per year for 4 years (saving of £1,320 or £5280 over 4 years)

Age UK Sevenoaks and Tonbridge - £5,500 per year for 4 years (saving of £900 or £3,600 over 4 years)

- 1.2.2 It is worth noting that the Mediation Schemes are also funded by the Community Safety Partnership, with grants received via the Police Crime Commissioner. The suggested reduction to Age UK Sevenoaks and Tonbridge is less than suggested reductions for the others. This is because they have lost funding in recent years from KCC and at the same time, they now cover a wider area (following the closure of Age Concern Malling).
- 1.2.3 In relation to Option 4 above, organisations have been consulted on this option and comments received to date are summarised below:

Imago – Appreciated the security of longer-term funding and the opportunity to bid for an additional grant via the UKSPF Community Development Grant Scheme. A grant of £2,000 per year would fund 3 hours per week of the Volunteer Development Coordinators role to deliver the services and they would look to top this up with a bid to the grant scheme to support the shortfall.

Mediation Schemes – Appreciate that TMBC must look at funding cuts and £3000 p/y for 4 years would mean that they can still provide a service. Any reduction would impact on work as both services currently use their own resources to provide mediation.

Involve Kent – with the reduced amount they can continue to deliver without significant impact. They would not offer volunteer brokerage but would still be able to signpost to other organisations. There would be no change to promoting and supporting volunteers in the Borough.

1.3 Future funding for CANWK

- 1.3.1 CANWK receive a larger grant of £95,000. This has remained static for several years. As the cost-of-living crisis continues, there has been ever more need for their services. Despite this, it is prudent for the Council to consider all value for money options. Contact has been made with CANWK to ask them to consider a reduced grant (of between £5,000 - £10,000) and to highlight any impacts that this would have on the level of service. A reduced grant would be offered on a 4-year SLA to provide security over the coming years.
- 1.3.2 CANWK have responded to say they fully understand the very difficult financial situation Councils are facing and can see the attraction of a 4-year SLA, which would provide financial stability. However, they have suggested:
- “an overall net cut of £5-10K, taking account of and including any proposed increased rental cost of the Castle, and with a 4 year SLA to provide stability”.*
- 1.3.3 Currently CANWK rent office space from the Council at Tonbridge Castle. At this stage, there have been no formal discussions about the future of this arrangement, or any proposed rental rates. This makes it difficult to factor into the current debate regarding the SLA. It is suggested that a reduction at the lower

end of the suggested rate of £5,000 per year is considered, with the security of a 4-year SLA. In addition, CANWK will also be invited to take advantage of the current UKSPF, Community Development Grant Scheme to submit an additional funding bid to top up any shortfall in the current year.

1.4 Legal Implications

1.4.1 To be addressed via SLA's for each organisation.

1.5 Financial and Value for Money Considerations

1.5.1 As detailed in the options above.

1.6 Risk Assessment

1.6.1 A review of progress would be undertaken annually for organisations on longer term SLA's. Quarterly reporting will be requested for CANWK.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Community

1.8.2 Crime & Disorder Reduction

1.8.3 Health and Safety

1.8.4 Healthy Lifestyles

1.9 Recommendations

1.9.1 Cabinet **CONSIDER** the **4 OPTIONS** above and make a recommendation with regards to future support for these organisations.

1.9.2 Cabinet **CONSIDER** a £5,000 reduction for CANWK with the security of a 4-Year SLA.

Background papers:

contact: Gill Fox

Nil

Adrian Stanfield
Interim Chief Executive

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Voluntary and Community Sector Grants – Progress Updates

Age UK Maidstone, Sevenoaks and Tonbridge

Report for Financial Year 2023-2024

The 2023-2024 financial year has been a year of change for Age UK Maidstone, Sevenoaks and Tonbridge, all of which has been positive. After 2 years of sharing a Chief Officer with Age UK Maidstone, in August 2023, Age UK Sevenoaks and Tonbridge and Age UK Maidstone merged to become Age UK Maidstone, Sevenoaks and Tonbridge. This gives the charity much more scope and resource to ensure that the older people in all of the districts that the charity covers are given the help and support that they need to live fulfilling and independent lives for as long as possible.

Central to the merge however has been the ethos and desire to keep the local hubs for all three districts and to this end, the office in Bradford Street is now the main office for Tonbridge and Sevenoaks with various services covering both areas now running from there. This has meant that we have been able to increase our presence in the town and have an office which is open for longer for older people to access when they need.

The Independent Living Support Service is now based at the Bradford Street office along with the safeguarding officer for the Tonbridge and Sevenoaks areas. The site is also open to the public to drop in for any support needs and a warm place, we have extending opening times. This service supports older people to enable to live as long as possible in their own homes. The Befriending Service also continues to be run from the Bradford Street office with 32 people having regular visits from 26 volunteers.

The Information and Advice Team continues to work in the Tonbridge and Malling area and between 1st April 2023 and 11th January 2023, the office responded to 2000 signposting queries as well as providing specific information and advice to 1999 clients. Of these, 73 have been supported to claim benefits and we have improved their lives financially to the tune of £362,177 per year. The full-time Information and Advice Officer retired in April 2023 and at the moment the service is run by one part-time Information and Advice Officer supported by a team of 8 volunteers. The Social Inclusion Officer and Befriending Co-ordinator have also been trained to help with blue badge applications and by having a bigger staff presence in the office than in previous years, clients' enquiries are able to be responded to in a much more timely manner.

In addition to the services that are running from the Bradford Street Office, we have also increased the services that are running. The Cognitive stimulation group on a Monday now has 12 regular clients and we are also running other activities such as coffee mornings, Dementia Cafes, Peer support groups, young onset Dementia. We have brought the footcare service in-house and there is a clinic once a week at Town Lock which is run by a fully qualified foot-care practitioner. We are in the process of recruiting a footcare nurse to offer the service in client's homes that unable to attend a clinic. This service is particularly over-subscribed and is important for the health and wellbeing of older people. We are hoping that we may be able to build on this over the coming year and offer a clinic on more days.

In January 2023, a new Dementia Day Centre at Town Lock opened and we are now at full capacity with 16 clients attending regularly (6 of whom use Age UK transport). In addition 11 clients from Tonbridge and Malling are regularly attending the Hollybush Day Centre in

Sevenoaks (9 attend the Dementia Day Centre and 5 attend the social days). Many attend more than one session a week. Of the clients attending Hollybush, 7 use Age UK transport. The day centre provision is particularly important as for those clients with dementia, it provides much needed respite for families and for those who attend the social days, it provides a highlight of the week and a chance to interact with others and alleviate some of the social isolation that is so prevalent with in the older age groups. The transport element too is often the crucial as to whether or not they can attend.

We also run an exercise group in Golden Green.

Once a month we are part of running a moto neurone support group in Tonbridge.

As an organisation, we are currently working to align the processes and procedures of the two organisations that we previously were and are in the process of recruiting a senior leadership team to lead and develop more services in the coming year. We are developing a new strategic plan which will embed the ethos of helping older people whilst still keeping a local feel to what we offer as we feel that that this important to ensure that the needs of local communities can be met. The future looks exciting as we look at what we can do towards supporting older people from the age of 50 through to end of life.

Imago

Tonbridge SLA Report – October - December 2023

Summary of activity delivered by Imago across Tonbridge and Malling District Q3 2023

- Imago Volunteer Centre continues to have NCVO Accredited Volunteer Centre status as well as with NAVCA.
- We have continued to support residents of Tonbridge and Malling District by providing a Volunteer Recruitment Service by liaising with local community groups and charities, running volunteer recruitment sessions within the district, alongside Tonbridge Job Centre.
- We continue to produce a newsletter bi-monthly featuring adverts for volunteer roles, good news stories, case studies and information on the benefits of volunteering. This is available on our website, is directly mailed to those on the distribution list and is linked to on social media.
- The Volunteer Centre ran an Advent Calendar campaign on our Facebook page in the lead up to Christmas. We used this as an opportunity to promote Imago Volunteering opportunities and those of organisations and charities we have worked with closely throughout 2023. We had an increase of new followers and an increase in post reach.
- We were approached before Christmas by an accountancy firm, VCS looking to do some volunteering as a team in the run up to Christmas. They were placed with Young Lives Foundation where they wrapped gifted presents for their young people. Everyone involved was thrilled and VCS thanked us on LinkedIn.
- We attended the Snodland Over 55s fair, arranged by local MP Tracey Crouch to promote our Dial 2 Drive service and volunteer opportunities. This was a huge event, well supported and attended by well over 700 people with 79 stands present.
- We attended the Funding For All Funding Conference in November and met with local organisations, letting them know about the support they can receive around volunteering opportunities, networking and promotional opportunities within the newsletter and on social media.
- Training for organisations has been requested and included one on DBS Checks – understanding eligibility for DBS checks. This was a very informative session for the organisations attending and will support them in their recruitment of volunteers and staff as it was tailored to the voluntary sector.
- We had an information stand at the CANWK Local Kent Services Information Day for people from Hong Kong to attend. We provided information on volunteering and other services.
- Dial 2 Drive has included posters visible at venues such as blood donation sessions, leisure facilities and public spaces. Christmas versions were created and will be replaced next quarter with spring versions, to keep the interest. Dial 2 Drive is included in the annually updated Social Activities in Tonbridge For Older Folk leaflet and is being updated for 2024 in the spring.
- We offer brokerage sessions to potential volunteers online, over the phone and in person. The in person sessions can be at regular drop-in sessions or at a community venue to suit the individual.

- The Volunteer Coordinator and Managers Forum continues to be a valuable platform for those across the area to share best practice, ideas and network. Topics of discussion have included DBS and Safer Recruitment, issues surrounding the volunteer sector attracting and recruiting of staff and volunteers, managing volunteers, finding suitable venues for short term volunteering keeping volunteers and clients safe.

Our upcoming meetings which are now being held in person, but also available to join online are:

2024

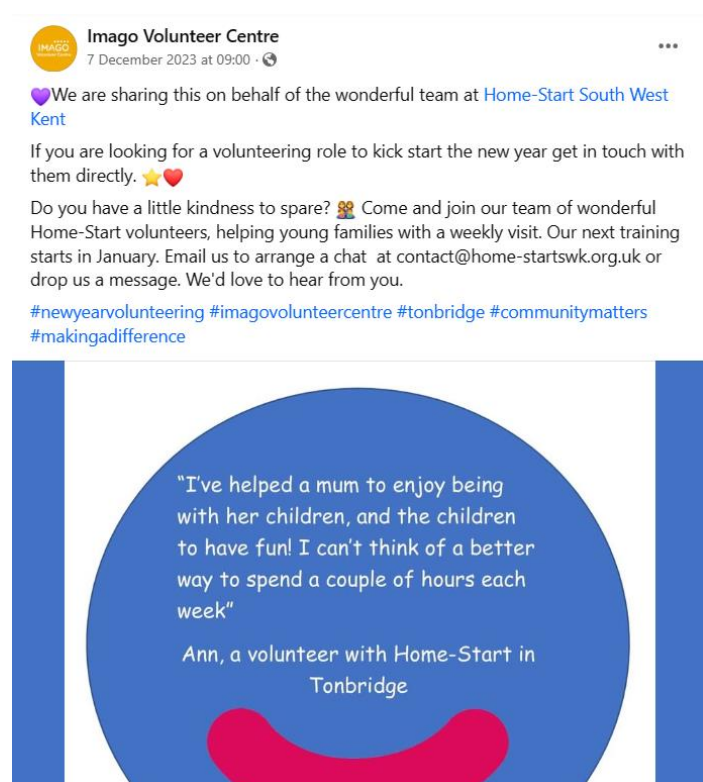
Thursday 18th January, Thursday 21st March, Thursday 16th May, Thursday 18th July, Thursday 19th September, Thursday 21st November

2025

Thursday 16th January, Thursday 20th March

Having the hybrid model enables the smaller organisations or those with limited time to attend remotely and still benefit from the content and fully participate in the session.

An example of the Social Media posts being shared for Tonbridge organisations:



Involve Kent - Report to Tonbridge and Malling Borough Council 2023

Introduction

Involve Kent and Tonbridge and Malling Borough Council have an established partnership in place through a Service Level Agreement (SLA) worth £3600 a year with the aim of promoting and supporting volunteering across the Malling Borough.

Whilst the public sector has seen an increase in volunteering numbers, the voluntary sector has continued to see a drop in participation and remains below pre pandemic levels. VCS organisations nationally, surveyed by the NVCO, reported both a drop in the number of individuals volunteering and the intensity of volunteering by each individual. There has been a shift towards remote volunteering, which now accounts for 30% of volunteer hours nationally. This reflects volunteer feedback that flexibility is one of the most important factors, with more volunteers now having taken up paid work, either full time or part time, or are providing childcare for their grandchildren. Challenges persist for small organisations providing face to face activities and support at a local level. The NCVO reports that VCS organisations have experienced a decrease in the range of volunteering activities, with key areas including fundraising and organising / helping with an activity seeing the greatest decline.

This report explores how Involve Kent worked with and supported volunteers from the Tonbridge and Malling area across the year 2023.

Reporting on the specifics in the SLA for 2023:

We currently have 42 volunteers from the Borough participating in Involve roles or activities including,

- Exercise groups volunteers
- Falls prevention class volunteers
- Volunteer Drivers and chaperones providing low cost transport
- Volunteer gardeners
- Buddying
- Administration
- Members accessing creative activities including knitting, sewing and craft
- Members accessing social groups to make new friends including coffee mornings and lunch groups
- Members aged 11-19 taking part in activity groups

Matching volunteers to opportunities within volunteer involving organisations

Tonbridge and Malling based VCS organisations are promoted through our extensive network Social Prescribers and Community Navigators who support individuals into volunteering roles, and we continue to grow and maintain our internal database of VCS organisation which is be referred to by staff in signposting/navigation roles and use this to match volunteers to suitable organisations.

In addition, we work with community partners across Tonbridge and Malling and share information about their volunteering opportunities with our clients who are aged 55 and over, or under 55 with complex health/support needs. In 2023 we collaboratively produced a newsletter of volunteering opportunities at Involve and our community partners which was shared by the network to encourage volunteering across multiple organisations.

We have increased the number of voluntary sector partners in Tonbridge and Malling who are funded by Involve under the KCC Universal Wellbeing contract from 8 to 12. All partners provide extensive volunteering opportunities and together they estimate to have over 1000 volunteers, including supported volunteers. We provide all partners with specialist support from CAP Enterprise to help with developing core policies, strategic planning, building capacity and identify funding streams and support with grant applications. Online workshops

timetables were advertised through our weekly newsletter, and intensive one to one support was given to 5 VCS organisations in Tonbridge and Malling Borough.

Volunteer roles include:

- Telephone befriending
- Horticulture and allotment
- Supporting wellbeing activities for the over 55's such as singing groups and seated exercise classes
- Backstage theatre volunteers including set design and building, props, gardening, costume design and making
- Conservation and nature based activities
- Supporting social activities; coffee mornings, craft groups, lunch clubs, games groups and day trips
- Supporting the wider community through signposting, foodbanks, clothes swaps, toddler groups and youth work

Volunteers supporting Involve Falls Prevention Classes

During 2023, our falls prevention volunteers in Tonbridge and Malling have supported us to deliver 4 falls prevention programmes in the Tonbridge, helping to improve the confidence and balance of 64 older people living in the Borough. Each class was supported by 2 volunteers every week who have contributed a total of 576 volunteering hours between them. The volunteers are supported by both our volunteer coordinator and specialist class instructors. We have established strong working relationships with them, they often support us at more than once a week and work effectively together as a team to cover absences ensuring a continuous service to the group participants which is essential for them to gain the maximum benefit from attending the 36 week long programme.

We provide volunteering information and signposting to all participants who complete the programme and encourage them to get involved if they feel able to, with their improved levels of confidence and reduced risk of falling.

Some feedback from a class instructor and participant:

'I could not run my classes without my volunteers, they are an essential part of the provision. They freely gift their time each week, helping to make the participants feel cared for, safe and heard.'

'She is a true inspiration to us all!! Her kindness and friendly nature shines through as she guides us through our exercises. She is an invaluable support to the instructor and each and every one of us!'

Providing support for individual volunteers, particularly those facing barriers to volunteering e.g. through age, disability, culture, income etc.

Whilst the increase in remote volunteering opportunities has widened access to volunteering, accessibility is at the forefront of our projects and we are always seeking to improve our knowledge through partnerships with other organisations and widen participation in volunteering in communities where levels have been historically low. Transport is provided if needed to access volunteering projects, and if further support is required, we signpost /refer to specialist services.

We currently have 4 active children's volunteers supporting our Connect! groups for young people in Tonbridge and Malling aged between 11-18 who have Autistic Spectrum Condition (ASC) or who are assessment pathways. In 2023 these volunteers supported 48 activity groups in Tonbridge and Malling. The activities included rock climbing, pantomime trips, chocolate making, craft and board games groups. These group activities help to empower young people to build confidence, resilience and wellbeing. The groups also provide the parents and carers with a break and the opportunity to meet with others who have shared experiences.

Involve Supported Volunteering in depth

Our dedicated Volunteer Coordinator supports volunteers on a 1-2-1 basis by training and inducting them at the start and then offering continued support whilst at Involve. They will meet with potential volunteers to ensure that they are matched with the right role for the individual, whether this is in Involve or at another organisation. Volunteers are offered regular support in the form of supervision, which will be in whichever format the volunteer prefers – for example some prefer a phone call, others like to have a more formal meeting. Potential volunteers might include clients that are being supported by Community Navigators or Actively Involved Wellbeing Support Workers. These will be supported by the worker to access information about volunteering roles and then to apply.

Wellbeing Support Workers can offer additional support such as attending volunteering activities when a volunteer first starts.

We support several volunteers with health conditions. 44% of volunteers have disclosed a health condition, with 57% of those having a long-term illness or health condition, and 14% having poor mental health. Other conditions included frailty, mobility needs or complex needs. Our support allows these volunteers to access opportunities and be offered ongoing support to enable them to continue to take part and to enjoy the things they love.

Volunteering helps people to remain active in their community, to access social opportunities and to learn or improve their skills.

Promoting, stimulating and encouraging local interest in volunteering and community activity

Volunteering continues to be widely promoted through our social media channels and weekly newsletter. We regularly post our volunteer opportunities on local Tonbridge and Malling Facebook pages, such as community pages and groups, to connect with more people in the area. We are also advertising directly from our Facebook page, as part of our efforts to promote Involve Kent in the local community.

We continue to signpost and refer clients over 55, or under 55 with complex health/support needs into community activities. The activities may be social groups, exercise classes, arts and culture or nature based (anything from art to Zumba gold!). Taking part in such activities can often lead to a client feeling more confident and lead to them becoming further involved with the activity by taking on a volunteer role with the organisation. Many of our community partners now have more established volunteers as a result of clients feeling more confident and able to be more involved in their organisations.

We continue to work with CXK, running a volunteer swap scheme that operates in Tonbridge and other boroughs. The aim of the scheme is to provide a platform for our volunteers to be redirected to other organisations in the Voluntary and Community sector (VCS) that have roles better suited to their skills and interests, while also attracting volunteers to fill high demand roles within our organisation. CXK reciprocates by sending volunteers our way.

To promote volunteering locally, we distribute leaflets to our existing Tonbridge volunteers and encouraging them to spread the word – they are our best ambassadors. We also place leaflets in local shops and cafes, and utilise word of mouth, to reach and recruit members from the Tonbridge and Malling local communities.

In September we attended the Tonbridge and Malling Seniors Forum Information and Advice Day to promote volunteering opportunities in Tonbridge and Malling. Details of the event were shared with our community partners who were also invited to come along to promote volunteering within their organisations.

In October we attended Tracey Crouch's over 55's Advice and Information Fair where we were invited to promote Involve's services and volunteering opportunities.

Promoting existing volunteer driver schemes within the area

During 2023 our volunteer drivers have continued to provide essential affordable transport for people living in Tonbridge and Malling. We have increased our pool of drivers in

Tonbridge and Malling to 18 and have provided affordable transport to 150 clients in the Borough totalling 2006 trips.

We have strengthened our links with the Rotary Club have developed new links with the Stroke Association in 2023. We actively work with both organisations to cross promote volunteering opportunities in the local community.

We ran 3 transport recruitment events at The Hub, where the service is coordinated, and these events were promoted on Facebook and Instagram, and shared widely with our VCS contacts in Tonbridge and Malling.

Demand for the volunteer transport service is increasing and we continue to run recruitment events and online campaigns for more volunteer drivers.

Promoting good practice within organisations involving volunteers by providing support and information.

We have actively promoted our online newsletter 'Digest' which is now distributed to over 1400 subscribers with weekly articles on volunteering news, events, training and opportunities.

Our Information Officer maps all organisations across Tonbridge & Malling and ensures that their current information is available for free online on our Directory of Services. There are currently 122 organisations mapped that are active in Tonbridge and Malling, with 26 of those based in the Borough. This platform is accessed by thousands of people each year, both individuals and professionals.

Involve facilitates and chairs the West Kent Health and Care Voluntary Sector Alliance, providing support and information to organisations across West Kent, bringing them closer together to promote cross-system working. This has included an in-person workshop which allowed for learning, sharing of knowledge and creation of networks. In addition, there have been 3 online meetings which have included topics such as 'volunteering in health' and guest speakers from the Kent, Surrey and Sussex Applied Research Collaboration who shared a bespoke VCS evaluation toolkit.

Liaising with local organisations, including parish councils and other voluntary groups to promote services

We maintain contact through weekly newsletters which promote volunteering and other community initiatives. Through our network of community partners, we facilitate regular meetings with all partners and share experiences and ideas around recruiting and supporting volunteers.

Providing information through the Involve Kent website and online directory

Information on volunteering is shared on our website and online directory. The Involve Kent website was relaunched in November 2023 and has a new and easier to use functionality, including an updated page on volunteering. We also share information about support for the sector, including small grant funding and the West Kent Health and Care Voluntary Sector Alliance. Our online directory features 122 organisations active in Tonbridge and Malling, with links to their websites for easy sourcing of further information on volunteering opportunities. We are relaunching our directory in February 2024, with a simpler and easier way to find information.

Participating in local, regional and national campaigns, either individually or in partnership with other providers

National campaigns we have participated in include Volunteers Week, World Mental Health Day, Carers Week, Falls Prevention Week.

Providing input into strategic development of volunteering locally, regionally and nationally

Involve remains committed to keeping updated with changes and challenges in volunteering both locally and nationally. We have good relationships with other infrastructure organisations including Stronger Kent Communities and refer many organisations to them for support and accreditation. We are part of a network of infrastructure organisations and meet quarterly to share information/discuss development. We have attended Tonbridge and Malling Borough Council Shared Prosperity Funding meetings in order to feed back on a fund to offer volunteering opportunities in the borough, and have shared information about this fund widely in the sector.

We have been part of a pilot programme for NHS England, 'Community Connectors', which has seen design and delivery of a health engagement programme led by volunteers. As part of this, we have written an in-depth evaluation of how the model might be used in other ways and in other areas and have fed into national learning events. We have used this project to develop our own learning and understanding of different types of volunteering and can use this experience to develop future opportunities.

Carrying out DBS checks on all volunteers working in Involve Kent, who work with vulnerable adults

All volunteers and staff working with vulnerable adults are DBS checked and a DBS check service is offered across the Malling area, enabling local groups to check their staff and volunteers.

Acting as an umbrella body for DBS checks for all Voluntary Organisations

We continue to act as umbrella body for DBS checks and promote the service widely. In 2023 we completed 61 volunteer checks for 20 VCS organisations.



Mediation Schemes

First quarter updates for Maidstone Mediation and West Kent Mediation 2023-24

Neighbour,

1 Referrals

Family

1 Referral

Parent/Teen

2 Referrals

Schools

15 Peer mediators trained in one primary school.

1 mediation in secondary school.

Second quarter updates for Maidstone Mediation and West Kent Mediation 2023-24

Neighbour,

No Referrals

Family

1 Referral

Parent/Teen

No Referrals

Anger Management

No Referrals

Schools

12 Peer mediators trained in one primary school.

Third quarter updates for Maidstone Mediation and West Kent Mediation 2023-24

Neighbour,

Referral for multi parties in a block of flats regarding noise which has led to ASB. All parties contacted, mediators allocated. Several calls to each of the parties so far. To be continued next year.

Self referral regarding garden fences. Party 2 contacted. Waiting for response.

Family

Self referral for a blended family to have mediation. Parties contacted. Mediator allocated. Waiting for the young person to respond.

Parent/Teen

No Referrals

Anger Management

1 Referral

Schools

Visited 3 primary schools

31 peer mediators trained.



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Tonbridge & Malling Borough Council
Annual Review of Activities
January – December 2023

We are continuing to experience extremely high demand as local people struggle with the pressures of rising costs of living. The complexity of cases we are supporting clients with has also continued to rise, and therefore the effort and time being put into each client's case, both on Adviceline and in follow up appointments, has also increased. We continue to focus on maximising the efficiency of our service and trying to stretch ourselves to meet demand wherever possible.

Across our range of advice services, we have supported 2,484 Tonbridge and Malling residents during 2023; providing them with independent, high-quality advice for the issues and challenges they face.

We would like to take this opportunity to thank everyone at Tonbridge & Malling Borough Council for their continuing support and encouragement during these most challenging times, which has been so appreciated by all our staff, volunteers and Board of Trustees. We look forward to continuing to work closely together to ensure local residents have the knowledge, skills and confidence to face the difficult times ahead.

Key activities during 2023:

- **We are continuing to experience high demand as local people struggle with the pressures of rising costs of living.** The cases we are supporting clients with are remaining very complex, with local people coming to us for multiple interconnecting issues, and therefore the effort and time being put into each client's case, both on Adviceline and in follow up appointments, is still considerably higher than in the past. Whilst we continue to focus on maximising the efficiency of the service, ultimately, our ability to respond this demand depends on the number of trained Advisers we have available.

To this end, during 2023 we have:

- **Successfully fundraised to expand our paid Adviceline Adviser team from 6xFTE to 10xFTE Advisers.** This gives a solid base for capacity to answer client's calls and enabling these Advisers to become specialists in this advice-giving channel.
- **Recruited 8 additional volunteer Advisers based in Tonbridge and more than 20 new volunteers across CANWK,** to increase our capacity to support clients, both on Adviceline and in follow-up advice sessions, which are often needed by clients whose cases are more complex or who need further support to take those next steps.

Our generalist advice services have been providing advice over a wide range of issues, with money related issues being a high concern for local people. Benefits advice, particularly support with claiming Universal Credit and advice on applying for and appealing decisions for Personal Independence Payments (PIP), remain high. Housing and homelessness issues remain high, whilst we are also seeing an increasing

number of domestic violence issues. Fuel debts and credit, store & charge card debts have been the most prevalent debt issues for Tonbridge & Malling residents, and we continue to offer specialist debt advice alongside budgeting support.

- **We established the Tonbridge Meet & Greet service in May 2023, which has seen steadily growing in popularity, with 532 local residents using the service in this first 8 months.** Our Meet & Greet Team support local people who are finding remote advice difficult - people who come to our office are given information on how to access our telephone and email advice, and anyone who is unable to, or lacks the confidence to, use these services is assisted to do so. They are also able to receive, scan and pass on documents and support clients to use the 'virtual face-to-face' video calling facilities, which enables clients to visit the office and access the advice and support of our Advisers based anywhere in North & West Kent. We have noted that the clients using the Meet & Greet service are increasingly vulnerable and experiencing crisis situations such as homelessness and mental health crisis.
- CANWK's specialist advice teams have continued to support Tonbridge & Malling residents throughout 2023, including:
 - Our **benefits specialists** have continued to support local residents with more complex benefits issues, including benefits appeals. In 2023, we **supported 108 Tonbridge & Malling residents to challenge benefits decisions.**

Whilst we do not always hear about the outcomes, we know that **we achieved at least £750,000 in income gain** through benefits for Tonbridge & Malling residents.
 - Our **immigration advice** service is the only free OISC Level 3 registered service in this area, meaning that we are able to support clients with any immigration issues, including those with or seeking refugee status. During 2023 we were delighted that **two more of our Advisers passed their OISC Level 2 qualifications** following extensive periods of study; further increasing our capacity to support people with free immigration advice. This year, **31 Tonbridge & Malling clients were supported with free specialist immigration advice**, which in turn links closely to people's ability to work, secure housing and support their families.
 - Our **Homelessness Prevention Project** has continued to work closely with the TMBC Housing Teams on many client cases, providing additional support for the most vulnerable residents at risk of homelessness. This partnership approach has been extremely successful in achieving positive outcomes for local people.
 - **Debt and money advice has continued to be a significant challenge for local residents, and we have a number of specialist projects supporting people in different situations to achieve positive changes:**
 - Our Money Advice & Pensions Service (MaPS) Debt Advice Project has unfortunately been affected by funder budget cuts during 2023, with a recruitment freeze meaning that we have been forced to reduce our team by 1xFTE Debt Adviser. However, despite this, the team have **supported 201 Tonbridge & Malling residents with debt issues**, enabling them to take steps towards a more secure financial future.
 - **The Money & Mental Health Team and Perinatal Mental Health Team** support people with mental health issues who are struggling with debt and other issues. This is a holistic service, with vulnerable clients being allocated to a named Adviser, who can build trust over an extended period to achieve successful outcomes. **In 2023, 40 vulnerable Tonbridge & Malling residents have benefited from this support.** The financial, health and wellbeing outcomes from this project have been enormous, and the project is currently part of an academic review to demonstrate its impact and help secure continued funding.

- Our debt advice specialists have been taking advantage of our partnership with KCC to provide the £90 fee for Debt Relief Orders (DROs). For some clients with debt issues, a DRO is the best option for them to deal with their existing debts and provide the opportunity to move forward in a more stable financial situation. **The £90 DRO fee can be a huge barrier for many in financial difficulty, and we have been pleased to be able to support eight TMBC residents to benefit from the scheme.**
 - Through these different projects, we have achieved **almost £210,000 in debt related financial outcomes for Tonbridge and Malling residents in 2023.**
- **We have continued to strength our local partnerships to ensure the most vulnerable in our community are supported.** In particular, we have further embedded our weekly in-person outreach at the community café in St Stephens Church in central Tonbridge, and video outreaches in Snodland and East Malling. These community advice sessions have proved to be highly valued by host organisations and their clients, and enable us to provide an alternative to telephone advice without the need to travel to the Tonbridge Castle.
 - **We have been delighted to be able to support TMBC in delivering household support grants for Tonbridge & Malling residents struggling with the financial pressures of these challenging times.** In distributing £33,500 to local residents, we have supported 220 Tonbridge & Malling households with supermarket and fuel vouchers, along with linking them into other CANWK advice services to assist with the underlying causes of their crisis.

Plans for the year ahead:

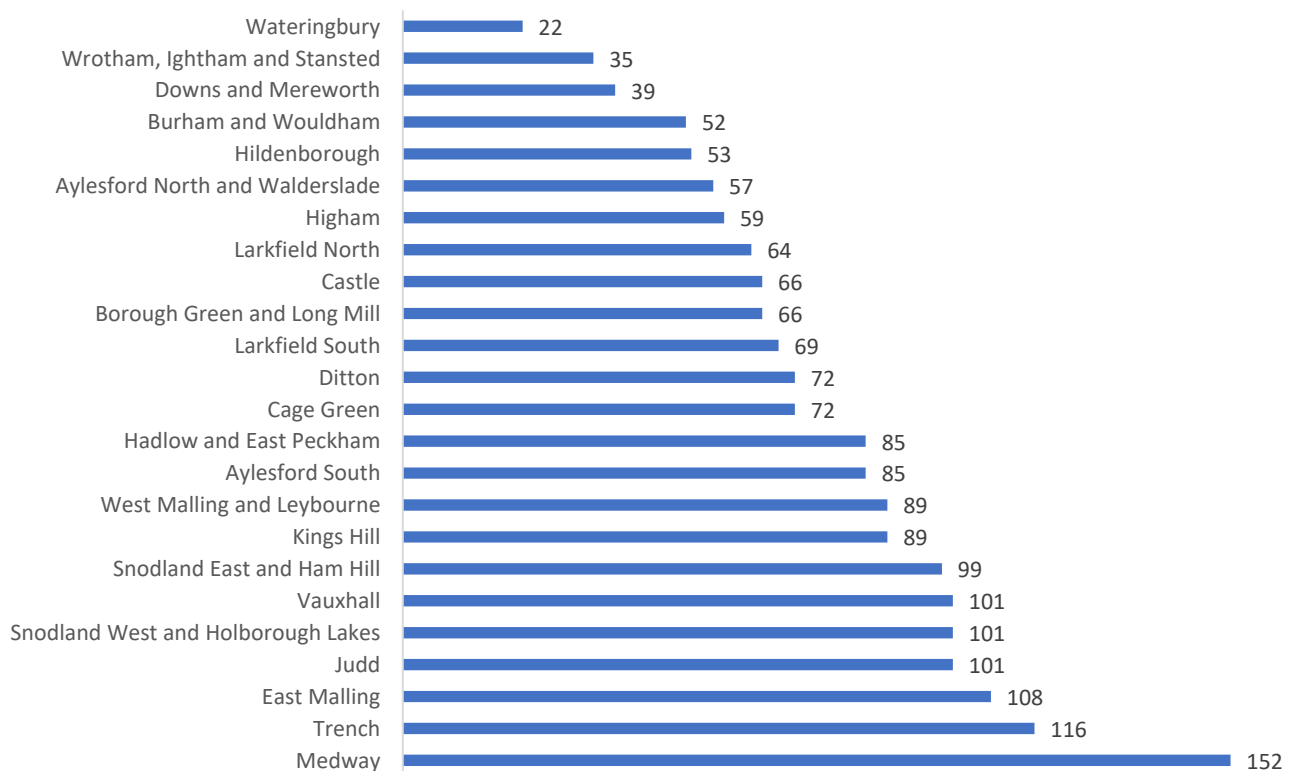
The year ahead will be focused on further developing our services to meet the challenges we currently face with increased demand and complexity of problems being faced by local residents. We will also need to be mindful of the challenging financial environment in which we are operating. Of particular focus for CANWK will be:

- **Thanks to the support of TMBC, we are currently working with other community partners to open additional video advice hub kiosks across the district.** We hope this will be a useful resource for local people struggling with high costs of living. Sites include the Tonbridge Baptist Church (running alongside the foodbank, clothes bank and other community services) and the new foodbank site being planned in Snodland, with more soon to follow.
- **We will continue to submit funding bids to increase the capacity of our specialist advice teams and meet increased demand in Tonbridge & Malling.** We have a number of proposals currently being prepared, including bids that, if successful, will enable us to increase access to specialist immigrations, debt and housing advice, along with the potential to add family law to our specialist advice offer.
- **We are actively recruiting for more volunteers to train as Advisers.** We hope to strengthen our Tonbridge volunteer team on all 4 days of service, to further expand our capacity to provide advice and support.

Tonbridge & Malling residents supported in 2023:

	2023
Total number of T&M residents supported with advice and information.	2,484
Total number of advice issues T&M residents supported with.	9,460
Total number of T&M residents provided with detailed advice and casework.	1,852
Total number of Meet & Greet service users in Tonbridge & Malling.	532
Number of T&M residents supported with specific issues:	
Benefits	1,041
Housing	352
Debt	380
Immigration	31
Family & relationships	193
Charitable support incl. foodbank referrals	172
Number of T&M residents supported with issues putting them at direct risk of homelessness.	596
Total financial outcomes from advice given to T&M residents.	£1,073,329

Tonbridge & Malling Clients by Ward (2023)



Keith*

Keith is a single man in his forties who lives alone in a mortgaged property. Keith first called CANWK in March 2022, seeking advice on claiming disability benefits. Keith explained to the Adviceline Adviser that he was a self-employed tradesperson, but had been suffering from a number of mental health issues including agoraphobia, claustrophobia, panic attacks and depression. As a result of his conditions, he could not travel more than 2-3 streets away from his home, and therefore could not work for any clients living further away. This was severely limiting his ability to work and earn money.



Keith explained that he had made a claim for Personal Independence Payments (PIP) the previous year, which had been turned down. He did not consider appealing at the time, but had since been told that appeals could be successful. He was therefore seeking help and advice on how to appeal his PIP benefits decision.

We initially supported Keith within our generalist advice service, with an appointment with a form-filling Adviser, who helped him to complete the initial PIP appeal documents. Support at this stage can be essential, as our Advisers understand how the scoring system works and can explore client's situations fully to ensure the full extent of their challenges are reflected in their submission. However it soon became clear that Keith needed more support than was possible within our generalist advice service, and his case was transferred to our Money and Mental Health Team.

Our Money and Mental Health Team is funded by Kent County Council within their suicide prevention programme, in recognition of the impact of debt and money problems (along with other practical challenges in life) have on people's mental health and wellbeing. The team of debt, benefits and employment specialists provide holistic advice, and each client is allocated an Adviser who will follow through their case, enabling them to build trust and understanding, improving positive outcomes for these most vulnerable clients. Whilst we encourage clients to take action on their own behalf, we recognise that this is often not possible for clients living with mental health issues, and therefore the project is resourced to allow Advisers to be more proactively involved in clients' cases.

Jiya* is the Money & Mental Health Adviser who supported Keith through each step of the PIP appeals process – through a paper-based appeal called a Mandatory Reconsideration, and when that failed, through a tribunal court hearing. Through each stage Jiya spent time explaining what needed to happen and reassuring Keith that she believed in his case. Keith's anxiety and other mental health issues were often exacerbated by the need to deal with the official paperwork and repeated need to state his case. However with Jiya's support he remained engaged in the process; attending meetings, speaking to his doctors to collect evidence and submitting forms.

It took until the end of July 2023 for Keith's appeal to reach a tribunal. By then, Keith had built up considerable debts, including mortgage arrears, council tax arrears and he owed money to several family members.

In the run up to the tribunal, Jiya drafted the court submissions setting out the basis for his appeal, and supported Keith to fully prepare for his court date. At the court hearing Keith felt empowered to speak on his own behalf, to explain how his mental health issues were impacting on his daily life and ability to work. Both Keith and Jiya were delighted to hear that his appeal had finally been successful in August 2023. Keith was given a full PIP award amounting to over £550 per month, which would enable him to supplement his earnings and cover his living expenses. Vitality, the PIP award was also backdated to March

2022, which meant that he has received almost £10,000 in backdated payments. This sum will enable Keith to clear his debts in full.

Whilst the process was incredibly stressful for Keith, and there is no doubt that his experiences have exacerbated his ongoing mental health issues, he is delighted by the outcome and extremely grateful for the advice and support he has received from CANWK. He is now looking forward to the future and to being able to focus on improving his mental health and wellbeing.

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2024

Report of the Management Team

Part 1- Public

Executive Key Decisions

1 PROCUREMENT SUPPORT

1.1 Summary

1.1.1 This report brings forward a proposal to enter into an agreement with the Mid Kent Procurement Partnership to provide procurement support to this authority.

1.2 Background

1.2.1 The Council has a Procurement Officer Study Group (OSG) bringing together officers from across departments to provide feedback to Management Team on matters relating to procurement.

1.3 The Procurement OSG has identified the need for support with the procurement of contracts within this Council. At the present time there is no support for Officers in developing contract documents and providing advice and support. The Council's Procurement Strategy and documentation are also out of date. Without an up to date Strategy and documents, there is a clear risk that not only will contracts not be compliant or consistent across the Council, but they will not achieve the best value for money. The Council's approach to procurement was identified as a weakness of the Council in the recent external audit report from Grant Thornton.

1.4 Ensuring the Council has the right expertise and resource on procurement delivers against the corporate priorities 'Efficient services for all our residents, maintaining an effective Council' and further moving the borough council forward so its services are delivered innovatively and in the most cost effective and efficient way'. It will also further ensure the Council is protected further against fraud, bribery and corruption.

1.5 Options

1.5.1 At the last Procurement OSG the Group discussed the potential option of appointing a member of staff to lead and take responsibility for the procurement function of the Council. In addition to this option a potential partnership with the Mid Kent Partnership comprising Maidstone Borough Council, Swale Borough Council and Tunbridge Wells Borough Council was also considered.

- 1.6** With regard to the appointment of a member of staff, and following consideration of similar roles in other Councils, a draft job description was prepared. The draft job description is attached at [**Annex 1**]. Following liaison with Financial Services the cost of the post including on costs is £83,370. There is no existing revenue provision for the post so the appointment would represent growth on the Council's budget.
- 1.7** With regards to a partnership approach, the Partnership works on the basis of sharing resources by the member authorities with each providing equal funding to access the services. With regard to procurement, the partnership is between TWBC and MBC, with TWBC being the lead authority. A proposal has been received from the Partnership which is attached at [**Annex 2**]. The annual cost of the support is £89,000 and the agreement would be a rolling agreement with the ability to terminate with a year's notice. Once again there is no revenue provision for this arrangement and this option would also represent growth on the Council's budget.
- 1.8** The pros and cons of each option are shown at [**Annex 3**]. Members of the OGG and Management Team have considered each option in detail and concluded that they would wish to support the option to enter into a partnership on a 2 year trial. It was felt the inhouse option did not provide adequate resource and represented less value for money. It was noted that a number of the OSG had had experience of working with the partnership and had been impressed. The Audit Service partnership was highlighted as a similar type of Partnership which was proving successful. The need for pre planning procurement plans was acknowledged. The agreement does not include legal support, which the Council would need to continue to provide.
- 1.9 Legal Implications**
- 1.9.1 Representatives from Legal Services sit on the Procurement OSG and have considered the proposed agreement brought forward by the Mid Kent Procurement Partnership.
- 1.10 Financial and Value for Money Considerations**
- 1.10.1 With regard to funding, it is proposed to allocate funding in full from the Transformation reserve. Provision will also need to be made in future years of the MTFS as procurement support will be an ongoing requirement in the future.
- 1.11 Risk Assessment**
- 1.11.1 As identified by Grant Thornton in its external audit report, there is a risk to the Council if it does not address the need for additional support in regard to procurement.

1.12 Equality Impact Assessment

1.12.1 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.

1.13 Policy Considerations

1.13.1 Procurement

1.14 Recommendations

1.14.1 It is recommended to Cabinet that the Council enters into a 2 year trial agreement with the Mid Kent Procurement Partnership, funded from the Transformation Reserve.

Background papers:

Annex 1 – Job Description
Annex 2 - Mid Kent Partnership Proposal
Annex 3 – Options Pros & Cons

contact: Robert Styles
Director of Street Scene,
Leisure & Technical Services

The Management Team.

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PROCUREMENT MANAGER DRAFT JOB DESCRIPTION

Essential Experience:	Procurement within local government or other public body
Specialist Knowledge:	Knowledge of the procurement rules governing local government
Qualifications:	Minimum - CIPS Level 5, desirable – MCIPS
Grade	M6-
Job Description:	<p>To lead and take responsibility for the procurement function of the Council in support of the Council's Corporate, Economic and Environmental strategies.</p> <p>To keep up to date with new legislation and guidance and revise procurement documentation, processes and training accordingly.</p> <p>To be responsible for the ongoing review of the Council's Procurement strategy.</p> <p>To be the lead procurement officer on all core Council contracts.</p> <p>To attend all meetings of the Council's Corporate Procurement Officer Study Group.</p> <p>To monitor, and report on, the Council's procurement activities to enable an assessment of value for money and potential efficiencies.</p> <p>To provide advice to Officers on procurement related issues To comply with reporting and transparency provision in UK law and best value for local authority procurement.</p> <p>To assist with the award of corporate Council contracts e.g. stationery framework, energy contract, mobile phone contract.</p> <p>To be responsible for updating and creating procurement documents.</p> <p>To update the Council's procurement section of the website.</p> <p>To administer procurements through the e-tendering system [currently in partnership with Dartford BC].</p> <p>To train Officers on the procurement rules and processes.</p> <p>To answer procurement related FOIs.</p>

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DATED

2024

MAIDSTONE BOROUGH COUNCIL

and

TONBRIDGE & MALLING BOROUGH COUNCIL

and

TUNBRIDGE WELLS BOROUGH COUNCIL

PROCUREMENT PARTNERSHIP AGREEMENT

Contents

- **Definitions and Interpretation**
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- **Provision of the Service**
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- **Routine Communications**
- **Notices**
- **Assignment**
- **Variation**
- **Waiver**
- **Severance**
- **Third Parties**
- **Entire Agreement**
- **Law and Jurisdiction**

Schedules

Schedule 1 - Key Parameters

Schedule 2 - Service

Schedule 3 - Roles & Responsibilities

Schedule 4 - Budget

Schedule 5 - Structure

THIS AGREEMENT is made on the _____ day of _____ 2024

BETWEEN:

- (1) **MAIDSTONE BOROUGH COUNCIL** of Maidstone House, King Street, Maidstone, Kent ME15 6JQ (“MBC”); and
- (2) **TONBRIDGE & MALLING BOROUGH COUNCIL** of Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent ME19 4LZ (“TMBC”); and
- (3) **TUNBRIDGE WELLS BOROUGH COUNCIL** of the Town Hall Royal Tunbridge Wells, Kent TN1 1RS (“TWBC”) (together “the Authorities”).

WHEREAS:

- (A) The Authorities have reached agreement with regard to the creation of a single combined Procurement Service (“the Service”).
- (B) In this Partnership Agreement, TWBC shall employ and manage, and MBC, TMBC and TWBC shall supply strategic input by setting annual objectives and KPI’s for, the Relevant Employees for the operation and delivery of the Service (“the Procurement Partnership”).
- (C) The Authorities now wish to record their agreement as to the terms of this Partnership Agreement.

IT IS HEREBY AGREED as follows:

1. DEFINITIONS AND INTERPRETATION

In this Agreement:

- 1.1** the following expressions have the following meanings unless inconsistent with the context:

"Commencement Date"		means 1 April 2024;
"DPA"		means the Data Protection Act 2018;
"Exempt Information"		means any information or class of information relating to this Agreement which may fall within an exemption to disclosure under FOI Legislation;
"FOIA"		means both the Freedom of Information Act 2000 and subordinate legislation made under this Act and the Environmental Information Regulations 2004;
"Intellectual Property Rights"	Property	means all rights in patents, trademarks, service marks, design rights (whether registerable or otherwise), applications for any of the foregoing copyright (including rights in Software), database rights, know-how, trade secrets, confidential business information, trade or business names and any similar or analogous rights to any of the above whether arising or granted under the Laws of England or of any other jurisdiction;
"Law"		any statute statutory instrument subordinate legislation standard law proclamation order resolution notice rule of court bye-law directive code of conduct or other instrument or requirement having the force of Law within any

national or local jurisdiction issued declared passed or given effect to in any manner by HM Parliament;

"Personal Data"

means personal data and sensitive personal data as defined in the DPA which is disclosed by an Authority to enable another Authority to comply with its obligations under this Agreement;

"Relevant Employee"

means all employees of the shared Procurement Partnership at TWBC whose roles are detailed in Schedule 3;

"Request"

means a request for information made under the FOIA.

"Service"

means the Procurement Service to be provided to the Authorities at Schedule 2

1.2 References to any statute or statutory provision (including any EU Instrument) shall unless the context otherwise requires be construed as including references to any earlier statute or the corresponding provisions of any earlier statute whether repealed or not directly or indirectly amended consolidated extended or replaced by such statute or provision or re-enacted in any such statute or provision and to any subsequent statute or the corresponding provisions of any subsequent statute directly or indirectly amending consolidating extending replacing or re-enacting the same and will include any orders regulations instruments or other subordinate legislation made under the relevant statute or statutory provision;

- 1.3** The headings are inserted for convenience only and shall not affect the construction of this Agreement;
- 1.4** Words importing one gender include all other genders and words importing the singular include the plural and vice versa;
- 1.5** A reference in this Agreement to any clause paragraph or Schedule is except where it is expressly stated to the contrary a reference to a clause or paragraph of or Schedule to this Agreement;
- 1.6** Any reference to this Agreement or to any other document unless otherwise specified shall include any variation, amendment or supplement to such document expressly permitted by this Agreement or otherwise agreed in writing between the relevant parties;
- 1.7** Words preceding “include” “includes” “including” and “included” shall be construed without limitation by the words which follow those words unless inconsistent with the context and the rule of interpretation known as eiusdem generis shall not apply;
- 1.8** The Schedules form part of this Agreement and will have the same force and effect as if expressly set out in the body of this Agreement and any reference to this Agreement includes the Schedules; and
- 1.9** The following order of precedence shall apply:
- 1.9.1 the terms and conditions of this Partnership Agreement; and
 - 1.9.2 the Schedules to this Partnership Agreement.

2. COMMENCEMENT AND DURATION

- 2.1** This Agreement shall commence on 1 April 2024 for an initial term of 4 years unless it is terminated by mutual agreement of all the Authorities or upon notice given under clauses 12 and 20. The Authorities may agree further 4 year extensions which shall include partnership reviews.

3. RELATIONSHIP BETWEEN THE AUTHORITIES

- 3.1** Each of the Authorities confirms that it is not and shall not hold itself out as being the servant or agent of the other for any purpose connected with the subject matter of this Agreement other than as expressly conferred by this Agreement.

3.2 The intention of the Authorities is that they will work together on a non-commercial basis and will attempt to resolve problems amicably and in a spirit of co-operation.

3.3 Without prejudice to the requirements of this Agreement, the Authorities will act in good faith towards each other and act reasonably at all times in relation to all matters arising under this Agreement.

4. PROVISION OF THE SERVICE

4.1 The Authorities agree that:

4.1.1 Relevant Employees can be required to undertake work for any of the Authorities; and

4.1.2 the Service shall be delivered in accordance with the Key Parameters at Schedule 1 (as may be amended from time to time with the agreement of the Authorities).

4.2 The Authorities acknowledge and agree that:

4.2.1 TWBC shall be responsible for the administration, management, operation and delivery of the Procurement Service;

4.2.2 TWBC accepts no liability whatsoever (including but not limited to, liability for loss, damage, costs or interest) which MBC and/or TMBC have incurred or might incur) howsoever caused or incurred arising under or in connection with revenue or capital budgets which are not within TWBC's control; and

4.2.3 in respect of liabilities incurred prior to the Commencement Date or during the Term of this Agreement where a material breach of this Agreement or default by MBC and/or TMBC causes an adverse impact on the provision of the Service, TWBC shall not be responsible for those liabilities or any costs of or in connection with them, which shall be liabilities of MBC and/or TMBC.

4.2.4 in respect of liabilities incurred prior to the Commencement Date or during the Term of this Agreement where a material breach of this Agreement or default by TWBC causes an adverse impact on the provision of the

Service, MBC and/or TMBC shall not be responsible for those liabilities or any costs of or in connection with them, which shall be liabilities of TWBC.

4.4 The Service shall be delivered in accordance with the following key controls:

4.4.1 the TWBC Head of Finance, Procurement and Parking, the MBC Head of Finance; and the TMBC Director of Street Scene, Leisure & Technical Services (the “Partnership Leads”) shall have direct access to all information that may be required for the delivery of the Service; and

4.4.2 each Authority shall comply with all applicable laws, regulations and codes of practice; and

4.4.3 an equal split of the total partnership costs has been agreed, and will be discussed at the Partnership Review as detailed in Clause 12.3.

5. SUPPORT SERVICES

5.1 Each of the Authorities shall provide appropriate accommodation and facilities for the provision of any part of the Service that reasonably requires the visiting of (or working at) their offices by Relevant Employees.

5.2 The Procurement Manager shall be entitled to procure such support services or other resources as they consider may be necessary to deliver the Service detailed in Schedule 2, the costs of which shall be treated as costs of the Procurement Partnership.

5.3 Clause 5.2 does not authorise the Procurement Manager to procure additional support services without the prior consent of the Partnership Leads where the effect would be to either increase the relevant financial contribution payable by an Authority in the Budget at Schedule 4 or incur actual or potential liabilities to third parties.

5.4 Nothing in this Agreement shall prevent the Procurement Manager from obtaining (at the written request of one of the Authorities) any additional external resources required for that Authority to be paid out of a different budget unconnected with the Procurement Partnership budget.

6. PROCUREMENT MANAGER

6.1 The Procurement Manager shall report to the TWBC Head of Finance, Procurement and Parking. The Partnership Leads shall give the Procurement Manager specific instructions in respect of the strategic direction, objectives and KPIs of the Procurement Partnership.

6.2 The Procurement Manager shall have the authority and rights to:

6.2.1 access each Authority's premises at reasonable times;

6.2.2 receive any information and explanation considered necessary for the running of the Service;

6.2.3 commit and authorise expenditure in connection with the Service;

6.2.4 recruit, employ and direct Employees; and

6.2.5 perform annual and Partnership Reviews.

provided that nothing in this Agreement will authorise the Procurement Manager to incur expenditure over and above the budgets approved by the Authorities.

6.3 In the event that any Authority fails or refuses to comply with any of the matters outlined in Clause 4.4.1 or 4.4.2, the Procurement Manager shall be entitled to withhold or suspend performance of the Service (insofar as they relate to the matter in relation to which that Authority has failed to comply) until such time as that Authority provides written assurance that it accepts all liability arising from such failure or refusal and confirms that it will comply with its obligations.

6.4 In the medium to long term, the Procurement Manager is likely to undertake a review to produce a set of recommendations to align the Authority's procurement processes. This would require strategic input from the Partnership Leads, and is reliant upon managerial and political buy in from each Authority.

7. PROCUREMENT PARTNERSHIP SERVICE STRUCTURE

The structure of the Service is set out in Schedule 5 and may be revised by the agreement of the Authorities from time to time.

8. SERVICE PLAN AND BUDGET

8.1 The Service Plan is at Schedule 2 and is operational from 1 April 2024.

8.2 An annual performance report will be produced by the Procurement Manager. This should be used, in conjunction with other reports throughout the year, by the Procurement Partnership Leads in order to assess the performance of the Procurement Partnership. It will also be referred to in the annual appraisal of the Partnership Procurement Manager in order to ensure that the leadership of the team has been effective.

8.3 The costs of the partnership are met equally by all partner authorities.

This assessment is inclusive of Relevant Employee training but if other methods of funding can be found for this (e.g. Apprenticeship Levee) then they will be utilised.

The Authorities shall budget for one third of an estimated salary increase of £2,500 per grade for the career graded posts (as officers achieve the requirements to move up through the grades) and the results of any pay review will be notified to all partners so that budgets can be adjusted accordingly.

8.4 For the avoidance of doubt, the Authorities agree that there shall be no pooled budget. A new budget will be agreed annually and no underspends or overspends will be carried into the new budget year.

8.5 TWBC shall invoice MBC and TMBC for one third of the total partnership costs each, plus VAT, on 1 March annually and MBC and TMBC shall pay the invoice by 31 March of the same year.

8.6 The Procurement Manager will monitor the levels of resource utilised at each of the Authority sites, with a review to be undertaken every 12 months.

9. RELEVANT EMPLOYEES

9.1 The Authorities acknowledge and agree that in relation to Relevant Employees;

9.1.1 they are employed by TWBC;

9.1.2 they may be required to work on matters for any of the Authorities in pursuance of the activities of the Service.

9.2 The Procurement Manager will take on the operational management of a joint procurement team, with all of the team being directly employed by TWBC. There will be a direct reporting line to the TWBC Head of Finance

9.3 The Procurement Manager will be responsible for writing the Job Descriptions and Person Specifications for each of the roles, in communication with the Partnership Leads for the approval of recruitment documentation. The interview panel should consist of the Procurement Manager, Partnership Lead(s), and a member of the Human Resources Department.

9.5 **Redundancy**

If at any stage the Service is jointly restructured, the Authorities will be jointly liable for any costs involved. If redundancies are requested/required by any of the Authorities individually and without the support of the others, the requesting party will be liable for all costs involved.

10. LIABILITIES AND INDEMNITIES

10.1 The Service is being provided on a collaborative and not for profit basis with the intention that (save as otherwise provided for in this Agreement) each Authority shall bear the risks of any losses caused to itself or any of its staff by the provision of the Service under this Agreement and each Authority shall indemnify the other against claims and/or liabilities in respect thereof except if and to the extent that these are caused by fraud or bad faith on the part of the other Authorities and/or someone acting for that other Authority.

10.2 If one Authority (“the First Authority”) requires a reduction in the level of the Service, then that Authority shall indemnify the other Authority in respect of all reasonable losses, costs or expenses (including for the avoidance of doubt any redundancy costs or any other costs related to employees’ and their legal entitlements) incurred as a consequence of that reduction of the Service.

10.3 Any costs arising as a result of legislative change shall be shared by the Authorities in accordance with clause 10.4 of this Agreement.

10.4 Each of the Authorities shall at all times take all reasonable steps within its powers to minimise and mitigate any loss for which it is seeking re-imbursement from any of the other Authorities.

10.5 Each Authority shall retain responsibility (the “Responsible Authority”) for meeting all the costs of and in connection with the conduct of any proceedings including settlement of any action or claim relating to the provision of legal shared services where responsibility therefore arises directly or indirectly from any act, omission or default of the Responsible Authority whether:

10.5.1 prior to the Commencement Date of this Agreement; or

10.5.2 during the Term of this Agreement where the provisions of clause 10 shall apply.

10.6 TWBC, in its dealings with Relevant Employees, agrees to comply with all relevant employment legislation and best employment practice, and to indemnify MBC and TMBC in respect of all losses, costs or expenses incurred as a consequence of a failure to do so.

10.7 Clause 10 shall survive the termination or expiry of this Agreement.

11. INSURANCE

Each Authority shall ensure that adequate insurance cover is taken out and maintained and notified annually to the Procurement Manager in respect of:

11.1.1 any property held by it for the purposes of this Agreement; and

11.1.2 Employers liability, Public liability and including liability for secondees working from the other Authorities’ premises.

12. TERMINATION AND MID-TERM REVIEW

12.1 The Authorities agree that this Agreement shall be terminated or varied upon the terms set out below.

12.2 A regular 24 month review of the Service (the “**Partnership Review**”) will be carried out by the Authorities jointly, with the first to be conducted in March 2026. Any Partner Authority may terminate this agreement by giving at least twelve (12) months prior written notice (the “**Termination Notice**”) on or before the 31 March in any year with termination then occurring on 1 April the following year.

12.3 If the Procurement Partnership is dissolved for any external administrative reason then this Agreement shall be terminated and the Authorities agree to work together in good faith to separate the Service and re-employ the Relevant Employees at the most appropriate work places.

12.4 The Partnership Review shall include the following;

Development of relevant KPIs that are aligned to the Authorities' desired strategic outcomes to ensure that charging reflects resourcing of the Service, reports on which are to produced at agreed intervals; and

The charging mechanism; and

Division of Procurement Partnership costs.

13. EFFECTS OF TERMINATION

Upon the termination or expiry of this Agreement:

13.1 the Authorities shall cease to provide the Service jointly.

13.2 The Authorities will proceed as set out in Clause 9 with regard to the employment and/or transfer of Relevant Employees.

14. DISPUTE RESOLUTION

14.1 Any dispute arising under this Agreement shall be referred initially to the Partnership Leads .

14.2 In the event of any dispute that cannot be resolved by the Partnership Leads, the matter will be escalated to the Finance Directors of the Partner Authorities. The decision of the Directors will be final, and the Partners will be required to comply with the direction provided.

15. DATA PROTECTION

15.1 The Authorities shall at all times comply with the DPA including but not restricted to any data processing to be performed in connection with this Agreement.

16. FREEDOM OF INFORMATION

16.1 The Authorities are public authorities as defined within the FOIA and therefore recognise that information relating to this Agreement may be the subject of a Request

16.2 Each of the Authorities shall assist one another in complying with their obligations under the FOIA including but not limited to assistance without charge in gathering information to respond to a Request

16.3 Each of the Authorities shall be entitled to disclose any information relating to this Agreement and the Service in response to a Request save that in respect of any Request which is in whole or part a request for Exempt Information:

16.3.1 the Authority which receives the Request shall circulate the Request and shall discuss it with the other Authority; and

16.3.2 the Authority which receives the Request shall in good faith consider any representations raised by the other Authority when deciding whether to disclose Exempt Information save that the Authority which receives the Request shall retain the right to determine at their absolute discretion how to respond to the Request; and

16.3.3 the Authority which receives the Request shall not disclose any Exempt Information beyond the disclosure required by FOIA without the consent of the other Authority.

16.4 The Authorities acknowledge and agree that any decision made by an Authority which receives a Request as to whether to disclose information relating to this Agreement pursuant to FOIA is solely the decision of that Authority

16.5 An Authority will not be liable to any party to this Agreement for any loss damage harm or detrimental effect arising from or in connection with the disclosure of information in response to an Information Request.

17. CONFIDENTIALITY

17.1 The Authorities shall keep confidential all matters relating to this Agreement unless it is already in the public domain or the parties agree that it may be disclosed and shall use all reasonable endeavours to prevent their employees and agents from making any disclosure to any person of any matter relating to this Agreement

17.2 Clause 17.1 shall not apply to:

17.2.1 Any disclosure of information that is reasonably required by persons engaged in the performance of their obligations under this Agreement;

17.2.2 Any matter which a party can demonstrate is already generally available and in the public domain otherwise than as a result of a breach of this clause 17;

17.2.3 Any disclosure which is required by any Law (including any order of a court of competent jurisdiction) any Parliamentary obligation or the rules of any stock exchange or governmental or regulatory authority having the force of Law;

17.2.5 Any disclosure of information which is already lawfully in the possession of the receiving party prior to its disclosure by the disclosing party;

17.2.6 Any disclosure by a party to this Agreement to a department office or agency of the Government; or

17.2.7 Any disclosure for the purpose of the examination and certification of the accounts of a Party to this Agreement.

17.3 Where disclosure is permitted under Clause 17.2 the disclosing party shall ensure where practicable that the recipient of the information shall be subject to the same obligation of confidentiality as that contained in this Agreement.

18. SCRUTINY

Scrutiny will be the responsibility of each individual Authority. Each Authority (and the relevant committee charged with audit) shall have the right to inspect any documents relating to that Authority and to require the Procurement Manager to answer any questions raised by them.

19. ROUTINE COMMUNICATIONS

Except in respect of routine communication between the Authorities in connection with the day to day performance of this Agreement, no communication from one Authority to another shall have any validity unless made in writing by or on behalf of that Authority.

20. NOTICES

20.1 No notice or other communication from one Authority to the other shall have any validity under this Agreement unless made in writing by or on behalf of the Authority sending the communication.

20.2 Any notice or other communication which is to be given by one Authority to the other shall be given by letter (sent by hand, post, registered post or by the recorded delivery service) or electronic mail. Such letters shall be addressed to the other Authority at their normal business addresses. Provided the relevant communication is not returned as undelivered, the notice or communication shall be deemed to have been given two business days after the day on which the letter was posted, or eight hours, in the case of electronic mail or sooner where the other Authority acknowledges receipt of such letters or electronic mail.

20.3 Any Authority may change its address for service by serving a notice in accordance with this clause 20.

21. ASSIGNMENT

This Agreement is personal to the Authorities and not capable of assignment, novation or transfers by any of them save to their lawful successors.

22. VARIATION

Any variation to this Agreement must be in writing and agreed by the Partnership Leads, in consultation with the Procurement Manager.

23. WAIVER

23.1 The failure of the Authorities to insist upon strict performance of any provision of this Agreement or the failure of another Party to exercise any right or remedy to which it is entitled shall not constitute a waiver thereof and shall not cause any diminution of the obligations established by this Agreement.

23.2 A waiver of any default shall not constitute a waiver of any subsequent default whether or not of a similar or identical nature.

24. SEVERANCE

24.1 If any provision of this Agreement is held invalid, illegal or unenforceable for any reason, such provision shall be severed and the remainder of the provisions hereof shall continue

in full force and effect as if the Agreement had been executed with the invalid, illegal or unenforceable provision eliminated.

24.2 In the event of a holding of invalidity so fundamental as to prevent the accomplishment of the purpose of the Agreement, the Authorities shall immediately commence good faith negotiations to remedy such invalidity.

25. THIRD PARTIES

The Authorities do not intend that any of this Agreement's terms will be enforceable by virtue of the Contracts (Rights of Third Parties) Act 1999 by any person not a party to it.

26. ENTIRE AGREEMENT

This Agreement constitutes the entire agreement between the Authorities with respect to its subject matter. Each Authority acknowledges that it has not relied on any undertaking, promise, assurance, statement, proposal, representation, warranty or understanding (whether or not in writing) relating to the subject matter of this Agreement except those expressly incorporated in this Agreement.

27. LAW AND JURISDICTION

This Agreement shall be governed by the Laws of England and the Authorities hereby submit to the non-exclusive jurisdiction of the courts of England.

IN WITNESS whereof the parties hereto have caused this Agreement to be executed as a Deed delivered the day and year first above written

The **COMMON SEAL of**)
MAIDSTONE BOROUGH)
COUNCIL was hereunto)
affixed in the presence of:

.....
Authorised Signatory

The **COMMON SEAL of**)
TONBRIDGE & MALLING)
BOROUGH COUNCIL)
was hereunto affixed in
the presence of:

.....
Authorised Signatory

The **COMMON SEAL of**)
TUNBRIDGE WELLS)
BOROUGH COUNCIL)
was hereunto affixed in
the presence of:

.....
Authorised Signatory

SCHEDULE 1 – KEY PARAMETERS

Key parameters of the Procurement Partnership Agreement between Maidstone Borough Council (MBC), Tunbridge Wells Borough Council (TWBC) and Tonbridge & Malling Borough Council (TMBC). The partnership was proposed as a potential option with the following strategic goals:

- i. To provide TMBC with managerial level Procurement support and guidance, as well as ensuring compliance with all current legislation – provided by Dan Hutchins, Partnership Procurement Manager, who is MCIPS accredited
- ii. To improve the resilience of the partnership, working cross functionally to identify synergies
- iii. To develop the members of the procurement team to CIPS qualified and accredited status – with additional coaching and development internally
- iv. To explore a closer link between the processes and procedures of the three authorities – with the potential for an aligned set of CSO's subject to political agreement
- v. To ensure that all strategies, policies and constitutional rules are regularly reviewed and updated in line with current legislation and best practice
- vi. To explore the benefits of Social Value when contracting at all partner authorities
- vii. To ensure that all required information, data and notices are published in accordance with the transparency regulations and the Procurement Act (2022).

The proposed new reporting structures will come into effect from 1 April 2024.

**SCHEDULE 2
SERVICE**

SCHEDULE 3

ROLES AND RESPONSIBILITIES

SCHEDULE 4

BUDGET

SCHEDULE 5
STRUCTURE

The proposed operational reporting structure for the Partnership will be as follows:

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Terms of Reference

Procurement Partnership

Maidstone, Tunbridge Wells and Tonbridge & Malling Borough Councils

February 2024

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1. Introduction

This document outlines the key parameters of the proposed addition of Tonbridge & Malling Borough Council (TMBC) to the Procurement Partnership Agreement between Maidstone Borough Council (MBC) & Tunbridge Wells Borough Council (TWBC). The addition of TMBC to the partnership is designed to offer a cost effective service to all partners, ensuring best value is at the heart of decision making whilst maintaining strong governance of processes and procedures, and ensuring managerial expertise and service resilience.

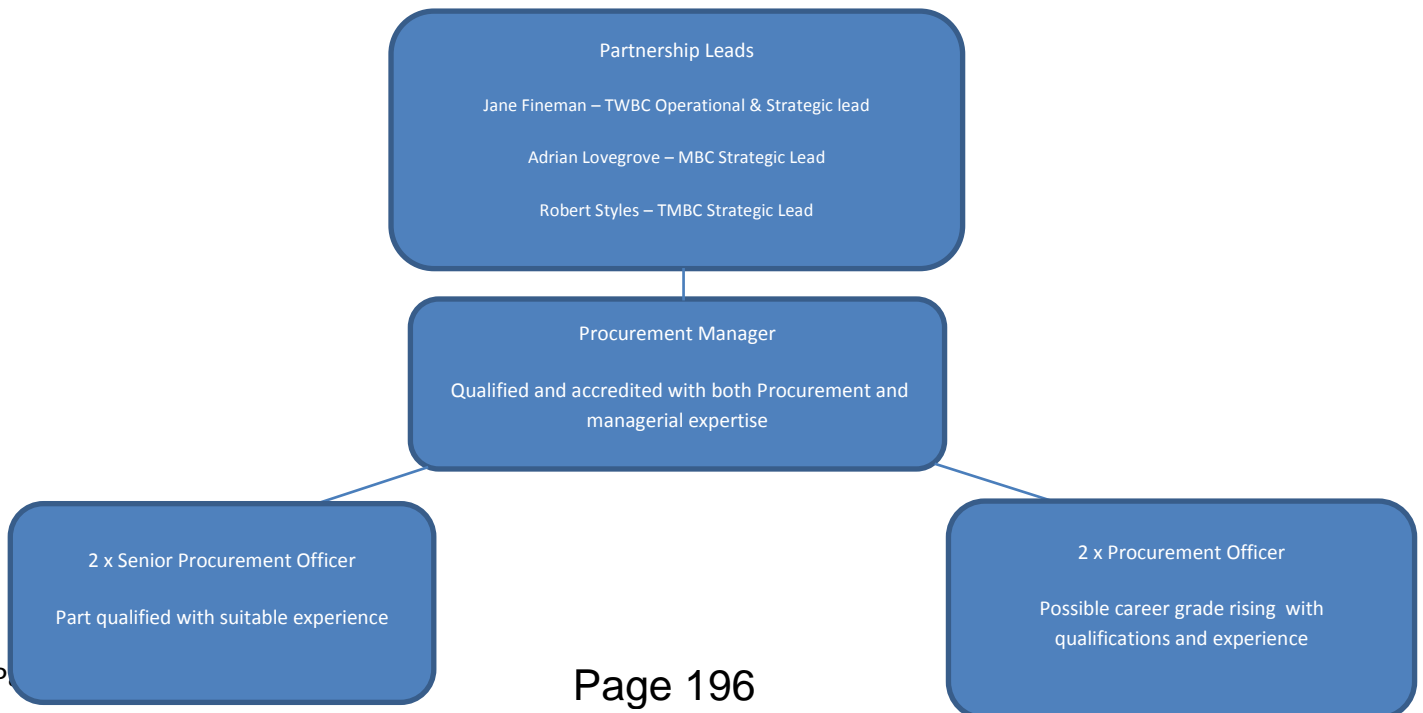
The expansion of the partnership, to include TMBC, was put forward as a potential option with the following strategic goals:

- i. To provide expert managerial level Procurement support and guidance – provided by Dan Hutchins (who is MCIPS accredited) – to all partners
- ii. To improve the resilience of all 3 authorities by working cross functionally
- iii. To develop the members of the procurement team to CIPS qualified and accredited status – with additional coaching and development internally
- iv. To explore a closer link between the processes and procedures of all partner authorities – with strategic and constitutional alignment the desired goal
- v. To explore the benefits of Social Value when contracting
- vi. To review the spend across all partner authorities, with a view to implementing category management principles and strategies and looking for potential synergies

This agreement is proposed to take effect from 1 April 2024, with a period of handover and transition to begin as soon as practically possible after the completion of internal consultation processes at TMBC. The new reporting structures outlined below will come into effect from 1 April 2024, pending completion of any recruitment processes.

2. Reporting Structure

The proposed operational reporting structure for the Partnership will be as follows:



The Procurement Manager will lead on the operational management of the Partnership Procurement team, with all members of staff being directly employed by TWBC. There will be a direct reporting line to Jane Fineman (TWBC). Adrian Lovegrove will be the strategic lead for MBC, and Robert Styles will be the strategic lead(s) for TMBC.

3. Roles and Responsibilities

The roles and responsibilities for the partnership are broadly outlined as follows:

Partnership Leads

- Partnership leads are noted as Jane Fineman, Adrian Lovegrove and Robert Styles for the purposes of this document.
- Strategic responsibility for the partnership, offering guidance and advice to the operational manager.
- Responsible for annual review and appraisal of the objectives and outcomes of the Partnership Procurement Team, most likely to take place as part of the annual performance appraisal of the Partnership Procurement Manager.

Procurement Manager

- Responsible for management of the partnership Procurement resources
- Split time between Maidstone, Tunbridge Wells and Tonbridge in line with operational requirements
- Regular meetings with strategic leads to ensure that they are aware of all matters relating to the service
- Participation in TMBC's internal procurement group
- Provision of expert advice on any procurement related matters - Overseeing and participating in procurement processes and contracts affecting all sites, ensuring compliance with all current legislation and best practice.
- Able to cover workload across all partners in the event of absence or increased workload.
- Regular 1:1's and annual appraisals with all staff
- Non conformance monitoring and reporting
- Regular performance reporting to partnership leads/board
- Discussions with, or presentations to, elected members as required
- Development and delivery of procurement training for staff and external partners/businesses
- Strategic review of TMBC constitution, with a view to aligning with the current partners
- Following all political approvals processes, to have any/all proposed process and procedural changes adopted
- Responsible for development and implementation of all procurement and social value strategies
- Responsible for review of constitutional procurement rules, and recommending changes
- Accountable for the publication of all necessary information and data relating to the transparency act, and any additional requirements put forward by the new Procurement Act (2022).

Senior Procurement Officer

- Two officers (1 currently in post, 1 to be recruited), covering all partners
- Split time between partners in line with operational requirements

- Oversee and participate in procurement processes across both sites
- Role would need to act as cover for the Procurement Manager in periods of absence
- Potential to grow the role to include some supervision responsibility in order to develop the managerial skills of the officer in post
- Responsibility for reviewing category management possibilities and implementing where feasible
- One officer to act as the lead procurement officer for sustainability, and the other will act as the lead for local business engagement
- Any other tasks as reasonably required by the partnership

Procurement Officer

- Two officers (both in post) on career graded progression and development programmes
- Responsible for administrative duties (contracts registers, approvals processes etc)
- Responsible for the publication of all necessary information and data relating to the transparency act, and any additional requirements put forward by the new Procurement Act (2022).
- Will be expected to follow a progression path, which has been developed in line with the career grade pay scale.
- Support projects across the partnership, taking the lead on smaller projects when competence and confidence are at the required level – progressing to more complex or higher value projects as they develop.

4. Resourcing the Partnership

To deliver the proposed operational structure, we will need to recruit 1 additional Senior Procurement Officer in order to properly resource the service. Recruitment is an area of concern, as the marketplace is particularly difficult to recruit to senior positions (as both TWBC and MBC have experienced previously). TWBC has a policy of recruiting directly to vacancies. However, we do have existing fee agreements with local recruitment agencies that could be utilised if we struggle to source suitable candidates directly. We are confident that the service could be implemented immediately, using existing resources, whilst the new post is recruited to.

Procurement team members will be directly employed by, and the operational management of the staff would fall to, TWBC with Jane Fineman taking the role as Partnership Lead for this area. MBC & TMBC will have strategic input into the objectives of the Partnership via their Partnership Leads.

The Partnership Procurement Manager will be responsible for writing the Job Descriptions and Person Specifications for each of the roles, in conjunction with the Operational Partnership Lead. The interview panel for any recruitment must be headed by the Partnership Procurement Manager, but any of the Partnership Leads may request to be part of the interview panel if they wish to. A member of the Human Resources Department at TWBC should also be present where possible.

5. Process and Political Considerations

The Contract Standing Orders (CSOs), also referred to commonly as the Contract Procedure Rules (CPRs), of both TWBC and MBC have been reviewed and are in the process of being updated (process complete at TWBC, but awaiting final approval at MBC).

It is assumed that TMBC have common objectives in regards to Procurement, and we would therefore encourage alignment of their CSOs with the newly revised CSOs of the existing partners. It is envisioned that a review could be undertaken to produce a set of recommendations to align TMBC with the processes and procedures of the existing Partners. This would require managerial and political buy in from TMBC.

6. Financing the Partnership

The financing arrangements for the partnership are outlined as follows:

Salaries (inc. NI & Pension) – including 2024/25 salary uplifts (5%)

The total salary budget for the procurement partnership would be £252,676 made up of the following:

Procurement Manager

2 x Senior Procurement Officer

1 x Procurement Officer

1 x Procurement Officer

Other Costs:

Training:

An annual training budget of £7,116.67 would be required to support exams and other training materials. This would equate to £2,372.22 per partner.

Equipment:

An annual budget of £1,000 would be required to support with any equipment requirements for the team. This would equate to £333.33 per partner.

Travel:

An annual budget of £500 would be required to support with travel to seminars, conferences, and external training. This would equate to £166.67 per partner.

eTendering/eProcurement system:

An annual budget of £5,250 would be required for licenses for each partner to use Kent Business Portal eTendering/eProcurement system. This would equate to £1,750.00 per partner.

Budgets

It is proposed that the costs for the partnership are met equally by each partner:

Total of above partnership costs: £266,542.67

Cost for each partner: £88,847.56

The Procurement Manager will monitor the levels of resource utilised at each of the partner sites, with a review to be undertaken every 12 months.

This budget is inclusive of the training outlined, but if other methods of funding can be found for this (e.g. Apprenticeship Levee) then we will of course seek to utilise these sources in order to preserve Council funds.

The Partners should budget for an estimated salary increase of £2,500 per grade for the career graded posts (as officers achieve the requirements to move up through the grades). The results of any pay review will be notified to all partners so that budgets can be adjusted accordingly.

7. Annual Review

An annual performance report will be produced by the Partnership Procurement Manager. This should be used, in conjunction with other reports throughout the year, by the Partnership Leads in order to assess the performance of the Procurement Partnership. It will also be referred to in the annual appraisal of the Partnership Procurement Manager in order to ensure that the leadership of the team has been effective.

8. Amendment, Variation and Termination

Amendments to this document, or variations to the terms of the Partnership must be discussed and agreed by the Partnership Leads, in communication with the operational manager.

Redundancy

If at any stage the Partnership is jointly restructured, the Partners will be jointly liable for any costs involved. If redundancies are requested/required by any of the Partners individually, and without the support of the others, the requesting party will be liable for all costs involved.

Arbitration

In the event of any dispute that cannot be resolved by the Partnership Leads, the matter will be escalated to the Finance Directors of the Partner Authorities. The decision of the Directors will be final, and all Partners will be required to comply with the direction provided.

Termination of the partnership

A two yearly review of the Service will be carried out by the Authorities jointly.

The Partner Authorities may terminate this Agreement, from either side, by giving at least twelve (12) months prior written notice (the “**Termination Notice**”) on or before the 31 March in any year with termination then occurring on 1 April the following year.

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PROCUREMENT SUPPORT - ANALYSIS OF OPTIONS

Option One - Staff Appointment	Option Two – Partnership with Mid Kent Partnership
Pros	Pros
<i>Full focus on TMBC, availability to staff, clear communication, easier to manage quality control, culture, direct managerial control, ability to focus time and money in right place, cheaper option.</i>	<i>Specialist team with experience, formal service level agreement, local partners, resilience, quicker production of documentation at start.</i>
Cons	Cons
<i>Single person resource without back up of a team, more expensive option, training requirements, longer time needed at start to produce documentation, potential difficulty in recruitment.</i>	<i>No direct managerial control, availability dependent on others demands, more expensive option.</i>

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TONBRIDGE TOWN CENTRE ASSET REVIEW – PHASE 2

Item FRP 24/4 referred from Finance, Regeneration and Property Scrutiny Select Committee of 12 March 2024

The joint report of the Cabinet and Management Team set out a number of options in respect of Phase 2 of the Tonbridge Town Centre asset review; proposed the creation of a Tonbridge Town Centre Programme Board and sought views on the strategic direction for how the aims and objectives could be achieved.

Members noted that Phase 2 was the next step in a long process associated with bringing forward a major town centre redevelopment and welcomed the opportunity to comment on the types of uses that could be considered in the area east of the High Street and on a wide range of matters to help inform the strategic direction the work took in future phases. Reference was made to the risks associated with progressing a town centre redevelopment scheme especially if there was not a robust governance arrangement in place for taking forward such a large and complex programme of work. The establishment of a specific Tonbridge Town Centre Programme Board with clear terms of reference was one way of mitigating those risks. In addition, to ensure that all areas of work were effectively co-ordinated the appointment of a Tonbridge Town Centre Programme Manager was supported.

Careful consideration was given to the detailed reports and assessments provided by the external consultant, Mace, set out in the attached annexes. There was detailed discussion on a number of significant issues including governance and project management, parking, housing and engagement and consultation with key stakeholders and the public. Due regard was also given to climate change factors, affordable housing for local residents, the financial and value for money implications and local infrastructure.

Members expressed preferences in relation to aspects of the project and a number of recommendations were proposed, seconded and supported.

***RECOMMENDED:** That

- (1) the Phase 2 reports from Mace be noted;
- (2) in order to facilitate efficient and consistent decision making, Officers be instructed to develop terms of reference for a Tonbridge Town Centre Programme Board (as set out in 1.3.6, 1.3.7 and Annex 6) for Cabinet approval;
- (3) on the grounds that the proposals from Sainsbury PLC, the potential provision of a hotel and medical practice were likely to attract greater numbers to the town, the Borough Councils general approach to parking should be to provide unallocated parking spaces between the current 970 and anticipated future peak demand;

- (4) options for a podium parking solution with development above, be explored for Angel West car park;
- (5) the Borough Councils general approach to housing should be to focus on low-rise high-density housing types and any development should maximise affordable housing provision and place the needs of local residents first and should preferably be delivered by a Borough Council owned housing company, subject to further investigation by the Programme Board and more detailed viability work being undertaken;
- (6) options be explored for retail and commercial use around public spaces that provided flexible, simple units to optimise value, with the Borough Council acting as landlord for any new retail units and recognising the precarious nature of the High Street and not risk the viability of current commercial businesses by the creation of an alternative shopping centre;
- (7) options for a hotel be included in the project with the possibility of the Borough Council acting as developer and landlord;
- (8) the inclusion of a GP Practice be supported on the grounds of providing adequate infrastructure for residents and the Borough Council should look to incorporate into the redevelopment as landlord;
- (9) the Borough Council should aspire to undertake a master developer role to influence the shape, style and design of the development so that it remained sympathetic to the local area; and the extent and scope of this role should be reviewed by the Tonbridge Town Centre Programme Board;
- (10) the Borough Council should explore a collaborative agreement with Network Rail in relation to their train station car park sites and the Tonbridge Town Centre Programme Board should consider whether other stakeholders and/or landowners should be approached;
- (11) the Borough Council should commit to a net zero baseline as a fundamental requirement of the development;
- (12) to guarantee continuity of service for leisure and community users, the Angel Centre should remain open and in operation until a replacement facility was available;
- (13) upon completion of the Alliance Leisure feasibility study on options for potential leisure and community uses, facilities and locations, and subject to agreement

of the Tonbridge Town Centre Programme Board, full public consultation be undertaken as soon as possible on the master plan proposals;

- (14) the Tonbridge Town Centre Programme Board be requested to liaise with key stakeholders, partners and landowners to discuss options around services and operations;
- (15) Officers be instructed to develop a communication strategy for the Tonbridge Town Centre Project to be reported to a future meeting of the Programme Board for consideration; and
- (16) Officers be instructed to progress a masterplan exercise for the area east of the High Street.

***Recommended to Cabinet**

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NATIONAL PLANNING POLICY LEGISLATION UPDATE

Item HP 24/10 referred from Housing and Planning Scrutiny Select Committee of 19 March 2024

The report of the Director of Planning, Housing and Environmental Health set out the key changes to planning policy legislation resulting from the Levelling Up and Regeneration Act (LURA) 2023 and the National Planning Policy Framework (NPPF) in December 2023 and outlined the implications for the development of the Local Plan.

Key changes to the plan-making system, planning data requirements and confirmation of the new Infrastructure Levy were introduced by the LURA. However, detailed implications for the Local Plan depended on the timing and content of secondary legislation, regulations and forthcoming best practice. Unlike the LURA, the changes introduced in the 2023 NPPF (detailed in Annex 1) applied from the date of publication and the key changes and implications were set out in 1.3 of the report.

Members noted that a duty to prepare a 'local plan timetable' replaced the existing Local Development Scheme (LDS); the requirement for the authority to set out proposals to meet requirements related to design codes and the new powers allowing the Secretary of State to prepare the timetable, make amendments and direct the authority to bring them into effect. The 'duty to co-operate' was to be replaced by a new alignment policy which was subject to further detail through secondary legislation and guidance.

With regard to the Local Plan, the policy environment had not changed as fundamentally as was previously indicated in the December 2022 consultation. The requirement to work with neighbouring authorities to deliver housing requirements remained. Whilst there was no specific requirement to review Green Belt boundaries to meet needs it was important for the purposes of good planning that 'exceptional circumstances' reasons were explored robustly now. The Local Plan had to clearly demonstrate how local housing need would be met and clear evidence had to be supplied.

In summary, whilst the government proposed to introduce new transitional arrangements to the new plan making system, the current transitional date remained and this meant that the Borough Council had to submit the Local Plan to the Secretary of State by June 2025. However, this would only be formally confirmed when further regulations had gone through the relevant parliamentary process. Therefore, delivery of the Local Plan remained a significant risk and an updated Risk Register was attached as Annex 2. The potential risk of changing legislation following a Parliamentary Election was also recognised.

In conclusion, the Regulation 18b Local Plan would be presented to Members in May/June 2024. Evidence within the Stage 2 Green Belt Study, Housing Constraints Assessment and Housing Market Delivery Study would be utilised to develop an appropriate sustainable spatial strategy to meet as much of the objectively assessed need as possible.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the contents of the report be noted; and
- (2) the approach to the Local Plan preparation matters be approved as set out in the report.

***Recommended to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 March 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 NATIONAL PLANNING POLICY LEGISLATION UPDATE

This report sets out the key changes to planning policy legislation and policy resulting from the [Levelling Up and Regeneration Act, 2023](#) and the December 2023 [National Planning Policy Framework](#).

1.1 Background

1.1.1 The Levelling up and Regeneration Act (LURA) was enacted on 26 October 2023. Changes introduced in the Act include a new system and vocabulary for planning policy and the development plan. In addition, a new version of the National Planning policy Framework was published on 19 December 2023. This introduced some of the proposed changes first introduced in a consultation in December 2022 (as reported to Cabinet in [February 2023](#)).

1.1.2 This note sets out the key amendments and any implications of both documents, for the development of the local plan.

1.2 Levelling Up and Regeneration Act, 2023

1.2.1 The LURA introduces some key changes to the plan-making system, planning data requirements and confirms the new Infrastructure Levy. However, the majority of the measures require secondary legislation therefore the detailed implications for the local plan will depend on the timing and content of implementing regulations and forthcoming practice guidance. It is anticipated that there will be a further round of consultations and secondary legislation to set the detail on some of these reforms. The main implications are set out below:

Plan-making

1.2.2 The Act introduces a spatial plan-making system to be followed by Local Planning Authorities but with some significant modifications to current practice. What will come about involves changes to the language, timing, content approach and responsibilities. It introduces a duty to prepare a 'local plan timetable', to replace the existing Local Development Scheme (LDS), which should also set out what Supplementary Plans are to be prepared and new considerations to be apply to

such plans. The Act also requires the authority to set out how it proposes to meet the requirements relating to design codes. The LURA also gives the Secretary of State (SoS) several new powers to prepare the timetable, make amendments and direct the authority to bring them into effect. Further regulations would be required to set out when and how LPA's must revise their local plan timetable.

- 1.2.3 The LURA also sets out the scope of local plan content. Through the introduction of National Development Management Policies (subject to further consultation) the scope of local plans will be more limited, to locally specific matters. There is an indication that more weight will be given to the local plan in decision-making, unless material considerations "strongly" indicate otherwise but that remains to be seen how it will operate in practice as it is test through new case law. Alongside locally specific policies a local plan must take account of the assessment of housing and affordable housing, should include details of infrastructure and design requirements, and must now also take account of any local nature recovery strategy and other provisions relating to biodiversity net gain.
- 1.2.4 The LURA sets out a new demanding 30-month local plan preparation timetable, broad arrangements in relation to the proposed 'gateway' process (additional checks by external investigation earlier in the plan-making stages) and amendments to the examination process. These changes are first to be road tested by a smaller number of selected authorities but further details are awaited. Further regulations are required in relation to the mandatory gateway checks, reimbursement of costs to the SoS, the form and content of the plan, and documents to be produced. The LURA will also facilitate the ending of the 'duty to cooperate', to be replaced with a new alignment policy which will be subject to further detail through secondary legislation and guidance.
- 1.2.5 The Act introduces Supplementary Plans (SP) as a replacement of Supplementary Planning Documents (SPDs). It sets out the scope of SPs which includes policies relating to a specific site, details of infrastructure requirements or affordable housing or requirements in relation to design, but crucially SPs are to undergo examination and will form part of the development plan.
- 1.2.6 Design Code/s will need to be prepared as Supplementary Plans. It sets out how a Local Planning Authority must ensure that every part of the area is subject to requirements relating to design but do not need to cover every description of development or aspect of design. The LURA also gives the SoS's new powers to intervene where an LPA is considered to be failing in its preparation of a local plan or design codes, and how the costs incurred would be sought. A continuing role for Neighbourhood Development Plans (NDP) is set out within the Act and these include giving such plans a longer "lifetime" and immunity from challenge post-adoption with the publication of other later planning documents.
- 1.2.7 Finally, the Act also introduces measures to replace the SA/SEA process with the environmental outcome reports (EOR), however further consultation and parliamentary scrutiny is required. It also introduces a further duty on LPAs to

grant sufficient permission for self and custom build housing and include pre-existing unmet demand.

Planning data

- 1.2.8 One of the key themes of the LURA is support for plan-tech and data-led approaches. It sets out requirements in relation to the provision of planning data and gives the SoS power to prescribe use of approved planning data software and may prescribe what monitoring data should be available to the public. Monitoring processes will need to ensure compliance with these processes.

Infrastructure levy

- 1.2.9 A key change to be introduced through the LURA is the Infrastructure Levy (IL) which will replace the current S106 and Community Infrastructure Levy (CIL). This will be mandatory and involve a new way of calculating developer contributions based on a proportion of the development value of the land, moving away from the current land value capture approach. Further regulations will still be required in relation to the detail, approach and timing of this, including transitional arrangements. LPAs will also be required to prepare an Infrastructure Delivery Strategy to set out how the levy would be spent.

Development Management

- 1.2.10 The LURA strengthens the powers and sanctions for planning enforcement, closing loopholes, allowing more time for the investigation of breaches, with the removal of the 4-year rule, increasing fines and making enforcement timescales more consistent. It will also make it easier for local planning authorities (LPAs) to force developers to complete schemes, through completion notices. LPAs will also have the powers to decline to determine applications from applicants who have been slow to implement previous permissions.
- 1.2.11 Other measures which have already been taken forward include the increase in planning application fees by 35% for major and 25% for minor applications.

Other matters

- 1.2.12 In addition to the measures outlined above the LRA also introduces a series of other more minor changes which are subject to further consultation. The government is currently consulting upon the detail of the new street votes approach which will allow residents to propose development in their street and vote on whether planning permission should be given. The aims being to encourage 'gentle' densification of areas.
- 1.2.13 The introduction of a simpler approach to neighbourhood planning, involving a 'neighbourhood priorities statement', allowing communities to set out their key priorities and preferences for their area. These will need to be considered in local plan preparation.

- 1.2.14 Local authorities will be able to undertake auctions to encourage uptake of leases on vacant high street properties. The LURA also facilitates the introduction of 'community land auctions. These will allow developers to submit land for allocation in the local plan process offering an option on the land at a specific price. The LPA will then be able to retain the difference between the option price and the price offered to develop the land.
- 1.2.15 A council tax premium on second homes can be introduced under new measures within the LURA.

1.3 National Planning Policy Framework changes

- 1.3.1 Unlike the LURA, the changes introduced in the 2023 NPPF (see **Annex 1**) apply from the date of publication. The only exception being that LPAs who consult on their Regulation 19 local plan before 19 March 2024 will be examined under the 'relevant previous version of the Framework', as we are not expected to do so, this version of the NPPF will apply. The key changes and the implications are set out below:
- 1.3.2 Housing need- the previous NPPF consultation indicated that there would be some changes to paragraph 11 in relation to the adverse impacts of meeting objectively assessed needs. Densification and character impacts have not been included in the published version, with the exception of where identified within a design code. However, Paragraph 60 has been amended to reflect the aim to "meet as much of the area's identified housing need as possible". Paragraph 61 also sets out that the outcome of the 'standard method' of objectively assessed needs is now the 'starting point' where exceptional circumstances may provide a case for an alternative method. However, those cited do not reflect the profile of the borough, e.g. island without a land bridge.
- 1.3.3 Crucially paragraph 61 still references unmet need in other areas and needs to be taken into account when establishing the amount of housing to be planned for. New text has also been introduced to paragraph 67 in relation to housing requirements being higher than need where it includes provision from neighbouring areas. Therefore, despite the proposed removal of the duty to cooperate in the LURA, this is still included within the NPPF and without any detail on its replacement 'alignment policy' conversations will need to continue with neighbouring authorities as usual.
- 1.3.4 Green Belt- as set out in the previous consultation, a series of amendments have been made in relation to clarifying the government's position on the Green Belt. Paragraph 145 now states that there is "no requirement" for Green Belt boundaries to be reviewed through plan-preparation. It does still set out that LPAs may choose to amend these where exceptional circumstances are fully evidenced and justified. However, some proposed wording in December 2022 consultation making reference to "*if this would be the only means of meeting the objectively assessed need for housing over the plan period*" has not been taken forward.

Therefore, this amendment relates more to the strengthening of language rather than introducing any new significant change of direction in policy. Whilst an 'exceptional circumstances' case has already been introduced within the [Stage 1 Green Belt Study](#) therefore does not change the policy context to the preparation of the local plan.

- 1.3.5 If anything, the new requirement now to “meet housing need” (previously “addressing housing need”) gives even greater emphasis on allocating substantial new housing allocations where an objectively assessed housing need has been established as a minimum in the standard housing target figures published by Government. This places “constrained” authorities such as those with extensive Green Belt and few other development opportunities in the same or even more difficult position of making the right choices and achieving a balance between competing pressures for development and protection. The expectation remains, in order to meet the pressing need for a significant increase in the number of new homes to be built, Local Plans must clearly demonstrate how as much housing need as possible will be met by the allocation of a sufficient amount and variety of new housing land, to meet the needs of groups with housing needs, and to be delivered in a timely fashion.
- 1.3.6 Housing supply measurements - Para 11 sets out that for the purposes of determining applications, policies in a local plan will be considered out of date where an LPAs cannot demonstrate a five-year supply with an appropriate buffer, or where the Housing Delivery Test (HDT) demonstrates delivery below 75%. Paragraph 226 introduces a four-year supply requirement only where a Regulation 18 plan including a policies map and site allocations has been produced. Our Regulation 18 plan did not include these therefore this does not apply. We also do not currently have a five-year supply and would need a 20% buffer in accordance with paragraph 76. This applies where there has been significant under-delivery in the HDT over the previous 3 years. Therefore the ‘tilted balance’ will still apply under these minor amendments to housing delivery measurements. Please note that the 5 and 10% buffers have now been removed, as set out in the NPPF consultation, but the 20% buffer remains.
- 1.3.7 Tests of soundness - no changes have been made to the tests of soundness as previously indicated in December 2022 consultation, therefore remain as a) positively prepared; b) justified; c) effective and d) consistent with national policy. Previous suggestions for changes to a) re-emphasised meeting needs, “as much as possible” but this has not been included.
- 1.3.8 Community-led development- paragraph 70 (b) provides additional support for small site development through self-build/custom build and community-led development, and para 72 sets out that market community-led development may be included as a rural exception site.

- 1.3.9 Additionally, a series of minor wording changes have been introduced to reinforce the role of 'beauty' in decision-making, and specific changes relating to mansard roof extensions.

1.4 Local Plan impacts

- 1.4.1 In summary, the policy environment has not changed as fundamentally as was indicated in the December 2022 consultation. We still have the requirement to work with neighbouring authorities to deliver housing requirements as much as possible, and although there is no specific requirement to review Green Belt boundaries to meet needs, for the purposes of good planning, demonstrating the additional requirement now to "meet as much housing need as possible", promotion of sustainable development patterns and to combat affordability issues an 'exceptional circumstances' case must be explored robustly.
- 1.4.2 The Regulation 18b Local Plan will be brought to members in May/June 2024. Evidence within the Stage 2 Green Belt Study, Housing Constraints Assessment and [Housing Market Delivery Study](#) will be utilised to develop an appropriate sustainable spatial strategy to meet as much of the objectively assessed needs as possible. We will continue to work with neighbouring authorities under the duty to cooperate to discuss any unmet need within the housing market areas.
- 1.4.3 Although the LURA introduces a series of changes to the plan-making system, many of these still require secondary legislation to be taken forward. As set out in the December 2022 consultation, the government proposes to introduce new transition arrangements to the new plan-making system. The government's December 2023 consultation response refers to text within the July 2023 proposals on plan-making reforms which states:

"We confirm our intention that the latest date for plan-makers to submit local plans, minerals and waste plans, and spatial development strategies for examination under the current system will be 30 June 2025. We also confirm our intention that those plans will, in general, need to be adopted by 31 December 2026. [As confirmed above] these dates are contingent upon [Royal Assent of the Levelling Up and Regeneration Bill] as well as parliamentary approval of the relevant regulations. However, we are setting this out now to provide planning authorities with as much notice as possible of these dates."

- 1.4.4 This means that the transition dates still stand, and we will need to submit the local plan to the SoS by 30 June 2025. However, this will only be formally confirmed when further regulations have gone through the relevant parliamentary process. This remains a high risk, please see **Annex 2** for updated risk register.

1.5 Financial and Value for Money Considerations

- 1.5.1 There will be direct financial and value for money considerations associated with local plan preparation. To be able to meet deadlines within the proposed transition period for the preparation of the local plan this means that there will be increased

spend over the next five years. This was reported to members at the June 2023 meeting of this committee. A reserve has been established for the full funding of the Local Plan.

1.6 Legal Implications

1.6.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

1.7 Risk Assessment

1.7.1 The preparation of the new local plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place.

1.7.2 However, changes introduced through the LURA confirm the intention to proceed with the transition arrangements. There are risks associated with any slippage in the local plan programme which resulted in the failure to meet the final date for submission of 30 June 2025. This would result in a need to re-commence plan-making under the new arrangements. The timing of the commencement would depend on which 'tranche' of authorities the council was placed within, which could mean upwards of 18 months delay to when a local plan would be in place. Please note that since the HPSSC [June 2023 item](#) on options for local plan production the government has suggested a 4-month pre-plan preparation process and a staggered start to plan-preparation under the new system.

1.7.3 **Annex 2** shows the current local plan risks and issues.

1.8 Equality Impact Assessment

1.8.1 The decisions recommended through this report have relevance to the substance of the Equality Act 2010. The stages in plan preparation will be undertaken in accordance with the new Statement of Community Involvement which ensures that planning policy consultations are accessible to all, irrespective of protected characteristics. An Equalities Impact Assessment is being undertaken alongside the preparation of the next stages of the Local Plan.

1.9 Recommendations

1.9.1 HPSSC is asked to recommend to Cabinet:

(1) NOTE the contents of the report; and

(2) APPROVE the approach to local plan preparation matters as set out in the report.

Background papers:

Annex 1- National Planning Policy Framework
(December 2023)

Annex 2- Risk Register

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Department for Levelling Up,
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National Planning Policy Framework



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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. This includes the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes.

¹ This document replaces the previous version of the National Planning Policy Framework published in September 2023.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

⁵ Transforming our World: the 2030 Agenda for Sustainable Development.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

⁸ This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
 - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development⁹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹⁰. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non- strategic policies which are in force at a particular time.

⁹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹⁰ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision¹¹ for:
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies¹². These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹³, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery¹⁴.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁵.

¹¹ In line with the presumption in favour of sustainable development.

¹² Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹³ Except in relation to town centre development, as set out in chapter 7.

¹⁴ Transitional arrangements are set out in Annex 1.

¹⁵ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Examining plans

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

¹⁸ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
36. These tests of soundness will be applied to non-strategic policies²⁰ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
37. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements²¹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework

²⁰ Where these are contained in a local plan.

²¹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
46. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².
49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²² During the transitional period for emerging plans consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

51. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
53. The use of Article 4 directions to remove national permitted development rights should:
- a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
 - b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
 - c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.
54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early

is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²³.

57. Planning obligations must only be sought where they meet all of the following tests²⁴:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

²³ Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁴ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area²⁵ which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁶.
62. The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework²⁷.
63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁸; people who rent their homes and people wishing to commission or build their own homes²⁹.

²⁵ Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.

²⁶ Transitional arrangements are set out in Annex 1

²⁷ In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

²⁸ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

²⁹ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required³⁰, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³¹.
66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³², unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, a community-led development exception site or a rural exception site.
67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³³. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in

³⁰ Applying the definition in Annex 2 to this Framework.

³¹ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

³² As part of the overall affordable housing contribution from the site.

³³ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

circumstances that affects the requirement.

68. Where it is not possible to provide a requirement figure for a neighbourhood area³⁴, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

69. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for five years following the intended date of adoption³⁵; and
 - b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.
70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
 - c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
 - d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

³⁴ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³⁵ With an appropriate buffer, as set out in paragraph 77. See Glossary for definitions of deliverable and developable.

71. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 70a) suitable for housing in their area.
72. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
73. Local planning authorities should support the development of exception sites for community-led development³⁶ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:
 - a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
 - b) be adjacent to existing settlements, proportionate in size to them³⁷, not compromise the protection given to areas or assets of particular importance in this Framework³⁸, and comply with any local design policies and standards.
74. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
 - a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
 - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
 - c) set clear expectations for the quality of the places to be created and how this

³⁶ This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

³⁷ Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

³⁸ i.e. the areas referred to in footnote 7.

can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;

- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁹; and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

- 75. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.
- 76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met⁴⁰:
 - a) their adopted plan is less than five years old; and
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing⁴¹, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old⁴². Where there has been significant under delivery of housing over the previous three years⁴³, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

³⁹ The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

⁴⁰ Transitional provisions relating to the application of this paragraph are set out in footnote 79.

⁴¹ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

⁴² Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴³ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. For clarity, authorities that are not required to continually demonstrate a 5 year housing land supply should disregard this requirement.

National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.

78. Where the criteria in paragraph 76 are not met, a local planning authority may confirm the existence of a five-year supply of deliverable housing sites (with a 20% buffer if applicable) through an annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
79. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:
- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
 - b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
 - c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.
80. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.
81. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs,

including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁴, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
86. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Supporting a prosperous rural economy

88. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;

⁴⁴ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*.

- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
 - e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
92. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
93. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

8. Promoting healthy and safe communities

96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
97. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
98. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
99. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
100. To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
101. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁵. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

102. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
103. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

⁴⁵ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 104. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 105. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
- 106. The Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
- 107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
110. Planning policies should:
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴⁶, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
 - f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁴⁷.
111. If setting local parking standards for residential and non-residential development, policies should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
113. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴⁶ Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴⁷ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
116. Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
117. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

⁴⁸ Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

10. Supporting high quality communications

118. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
119. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
120. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
121. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
122. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land⁴⁹.
124. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁰; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties⁵¹ where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building’s construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

⁴⁹ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁵⁰ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

⁵¹ See glossary for further details.

125. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
126. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
127. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

128. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting

(including residential gardens), or of promoting regeneration and change; and

e) the importance of securing well-designed and beautiful, attractive and healthy places.

129. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and

c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.

12. Achieving well-designed and beautiful places

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
132. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
133. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.
134. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
135. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
136. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵³, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
137. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
138. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵⁴. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In

⁵² Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁵³ Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

⁵⁴ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
140. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
141. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁵⁵ Contained in the National Design Guide and National Model Design Code.

13. Protecting Green Belt land

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
143. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

146. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
148. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

149. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
151. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

156. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

157. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁵⁶. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
159. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
160. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

⁵⁶ In line with the objectives and provisions of the Climate Change Act 2008.

- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
161. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
162. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
163. When determining planning applications⁵⁷ for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
 - b) approve the application if its impacts are (or can be made) acceptable⁵⁸. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
 - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.
164. In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including

⁵⁷ Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

⁵⁸ Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

Planning and flood risk

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
 - a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
171. Both elements of the exception test should be satisfied for development to be allocated or permitted.
172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

⁵⁹ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

174. Applications for some minor development and changes of use⁶⁰ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.
175. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

176. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
177. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
178. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁶¹.

⁶⁰ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

⁶¹ As required by the Marine and Coastal Access Act 2009.

179. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶² Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

and the Broads⁶³. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶⁵; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶⁶; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁶³ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁶⁴ For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁶⁵ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁶⁶ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

186. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
187. The following should be given the same protection as habitats sites:
- a) potential Special Protection Areas and possible Special Areas of Conservation;
 - b) listed or proposed Ramsar sites⁶⁸; and
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
188. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

⁶⁷ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁶⁸ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Ground conditions and pollution

189. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
192. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

⁶⁹ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁰. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁷¹.
196. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
197. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁷⁰ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁷¹ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
203. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷².
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

⁷² Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

210. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
211. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
213. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

⁷³ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

17. Facilitating the sustainable use of minerals

215. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
216. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas⁷⁴; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁷⁵. In considering proposals

⁷⁴ Primarily in two tier areas as stated in Annex 2: Glossary

⁷⁵ Except in relation to the extraction of coal, where the policy at paragraph 223 of this Framework applies.

for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

218. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

219. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate

⁷⁶ National planning guidance on minerals sets out how these policies should be implemented.

Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁷⁷;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

220. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁷⁸; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁷⁷ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁷⁸ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

221. Minerals planning authorities should:

- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

222. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

223. Planning permission should not be granted for the extraction of coal unless:

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

Annex 1: Implementation

For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication⁷⁹. Plans may also need to be revised to reflect policy changes which this Framework has made.
225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old⁸⁰, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of plan-making

227. The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
228. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this Framework was published on 20

⁷⁹ As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.

⁸⁰ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a four year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

229. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 160, this policy does not apply to plans that have reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023. For Spatial Development Strategies, paragraph 160 does not apply to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023.
230. The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.
231. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions⁸¹:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

⁸¹ This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Article 4 direction: A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See Previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Community-led developments: A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for

housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past

human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England annually.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development⁸²: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Mansard roof: A type of roof that is characterised by two slopes, the lower steep and the upper shallow. It is generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade (reference: Create Streets, 2021, *Living Tradition*).

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as

⁸² Other than for the specific purposes of paragraphs 182 and 183 in this Framework.

and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Recycled aggregates: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically

bound materials.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

Annex 3: Flood risk vulnerability classification

ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

WATER-COMPATIBLE DEVELOPMENT

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.

Annex 2

Risk Register - 23/24

Risk Management Guidance (tmbc.gov.uk)

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
5	Change in political administration or direction from administration	Delay or revisiting key aspects of the local plan, failure to meet the 'transitional arrangements' as proposed within the Levelling Up and Regeneration Act	03/02/2023	5	4	20	N	Medium	Working will all members to gain understanding and awareness of the local plan and the process. Regular member briefings. External legal and technical advice obtained to communicate to members.	03/03/2024	Philip James		31/05/2024	27/05/2024
7	Project management- timetable for local plan document, evidence and supporting documentation slips	Delay to the local plan consultation and failure to meet deadlines	03/02/2023	3	4	12	N	Medium	Regular project management meetings between PPM and PPOs; regular updates of timetable	n/a	Philip James		31/05/2024	27/05/2024
8	Staffing- further changes in staff numbers or loss of hours; unexpected absences	Delay to timetable, health and wellbeing implications for team. Delay in appointment in permanent Planning Policy Manager.	03/02/2023	5	4	20	N	Medium	Regular team meetings, 1:1s, effective file management and installation of a 'buddy' system, risk management escalation; utilising contractor staff. Smart recruitment policy and investigation of specialist support.	n/a	Philip James		31/05/2024	27/05/2024
11	DTC issues	Failure to demonstrate DTC at examination or other issues raised prior to in consultations; issues with neighbouring boroughs	03/02/2023	3	4	12	N	Medium	Developing a robust PM system, new DTC grid and legal compliance toolkit at an early stage	n/a	Philip James		31/05/2024	27/05/2024
20	Consultation database, GDPR and privacy notice issues	Failure of management of the database	02/03/2023	3	4	12	N	Medium	Liaising with legal, keeping them informed of current process, setting dates/timeframes for consultation database review/refresh	n/a	Philip James		31/05/2024	27/05/2024
22	Lack of design/conservation support	Lack of dedicated internal staff offering this support could lead to matters being missed in local plan, design code or decision-making compromised.	13/02/2023	4	3	12	N	Medium	Continual review of and flagging of matters relating to conservation and design- review of the design code work programme and resource requirements. Grant awarded from the Planning Skills and Delivery Fund to progress review of conservation areas. Funding anticipated April/May 24 onwards.	n/a	Philip James		31/05/2024	27/05/2024
24	Lower Thames Crossing	Stepping outside alignment with the KCC position either existing or new administration	16/03/2023	3	3	9	N	Medium	Raising awareness across the organisation and regular briefings on the LTC situation. The examination has now closed and the panel recommendation is awaited.	n/a	Bart Wren		31/05/2024	27/05/2024
25	HRA, AQ Evidence- Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	31/03/2023	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	n/a	Philip James		31/05/2024	27/05/2024
26	SA	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	31/03/2023	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	n/a	Philip James		31/05/2024	27/05/2024
27	EDNS - Evidence	Delay to the local plan production and consultation process; lack of consultant support, failure to deliver the study to time	31/03/2023	4	3	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	n/a	Philip James		31/05/2024	27/05/2024
28	SFRA, L1 and L2 - Evidence	Delay to the local plan production and consultation process; Not PPG compliant as data is not available; not yet known the number of sites to be assessed which could extend cost or length or work programme. With impacts on other workstreams.	31/03/2023	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	n/a	Philip James		31/05/2024	27/05/2024
31	Spatial Strategy	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	31/03/2023	4	4	16	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Dissemination and approval by members.	n/a	Philip James		31/05/2024	27/05/2024
32	Green Belt - Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation. Including development of evidence base with different implications for the outcome of	31/03/2023	3	4	12	Y	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met.	03/03/2024	Philip James		31/05/2024	27/05/2024
35	Transport Modelling	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process	31/03/2023	4	4	16	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	n/a	Philip James		31/05/2024	27/05/2024
37	Amended or escalating costs of evidence base	Changes to the scope, timing or number of iterations of the evidence base requirements incurring additional costs; or amended requirements of national policy	27/06/2023	4	3	12	N	Medium	Regular financial management procedures, ensuring contracts are in place, strict project management controls	n/a	Philip James		31/05/2024	27/05/2024
39	Transition arrangements for plan making maintained and formally confirmed	Exceptionally challenging to meet the transitional arrangement- with potential for missed deadlines and the need to restart under new arrangements. This would have cost implications as some of the evidence base might not be able to be used, and would require updating. Validity of some evidence base questioned and new evidence with additional costs. Currently the government are stating that plans commencing under the new system would be put into phases or tranches, which could mean that the council would not be permitted to commence plan making again until an undisclosed future time period.	28/12/2023	5	4	20	N	Medium	Continue to liaise with members to keep them informed of any changes and timescales for reform; ensure flexibility within new evidence base commissions and budgets. Submission of response to the government's consultation with strong opposition to the deadlines imposed in light of uncertainty regarding the NPPF finalisation.	03/03/2024	Philip James		31/05/2024	27/05/2024

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TEMPORARY ACCOMMODATION AND HOMESLESSNESS CONSULTANCY REVIEW

Item HP 24/11 referred from Housing and Planning Scrutiny Select Committee of 19 March 2024

An update was provided on a recent consultancy review of temporary accommodation and homelessness. A copy of the consultant's report was attached at Annex 1. Agreement was also sought to implement the recommendations set out in the Action Plan, attached at Annex 2.

Members were pleased that significant progress had been made by the Housing Team since the last review and welcomed the reduction of households in temporary accommodation at a time when almost all other local authorities had seen an increase. The significant progress made on prevention work was highlighted and the Borough Councils temporary accommodation rate per 1,000 households was now below the South East and all England average.

However, it was also reported that given the continued demands on homelessness services and the need for temporary accommodation, the Borough Council would be unable to continue to manage the temporary accommodation numbers without the service working at maximum efficiency and effectiveness. Members were reassured that due regard would continue to be given to local support networks, caring and educational needs when reviewing cases.

The Action Plan (Annex 2) brought together a number of recommendations to renew focus and practice and to ensure that demand could be managed. The Committee recognised that if the recommendations detailed in the report were not fully implemented there was a risk that numbers in temporary accommodation would increase more than they would have otherwise thus having a negative impact on the authorities finances.

Finally, the Cabinet Member for Finance and Housing recorded appreciation to staff within Housing Services for the significant progress made.

***RECOMMENDED:** That it be commended to Cabinet that

- (1) the Temporary Accommodation and Homelessness Service Review report (attached at Annex 1) be noted; and
- (2) the Action Plan (attached at Annex 2) be approved.

***Recommended to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

19 March 2024

Report of the Director of Planning, Housing and Environmental Health

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 TEMPORARY ACCOMMODATION AND HOMELESSNESS CONSULTANCY REVIEW

Summary

This report updates Members on a recent consultancy review of temporary accommodation and homelessness. A copy of the consultant's report is provided. The report also seeks Members agreement to an action plan to implement the recommendations from the report.

1.1 Background

Housing consultants, Andy Gale and Anna Whalen, reviewed our temporary accommodation and homelessness service in December 2023. This follows a similar review they undertook two years previously. They sought to review the progress we had made and identify further improvements that we could make.

1.2 Report

1.2.1 A copy of the final report is provided at Annex 1.

1.2.2 Members will see that the housing team has made significant progress since the last review. The consultants note that we have managed to reduce the numbers of households in temporary accommodation when almost all other local authorities have seen a rise. Our significant progress on prevention work is highlighted and our temporary accommodation rate per 1,000 households is now below the South East and all England average.

1.2.3 The consultants note that given the continued demands on homelessness services and need for temporary accommodation we will be unable to buck this trend and to continue to manage our temporary accommodation numbers we need to have a service that is working at the maximum level of efficiency and effectiveness.

1.2.4 The report provides a number of recommendations where we need to renew our focus and practice to ensure that we are doing all we can to manage demand.

1.3 Action Plan

- 1.3.1 An action plan is provided at Annex 2. This brings together all the recommendations from the report. An ambitious timetable is provided for this plan, this has been influenced by current priorities within the service and the need to carefully manage change for the teams. An integral part of our approach to implementing these actions will be to support and train staff to ensure a knowledgeable and confident approach to all aspects of the work.

1.4 Legal Implications

- 1.4.1 The Housing Act 1996 provides the statutory basis for homelessness and temporary accommodation duties.
- 1.4.2 The Homelessness Reduction Act 2017 places duties on local authorities to intervene at earlier stages to prevent homelessness and provide home services to all those affected.

1.5 Financial and Value for Money Considerations

- 1.5.1 The Council receives an annual Homelessness Prevention Grant allocation towards its homelessness duties.
- 1.5.2 Most of these recommendations can be completed within existing resources including use of the Homelessness Prevention Grant.
- 1.5.3 The recommendations on staffing have still to be fully considered and at this stage it is unknown if proposals could result in growth to the establishment. Further reporting to Members on this will follow as required.

1.6 Risk Assessment

- 1.6.1 If the recommendations from this report are not fully implemented there is a risk that numbers in temporary accommodation will increase more than they would otherwise thus having a negative impact on the Council's finances.

1.7 Recommendations

- 1.7.1 It is **RECOMMENDED** that Members **NOTE** the temporary accommodation and homelessness service review report provided at Annex 1;
- 1.7.2 It is **RECOMMENDED** that Members **APPROVE** the action plan provided at Annex 2.

Background papers:

contact: Linda Hibbs

Nil

Eleanor Hoyle
Director of Planning, Housing and Environmental Health

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ANNEX 1

Tonbridge and Malling Borough Council

A review of progress and challenges in management of statutory homelessness and Temporary Accommodation over the last 24 months

Andy Gale and Anna Whalen

31st January 2024

Introduction:

In October 2021 Andy Gale and Anna Whalen, housing consultants, were commissioned by Tonbridge and Malling Borough Council (TMBC) to undertake a review of the use of Temporary Accommodation (TA) for homeless households. The purpose of the review was to pinpoint areas of improvement which would assist TMBC to reduce the use of TA.

The review findings were set out in a report with a series of recommended actions in the form of a TA reduction plan. A TA target was suggested to halve the number of households in TA from around 160 households to 80 households by late 2022. Because this was an ambitious target and was subject to several unknowns and variables, it was suggested that there was a 'threshold' position of 100 households in TA by the end of 2022. If the 80 households target was not achieved, but the figure was around 100, this would be clear evidence that significant progress had been made.

Since the report TMBC has managed to reduce TA at a time when almost all other local authorities have seen TA rise. There have been improvements based on several of the areas set out in the TA reduction plan from 2021, but there are also key challenges that TMBC face. Many of these are shared by local authorities around the country at the moment, but that knowledge is of no direct help to any council which wants to do all it can within its power to keep homelessness to a minimum. Tangible actions locally are needed to mitigate the impacts of some national issues.

In December 2023 the Council commissioned the same consultants to do a short review the work to date with the focus on keeping TA numbers to a minimum. TMBC requested that the following questions were covered:

- a) What has changed in the national and regional context since the previous TA review and how should this impact on our approach and targets?
- b) Have the process changes that have been implemented to date been successful and what additional process changes could aid efficiency in the service?
- c) Are our policies for TA (TA Policy, PRS Discharge Policy) sufficiently robust?
- d) Could some advice be given on accessing the PRS and the process for evidencing the route to finding a PRS offer, potentially out of borough
- e) How can we strengthen our Personal Housing Plans and develop our suite of advice on accessing the PRS?
- f) Given the work by Altair on our options for our TA portfolio, what would the advice be on additional HMO accommodation as identified in the last review?
- g) Given caseloads currently and likely future caseloads given the national context, how should the service structure itself to meet these challenges?

- h) Should the increased focus on prevention be maintained or increased? What is a reasonable target caseload for officers?
- i) Is the monitoring regime that is in place sufficiently robust?
- j) What additional training/support could we offer to staff to ensure that they are able to efficiently and effectively deliver the Service?
- k) Is our approach to lessons learnt and feedback to staff sufficient to support service development?

The national context: Councils are facing an unprecedented homelessness crisis feeding through to higher TA numbers and costs

Local authorities in England are experiencing exceptional homelessness pressures which are in turn driving up temporary accommodation (TA) numbers and costs to unsustainable levels. This is having a significant negative impact on the Council's General Fund (GF) budget and reserves.

There have been significant policy, social and economic changes that are impacting on homelessness demand. They include:

- a) Rising levels of poverty and debt as the cost-of-living crisis impacts more significantly on lower income households than those more able to manage household costs rising. Inflation has slowed but is still rising.
- b) The national housing crisis, typified by rising rents and mortgages alongside increased competition for the private rented sector. There is little optimism that the uplift in the local housing allowance (LHA) rates from April 2024 will do much to alleviate this, especially in areas such as Kent, where the housing pressures remain acute. There is continued rising demand for and low turnover of social housing as an alternative. The intensification of the housing crisis is a key issue nationally as well as regionally.
- c) A lack of any significant economic growth in the UK over several years, with a number of economic analyses suggesting that the economy will 'flatline' for at least a year.
- d) Meeting the Government's Rough Sleeping Initiative and targets.
- e) Requests for housing assistance from new demand groups from other countries - Ukraine and Afghanistan in particular.

The impact of financial burdens of TA: Councils across England are reporting they are under acute financial pressures, partly caused by the cost of TA. For lower tier authorities such as TMBC, the costs of Temporary Accommodation is the most significant factor. No significant additional funding was announced in the Autumn Statement or the local government settlement in December 2023, and therefore these pressures will inevitably continue and are likely to rise in many councils.

Some councils have warned they are now at risk of bankruptcy. Since 2020, 7 local authorities have issued a Section 114 notice meaning that they are effectively bankrupt. The result of a Section 114 notice is that all new spending, with the exception of statutory services, must be severely cut or discontinued. Nottingham City Council is the latest local authority to issue a notice, with homelessness costs quoted as a significant contributing factor. In November 2023, when the notice was issued, NCC were reported to be spending £22,000 a day on use of Bed and Breakfast (B&B) as a form of TA.

Councils now face a funding gap of around £4 billion over the next two years and nearly 1 in 5 council leaders in England have said they are likely to be unable to balance the books in the last quarter of 2023 or 2024. The cost of TA is being quoted by numerous councils as a key reason for

why they are in financial difficulties, with social care costs being a major pressure as well for upper tier councils.

In 2022/23, councils reported they spent £1.74bn to support 104,000 households in temporary accommodation. This is the highest figure since records began and compares to £548 million in 2012/13.

Numbers in TA: The latest Government published data recorded 105,750 households in temporary accommodation on 30th June 2023, up 10.5% from the same time in 2022. Households with children increased 13.8% from 30th June 2022 to 68,070 as more landlords issued notices to end assured shorthold tenancies. Of significant concern is the fact that households with children increased by nearly 5% in just 3 months.

If TA were to rise at a rate of a 5% increase, year-on-year over the next 5 years, there would be a predicted TA figure for England of 135,000 by the end of 2028. It should be noted that a 5% rise is below the current 10% increase seen in the last year. The more likely scenario is an increase of 10% producing a TA figure of 170,300 by the end of 2028. This increase is in line with the current rate of increase and based on a 4% rise in homeless applications.

Types of TA being used: It is not only the rise in temporary accommodation which is driving costs, but the types of provision being used as TA. As numbers rise, many councils have been forced more regularly to use commercial hotels due to the lack of alternative options. Many rely on this type of TA in the face of rising homelessness. The use of hotels for families is now widespread across the country with many councils in breach of their legal duty to accommodate for no more than 6 weeks. In June 2023, there were 4,480 families in B&B with 2,510 reportedly in B&B for over 6 weeks.

In addition to the numbers accommodated under a statutory homelessness duty, costs of hotels are in many areas being fuelled by competing demands from other groups in housing need. There were 50,546 households seeking asylum accommodated in hotels at the end of June 2023. These are families and single people placed through the Home Office pending the outcome of an asylum claim, rather than a local authority placement.

The problem for councils is that they are often not able to procure or access the lower net cost TA options, such as social housing stock or local authority hostels, in sufficient numbers to reduce the financial impact of rising TA. Many landlords which previously might have considered long term leases are reported to have moved to more lucrative night-let accommodation. The only realistic options therefore available are all high cost hotels and nightly rate units and perhaps some leased accommodation, which is also relatively high cost.

The impact of a rapid increase in decisions on asylum claims: It is widely recognised that for several years Kent has been an area under pressure as an arrival point for those entering the UK and making a claim for asylum. Until recently TMBC and other lower tier councils in Kent have been largely protected from the national dispersal programme in recognition of this, but this has changed due to the Homes for Ukraine scheme and the Afghan scheme and the procurement by the Home Office of hotel and other accommodation in Kent more generally for those seeking asylum.

The pace and scale of the Government's commitment to speed up the processing time of asylum applications and clear thousands of older cases is beginning to create significant challenges for councils in terms of the impact on TA numbers in many areas. The extent of this is not yet being seen in the national homelessness statistics due to a time lag of around 5 - 6 months in publishing of data

but anecdotally some councils have noted large numbers of approaches from households which have been granted leave to remain in the UK as a refugee.

At 30 June 2023 there were around 175,000 people awaiting a decision on their asylum claim. Around 91,000 people (52% of the total backlog) had been waiting for a decision for at least a year. The Home Office are committed to making 90,000 decisions on older backlog cases by the spring of 2024. However, the reality is that the Home Office are merely transferring responsibility for accommodation from central Government to local authorities.

In total 75% of decisions made in the year to September 2023 have been to grant status whether through an award of refugee status or humanitarian protection. Once granted status refugees are given only 72 hours to leave their Home Office provided TA. Most apply to the council in which their Home Office placement was located unless they have a family or close friends already in the UK.

Supply of affordable accommodation options: All the indications suggest that by the end of 2023, the majority of councils have reached a 'tipping point' in respect of their ability to manage their homelessness pressures and costs. Although on the demand side, homeless applications are rising, evidenced by a 4% increase in England in the last year, what has driven the rise in TA is not so much the rise in applications, but the inability of councils to quickly access supply and move households on from TA.

As noted earlier, the number of overall social housing vacancies continues to fall and there has been a collapse of the private rented sector market as an option for low income households in particular, due to a shortage in supply coupled with a rise in market rents and competition from working households unable to buy their own home. The rise in the Local Housing Allowance rates are not likely to provide enough of an uplift to enable access to those who will need to claim housing costs.

Local housing pressures

In addition to the impact of pressures at a national level, TMBC is also seeing locally a significant reduction in supported accommodation to assist with meeting the needs of some of the most vulnerable households. Recent financial decisions at county level will result in the cessation of a number of homelessness related accommodation units and support and the reconfiguration of some housing related mental health schemes. These changes will reduce the accommodation offer available to those with support needs. In addition, support for care leavers in terms of accommodation provision is being reduced from age 21 to 19. These changes will inevitably impact on homelessness and increase the risk of rough sleeping for some of the most vulnerable people in TMBC.

The stark fact is that however difficult the TA numbers and costs is for councils now, there is no light at the end of the tunnel. It could be that 2024 will see a 'perfect storm' comprising of continued rises in homelessness applications combined with a significantly reduced capacity to move households on from TA. This would see an acceleration in the number of households in TA to unprecedented levels.

Observations on the progress in TMBC over the last 2 years

Progress

Whilst other sections of this report look at areas for further improvement, it is important to note what has worked well and is likely to have made a difference to customers, to Council staff morale

and budgets. Looking together at what worked well and why is a helpful exercise¹, so learning can be applied to future change work, but this was beyond the remit of this short review.

In terms of performance, some of your key national statistics are set out in the table below and show considerable improvements, including the overall position in relation to TA.

Table 1

Taken from the most recently published DLUHC national homelessness data set, Quarter 1 covering April - June 2023

H-CLIC field with some explanation/comment	England %	South East %	TMBC %	Note on trends in TMBC stats in from the same quarter from April - June 2021.
S195 Prevention duty owed <i>Authorities can more effectively manage their services if a higher proportion of households are owed the 'prevention duty' rather than the 'relief duty',</i>	45.4%	50.9%	56.1%	This was only 22.7 % in Q1 2021/22 - compared to the 45% SE average. There has been a marked improvement in numbers being assisted at the point of a threat of homelessness, and TMBC rate is now higher than the SE rate.
S189B Relief duty owed <i>See above</i>	50.6%	41.9%	43.9%	Over three quarters of households came at the point of homeless in Q1 of 2021/22, with 77.3% owed the relief duty, compared to the much lower SE average of 47.4%. A marked improvement in this.
S195 prevention duty ended positively <i>This is a key measure for DLUHC – duties can end positively with accommodation likely to be available for at least 6 months.</i>	51.2%	52.7%	45.9%	In Q1 of 2021/22 TMBC reported only 19.2% had ended with a successful prevention compared to 54.4% as the SE average. There has been a significant improvement in this since then, with TMBC now a few percentage points behind the SE average.
S195 prevention duty ended positively with the applicant retaining their current accommodation <i>This is a key measure for DLUHC – duties can end positively with assistance to retain existing accommodation (the ideal outcome) or move elsewhere .</i>	33.8%	31%	29.4%	TMBC is just below the SE average and has improved from 2 households in Q1 of 2021/22 retaining their accommodation to 5 households in the same quarter of this year.
% who became homeless where the s195 prevention duty ended <i>This measure also indicates the extent of success in prevention activity</i>	25.1%	22.6%	18.9%	In Q1 of 2021/22, 53.8% of all prevention cases ended in homelessness, indicating a lack of control of casework at the 'front end' of the service. This is a significant improvement, a more positive position than the regional average.
S189B relief duty ended positively <i>The ideal is to end as many relief duties positively as after 56 days, an eligible homelessness</i>	32.8%	27.9%	18.6%	This is an area which still needs focus and additional capacity to positively end homelessness within 56 days. There has been a further decline in

¹ For example, applying the principles of Appreciative Inquiry (AI) can assist a council to build on what works well rather than planning change based purely on deficits.

<i>household which has a 'priority need' for accommodation and is not 'intentionally homeless' will be owed the Main duty</i>				performance of relief work, based on this statistic, which was 25% - or 15 households - in Q1 of 2021/22. In the same Quarter this year, there is a dip of 7 percentage points and only 8 households had their homelessness relieved.
Relief duty % still homeless after 56 days + See above	47.7%	50.3%	51.2%	Out of the 43 households in Q1 2023/24, 22 did not have their homelessness relieved and would need to go to a 'main duty' decision. It should be noted that not all the 22 households would necessarily be in TA, as some would be assessed as not having a priority need for accommodation. However, this points to the need to undertake more concentrated relief work with applicants over the first 4 – 5 weeks of the relief duty, with some tangible accommodation options available.
TA rates per 1,000 households	2.22 (excludes London boroughs, which would distort the rest of England - the London regional rate is 16.69)	3.09	1.93 (equates to 107 households in TA)	In June 2021 the TMBC rate was 2.84 (154 households in TA) slightly higher than the regional rate of 2.75. The TMBC TA rate is now below the South East and all England average which is a significant achievement.

Purely focussing TMBC's progress over the last 2 years on your data does not capture the 'how' – the ingredients which led to change occurring and the learning therein. The points below explain to some degree the improvements alongside the data, but the breadth and depth of improvements are much better understood by the officers in TMBC who have worked over the last 2 years on the progress made.

Based on the higher level points in the TA Reduction Action Plan from December 2021, TMBC has:

- Set up a corporate reporting structure which has met regularly to review progress. This level of commitment from senior leadership in the Council is critical to positively support the work of the Service and should offer a blend of help with resolution of problems/obstacles and constructive scrutiny. It is noted that the meetings are not occurring as they used to, and it would be timely to commence these again, given the national context and the new changes at CEO level.
- Used some of the available Homelessness Prevention Grant to add staffing in the Service. This has added capacity to improve triage, prevention, housing solutions and some management of households in TA in relation to welfare, benefit claims and checking of occupancy. All of these functions have helped to drive the performance improvements.
- Focused on improving staff morale. Whilst there are real pressures on the Service at the moment, the level of morale is better than 2 years ago. This is essential for senior leadership to understand – many homelessness services in England are depleted and reliant on agency workers, which are high cost and often work remotely only. Actively supporting staff, praising progress and appreciating their hard work is important in order to manage homelessness effectively.

- Developed the TA portfolio with more low-cost options, not least due to a much improved working relationship with Clarion, which has provided a further 14 units of social housing for TA. There is also shared TA for single people in Pembury Road, The High Street and your leased accommodation in Union Street. However, there are significant questions around the high level of voids in both the shared TA and the Clarion stock which need to be addressed.
- Commissioned a detailed report on TA procurement, which is now at a point of going to Cabinet for decision making on development of modular homes.
- Increased efficiency in the monitoring of TA standards through the Home Improvement Team, using a thorough but less resource-intensive approach.

Welcome though these improvements are it is inevitable that the Council will be unable to buck the national trend re presentations and TA pressures. Therefore, for TMBC to continue to be able to deliver a TA rate per thousand households that remains below the average for the South East of England will require a Service which is working at the maximum level of efficiency and effectiveness.

The rest of this report looks at the areas which need renewed effort and focus, because they have not progressed at a fast enough pace, as well as some areas of practice which need tightening up.

Conclusions and recommendations for the Housing Solutions Service following our relook at the Service.

An important point to make before setting out our conclusions and recommendations is that as at December 2023 there are 35 households in TA who have been pre allocated a social housing property but are awaiting a tenancy date due to delays in the time taken to re-let vacant Clarion Homes. We understand that actions are being taken by Clarion to resolve the delays in reletting homes and once the 35 pre allocated homes feed through to actual tenancies this should bring TA back to under 100.

Our analysis, conclusions and recommendations need to be set against the national context regarding homelessness and TA pressures set out earlier in the report. It is inevitable that the Council will be unable to buck the national trend. There is already a significant increase in demand with the number of households approaching claiming to be homeless likely to outturn for 2023/24 at around 1500 approaches compared to 900 in 2022/23. Increased presentations will inevitably work through to more placements in TA.

Therefore, there are 3 core recommendations. These are:

1. In order for TMBC to continue to be able to deliver a TA rate per thousand households that remains significantly below the average for the South East of England will require a Housing Solutions Service that is working at the maximum level of efficiency and effectiveness, which means implementing all of the new recommendations in this report
2. Revise the TA target to reflect the national pressures. Our recommended target in 2021 was to reduce TA to 80 with a range of 80 to 100. Our revised target is 90 with a range of 90 to 120
3. Approximately 80 units of TA should be units that can be delivered at either no cost or low cost thereby significantly reducing the cost impact of nightly rate TA accommodation.

This will be extremely challenging and will require a renewed corporate focus which supports the day-to-day work of the Service, alongside leading on the development of a lower cost portfolio of upwards 80 units, which would bring further substantial savings to the TA budget.

Of concern is that the Housing Solutions Service is reported by many of the staff we spoke to during the review to be overwhelmed with the Service risking a return to the position it found itself in 2021, which was one of crisis. Staff we spoke to are finding it difficult to cope with the workload and this they say is impacting on performance although there remains a strong team ethos and commitment to the Service and the Council.

This is resulting in an increasing number of cases in TA under a relief of homelessness duty for longer than 56 days who are still awaiting a final decision on whether the main homelessness duty will be accepted or not. Delays in decision making at this stage have a negative impact on TA numbers. For those in TA where that final decision should be that no further duty is owed, they will have remained in TA far longer than would be the case if a decision had been made at the point that is legally required (at 56 days) . Moreover, the longer a household remain in TA without a decision, the more difficult it is to make, and sustain, a decision that an applicant does not have a priority need or is intentionally homeless.

It is critically important that TMBC make permanent the Housing Solutions Service officers on fixed term contracts whose contracts are due to expire at the end of March 2024.

Following the 2021 review TMBC agreed to implement the recommendation to increase the establishment for the Housing Solutions Team. Four additional Housing Solutions caseworkers, plus a Temporary Accommodation Welfare officer and an additional Housing Allocations Assistant were employed on fixed term contracts due to expire at the end of March 2024. The Housing Solutions caseworker posts were agreed to deal with the numbers presenting based on the numbers of approaches at the end of 2021 and we considered this to be the minimum size caseworker team to ensure that the Service operated efficiently and not in crisis mode.

In 2023 the Council has seen a significant rise in applicants approaching as homeless resulting once again in backlogs in dealing with cases. Some officers spoken to reported caseloads between 60 and 80.

It is imperative that the fixed-term posts are retained, given the national backdrop and the local increase in approaches. It is advised a clear message is given from senior leaders in the Council as soon as possible in January 2024. The rationale for this is:

- It is very unlikely that any newly-formed Government in 2024 will reduce the Homelessness Prevention Grant, given the state of statutory homelessness in England. This year your Homelessness Prevention Grant was £398,286 and this will rise slightly to £405,277 in 2024/25. Alongside your existing core budget for homelessness services, TMBC should be committing all of this to statutory homelessness each year, ideally minimising the amount spent from the Government grant on TA.
- The officers in post are already trained and working in the Service. There has already been investment of time and resource in these officers and to lose them, only to then need to replace them, would only add pressures on the Service and costs to the Council.
- The salary offer in TMBC is not competitive in comparison to surrounding councils, so not only is it more likely officers on short term contracts will leave to join other councils in the

area which pay significantly more, so it will be harder to fill any vacancies based on this factor alone.

- Deleting of posts will put the Service further into a position of crisis that TMBC has worked hard to come back from is again reached. This will mean higher caseloads; significant backlogs; cases going more readily into TA due to lack of time to make decisions; households drifting in TA without a main duty decision; slower rates of move-on from TA and risks of more complaints or legal challenge due to lack of response or poor decision making. TA numbers and costs will rise again and it will not be as straightforward to come back from this position given the national context.
- Other staff may decide to leave if posts are deleted, if they believe the workload and pressures to be unreasonable for them as individuals and the Council is not seen to be taking seriously its duty of care as an employer.
- Even if the posts are retained, any staff leaving in the next 2 months due to uncertainty of their futures is very likely to cause a dip in morale as well as increased day to day pressure on officers to cover the work whilst posts remain vacant. Staff remaining are likely to be understandably critical of senior leadership if action is not taken swiftly enough.

Recommendations:

Take swift action to retain staff on fixed term contracts through offering permanent contracts.

Work with Human Resources to address workforce planning issues around remuneration, training and development.

TMBC should consider creating an Accommodation Team with responsibility for all aspects of TA and discharge of duty into the PRS.

If you consider the structure for most Council's you will find a casework team and a temporary accommodation team. The TA team will normally also contain the responsibility for procuring PRS properties to discharge duty. This is not the structure in TMBC. There is an Accommodation Team largely focused on inspecting nightly rate TA. The team also includes the PRS access function which has not been successful for the reasons set out in this report. The Accommodation team's focus is on property rather than the people in TA. Vacant nightly rate TA is identified by the team but all aspects of matching and sign up remain the responsibility of the HSS casework team. A new fixed term post for a TA Welfare Accommodation officer as part of the HSS team was agreed after the 2021 review and that post has proven to be successful.

Working relationships between the Accommodation Team and the HSS casework team lack coordination and both teams appear to operate as 2 silos.

Recommendation - An Accommodation Team is established to be responsible for all aspects of temporary accommodation and accessing the private rented sector including the responsibilities for procurement, inspection, placement (including the test of suitability), and the managing of TA (including rent collection) and accessing the private rented sector to discharge duty.

The permanent TA Welfare post should be part of the new Accommodation Team along with consideration of a Move-On Officer role. (see recommendations in this report for 'move on' posts funded by unallocated HPG grant.

There should be a simple process for allocating spending from the Council's 'Homelessness Prevention Grant' (HPG) to pay for additional staffing to tackle demand and other homelessness pressures.

As noted in the section above, the Council was allocated £398,286 in HPG for 2022/23 with an increase in grant funding of £405,277 for 2023/24. Our understanding is that underspends are carried over and there may be around £700,000 of unallocated funding from the HPG. If this is correct, it is unclear why this figure for unallocated funding is so high, as DLUHC awards grant based on the understanding it is spent in year and the HAST Adviser team from DLUHC require councils to give an indication of what the grant has been spent on. Should there be considerable carry-over of the grant, it may be the system for making decisions on allocating funding is too bureaucratic or is perceived to be so. Regardless of the reason, given there is a significant grant funded budget available, there needs to be a change to delegated powers and a simple authorisation system put in place under which the Director of Planning, Housing & Environmental Health can agree spend using unallocated HPG. This should include agreeing to recruit additional temporary staff to deal with pressures as they emerge as and when required and spending on other initiatives to prevent and manage homelessness pressures. Below are 2 examples of where HPG grant should be used:

Example 1: We have in this report recommended that all of the current fixed term contracts should be made permanent. These posts are not we understand funded by HPG. This will bring the permanent casework staffing levels to a level that is comparable with Councils of a similar size to TMBC. However, the current caseworker numbers, including the fixed term contract posts, do not reflect the increase in approaches seen in 2023/24 which reflect the national trend. With average caseloads of between 60 and 80 cases the Service risks returning to the crisis mode of operation seen when the 2021 review was carried out. The solution is to employ additional temporary caseworkers paid for from the unallocated HPG Government grant. Arguably, this is a decision that should have been taken 6 months ago when approaches and caseloads started to increase. We do not recommend that these additional posts be made permanent, although to attract the best possible people it may be sensible to offer a fixed term contracts rather than contract agency staff. There is no additional impact on the Council's finances as they will be financed from the HPG. If the Council is concerned that HPG may be withdrawn after 2024/25 it should be noted that there is no indication that the Government will cut or remove HPG given that tackling homelessness is considered to be a top priority for the current Government and, given that there will be a General Election in 2024, major opposition parties have indicated tackling homelessness will be a priority.

Example 2: The Council needs to improve the landlord offer in order to move on more households from TA into the private rented sector (PRS) . The current landlord offer is not attracting landlords and agents. Given the current PRS market TMBC's incentive package is falling far short of what landlords now expect. To illustrate this point the average landlord incentive payment made by West London Boroughs under their out-of-London scheme is £5,500. The recommendations for improving the landlord offer are set out elsewhere in this report. This is another example where a decision to

amend the landlord offer should have been made 12 months ago when it was clear that the current offer was not working and backed by the fact that there is a significant amount of unallocated HPG available.

A simple cost-benefit framework should be introduced so that officers are clear as to the parameters for offering financial deals to prevent homelessness.

Prevention officers spoken to were unclear as to the threshold for offering a financial payment to resolve threats of homelessness.

Recommendation: For all offers to resolve and prevent homelessness for any case that would otherwise be placed into TA a cost-benefit calculation should be carried out set against the net cost of Temporary Accommodation. This will require the introduction of a cost-benefit framework with clear guidelines for officers negotiating solutions.

In developing a framework the Council should consider the fact that the average annual net cost (after DWP subsidy) of a family in 2-bed nightly let is estimated to be between £12,000 and £15,000 plus the officer time to assess and manage the case. TMBC need to decide the level at which a financial payment to, for example, a landlord would deliver value for money to the Council. Clearly, anything under £12,000 to £15,000 will deliver a saving but an offer at that level would obviously not be a sensible approach, as it would encourage more landlords to issue a notice to their tenants in order to obtain a payment. However, a 'cost-benefit' threshold of say up to £3,500 would be competitive with other councils and sensible for TMBC to improve prevention casework outcomes, thereby reducing TA, and could be used:

- a) to contribute to paying off rent arrears where this has not be caused through the fault of a tenant, or
- b) spread over a year to top-up the difference between the LHA rate in TMBC and the lower end of the market rate

There are still some gaps identified in the HSS 'end to end' operating model that if fixed would reduce the number of households being placed into TA and speed up the numbers moving on.

Triaging of cases: Issue 1

Undoubtedly the creation after the 2021 review of a dedicated Triage post performed by an experienced Housing Solutions caseworker is one of the main reasons why the numbers in TA have fallen overall since the end of 2021. The Triage officer controls the first point of contact and effectively filters cases through to either the Prevention Team or Homelessness Team. However, the number of approaches so far in 2023/24 is averaging 123 a month compared to 75 cases in 2022/23. Combined with a move to a new casework management system, this means that the 'backlog' of cases in triage has risen from 33 at the end of November 2022 to 173 by the end of November 2023. The Triage officer is overwhelmed and there is little prospect of being able to deal with the backlog with the current level of staffing for the triage function. This will inevitably impact negatively on the ability to resolve more cases at the first point of contact.

Recommendation: A second post for Triage should be recruited to on a temporary basis using TMBC's Homelessness Prevention Grant.

Triaging of cases: Issue 2

As has already been acknowledged the introduction of a Triage role has been very successful, but as currently configured, this leaves confusion as to:

- a) whose responsibility is it for making thorough investigations into the claim of homelessness – the Triage officer or the HSS caseworker and
- b) who should issue 'not homeless' decisions

The Triage officer performs a number of important roles. These are:

- a) To decide whether presenting problem should be referred through for a full interview or not and
- b) If the case is to be referred through should it be dealt with by the Prevention Team or the team dealing with those households claiming to be already homeless, your Housing Solutions team)

Using a full year of data from 2022/23, the 3 main causes of families being placed into TA are:

- 1) A claim of exclusion from the home of parents or extended family/friends, (based on 25% of all prevention duty cases and 37% of all relief duty cases)
- 2) the issuing of a Section 21 notice by a private landlord, (based on 25% of all prevention duty cases and 8% of all relief duty cases)
- 3) a claim that a family are homeless due to domestic abuse or other threats of violence, (based on 4% of all prevention duty cases and 21% of all relief duty cases)

There is also a high recorded figure for social housing tenants owed a prevention duty (17% of all prevention duty cases).

For Section 21 notice cases and social housing cases these are relatively straightforward with most being referred through to the Prevention Team once it has been established that the notice is valid. However, for parent or extended family/friend claims of exclusion the question of homelessness appears to be largely left to the Triage officer to determine. This is evidenced by the fact that Prevention officer report far fewer parent/family exclusion cases in their caseload compared to what should be expected given that this category is by far the main reason for claims of homelessness for family households.

The vast majority of these cases are referred through to the HSS team if the view of the Triage officer is that nothing more can be done. The HSS officers then would appear to accept homelessness based on the conclusion of the Triage officer with little or no investigation into the claim themselves. However, the approach of the Triage officer regarding investigations into parent/family claims of homelessness would appear to be less about making formal enquiries into the claim of homelessness and more about 'pushing back' on these cases to see if the parent claiming to exclude actually takes it to the point where they say they have physically excluded. This approach does have some merit in that some cases who claim homelessness do not come back to the Council after their original claim. However, it leaves these cases 'falling through the gap' with neither the Triage officer or the HSS caseworker being tasked with making thorough investigations into the claim of homelessness. Neither is it the responsibility of the Triage officer to make any 'not

homeless' statutory written decision but by default the decision on whether someone is homeless is being left to that officer.

For all claims of homelessness from parent or extended family or friends in TMBC there should only be one of 3 outcomes and a revised approach adopted. The 3 possible outcomes are:

- 1) There is no clear and logical evidence presented to back up the claim of exclusion – in which case a statutory not homeless decision should be issued (by either the Triage officer or HSS caseworker) and no TA provided, or
- 2) There is clear evidence that an applicant is going to be excluded – in which case there should be a speedy referral to the Prevention Team followed by evidence of negotiation and a written 'offer to resolve the problem at home' issued to the parent/family excluder including remaining at home with Band C status for being overcrowded), or
- 3) There is clear evidence of an incident or series of incidents that logically explain the claim to exclude – in which case, unless there is evidence of violence or abuse towards the applicant, an offer should be made to try and hold the position at home whilst work is undertaken to find a planned move option.

The required approach to parent/family claims of exclusion is not embedded by the teams tasked with determining these cases, namely the Triage officer, the Prevention team and the HSS caseworker team. For clarity, virtually no 'not homeless' decisions are being issued for parent/family claim of exclusion cases. The practice of issuing a formal 'offer to resolve' letter is rare. This observation is not to apportion any blame to any individual or team as it is the processes for dealing with what is the main cause of family homelessness in TMBC that needs to be revisited.

Recommendation: Review the work with families where there is a threat of homelessness to ensure thorough enquiries, including home visits, take place and actively use prevention tools to resolve homelessness.

Triaging of cases: Issue 3

Linked to the above, although the Triage officer is experienced and effective in her role of filtering cases there would still be some additional gains in formalising the procedure for when a case should be referred through and if so to which team.

Recommendation: Implement a formal Triage procedure (an example model procedure will be provided as part of this review).

All households who may have a priority need and are claiming to be homeless on the day should be required to attend an 'in person' interview

Since the Covid-19 pandemic nearly all homeless interviews have been conducted by telephone. This has largely been the practice for all Council services and not just the Housing Solutions Service. We would argue that it is only possible to thoroughly investigate a claim of homelessness through an in-person interview unless there are individual and justifiable reasons why this is not possible. Without a face to face interview policy for households who are likely to be owed a temporary

accommodation duty there will inevitably be placements made into TA that would not have been made if a thorough in-person interview had been conducted.

Therefore we recommend that the practice be changed so that any applicant who potentially may have a priority need and is claiming to be homeless tonight must be required to attend in person interview rather than a telephone interview. Telephone interviews have their place but not for the initial full interview where the caseworker needs to fully test and investigate any claim of homelessness and priority need.

Recommendation: All applicants referred through from Triage to the Housing Solutions casework team, where there may be a temporary accommodation duty must be seen in person. No applicant should be booked into TA as a result of a telephone interview unless there is a disability that prevents them from attending the office or it is an out of hours placement.

The 'emergency' day duty team does not have sufficient officers on duty to be able to make not homeless or not in priority need decisions on the day that applicants present claiming to be homeless that day.

There are an insufficient number of officers allocated to the duty rota for dealing with 'on the day' emergency claims of homelessness. The current duty model is that there is one Housing Solutions officer on duty with a back-up officer.

Due to the increasing number of households presenting as homeless on the day, it is inevitable that the duty officer will struggle to provide every applicant with a full and thorough investigative interview into their claim of homelessness or for single homeless people, who are assessed as homeless, whether they have a priority need which would trigger a temporary accommodation duty.

In any council, the homeless cases will back up towards the end of the working day. TMBC is no different and there must be enough officers on duty to complete a full and detailed investigation into a claim that the household are homeless and assessment regarding priority need for accommodation. Without this many applicants will be booked into TA without a full assessment interview. Once booked in it becomes more difficult to 'cancel' a TA duty or prevent homelessness by helping them to return to their accommodation because TA has already been conceded.

Recommendation: There is a need to urgently implement an expanded 'duty day' operational team which can be achieved within the existing resources (assuming the recommendation on the fixed term contracts is agreed and implemented) to better deal with and control the assessments of emergency presentations and pre-booked appointments. Implementing an expanded emergency duty day team will provide the extra necessary control required, ensuring that all new claims of homelessness are thoroughly investigated, including rapid back office enquires to ensure that decisions on whether a TA duty is owed or not can be legally made on the evidence gathered. The expanded duty team should consist as a minimum of a duty manager and 2 caseworkers for emergencies without the need to call on any 'back up' officers. The case workers can undertake their own casework if there are no duty cases coming in (usually in the first part of the morning), and then switch to deal with duty cases as they come in during the day. Being available at the end of the day is a critical point in every statutory homelessness service to resolve issues and avoid unnecessary TA

placements. The number required in this duty team should be kept under constant review against demand and where needed, temporary resources brought in paid and for through the Homelessness Prevention Grant.

The role of the new operational duty day team should include:

- (a) At Team Leader level to check and double check that all inquiries have been robustly undertaken before any placement can be authorised for TA.
- (b) For the team as whole - to undertake rapid 'on the day' back-office inquiries into homelessness, eligibility and priority need so that, where appropriate, a no TA duty decision can be lawfully made on the day through a formal notification letter.
- (c) To respond to any threats of judicial review.
- (d) Where necessary for a Team Leader to take over negotiations with potential excluders, for example, where parents are unwilling to agree to give reasonable notice.
- (e) To support the Triage officers if they have any queries about the advice to be issued or whether to refer a case through for a homelessness interview.

Implement improved procedures for managing casework once a household is placed into temporary accommodation.

Once a household is placed into TA in TMBC there are no clear control and monitoring process for managing casework. One-to one meetings with a Team Leader are infrequent due to work pressures and casework risks 'drifting', meaning there are cases where a 'no duty' decision could have been made that are allowed to continue with no accountability regarding the completion of any outstanding inquiries. The Housing Solutions caseworkers rightly point to high caseloads as the reason why they are not able to focus on completing investigations. High caseloads can be resolved through additional temporary staff however, there is still a need for structure to casework of those in TA, or at high risk of entering TA if homelessness cannot be prevented, with a control and monitoring procedure that is used for every case and gives some transparency to the status of every case of those in TA or at high risk of entering TA, which is available to all of the officers in the Service.

Recommendation: To urgently implement a casework control and monitoring procedure consisting of:

- a) Any case authorised for placement into TA must be 'flagged' if there is any possibility of a 'no long-term TA duty' decision being made.
- b) The manager authorising TA must decide with the Housing Solutions caseworker at the point of placement whether the case should be flagged as a potential 'no long-term TA duty' case due to the possibility of an applicant being not homeless, not eligible, intentionally homeless, not in priority need, or having no local connection.
- c) Inquiries into all 'flagged cases must commence on the day of presentation.
- d) The duty manager must set and monitor against a target date for the completion of all inquiries.
- e) All potential 'no duty' cases should be recorded on a spreadsheet and a report should be run weekly to check progress against the target date set for all 'flagged cases'.
- f) All flagged cases must be discussed at a fortnightly one-to-one meeting and an explanation must be given for any case that has not received a decision beyond the target date set.

- g) The Prevention Team should flag any case owed a prevention duty where the applicant is likely to have a priority need but also the possibility that they may be intentionally homeless must be 'flagged' and the same actions carried out as set out in TA cases above.
- h) For the current cases in TA under an interim Section 188 duty, a one-to-one meeting between the caseworker and their team leader must identify any case where a possible 'no long-term TA duty' may be owed and the manager must set a target date for the completion of any outstanding inquiries.

Implement a new framework to strengthen statutory casework for the 3 main causes of family and single homelessness that result in a TA placement

If clear procedures and processes were to be implemented covering the main causes for a TA placement, there would be a reduction in the number of families and single people placed.

Recommendations: The recommended actions to increase alternative solutions to TA placements are:

Parent and family exclusions: (see also the observations made under Triage issue 2 above)

- a) No household should be placed into TA unless clear evidence has been obtained that supports the claim that they have been excluded.
- b) Where there is no evidence obtained as a result of a thorough assessment to justify the claim of exclusion a 'not homeless' decision should be made.
- c) The common law requirement for reasonable notice should be negotiated for every presenting case where there is no risk to an applicant through remaining at home. The expectation is that reasonable notice should be obtained on 8 out of 10 cases where there is no risk to the applicant through remaining.
- d) Once reasonable notice has been obtained the caseworker should commence and be required to follow the prevention actions set out in a new Prevention Pathway for Family Exclusions which will be provided to the Council as part of this review.
- e) The Council may wish to consider small payments/in kind assistance to a parent for priority need cases where financial pressures are the reason for asking their son or daughter and any grandchildren to leave. Any payment/in kind assistance should be proportionate and bespoke to their situation, given that it may otherwise encourage more families to claim that they are excluding their adult children.

Section 21 and other tenancy notice cases:

- a) Prevention caseworkers should follow the prevention actions and use the resources set out in a Prevention Pathway for Section 21 and other tenancy notice cases which will be provided to the Council as part of this review and has previously been provided but is not being regularly used by the Prevention team.
- b) There must be a formal written 'offer to resolve' made to the landlord on every case presenting. The offer should be bespoke and will be based on the reason for the notice having been issued.

- c) All cases where a Section 21 notice (or other notice) has been served must be required to attend an interview within 48 hours to ensure that they do not surrender the keys at the expiry of a Section 21 or Section 8 notice.
- d) All tenants who approach the Council with a notice should also be written to and verbally informed that they should not hand back keys at the end of the notice period and to do so risks a decision that they may be found to be intentionally homeless if the Council determine that the case may have been prevented on the facts obtained.
- e) Unless there are exceptional circumstances or a tenant leaves, TA is currently not offered until the expiry or a possession order or date for a bailiff to attend. To keep the Service safe from an Ombudsman investigation the Council should follow the Code of Guidance on this matter and:
 - a) Consider the option of paying landlord court costs for possession, or
 - b) Offer the landlord a '60-day deal' *

** The '60-day deal' would be to guarantee that Temporary Accommodation would be offered on the expiry of that period without the landlord having to initiate court action if the local authority had been unable to solve the problem that had led to the Section 21 notice or had been unable to find the tenant alternative accommodation by the expiry of 60 days.*

Applications due to a claim that an applicant is homeless due to being a victim of domestic abuse:

There is agreement to employ a domestic abuse (DA) specialist officer to work jointly across TMBC and Tunbridge Wells, funded from Government 'new burdens' money arising out of the implementation of the Domestic Abuse Act in 2021. TMBC should use this opportunity to develop a more structured prevention of homelessness pathway where homelessness is claimed due to domestic abuse. This should include:

- Join up prevention focused work between the Service and the Housing Management Teams for Clarion and the other Housing Associations operating in the Borough given a high percentage of family DA cases are from social housing. There should be a clear procedure for the role of the Council and Registered Provider Housing Management Teams when a tenant claims they cannot stay in their tenancy due to DA. They should be expected to take ownership of DA cases that are their tenants to deliver the best possible outcome for victims of DA who risk losing their tenancy.
- A specific action plan for preventing homelessness for applicants claiming to be homeless due to DA should be produced. That action plan, which should involve partner agencies/services, should focus on how to deliver options to victims of DA in a supportive way, including the option of pursuing legal remedies and remaining in their home with safety measures.
- HSS caseworkers must be trained on how to assess homelessness where applicants claim to be homeless as a result of domestic abuse to ensure they have the knowledge and confidence to deal with these cases.

There are a number of areas where we are of the opinion that the Housing Solutions Team need to be more robust in decision making

Area 1: Strengthen investigative casework by requiring HSS caseworkers to use the *'Part 7 Interview and Assessment toolkit'* to support them:

There is a lack of consistency in making of enquiries and then decision-making against the statutory tests generally in the Service.

Recommendation: Caseworkers should be required to use the relevant interview sheets to determine homelessness, eligibility, priority need, intentional homelessness, and local connection where there is any doubt as to whether an applicant should be accepted or not against these 5 statutory tests. This means questions that caseworkers will not miss questions that should be asked for any of the 5 statutory tests. The toolkit contains a separate interview and assessment sheet for each presenting issue relating to the five statutory Part 7 tests. There are 52 case interview and assessment sheets.

Area 2: Apply the test of intentional homelessness to all cases where it has been identified that a household have lost their accommodation through their own actions or lack of action.

The test of intentional homelessness is one of the 5 statutory tests that Councils are required to apply and these decisions accounted for 4.5% of all decisions in England during 2022/23 when the applicant reached the end of the relief of homelessness duty. In TMBC only 3 intentional homelessness decisions were made over the same period – 2.8% of the 109 'main duty' decisions. There have been no IH decisions made in Quarter 1 of 2023/24. This is despite officers interviewed noting that numerous cases are presenting with substantial rent arrears from a private rented tenancy or social housing tenancy.

Housing Solutions caseworkers quote high caseloads and a lack of confidence in making such decisions - especially new officers. This is partly the explanation along with what appears to be a reluctance to make IH decisions unless there are no other options.

Recommendation: The Service needs to be more robust on decision-making regarding cases that have been issued with a notice for deliberate rent arrears or unacceptable behaviour and make intentionally homeless decisions where appropriate.

Area 3: Too much choice is being given to households when it comes to matching cases in TA for a direct offer

When making a direct offer of social housing It is understandable to want to match households to the areas within TMBC that an applicant has indicated that they want to live in. However, that aim has to be balanced against the need to move households on from TA to reduce the financial impact on the Council.

One of the recommendations from the 2021 report was to top slice 50% of social housing vacancies for a direct allocation to households in TA. This has been arguably the main reason that TMBC has been able to reduce the number of households in TA. However, it is reported that the HSS team are at times struggling to match households from TA to the vacancies that come through, with the consequence being that there is a risk that the nomination will be lost or a household will be matched that are not in TA. There are 2 reasons given by HSS managers for this problem:

- a) There is concern as to whether the Council could be successfully legally challenged if the prospective property is considered by the applicant to be too far from existing schools, and
- b) The team do try their best to only make an offer if it is in an area that the applicant has expressed a preference for.

Although it is understandable to try and match applicant's to an area they have expressed a preference for this will not always be possible or practical and has an inevitable impact on the time some applicants are spending in TA.

Recommendation: Unless there is information to indicate that a suitable vacant property in the applicant's preferred area of choice will become available within 1 month a direct offer should be made regardless of the applicant's choice as long as it is assessed as suitable and there is no assessed risk of domestic abuse or other forms of violence.

Prevention of homelessness casework has improved considerably in TMBC but would still benefit from being more structured.

The core objective of prevention and relief casework is to keep a household in or assist them to return to the home they have presented from, if it is safe to remain or return. If it is not possible to retain that accommodation, the objective is to help a household find alternative accommodation before they become physically homeless, or very quickly after this.

It is clear that significant improvements have been made. There is a dedicated Prevention team consisting of 2 officers, and the Council's performance in delivering successful prevention of homelessness outcomes has risen to around the South East average – a turnaround from the position 2 year ago, where TMBC lagged behind considerably. However, further gains could be achieved if their work was more structured, giving officers a clear framework and set of instructions and guidelines for the actions to take for each of the main reasons that applicants present as homeless in TMBC.

Recommendation: Implement routine use of 'Prevention Pathways', which set out the actions that must be taken for each presenting reason that result in a TA duty being accepted.

Template 'Prevention Pathways' will be provided as part of the review. These Pathway tools can be amended to include actions that reflect local circumstances in TMBC. The 3 new Prevention Pathways cover any claim of homelessness for the 3 main reasons families are entering TA in TMBC which are:

- Parents and extended family exclusion
- Section 21 or other PRS tenancy notice cases by reason (e.g., rent arrears, behaviour, landlord wants to sell, landlord wants to raise the rent)

- Domestic abuse 'Prevention Pathways' for claims of abuse within the home or a threat from outside of the home.

Each Prevention Pathway contains clear instructions for the actions the caseworker must take and are linked to a set of resources to support the caseworker to take these actions.

Implement a TA Monitoring and Control Sheet.

An issue that came up several times during the interviews with staff was the absence of a control and monitoring spreadsheet/system. Implementing a control and monitoring process for TA is one of the 2021 recommendations that has not been implemented and this is having a negative impact on TA numbers, as the current ways of managing TA are inefficient and result in some households remaining in TA longer than they should do, for example:

- a) Housing Solutions officers are spending considerable time trying to identify households in TA suitable for a direct offer. This involves having to go through individual files to check on cases. Clarion and other Housing Associations have indicated that the Council may lose a nomination if TMBC are unable to find a suitable case within the timescale required.
- b) Managers cannot identify through one spreadsheet the reasons why a case in TA over 56 days has not received a decision, nor is there a system to flag cases in TA where a negative decision can be made.
- c) There is no record of whether cases in TA are live on the housing register and if not why this is the case. For households in TA who do not qualify for joining the housing register there is no central monitoring sheet explaining why this is the case and what needs to be done for the household to be allowed to join the register or if the private rented sector would be the only option.
- d) The Accommodation team struggle to find households in TA if they are able to source a private rented property to discharge duty resulting in either that property being 'lost' or being allocated to a household that is not in TA.

Recommendation: To implement a TA Control and Monitoring spreadsheet/system as a matter of urgency

The objective of implementing a comprehensive '*TA Monitoring and Control Sheet*' is to ensure that the right people are placed into the right accommodation and occupy that accommodation for the shortest period of time they need it. The Monitoring and Control Sheet records the status of every case in TA at 25 control points across the full TA' lifecycle'. A model template will be provided as part of the review.

Recording and tracking each TA case through its lifecycle and facilitating management interventions and timely actions at key control points will potentially reduce numbers in TA through:

- Speeding up Part 7 inquiries and setting target dates.
- Better identifying cases that have not been actioned and are still in TA.

- 'Unblocking' cases where a duty has been accepted but something is stopping them being considered for a Part 6 social housing offer.
- Speeding up the process for gaining possession quickly through the right eviction process for interim TA and main duty TA

The need for a move-on plan for every household in TA and recording this on a central database/spreadsheet.

Given the shortage of social housing move-on options TMBC need to have a move-on plan for every household in TA. This will require the production of a move-on list indicating the households circumstances to enable households to be matched to available properties both social housing and private rented and for private rented specifically options outside of the Borough.

Despite the number of households in TA, there are some examples where the Housing Solutions caseworkers have struggled to put forward households in TA for social housing vacancies and PRS properties. This has resulted in households being selected who are not in TA - for example households owed a prevention of homelessness duty. The argument that cases owed a prevention duty will end up going into TA anyway is not one that will always hold true, if improvements are made to the prevention case work (as set out in earlier recommendations). Some can have their homelessness prevented by being helped to remain at home and others will never reach the stage of physically becoming homeless.

Recommendations: Add capacity and develop a move-on planning and recording process.

There may be a need to fund through Homelessness Prevention Grant up to 2 'Move On' officers on fixed term contracts to support the implementation of a consistent and more effective approach to move-on. It is suggested that these officers are needed as it is unlikely that there is capacity in the Housing Solutions casework team to carry out this important function. The rest of this recommendation, set out below, provides the rationale for why more officers are needed and what their specific function would be.

Below are some of the criteria that could be applied for a 'Move on' plan.

Move-on Criteria	Criteria Applied
Move on interview conducted Y/N and if Y date	Y/N
The assessed circumstances are that any PRS offer needs to be in or close to TMBC	Y/N
The assessed circumstances are that any PRS offer can be made outside of TMBC into a neighbouring Council area	
Willing to move into social housing or PRS anywhere	Y/N
Willing to move to the area where they have family or another connection	Y/N
Unwilling to move but no circumstances that prohibit final offer being made	Y/N
Household meets June 21 Regulation whereby they have entered the UK in the last two years so suitability of location order disappplied	Y/N

Actively looking for PRS property themselves through a new ‘find your own initiative’	Y/N
Agreed plan of action:	

Implementing a ‘Move on’ plan targeted at TA will not work if it is a desk-top exercise alone. All households need to receive a specific face-to-face move-on plan interview following which they should receive a move-on plan. The aim would be to move as many households as possible through agreement but where agreement is not forthcoming, a suitable offer should be made in or outside of the Borough to a location that best matches a household’s circumstances.

This mean that every household entering TA needs to have a structured ‘Move-On’ interview at the first point of entering TA or, it is suggested, within 3 weeks.

At present despite the 2021 recommendation the Service has not actively looked to discharge duty for households in TA into the private rented sector outside of the Borough. The acceptance that households in TA will have to move outside of the local authority area is increasingly accepted as a reality for councils under significant TA cost pressures. As long as an offer of accommodation is suitable, in terms of meeting the housing needs of the household, and any specific support needs identified, including the impact on, for example, the education of children and meeting health needs, an offer should be made.

Given the critical financial position caused by the numbers in TA households the Council need to identify through the ‘move on’ interview households that can be offered accommodation outside the Borough. We have set out below the criteria that could be adopted. We estimate based on other Council reviews we have conducted that up to 10% of households in TA will not have a long-established connection with TMBC. This includes families and single people that:

- Have approached TMBC as homeless due to threats or harassment from accommodation in a location outside of TMBC
- Have approached the Council as homeless due to domestic abuse from accommodation in a location outside of the Borough
- Single people sleeping rough with no local connection to TMBC
- Households whose only connection to TMBC is based on residence for less than a year in the private rented sector
- Refugees that come under the amendment to the Homelessness (Suitability of Accommodation) (England) Order 2012. The amendment means that a Council can discharge a homeless duty into PRS accommodation anywhere in the country * (see below). We know that whilst TMBC, as part of Kent, may not have many refugee cases compared to some other areas, but it is important to be aware of this.

**To date the Council has not applied the Homelessness (Suitability of Accommodation) (England) Order 2012 amendment from the 1st of June 2022. The effect is:*

The requirement for the location of accommodation to be considered in assessing suitability of accommodation is disapplied (except for caring responsibilities) for:

- *Anyone who makes a homeless application on or after 1st June 2022 and*

- *Is eligible for assistance, and*
- *That application is within 2 years beginning with the date on which they arrive in the United Kingdom, and*
- *They did not have a right to occupy accommodation in the United Kingdom for an uninterrupted period of 6 months or more in the 3 years prior to the date on which they arrived in the United Kingdom.*

The result of this regulation is that all households meeting this criteria can be offered suitable private rented accommodation to discharge the homeless duty anywhere in the country regardless of where they have been living (subject to any essential caring responsibilities). This amendment will apply to households from Ukraine, Afghanistan, and applicants granted refugee status, humanitarian protection, or exceptional leave to remain within 2 years of entering the country.

The result is that all households meeting this criteria can be offered suitable private rented accommodation to discharge the homeless duty anywhere in the country regardless of where they have been living (subject to any caring responsibilities). This amendment will apply to households from Ukraine, Afghanistan, and applicants granted refugee status, humanitarian protection, or exceptional leave to remain within 2 years of entering the Country. The HSS service should check what proportion of its TA the regulation applies to in TMBC.

Discussions with applicants on move on options should not just be confined to the private rented sector. Discussions with every household in TA as part of their move on plan, should include the option of being helped to apply to join the housing register for any local authority area in the UK where the household have close family living in that area. Most Councils have a clause in their social housing allocation policy allowing an applicant to join their housing register if they have a close family connection despite the fact that the applicant does not currently live in the area. Close family is normally defined as mother, father, brother, sister, or adult children.

Increasing the focus on discharging duty into the private rented sector for households in TA

The private rented sector (PRS) market is extremely challenging within TMBC and across Kent and whilst it may be possible to get traction with some landlords locally through an attractive offer, the likelihood of significant gains in supply through this route is always going to be challenging. Problems in accessing the PRS has also been exacerbated by the rise in interest rates prompting more landlords to sell and uncertainty over the changes proposed in the Renters (Reform) Bill. Furthermore, working households are being put off buying due to the sharp rises in interest rates and are continuing to rent, meaning there is more competition for every home available to rent.

However, the recent announcement by the Chancellor of the Exchequer in the Autumn Statement regarding the 'unfreezing' of the local housing allowance (LHA) rates, enabling rates to increase to the 30th percentile level of the local market in April 2024, could assist to some degree.

Therefore, whilst it would be misleading of us to suggest that the private rented market will play a significant part of the solution to TMBC's TA problem, there are certainly more opportunities that can be utilised both locally and outside of the Borough.

There are a number of problems with the current approach in TMBC for accessing the private rented sector. These are:

- 1) The landlord offer is not sufficiently developed or attractive to interest landlords and agents.
- 2) There is no marketing material for landlords, agents and applicants who may be more successful in finding accommodation themselves if they had material to show landlords detailing the Council's offer. The extent of the approach would appear to be to contact landlords that have advertised on 'Zoopla' or 'Right move' or similar websites.
- 3) The Accommodation Team remains focused primarily on inspecting TA and not on bringing in PRS properties.
- 4) Only a handful of properties are reported to have been procured in the last 12 months and few of these properties have been targeted at households in TA.
- 5) The focus remains almost entirely on seeking properties within the Borough despite the fact that this approach has not been successful. There has been little if any work to identify landlords and agents with properties in areas of Kent where Councils have been successful in finding accommodation such as Medway. The reason given is that families do not want to move outside of the Borough.
- 6) There appears to be a disconnect between the Accommodation Team and the Housing Solutions Caseworker Team with little evidence of close working relationships.
- 7) Where an occasional property does become available the team struggle to obtain a suitable household for that property, in part for the reasons which the 'Move-On' plan recommendations seek to address, as set out earlier in this report.

We believe that with a) sufficient resources whose sole focus is on procurement and b) a more attractive and flexible landlord offer, and c) targeting of PRS properties outside of TMBC, and d) a central database of all households in TA, and whether they can be placed outside of the Borough (see the earlier recommendation on move-on plans) the Service should be able to deliver against a target of 6 properties per month compared to the current performance which is negligible.

If the PRS supply acquired is almost exclusively targeted at moving on households in TA, this will help the Council to balance the numbers in TA. It has to be accepted that the contribution played by the PRS will not be as great as that played by social housing lets to those in TA or the measures set out in this report for reducing the numbers entering TA, but a revised PRS access scheme could still deliver an estimated 72 extra properties a year meaning 72 more households move out of TA.

There needs to be a clear strategy backed by effective operational processes if the Council is going to maximise the use of the PRS to discharge duty in the numbers required to help control the numbers in TA. What this should look like is described below:

1: There is the need to introduce a more realistic landlord incentive combined with a more flexible landlord deal

There is a need for a landlord offer that is attractive enough to bring more landlords onto the scheme. The offer needs to be flexible and better reflect how competitive the market is. The current landlord offer for a 2 year let is:

- A rent guarantee for 6 months for a 1 or 2 year tenancy
- Rents must be at the LHA rate or within 10% of the rate
- There is a one off financial payment per property of £1,500 for a 1-bed, £2,000 for a 2- bed and £3,350 for a 3-bed.

Given the current market this package is falling far short of what landlords now expect. To illustrate this point the average landlord incentive package given by West London Boroughs under their out-of-London scheme is £5,500.

A cost-benefit calculation should be carried out against the cost of Temporary Accommodation to set the level. For example, as noted earlier in the report, the average annual net cost (after DWP subsidy) of a family in nightly rate or breakfast accommodation is between £12,000 to £15,000 a year. Clearly, an incentive under £12,00 to £15,000 would therefore produce a saving but payments at this level would of course not be a sensible or sustainable approach and would merely encourage many more landlords to issue a notice on their tenants to obtain the incentive payment for a new tenant. However, when set against the stark reality of a £12,000 -£15,000 net TA cost, then agreeing a landlord incentive payment of say £3,000 or £4,000 for a 2-year let would be a sensible approach to take.

In addition a risk assessed rent guarantee of up to 12 months and a less rigid approach to rents needing to be at LHA or within 10% should be considered. For example, it is possible to risk assess the likelihood of a tenant defaulting and thereby triggering the rent guarantee when selecting suitable tenants. In respect of agreeing a rent higher than LHA or LHA plus 10% there will be households in TA where an income and expenditure assessment indicates that they can afford more than the LHA rate. Again this is information that should be held on one spreadsheet/database for all households in TA as part of the move-on section of a TA control and monitoring database. (see recommendations for move-on plans and a TA control and monitoring system).

A dedicated PRS resource needs to be 'freed up' to put together flexible packages that meet the different interests and requirements of landlords. No landlord is the same and many will be motivated by priorities when deciding who to let their property to, for example some will want:

- a) a guaranteed rent, or
- b) a market rent, or
- c) an incentive payment over and above any rent deposit, or
- d) the security that the rent will be paid, or
- e) a support service if things go wrong but don't want to pay for it

The PRS resource should be given the flexibility to 'cut a deal' anyway that meets what a landlord wants, as long as the overall package doesn't exceed the set incentive level of say £4,000 for a 2-year let.

2: Messaging: It is essential that more work is done to get over the message that social housing will not be the end solution for more than a minority of households in TA. It is important to convey a clear message to all new households making applications and in particular those who are homeless

and are in TA that they will not necessarily receive an offer of social housing in TMBC and therefore they will need to work with the Council to find a solution both inside and outside of the Borough. It is important that applicants get realistic and honest information about the different ways the Council may consider applying to end a homelessness duty. If this clear message is conveyed, many more households may opt to remain with family and bid for social housing with a Band C award for overcrowding or insecurity at home through sofa surfing with relatives or friends.

3: The focus for procurement activity should be outside of TMBC

Given that opportunities to source PRS properties inside TMBC are limited due to the rent levels, the focus of the team should be on sourcing properties out of borough and especially in areas with a larger PRS market. Contact should be made with agents who are sourcing PRS properties on behalf of London Boroughs. As an example, the London Borough of Redbridge pay a 'finder's fee' to agents and managed to source 180 properties in 2022/23 for 142 families and 38 for single people largely in Kent and Essex.

4: Households should be given the practical help that they need to find their own accommodation

A number of other Councils report success in implementing a 'find your own accommodation' scheme. In TMBC a 'find your own' initiative could be structured as follows:

- a) Every household in TA has had a move on interview and move on plan issued as part of their personal housing plan
- b) That move on plan should set out realistically where the applicant should look to seek to obtain private rented accommodation
- c) An information for landlords and agents pack should be issued to the applicant detailing the landlord/agent incentives available for accommodation found inside TMBC and outside of the Borough. This will allow the applicant to look with the help of a 'guarantee' from the Council
- d) Where an applicant is able to find a potential property there must be a fast response to their request for financial help so that the property is not lost

The need to improve the performance framework and monitoring system

We have already noted in the report that one of the successful actions was to set up a corporate reporting structure which met regularly to review progress and drive improvements. It was reported that these meetings are not occurring as they used to, and it would be timely to commence these again, given the national context and the new changes at CEO level. The revisiting of the corporate reporting and monitoring group structure is one piece of a jigsaw to ensure that there is an effective performance framework to drive continuous improvements in the service.

A high performing service relies on routine collection and analysis of data to drive improvements. A revised set of key performance indicators need to be adopted for the Service, including a detailed sub-set for each function and team member. Every officer needs to understand the key indicators and can identify how they contribute. Teams need easy to understand and up-to-date performance

information. Ownership of performance is made real by managers talking to staff about what's happening, with success learned from and celebrated, and focus given to any areas of concern.

Recommendation - In appendix 1 we have set out a set of HSS Key Performance Indicators (KPIs) which the Council can use as a starting point for developing a more comprehensive set of indicators.

TMBC should consider creating new business intelligence capacity through reprioritise the responsibilities of an existing officer elsewhere in the Council who can work on business intelligence and performance. This will ensure dedicated expertise to produce information for analysis and planning including the development of a suite of Power BI reports

Reducing the financial impact of temporary accommodation through developing a low cost portfolio

In January 2023, the Council received LGA funding to support work on developing sustainable temporary accommodation options to reduce the financial impact on the Council. Consultants Altair looked at a number of options for procuring an additional 40 sustainable lower cost units. The recommended option from Altair was for the Council to procure up to 40 units of modular homes to be placed on vacant Council land. A potential site has been identified. We have considered the Altair report and concur with their conclusions. The potential site identified needs to be agreed by members and a decision to go ahead and purchase modular units needs to be taken as a matter of urgency. We understand sufficient capital is available to purchase up to 40 units. TMBC need to be mindful that many other Councils are considering pursuing the modular option and therefore the lead in time for completion and delivery of units may take up to 2 years.

40 modular units will form half of an 80 low cost TA portfolio. For the remaining 40 suggested TMBC have an agreement with Clarion to use up to 20 of its general needs properties in the borough for TA. However at the time of this review only 7 properties are being used as TA under this agreement. Continuing with this arrangements and seeking to build up a portfolio with Clarion of up to 40 properties on a lease agreement over an agreed time frame with Clarion would be extremely positive for TMBC and be another practical indicator of the strength of the partnership locally. It may also be possible to agree a number of other small scale leasing deals with one or more of the other major Housing Associations with stock in the Borough.

The third element of the 80 unit low cost TA strategy is the currently owned TA portfolio. 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. Clearly the Council owned units should be retained. During the review a number of concerns were expressed re the Council owned units. These were:

- a) The difficulty in managing households placed, especially single people with complex needs and or challenging behaviour.
- b) The need for a more effective repairs and relet service to ensure that units can be relet quickly As a result there have been long void periods in some of the schemes including delays in turning units round and concern over whether the support needs of some applicants are too great to risk a placement.

It goes without saying that these low cost units are a valuable resource and the issues of managing the units and occupants and repairs issues need to be resolved as a matter of urgency. TMBC should not have households in costly nightly rate TA whilst low cost Council owned units sit empty.

Our conclusions set against the questions asked by TMBC in the consultancy commission

- a) What has changed in the national and regional context since the previous TA review and how should this impact on our approach and targets? *We have fully set out the national context and how these impact on the approach TMBC should take to tackling homelessness including a revised suggested target for TA.*
- b) Have the process changes that have been implemented to date been successful and what additional process changes could aid efficiency in the service? *We have listed the changes that have been successful in reducing TA numbers and costs and what gaps remain including the need for further process changes*
- c) Are our policies for TA (TA Policy, PRS Discharge Policy) sufficiently robust? *There have been improvements but the PRS discharge policy lacks structure and we have set out in the report how this should be addressed*
- d) Could some advice be given on accessing the PRS and the process for evidencing the route to finding a PRS offer, potentially out of borough. *We have fully detailed a new approach to improve the chances of accessing more PRS properties both within TMBC and beyond the Borough.*
- e) How can we strengthen our Personal Housing Plans and develop our suite of advice on accessing the PRS? *We suggest this is done through the development of move on plans for all households in TA which should form part of an applicant's PHP.*
- f) Given the work by Altair on our options for our TA portfolio, what would the advice be on additional HMO accommodation as identified in the last review? *We still are of the belief that a reasonable number of HMO units should form part of the Council's TA portfolio. The concern re the existing HMO units relate more to the problems of managing these units rather than whether they are required. Most of the proposed 80 unit portfolio will be self-contained units and it may be difficult to manage single people with complex needs in these type of dispersed units.*
- g) Given caseloads currently and likely future caseloads given the national context, how should the service structure itself to meet these challenges? *We have set out a suggested structure including the need to bring together all aspects of TA procurement and management into an Accommodation team*
- h) Should the increased focus on prevention be maintained or increased? What is a reasonable target caseload for officers? *It should be increased and become far more structured. A target caseload for a prevention officer should be around 30 active cases*
- i) Is the monitoring regime that is in place sufficiently robust? *We believe the performance monitoring system needs to be enhanced as set out in the report*
- j) What additional training/support could we offer to staff to ensure that they are able to efficiently and effectively deliver the Service? *In early 2024 LOCATA will launch an on-line Training Academy covering all of the core training required for new and existing officers across all of the HSS functions. TMBC should sensibly subscribe to the service. It does not require a Council to be a member of LOCATA to subscribe.*
- k) Is our approach to lessons learnt and feedback to staff sufficient to support service development? *TMBC's approach in recommissioning the same consults to revisit the service 2 years on from the 2021 report to assess progress is a sensible approach to lessons learnt and seeking to further improve to service. The further action plan arising out of this report will help the Council to control its TA numbers and costs.*

Appendix 1: Embedding a performance culture underpinned by the adoption of a set of key performance indicators and targets

The new operating model must be underpinned by a set of performance targets for the HSS as a whole and a sub-set for each team and for each individuals within that team.

This requires an exercise to develop with the HSS management team and staff teams a set of performance measures. We suggest using the example KPI framework below as your starting point for discussion. There is a need to make sure this is embedded in the HSS infrastructure, so everyone understands what is expected and the role they play in helping to meet or exceed targets.

Proposed KPIs		
No	KPI	Comments
1	To set a temporary accommodation ideal revised target is 90 for 2024, with a range of 90 to 120 being acceptable and ensure that this figure is not exceeded.	Measured monthly. Starting point is an expected to be 120 in TA as at 1 st January 2024 <i>Monitored through HCLIC returns</i>
2	Percentage of decisions issued on an applicant's initial homelessness application within target timescale	Target 75% within 33 working days <i>Monitored internally - not available through HCLIC</i>
3	The number of lets into the private rented sector against the target set	Target of 72 new lets per annum into the PRS through newly configured PRS access scheme <i>Monitoring through HCLIC at prevention, relief and main duty end points</i>
4	The % of lets into social housing for households in TA against the target set	50% of all general needs social housing vacancies to be allocated to households in TA <i>Monitored internally – data is not available as move on destinations for relief cases specifically in TA but HCLIC data is available for Main duty case destinations, almost all of which are in TA</i>
5	To achieve within 12 months a successful prevention outcome rate which exceeds the regional average of 52.7% by 10%	Measured quarterly. TMBC's prevention success rate is for the end of June 2023 45.9% (end Q1 HCLIC data 2023/24). <i>Monitored through HCLIC returns</i>
6	For a successful prevention outcome at least 50% should be achieved through keeping the household in the home presented from by the end of June quarter 2024	To be measured against the current baseline which is 29.4% (end Q1 HCLIC data 2023/24). <i>Monitored through HCLIC returns</i>
7	Number of Part 7 homelessness cases closed must exceed the number of new cases opened every month	Indicator to help meet the objective of controlling caseloads Measured monthly <i>Monitored internally - not available through HCLIC</i>
8	Number of families with children living in TA for more than 6 weeks should never be more than zero throughout 2024 <i>Excluding families in TA under a power or under an intentional homelessness duty</i>	Monitored monthly <i>Monitored through HCLIC returns</i>

Proposed KPIs		
No	KPI	Comments
9	No more than 20% of homelessness decisions needing to be overturned following a Section 202 review for cases where no substantial new evidence has been submitted following a request for review	Indicator of the quality of casework at the initial decision stage Measured quarterly <i>Monitored internally. No HCLIC field for this.</i>
10	To reduce the number of people sleeping rough, using the figure obtained from the 2023 annual rough sleeping count in TMBC as a baseline to set the target.	Needs to be linked to a baseline figure from the 2023 annual count and monitored through your regular RSI street counts. The target reduction figure should be set once the annual count is completed. <i>Annual count for DLUHC each November</i>
11	The percentage of main duty assessments to be completed with 57 days of the commencement of a relief duty	Target of 90% Measured monthly <i>Monitored internally. No HCLIC field for this.</i>
12	The targets below should be used to assist practice on making evidence-based decisions against statutory tests – they are not intended to be used to encourage gatekeeping or unlawful decisions. Targets to be set for: 1) % of not homeless decisions set against homeless applications taken 2) % of not in priority need decisions should reflect the regional average for 3) % of intentional homelessness (IH) decisions should reflect the regional average for the South East region	1) 7% was the South East region percentage for April – June 2023. 2) 20% is the South East region percentage for not in priority need decisions at the end of the relief duty (end Q1 HCLIC data 2023/24) 3) 4.5% is the South East region percentage of for IH decisions for cases where a relief duty has been ended <i>Monitored through HCLIC returns</i>

Annex 2

A review of progress and challenges in management of statutory homelessness and Temporary Accommodation over the last 24 months

Action Plan

Action No.	Action	Lead	Indicative Timescale	Notes
1	Recommence regular corporate TA monitoring meetings	DPHEH	First meeting to be held by 1/4/24	Incorporate into MT meeting as a corporate priority?
2	Revise the TA target to reflect the national pressures. Revised target is 90 with a range of 90 to 120.	DPHEH	Complete by 1/4/24	Report into MT, H&PSSC and Cabinet.
3	Make permanent the Housing Solutions Service officers on fixed term contracts whose contracts are due to expire at the end of March 2024.	HoHH	Complete by 30/4/24	Report into MT, General Purposes and Council. In meantime extend existing temporary contracts until 30/9/24.
4	Work with Human Resources to address workforce planning issues around remuneration, training and development.	HoHH	Ongoing	To link into corporate work on workforce strategy including retention focus.
5	An Accommodation Team to be established to be responsible for all aspects of temporary accommodation and accessing the private rented sector including the responsibilities for procurement, inspection, placement (including the test of suitability), and the managing of TA (including rent collection) and	HoHH	Complete by 31/12/24	

	accessing the private rented sector to discharge duty. The permanent TA Welfare post should be part of the new Accommodation Team along with consideration of a Move-On Officer role.			
6	There should be a simple process for allocating spending from the Council's 'Homelessness Prevention Grant' (HPG) to pay for additional staffing to tackle demand and other homelessness pressures.	HoHH/CFSO	Complete by 31/5/24	
7	For all offers to resolve and prevent homelessness for any case that would otherwise be placed into TA a cost-benefit calculation should be carried out set against the net cost of Temporary Accommodation. This will require the introduction of a cost-benefit framework with clear guidelines for officers negotiating solutions.	HoHH/CFSO	Complete by 31/5/24	
8	A second post for Triage should be recruited to on a temporary basis using TMBC's Homelessness Prevention Grant.	HoHH	Complete by 29/2/24	Post already in place – proposal to extend by six months to go to MT
9	Review the work with families where there is a threat of homelessness to ensure thorough enquiries, including home visits, take place and actively use prevention tools to resolve homelessness.	HoHH/HSM	Complete by 30/6/24	
10	Implement a formal Triage procedure	HoHH/HSM	Complete by 30/6/24	An example model procedure will be provided as part of this review.
11	All applicants referred through from Triage to the Housing Solutions casework team, where there may be a temporary accommodation	HoHH/HSM	Complete by 30/6/24	Liaison required with Customer Services/Duty Officers

	duty must be seen in person. No applicant should be booked into TA as a result of a telephone interview unless there is a disability that prevents them from attending the office or it is an out of hours placement.			
12	Implement an expanded 'duty day' operational team which can be achieved within the existing resources (assuming the recommendation on the fixed term contracts is agreed and implemented) to better deal with and control the assessments of emergency presentations and pre-booked appointments.	HoHH/HSM	Complete by 30/6/24	
13	Implement a casework control and monitoring procedure for managing casework once a household is placed into temporary accommodation.	HoHH/HSM	Complete by 30/6/24	
14	Implement a new framework to strengthen statutory casework for parent and family exclusions	HoHH/HSM	Complete by 30/6/24	Support staff with refresher training on legislation and decision making. Ensure case review process is robust.
15	Implement a new framework to strengthen statutory casework for section 21 and other tenancy notices cases	HoHH/HSM	Complete by 30/9/24	Support staff with refresher training on legislation and decision making. Ensure case review process is robust.
16	Implement a new framework to strengthen statutory casework for applications due to a claim that an applicant is homeless due to being a victim of domestic abuse	HoHH/HSM	Complete by 30/9/24	Support staff with refresher training on legislation and decision making. Ensure case review process is robust. Domestic Abuse Specialist

				Officer recruitment currently underway
17	Caseworkers should be required to use the relevant interview sheets to determine homelessness, eligibility, priority need, intentional homelessness, and local connection where there is any doubt as to whether an applicant should be accepted or not against these 5 statutory tests.	HoHH/HSM	Complete by 30/9/24	Support staff with refresher training on legislation and decision making. Ensure case review process is robust.
18	The Service needs to be more robust on decision-making regarding cases that have been issued with a notice for deliberate rent arrears or unacceptable behaviour and make intentionally homeless decisions where appropriate.	HoHH/HSM	Complete by 30/9/24	Support staff with refresher training on legislation and decision making. Ensure case review process is robust.
19	Unless there is information to indicate that a suitable vacant property in the applicant's preferred area of choice will become available within 1 month a direct offer should be made regardless of the applicant's choice as long as it is assessed as suitable and there is no assessed risk of domestic abuse or other forms of violence.	HoHH/HSM	Complete by 29/2/24	
20	Implement routine use of 'Prevention Pathways', which set out the actions that must be taken for each presenting reason that result in a TA duty being accepted.	HoHH/HSM	Complete by 30/9/24	Template prevention pathways to be provided. Support staff with refresher training on legislation and decision making. Ensure case review process is robust.
21	To implement a TA Control and Monitoring spreadsheet/system as a matter of urgency	HoHH/HSM	Complete by 30/4/24	

22	Add capacity for move-on focus and develop a move-on planning and recording process.	HoHH/HSM	Complete by 31/12/24	
23	Introduce a more realistic landlord incentive combined with a more flexible landlord deal	HoHH	Complete by 31/12/24	Cabinet Member decision?
24	A dedicated PRS resource needs to be 'freed up' to put together flexible packages that meet the different interests and requirements of landlords.	HoHH	Complete by 31/12/24	To link into new Accommodation Team
25	Undertake more work to get over the message that social housing will not be the end solution for more than a minority of households in TA.	HoHH/HSM	Complete by 31/12/24	Includes review of Housing Allocations priorities.
26	Focus on sourcing PRS properties out of borough and especially in areas with a larger PRS market.	HoHH	Complete by 31/12/24	To link into new Accommodation Team
27	Consider implementing a 'find your own accommodation' scheme.	HoHH/HSM	Complete by 31/12/24	To link into new Accommodation Team
28	Improve the performance framework and monitoring system using KPIs	HoHH/HSM	Complete by 31/12/24	Link into improved monitoring available on Huume system
29	Consider creating new business intelligence capacity through reprioritising the responsibilities of an existing officer elsewhere in the Council who can work on business intelligence and performance. This will ensure dedicated expertise to produce information for analysis and planning including the development of a suite of Power BI reports	DPHEH/MT	Complete by 31/12/24	Link to any review of central support services?
30	Seek to build up a portfolio with Clarion of up to 40 properties over an agreed time frame with Clarion.	DPHEH/HoHH	Complete by 31/12/24	Discussion underway

31	Seek to explore small scale leasing deals with one or more of the other major Housing Associations with stock in the Borough	HoHH/HSEM	Ongoing	
32	Identify appropriate site for modular homes to be used as TA - up to 40 units	DPHEH/HoHH/HSEM	Complete by 31/12/24	Work underway
33	To consider that a reasonable number of HMO units should still form part of the Council's TA portfolio	DPHEH/HoHH	Ongoing	

DPHEH – Director of Planning, Housing and Environmental Health

HoHH – Head of Housing and Health

CFSO – Chief Financial Services Officer

HSM – Housing Solutions Manager

HSEM – Housing Strategy and Enabling Manager

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

02 April 2024

Report of the Interim Chief Executive

Part 1- Public

Matters for Information

1 CORPORATE KEY PERFORMANCE INDICATORS

This covering report and appendix provides data on Key Performance Indicators (KPIs) that are aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. This data is made available to the Scrutiny Select Committees, Overview and Scrutiny and Cabinet on an ongoing basis.

1.1 Overview of KPIs and Next Steps

1.1.1 The aligned KPIs are provided in **Appendix 1**, with the data for October-December 2023 representing the most up-to-date available statistics in most instances. However, due to the lag in some statistics and the very tight turnaround in this quarter due to the dates of the upcoming scrutiny select committees, the previous quarter does still represent the most up to date figures. This has been the case with the majority of Planning KPIs on this occasion.

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

- 001 and 002: Food Safety Inspections are being undertaken in a timely manner with very few outstanding.
- 003: Total Attendance at our leisure facilities is on track to reach the 1.3m target.
- 004: The number of clients referred into the One You service has dropped to 124 this quarter.
- 005: Number of Anti-Social Behaviour cases dropped to 71 (down from 98 for July-September 2023).
- 008: Social media clicks/engagement increased to 5,772 (up from 3,029 for July-September 2023)
- 009: Website Myaccount registrations have continued to increase – up over 5,500 over the quarter to now exceed our target for 2023/24.

- 010: My TMBC App downloads have reached over 8,500 and have exceeded the target for the end of 2023/24.
- 012: Vacant posts have dropped significantly from 19 at the start of this financial year to 11 and is therefore currently below the target of 12 set for the end of 2023/24. Staff numbers have increased to 224.27 FTE, which is close to the target of 225 by the end of March 2024.
- 013: Short-term sickness absence levels have increased to 2.45 days, **however** this is still better than our baseline figure and target for year end.
- 014: Medically signed-off sickness absence has crept back up this quarter to 4.47 days and is currently higher than the target of 2.75 days.
- 016 and 017: Both Salary and Income Monitoring Data have moved in a positive direction this quarter.
- 018: Council Tax collection rates are at 83.95% compared to 84.03% at the same time last year.
- 019: NNDR collection rates are lower than last year (84.1% compared to 87.4% last year), **however** this has been impacted by Panattoni Park Aylesford.
- 032: Our Housing Land Supply has increased from 3.22 years to 3.65 years.
- 038: The number of people in temporary accommodation has increased slightly from 113 in July-Sept 2023 to 120.
- 039: 19 rental properties have seen improved conditions following Council intervention (up from 14 in July-September 2023), and this KPI is now close to meeting its target for 2023/24.
- 043: Figures have now come out to show resilience in the local economy, with more business births than deaths in Tonbridge and Malling during 2022. Also, town centre vacancy levels of 6.48% (Aug 2023) compares favourably with the national figure (13.8% in Oct-Dec 2022).
- 045: The unemployment rate has remained at 2.20%.
- 046: Occupation of our 27 commercial properties remains at 100%
- 110 and 111: 100% of emails are responded to by customer services within 24 hours, with webchat having a 98% answer rate.
- 112: The number of licensed taxi drivers increased to 623 in October-December 2023.

- 115: 99.8% of scheduled waste collections were completed in October-November 2023, and the number of complaints received about waste collections is on track to be at least 10% lower than in 2022/23.
- 117: The number of complaints about street cleansing has been decreasing, albeit there are likely to be more in 2023/24 overall due to a comparatively high level of complaints during April-June 2023.

1.2 Additional Consolidation of KPIs

1.2.1 Over the course of the past year, Communities and Environment Scrutiny Select Committee has received two reports on KPIs – one on the Corporate KPIs, and another with a focus on the performance of the Waste Management contract. Having discussed this arrangement with the Cabinet Member for Transformation and Infrastructure, it has been agreed to include the Waste Management KPIs within the reporting of the Corporate KPIs. As such the totality of measures relating to Waste Management will be included from hereon in:

024 - % of household waste sent for recycling/composting

029 – Number of fly tipping incidents

115 - % completion of scheduled collections

116 – Number of formal complaints received – collections

117 – Number of formal complaints received – street cleansing

118 - % of individual collections missed

1.3 Benchmarking

1.3.1 Benchmarking data has started to be introduced for a number of the Corporate KPIs in this round of reporting and as such there are columns in Appendix 1 which now show comparators in order to give greater context to our performance as a Council. This is still a work in progress and whilst some KPIs will not be able to be benchmarked in a meaningful way, the aim is to work towards a situation where the majority of KPIs do have a benchmark.

1.3.2 Having looked at ways of sourcing benchmarking data, the Council has subscribed to LG Inform Plus for an initial one-year period. At the beginning of 2025, a review will be undertaken to look at the effectiveness of the LG Inform Plus tool.

1.3.3 It should also be noted that the Office for Local Government (Oflog) has recently launched a new online tool to bring together a selection of existing metrics across a number of service areas that are available at different levels of local authority - <https://oflog.data.gov.uk/>. The aim of this new tool is to provide accessible data and analysis about the performance of local government, and to support its

improvement. This tool is a work in progress and will expand to incorporate further service areas in time, but at present, from the Council's perspective, the most helpful data relates to Corporate and Finance, Waste and Planning.

- 1.3.4 The data from this tool, does provide useful information, but it is worth noting that at this stage the data relates to the period 2020-22, and as such it is quite out of date in comparison to much of the data being collected by the Council through our own performance management. However, when used alongside other data it does help to provide a snapshot in time. For example:

Planning: in 2020-22, 72% of major planning applications and 79.8% of non-major planning applications were decided on time (this compares to data in Oct-Dec 2023 showing an improvement to 80% and 87% respectively). The number of both major and non-major applications overturned on appeal was also higher than the England median in 2020-22 although the situation has been improving since this time.

Waste: in 2021-22, performance was above the median for England in all three measures – Household waste recycling rate, residual household waste and the recycling contamination rate.

Corporate and Finance: during 2021-22, data includes:

- Both Council Tax and NNDR Collection Rates were well above the median for England, and above our CIPFA Nearest Neighbours.
- Number of upheld complaints – 0 per 100,000 population
- Total Debt as a % of core spending power – 0% (Median for England is 457.5%, and 188.5% for our CIPFA Nearest Neighbours)
- Debt servicing as a % of core spending power – 0% (Median for England is 10.2%, and 3.4% for our CIPFA Nearest Neighbours)
- Total core spending power per dwelling - £297.68 (this is around £50 higher than both the Median for England and our CIPFA Nearest Neighbours).

1.4 Legal Implications

- 1.4.1 The matters set out in this briefing note are considered routine or uncontroversial and a legal opinion has not been sought.

1.5 Financial and Value for Money Considerations

- 1.5.1 The Corporate Key Performance Indicators are administered, analysed and reported in-house.

1.6 Risk Assessment

- 1.6.1 Performance Management is identified in the Strategic Risk Register and currently assessed as a medium risk with a positive direction of travel. Within the register it is highlighted that without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.

1.7 Policy Considerations

- 1.7.1 The Corporate Key Performance Indicators are aligned to the Corporate Strategy 2023-2027, and aim to provide data and analysis about the performance of the authority and support its improvement.

Background papers:

Nil

contact: Jeremy Whittaker,
Strategic Economic
Regeneration Manager

Adrian Stanfield
Interim Chief Executive

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Appendix 1 – KPIs October-December 2023

CS Priority Action	Ref. No.	Aligned KPI	Lead	BASELINE				SSC	2023/24				Target/Aspiration 2023/24	TREND	Data Assurance	BENCHMARKING			Source	Explanatory Comments
				Value	Date	Frequency	Source		Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar				Value	Date	Comparator		
Promote well-being and help people live healthy and active lifestyles.	001	% of due food safety inspections undertaken (Risk Category A-C)	MH	33 due/47 done	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	CESSC	30 due/34 done	37 due/45 done	26 due/39 done	37 due/	100% of due inspections undertaken	→	Yes	TBC	TBC	TBC	Food Standards Agency	Zero inspections A-C still due as of 31/12/23
	002	% of due food safety inspections undertaken (Risk Category D-E)	MH	49 due/85 done	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	CESSC	45 due/91 done	83 due/74 done	81 due/63 done	127 due/	100% of due inspections undertaken	→	Yes	TBC	TBC	TBC	Food Standards Agency	Five inspections D-E still due as of 31/12/23.
	003	Total attendance at LLC/AC/TSP/P WGC (cumulative for year by quarter)	SG	1,191,704	2022/23	Quarterly	TMLT Management System	CESSC	347,928	679,664	N/A		1.3m	↑	Yes	TBC	TBC	TBC	TMLT/ Sport England	
	004	Number of clients referred into the One You service	CP	214	Jan-Mar 2023	Quarterly	ReferAll OYWK	CESSC	199	170	124		200 per quarter	↓					N/A	
Through key partnership working with Kent Police and other partners, support residents and ensure safeguarding is an integral part of council activity.	005	Total number of ASB cases	AF	78	Jan-Mar 2023	Quarterly	ASB Database	CESSC	94	98	71		Under 350 per annum	↑					N/A	Large drop in ASB cases in Q3
	006	Total number of victim-based crimes	AF	1,894	Jan-Mar 2023	Quarterly	Kent Police	CESSC	1,972	1,988	1,360*		Under 7,500 per annum	→		TBC	TBC	TBC	Kent Police	*Please note that data is only available to the end of November 2023
	007	No. of red flags on our annual safeguarding self-assessment framework (SAF) and Section 11 audit.	GF	0	2022	Annually	Annual SAF	CESSC	0	0	0		0	→	Yes	TBC	TBC	TBC	KCC	

				BASELINE				2023/24					BENCHMARKING							
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Make our services and advice available to residents 24 hours a day through digital innovation.	008	Social media clicks/engagement	JS	5,200	Jan-Mar 2023	Quarterly	Orlo	O&S	7,462	3,029	5,772		25,000 pa	↑	Yes				N/A	Total of 16,263 to date. Campaigns with partners have meant clicks recorded on third party social media channels rather than TMBC recently.
	009	Website Myaccount Registrations (total)	JS	31,387	Jan-Mar 2023	Quarterly	Jadu	O&S	31,161	32,506	38,066		35,000 by end of March 2024	↑	Yes				N/A	Large increase in Q3 – exceeded target for year.
	010	My TMBC app downloads (total)	JS	6,474	Jan-Mar 2023	Quarterly	One Signal	O&S	7,306	8,017	8,531		8,500 by end of March 2024	↑	Yes				N/A	Continued solid increase – exceeded target for year.
Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.	011	Staff Numbers (FTE)	MB	224	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	221.78	220.77	224.27		225 by end of March 2024	↑					N/A	
	012	Vacant Posts (FTE)	MB	17	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	19	14	11		Under 12 by end of March 2024	↑		48 (TWBC) and 47 (MBC)	Q4 (Jan-Mar) of 2022/23	TWBC and MBC	LGInform	
	013	Sickness absence (days) - short term	MB	3.5	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	2.07	1.61	2.45		Under 3.0	↓		TBC	TBC	TBC	Kent Heads of HR Network /CIPD National Survey	Sickness statistics are cumulative this meaning that each quarter includes the sickness information from quarter 1 onwards.
	014	Sickness absence (days) - medically signed off	MB	2.89	Jan-Mar 2023	Quarterly	Chris 21 Reports	O&S	4.01	3.93	4.47		Under 2.75	↓		TBC	TBC	TBC	Kent Heads of HR Network /CIPD National Survey	See above for 013
	015	Gender Pay Gap - Median	MB	30.60%	2022	Annually	Chris 21 Reports	O&S	29.89%	29.89%	29.89%		Under 25%	→	Yes	15.10%	2022/23	Public Sector	gov.uk	The gender pay gap is for the previous twelve months
	016	Salary Monitoring data (£)	PW	£106,150 below profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£34,200 below profile	£59,700 below profile	£115,100 below revised profile.		To profile	↑	Yes				N/A	

				BASELINE					2023/24				BENCHMARKING							
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.	017	Income Monitoring data (£)	PW	£65,409 over profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£128,739 below profile	£361,298 below profile	£85,959 above revised profile.		To profile	↑	Yes				N/A	
	018	Council Tax collection (%) - cumulative	GP	98.40%	2022/23	Quarterly	Revenues System	FRPSSC	27.63%	55.63%	83.95%		98.50%	→	Yes	97.20%	2022/23	Shire Districts	gov.uk	Was 84.03% in 2022/23 at this point in the year.
	019	NNDR collection (%) - cumulative	GP	99.40%	2022/23	Quarterly	Revenues System	FRPSSC	30.52%	57.95%	84.1%		99.50%	↓	Yes	97.50%	2022/23	Shire Districts	gov.uk	Was 87.38% in 2022/23 at this point in the year. Business Rates is quite volatile this year due to the large development at Panattoni Park Aylesford. When the new assessments are brought into the rating list, this will have a negative effect on collection but should even out by the end of the financial year.
	020	Sales ledger - outstanding debt (£)	PW	£786,627.80	Jan-Mar 2023	Quarterly	Financial Ledger System	FRPSSC	£535,813	£811,131	£898,560		Below £800,000	↓					N/A	
Deliver climate change plans which focus on cutting emissions and increasing biodiversity.	021	T&M carbon dioxide emissions data (tCO2e)	CS	816.4	2021	Annually	BEIS - CO2 Emissions Statistics	CESSC	N/A	N/A	N/A		675 tCO2e		Yes	849.5 - Maidstone Borough; 811.3 - Sevenoaks District; 479.8 - Tunbridge Wells Borough	2021	Adjoining Authorities	gov.uk	Per capita amounts - Sevenoaks - 6.7; T&M - 6.2; Maidstone - 4.8; TW - 4.1
	022	TMBC annual carbon audit emissions data (tCO2e)	CS	3.3	2022/23	Annually	Primary Research /gov.uk	CESSC	N/A	N/A	N/A		3.1	→	Yes				N/A	

				BASELINE				2023/24				BENCHMARKING								
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Deliver climate change plans which focus on cutting emissions and increasing biodiversity.	023	Biodiversity KPI - TBC	CS/JK	TBC	TBC	Annually	TBC	CESSC	N/A	N/A			TBC						N/A	
Build on our track record of recycling more than anywhere else in Kent.	024	% of household waste sent for recycling and composting	DCL	51.6	2020/21 (audited)	Quarterly	Waste Data Flow (DEFRA)	CESSC	52.49	52.73	N/A		55%	↑	Yes	47.5% (TW) and 36.6% (Sevenoaks)	2020/21 (audited)	TW and Sevenoaks	Waste Data Flow (DEFRA)	Figures for Q1 and Q2 now available showing increase. Q2 data as yet unaudited by DEFRA, Q3 data still awaited from KCC for verification.
Improve environmental quality in the borough by tackling sources of pollution.	025	Number of contaminated land enquiries.	CK	6	2022/23	Annually	EP Database	CESSC	N/A	N/A	N/A		Reactive to need						N/A	
	026	Total number of service requests leading to investigation	CK	518	2022/23	Annually	Reports from IDOX	CESSC	N/A	N/A	N/A		Reactive to need						N/A	
	027	Number of enforcement notices served	CK	8	2022/23	Annually	EP Notices Register	CESSC	N/A	N/A	N/A		Reactive to need						N/A	
	028	Number of AQMA's in the Borough (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	CK	1	2022	Annually	Annual Status Report (ASR)	CESSC	N/A	N/A	N/A		0						N/A	
	029	Number of fly tip incidents	DCL	836	2022/23	Quarterly	Waste Data Flow (DEFRA)	CESSC	259	244	134**		5% reduction	→						N/A

				BASELINE				2023/24					BENCHMARKING							
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Continue our successful management of parks, open spaces and leisure centres.	030	Total attendance at LLC/AC/TSP/P WGC (duplicate - see 3)	SG	1,191, 704	Apr-Jun 2022	Quarterly	TMLT Management System	CESSC	347,928	679,664	N/A		1.3m	↑	Yes				TMLT/ Sport England	
	031	No of parks with Green Flag status	JF	4	Jun-22	Annually	Green Flag Award website	CESSC	4	4	4		4	→	Yes	48	Sep-23	Kent and Medway	N/A	4 Green Parks in the borough (3 owned by TMBC and Manor Park in West Malling)
Develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.	032	Housing Land Supply (years)	GuA	3.22	2022	Annually	HLS Study	HPSSC	N/A	N/A	3.65		5-year supply	↑	Yes	2.9 (GBC) 3.9 (SDC) 4.29 (TWBC) 6.0 (MBC)	2022/23	Adjoining Authorities	Publicly available on websites.	Improved situation but still well below the 5-year target.
	033	Milestones achieved on delivering the T&M Local Development Scheme	GuA	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.	Working towards Reg 18b approval		Reg 18B consultation approved for April 2024.	→	Yes				N/A	
Ensure a supply of affordable housing for people who would struggle to buy on the open market	034	Number of affordable homes built out per annum	GiA	30	2022/23	Annually	New Homes Bonus	HPSSC	N/A	N/A	N/A		75			TBC	TBC	TBC	40% of annual housing target	

				BASELINE				2023/24				BENCHMARKING				Explanatory Comments				
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance		Value	Date	Comparator	Source
Use every power we can to support those who are most in need of housing support and at risk of becoming homeless.	035	Number of people on housing register	LH	1208	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	85		1000 by end of financial year.		Yes		TBC	TBC	TBC	Kent Housing Group
	036	Number of HR applications received	LH	541	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	571		350 by end of financial year		Yes				N/A	
	037	Waiting time for assessment of HR applications (days)	LH	140	Jan-Mar 2023	Quarterly	Locata	HPSSC	N/A	N/A	N/A		100 by end of financial year		Yes				N/A	
	038	Number of people in Temporary Accommodation	CK	91	Jan-Mar 2023	Quarterly	Locata/T A System	HPSSC	110	113	120		80-100	↓	Yes				N/A	
Improving standards in rented accommodation.	039	Number of properties where property conditions have been improved	HS	10	Jan-Mar 2023	Quarterly	Uniform	HPSSC	19	14	19		60 for 2023/24	↑	Yes				N/A	On course to meet target of 60 per annum.
	040	Number of housing enforcement notices served	HS	0	Jan-Mar 2023	Quarterly	Notices Register	HPSSC	0	0	0		Reactive to Need	→					N/A	
	041	Number of disabled facilities grants completed in the borough.	TM	80	2022/23	Quarterly	Housing Improvement Team Database	HPSSC	22	20	18		80	→			TBC	TBC	TBC	DFG Delta Return
Deliver a range of measures to help our local economy bounce back.	042	Number of economic projects delivered through the UKSPF and REPF	JW	0	Jan-Mar 2023	Quarterly	DLUHC	FRPSSC	N/A	0	0		11 (cumulative by March 2024)	→	Yes				N/A	All 11 projects as part of the UKSPF/REPF programme are well underway with a many close to completion as of December 2023. Whilst counted as 0 at present, it is estimated that all bar one will be completed by end of the financial year (with the remainder carried forward into 2024/25).

				BASELINE				SSC	2023/24				Target/ Aspiration 2023/24	TREND	Data Assurance	BENCHMARKING				Explanatory Comments
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source		Apr-Jun	Jul-Sept	Oct-Dec	Jan- Mar				Value	Date	Compa rator	Source	
Deliver a range of measures to help our local economy bounce back.	043	Ratio of enterprise births to deaths	JW	0.97	2021	Annually	Kent Analytics/ KCC	FRPSSC	N/A	N/A	1.02		Greater than 1	↑	Yes	0.96	2022	Kent and Medway	Kent Analytics	Only 3 areas of Kent saw births outstrip deaths in 2022 - Canterbury, Thanet and T&M. Sevenoaks scored 0.93 and TW 0.87
	044	Town Centre Vacancy Levels (%)	JW	7.82%	Jul-22	Annually	TMBC Town Centres Survey	FRPSSC	N/A	6.48%	N/A		Less than 7%	↑	Yes	13.80%	Oct-Dec 2022	National	British Retail Consortium	Annual survey in August 2023 – much lower than the national average.
	045	Unemployment rate (%)	JW	2.10%	Jan-Mar 2023	Quarterly	NOMIS LA Profile	FRPSSC	2.10%	2.20%	2.20%		Under 2%	→	Yes	3.40%	Nov-23	Kent	NOMIS (LA Profile)	Figure for Kent 3.4%, Sevenoaks 2.1% and Tunbridge Wells 2.3%.
Identify ways we could use our land and other assets better, especially in Tonbridge Town Centre.	046	% Occupation of rental properties	SE	96%	Jan-Mar 2023	Quarterly	Property Database	FRPSSC	100%	100%	100%		100%	→					N/A	Consists of retail and office units let on commercial terms - 27 properties in total
	047	Total income generated from property rentals (£)	SE	£349,000	2021/22	Annually	Integra	FRPSSC	N/A	N/A	N/A		£380,000		Yes	£356,500	2022/23	-	TMBC Accounts (2022/23)	Only viable benchmark is to compare with previous years.
	048	Progress made on Tonbridge Town Centre Regeneration Plans.	SE	Approval to proceed with Phase 2	Jul-22	Quarterly	Project Management	FRPSSC	Options analysis work	Reports being drafted.	Finalising Phase 2 work.		Progress to detailed site proposals.	→	Yes				N/A	Phase 2 to be reported to Members in February 2024.
Develop proposals to raise the profile of Tonbridge Castle and all council assets.	049	Total income generated by Tonbridge Castle (£)	LM	£79,100	2022/23	Annually	Integra	FRPSSC	N/A	N/A	N/A		£85,000	↑	Yes	£79,100	2022/23	TMBC	TMBC Accounts (Previous Year)	
	050	Leisure Centres - overall income (% to profile)	SG	117%	Jan-Mar 2023	Quarterly	TMLT Management System	FRPSSC	N/A	N/A			Over 100%						TMLT/Sport England	
	051	Leisure Centres - overall	SG	110%	Jan-Mar 2023	Quarterly	TMLT Management System	FRPSSC	N/A	N/A			Under 100%						TMLT/Sport England	

		expenditure (% to profile)																		
	052	Total income from council run/supported events	SG	£39,244	2022/23	Annually	Integra	FRPSSC	N/A	N/A			£50,600		Yes					TMBC Accounts (Previous Year)
				BASELINE				2023/24				BENCHMARKING								
CS Priority Action	Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Strengthen our links with strategic partners and funding bodies.	053	External funding spent (UKSPF/REPF) on economic initiatives (£) - cumulative	JW	£73,594	2022/23	Annually	Integra	FRPSSC	N/A	£149,841	N/A		£331,000	→	Yes				N/A	.Still on course to spend budget – detail will be provided from end of year return.
	054	No of economic projects jointly delivered with strategic partners.	JW	13	2022/23	Annually	Annual Economic Strategy Action Plan	FRPSSC	N/A	N/A	N/A		15		Yes				N/A	

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Additional KPIs:

Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SSC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
Planning																			
100	% against Government target of 60% (for major apps)	JB	100%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	100%	100.00%	80%		75%	↓	Yes	60%		Govt Targets	HMCLG - NI157a	4 out of 5 – data currently not verified
101	% against Government target of 65% (for minor apps)	JB	85%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	91.89%	88.16%	86%		80%	↓	Yes	65%		Govt Targets	HMCLG - NI157b	25 out of 29 – data currently not verified
102	% against Government target of 80% (for 'others')	JB	93%	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	94.09%	96.02%	87%		92%	↓	Yes	80%		Govt Targets	HMCLG - NI157c	74 out of 85 – data currently not verified.

103	Number of appeals received	JB	15	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	11	5	11			↓						Appeals data is currently not verified
104	Number of appeals determined - allowed	JB	3	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	8	5	5			→						Appeals data is currently not verified
Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SCC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
105	Number of appeals determined - dismissed	JB	4	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	12	7	9			↑						Appeals data is currently not verified
106	Number of planning enforcement cases opened	JB	80	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	66	81	N/A			→						Increase in cases opened as staffing levels recovered.
107	Number of planning enforcement cases closed	JB	117	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	45	64	N/A			→						Increase in cases closed although fewer than were opened for the second quarter.
108	Number of planning enforcement notices served	JB	0	Jan-Mar 2023	Quarterly	PS1/2 Returns	HPSSC	0	0	1			↑						
Customer Services and Licensing																			
109	% Handled rate (Customer Services)	LM	93%	Jan-Mar 2023	Quarterly	AW365	O&S	88%	87%	84%		93%	↓		TBC	TBC	TBC	TBC	Continue to receive high levels of housing calls. 2 vacant posts and ongoing training for new staff.
110	% emails responded to within 24 hrs (Customer Services)	LM	100%	Jan-Mar 2023	Quarterly	Outlook	O&S	100%	100%	100%		100%	→		TBC	TBC	TBC	TBC	Castle Team is picking up emails on the weekend when service allows.
111	% webchat answer rate (Customer Services)	LM	99%	Jan-Mar 2023	Quarterly	Webchat Tool	O&S	99%	98%	98%		99%	→		TBC	TBC	TBC	TBC	
112	Total number of licenced drivers	AG	596	Jan-Mar 2023	Quarterly	IDOX Uniform	O&S	601	615	623		620	↑	Yes	TBC	TBC	Kent	Dept of Transport	
113	Total number of vehicle licences	AG	538	Jan-Mar 2023	Quarterly	IDOX Uniform	O&S	558	565	560		565	↓	Yes	TBC	TBC	Kent	Dept of Transport	
114	Total number of premises licences	AG	398	Jan-Mar 2023	Quarterly	Home Office Return	O&S	403	402	403		400	↑		TBC	TBC	Kent	Dept of Transport	
Waste Services																			

115	% completion of scheduled collections	DCL	97.80%	2022/23	Quarterly	Whitespace Analytics	CESSC	97.50%	99.40%	99.8%*		99.0%	↑		TBC	TBC	TBC	TBC	*Q3 = Oct & Nov data only as Dec not finalised by print deadline
116	Number of formal complaints received - collections	DCL	274	2022/23	Quarterly	Whitespace Analytics	CESSC	47	48	23*		10% reduction	↑		TBC	TBC	TBC	TBC	*Q3 = Oct & Nov data only as Dec not finalised by print deadline
Ref. No.	Aligned KPI	Lead	Value	Date	Frequency	Source	SCC	Apr-Jun	Jul-Sept	Oct-Dec	Jan-Mar	Target/Aspiration 2023/24	TREND	Data Assurance	Value	Date	Comparator	Source	Explanatory Comments
117	Number of formal complaints received - street cleansing	DCL	29	2022/23	Quarterly	Whitespace Analytics	CESSC	14	7	3*		10% reduction	↑		TBC	TBC	TBC	TBC	*Q3 = Oct & Nov data only as Dec not finalised by print deadline
118	% of individual collections missed (waste)	DCL	0.00%	2022/23	Quarterly	Whitespace Analytics	CESSC	0.20%	0.15%	0.11%*		Under 0.2%	↑	Yes				N/A	*Q3 = Oct & Nov data only as Dec not finalised by print deadline

Agenda Item 14

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

JOINT TRANSPORTATION BOARD

Monday, 4th March, 2024

Present: Cllr M A Coffin (Chair), County Cllr H Rayner (Vice-Chair), Cllr S Crisp, Cllr D A S Davis, Cllr F A Hoskins, Cllr A Mehmet, Cllr D Thornewell, County Cllr Mrs T Dean, County Cllr Mrs S Hohler, County Cllr M Hood, County Cllr S Hudson, County Cllr A Kennedy, County Cllr P Stepto and Cllr K Barton (substitute)

In attendance: Councillor M D Boughton was also present pursuant to Access to Information Rule No 15.21.

Mrs S Butterfield, Mrs W Palmer and Mrs S Barker were also present on behalf of the Kent Association of Local Councils (KALC).

Virtual: Councillors D W King, D Harman, Mrs A S Oakley, M R Rhodes, K B Tanner and M Taylor participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No. 15.21.

An apology for absence was received from Councillor A Cope.

PART 1 - PUBLIC

JTB 24/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of a substitute Member was recorded as set out below:

- Cllr K Barton substituted for Cllr A Cope

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.

JTB 24/2 DECLARATIONS OF INTEREST

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

JTB 24/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Transportation Board held on 18 September 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR THE BOROUGH COUNCIL**JTB 24/4 PARKING PROPOSALS AND CHANGES TO ON-STREET PARKING FEES AND CHARGES**

The report of the Director of Street Scene, Leisure and Technical Services presented the outcome of the recent formal consultation on changes to the Traffic Regulation Order with regard to on-street parking fees and charges.

At the October and November 2023 meetings of Cabinet, Members considered and approved a number of proposals relating to both on and off-street parking fees and charges subject to full consultation. The detail of the on-street proposals was attached at Annex 2 to the report. The proposals included amendments to on-street parking arrangements in Avebury Avenue in Tonbridge, the introduction of charges to the High Street and Swan Street in West Malling and changes to the loading bay in West Malling High Street. In accordance with the statutory requirements, a formal consultation was undertaken on the proposed changes and the responses were attached at Annexes 9.1 to 9.4 to the report.

During discussion regarding the proposed changes to parking bays in Avebury Avenue, the D1 permit holder parking proposal to meet the needs of residents in Iron, Steel and Copper Houses, was not supported by Members on the grounds that the proposal was not permissible due to planning constraints.

Consideration was given to the proposals in respect of West Malling High Street and Swan Street. Although the proposal to introduce Pay and Display parking charges for on-street parking for up to 4 hours was supported, it was recommended that the proposed parking charges for 30 minutes and 1 hour be removed, allowing free parking for up to 1 hour.

Members discussed the proposed changes to the on-street fees, in particular the resident's on-street permit charges, and agreed the new charges as detailed in Annex 2 to the report.

RECOMMENDED*: That

- (1) the proposals for Avebury Avenue, Tonbridge, excluding D1 residential permit parking for the properties in Iron, Steel and Cooper Houses, be agreed, and that the on-street Traffic Regulation Order be amended to reflect the changes;
- (2) the proposals for the introduction of on-street charges in West Malling High Street and Swan Street be introduced, subject to an amendment that the proposed parking charges for West Malling High Street and Swan Street for 30 minutes and 1 hour be

removed and that the on-street Traffic Regulation Order be amended to reflect the changes;

- (3) the proposal for the loading bay in West Malling High Street be introduced, the future level of enforcement and size of signs be reviewed and the on-street Traffic Regulation Order be altered to reflect the changes; and
- (4) the changes to the on-street fees and charges be implemented as advertised and the on-street Traffic Regulation Order be altered to reflect the changes.

***Recommended to Cabinet**

JTB 24/5 KINGS HILL PARKING REVIEW

(Decision Notice D240026MEM)

Members received an update on the outcome of the recent formal consultation on a parking review for Kings Hill. A large number of responses had been received and these were detailed in the report.

It was recognised that the proposals were based on the principles of the Highway Code and were intended to maintain access through the estate in a safe manner for residents, public transport providers and emergency services.

RECOMMENDED*: That the proposed restrictions be introduced as advertised, with the omission of the restrictions on Regent Way and Pearl Way.

***Decision Taken by Cabinet Member**

JTB 24/6 PARKING ACTION PLAN - PHASE 14

(Decision Notice DM240027MEM)

The report of the Director of Street Scene, Leisure and Technical Services covered the formal consultation stage of the parking restriction proposals contained in Phase 14 of the Parking Action Plan and sought approval to implement the changes.

Following the meeting of the Joint Transportation Board in June 2023, investigations into proposed changes were undertaken at 32 sites across the Borough. The proposals were then reported back to the Joint Transportation Board in September 2023, where it was decided that 17 locations should proceed to formal consultation and invitation of objections. A list of all the locations, the issues raised and a recommendation for each was attached at Annex 1. A location summary

and a more detailed response rate, analysis and recommendation was attached at Annex 2.

The views of local members were sought and where appropriate and/or practical these would be reflected in the final proposals.

RECOMMENDED*: That

- (1) the recommendations in respect of Ph 14-01 to 14-06, 14-08, 14-10 to 14-31 for Phase 14, as set out in Annex 1 to the report, be adopted and where appropriate the proposals be implemented; and
- (2) the views of local members having been sought; the following recommendations be adopted:
 - (i) Ph 14-07 (Cottenham Close, East Malling) the proposal be amended to reduce the proposed extended double yellow lines, so as to start on both sides from the rear boundary of No. 1 Cottenham Close;
 - (ii) Ph 14-09 (Branbridges Industrial Estate (south of roundabout), East Peckham) the proposals be abandoned; and
 - (iii) Ph14-32 (West Street, Wrotham) the proposal be taken forward.

***Decision Taken by Cabinet Member**

JTB 24/7 PARKING ACTION PLAN - ACCESS GROUP 8

(Decision Notice D240028MEM)

The report of the Director of Street Scene, Leisure and Technical Services presented the outcome of the formal consultation on proposals contained in Access Group 8, a subset of the Parking Action Plan, where a streamlined process had been applied to the consideration and promotion of minor changes to the Traffic Regulation Order. A list of all the locations, the issues raised and a recommendation for each was set out in Annex 1.

RECOMMENDED*: That the recommendations for each location in Access Group 8, shown in Annex 1, be adopted and where appropriate the proposals be implemented.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION**JTB 24/8 HIGHWAYS FORWARD WORK PROGRAMME 2023/24**

The report of the Kent County Highways, Transportation and Waste summarised schemes programmed for delivery in 2023/24 and provided an update on Road, Footway and Cycleway Renewal and Preservation Schemes (Appendix A), Drainage Repairs and Improvements (Appendix B), Street Lighting (Appendix C), Transportation and Safety Schemes (Appendix D), Developer Funded Works (Appendix E), Bridge Works (Appendix F), Traffic Systems (Appendix G) and the Combined Members Grant (Appendix H).

Members sought an update on the footway protection from No. 104 Sevenoaks Road to West Bank Lodge and the flooding issue at the junction of London Road and New Road. Furthermore, reassurance was sought that the drainage issues on the High Street, Tonbridge opposite Fuggles Beer Café would be resolved.

JTB 24/9 ANY OTHER MATTERS TO BE RAISED

Members expressed their disappointment that the internal bid for the off-road cycle path for the A26 Hadlow Road to Hadlow via the Local Transport Plan (LTP) budget, administered directly by Kent County Council, had been unsuccessful.

Due to the significant disruption to residents caused by improvement works, Members requested that the Joint Transportation Board review and give consideration to improved communication between Kent County Council and the Boards.

In order to address active travel, it was requested that consideration be given to the provision of sub-committees of the Joint Transportation Board to enable matters relating to the Highways Improvement Plan to be discussed.

MATTERS FOR CONSIDERATION IN PRIVATE**JTB 24/10 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.54 pm

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Agenda Item 16

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 17

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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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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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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