

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive
Damian Roberts

Gibson Building
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Kings Hill, West Malling
Kent ME19 4LZ
West Malling (01732) 844522

To: MEMBERS OF THE COUNCIL

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

Dear Sir/Madam

I hereby summon you to attend a meeting of the Tonbridge and Malling Borough Council which will be held in the Council Chamber, Gibson Drive, Kings Hill on Tuesday, 9th July, 2024 at 7.30 pm.

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

The following business is proposed to be transacted:-

1. Guidance on the Conduct of Meetings 5 - 8

PART 1 - PUBLIC

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

To declare any interests in respect of recommended items

4. Minutes 11 - 18

To confirm as a correct record the Minutes of the meeting of Council held on 14 May 2024.

5. Election of Member for Judd Ward, Tonbridge 19 - 20

As a result of the Judd Ward by-election date, it is not possible for the report of the Returning Officer to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

6. Mayor's Announcements

7. Questions from the public pursuant to Council Procedure Rule No 5.6 21 - 22
8. Questions from Members pursuant to Council Procedure Rule No 5.5 23 - 26
 - 24/003 – Impact of the Decision to Extend the Off-street Car Parking Charges
9. Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27 (24/004) 27 - 28

To consider a Notice of Motion (24/004) proposed by Councillor J Clokey on behalf of the Liberal Democrat Group in relation to the Local Government Association's Debate Not Hate Campaign.

10. Leader's Announcements 29 - 30

Matters for Decision

11. Political Balance Arrangements 31 - 32

As a result of the Judd Ward by-election date, it is not possible for this report to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

12. Appointments to Committees, Panels and Groups 33 - 34

As a result of the Judd Ward by-election date, it is not possible for this report to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

13. Changes to the Constitution 35 - 50

The report recommends that changes are made to the constitution to (1) amend the Council and Committee Procedure Rules relating to motions for Council and (2) update the Planning Code of Good Practice in order to require that applications for planning permission on Council-owned land are determined by full Council.

14. Decarbonising and Energy Efficiency Capital Plan Schemes 51 - 66

Due to the timescales and print deadlines, the recommendations of the meeting of Cabinet held on 8 July 2024 will be circulated to Members in advance of the meeting of Council.

Matters for Information

15. Non-Annual Appointment to Berry Housing Trust 67 - 68

To note non-annual appointments to the Berry Housing Trust, Stansted

16. Minutes of Cabinet and Committees 69 - 70

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

17. Sealing of Documents

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

Matters for consideration in Private

18. Exclusion of Press and Public 71 - 72

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

Matters for Decision

19. Proposed Changes to the Establishment 73 - 120

(Reasons: LGA 1972 - Sch 12A Paragraph 1 and 2 – Information relating to an individual and information which is likely to reveal the identity of an individual.)

Recommendation GP 24/21 (4) (5) and (6) of General Purposes Committee of 12 June 2024

DAMIAN ROBERTS
Chief Executive
Monday, 1 July 2024

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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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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 14th May, 2024

At the statutory Annual meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 14th May, 2024

Present: His Worship the Mayor (Councillor J R S Lark for items 1-3), Councillor S M Hammond for items 4-23), the Deputy Mayor (Councillor C Brown), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr G C Bridge, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr R W G Oliver, Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell, Cllr K S Tunstall and Cllr C J Williams

PART 1 - PUBLIC

C 24/35 ELECTION OF MAYOR

It was proposed by Councillor Cannon and seconded by Councillor Williams that Councillor Steve Hammond be elected Mayor for the municipal year 2024/25.

Following a formal vote there was majority support for the proposal.

RESOLVED: That Councillor Steve Hammond be elected Mayor for the municipal year 2024/25

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

C 24/36 VOTE OF THANKS TO RETIRING MAYOR

Members expressed appreciation to the retiring Mayor for dedicated and loyal service to the Borough and its residents, commended their enthusiasm and active promotion and support of local community and voluntary organisations and groups.

In response to the thanks expressed, Councillor Lark recorded appreciation to Councillor Hammond for their support as Deputy Mayor, to the Mayoress, the many organisations that had contributed to the Mayoral events and everyone who had shown such generosity and support. Particular reference was made to the amazing work undertaken by voluntary and community groups, charities and businesses in the Borough particularly the Scouts, Guides, Schools, Tonbridge Lions, the Tonbridge Rotary Club and the community choirs.

Councillor Lark was pleased to report that over £5,500 had been raised in support of the Mayor's Charity, Arthurs Quest and expressed appreciation for the opportunity to have represented Tonbridge and Malling during the past year. The Mayor had attended many civic and charitable events in the past year, some of the most memorable being the Royal Garden Party at Buckingham Palace, the opening of the new Centenary Homes by HRH The Princess Royal and a medal presentation to Nuclear Veterans.

It was proposed by Councillor Boughton seconded by Councillor Hudson and

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

C 24/37 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor Tanner seconded by Councillor Harman and following a formal vote

RESOLVED: That Councillor Christopher Brown be appointed Deputy Mayor for the municipal year 2024/25.

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

C 24/38 DECLARATIONS OF INTEREST

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

C 24/39 MINUTES

RESOLVED: That the Minutes of the proceedings of the ordinary and Special meetings of the Council held on 9 April 2024 be approved as a correct record and signed by the Mayor.

C 24/40 MAYOR'S ANNOUNCEMENTS

No formal announcements were made at this time. However, subsequent to the meeting the Mayor advised that Royal British Legion Industries would be his nominated charity for the year.

C 24/41 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 24/42 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

In accordance with Council Procedure Rule No 5.5. a number of questions had been submitted by Members. Responses had been provided by the relevant Cabinet Members and the questions and answers published as supplements in advance of the meeting were noted.

The opportunity to ask a supplementary question was taken by Cllr Hood in respect of 24/001 (Rewilding and River Lawn) and related to the involvement of the Medway Valley Countryside Partnership (MCVP) in the rewilding project and whether there were better areas to rewild so that River Lawn could be tidied.

In response, the Cabinet Member for Climate Change, Regeneration and Property confirmed that MCVP had been consulted in accordance with the decision taken by the then Street Scene and Environment Services Advisory Board in 2021. Reference was also made to correspondence received asking the Borough Council to commit to 'no mow May' to improve biodiversity.

C 24/43 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/002)

Consideration was given to a Notice of Motion (24/002) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor Cope and seconded by Councillor Athwal on behalf of the Tonbridge and Malling Green Group in relation to 'debate not hate' (as set out on pages 29-30).

Members agreed that abuse of any sort was unacceptable, that behaviour in meetings and online should always be respectful and there should be less aggressive expression of opinions in writing, in the Council Chamber and especially on social media platforms. Personal experiences of abuse via social media and trolling were also shared.

Whilst Members supported the ethos of maintaining exemplary standards it was recognised that the actions proposed to address the

normalisation of abuse against councillors and officers would not address the societal problems. However, there was general support for Members to adopt respectful and civil behaviour in meetings and foster better working relationships. The Leader of the Borough Council indicated that the subject of this motion would be discussed at the first Group Leader meeting of the municipal year.

RESOLVED: That the Notice of Motion (24/002) be supported.

C 24/44 NOTICE OF MOTION SUBMITTED PURSUANT TO COUNCIL PROCEDURE RULE NO. 5.27 (24/003)

Consideration was given to a Notice of Motion (24/003) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor Hood and seconded by Councillor Cope on behalf of the Tonbridge and Malling Green Group in relation to 'zero tolerance of any form of hate crime (as set out on page 31).

Members recognised the importance of committing to zero tolerance of any form of hate so that residents were reassured that the borough was a welcoming and inclusive community. However, concern was expressed that the issues set out in the Motion were beyond the remit of the Borough Council and were for national Government to address.

Councillor A McDermott proposed, seconded by Councillor D King, an amendment to the Motion as follows (removal of (3) – (5) and amended (1) and (2)):

'The Council is asked to

- (1) Recommit publicly to zero tolerance of form of discrimination so that residents are reassured that Tonbridge and Malling is a welcoming and inclusive community;
- (2) Encourage residents to report hate crime to the police and through the website so it can be referred to the Community Safety Partnership in order than anyone affected by hate crime could be supported.

The aim of the proposed amendment was not to diminish the value of the original motion but to offer a practical solution that the Borough Council could deliver.

In accordance with Council Procedure Rule No. 6.5 (g) Cllr S Hudson proposed a closure motion to stop debating and make a decision on the matter. This was seconded by Cllr M Boughton and supported by the Council.

Following a formal vote on the amendment to the motion proposed by Cllr McDermott and seconded by Cllr King there was a majority in favour and this motion was carried.

Following a formal vote on the substantive motion, as amended, it was

RESOLVED: That the Notice of Motion (as amended) proposed by Councillor A McDermott and seconded by Councillor D King be approved.

MATTERS FOR DECISION

C 24/45 POLITICAL BALANCE ARRANGEMENTS

The report of the Interim Chief Executive set out details of political balance arrangements required to be applied to the Borough Council's committees, scrutiny select committees and advisory panels and boards.

RESOLVED: That the composition of all committees, scrutiny select committees and advisory panels and boards be approved in accordance with the table set out at paragraph 1.1.6 of the report and the Monitoring Officer make any consequential amendments to the Borough Council's Constitution in respect of political balance.

C 24/46 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

RESOLVED: That it be noted that the Cabinet would comprise 6 Members (including the Leader) with the responsibilities set out at Annex 1 and duplicated below:

| | | |
|-----------------------|---|---|
| Councillor M Boughton | - | Leader |
| Councillor R Betts | - | Climate Change, Regeneration and Property |
| Councillor M Coffin | - | Waste and Transformation |
| Councillor D Keers | - | Community Services |
| Councillor K Tanner | - | Finance and Housing |
| Councillor M Taylor | - | Planning |

C 24/47 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Borough Council for 2024/25 be approved as set out Annex 2.

C 24/48 APPOINTMENT OF SCRUTINY SELECT COMMITTEES, PANELS AND OTHER MEMBER GROUPS

RESOLVED: That appointments to the Scrutiny Select Committees, Advisory Panels and other member groups of the Council for 2024/25 be approved as set out at Annex 3.

C 24/49 APPOINTMENT OF CHAIR AND VICE-CHAIR

RESOLVED: That appointments of Chair and Vice-Chair of each Committee, Scrutiny Select Committee, Panel and Group for 2024/25 be approved as set out at Annex 4.

C 24/50 APPOINTMENTS TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for 2024/25 be approved as set out at Annex 5.

C 24/51 APPOINTMENT OF SUBSTITUTE MEMBERS

RESOLVED: That appointments to serve as substitute members for 2024/25 be approved as set out Annex 6.

C 24/52 SCHEME OF DELEGATIONS

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

RESOLVED: That

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

C 24/53 PROGRAMME OF MEETINGS

The programme of Council, Cabinet, Committee and Panel meetings for 2024/25 was presented for approval.

RESOLVED: That the programme of meetings for 2024/25 and the provisional programme of meetings for 2025/26 (as set out at Annexes 1 and 2 to the report) be approved.

C 24/54 AUDIT COMMITTEE ANNUAL REPORT

Consideration was given to the recommendations of the Audit Committee of 15 April 2024 in respect of the Audit Committee Annual Report.

RESOLVED: That the Annual Report be approved as independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

C 24/55 SEALING OF DOCUMENTS

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

The meeting ended at 9.43 pm
having commenced at 8.00 pm

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Agenda Item 5

As a result of the Judd Ward by-election date, it is not possible for the report of the Returning Officer to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

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Agenda Item 7

Questions from the public pursuant to Council Procedure Rule No 5.6

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Agenda Item 8

Questions from Members pursuant to Council Procedure Rule No 5.5

24/003 – Impact of the Decision to Extend the Off-street Car Parking Charges

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COUNCIL

9 July 2024

**AGENDA ITEM 8 – QUESTION ASKED PURSUANT TO COUNCIL PROCEDURE
RULE NO 5.5**

The following question (24/003) has been asked pursuant to Council Procedure Rule No 5.5 by Councillor J Clokey:

‘Can the Cabinet Member for Transformation & Infrastructure detail the nature and output of any research, analysis and/or modelling (both quantitative and/or qualitative) performed to in relation to the impact of the decision to extend off-street car parking charges in Executive Decision D240034(1)CAB (including any analysis originally related to the proposals in decision D240034CAB), including specifically the financial impact on local businesses, the effect on charities, groups and other non-commercial entities, and the difference in impacts between the initial and revised proposals?’

Response of the Cabinet Member for Transformation and Infrastructure – To Follow

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Notice of Motion submitted pursuant to Council Procedure Rule No. 5.27

To consider the following Notice of Motion proposed by Councillor J Clokey on behalf of the Liberal Democrat Group:

Council is asked to:

- (1) note its motion in support of the Local Government Association's Debate Not Hate campaign, passed at the meeting of Council on Tuesday, 14th May, 2024;
- (2) note that subsequent to that meeting the LGA published the "Ending Abuse in Public Life Council Self-Assessment Toolkit" (at <https://www.local.gov.uk/publications/ending-abuse-public-life-council-self-assessment-toolkit>);
- (3) ask the Chair of the Joint Standards Committee to be responsible for coordinating the completion of this toolkit; and
- (4) ask the Joint Standards Committee to review progress against the measures supplied in the toolkit on an annual basis.

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Leader's Announcements

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Agenda Item 11

As a result of the Judd Ward by-election date, it is not possible for this report to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

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Agenda Item 12

As a result of the Judd Ward by-election date, it is not possible for this report to be included as part of this agenda and it will be circulated as soon as possible in advance of the meeting.

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TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 July 2024

Report of the Monitoring Officer

Part 1- Public

Matters For Decision

1 CHANGES TO CONSTITUTION

The report recommends that changes are made to the constitution to (1) amend the Council and Committee Procedure Rules relating to motions for Council and (2) update the Planning Code of Good Practice in order to require that applications for planning permission on Council-owned land are determined by full Council.

1.1 Committee Procedure Rules

1.1.1 At the meeting of annual Council on 14 May 2024 Members considered a motion submitted by Cllr Hood, seconded by Cllr Cope on behalf of the Green Group in relation to zero tolerance of any hate crime.

1.1.2 Members will recall that concern was expressed that the issues set out in the Motion were beyond the remit of the Borough Council and were for national Government to address.

1.1.3 To provide greater clarity for any future motions, I have therefore reviewed rule 5.28 of the Committee Procedure Rules at Part 4 of the Constitution.

1.1.4 It is proposed that rule 5.28 be amended to read as follows: -

'Motions must be about matters for which the Council has a responsibility or affect the Borough.

The Chief Executive may reject a motion if, in their opinion, the subject matter does not relate to a matter for which the Council has a responsibility or affects the Borough e.g., the motion relates to national or international matters in respect of which the Council has no powers, rights or duties.

All valid notices of motion will be entered in a book open to public inspection.'

1.2 Planning Code of Good Practice

1.2.1 Members will be familiar with the review of Council assets within Tonbridge through the Tonbridge Town Centre Asset Review. Phase 2 of that programme

was reported to the Finance, Regeneration and Property Scrutiny Select Committee on 12 March 2024, with recommendations from that meeting subsequently considered by Cabinet on 2 April 2024. The Council has also recently appointed a Tonbridge Town Centre Programme Manager and established the Programme Board for this review.

- 1.2.2 As we progress into the next phase of the review, it is timely to consider how any applications for development on Council-owned land will be considered by the Council in its capacity as Local Planning Authority. It is expected that proposals for significant development will be brought forward through the review and the Council will need to demonstrate that it has considered any associated applications for planning permission openly and transparently.
- 1.2.3 Presently, the Planning Code of Good Practice provides that proposals for development submitted by the Council must be treated no differently to any other application. That principle is entirely sound. However, given the potential significance of proposals that are expected to arise through the review, it is proposed that all applications for planning permission submitted by the Council should be determined by full Council. That will ensure not only that applications have been determined openly and transparently but also allow all Members of the Council to be involved in consideration of the proposals for development.
- 1.2.4 The proposed amendments to the Code are attached as **Annex 1**.

1.3 Legal Implications

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

1.4 Financial and Value for Money Considerations

- 1.4.1 None.

1.5 Risk Assessment

- 1.5.1 The changes to the Planning Code of Good Practice proposed in this report are intended to reduce the risks of challenge to development proposals submitted by the Council.

1.6 Equality Impact Assessment

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

1.7 Recommendations

1.7.1 It is **RECOMMENDED** that the Monitoring Officer be authorised to amend the Constitution as set out at paragraphs 1.1.4 and **Annex 1**.

Background papers:

contact: Adrian Stanfield

Adrian Stanfield
Monitoring Officer

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PROTOCOL E: MEMBERS' PLANNING CODE OF GOOD PRACTICE

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

| | | | | | |
|-----------|--|-----|---|-----|---|
| E.5 | This Code is intended to minimise the prospect of legal or other challenges to planning decisions. However, non-compliance without good reason can be taken into account in investigations into possible maladministration or may have implications for the standing of councillors and the council as a whole. It could also lead to a complaint to the Monitoring Officer against an individual member. | | | | |
| E2 | Relationship with the Members` Code of Conduct | | | | |
| E2.1 | This Planning Code of good practice is designed for Members when discharging planning functions of the Council. Whilst it interprets the Members` Code of Conduct with respect to planning matters it is subordinate to the Members` Code of Conduct and in the event of any inconsistencies arising between this code and the Members` Code of Conduct, the latter shall prevail. | | | | |
| E3 | Declaration of Interests | | | | |
| E3.1 | The Members` Code of Conduct places requirements on councillors as to the notification and declaration of their interests and participation in the business of the Council in light of those interests. These requirements must be followed scrupulously and councillors should review their situation regularly. Advice can always be sought from the Monitoring Officer or one of the Council's solicitors as to whether an interest may exist; however ultimate responsibility for compliance rests with individual councillors. | | | | |
| E3.2 | <p>You can have an interest in a planning application in a number of different ways. It may, for example, be an application which relates to property in which you or your partner have a direct interest e.g. as owner. Alternatively, it may be an application which may reasonably be regarded as affecting the financial position of yourself and/ or an Associated Person e.g. a member of your family and where a member of the public with knowledge of the relevant facts would reasonably regard the interest as being so significant that it is likely to prejudice public interest.</p> <p>These interests are defined in the Code of Conduct as Disclosable Pecuniary Interests (DPIs) and Other Significant Interests (OSIs).</p> | | | | |
| E3.3 | <p>If you have a Disclosable Pecuniary Interest or Other Significant Interest in any business of the Council, then you</p> <table border="1" data-bbox="215 1563 1053 1742"> <tr> <td>(a)</td> <td>must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this;</td> </tr> <tr> <td>(b)</td> <td>not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate);</td> </tr> </table> | (a) | must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this; | (b) | not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate); |
| (a) | must notify the Monitoring Officer of the existence and nature of the interest (if not already notified) as soon as you become aware of this; | | | | |
| (b) | not participate in any discussion of, or vote taken on, the matter at a meeting (unless you have obtained a dispensation from the Monitoring Officer or General Purposes Committee as appropriate); | | | | |

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

Part 5 – Protocol E – Planning Code of Good Practice

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

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

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

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

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

Part 5 – Protocol E – Planning Code of Good Practice

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| E8.6 | <p>Serving councillors and officers should avoid acting as agents for people pursuing a planning matter and where they do must play no part in the decision making process for that proposal. Particular arrangements may need to be made in respect of councillors whose business is, or includes, the making of planning applications on behalf of others. These arrangements may include the following provisions:</p> <ul style="list-style-type: none"> • Planning applications submitted by the councillor as agent should be notified to the Director of Planning, Housing and Environmental Health, Director of Central Services & Deputy Chief Executive, Head of Planning Services, Head of Legal and Democratic Services and the Development Manager; • All decisions taken by Planning Services in respect of applications submitted by the councillor will need to be counter-signed by a second signatory e.g the Development Manager or Head of Planning Services; • The councillor should take no part in any decision taken in respect of any application submitted by them. This will mean withdrawing from the room should an application fall to be determined by the Area Planning Committee of which they are a member and taking no part in the discussion or vote; • In the event that any objections are received to an application, it will need to be determined at the relevant Area Planning Committee; • The potential for a conflict of interest may arise should an application be submitted by a local resident (or an agent on their behalf) which conflicts with the interests of a client of the councillor in question. Should this arise then the councillor would need to declare a conflict of interest and seek further advice from the Monitoring Office on the appropriate way forward. |
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Applications submitted by the Council

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| E8.7 | <p>Proposals for development submitted by the Council must be treated no differently to any other application.</p> <p><u>To ensure that planning applications submitted by the Council are determined openly and transparently all applications for planning permission submitted by the Council will be determined by full Council.</u></p> |
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| E8.8 | <p>Occasionally some councillor-s e.g. Cabinet Members, may through their other roles outside of an Area Planning Committee, have been committed to or involved in a development proposal by the Council. In such circumstances, where such an item comes to be considered at an Area Planning Committee by the Council in its capacity as Local Planning Authority the councillor concerned must consider whether they have had a degree of involvement with the proposals that could give the impression of bias. If in doubt, they are encouraged to seek advice from the Monitoring Officer.</p> |
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| E9 | Decision Making | | | | | | | | | | | | |
| E9.1 | <p>Under the Council's Constitution, most decisions on planning matters are delegated to the Director of Planning, Housing and Environmental Health except in certain circumstances set out in the table of delegations. One of those circumstances is where a member for the relevant ward in which the application site falls (or adjoining ward member in specified circumstances),</p> <p>with reasoned justification, requested that the application be determined by the relevant planning committee. In those cases, it is imperative that members state clearly their justification (in planning terms) for requiring an application to be reported to the planning committee. In every case, members are advised to frame their comments in such a way as not to give any appearance of pre-determination in respect of the matter. Any comments you have made will be included in the public register and may have to be disclosed to the public under the Freedom of Information Act or Environmental Information Regulations.</p> | | | | | | | | | | | | |
| E9.2 | <p>When you have to make a planning decision you must:</p> <table border="1"> <tr> <td>(a)</td> <td>come to meetings with an open mind and demonstrate you are open minded;</td> </tr> <tr> <td>(b)</td> <td>comply with section 54A of the Town and Country Planning Act 1990 and make decisions only in accordance with the development plan unless material considerations indicate otherwise;</td> </tr> <tr> <td>(c)</td> <td>not vote or take part in the meeting's discussions on a proposal unless present to hear the entire debate including any officer introduction/presentation;</td> </tr> <tr> <td>(d)</td> <td>come to a decision only after due consideration of all information reasonably required upon which to base such a decision;</td> </tr> <tr> <td>(e)</td> <td>request further information if you consider that there is insufficient information before the committee upon which to reach a decision;</td> </tr> <tr> <td>(f)</td> <td>where proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, identify the planning reasons behind the decision before the vote is taken which may have to be justified in the event of any appeal or other challenge.</td> </tr> </table> | (a) | come to meetings with an open mind and demonstrate you are open minded; | (b) | comply with section 54A of the Town and Country Planning Act 1990 and make decisions only in accordance with the development plan unless material considerations indicate otherwise; | (c) | not vote or take part in the meeting's discussions on a proposal unless present to hear the entire debate including any officer introduction/presentation; | (d) | come to a decision only after due consideration of all information reasonably required upon which to base such a decision; | (e) | request further information if you consider that there is insufficient information before the committee upon which to reach a decision; | (f) | where proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, identify the planning reasons behind the decision before the vote is taken which may have to be justified in the event of any appeal or other challenge. |
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| (f) | where proposing, seconding or supporting a decision contrary to officer recommendations or the development plan, identify the planning reasons behind the decision before the vote is taken which may have to be justified in the event of any appeal or other challenge. | | | | | | | | | | | | |
| E10 | Training | | | | | | | | | | | | |
| E10.1 | You should not participate in decision-making meetings dealing with planning matters unless you have attended any prescribed training. | | | | | | | | | | | | |

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Agenda Item 14

Due to the timescales and print deadlines, the recommendations of the meeting of Cabinet held on 8 July 2024 will be circulated to Members in advance of the meeting of Council.

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TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

08 July 2024

Report of the Interim Chief Executive

Part 1- Public

Executive Non Key Decisions

Matters for Recommendation to Council

1 **DECARBONISING AND ENERGY EFFICIENCY CAPITAL PLAN SCHEMES**

Following the Council's successful applications for grant funding relating to several decarbonising and energy efficiency projects, this report brings forward several projects under the existing List A capital plan scheme 'Decarbonising the Council's Estate' to enable the Council to progress those projects, as well as projects being funded directly by the Council, to help deliver our Climate Change Strategy.

1.1 Introduction

- 1.1.1 One of the Council's four key priorities set out in the Corporate Strategy 2023-2027 is 'Sustaining a borough which cares for the environment', with one of the priorities being to 'deliver climate change plans which focus on cutting emissions and increasing biodiversity'.
- 1.1.2 The Council's Climate Change Strategy is a key document which helps support those priorities and one which we use to actively assess opportunities to reduce the carbon emissions from our estate as well as to improve energy efficiency and therefore reduce energy costs.
- 1.1.3 Members will be aware that the largest utility users within the Council's estate are the leisure centres, due to both the size of the facilities and also the need to maintain high levels of air and water temperatures, meaning we have focused our efforts in assessing where improvements can be made to those facilities.

1.2 External Grant Awards

- 1.2.1 Members will be aware that the Council was successful in its two recent applications for external grant funding.
- 1.2.2 The first was through the Government's Swimming Pool Support Fund (SPSF) scheme in January 2024, which included an award of £393,000 for the installation of additional solar PV and £12,039 for the installation of LED lighting in pool related areas, both at Larkfield Leisure Centre.

- 1.2.3 The grant needs to have been spent by March 2025 and includes several conditions the Council must adhere to, including the regular reporting of progress and installation of sub-metering to be able to effectively monitor energy usage.
- 1.2.4 The second was through the Public Sector Decarbonisation Scheme in March 2024, which included an award of £1,164,760 for the installation of air source heat pumps to serve the fitness pool at Larkfield Leisure Centre.
- 1.2.5 The grant needs to have been spent by March 2026 and includes several requirements which the Council must meet, including the regular reporting of progress and a requirement to fund at least the like-for-like cost of replacing the current gas boilers, or 12% of the total project value, whichever is the higher. It is recommended the Council allocate £175,000 for this purpose.
- 1.2.6 It should be noted that the figures set out above are pre-tender estimates of costs.
- 1.2.7 Now that we know the fund amounts being awarded we have been able to assess which projects need to be progressed and therefore what capital plan schemes need to be established.

1.3 Additional Projects

- 1.3.1 In addition to the projects for which external funding has been obtained, there are several other projects which are either linked to those set out above or had already been approved by the Council utilising its own funding. These projects are set out below:

Solar PV Installation at Tonbridge Swimming Pool

- 1.3.2 This project saw the installation of 150 solar PV panels on the roof at Tonbridge Pool, generating approximately 65,000 kWhs per annum, with an estimated CO2 saving of 12.7 tonnes per annum and a saving in electricity of approximately £15,000 per annum.

- 1.3.3 The installation was completed in March this year at a cost of £110,000.

LED Lighting Installation at Tonbridge Swimming Pool

- 1.3.4 This project saw the installation of 146 LED lights throughout the facility to replace older fittings, with an estimated CO2 saving of 9,000 kg per annum and £7,800 of saving in electricity.

- 1.3.5 The installation was completed in December 2023 at a cost of £22,000.

LED Lighting Installation at Larkfield Leisure Centre

- 1.3.6 This project will see the installation of approximately 340 LED lights throughout the facility to replace older fittings, with an estimated CO2 saving of 17,660 kg per annum and £15,000 of saving in electricity the result.

- 1.3.7 It is anticipated this project will be completed by December 2024 at a cost of £60,000.

Re-Felt of Flat Roof Areas at Larkfield Leisure Centre

- 1.3.8 The flat roof areas on which the additional solar PV would be installed at Larkfield Leisure Centre, utilising the external grant funding, are currently felted, which has been in place for at least 20 years and is showing signs of deterioration in the form of blisters developing and water ingress occurring in some localised areas. While the felt is not in need of urgent replacement, it will certainly require replacing within the next 3-5 years and would necessitate the removal of any PV array in order to complete the work.
- 1.3.9 It is therefore recommended that the felt be renewed now, prior to the installation of the PV system. By carrying out this work while the existing felt is still predominantly watertight it means the existing felt can be overlaid, saving the time and cost of having to remove it. This work will come with a 25-year guarantee.
- 1.3.10 The current roof area benefits from 40mm of PIR rigid board insulation. However as part of the re-felting work we are proposing to install an additional 100mm of insulation to improve the thermal efficiency of the building thereby helping to reduce energy usage and reduce operating costs.
- 1.3.11 As part of the insulation installation a fire rated boarding will be included to satisfy the requirements of the Council's insurers.
- 1.3.12 A specification for the re-felt has been developed and is currently out to tender. If Members approve the proposed capital scheme (see below) it is anticipated that works would commence in early September and be complete by the end of October this year. This will then allow the installation of the PV system thereafter, and by March 2025.
- 1.3.13 The estimated cost of the work is £575,000, which can be broken down as follows:

- Re-felt - £300,000
- Insulation improvements - £175,000
- Fire proof board - £100,000

Sub-Metering at Larkfield Leisure Centre and Tonbridge Swimming Pool

- 1.3.14 One of the requirements of the SPSF external grant (obtained for the installation of solar PV at Larkfield Leisure Centre) is that the Council installs sub-metering throughout the site to assist in the monitoring and management of energy usage.
- 1.3.15 Although Tonbridge Pool was not awarded any funding, it is recommended that sub-metering also be installed so that a consistent approach can be taken to energy monitoring, management and reduction at both sites.

1.3.16 It is anticipated this project will be completed by March 2025 at a cost of £75,000. It is proposed this project is funded from the Council's UK Shared Prosperity Fund allocation, which for 2024/25 includes an allocation of £75,000 toward energy efficiency measures at Larkfield Leisure Centre and Tonbridge Swimming Pool as part of their carbon descent plans.

1.4 Capital Plan Scheme

1.4.1 Members had previously approved the capital plan scheme 'Decarbonising the Council's Estate (P06AM)'. The scheme was submitted and approved at a time when we were still waiting to hear whether our external grant applications were successful and so was based on Council funding of £430,000 and external funding of £800,000, leading to an overall budget of £1,230,000. This scheme included PV and LED installation at Tonbridge Pool and LED installation at Larkfield Leisure Centre.

1.4.2 Now that we know which elements of the applications were awarded funding, the suggestion is that all of the projects outlined in this report form part of the 'Decarbonising the Council's Estate' capital scheme.

1.4.3 It is recommended that the budget for all of the projects are held at the P06AM level, with funding then being allocated to the individual projects as set out below, recognising that most of these are pre-tender estimates and that funding allocation to individual projects may need to be reviewed once tendered prices are known, from the totals set out.

| Project | TMBC Funding | External Funding |
|---|-----------------|-------------------|
| Air source heat pumps at Larkfield Leisure Centre | £175,000 | £1,164,760 |
| Solar PV at Larkfield Leisure Centre | £0 | £393,000 |
| Solar PV at Tonbridge Pool (completed) | £110,000 | £0 |
| LED at Tonbridge Pool (completed) | £22,000 | £0 |
| LED at Larkfield Leisure Centre | £48,000 | £12,039 |
| Re-felt and roof insulation upgrade at Larkfield Leisure Centre | £575,000 | £0 |
| Sub-metering at Larkfield Leisure Centre and Tonbridge Pool | £0 | £75,000 |
| Total | £930,000 | £1,644,799 |

1.4.4 Although the individual projects will be progressed under the main 'Decarbonising the Council's Estate' capital plan scheme, individual project evaluations for the new schemes can be found at:

- Installation of air source heat pumps at Larkfield Leisure Centre (**Annex 1**)
- Installation of solar PV at Larkfield Leisure Centre (**Annex 2**)
- Re-felting of roof areas at Larkfield Leisure Centre (**Annex 3**)

1.4.5 An additional £500,000 of Council funding would be required as part of the updating of the 'Decarbonising the Council's Estate' capital plan scheme, which could be added from a combination of the revenue reserve for capital schemes and the Climate Change Reserve.

1.5 Legal Implications

1.5.1 The matters set out in this report are considered routine or uncontroversial.

1.5.2 There are numerous conditions under the two external grant schemes which the Council must comply with, this includes regular reporting to the grant operators.

1.5.3 If approved, appropriate contracts would be entered into with companies to deliver the works.

1.6 Financial and Value for Money Considerations

1.6.1 Quotations and tenders will be sought in line with the Council's financial procedure rules, including the use of frameworks where appropriate.

1.6.2 The projects are being discussed with the Mid-Kent Procurement Partnership as part of the arrangement the Council now has in place to provide procurement support.

1.6.3 In respect of the re-felt work at Larkfield Leisure Centre it is proposed the LHC RS4 Roofing Systems Framework is utilised. This will involve six registered companies being invited to tender for the work.

1.6.4 For the installation of solar PV at Larkfield Leisure Centre it is proposed the Laser Consult, Design, Install Framework is utilised. The existing installations at Larkfield Leisure Centre and Tonbridge Pool were completed via this framework and were delivered successfully.

1.6.5 For the installation of air source heat pumps at Larkfield Leisure Centre it is proposed an open tender exercise be undertaken.

- 1.6.6 The installation of energy efficiency measures, such as solar PV, LED lighting and roof insulation, will result in reduced energy usage and therefore reduced cost. Under the management agreement with the Leisure Trust, they are responsible for the cost of utilities, with the Council providing protection against tariff costs rising above CPI, subject to conditions.
- 1.6.7 The Leisure Trust will benefit from the savings resulting from the installation of the energy efficiency projects, which in turn will reduce the Council's exposure to the tariff protection clause.
- 1.6.8 It is proposed the additional £500,000 of Council funding be met from the Climate Change Reserve (£275,000) and Revenue Reserve for Capital Schemes (£225,000). This would be drawn from the £750,000 being allocated from the recent VAT windfall, which Cabinet approved under decision number CB23/105.

1.7 Risk Assessment

- 1.7.1 If the projects relating to external grant funding are not completed by the stipulated end date or are not progressed in line with the conditions of those grants, the Council would need to hand the money back.
- 1.7.2 If the roof areas are not re-felted in advance of the solar PV being installed at Larkfield Leisure Centre it would result in the PV installation having to be removed at a future date to allow the work to take place, adding complexity, cost and a period where the panels were not generating renewable electricity.
- 1.7.3 If the fire rating boarding is not included in the re-felt work the Council's current insurers have said they would not be able to provide an adequate level of insurance cover for the building.
- 1.7.4 In totality, if these projects are not progressed it would impact on the Council's ability to meet its Climate Change aspirations, as referenced in the Council's Strategic Risk Register, increasing the current scoring.
- 1.7.5 Following Members' decision to enter into the Mid Kent Procurement Partnership, the risk associated with undertaking large procurements such as these has decreased as we are able to draw on specialist advice to ensure the Council is achieving value for money.

1.8 Equality Impact Assessment

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

1.9 Policy Considerations

1.9.1 Climate Change

1.9.2 Asset Management

1.9.3 Procurement

1.10 Recommendations

1.10.1 Cabinet is asked to **RECOMMEND** to Council to:

1.10.2 Approve the updating of the 'Decarbonising the Council's Estate' List A capital scheme as outlined in the report, reflecting the revised figure of £1,644,799 attributable to external grant funding and increasing TMBC's contribution by £500,000 to the scheme, with £225,000 being met from the Revenue Reserve for Capital Schemes and £275,000 from the Climate Change Reserve, and;

1.10.3 Cabinet is **RECOMMENDED** to:

1.10.4 Approve the suggested procurement routes, as set out in Section 1.6 of the report, as required by paragraph 8.1 of the Council's Contract Procedure Rules.

Background papers:

contact: Stuart Edwards

Nil

Adrian Stanfield
Interim Chief Executive

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CAPITAL PLAN LIST C – EVALUATIONS

| Project | | Central Services: Decarbonising the Council's Estates - Air Source Heat Pumps Serving Fitness Pool at Larkfield Leisure Centre | |
|----------------|---|--|--|
| 1 | Specification: | | |
| | (i) | Purpose of the scheme | To install air source heat pumps serving the fitness pool at Larkfield Leisure Centre |
| | (ii) | Relevance to National / Council's Objectives | (a) National: Climate Change. (b) Council: Sustaining a borough which cares for the environment – adhering to the Council's Climate Change Strategy and reducing the use of fossil fuels. |
| | (iii) | Targets for judging success | (a) Successful operation of the heating and ventilation systems on completion. (b) Adherence to the grant conditions. |
| 2 | <p>Description of Project / Design Issues: The Council has been awarded £1,164,760 through the Public Sector Decarbonisation Scheme for the installation of air source heat pumps serving the fitness pool at Larkfield Leisure Centre, which will replace end of life gas fired boilers. The total estimated project cost is £1,323,591. A condition of the grant is that the Council funds the like-for-like replacement cost of the current boilers or 12% of the total project cost, whichever is higher. For this project 12% is the higher figure. It is recommended an allocation of £175,000 is made, leading to a total project budget of £1,339,760.</p> <p>The project needs to have been completed by March 2026.</p> <p>The grant administrators will release funds as and when required, following a payment application from the Council at regular intervals. This means the Council will need to forward fund the works before receiving payment from the grant administrator around 8 weeks later.</p> | | |
| 3 | <p>Milestones / Risks: Completion of detailed design, procurement of the works, award of contract and completion. Risks associated with tender returns exceeding the grant award and Council's budget, technical design of complex water and ventilation systems and disruption to the operation of the fitness pool during the course of the works.</p> | | |
| 4 | <p>Consultation: Consultation has taken place with the relevant Cabinet Member, internal officers and the Leisure Trust.</p> | | |
| 5 | <p>Capital Cost: £1,339,760, of which £1,164,760 will be met from the external grant, and £175,000 will be met from the climate change reserve.</p> | | |

CAPITAL PLAN LIST C – EVALUATIONS

| | | | | | | |
|---|---|------------------------|------------------------|------------------------|-------------------------------|------------------------|
| 6 | Profiling of Expenditure: | | | | | |
| | 2024/25 (£'000) | 2025/26 (£'000) | 2026/27 (£'000) | 2027/28 (£'000) | 2028/29 (£'000) | 2029/30 (£'000) |
| | £175,000 | £1,164,760 | | | | |
| 7 | Capital Renewals Impact: None | | | | | |
| 8 | Revenue Impact: Opportunity cost associated with not receiving interest payments on £175,000 would be £7,000 per annum based on a 4% return. The new air source heat pumps will need to be suitably maintained via a service contract. Costs for this will be added to the Council's Building Repairs Expenditure Plan. Some of the cost will be offset by not having to maintain the current gas boilers. | | | | | |
| 9 | Partnership Funding: £1,164,760 of project being funded through the Public Sector Decarbonisation Scheme. | | | | | |
| 10 | Project Monitoring / Post Implementation Review: Director responsible: Adrian Stanfield. Progress reported to: Cabinet. Post Implementation review to be carried out twelve months after completion. | | | | | |
| 11 | Screening for equality impacts: | | | | | |
| | Question | | | Answer | Explanation of impacts | |
| | a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? | | | No | | |
| | b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? | | | n/a | | |
| c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above? | | | n/a | | | |
| 12 | Recommendation: Amend the 'Decarbonising the Council's Estate' scheme, currently on the Capital Plan List A, to include the Air Source Heat Pumps at Larkfield Leisure Centre. | | | | | |

CAPITAL PLAN LIST C – EVALUATIONS

| Project | | Central Services: Decarbonising the Council's Estates - Solar PV at Larkfield Leisure Centre | |
|----------------|---|--|---|
| 1 | Specification: | | |
| | (i) | Purpose of the scheme | To install solar PV at Larkfield Leisure Centre |
| | (ii) | Relevance to National / Council's Objectives | (a) National: Climate Change. (b) Council: Sustaining a borough which cares for the environment – adhering to the Council's Climate Change Strategy. |
| | (iii) | Targets for judging success | (a) Reduced usage of grid supplied electricity. (b) Adherence to grant conditions. |
| 2 | <p>Description of Project / Design Issues:</p> <p>The Council has been awarded £393,000 through the Swimming Pool Support Fund scheme for the installation of solar PV at Larkfield Leisure Centre. It is anticipated the PV will be installed on the lower flat roof areas at the back of the building. A structural assessment will be required to ensure the existing roof construction will be able to take the additional weight of the panels, which will be completed during the design process.</p> <p>The project needs to have been completed by March 2025.</p> <p>The operators of the grant scheme will release funds as and when required, following a payment application from the Council at regular intervals. This means the Council will need to forward fund the works before receiving payment around 8 weeks later.</p> <p>A condition of the award is that sub-metering is installed on building services to facilitate better monitoring of utility usage. This work needs to be funded by the Council. Although the award only related to Larkfield Leisure Centre, it is recommended additional sub-metering is also installed at Tonbridge Swimming Pool to ensure a consistent approach to utility monitoring across both sites, with the aim of identifying further works or changes in operation which can deliver efficiencies. It is suggested the Council utilise part of its UK Shared Prosperity Fund allowance, having already allocated £75,000 in 2024/25 to improving energy efficiencies at the Council's leisure centres.</p> | | |
| 3 | <p>Milestones / Risks:</p> <p>Completion of design, structural assessment, procurement of the works, award of contract and completion.</p> <p>Risks associated with tender returns exceeding the grant award and the roof not being able to take the additional weight of the panels.</p> | | |
| 4 | <p>Consultation:</p> <p>Consultation has taken place with the relevant Cabinet Member, internal officers and the Leisure Trust.</p> | | |

CAPITAL PLAN LIST C – EVALUATIONS

| | | | | | | |
|--|--|------------------------|------------------------|------------------------|-------------------------------|------------------------|
| 5 | Capital Cost: £468,000 | | | | | |
| 6 | Profiling of Expenditure: | | | | | |
| | 2024/25 (£'000) | 2025/26 (£'000) | 2026/27 (£'000) | 2027/28 (£'000) | 2028/29 (£'000) | 2029/30 (£'000) |
| | £468,000 | | | | | |
| 7 | Capital Renewals Impact: None | | | | | |
| 8 | Revenue Impact: The solar PV system will need to be suitably maintained via a service contract. Costs for this will be added to the Council's Building Repairs Expenditure Plan. Electricity costs will be reduced through reduced usage of grid supplied electricity. | | | | | |
| 9 | Partnership Funding: £393,000 being funded through the Swimming Pool Support Fund scheme for the solar PV. £75,000 being funded through the UK Shared Prosperity Fund for the sub-metering. | | | | | |
| 10 | Project Monitoring / Post Implementation Review: Director responsible: Adrian Stanfield Progress reported to: Cabinet. Post Implementation review to be carried out twelve months after completion. | | | | | |
| 11 | Screening for equality impacts: | | | | | |
| | Question | | | Answer | Explanation of impacts | |
| | a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? | | | No | | |
| | b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? | | | n/a | | |
| c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above? | | | n/a | | | |
| 12 | Recommendation: Amend the 'Decarbonising the Council's Estate' scheme, currently on the Capital Plan List A, to include the Solar PV at Larkfield Leisure Centre. | | | | | |

CAPITAL PLAN LIST C – EVALUATIONS

| | | | |
|--|----------------|---|---|
| | Project | Central Services: Decarbonising the Council's Estates - Re-felt and insulation upgrade of roof areas at Larkfield Leisure Centre | |
| | 1 | Specification: | |
| | | (i) | Purpose of the scheme To re-felt and upgrade insulation of roof areas at Larkfield Leisure Centre ahead of the installation of solar PV |
| | | (ii) | Relevance to National / Council's Objectives (a) National: Climate Change. (b) Council: Maintaining an effective Council – maintaining the Council's buildings and adhering to contractual obligations. Sustaining a borough which cares for the environment – improving the thermal efficiency of Larkfield Leisure Centre helping to reduce energy usage and therefore running costs. |
| | | (iii) | Targets for judging success (a) 25 year guarantee for re-felting work and ability to install solar PV. |
| | 2 | Description of Project / Design Issues: The Council has been awarded £393,000 through the Swimming Pool Support Fund scheme for the installation of additional solar PV at Larkfield Leisure Centre. Ahead of installing additional solar PV it is recommended the roof areas are re-felted as they have reached the end of their serviceable life and the cost would increase significantly if this work were done after the solar PV had been installed. Additional roof insulation will be installed as part of the project, increasing the energy efficiency of the facility and helping to reduce energy usage and therefore running costs. A fire rated board will also be installed as part of the project to meet the requirements of the Council's insurers. | |
| | 3 | Milestones / Risks: Procurement of the works, award of contract and completion. Risks associated with tender returns exceeding the Council's budget, adverse weather delaying the works and 'hot works' leading to a fire risk. | |
| | 4 | Consultation: Consultation has taken place with the relevant Cabinet Member, internal officers and the Leisure Trust. | |
| | 5 | Capital Cost: £575,000 | |

CAPITAL PLAN LIST C – EVALUATIONS

| | | | | | | |
|---|--|------------------------|------------------------|------------------------|-------------------------------|------------------------|
| 6 | Profiling of Expenditure: | | | | | |
| | 2024/25 (£'000) | 2025/26 (£'000) | 2026/27 (£'000) | 2027/28 (£'000) | 2028/29 (£'000) | 2029/30 (£'000) |
| | £575,000 | | | | | |
| 7 | Capital Renewals Impact: None. | | | | | |
| 8 | Revenue Impact: Opportunity cost associated with not receiving interest payments on £575,000 would be £23,000 per annum based on a 4% return. | | | | | |
| 9 | Partnership Funding: None for the re-felt work, although this will allow the Council to utilise £393,000 of external funding for the installation of solar PV. | | | | | |
| 10 | Project Monitoring / Post Implementation Review: Director responsible: Adrian Stanfield Progress reported to: Cabinet Post Implementation review to be carried out twelve months after completion | | | | | |
| 11 | Screening for equality impacts: | | | | | |
| | Question | | | Answer | Explanation of impacts | |
| | a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? | | | No | | |
| | b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? | | | n/a | | |
| c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above? | | | n/a | | | |
| 12 | Recommendation: Amend the 'Decarbonising the Council's Estate' scheme, currently on the Capital Plan List A, to include the Re-Felt and insulation upgrades of roof areas at Larkfield Leisure Centre. | | | | | |

TONBRIDGE & MALLING BOROUGH COUNCIL

COUNCIL

09 July 2024

Report of the Director of Central Services and Deputy Chief Executive

Part 1- Public

Matters For Information

1 **APPOINTMENTS TO OUTSIDE BODIES**

To note non-annual appointments to the Berry Housing Trust, Stansted.

1.1 Introduction

1.1.1 The Secretary of the Berry Housing Trust has advised that the information held by the Borough Council in respect of non-annual appointments to this organisation are out of date.

1.1.2 Currently, the non-annual appointments to the Berry Housing Trust are as follows:

- Ms Malita Gandolfo
- Mr Richard Hogbin
- Sir Robert Nelson

1.1.3 These individuals have been resident in the parish for many years and have considerable knowledge of the local area and parish activities and are considered a valuable asset to the Trust.

1.1.4 Berry Housing Trust provides housing, facilities and open spaces for elderly people in Stansted.

1.1.5 The appointments would be indefinite.

1.2 Legal Implications

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

1.3 Financial and Value for Money Considerations

1.3.1 Not applicable.

1.4 Risk Assessment

1.4.1 Not applicable.

1.5 Equality Impact Assessment

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

1.6 Conclusion

1.6.1 The appointments of Ms Malita Gandolfo, Mr Richard Hogbin and Sir Robert Nelson as Trustees of the Berry Housing Trust for an indefinite period be noted; and

1.6.2 The Outside Bodies Schedule be updated to reflect the current appointments.

Background papers:

Nil

contact: Allison Parris
Principal Democratic Services
Officer

Adrian Stanfield
Director of Central Services

Agenda Item 16

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

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Agenda Item 18

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

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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