

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

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

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

4 November 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, 12th November, 2024 commencing at 7.30 pm.

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

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

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

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

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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 - 22

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 3 September 2024

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The covering report and annexes provide 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 a key tool in assessing performance management and helping to deliver positive change. Within the report, consideration is also given to a review of the KPIs and performance management more generally, setting out a number of measures which could help contribute towards embedding a culture of Performance Management and creating a more efficient and stream-lined approach to KPIs.

Matters for Recommendation to the Council

6. Treasury Management Update and Mid-Year Review 2024/25 47 - 70

Consideration of recommendation AU 24/39 of Audit Committee of 23 September 2024.

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

Executive Key Decisions

7. Housing Allocations Scheme - Amendment 71 - 112

The report considers a number of amendments to the Housing Allocations Scheme reflect feedback and experience since its introduction in 2023.

8. Review of Fees and Charges - Communities and Environment 113 - 130

The recommendations of the Communities and Environment Scrutiny Select of 6 November 2024 in respect of fees and charges are marked 'to follow' and will be circulated as soon as possible in advance of the meeting of Cabinet.

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In accordance with the Council's Financial Procedure Rules this report informs Members of the current financial position to the end of September 2024 for the 2024/25 Financial Year.

10. Consultant Use at the Council 145 - 206

Consideration of recommendation OS 24/34 of Overview and Scrutiny Committee of 11 September 2024

11. Risk Management 207 - 230

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Matters submitted for Information

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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.

14. Decisions taken by Cabinet Members 259 - 260

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

15. Notice of Forthcoming Key Decisions (if available) 261 - 266

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16. Urgent Items 267 - 268

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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17. Exclusion of Press and Public 269 - 270

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

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18. Tonbridge Town Centre Programme Board - Minutes and Recommendations 271 - 280

The report details the minutes, actions and recommendations from the Tonbridge Town Centre Board meeting on 26 September 2024 as shown in Annex 1

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

Executive Key Decisions

19. Future Operator of the replacement Angel Centre 281 - 290

(Part 2 - Private: LGA 1972 - Sch 12A Paragraph 3 - Financial or business affairs of any particular person)

The report considers options in respect of an operator of a future leisure/community facility in Tonbridge.

20. Larkfield Leisure Centre Air Source Heat Pumps and Air Handling Unit Tender 291 - 296

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 3 - Financial or business affairs of any particular person)

The report sets out the tenders received for the design and installation of air source heat pumps along with a replacement air handling unit serving the fitness pool at Larkfield Leisure Centre. The report seeks Cabinet approval to award the contract.

21. Tonbridge Castle Gatehouse - Roof Repair Tender 297 - 302

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 3 - Financial or business affairs of any particular person)

The report sets out the tenders received for roof repair work at Tonbridge Castle Gatehouse and requests Cabinet approve the award of contract.

Executive Non-Key Decisions

22. Medium Term Financial Strategy - Update 303 - 322

(Reasons: Part 2 - Private: LGA 1972 - Sch 12A Paragraph 3 - Financial or business affairs of any particular person)

A report updating on the Medium Term Financial Strategy (MTFS) having regard to the latest financial issues. The MTFS will continue to be updated as the 2025/26 budget is prepared and therefore this should be treated as an interim update only.

23. Urgent Items 323 - 324

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

MEMBERSHIP

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

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

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

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

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

- (2) There are no fire drills planned during the time a meeting is being held. For the benefit of those in the meeting room, the fire alarm is a long continuous bell and the exits are via the doors used to enter the room. An officer on site will lead any evacuation.
- (3) Should you need this agenda or any of the reports in a different format, or have any other queries concerning the meeting, please contact Democratic Services on committee.services@tmbc.gov.uk 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, 3rd September, 2024

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

In attendance: Councillors L Athwal, B Banks, J Clokey, M A J Hood, F A Hoskins, Mrs A S Oakley, Mrs M Tatton and D Thornewell were also present pursuant to Access to Information Rule No 23.

Virtual: Councillors D Harman, M R Rhodes and K S Tunstall participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 24/88 DECLARATIONS OF INTEREST

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

CB 24/89 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 8 July 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/90 CAPITAL WORKS - CAR PARKS

Consideration was given to progressing a number of fast-track capital plan schemes to allow the implementation of the decisions taken by Cabinet on 30 April 2024 in respect of the new parking proposals throughout the borough.

The three schemes which were required to be transferred from List C to List A of the Capital Plan to enable the introduction of the new parking charges were as set out as follows:

- Bailey Bridge East Car Park Improvements, Aylesford;
- Introduction of Automatic Number Plate Recognition (ANPR); and
- Parking Amendments to Car Parks and On-Street Parking.

It was noted that a fast track capital plan evaluation had been completed for each of the above schemes, as set out in Annexes 1, 2 and 3, and a

more detailed project plan would be put together for each of the schemes to set out their respective milestones and timetables in due course.

Particular reference was made to implications for the blue badge holders following the implementation of ANPR enforcement and, in response to questions received and further clarification on the limitation of the technology, the Cabinet Member for Transformation and Infrastructure confirmed that arrangements would be made to enable residents with a blue badge to register their car for free parking in the car parks where ANPR would be introduced to provide access convenience to disabled vehicle users. This was supported by the Cabinet and other Members.

In addition, the benefits of introducing ANPR technology which supported both RingGo and cash payment methods and reflected charge based on actual length of stay were acknowledged. Contactless payment would continue to be investigated, although the challenge around internet connection requirement of the contactless payment machines was recognised.

In response to questions raised by Members on targets set for the schemes to enable measurement of success following implementation, it was explained that these would be set out in the detailed project plans, which would be subject to a post implementation review in 12 months' time to assess the impact of the schemes.

Due regard was given to the policy, financial and value for money considerations and the legal implications and the necessity to fast track the capital plan schemes to enable the implementation of the decisions within the financial year was acknowledged.

RECOMMENDED*: That

- (1) the three fast track capital schemes, shown in Annexes 1, 2 & 3, be transferred to List A of the capital planning this financial year to enable the introduction of new parking charges, subject to an amendment in respect of the Automatic Number Plate Recognition (ANPR) scheme (attached at Annex 2) to reflect that arrangements would be made to enable residents with a blue badge to register to park free of charge at the car parks where ANPR enforcement would be implemented;
- (2) capital funding of £530,000 for the capital works be met from the revenue reserve from capital schemes;
- (3) authority be granted to the Director of Central Services/Deputy Chief Executive to submit a planning application for the scheme in the Bailey Bridge East car park, Aylesford; and

- (4) revenue funding of £15,000 be included in the revised revenue estimates to appoint external consultants to assist in the design of the schemes.

***Recommended to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 24/91 JULY 2024 BUDGETARY CONTROL

(Decision Notice D240087CAB)

The report of the Director of Finance and Transformation presented Members with the current financial position to the end of July 2024 for the 2024/25 Financial Year, in accordance with the Borough Council's Financial Procedure Rules.

Since a revenue budget of £11,671,480 was set by the Council in February 2024, a number of Cabinet and committee decisions had been taken (as set out in Annex 1) with a net impact of a slight reduction of £3,192 on the revenue budget.

Budgetary Control Monitoring Statements for Salaries and Incomes to the end of July 2024 were attached for information at Annexes 2 and 3 respectively, which reflected an underspend of £69,750 against the current salary estimates proportioned to the end of July 2024 and an actual which was £26,345 less than the apportioned income estimate for the same period.

With regard to investment income, both Core and Cashflow funds were shown above the proportion of the original estimates due to continued high base rates which, however, were not anticipated to continue in the long term.

Areas identified as variations to the original estimate as of the end of May 2024 included service fee to the Tonbridge and Malling Leisure Trust, which was below the estimate thanks to the energy efficiency measures and savings, and expenditure on temporary accommodation, which was an overspend above the estimate due to higher than expected level of clients and increasing accommodation costs.

Furthermore, capital expenditure to the end of July 2024 was detailed in Annex 4.

With regard to the savings target as identified in the Medium Term Financial Strategy, Members acknowledged that challenge was still ahead in identifying options to close the overall funding gap of £1.7m

despite that the first tranche target of £305,000 to be achieved by April 2025 had already been exceeded. It was therefore suggested that options be invited from members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee for evaluation, and this was supported by the Cabinet.

RESOLVED: That

- (1) as at the end of July 2024, a net favourable variance of circa £291,000 when compared to the proportion of the 2024/25 budget as shown in paragraph 1.6.1 be noted;
- (2) the potential issues surrounding the impact of the current client levels, cost of temporary accommodation and debt recovery within the revenue budget for Homelessness Accommodation be noted;
- (3) the current business rate pool position, as at the end of July 2024 as set out in paragraph 1.7.2, be noted;
- (4) the current spend on Capital Projects for 2024/25 be noted;
- (5) the current position of the Savings Target be noted; and
- (6) Members of the three Scrutiny Select Committees and the Overview and Scrutiny Committee be invited to propose options for evaluation in the forthcoming months to assist in bridging the current funding gap.

CB 24/92 TONBRIDGE RACECOURSE SPORTSGROUND MANAGEMENT PLAN CONSULTATION

(Decision Notice D240088CAB)

Consideration was given to recommendation CE 24/27 of the Communities and Environment Scrutiny Select Committee of 17 July 2024 in respect of the draft Tonbridge Racecourse Sportsground Management Plan.

Cabinet had due regard to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and noted the changes proposed to the draft Management Plan, with particular reference made to the representativeness of the Tonbridge Sports Association, which would be taken into consideration when consultation was to be undertaken for review of any management plans in the future.

RESOLVED: That

- (1) the proposed amendments to the draft Management plan, as set out in Annex 2, be approved, subject to amending the proposed responses in respect of footpaths and active travel to read 'unlikely to be realistic'; and
- (2) the draft Management Plan for Tonbridge Racecourse Sportsground 2024-28 (attached at Annex 3) be approved.

CB 24/93 RISK MANAGEMENT

(Decision Notice D240089CAB)

Consideration was given to recommendation AU 24/28 of the Audit Committee of 22 July 2024 in respect of risk management process and the Strategic Risk Register (SRR).

Cabinet had due regard to the views of the Committee, the financial and value for money considerations and the legal implications and noted that, as recommended by the consultant, following a review undertaken by the Management Team of all the risks contained within the SRR, a number of changes had been made to the current Register, including the deletion of some risks that were no longer felt to be strategic risks and the titles of some of the risks. The number of 'red' risks on the SRR remained to be 4 as set out below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement

RESOLVED: That

- (1) the review undertaken by Management Team in streamlining the Strategic Risk Register, be noted; and
- (2) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as 'RED', be noted.

MATTERS SUBMITTED FOR INFORMATION

CB 24/94 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 24/95 NOTICE OF FORTHCOMING KEY DECISIONS

Notice of Forthcoming Key Decisions for September to October 2024 was presented for information.

CB 24/96 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 KEY DECISIONS****CB 24/97 LARKFIELD LEISURE CENTRE ROOF RE-FELT AND INSULATION UPGRADE TENDER**

(Decision Notice D240090CAB)

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

Following a formal tender and evaluation process, the report provided details of the tenders received for the roof re-felt and insulation upgrade works at Larkfield Leisure Centre and recommended an award of the contract.

Cabinet had due regard to the evaluation, the risk assessment, financial and value for money considerations and the legal implications and noted that the value of the successful tender was within the budget previously approved by Members. Any underspend on the final project would reduce the funding requirement from the Revenue Reserve for Capital Schemes. The proposed energy efficiency works to support the Council's Climate Change Strategy were highly welcomed by Members.

RESOLVED: That the contract for the re-felt and roof insulation upgrade works at Larkfield Leisure Centre be awarded to Acclaim Contracts Ltd.

CB 24/98 LOCAL AUTHORITY HOUSING FUND

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

The report presented details in respect of Round 3 of the Local Authority Housing Fund (LAHF) which, following a change in criteria and match funding arrangements, was now considered a suitable funding opportunity for the Borough Council. This grant opportunity would support the delivery of temporary accommodation and homes for use under the Afghan Citizens Resettlement Scheme.

A Memorandum of Understanding (attached at Annex 1) detailed the number of units to be delivered and the grant funding requirements.

Cabinet had due regard to the delivery approach presented, the risk assessment, policy, financial and value for money considerations and the legal implications.

RESOLVED: That

- (1) acceptance of the Local Authority Housing Fund Round 3 funding be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Director of Finance and Transformation and the Cabinet Member for Finance and Housing, to sign the Memorandum of Understanding (attached at Annex 1); and
- (3) the Director of Planning, Housing and Environmental Health liaise with the Director of Finance and Transformation, and relevant Cabinet Members, to enable the Borough Council to move forward with acquisition within the funds set out in the Capital Plan (as set out in (4) below) once a suitable property has been identified.

(Agreed by Cabinet under Decision Notice D240091CAB)

RECOMMENDED*: That

- (4) it be recommended to Full Council that the Capital Plan be updated to include an allowance of up to £400,000 (to be funded from Temporary Accommodation Reserve and/or s106 contributions) as the Borough Council's contribution to the Year 1 property acquisition.

***Recommendation to Council**

CB 24/99 HOUSING TEAM STAFFING

(Decision Notice D240092CAB)

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

Consideration was given to proposals to extend a number of temporary staffing arrangements within the Housing Service whilst a review would be forthcoming to address these in the longer term, in response to recommendations made by a temporary accommodation/homelessness consultancy review.

Due regard was given to the policy, financial and value for money considerations and the legal implications and it was proposed that the extensions be funded from the balance of the homelessness reserve. There was a risk that if the current arrangements were not extended there would be an impact on service delivery which could lead to increased numbers of households in temporary accommodation.

RESOLVED: That

- (1) the extension of the four temporary Housing Allocation posts from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (2) the extension of the temporary Triage Officer agency arrangement from 1 October 2024 until 31 March 2025 as set out in the report, be agreed;
- (3) the extension of the temporary Move On Officer role from 1 October 2024 until 31 March 2025 as set out in the report, be agreed; and
- (4) the total cost of the above, as set out in the report, be funded from the homelessness reserve.

The meeting ended at 8.44 pm

Cabinet

12 November 2024

Part 1 - Public

Executive Non-key Decision



Cabinet Member	Cllr Boughton, Leader of the Council
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Jeremy Whittaker, Strategic Economic Regeneration Manager

Key Performance Indicators (Q1 2024/25)

1 Summary and Purpose of Report

1.1 This covering report and annexes provide 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 a key tool in assessing performance management and helping to deliver positive change. Within the report, consideration is also given to a review of the KPIs and performance management more generally, setting out a number of measures which could help contribute towards embedding a culture of Performance Management and creating a more efficient and stream-lined approach to KPIs.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Performance Management through the use of Key Performance Indicators is a key measure to ensure that the Council is run efficiently and effectively, and delivers for local residents and businesses.

3 Recommendations

- 3.1 That the report BE NOTED.
- 3.2 That the targets associated with the KPIs as referred to in 6.1 and set out in Annex 1 BE AGREED.
- 3.3 That the proposed solutions arising from the review of performance management as set out in Section 7 BE AGREED.

4 Introduction and Overview of KPIs for Q1 (2024/25)

- 4.1 The KPIs are provided in Annex 1, with the data for April-June 2024 (Q1) representing the most up-to-date available statistics in most instances. However, due to the lag in some statistics the previous quarter does still represent the most up to date figures.
- 4.2 There are some quarterly trends that can be identified and highlighted in this report. These include:

Good News:

- **003: Attendance at Leisure Facilities** - the figures for Q1 are now available and show that 393,713 visits were made to our leisure facilities during April-June 2024. This represents an increase of 8.8% on the same period in 2023/24.
- **012: Staff Vacancies** are now at the lowest point (9) since KPIs were collected, dropping steadily from 19 in Q1 2023/24. **020: Outstanding Debt** at around £621,700 is the lowest it has been for a year.
- **032: Housing Land Supply (HLS)** is now at 4.36 years. Whilst the target is to have 5 years supply, this new figures represents a considerable increase from 3.22 years in 2022. However, it should be noted that Government is proposing to change the methodology and this will likely have a negative bearing on future HLS figures.
- **034: Affordable Homes Built Out** increased to 157 in 2023/24 (from 30 in 2022/23).
- **050/051: Leisure Centres Income and Expenditure** - a positive picture showing income above profile (104.1%) and expenditure below profile (96.5%).
- **100: Major Planning Applications** - 90% were decided upon within government targets, an increase from 67% in the previous quarter.
- **117: Formal Complaints** (Street Cleansing) dropped to just 5 in Q1.

Areas of Focus:

- **005: Reported Anti-Social Behaviour Cases** - cases have increased to 130 in Q1 from 94 in the same quarter of 2023/24. This increase has arisen as there has been a marked increase in community engagement and project delivery, meaning that the team are actually generating an increase in reporting. It is expected that this increased level of reporting will continue in future quarters.

- **014: Sickness Absence** - Medically Signed Off has increased over the last 15 months from 2.89 to 4.81 days.
- **021: T&M CO2 Emissions** - new end of 2023/24 figures are now available showing that the required drop in emissions is currently not as steep as needed in order to meet targets despite the fact that the Climate Change Strategy Action Plan has a number of measures in place to reduce carbon emissions.
- **024: Recycling and Composting** - figures for Q1 still to be released, but figure for 2023/24 is now available (albeit an estimate) which shows a drop in recycling rates. In response, a programme of activities to help increase recycling rates, including the roll out of food waste to communal properties, is taking place.
- **029: Number of Fly Tipping Incidents** - has increased to 275 in Q1. Anecdotally, this increase is similar in other parts of the county, with increased community engagement also leading to the identification of a greater number of fly-tipping sites. The borough undertakes the second highest number of investigations and issues the second highest number of Fixed Penalty Notices in the County.
- **033: T&M Local Development Scheme** - The Council took the decision to pause work on the Regulation 18b Local Plan due to the announcement that a revised NPPF would be consulted on very soon. An updated LDS was to be presented to members at the same time as the Regulation 18b. A revised LDS will now need to be drawn up following the implications of the NPPF being fully understood.
- **038: Number of People in Temporary Accommodation** - has increased to 136 from 91 in Q4 of 2022/23, demonstrating the ongoing growth in demand.
- **101: Minor Planning Applications** - although still above government targets, this KPI has dropped to 75.47% The introduction of Biodiversity Net Gain and the requirement to secure funding for monitoring will further impact on the timing for delivery of such schemes. The use of Extensions of Time is going to be essential to ensure applications are delivered to agreed timescales.

5.3 In considering the above areas for focus, it may be useful to cross-reference with Annex 2, which sets out a long view (the last 5 quarters) for the Corporate KPIs.

5 Targets

5.1 In Annex 1, the majority of the Corporate KPIs have been assigned an annual target. These have been provisionally arrived at based on the achievements of the

previous year, the general trajectory of the KPI, and discussions with the individual service. Consideration of these proposed KPI targets is encouraged, with any amendments put forward by Cabinet being incorporated ahead of Q3 reporting (as Q2 reporting is already well advanced).

6 Review of Performance Management

- 6.1.1 Following the Peer Challenge Review, the council re-established a Performance Management Toolkit that aligned with a new Corporate Strategy, and aimed to support improved decision making. A recent internal audit review in April 2024 has demonstrated that the work to date represents a considerable improvement in performance management, however it acknowledged that there is still progress to be made in embedding the KPIs within our decision making.
- 6.1.2 The following section provides some views on perceived issues with the current set up and potential solutions that would support efficiencies and improved decision making.

Issue 1: Reporting KPIs is long-winded and in parts, piecemeal.

- 6.1.3 At present the KPIs are reported to the 3 Scrutiny Select Committees (SSCs), Overview and Scrutiny Committee (O&S) and then Cabinet on a quarterly basis. However, when it comes to the SSCs and O&S, the KPIs are artificially separated along thematic lines. As such, Members of these committees only receive part of the overall picture and are unable to consider the KPIs within a wider context. They are also unable to consider other potentially relevant KPIs and have to cross reference across 4 reports in order to do so (until the report is made available to Cabinet).

Possible Solution

- 6.1.4 It is proposed that the KPIs are reported in their totality to O&S and then Cabinet.
- 6.1.5 This would have the benefit of not artificially dividing up the suite of KPIs, and would also help to make the role of scrutinising the KPIs more straightforward for Members and a much stronger role in overseeing Performance Management.
- 6.1.6 Whilst the 3 SSCs would no longer receive quarterly segmented KPI reports, it is recognised that they still have a strong role to play in scrutinising the work of the Council. As such it is suggested that on an annual basis, Cabinet Members will present a report to the relevant SSCs setting out achievements and challenges over the course of the previous year and plans for the following year, including the use of KPIs.

Issue 2: There are currently too many KPIs

- 6.1.7 At present, there are 54 Corporate KPIs (which align with the Corporate Strategy) along with an 18 additional KPIs that are viewed as providing useful intelligence.

Whilst this is a slight reduction from the original suite of KPIs, this is still a considerable number of KPIs to manage and oversee on a regular basis. As such, there is a danger that the KPIs become slightly overwhelming and are not sufficiently user-friendly when focussing on key issues.

Possible Solution

6.1.8 It is proposed that an exercise is undertaken to streamline the number of KPIs so that there are 40-50 KPIs in total, which will in large part be informed by the upcoming Annual Service Delivery Plan. Ultimately any adaptation to the KPIs and their targets need to be agreed by Cabinet, but it is suggested that priority should be given to those KPIs that meet the following principles:

- Are seen as a **strategic** priority.
- Provide **meaningful** insights on our performance.
- Closely **aligned** with the Corporate Strategy.
- Are **influenced** by the Council.
- Are **accessible** on a quarterly basis.
- Are readily **available** and do not have considerable lag.
- Can be **benchmarked** using accessible data (LGInform Plus).

These principles are particularly important as a tool for reducing the number of KPIs, especially as there are a number that currently do not meet these standards. For example, the following KPIs do not necessarily provide meaningful insights into performance either because it is unclear whether an increase or decrease is positive, they are reactive rather than proactive or because they are vague:

- 011 Staff Numbers
- 025 Number of Contaminated Land Enquiries
- 039 Number of Properties where Conditions have been Improved
- 054 Number of projects jointly delivered with strategic partners

Or they are predominantly contextual and are not influenced directly by the council:

- 043 Ratio of Enterprise Births and Deaths
- 045 Unemployment Rate

Issue 3: The need to embed performance management and strengthen the use of KPIs as a tool for decision-making.

6.1.9 Over the past 18 months, the Council has made considerable progress with regards to establishing a stronger Corporate Strategy and suite of KPIs. More recently, the following approaches have been undertaken to try and encourage greater discussion and use of KPIs:

- Putting KPIs/Performance Management higher up agendas
- Different presentation of reports/data/trends
- Subscribing to LG Inform Plus to improve benchmarking

6.1.10 However, it is clear that there is potential to incorporate ways of embedding the KPIs into the way in which decisions are made by the council and therefore instilling a culture of performance management into the day-to-day work of the organisation.

Possible Solutions

6.1.11 The following are proposed as measures that would help to embed performance management within the organisation:

- Give the Cabinet Member for Transformation and Infrastructure explicit **responsibility for Performance Management** as a way of helping to raise its profile within the organisation.
- Investigate setting up Member and Officer **Training** on Performance Management.
- Ensuring a '**golden thread**' exists through the organisation which sets out clear priorities, values and SMART targets and stretches from:
 - Corporate Strategy
 - Annual Service Delivery Plan
 - Team Plans and Strategies
 - Individual Performance Assessments

The council does have some of this in place already, but a strong thread will ensure that everyone within the organisation will have a greater appreciation of the role that they play within the organisation and understand their role in contributing towards the overall vision set out in the Corporate Strategy.

- If there is to be a greater ownership of performance management then it is vital that the organisation **communicates the resulting data** in an open and transparent way and **celebrates success**, not only internally but also is able to share best practice with other councils.
- As things stand, the Strategic Economic Regeneration Manager (SERM) only attends and presents KPI reports if Members have submitted questions or is there to present other reports. If there are fewer meetings (O&S and Cabinet), it would make sense for the SERM **to present and set out some prompt questions** on key areas to help initiate debate/discussion.
- Publish the KPIs on our website/staffnet in a prominent place in order to **improve transparency and accountability**. If the KPI data is seen as more readily accessible (rather than having to go through meeting packs) this might encourage greater debate/use of KPIs.
- Have KPIs (or some of the **key messaging**) **available** at our receptions.

7 Financial and Value for Money Considerations

7.1 None arising directly from this report.

8 Risk Assessment

8.1 Performance Management is identified in the Strategic Risk Register which highlights 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.

9 Legal Implications

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

10 Consultation and Communications

10.1 The KPIs are used by the Council to communicate, both internally and to our communities, about our achievements as well as any areas of focus that the Council is working to improve.

11 Implementation

11.1 Subject to agreement of the recommendations set out in this report, that work on performance management, indicators and targets start to be undertaken with a view to having adapted processes and KPIs in time for 2025/26.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 The reporting on KPIs has a limited positive impact on climate change and biodiversity in the sense that a few of the KPIs specifically relate to emissions and air quality, and as such contribute towards highlighting the Council's performance in this area.

12.3 Equalities and Diversity

12.3.1 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.

Background Papers	None
Annexes	Annex 1 – Q1 Corporate KPIs Annex 2 – The Long View: Corporate KPIs Trends

Annex 1 – KPIs April - June 2024 (Q1)

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	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)	33 due/47 done	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	37 due/57 done	42 due/40 done				100% of due inspections undertaken	→				Food Standards Agency	
	002	% of due food safety inspections undertaken (Risk Category D-E)	49 due/85 done	Jan-Mar 2023	Quarterly	SSRS Reports from IDOX Uniform	127 due/104 done	74 due/87 done				100% of due inspections undertaken	→				Food Standards Agency	
	003	Total attendance at LLC/AC/TSP/PWGC (cumulative for year by quarter)	1,191,704	2022/23	Quarterly	TMLT Management System	345,422 (1.325m for 2023/24)	393,713				1.4m	↑				TMLT/ Sport England	8.8% above same period in 2023/24
	004	Number of clients referred into the One You service	214	Jan-Mar 2023	Quarterly	Refer All OYWK	194 (687 for 2023/24)	189				750 per annum	→				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 reported ASB cases	78	Jan-Mar 2023	Quarterly	ASB Database	65 (328 for 2023/24)	130				Under 300 pa	↓				N/A	
	006	Total number of reported victim-based crimes	1,894	Jan-Mar 2023	Quarterly	Kent Police	1,690 (7,621 for 2023/24)	1,813				Under 7,500 pa	↓	6,708 (S); 12,890 (M) and 6,945 (TW)	2023/24	S'oaks, M'stone and TW	LG Inform Plus	
	007	No. of red flags on safeguarding self-assessment framework and Section 11 audit.	0	2022	Annually	Annual SAF	0	0				0	→	TBC	TBC	TBC	KCC	

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
Make our services and advice available to residents 24 hours a day through digital innovation	008	Social media clicks/engagement	5,200	Jan-Mar 2023	Quarterly	Orlo	5,085 (21,676 for 2023/24)	5,450				25,000 pa	→				N/A	
	009	Website Myaccount Registrations (total)	31,387	Jan-Mar 2023	Quarterly	Jadu	40,323	42,544				47,500 by end of March 2025	↑				N/A	
	010	My TMBC app downloads (total)	6,474	Jan-Mar 2023	Quarterly	One Signal	9,561	10,232				11,500 by end of March 2025	↑				N/A	
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)	224	Jan-Mar 2023	Quarterly	Chris 21 Reports	228.76	231.49				230 by end of March 2025	↑	387 (SDC); 506 (MBC); 282 (TWBC)	Apr-Jun 2023	SDC, MBC and TWBC	LG Inform Plus	Mean monthly figure for the actual quarter.
	012	Vacant Posts	17	Jan-Mar 2023	Quarterly	Chris 21 Reports	10	9				Under 8 by end of March 2025	↑	35	Q3 (2023/24)	MBC	LG Inform Plus	Posts the Council is actively trying to fill.
	013	Sickness absence (days) - short term	3.5	Jan-Mar 2023	Quarterly	Chris 21 Reports	2.91	2.86				Under 2.7	↑	2.9	2022/23	MBC (only available adjoining comparator)	LG Inform Plus	These statistics are cumulative for the financial year, as such each quarter includes the sickness information from Q1 onwards.
	014	Sickness absence (days) - medically signed off	2.89	Jan-Mar 2023	Quarterly	Chris 21 Reports	4.59	4.81				Under 3.5	↓	6.7	2022/23	MBC (only available adjoining comparator)	LG Inform Plus	Note that the sickness statistics are cumulative, this means that each quarter includes the sickness information from Q1 onwards.

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
Further move the borough council forward so its services are delivered innovatively and in the most cost-effective and efficient way.	015	Gender Pay Gap - Median	30.60%	2022	Annually	Chris 21 Reports	22.24%	22.24%				Under 20%	→	-11.4% (SDC); 6.5% (TWBC) and -4.6% (MBC)	2023/24	SDC, TWBC and MBC	LG Inform Plus	
	016	Salary Monitoring data (£)	£106,150 below profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	£127,450 below	£61,450 below				To profile	→				N/A	Amber on the basis it is still below profile albeit to a lesser degree.
	017	Income Monitoring data (£)	£65,409 over profile budget	Jan-Mar 2023	Quarterly	Financial Ledger System	£199,824 above	£155,180 below				To profile	↓				N/A	
	018	Council Tax collection (%) - cumulative	98.40%	2022/23	Quarterly	Revenues System	98.03%	27.42%				98.1%	→	97.20%	2022/23	Shire Districts	gov.uk	23/24 collection rate was joint highest in Kent.
	019	NNDR collection (%) - cumulative	99.40%	2022/23	Quarterly	Revenues System	99.38%	29.23%				99.40%	→	97.50%	2022/23	Shire Districts	gov.uk	23/24 collection rate was second highest in Kent. NNDR collection will remain volatile due to large assessments (Panattoni) entering the list through the year.
	020	Sales ledger - outstanding debt (£)	£786,627.80	Jan-Mar 2023	Quarterly	Financial Ledger System	£866,189	£621,710.50				Below £800,000	↑				N/A	Q1 represents lowest figure since KPIs collected.

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
Deliver climate change plans which focus on cutting emissions and increasing biodiversity.	021	T&M carbon dioxide emissions data (ktCO2e)	816.4	2021	Annually	BEIS - CO2 Emissions Statistics	776.7	N/A				675 ktCO2e	→	867.1 - Maidstone Borough; 755 - Sevenoaks District; 462 - T W Borough	2022	Adjoining Authorities	gov.uk	Marked as 'amber' as decreasing, however they are currently not on track to meet targets for 2030.
	022	TMBC annual carbon audit emissions data (tCO2e)	3604	2022/23	Annually	Primary Research/gov.uk	3327	N/A				3100	→				N/A	Marked as 'amber' as decreasing, however they are currently not on track to meet targets for 2030.
	023	<i>Biodiversity KPI - TBC</i>	<i>TBC</i>	<i>TBC</i>	<i>Annually</i>	<i>TBC</i>	<i>TBC</i>	<i>TBC</i>				<i>TBC</i>					<i>N/A</i>	<i>Still to be confirmed.</i>
Build on our track record of recycling more than anywhere else in Kent.	024	% of household waste sent for recycling and composting	51.6	2020/21 (audited)	Quarterly	Waste Data Flow (DEFRA)	47.5%	N/A				52%		47.8% (TW) and 34.5% (S'oaks)	2022/23	TW and S'oaks	Waste Data Flow (DEFRA)	Completed Q4 tonnages awaited from KCC. Q1 for 2024/25 not yet received or audited.
Improve environmental quality in the borough by tackling sources of pollution.	025	Number of contaminated land enquiries.	6	2022/23	Annually	EP Database	13	N/A				Reactive to need					N/A	Reported annually in Q4
	026	Total number of service requests leading to investigation	518	2022/23	Annually	Reports from IDOX	499	N/A				Reactive to need					N/A	Reported annually in Q4
	027	Number of enforcement notices served	8	2022/23	Annually	EP Notices Register	3	N/A				Reactive to need					N/A	Reported annually in Q4

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
Improve environmental quality in the borough by tackling sources of pollution.	028	Number of AQMA's in the Borough (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	1	2022	Annually	Annual Status Report (ASR)	1	N/A				0					N/A	Reported annually in Q4
	029	Number of fly tip incidents	836	2022/23	Quarterly	Waste Data Flow (DEFRA)	257 (943 for 2023/24)	275				5% reduction	↓	2,391 (MBC); 2,148 (GBC); 801 (SDC); 721 (TWBC)	2022/23	Adjoining LAs	LG Inform Plus	No comparison with other Kent councils available at this time for Q1. 2023/24 data shows TMBC as being 4th lowest in terms of incidents and 2nd highest for number investigated & FPNs issued.
Continue our successful management of parks, open spaces and leisure centres.	030	Total attendance at LLC/AC/TSP/PWGC (duplicate - KPI 003)	1,191,704	Apr-Jun 2022	Quarterly	TMLT Management System	345,422 (1.325m for 2023/24)	393,713				1.35m	↑				TMLT/ Sport England	Please see comment for KPI 003
	031	No of parks with Green Flag status	3	Jun-22	Annually	Green Flag Award website	3	3				3	→	48	Sep-23	Kent and Medway	N/A	3 owned by TMBC - 4 in total in the borough (Manor Park in West Malling owned by KCC)

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments	
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator			
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)	3.22	2022	Annually	HLS Study	3.65	4.36					5-year supply	↑	2.9 (GBC), 3.9 (SDC) 4.29 (TWBC) 6.0 (MBC)	2022/23	Adjoining LAs	Publicly available on websites.	Housing delivery measured against the annual requirement and calculates a figure demonstrating the number of years' housing supply
	033	Milestones achieved on delivering the T&M Local Development Scheme (LDS)	Reg. 18 Consultation Closed	Nov-22	Quarterly	Local Development Scheme	Reg. 18b to be presented to Members in June 2024.	Reg.18b suspended in light of upcoming NPPF consultation					TBC – subject to amended LDS	↓				N/A	The LDS is a project plan which sets out the timetable for the production of new or revised development plan documents.
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	30	2022/23	Annually	New Homes Bonus	157	N/A					170		22 (SDC); 172 (TWBC) 288 (MBC); 164 (GBC)	2022/23	Adjoining LAs	LG Inform Plus	
Use every power we can to support those who are most in need of	035	Number of people on housing register	1208	Jan-Mar 2023	Quarterly	Locata	167	245					1000 by end of March 2025					Kent Housing Group	Please refer to report.
	036	Number of HR applications received	541	Jan-Mar 2023	Quarterly	Locata	772	679					500 by end of March 2025					N/A	
	037	Priority date range for which we are currently	N/A	N/A	Quarterly	Locata	N/A	15/7/23 to 15/8/23					Assessment within 8-10 weeks of application					N/A	

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
housing support and at risk of becoming homeless.		assessing HR applications.																
	038	Number of people in Temporary Accommodation	91	Jan-Mar 2023	Quarterly	Locata/TA System	118	136				80-100	↓	257 (MBC); 75 (TWBC); 69 (SDC)	Q3 of 2023/24	Adjoining Authorities.	LG Inform Plus	As revised target of 120 has been suggested in service given continued growth.
Improving standards in rented accommodation.	039	Number of properties where conditions have been improved	10	Jan-Mar 2023	Quarterly	Uniform	23 (75 for 2023/24)	24				Reactive to need	↑				N/A	
	040	Number of housing enforcement notices served	0	Jan-Mar 2023	Quarterly	Notices Register	2 (2 for 2023/24)	0				Reactive to Need	→				N/A	
	041	Number of disabled facilities grants completed in the borough.	80	2022/23	Annually	Housing Improvement Team Database	21 (81 for 2023/24)	21				80	→				N/A	
Deliver a range of measures to help our local economy bounce back.	042	Number of economic projects delivered through the UKSPF and REPF	0	Jan-Mar 2023	Quarterly	MHCLG	11 (11 for 2023/24)	0				15 (for 2024/25 by March 2025)	→				N/A	All projects in progress with some nearing completion in Q1.
	043	Ratio of enterprise births to deaths	0.97	2021	Annually	Kent Analytics/KCC	1.02	N/A				Greater than 1.02		0.96	2022	Kent and Medway	Kent Analytics	1.02 relates to 2022. Figures for 2023 come out in Dec 2024.
	044	Town Centre Vacancy Levels (%)	7.82%	Jul-22	Annually	Economic Regeneration Town Centres Survey	6.48%	N/A				Less than 6%		13.90%	Q3 of 2023	National	British Retail Consortium Quarterly Statistics	Figure will be available in Q2 following survey work.

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
	045	Unemployment rate (%)	2.10%	Jan-Mar 2023	Quarterly	NOMIS LA Profile	2.30%	2.20%				Under 2%	↑	3.40%	Feb-24	Kent	NOMIS (LA Profile)	Q1 figure relates to May 2024
Identify ways we could use our land and other assets better, especially in Tonbridge Town Centre.	046	% Occupation of rental properties	96%	Jan-Mar 2023	Quarterly	Property Database	100%	100%				100%	→				N/A	
	047	Total income generated from property rentals (£)	£349,000	2021/22	Annually	Integra	£389,917	N/A				£400,000		£389,917	2023/24	N/A	TMBC Accounts (Previous Year)	
	048	Progress made on Tonbridge Town Centre Regeneration Plans.	Approval to proceed with Phase 2	Jul-22	Quarterly	Project Management	Phase 2 work approved by Members.	Progress made on several fronts				Progress to detailed site proposals.	↑				N/A	Angel Centre replacement feasibility study progressing Tonbridge Farm Sportsground masterplan commissioned
Develop proposals to raise the profile of Tonbridge Castle and all council assets.	049	Total income generated by Tonbridge Castle (£)	£79,100	2022/23	Annually	Integra	£87,175	N/A				£90,000		£87,175	2023/24	TMBC	TMBC Accounts (Previous Year)	Figure includes: Chamber Hire Tea/coffee sales Weddings Castle Attraction Artisan Market
	050	Leisure Centres - overall income (% to profile)	117%	Jan-Mar 2023	Quarterly	TMLT Management System	107.1% (108% for 2023/24)	104.1%				Over 100%	↑				TMLT/ Sport England	
	051	Leisure Centres - overall expenditure (% to profile)	110%	Jan-Mar 2023	Quarterly	TMLT Management System	99.6% (100.4% for 2023/24)	96.5%				Under 100%	↑				TMLT/ Sport England	
	052	Total income from council run/supported events	£39,244	2022/23	Annually	Integra	£51,712	N/A				£55,000					TMBC Accounts (Previous Year)	

CS Priority Action	Ref. No.	Aligned KPI	BASELINE				Q4 2023/24 Snapshot	2024/25				Proposed Target 2024/25	TREND	Benchmarking			Benchmark Source	Explanatory Comments
			Value	Date	Frequency	Source		Apr-Jun	Jul-Sep	Oct - Dec	Jan-Mar			Value	Date	Comparator		
Strengthen our links with strategic partners and funding bodies.	053	External funding spent (UKSPF/REPF) on economic initiatives (£) - cumulative	£73,594	2022/23	Quarterly	Integra	£370,500	£517,000				£1.4m	↑				N/A	UKSPF - 16% of 24/25 allocation spent by end of Q1.
	054	No of economic projects jointly delivered with strategic partners.	13	2022/23	Annually	Annual Economic Strategy Action Plan	15	0				15					N/A	

		Value	Date	Frequency	Source	Q4 2023/24 Snapshot	Apr-Jun	Jul-Sep t	Oct - Dec	Jan-Mar	Proposed Target for 2024/25	TREND	Value	Date	Comparator	Benchmarking Source	Explanatory Comments
Planning																	
100	% against Government target of 60% (for major apps)	100%	Jan-Mar 2023	Quarterly	PS1/2 Returns	67%	90%				75%	↑	60%	2023/24	Government Targets	HMCLG - NI157a	Performance has improved with a number of these having PPA's signed with an agreed decision date.
101	% against Government target of 65% (for minor apps)	85%	Jan-Mar 2023	Quarterly	PS1/2 Returns	85%	75.47%				80%	↓	65%	2023/24	Government Targets	HMCLG - NI157b	Please see report.
102	% against Government target of 80% (for 'others')	93%	Jan-Mar 2023	Quarterly	PS1/2 Returns	84%	83.84%				92%	→	80%	2023/24	Government Targets	HMCLG - NI157c	Please see report.
103	Number of appeals received	15	Jan-Mar 2023	Quarterly	PS1/2 Returns	N/A	13										
104	Number of appeals determined - allowed	3	Jan-Mar 2023	Quarterly	PS1/2 Returns	3	3					→					
105	Number of appeals determined - dismissed	4	Jan-Mar 2023	Quarterly	PS1/2 Returns	6	7					→					
106	Number of planning enforcement cases opened	80	Jan-Mar 2023	Quarterly	PS1/2 Returns	54	55					→					
107	Number of planning enforcement cases closed	117	Jan-Mar 2023	Quarterly	PS1/2 Returns	N/A	73										
108	Number of planning enforcement notices served	0	Jan-Mar 2023	Quarterly	PS1/2 Returns	2 (3 for 2023/24)	3					↑					

		Value	Date	Frequency	Source	Q4 2023/24 Snapshot	Apr-Jun	Jul-Sep t	Oct - Dec	Jan-Mar	Proposed Target for 2024/25	TREND	Value	Date	Comp arator	Benchmark ing Source	Explanatory Comments
Customer Services and Licensing																	
109	% Handled rate (Customer Services)	93%	Jan-Mar 2023	Quarterly	AW365	82%	88%				93%	↑					
110	% emails responded to within 24 hours (Customer Services)	100%	Jan-Mar 2023	Quarterly	Outlook	100%	100%				100%	→					
111	% webchat answer rate (Customer Services)	99%	Jan-Mar 2023	Quarterly	Webchat Tool	99%	98%				100%	→					Marginal drop to 98% but assessed as amber.
112	Total number of licenced drivers	596	Jan-Mar 2023	Quarterly	IDOX Uniform	619	619					→					No change.
113	Total number of vehicle licences	538	Jan-Mar 2023	Quarterly	IDOX Uniform	577	578					→	318 (MBC); 293 (SDC); TWBC (269)	2023	Kent	LG Inform Plus	Marginal change.
114	Total number of premises licences	398	Jan-Mar 2023	Quarterly	Home Office Return	402	403					→	5,590	Mar-22	Kent	LG Inform Plus	Marginal change.
Waste Services																	
115	% completion of scheduled collections	97.80%	2022/23	Quarterly	Whitespace Analytics	100%	100.00%				99.00%	→					No reports of uncompleted scheduled collection rounds in this period
116	Number of formal complaints received - collections	274	2022/23	Quarterly	Whitespace Analytics	34	43				10% reduction	↓					
117	Number of formal complaints received - street cleansing	29	2022/23	Quarterly	Whitespace Analytics	7	5				10% reduction	↑					

		Value	Date	Frequency	Source	Q4 2023/24 Snapshot	Apr-Jun	Jul-Sep t	Oct - Dec	Jan-Mar	Proposed Target for 2024/25	TREND	Value	Date	Comparator	Benchmarking Source	Explanatory Comments	
118	% of individual collections missed (waste)	0.21	2022/23	Quarterly	Whitespace Analytics	0.10%	0.11%				Under 0.2%	→						% missed collections of approx. 1,542,000 per Quarter

Annex 2 – The Long View: Corporate KPIs Trends

KPI Ref	Key Performance Indicator	Frequency	Trend over 2023/24				Q1 2024/25
			Q1	Q2	Q3	Q4	
001	% of due food safety inspections undertaken (Risk Category A-C)	Quarterly	A	A	A	A	A
002	% of due food safety inspections undertaken (Risk Category D-E)	Quarterly	A	A	A	A	A
003	Total attendance at LLC/AC/TSP/PWGC (cumulative for year by quarter)	Quarterly	G	G	G	G	G
004	Number of clients referred into the One You service	Quarterly	R	R	R	G	A
005	Total number of ASB cases	Quarterly	R	R	G	G	R
006	Total number of victim-based crimes	Quarterly	R	R	G	G	R
007	No. of red flags on our safeguarding self-assessment framework (SAF) and Section 11 audit.	Annually				A	A
008	Social media clicks/engagement	Quarterly	G	R	G	R	A
009	Website Myaccount Registrations (total)	Quarterly	R	G	G	G	G
010	My TMBC app downloads (total)	Quarterly	G	G	G	G	G
011	Staff Numbers (FTE)	Quarterly	R	R	G	G	G
012	Vacant Posts (FTE)	Quarterly	R	G	G	G	G
013	Sickness absence (days) - short term	Quarterly	G	G	R	R	G

014	Sickness absence (days) - medically signed off	Quarterly	R	G	R	R	R
015	Gender Pay Gap - Median	Annually				G	A
016	Salary Monitoring data (£)	Quarterly	G	G	G	G	A
017	Income Monitoring data (£)	Quarterly	R	R	G	G	R
018	Council Tax collection (%) – cumulative	Quarterly	A	A	A	R	A
019	NNDR collection (%) – cumulative	Quarterly	A	A	A	A	A
020	Sales ledger - outstanding debt (£)	Quarterly	G	R	R	G	G
021	T&M carbon dioxide emissions data (tCO2e)	Annually				A	A
022	TMBC annual carbon audit emissions data (tCO2e)	Annually				A	A
023	<i>Biodiversity KPI - TBC</i>	Annually					
024	% of household waste sent for recycling and composting	Quarterly	G	G	R	A	
025	Number of contaminated land enquiries	Annually				G	
026	Total number of service requests leading to investigation	Annually				A	
027	Number of enforcement notices served	Annually				R	
028	No. of AQMA's in T&M (currently 6) where NO2 results exceed the National Air Quality objective for which they were declared	Annually				A	
029	Number of fly tip incidents	Quarterly	R	G	G	R	R

030	Total attendance at LLC/AC/TSP/PWGC (duplicate - see 3)	Quarterly	G	G	G	G	G
031	No of parks with Green Flag status	Annually				A	A
032	Housing Land Supply (years)	Annually			G		G
033	Milestones achieved on delivering the T&M Local Development Scheme	Quarterly	A	A	A	A	R
034	Number of affordable homes built out per annum	Annually				G	
035	Number of people on housing register	Quarterly					
036	Number of HR applications received	Quarterly					
037	Waiting time for assessment of HR applications (days)	Quarterly					
038	Number of people in Temporary Accommodation	Quarterly	R	R	R	A	R
039	Number of properties where property conditions have been improved	Quarterly	G	R	G	G	G
040	Number of housing enforcement notices served	Quarterly				G	A
041	Number of disabled facilities grants completed in the borough.	Quarterly	A	A	A	G	A

042	Number of economic projects delivered through the UKSPF and REPF	Quarterly		A	A	G	A
043	Ratio of enterprise births to deaths	Annually			G		
044	Town Centre Vacancy Levels (%)	Annually		G			
045	Unemployment rate (%)	Quarterly	A	R	A	R	G
046	% Occupation of rental properties	Quarterly	A	A	A	A	A
047	Total income generated from property rentals (£)	Annually				G	
048	Progress made on Tonbridge Town Centre Regeneration Plans.	Quarterly	A	A	A	A	G
049	Total income generated by Tonbridge Castle (£)	Annually				G	
050	Leisure Centres - overall income (% to profile)	Quarterly	G	G	G	A	G
051	Leisure Centres - overall expenditure (% to profile)	Quarterly	G	R	G	A	G
052	Total income from council run/supported events	Annually				G	
053	External funding spent (UKSPF/REPF) on economic initiatives (£) – cumulative	Annually				A	G
054	No of economic projects jointly delivered with strategic partners.	Annually				G	

TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2024/25

Item AU 24/39 referred from Audit Committee of 23 September 2024

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to July of the current financial year. A mid-year review of the Treasury Management and Annual Investment Strategy for 2024/25 was also included in the report.

A full list of investments held on 31 July 2024 was attached at Annex 1 to the report and a copy of the lending list at Annex 2. In terms of cash flow and core cash investments, £991,640 was earned in interest to the end of July, which was higher than the original estimate for the same period. The increase reflected the interest rate having been maintained at 5.25% for longer than anticipated, providing the Council with favourable investment opportunities. During the period 1 April 2024 to 30 June 2024, the £4.22m investment in property funds generated dividends of £40,320 which represented an annualised return of 3.21%, compared to 3.63% in 2023/24.

The Lothbury Property Trust had been terminated on 30 May 2024 after negotiations to merge the fund were unsuccessful. To date, the Council had received three payments totalling £853,850 of its initial investment. The remaining assets were expected to be sold by December 2024. Distributions would be made as and when assets sales had concluded, and dividends paid from income generating assets. Members were advised that the Council had operated within the treasury limits and prudential indicators set out in the Annual Investment Strategy and in compliance with the Council's Treasury Management Practices and the Prudential and Treasury Indicators were attached at Annex 4 to the report.

The parameters to limit the Borough Council's exposure to investment risks were summarised in Annex 5. There were no changes to the current approved risk parameters proposed at this time. However, future consideration would be given to the inclusion of borrowing and debt rescheduling in anticipation of the future needs of the Council.

RECOMMENDED*: That the following be commended to Council:

- (1) the action taken in respect of treasury management activity for the period April to July 2024 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report, be retained.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

23 September 2024

Report of the Director of Finance and Transformation

Part 1- Public

Matters for Recommendation to Cabinet – Council Decision

1 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

The report provides an update on treasury management activity undertaken during April to July of the current financial year. A mid-year review of the Treasury Management and Annual Investment Strategy for 2024/25 is also included in this report.

1.1 Introduction

1.1.1 The Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice for Treasury Management 2021 recommends that Members be updated on treasury management activities at least quarterly and include a mid-year review of the Treasury Management and Annual Investment Strategy. This report, therefore, ensures this Council is implementing best practice in accordance with the Code.

1.1.2 The primary requirements of the Code are as follows:

- The Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
- The Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
- Receipt by the full Council of an Annual Treasury Management Strategy Statement, including the Annual Investment Strategy, for the year ahead; a mid-year Review Report (this report) and an Annual Report (stewardship report) covering activities during the previous year.
- Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
- Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council, the delegated body is the Audit Committee.

1.1.3 This mid-year report has been prepared in compliance with the Code and covers the following:

- An economic update and interest rate forecast.
- Investment performance for April to July of the 2024/25 financial year including recent benchmarking data.
- Compliance with Treasury and Prudential Limits for 2024/25.
- A review of the risk parameters contained in the 2024/25 Treasury Management and Annual Investment Strategy.

1.2 Economic Overview (as at July 2024)

1.2.1 The Bank of England's Monetary Policy Committee (MPC) was in recess for the month of July but it was anticipated that by the time it met again in early August, a vote in favour of a reduction by 0.25% to bank rate may be passed. The Bank's current forecast reflects:

- Monetary policy will need to continue to remain restrictive for sufficiently long until the risks to inflation returning sustainably to the 2% target in the medium term have dissipated further. The Committee continues to monitor closely the risks of inflation persistence and will decide the appropriate degree of monetary policy restrictiveness at each meeting.
- Twelve-month CPI inflation was at the MPC's 2% target in both May and June.
- CPI inflation is expected to increase to around 2.75% in the second half of this year, as declines in energy prices last year fall out of the annual comparison, revealing more clearly the prevailing persistence of domestic inflationary pressures.
- In the MPC's modal projection conditioned on the market-implied path of interest rates, CPI inflation falls back to 1.7% in two years' time and to 1.5% in three years, reflecting the continued restrictive stance of monetary policy and the emergence of a margin of slack in the economy. CPI inflation is 2.0% and 1.8% at the two and three-year horizons respectively. The risks around the modal CPI projection are skewed somewhat to the upside throughout the forecast period, reflecting more persistence in domestic wage and price-setting.
- GDP expanded 0.7% y/y in June 2024 half the 1.4% growth seen in May and slightly below forecasts of 0.8%. The economy stalled in June from May 2024, following a 0.4% growth in the previous period, and matching market forecasts.
- The economy expanded 0.9% y/y in Q2 2024, the biggest annual growth rate since Q3 2022, compared to 0.3% in Q1, and q/q by 0.6% in Q2 2024, following a 0.7% rise in Q1 and in line with forecasts.
- The annual inflation rate in the UK edged up to 2.2% in July 2024 from 2% in June, but below forecasts of 2.3%.
- The number of people employed in the UK increased by 97k in the three months to June 2024, growing for the second consecutive period after a 19k rise in the previous three months.

- The UK's unemployment rate fell to 4.2% from April to June 2024, down from a two-and-a-half-year high of 4.4% in the previous period and below market forecasts of 4.5%. The number of unemployed individuals decreased by 51k to a total of 1.44m, driven by declines in those unemployed for up to 6 months, bringing the figure below last year's levels.

1.3 Interest Rate Forecast

- 1.3.1 Link's forecast used in the 2024/25 Investment Strategy which was approved as part of the budget setting process assumed interest rates would peak at 5.25% before gradually dropping back to 3% over the next three years. There has been a minor adjustment to the reprofiling toward the end of the three year period.
- 1.3.2 Since the approval of the 2024/25 Investment Strategy CPI inflation has continued to fall back. After seven consecutive meetings where the MPC voted to hold Bank Rate at 5.25%, July's meeting saw the Committee vote in favour of a reduction bringing the Bank Rate to 5.0%.

Link - July 2024	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
	%	%	%	%	%	%	%	%	%	%	%
Bank Rate	5.25	5.00	4.50	4.00	3.50	3.25	3.25	3.25	3.25	3.00	3.00
3 mth ave earnings	5.30	5.00	4.50	4.00	3.50	3.30	3.30	3.30	3.30	3.00	3.00
6 mth ave earnings	5.30	4.90	4.40	3.90	3.50	3.30	3.30	3.30	3.30	3.10	3.10
12 mth ave earnings	5.10	4.80	4.30	3.80	3.50	3.40	3.40	3.40	3.40	3.20	3.30
25yr PWLB	5.30	5.20	5.00	4.80	4.70	4.50	4.50	4.40	4.40	4.40	4.30

Table 1

- 1.3.3 The latest forecast in Table 1 above sets out the view that both short and long-dated interest rates are expected to decrease gradually over the next two years, settling at 3%.
- 1.3.4 The Link Group reviewed their interest rate projections in July and concluded no further changes to the forecast is needed at this time.

1.4 Investment Performance

- 1.4.1 In accordance with the CIPFA Code the Council's priorities, in order of importance, are to ensure security of capital; liquidity; and having satisfied both, to obtain an appropriate level of return which is consistent with the Council's risk appetite.
- 1.4.2 The Council's investments are derived from cash flow surpluses, core cash balances and other long and medium term cash balances.

- 1.4.3 Cash flow surpluses are available on a temporary basis and the amount mainly dependent on the timing of council tax and business rates collected and their payment to precept authorities and government. Less significant cash flows relate to receipt of grants, payments to housing benefit recipients, suppliers and staff. Cash flow surpluses build up during the course of a financial year and are spent by financial year end. Thus far in 2024/25 cash flow surpluses have averaged £20.92m.
- 1.4.4 The Authority also has £30m of core cash balances. These funds are for the most part available to invest for more than one year, albeit a proportion is usually transferred to cash flow towards the end of the financial year to top-up daily cash balances. Core cash includes the Council's capital and revenue reserves which are being consumed over time to meet capital expenditure and 'buy time' to enable the authority to deliver its revenue savings targets.
- 1.4.5 Cash flow and core cash balances also include sums to meet business rate appeals which are expected to be resolved in 2023/24 and future years.
- 1.4.6 Long term investment at the end of July 2024 comprised £4.22m in property fund investments.
- 1.4.7 Medium term investments at the end of July 2024 comprised £4.25m in multi asset fund investments.
- 1.4.8 The full list of investments held on 31 July 2024 is provided at **[Annex 1]** and a copy of our lending list of 31 July 2024 at **[Annex 2]**. The table below provides a summary of funds invested and interest / dividends earned at the end of July.

	Funds invested on 31 July 2024	Average duration to maturity	Weighted average rate of return	SONIA benchmark July 2024	Interest / dividends earned	Gross annualised return
	£m	Days	1 April to 31 July 2024 %	%	1 April to 31 July 2024 £	%
Cash flow	20.92	5	5.23	5.15	439,420	5.41
Core cash	30.00	148	5.34	5.09	552,220	5.53
Long term	4.22				40,320	3.21
Medium term	4.25				58,980	4.16
Total	59.39				1,090,940	--

Table 2

Property funds pay dividends quarterly. The return quoted above is based on dividends received for the quarter April to June 2024.

- 1.4.9 **Cash flow and Core cash Investments.** Interest earned of £991,640 to the end of July is higher than the original estimate for the same period. The increase in income reflects the interest rate maintained at 5.25% for longer than anticipated, providing the Council with favourable investment opportunities.
- 1.4.10 Future investments are expected to yield lower investment income now that markets are factoring in future cuts to the bank rate in 2024/25 and 2025/26, with the rates expected to settle around the 3% marker. Investment income for 2024/25 is expected to have a positive variance against the original budget and further analysis will take place and the revised level of treasury investment income will be reported to members at a later date.
- 1.4.11 The Council takes advantage of Link's benchmarking service which enables performance to be gauged against Link's other local authority clients. An extract from the latest benchmarking data is provided in the form of a scatter graph at **[Annex 3]**. The graph shows the return (vertical scale) vs. the credit / duration risk (horizontal scale) associated with an authority's investments. As at 31 June 2024, the Council's return was 5.39% (purple diamond) which is above the local authority benchmarking group average of 5.22%. Link's predicted return is between the upper and lower boundary indicated by the diagonal lines. The Council's risk exposure was consistent with the local authority average.
- 1.4.12 **Long term Investment.** The availability of cash balances over the longer term (10 years) and the suitability of different types of long term investment (equities, bonds and commercial property) was explored in the report to Audit Committee, January 2017. Of the alternatives, investment in property funds was considered best suited to meet the Council's more immediate funding need: a sustainable, stable income stream.
- 1.4.13 £3m was invested in property investment funds during 2017/18 and a further £2m invested during 2018/19. Investment was spread across three funds to ensure, as far as is possible, stability of annual income and capital growth over time. Additional property fund investments could be made in the future as resources become available from asset disposals and other windfalls.
- 1.4.14 During the period 1 April 2024 to 30 June 2024 the £4.22m investment in property funds generated dividends of £40,320 which represents an annualised return of 3.21% (3.63% in 2023/24). The long term investment figure set out in Table 2 has been reduced to take into account the repayment of capital investment from the sale of assets by Lothbury Property Trust, which terminated on 30 May 2024.
- 1.4.15 Property funds issue and redeem primary units at a buy and sell price with the difference between the two prices reflecting the costs associated with buying and selling property (legal and other fees, stamp duty etc.). The price spread varies from fund to fund but is typically in the region of 8% (6% on entry to a fund and 2% on exit). Where units are traded on a secondary market the impact of the spread can be reduced and delays in the purchase / redemption of units avoided.

1.4.16 Current sale values vs initial purchase price are as follows:

Property fund <small>(Primary = units in the fund purchased from the fund manager. Secondary = units purchased from another investor at a discount. Date = first month the investment attracted dividends)</small>	Purchase price	Sale value at date of purchase	Sale value 31 July 2024	31 July sale value above (below) purchase price (c-a)
	a	b	c	price (c-a)
	£	£	£	£
LAPF (Primary, July 2017)	1,000,000	922,200	875,670	(124,330)
Hermes (Secondary, Oct 2017)	1,000,000	939,000	874,600	(125,400)
LAPF (Primary, June 2018)	1,000,000	922,200	839,600	(160,400)
Total change in principal	3,000,000	2,783,400	2,589,870	(410,130)
			Total dividends received to June 2024	768,040
			Net benefit since inception	357,910

Table 3

1.4.17 Since inception, the Council has received dividends from its property fund investments (excluding Lothbury Property Trust) of £768,040, providing a net benefit of £357,910 (Table 3). All property fund investments recorded capital depreciation in the period April 2024 to June 2024.

Property fund <small>(Primary = units in the fund purchased from the fund manager. Secondary = units purchased from another investor at a discount. Date = first month the investment attracted dividends)</small>	Purchase price	Sale value at date of purchase	Principal Investment Received	Principal Investment Balance Outstanding
	a	b	c	
	£	£	£	£
Lothbury Property Trust	2,000,000	1,900,700	853,850	(1,146,150)
			Total dividends received to June 2024	360,220
			Net balance to breakeven point	(785,930)

Table 4

1.4.18 Lothbury Property Trust terminated on 30 May 2024 after negotiations to merge the fund were unsuccessful. As per Table 4 above, we have, to date, received three payments totalling £853,850 of our initial investment. The remaining assets are expected to be sold by December 2024, distributions will be made as and when asset sales have concluded, and dividends paid from income generating assets. Taking into account the dividends received from the inception of the fund, the breakeven point would be the recovery of £785,930 against the outstanding assets for sale.

- 1.4.19 At the end of June 2024 Hermes Property Trust, having received a redemption request for approximately 22% of the fund, announced they would be seeking investor approval on a proposal to gate the fund. The EGM vote was 71.3% in favour of the resolution which was short of the 75% needed to pass. The Fund has appointed CBRE Capital Advisors to provide an independent report on options available which should be distributed by the end of September 2024. Further updates will be shared with Members in due course.
- 1.4.20 Members are reminded that higher yielding investments (e.g. property, equities) have the potential to fluctuate in value, both up and down. It is this feature which makes them unsuitable for short term investment where certainty over value at maturity is a key criteria. The Council's property fund investments are not required to meet day to day spending commitments and will only be realised should a higher yielding opportunity be identified.
- 1.4.21 **Medium term Investment.** In recent years multi asset (diversified income) funds have grown in popularity. The rationale for adopting such a fund was explored in the Audit Committee report of January 2018 and their use for medium-term investment was reaffirmed in the January 2021 Audit Committee report which introduced multi-asset (diversified income) funds into the Annual Investment Strategy.
- 1.4.22 Like property funds, multi asset (diversified income) funds aim to generate returns over and above inflation and thus preserve spending power.
- 1.4.23 In 2021/22 the Council invested a total of £4.25m across Ninety One Diversified Income Fund, Aegon Asset Management Fund and Fidelity Multi Asset Income Fund. Additional multi asset fund investments could be made in the future when resources become available from asset disposals and other windfalls.
- 1.4.24 During the period 1 April 2024 to 31 July 2024 the £4.25m investment in multi asset (diversified income) funds generated income from dividends of £58,980 which represents an annualised return of 4.16%. The performance of the cumulative funds fall slightly short of the budget to the end of July by £2,180.

1.5 **Compliance with the Treasury Management and Annual Investment Strategy**

- 1.5.1 Throughout the period April to July 2024 all of the requirements contained in the 2024/25 Annual Investment Strategy intended to limit the Council's exposure to investment risks (minimum sovereign and counterparty credit ratings; duration limits; exposure limits in respect of counterparties, groups of related counterparty and sovereigns; and specified and non-specified investment limits) have been complied with. No borrowing was undertaken during April to July 2024.
- 1.5.2 The Council has also operated within the treasury limits and prudential indicators set out in the Annual Investment Strategy and in compliance with the Council's Treasury Management Practices. The Prudential and Treasury Indicators can be found in **[Annex 4]** to this report.

1.6 Review of Risk Parameters

- 1.6.1 Members will recall the detailed consideration that was given to the 2024/25 Treasury Management and Annual Investment Strategy at Audit Committee in January. For ease of reference the parameters included in the Strategy that aim to limit the Council's exposure to investment risks are summarised in **[Annex 5]**.
- 1.6.2 In undertaking this review **no changes to the current approved risk parameters are proposed at this time. However, future consideration will be given to the inclusion of borrowing and debt rescheduling in anticipation of the future needs of the Council.** The Strategy ensures that the Council is investing in high credit quality counterparties and there are an adequate number of counterparties available to maintain a well-diversified portfolio. However, we will continue to look to expand the Council's lending list to include any UK banks and building societies that don't currently feature on our lending list but meet our minimum credit criteria. This will ensure that we can take advantage of all available opportunities as they arise.
- 1.6.3 There is a need to continue to explore alternative investment options to ensure the maximum return on investment for the Council. Subject to an understanding and acceptance of any associated risks with such investments, they may be offered for inclusion in next year's Annual Investment Strategy. Any investment will of course be dependent on the level of reserves and other balances available for such an investment.

1.7 Legal Implications

- 1.7.1 Under Section 151 of the Local Government Act 1972, the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority including securing effective arrangements for treasury management. In addition, Link are employed to provide independent advice on legislative and professional changes that impact on the treasury management function.

1.8 Financial and Value for Money Considerations

- 1.8.1 CPI inflation in both May and June was at the MPC's 2% target. However, it is expected to increase to around 2.75% in the second half of the year which will reveal more clearly the persistence of domestic inflationary pressures. This in turn could influence the rate at which the MPC reduces bank rate further.
- 1.8.2 Link, the independent treasury advisers to the Council, reviewed their July 2024 Bank Rate forecast (Ref: 1.3.2, Table 1) and concluded there was no need for a further adjustment at this time.
- 1.8.3 Investment income at the end of July 2024 from cash flow surpluses and core cash investments is a favourable variance of £288,640 to the budget for the same period. Income from property funds at the end of June falls short of the budget by £21,350 mainly attributable to reduced dividends received from Lothbury as their

asset base reduces. Diversified income funds are marginally lower than the budget by some £2,180 for the same period. Investment income for the financial year as a whole from these sources is expected to outperform the original budget.

- 1.8.4 Performance is monitored against a benchmark return and other local authorities in Kent and the broader local authority pool via Link's benchmarking service.
- 1.8.5 Whilst the annual income stream from a property fund exhibits stability (circa 3-4% per annum net of management fees) capital values rise and fall with the cyclical nature of economic activity. During a downturn in the economy capital values may fall significantly. The duration of a property fund investment may need to be extended to avoid crystalizing a loss and as a consequence, the investment's duration cannot be determined with certainty.
- 1.8.6 Buying and selling property involves significant costs making property unsuitable for short term investment. Buying and selling costs are reflected in the entry fees (circa 6%) and exit fees (circa 2%) a property fund will charge unit holders. These fees are expected to be recouped over time through capital appreciation.
- 1.8.7 Multi asset (diversified income) funds aim to limit risk by spreading investment across a broad range of asset classes (equities, bonds, property, cash). Nevertheless, the principal sum invested may fall as a consequence of adverse economic or market events. Multi asset funds are being used for medium-term investment implying a five-year timeframe.
- 1.8.8 The money being applied to property fund investment and multi asset investments from existing resources is expected to be available in perpetuity. Nevertheless, the Council's cash balances will continue to be monitored and due regard given to the potential for a fund to delay payment of redemption requests by up to twelve months. Funds will seek to minimise their cash balances in favour of holding property or assets and therefore manage redemption requests for the benefit of all fund participants. The Council is only likely to seek redemption to pursue a higher yielding income opportunity should one be identified.

1.9 Risk Assessment

- 1.9.1 The application of best practice, including the regular reporting and scrutiny of treasury management activity, as identified by the CIPFA Code is considered to be an effective way of mitigating the risks associated with treasury management.

1.10 Equality Impact Assessment

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

1.11 Recommendations

1.11.1 Members are invited to **RECOMMEND** that Cabinet:

- 1) Endorse the action taken by officers in respect of treasury management activity for April to July 2024.
- 2) Retain the existing parameters intended to limit the Council's exposure to investment risks.

Background papers:

contact: Donna Riley

[Link benchmarking data \(June 2024\)](#)

[Link interest rate forecast \(July 2024\)](#)

Sharon Shelton
Director of Finance and Transformation

Tonbridge and Malling Borough Council - Investment summary 31 July 2024

Counterparty / type of investment	Sovereign	Fitch long term	Fitch short term	Link suggested post CDS duration limit	Investment						Cash Flow surpluses £	Core Cash balances £	Medium term investment balances £	Long term investment balances £
					Start date	End date	Duration at start	Amount invested £	Return %	Proportion of total %				
Banks, Building Societies & Other Financials														
Barclays Bank : 95 day notice account	UK	A+	F1	6 months	23/07/2019	TBD	95 Days	3,000,000 3,000,000	5.30	5.05%			3,000,000	
Close Brothers : Fixed Term Deposit	UK	BBB+	F2	N/A	27/02/2024	27/11/2024	6 Months	3,000,000 3,000,000	5.35	5.05%			3,000,000	
Handelbanken : Fixed term deposit	UK	AA	F1+	1 year	17/01/2024	17/01/2025	1 Year	3,000,000 3,000,000	4.70	5.05%			3,000,000	
HSBC Bank : 31 day notice account	UK	AA-	F1+	1 year	02/12/2019	TBD	31 Days	3,000,000 3,000,000	5.25	5.05%	3,000,000			
Lloyds Bank : Certificate of Deposit	UK	A+	F1	6 months	15/11/2023	14/11/2024	1 Year	3,000,000 3,000,000	5.66	5.05%			3,000,000	
National Westminster Bank : Deposit account Certificate of Deposit Certificate of Deposit	UK	A+	F1	1 year	31/07/2024 06/02/2024 20/06/2024	01/08/2024 06/08/2024 20/06/2025	Overnight 6 months 1 Year	50,000 3,000,000 3,000,000	3.25 5.31 5.15	10.19%	50,000		3,000,000 3,000,000	
Rabobank : Certificate of Deposit Certificate of Deposit	Netherlands	A+	F1	1 year	03/11/2023 23/07/2024	01/11/2024 22/07/2025	12 months 12 months	3,000,000 3,000,000	5.62 5.13	10.10%			3,000,000 3,000,000	
Toronto Dominion Bank : Certificate of Deposit Certificate of Deposit	Canada	AA-	F1+	1 year	06/10/2023 20/12/2023	04/10/2024 19/12/2024	1 year 1 year	3,000,000 3,000,000	5.89 5.23	10.10%			3,000,000 3,000,000	
Money Market Funds														
Blackrock MMF - shares/units held	N/A	AAA	mmf (Eq)	5 years	31/07/2024	01/08/2024	Overnight	0	5.16		-			
BNP Paribas MMF - shares/units held	N/A	AAA	mmf (Eq)	5 years	31/07/2024	01/08/2024	Overnight	8,000,000	5.26	13.47%	8,000,000			
CCLA PSDF MMF - shares/units held	N/A	AAA	mmf	5 years	31/07/2024	01/08/2024	Overnight	1,875,000	5.18	3.16%	1,875,000			
DWS Deutsche MMF - shares/units held	N/A	AAA	mmf	5 years	31/07/2024	01/08/2024	Overnight	0	5.18		-			
Federated MMF - shares/units held	N/A	AAA	mmf	5 years	31/07/2024	01/08/2024	Overnight	8,000,000	5.21	13.47%	8,000,000			
Morgan Stanley MMF - shares/units held	N/A	AAA	mmf	5 years	31/07/2024	01/08/2024	Overnight	0	5.15		-			
Property Funds														
Hermes Property Unit Trust : Property fund units	N/A	N/A	N/A	N/A	29/09/2017	N/A	N/A	1,000,000 1,000,000	3.48	1.68%				1,000,000
Local Authorities' Property Fund : Property fund units Property fund units	N/A	N/A	N/A	N/A	29/06/2017 30/05/2018	N/A N/A	N/A N/A	1,000,000 1,000,000	4.17 5.20	3.37%				1,000,000 1,000,000
Lothbury Property Trust : Property fund units Property fund units	N/A	N/A	N/A	N/A	06/07/2017 02/07/2018	N/A N/A	N/A N/A	1,219,432 219,432 1,000,000	2.89 2.88	2.05%				219,432 1,000,000
Multi Asset Funds														
Aegon Multi Asset fund units	N/A	N/A	N/A	N/A	29/07/2021	N/A	N/A	1,750,000 1,750,000		2.95%			1,750,000	
Fidelity Multi Asset fund units	N/A	N/A	N/A	N/A	12/08/2021	N/A	N/A	1,000,000 1,000,000		1.68%			1,000,000	
Ninety One Multi Asset fund units	N/A	N/A	N/A	N/A	12/08/2021	N/A	N/A	1,500,000 1,500,000		2.53%			1,500,000	
Total invested								59,394,432		100.00%	20,925,000	30,000,000	4,250,000	4,219,432

Number of investments	26	Average investment value £ 2,284,000			
Number of counter parties	20	Average counter party investment £ 2,970,000			
Group exposures:		Core £	Cash £	Combined £	%
Royal Bank of Scotland + National Westminster (UK Nationalised MAX 20%)		6,000,000	50,000	6,050,000	10.19
Bank of Scotland + Lloyds (MAX 20%)		3,000,000	-	3,000,000	5.05
				£	%
Property Funds Total				4,219,432	7.10
Multi Asset Funds Total				4,250,000	7.16

Total non-specified investments should be less than 60% of Investment balances	14.26%
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Notes:
Property fund returns are based on dividends distributed from the start of each investment. Capital appreciation / depreciation is recorded elsewhere. Last update June 2024.

End date for notice accounts to be determined (TBD)

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Tonbridge and Malling Borough Council Lending List

Checked against Link's "Suggested Credit List" dated 26/07/24 Minimum investment criteria is Link's green duration band (100 days). Entry point broadly equates to Fitch A-, F1 unless UK nationalised.								
Counterparty	Sovereign	Sovereign rating [1]	Fitch long term	Fitch short term	UK classification	Exposure limit	Link duration based on [2]	
							Credit ratings	Post CDS
UK Banks, Building Societies and other Financial Institutions :								
Bank of Scotland (Group limit BOS & Lloyds £7m)	UK	AA-	A+	F1	Ring-fenced	£7m	6 months	6 months
Barclays Bank (Group Limit Barclays and Barclays UK £7m)	UK	AA-	A+	F1	Non-RF	£7m	6 months	6 months
Barclays Bank UK (Group Limit Barclays and Barclays UK £7m)	UK	AA-	A+	F1	Ring-fenced	£7m	6 months	6 months
Close Brothers Ltd	UK	AA-	BBB+	F2	Exempt	£7m	N/A	N/A
Goldman Sachs International Bank	UK	AA-	A+	F1	Exempt	£7m	6 months	6 months
Handelsbanken Plc (Group Limit with Svenska Handelsbanken AB £7m)	UK	AA-	AA	F1+	Exempt	£7m	1 year	1 year
HSBC UK Bank	UK	AA-	AA-	F1+	Ring-fenced	£7m	1 year	1 year
Lloyds Bank (Group limit BOS & Lloyds £7m)	UK	AA-	A+	F1	Ring-fenced	£7m	6 months	6 months
Santander UK	UK	AA-	A+	F1	Ring-fenced	£7m	6 months	6 months
Standard Chartered Bank	UK	AA-	A+	F1	Exempt	£7m	6 months	6 months
Coventry Building Society	UK	AA-	A-	F1	Exempt	£7m	100 days	100 days
Nationwide Building Society	UK	AA-	A	F1	Exempt	£7m	6 months	6 months
Skipton Building Society	UK	AA-	A-	F1	Exempt	£7m	6 months	6 months
National Westminster Bank (Group limit Nat West and RBS £7m). UK Nationalised.	UK	AA-	A+	F1	Ring-fenced	£7m	1 year	1 year
The Royal Bank of Scotland (Group limit Nat West and RBS £7m). UK Nationalised.	UK	AA-	A+	F1	Ring-fenced	£7m	1 year	1 year
UK Debt Management Office including Treasury Bills	UK	AA-	n/a	n/a	n/a	No limit	5 years	5 years
UK Treasury Sovereign Bonds (Gilts)	UK	AA-	n/a	n/a	n/a	£16m/£8m	5 years	5 years
UK Local Authority (per authority)	UK	AA-	n/a	n/a	n/a	£7m	5 years	5 years
Non-UK Banks :								
Australia & New Zealand Banking Group	Australia	AAA	AA-	F1+	n/a	£7m	1 year	1 year
Bank of Montreal	Canada	AA+	AA-	F1+	n/a	£7m	1 year	1 year
Toronto Dominion Bank	Canada	AA+	AA-	F1+	n/a	£7m	1 year	1 year
Royal Bank of Canada	Canada	AA+	AA-	F1+	n/a	£7m	1 year	1 year
Nordea Bank Abp	Finland	AA+	AA-	F1+	n/a	£7m	1 year	1 year
Rabobank (Cooperatieve Rabobank U.A.)	Netherlands	AAA	A+	F1	n/a	£7m	1 year	1 year
ING Bank	Netherlands	AAA	AA-	F1+	n/a	£7m	1 year	1 year
Development Bank of Singapore	Singapore	AAA	AA-	F1+	n/a	£7m	1 year	1 year
Svenska Handelsbanken AB (Group Limit with Handelsbanken Plc £7m)	Sweden	AAA	AA	F1+	n/a	£7m	1 year	1 year
[1] Reflects the lowest of the three rating agencies views (Fitch, Moody's and Standard and Poor's). Strategy requires non-UK sovereigns to be rated at least AA- and the UK rated at least A-. Non-UK sovereign limit of 20% or £7m per sovereign.								
[2] All deposits overnight unless otherwise approved in advance by the Director of Finance and Transformation AND Chief Financial Services Officer. If other than overnight duration for non-UK entities must not exceed Link's post CDS duration suggestion. For UK entities duration may be extended by up to three months based on credit ratings alone or six months if CDS is below average, subject to a maximum combined duration of 12 months.								

Money Market Funds (Minimum investment criteria AAA) :					
Fund Name	Moody	Fitch	S&P	Exposure Limit	Link credit worthiness
Blackrock Institutional Cash Series - Sterling Liquidity	AAA	-	AAA	£8m	5 years
BNP Paribas InstiCash - GBP	-	-	AAA	£8m	5 years
CCLA Public Sector Deposit Fund	-	AAA	-	£8m	5 years
DWS Deutsche Global Liquidity - Deutsche Managed Sterling	AAA	AAA	AAA	£8m	5 years
Federated Cash Management - Short Term Sterling Prime	-	AAA	AAA	£8m	5 years
Insight - Sterling Liquidity (Group limit IL & ILP of £7m)	-	AAA	AAA	£8m	5 years
Morgan Stanley Liquidity - Sterling	AAA	AAA	AAA	£8m	5 years

Enhanced Cash Funds (Minimum investment criteria AAA) :					
Fund Name	Moody	Fitch	S&P	Exposure Limit	Link credit worthiness
Insight - Sterling Liquidity Plus (Group limit IL & ILP £7m)	-	AAA	AA+	£3.5m	5 years

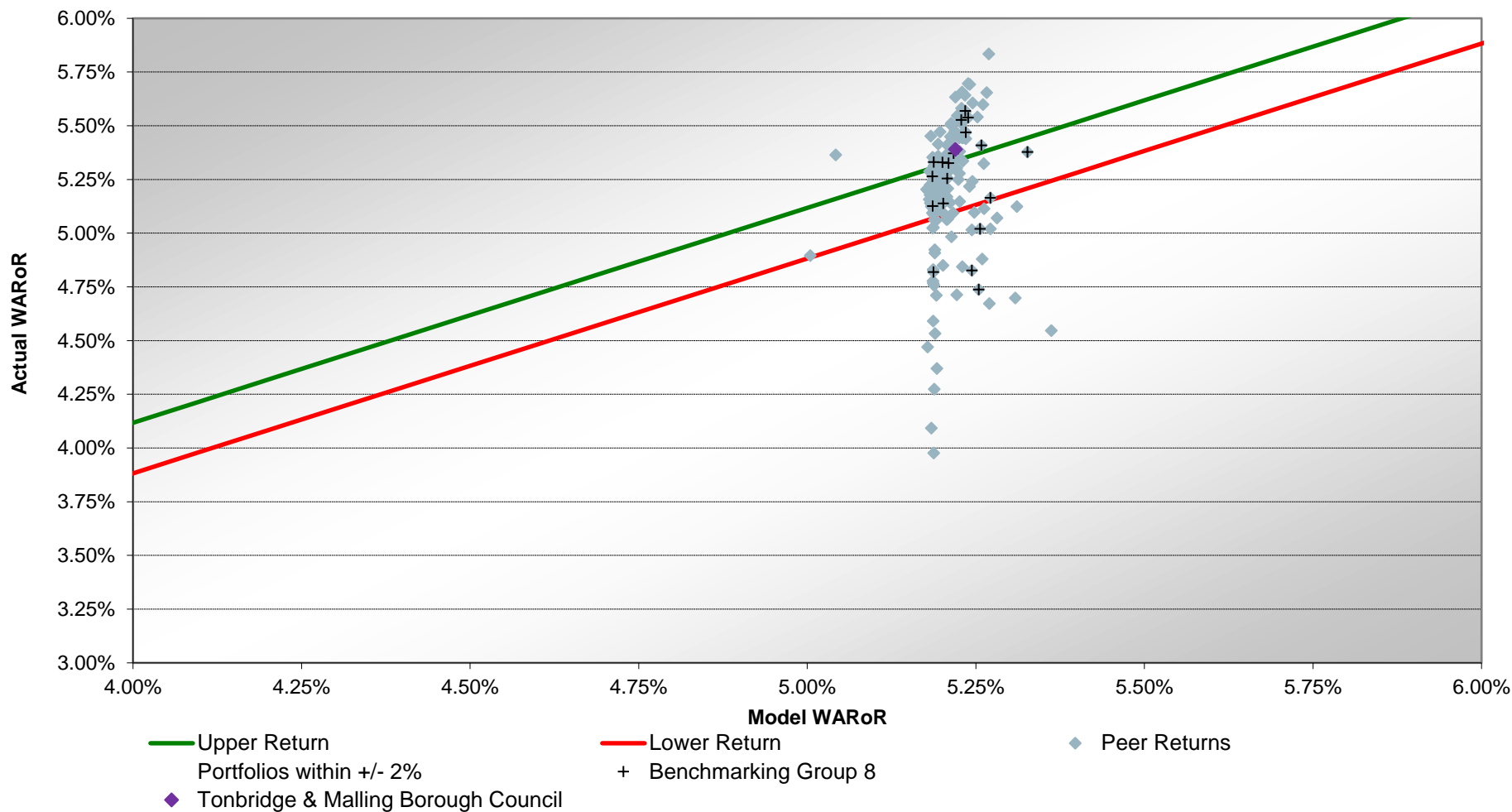
Approved by Director of Finance and Transformation 31 July 2024	No change
--	-----------

Note: Australia & New Zealand Banking Group added 17/05/2023
Note: Close Brothers removed from Link's Suggested Credit List 12/02/2024. Although removed, Link have stated that the Fitch long term rating change from A- to BBB+ would have no impact on the bank's suggested duration and would remain at 6 months.

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Tonbridge & Malling Borough Council

Population Returns against Model Returns



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Tonbridge & Malling Borough Council	Actual WARoR	Model WARoR	Difference	Lower Bound	Upper Bound	Performance
	5.39%	5.22%	0.17%	5.10%	5.34%	Above

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Prudential and Treasury Indicators

Prudential Indicators	2023/24 Actual £'000	2024/25 Estimate £'000	2025/26 Estimate £'000
Capital expenditure	2,372	9,113	1,060
Ratio of financing costs to net revenue stream	-21.90%	-13.13%	-9.83%
Net borrowing requirement:			
Brought forward 1 April	nil	nil	nil
Carried forward 31 March	nil	nil	nil
In year borrowing requirement	nil	nil	nil
Capital financing requirement as at 31 March	nil	nil	nil
Annual change in capital financing requirement	nil	nil	nil
Incremental impact of capital investment decisions: Increase in Council Tax (Band D) per annum	nil	nil	nil

TREASURY MANAGEMENT INDICATORS	2023/24	2024/25	2025/26	2026/27	2027/28
	Actual	Estimate	Estimate	Estimate	Estimate
	£'000	£'000	£'000	£'000	£'000
Authorised Limit for external debt :					
borrowing	nil	7,000	7,000	7,000	7,000
other long term liabilities	nil	nil	nil	nil	nil
TOTAL	nil	7,000	7,000	7,000	7,000
Operational Boundary for external debt:-					
borrowing	nil	4,000	4,000	4,000	4,000
other long term liabilities	nil	nil	nil	nil	nil
TOTAL	nil	4,000	4,000	4,000	4,000
Actual external debt	nil	nil	nil	nil	nil
Upper limit for fixed interest rate exposure > 1 year at year end	nil	It is anticipated that exposure will range between 0% to 60%			
Upper limit for fixed interest rate exposure < 1 year at year end	32,000 (58.0%)	It is anticipated that exposure will range between 0% to 60%			
Upper limit for variable rate exposure < 1 year at year end	13,916 (25.3%)	It is anticipated that exposure will range between 20% to 100%			
Upper limit for total principal sums invested for over 365 days at year end	9,250 (16.7%)	60% of funds			

Maturity structure of fixed rate borrowing during 2024/25 – 2026/27	upper limit	lower limit
under 12 months	100 %	0 %
Over 12 months	0 %	0 %

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2024/25 Annual Investment Strategy Risk Parameters

The strategy includes parameters that aim to limit the Council's exposure to investment risks by requiring investments to be placed with high credit rated financial institutions and that those investments are diversified across a range of counterparties. More specifically the 2024/25 Strategy requires:

- Counterparties must be regulated by a Sovereign rated AA- (UK minimum of A-) or better as recognised by each of the three main rating agencies (Fitch, Moody's, and Standard & Poor's).
- Whilst 100% of funds can be invested in the UK, exposure to non-UK banks is restricted to no more than 20% of funds per Sovereign.
- Exposure to individual counterparties and groups of related counterparty must not exceed 20% of funds or 10% of funds if a housing association.
- In selecting suitable counterparties for overnight deposits and deposits up to 2 years in duration (3 years with a local authority), the Council has adopted Link's credit worthiness methodology. The methodology combines the output from all three credit rating agencies including credit watches / outlooks and credit default swap data to assign a durational band to a financial institution (100 days, 6 months, 1 year, 5 years, etc.). At the time of placing an investment the financial institution must be assigned a durational band of at least 100 days (based on credit ratings alone). Other than for UK nationalised institutions this broadly equates to a minimum long term credit rating of Fitch A- (high) and a short term credit rating of Fitch F1 (highest).
- Investment in UK nationalised banks is subject to the bank having a minimum long term credit rating of Fitch BBB (good) and a short term credit rating of Fitch F2 (good). The Royal Bank of Scotland and National Westminster Bank are currently rated Fitch A+, F1.
- The duration of an investment in a foreign bank must not exceed Link's post CDS recommendation. For UK financial institutions Link's duration recommendation can be enhanced by up to 6 months subject to the combined duration (Link recommendation plus the enhancement) not exceeding 12 months. The Council's Treasury Management Practices have been modified to ensure that where duration is being enhanced by more than 3 months the bank's CDS must be below the average for all other banks at the time the investment is placed.

- Money Market funds should be rated AAA and exposure limited to no more than 20% per fund. LVNAV (low volatility) or VNAV (variable net asset value) funds may be used as an alternative to CNAV (constant net asset value) funds.
- Enhanced Cash Funds and Government Liquidity Funds will be AAA rated and ultra-short duration bond funds rated AA or higher. Exposure is limited to no more than 10% of investment balances per fund and 20% to all such funds.
- Exposure to non-credit rated property funds is limited to a maximum of £3m per fund (no more than 20% of expected long term cash balances). No cash limit applies where invested funds are derived from or in anticipation of new resources e.g. proceeds from selling existing property assets or other windfalls.
- Exposure to non-credit rated diversified income (multi-asset) funds and or short dated bond funds is limited to a maximum of £3m per fund (no more than 20% of expected long term cash balances) across all such funds. No cash limit applies where invested funds are derived from or in anticipation of new resources e.g. proceeds from selling existing property assets or other windfalls.

All specified and non-specified Investments will be:

Subject to the sovereign, counterparty and group exposure limits identified above.

Subject to the duration limit suggested by Link (+6 months for UK financial institutions) at the time each investment is placed.

Subject to a maximum of 60% of funds being held in non-specified investments at any one time.

Sterling denominated.

Specified Investments (maturities up to 1 year):

Investment	Minimum Credit Criteria
UK Debt Management Agency Deposit Facility	UK Sovereign A-
Term deposits - UK local authorities	UK Sovereign A-
Term deposits - UK nationalised banks	UK Sovereign A- Counterparty BBB, F2 or Green excluding CDS
Term deposits – all other banks and building societies	UK Sovereign A- / Non-UK Sovereign AA- Counterparty A-, F1 or Green excluding CDS
Certificates of deposit - UK nationalised banks	UK Sovereign A- Counterparty BBB, F2 or Green excluding CDS
Certificates of deposit – all other banks and building societies	UK Sovereign A- / Non-UK Sovereign AA-. Counterparty A-, F1, or Green excluding CDS
UK Treasury Bills	UK Sovereign A-
UK Government Gilts	UK Sovereign A-
Bonds issued by multi-lateral development banks	AAA
Sovereign bond issues (other than the UK govt)	AAA
Money Market Funds (CNAV, LVNAV or VNAV)	AAA
Enhanced Cash / Government Liquidity / Ultra-Short Dated Bond Funds	AA

Non-specified Investments (maturities in excess of 1 year and any maturity if not included above):

Investment	Minimum Credit Criteria	Max duration to maturity
Fixed term deposits with variable rate and variable maturities (structured deposits) - UK nationalised banks	UK Sovereign A- Counterparty BBB,F2 (Green)	2 years
Fixed term deposits with variable rate and variable maturities (structured deposits) - banks and building societies	UK sovereign A- / Non-UK Sovereign AA- Counterparty A-, F1 (Green)	2 years
Term deposits - local authorities	UK Sovereign A-	3 years
Term deposits - UK nationalised banks	UK Sovereign A- Counterparty BBB,F2 (Green)	2 years
Term deposits - banks, building societies	UK Sovereign A- / Non-UK Sovereign AA- Counterparty A-, F1 (Green)	2 years
Term deposits – housing association	UK Sovereign A- Counterparty A-	2 years
Certificates of deposit - UK nationalised banks	UK Sovereign A- Counterparty BBB,F2 (Green)	2 years
Certificates of deposit - banks and building societies	UK Sovereign A- / Non-UK Sovereign AA- Counterparty A-, F1 (Green)	2 years
Commercial paper - UK nationalised banks	UK Sovereign A- Counterparty BBB,F2 (Green)	2 years
Commercial paper - banks and building societies	UK Sovereign A- / Non-UK Sovereign AA- Counterparty A-, F1 (Green)	2 years
Floating rate notes issued by multilateral development banks	AAA	2 years
Bonds issued by multilateral development banks	AAA	2 years
Sovereign bonds (other than the UK Government)	AAA	2 years
UK Government Gilts	UK Sovereign A-	5 years
Property Funds	N/A	N/A
Diversified Income and or Short Dated Bond funds	N/A	N/A

Cabinet

12 November 2024

Part 1 - Public

Executive Key Decision



Cabinet Member Cllr Kim Tanner, Cabinet Member for Finance and Housing

Responsible Officer Eleanor Hoyle, Director of Planning, Housing and Environmental Health

Report Author Claire Keeling, Housing Solutions Manager

Housing Allocation Scheme amendments

1 **Summary and Purpose of Report**

- 1.1 Following the launch of the new Housing Allocations Scheme in June 2023, we have completed a review one year post implementation and made some amendments in line with ongoing feedback and experience.
- 1.2 The purpose of this report is to consider these amendments and agree to entering a period of engagement with our registered providers, and then make any amendments and implement these.

2 **Corporate Strategy Priority Area**

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 The Housing Allocations Scheme sets out how the council will assess and prioritise applications made for social housing in the district. This ensures that only those who have a need for affordable housing, and a local connection to the area are prioritised.

3 **Recommendations**

- 3.1 To agree to engagement on the amendments to the Housing Allocations Scheme following review one year after introduction of the existing Scheme. The key proposed amendments are:
 - Changes to the ages at which siblings can share, reducing from 21 down to 16.

- Amendments to access to the register for those experiencing Domestic Abuse (DA) – to prevent risk to an applicant experiencing DA by refusing them access to the register to move to where they are at risk.
 - Strengthen the policy to give higher priority to those with a prevention duty who remain at home, to give them the same priority as those who have a main housing duty accepted. Other homeless cases continue to get the same reasonable preference.
 - Amendment to the local connection wording related to the 2-year qualification period and add in the homelessness legislation local connection for those who have a main duty accepted.
 - The removal of households who have not bid for 12 months unless there have not been properties suitable for them to bid on.
- 3.2 To delegate responsibility to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Finance and Housing to agree the final revised Housing Allocations Scheme once feedback from the engagement phase has been considered.

4 Introduction and Background

- 4.1 It is a statutory requirement under Part VI of the Housing Act that Local Authorities (LAs) have a Housing Allocations Scheme. This is a mechanism for assessing housing need, advertising available social housing and the allocation of social homes. The Scheme determines who can join the housing register and what level of priority they will be awarded.
- 4.2 Any Scheme needs to reflect current legislation and Government Guidance, as well as meeting local requirements and it is key that any Scheme is reviewed regularly to ensure that it remains fit for purpose and that the limited supply of social housing is allocated fairly and in line with legislation, national and local priorities.
- 4.3 The Council's Scheme has now been in operation for over a year, and in line with the need to keep it under review, we have considered the first year of operation to determine how it has been working, the result of which has been to make some further amendments.
- 4.4 In addition to keeping the Scheme under review operationally, the new Labour Government also issued a statement in September 2024 regarding accessibility to social housing for those who are UK armed forces veterans, domestic abuse survivors and care leavers under 25 and reminded LAs that we should prioritise these groups for social housing. A review of our Scheme in line with this announcement evidence that these groups do get priority for social housing under our existing scheme, but we will review the Scheme again in line with any subsequent regulations announced by the Government.

- 4.5 This report is therefore seeking agreement to engage on the amendments proposed to gather feedback from partners. Any feedback will enable any changes to be considered for inclusion in the amended Scheme.
- 4.6 Whilst there is no statutory timeline for engagement if approved, then it is proposed, given that these are amendments to our existing Scheme, that the engagement period is 4 weeks. Engagement will take place with Registered Providers who operate in the TMBC area.

5 Proposal

- 5.1 Legislation dictates that Local Authority Housing Allocations Scheme be kept under regular review, to reflect changes and ensure that they remain fit for purpose. Given this and the need to ensure that the limited resource of social housing is allocated to those who have a housing need, we have reviewed the Allocations Scheme one year post implementation and made some amendments.
- 5.2 As a result of this review, we are proposing several amendments as below. Annex 1 contains the proposed amended Scheme and the relevant sections where the changes are proposed are highlighted and noted below for ease of reference:
- Changes to the ages at which siblings can share, reducing from 21 down to 16 – to align with Registered Provider policies. (Changes on p19, section 4.5)
 - Amendments to access to the register for those experiencing Domestic Abuse (DA) – to prevent risk to an applicant experiencing DA by refusing them access to the register to move to where they are at risk. (Changes on p23, section 4.8)
 - Strengthen the policy to give higher priority to those with a prevention duty who remain at home the same priority as those who have a main housing duty accepted (Band B) – to encourage households to stay at home where possible rather than approach for temporary accommodation. Other homeless cases continue to get the same reasonable preference. (Changes on p18, section 4.3)
 - Amendment to the local connection wording related to the 2-year qualification period and add in the homelessness legislation local connection for those who have a main duty accepted – to facilitate move on options for those households we have in temporary accommodation. (Changes on p11, section 2.5)
 - The removal of households who have not bid for 12 months unless there have not been properties suitable for them to bid on – to ensure the register is focussed on those in housing need. (Changes on p27, section 7.2)

5.3 There has also been some general tidying up of the formatting and wording in some areas that has not changed the meaning of any requirements but hopefully provides a clearer document.

6 Other Options

6.1 That we do not amend the current Scheme and continue to operate it as it is, but this may lead us to being open to challenge and not meeting the needs of applicants, if we do not keep it under review.

7 Financial and Value for Money Considerations

7.1 The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

8 Risk Assessment

8.1 There is a legal risk to the Council of not having an up-to-date Housing Allocations Scheme and the Council could be open to challenge.

8.2 Some changes will be required to the IT system to facilitate these amendments, and this could delay implementation.

9 Legal Implications

9.1 The allocation of housing by LAs is framed by Part VI of the HA 1996. The council is required to have a Scheme for determining priorities and the procedures that will be followed when allocating social housing.

9.2 An LA must not allocate housing in any circumstances other than in accordance with its Allocation Scheme when the LA:

- Selects a person to be a secure or introductory tenant of housing accommodation.
- Nominates a person to be a secure or introductory tenant of housing accommodation
- Nominates a person to be an assured tenant or assured shorthold tenant of housing accommodation held by a Private Registered Provider.

9.3 In formulating or amending their Allocation Scheme, a LA must have regard to:

- Its current homelessness strategy under section 1 of the Homelessness Act 2002. This is currently under review but has been considered
- Its tenancy strategy under section 150 of the Localism Act 2011

- The statutory guidance which can be found here [Social housing allocations guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/social-housing-allocations-guidance)
- Homelessness Code of Guidance for Local Authorities

- 9.4 Although the HA 1996, as amended by the Localism Act 2011, gives LAs broad discretion to determine what classes of person will be considered as qualifying under the Scheme and how to determine relative priorities between qualifying applicants, there are requirements to give reasonable, and in some defined cases, additional, preference to certain categories of people. An LA cannot disqualify persons who fall within one of the classes of person for whom a reasonable preference must be secured under the Scheme.
- 9.5 LHA's may also frame the Scheme to give "additional preference" to other persons with urgent housing needs. Where the council makes provision for additional preference, this must be justified.
- 9.6 This report sets out several proposed changes to the current Housing Allocations Scheme following a review one year post implementation of the new scheme.
- 9.7 Due regard must also be given the public sector equality duty (PSED) in section 149 of the Equality Act 2010 that requires the council to consider all individuals when carrying out their functions; this includes changes to policy. The duty requires that due regard be given to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between different people. Specifically, the following protected characteristics must be given due regard
- age,
 - disability,
 - gender reassignment,
 - pregnancy and maternity,
 - race,
 - religion or belief,
 - sex,
 - sexual orientation.
- 9.8 The PSED also applies to marriage and civil partnership, but only in relation to the need to eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the Equality Act 2010.

- 9.9 It is therefore important that a robust equality assessment is undertaken to enable the council to identify and address any adverse impact on those with protected characteristics.
- 9.10 We have also requested some external legal support to review the proposed changes and take their feedback on board.
- 9.11 Having ensured the new Scheme is framed within Part VI of the HA 1996, giving regard to other policies and strategies, and the PSED, along with an external legal review, should ensure that the proposed changes that we wish to engage on is legally compliant in line with the above legal requirements

10 Consultation and Communications

- 10.1 When undertaking the previous review of the Scheme it was subjected to a robust process of scrutiny and engagement. The project was guided by a steering group initial engagement. A draft of the new Scheme was then produced and presented to Members via 3 virtual sessions, and the proposals received support from Members. We also fully engaged with our registered provider partners.
- 10.2 This review has been a light touch one to consider how the Scheme has been working operationally, with only minor amendments being made to the scheme.
- 10.3 However, it is good practice to engage with our local registered providers and update them once the amendments are in force.

11 Implementation

- 11.1 To implement the new Scheme some system changes will be required, and we are already in discussion with our system provider Huume, regarding the amendments that are required to be made to implement the amendments once the engagement period has been concluded.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

- 12.1.1 Limited or low impact on emissions and environment.
- 12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

12.2 Equalities and Diversity

- 12.2.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different

groups. The decisions recommended through this paper directly impact on end users. The impact has been analysed and does not vary between groups of people in any different way to those identified when the full review was undertaken previously, and an equalities impact assessment was produced.

12.3 Other

12.4 None

Background Papers	None
Annexes	Housing Allocation Scheme (Draft)

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Housing Allocation Scheme

Date tbc

In this scheme:

- **The Council, we, our or us** means Tonbridge & Malling Borough Council
- **Borough** means the borough of Tonbridge and Malling
- **You or the applicant** means someone who applies for affordable housing
- **Register** means Tonbridge & Malling Borough Council’s housing register
- **Scheme** means Tonbridge & Malling Borough Council’s housing allocation scheme
- **Assessment form** means Tonbridge & Malling Borough Council’s housing assessment form
- **Bid or bid for** does not involve offering money; here it means the same as apply or apply for.

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Tonbridge

Kent

TN9 1BG

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1 Introduction to the Scheme

1.1 Scope of this policy

Our Allocation Scheme sets out the criteria and procedures that Tonbridge and Malling Borough Council use when applicants apply to join our housing register. As in all areas, demand for social housing is greater than the supply, and our scheme aims to ensure that those who have the most housing need are given access to available housing.

The scheme sits within a legal framework, primarily part VI of the Housing Act 1996 (as amended).

It also complies with the requirements of the following legislation, Statutory Instruments, and guidance:

- The Equality Act 2010 and the Specific Duties and Public Authorities Regulations 2017.
- The Localism Act 2011.
- Providing social housing for local people – December 2013.
- Right to move and social housing allocations – March 2015.
- The Homelessness Reduction Act 2017.
- Improving access to social housing for members of the Armed Forces – June 2020.
- Improving access to social housing for victims of domestic abuse – January 2022; and
- Allocation of accommodation: guidance for local authorities – June 2024

In formulating the scheme, we have also had regard to the Councils Corporate Strategy, our Housing Strategy, and our Tenancy Strategy 2022 - 2027.

1.2 Statement of choice¹

We are committed to providing excellent services to ensure applicants can play an active role in choosing where they live by giving them the opportunity to express preferences about their accommodation whenever possible, within the constraints imposed by the limited supply of affordable housing. Choice Based Lettings (CBL) allows qualifying applicants to bid for properties which they are interested in and receive feedback from the bidding process to assist them to make informed choices about where they want to live, the type of property they would prefer and their likelihood of being housed.

1.3 Summary and aims

This scheme explains how to apply to rent affordable housing in the borough of Tonbridge and Malling. It also explains who is entitled to apply for affordable housing and the way that we prioritise applicants, bearing in mind that demand far exceeds supply.

Affordable housing is also known as social housing and includes social rented and affordable rented tenures provided by housing associations to eligible households. In 1991 we transferred our housing stock to a Tonbridge & Malling Housing Association, now known as Clarion Housing Group. The Council does not own or manage any of its own housing stock, so we work in close partnership with housing associations who supply affordable housing in our borough. These are:

Clarion Housing Group, Golding Homes, Hanover, Housing & Care 21, The Hyde Group, L & Q, Moat, Orbit, Riverside, Sanctuary Housing, Southern Housing, Town & Country Housing, MHS Homes and West Kent Housing Association.

The types and sizes of affordable homes, and the areas that they are in, vary considerably. Within Section 4.6 we set out a guide to the size and type of homes that you can be considered for.

To be considered for affordable housing, applicants must first be accepted onto our housing register.

The scheme sets out:

- who qualifies to be included on the register.
- how to apply to get on the register.
- how we determine an applicant's priority on the register.
- how we keep the register up to date.
- how to bid for available properties; and
- how available properties are allocated.

It aims to ensure that we:

- allocate affordable housing in a fair and clear way.
- determine the priority of applicants in a consistent way.
- provide accurate and timely advice to those in need.
- work effectively with housing associations.
- make the best use of the affordable housing stock; and
- comply with the law².

1.4 Getting more information

There are several ways to get your own copy of this scheme. You can:

- print a copy from our website: www.tmbc.gov.uk; or
- email housing.services@tmbc.gov.uk, and we will email a copy back to you.

A summary of the scheme is also available and our Housing Solutions Service on 01732 844522, can advise on a wide range of housing matters, including accessing the housing register, the prevention of homelessness and finding a home in the private rented sector. This service is free and confidential. There is also information available on our website.

1.5 Direct allocations

The following allocations are outside the scope of this scheme:

- provision of temporary accommodation for homeless people³.
- direct offers - see section 9.3.
- Housing association tenants for urgent management move purposes.
- tenancies offered on succession or by way of assignment, for example where a parent dies, and the tenancy passes to a descendent in their household; and
- transfers of a tenancy by a court order⁴.

¹S166A(2) Housing Act 1996 requires the housing allocation scheme to include a statement of the Council's policy on offering people who are to be allocated housing accommodation: a choice of housing accommodation; or the opportunity to express preferences about the housing accommodation to be allocated to them.

² This scheme aims to ensure the Council meets its legal obligations set out in Part 6 of the Housing Act 1996, as amended by the Homelessness Reduction Act 2017 and the Localism Act 2011. Part 6 of the Housing Act 1996 covers the allocation of housing association homes and sets out the circumstances of applicants to whom we should give reasonable preference. The scheme also has regard to the 2012 Allocation of Accommodation: Guidance for local housing authorities in England, (which replaces all previous guidance), the Tonbridge and Malling Borough Council Housing and Tenancy Strategy 2022 -2027. The last of these gives details of the types of tenancies that may be offered by housing association landlords.

³ In accordance with part 7 of the Housing Act 1996.

⁴ A secure tenancy vests or is otherwise disposed of in pursuance of a Court order made under the legislation cited in s.160(2)(e)(i)-(iii) of the Housing Act 1996”.

2 Who qualifies to be included on the Register?

2.1 Reasonable preference categories⁵

Our housing register lists applicants within one of three priority bands, taking into account whether their housing needs are assessed as exceptional, high, or medium. In assessing priority, we are required to consider people who fall into one or more of the reasonable preference categories, which include:

- people who are homeless⁶.
- people owed a duty under section 190(2), 193(2), 189(B) or 195(2) Housing Act 1996 (or section 65(2) or 68(2) Housing Act 1985).
- people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing.
- people who need to move on medical or welfare grounds, including grounds relating to disability; and
- people who need to move to a particular locality within our borough to avoid hardship to themselves or others.

2.2 Additional preference

We are also required to give additional preference to the following categories of people who fall within the reasonable preference categories above and who have urgent housing needs:

- Those who are currently serving in the Regular Armed Forces or who were serving in the Regular Armed Forces at any time in the last 5 years preceding their application to join the housing register⁷.
- Bereaved spouses or civil partners of those serving in the Regular Armed Forces where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their services spouse or civil partner and the deal was wholly or partly attributable to their service.
- Serving or former members of the Reserve Armed Forces⁸ who are suffering from a serious injury, illness or disability which is wholly or partly attributable to their service.

Additional preference will be awarded to these households by placing them in the band that is one band higher than their assessed need.

2.3 Eligibility⁹

We cannot consider you for inclusion on the register if:

- you are subject to immigration control within the meaning of the Asylum and Immigration Act 1996, unless you are in an exempt group as decided by the Government; or
- you are not habitually resident in the Common Travel Area (a travel zone that comprises the islands of Great Britain, Ireland, the Isle of Man, and the Channel Islands) unless you are exempt from the habitual residence test; or
- because of your rights of residence under European Union law.

If you are not eligible to join the register, we will write to you setting out the reasons for the decision. You have the right to request a review of a decision to treat you as ineligible because of your immigration

status - see section 10. If you have been accepted onto the register but later become ineligible, your application will be removed, and we will write to you to let you know. This decision to treat you as ineligible is also subject to a right of review - see section 10.

2.4 Financial considerations

If you own, or part own, a property, whether you currently live there or not, you will not usually be included on the housing register. Homeowners who need to move on medical or welfare grounds or grounds relating to a disability may be considered for sheltered, adapted or other suitable accommodation in accordance with their assessed needs.

If you have household income or capital (including savings) above the thresholds described below, you will not be included on the housing register.

We will review the income, and savings thresholds annually. Any changes to these threshold levels will not be applied retrospectively to existing applications unless there has been a change in the household's income or capital (including savings) after the change.

The current thresholds are:

- households with no dependents with a total gross income of £40,000 or more; or
- households with up to two dependants with a total gross income of £50,000; or
- households with three or more dependent children with a total gross income of £60,000 or more; or
- households with total capital of £16,000 or more.

If you are eligible to be considered for sheltered housing, the threshold for your household's capital assets (including savings) is £85,000.

Current payments of the following are disregarded as income for the purposes of this assessment:

- disability living allowance.
- attendance allowance.
- personal independence payments.
- armed forces personal independence payments.
- any benefit treated as attendance allowance.
- war pensioners mobility supplement; and
- payments in compensation for non-receipt of the above

2.5 Qualifying criteria

The demand for affordable housing in our borough far exceeds the supply. Only those applicants who meet one or more of the local connection criteria **and** meet one or more of the housing needs criteria will qualify to join the housing register.

To be considered for inclusion on the housing register, you must have a qualifying **local connection** to the borough of Tonbridge and Malling. You will be required to provide evidence of your local connection as part of your application for housing. You have a local connection if you:

- are currently residing within the borough of Tonbridge and Malling and have been for a continuous period of 2 years immediately prior to the application to join the housing register

being made; or

- have immediate family members (children over the age of 18, parents, or brothers/sisters) who currently reside in our borough, have done so for 5 or more years **and** there is an exceptional need to move to receive or provide essential care from or to that close family member that cannot otherwise be provided; or
- are currently serving in the Regular Armed Forces or were serving the Regular Forces at any time in the last 5 years preceding your application to join the housing register; or
- are a bereaved spouse or civil partner of those serving in the regular forces where the bereaved spouse or civil partner has recently ceased, or will cease, to be entitled to reside in Ministry of Defence accommodation following the death of their services spouse or civil partner and the death was wholly or partly attributable to their service; or
- are a serving or former member of the Reserve Armed Forces who is suffering from a serious injury, illness or disability which is wholly or partly attributable to your service; or
- are an ex-spouse or civil partner or adult child of a serving Regular Armed Forces member.

There may also be exceptional circumstances in which the local connection criteria are waived, for example:

- it is accepted that you are owed a housing duty (see section 2.1) in which case the local connection requirements will be those contained within the relevant legislation and Code of Guidance, which takes precedence over those contained within this document; or
- you are currently residing outside our borough but are fleeing violence or harassment (including hate crime); or
- you are a housing association or Council tenant exercising your right to move for work related reasons; or
- you have no local connection to any local authority area.

Within our borough some properties and new developments have a specific local connection requirement in their planning or funding conditions. In these cases, a local connection will usually mean a connection to a specific village or parish rather than a connection to the borough as a whole and will be detailed in the relevant local lettings plan for the development (see section 5).

To be considered for inclusion on the housing register you must also have a qualifying need for affordable housing. You have a qualifying **housing need** if any of the criteria described in the priority bands A to C (see section 4.3) apply to you.

You have the right to request a review of a decision to exclude you from the register because you do not have a local connection and/or a housing need - see section 10.

2.6 Disqualification

You will not usually qualify for inclusion on the housing register where you or a member of your household has behaved in an unacceptable manner in the preceding 5 years.

Examples of unacceptable behaviour include (but are not limited to) the following:

- where you have been evicted or otherwise lost accommodation due to anti-social behaviour; or
- where you have been convicted of criminal offences (including offences involving anti-social behaviour or the use and/or supply of drugs) in or near your home and still pose a threat to neighbours or the wider community.

The decision to disqualify you will consider any supporting information received from your current or previous landlord, the police/police community support officers, the Council's community safety unit, the probation service and other relevant professionals involved in your case, and we may remove you if we receive information after your application has gone live, if we received information from any of these partners about any issues.

⁵ In accordance with section 166A (3) of the Housing Act 1996 (as amended by the Homelessness Act 2002 and the Localism Act 2011).

⁶ Whether or not the applicant is owed a housing duty under part 7 of the Housing Act 1996 and including those who are considered to have become homeless intentionally and those not considered to be in priority need for accommodation.

⁷ Regular Forces means Her Majesty's Regular Army, the Royal Navy, the Royal Marines or the Royal Air Force.

⁸ Reserve Forces means the Army Reserve, the Territorial Army, the Royal Fleet Reserve, the Royal Naval Reserve, the Royal Marines Reserve, the Royal Air Force Reserve or the Royal Auxiliary Air Force.

⁹ In accordance with the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006.

3 Applying for housing

3.1 Making an application

To be considered for inclusion on our housing register you must:

- complete an assessment form online with details of your housing history and the current needs of you and your household; and
- provide documents to verify your identity and current housing circumstances; and
- complete any supplementary forms that we send or answer further questions that we ask you.

You can complete an assessment form to record your household's housing needs if you are 16 years of age or over. You can be included on only one application for affordable housing in this borough. This can either be your own personal application or you can be included as a household member in another person's application.

You must complete the assessment form fully and accurately. We will use it to decide your priority on the housing register so that housing can be allocated fairly and openly based on greatest need. We may carry out home visits and interviews to confirm housing needs.

To complete an assessment please visit:

[Home - Kent HomeChoice](#)

If you need assistance completing the form, or require it in a different format, please contact 01732 844522 or email housing.services@tmhc.gov.uk.

Upon receipt of your application, you will be notified of any supporting information required, and you will have **28 days** to submit this. Failure to provide the supporting documentation will result in the application being removed.

If you are under 18 years of age:

- your ability to manage a tenancy will be assessed, usually via a referral to Social Services or other support services, to identify any need for support; and
- you will need a guarantor, usually your parent, legal guardian or other relative as any tenancy granted will be held in trust until you reach 18 years of age.

3.2 Who can be included on your application?

You can include members of your household who are currently residing with you:

- your partner, whether you are married, in a civil partnership or co-habiting.
- you and your partner's or carer's dependent children under the age of 18, including biological or adopted children.
- relatives, including adult children, parents, or brothers/sisters unless they have a separate application or otherwise intend to live independently from you; and
- someone who currently lives with you as your carer.

We will also consider including partners, carers and their dependents who are not currently living with you if:

- they are no longer able to live independently because they need care and support that you can provide; or
- you are unable to live together as your current accommodation does not meet the needs arising from their disability, or
- you are unable to live together as neither you nor any other member of your household have accommodation available which is large enough to accommodate your whole household together.

3.3 If you have shared responsibilities for dependent children

This is where any dependent children live with you some of the time and at other times with their other parent/guardian at a separate address. We will assess whether your address is their main home and if they can be included as members of your household on your application. We will consider:

- the financial support you receive including Child Benefit, tax credits, disability benefits (if appropriate) and maintenance from their other parent/guardian.
- any Court Order(s) under the Children Act (1989) in respect of parental responsibility, contact or residency.
- supporting evidence from Social Services in respect of fostering, guardianship, or adoption placements; and
- whether the children currently reside with someone else for all or part of each week.

Regardless of the amount of time that your children actually spend with you, if we decide that their main home is not with you:

- they will not be included on your housing register application; and they will not be considered when assessing overcrowding/under-occupation or the size of property (number of bedrooms) that you can apply for, or be offered, through Choice Based Lettings.

3.4 If you need a carer

A carer is someone who looks after and supports a partner, friend, relative or neighbour, who would not be able to manage without their help. This could be due to age, physical or mental illness or disability. It does not mean a professional care-worker or personal assistant who gets paid for their work.

If you have identified a primary carer, we will consider whether they need to live with you or near you to provide care. They may be entitled to Carer's Allowance if they spend at least 35 hours per week in their caring role. Even if your carer receives Carer's Allowance it may not be essential that they live with you as a member of your household. If you have requested an additional bedroom for your carer, we will take into account:

- whether your carer receives Carer's Allowance.
- whether your care needs have been assessed as including overnight support.
- whether you have been awarded benefits because of illness or disability including Disability Living Allowance (Care component), Personal Independence Payment (Daily living component), Attendance Allowance, Industrial Injuries Disablement Benefit, Employment and Support Allowance.
- the level of care that you need and whether this is likely to change in the future.
- the ability of your carer to provide the level of care required, e.g. including whether they have their own medical needs, access to transport etc; and

- your current accommodation, and where your carer currently resides and whether the care has been sufficiently provided from this address previously and what the change is that has triggered a need to move closer.

3.5 Declarations

You are required to agree to the declarations online to confirm that you:

- have provided true, accurate and complete information.
- will notify us of any change in your circumstances **within 14 days** of the change.
- understand that information given on the assessment form will be shared with housing association landlords, other council departments, data matching companies and other relevant parties.
- consent to us making relevant enquiries to verify the information given on the assessment form.
- consent to the disclosure of relevant information by third parties to us, or by us to third parties; and
- understand that information provided may be used to help in the detection and prevention of fraud.

3.6 Fair processing notice

The Council is under a duty to protect the public funds it administers and to this end may use the information you provide for the prevention and detection of fraud. It may also share this information with other Council departments, other local authorities, government agencies and credit referencing agencies for the detection and prevention of crime.

3.7 Offences related to information given or withheld by applicants

It is an offence under the Housing Act 1996 and/or the Fraud Act 2006 for anyone seeking help from the Council to:

- give false or misleading information; or
- withhold information that we have asked for on an assessment form or in subsequent correspondence; or
- fail to tell us of a relevant change in their circumstances which could affect the priority they have been awarded.

This may result in prosecution, your application being suspended or cancelled and/or any tenancy granted to you being terminated. Prosecution by the Council could result in a sentence of up to ten years in prison. Any decision regarding criminal proceedings will be made in accordance with the Council's Housing Services Anti-Fraud Policy and its associated Sanctions Policy.

It is your responsibility to inform us of any change that could affect the priority that has been awarded. If we offer affordable housing to you and, on further investigation, it appears that your circumstances had changed before the offer in a way that affected your housing priority; we reserve the right to withdraw the offer. While the investigation is ongoing the housing association may choose not to hold the property for you.

When housing has been allocated based on false or misleading information, legal action may be taken to obtain possession of the property. We will decide when these provisions apply and when to begin criminal proceedings.

3.8 Data Protection

The council adheres to the Data Protection Act 2018 and any other legislation to protect applicants' personal information and will process it for the purposes as stated and in our Privacy notice in accordance with the applicant's rights.

A copy of our privacy notice can be found here:

[Housing applications and homelessness privacy notice – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk)

Data collected from applications for housing is processed in line with the Data Protection Act 2018 and the General Data Protection Regulation (GDPR). Applicants have the right to see information on their file relating to their application except where this involves confidential third-party information. If an applicant is not eligible for inclusion on the register, does not respond to an annual review of their entry on the register or is removed from the register, their records will be kept for seven years before being redacted on our housing system.

3.9 Equal opportunities

We promote equal opportunities for all applicants regardless of race, colour, gender, nationality, religion or belief, sexuality, disability, marital status, pregnancy/maternity, family circumstances or age. To help us apply our equality and diversity policy and to ensure that there is genuine equality of opportunity in access to affordable housing, we collect data for monitoring purposes only. We ask you to complete the equal opportunities section of the assessment form to assist in this monitoring.

4 Determining priority on the Register

4.1 Summary

We assess all the information you provide to support your application in full. If your household is not assessed as having a housing need, you will not be included on the register. If your circumstances change you will need to re-apply.

Otherwise, the two main factors that determine a household's priority on the register are your housing need and priority date. We assess housing need in terms of three priority bands which are explained below. Other factors can also affect housing priority in specific cases. The main ones are explained later in this section.

We will email or write to tell you whether you have been included on the register. If you have been included, we tell you in which priority band you have been placed.

If you believe the current Allocations Scheme has been applied incorrectly when assessing your application, you have the right to request a review - see section 10.

You must tell us of any change in your circumstances **within 14 days** of the change. We will email or write to you to let you know if the change affects your level of housing need and priority band. The banding reflects broad levels of housing need, so changes in your circumstances may make no difference to the band you are in. However, sometimes a significant change in circumstances, such as a move to another address, the birth of another child, a change to your household income or savings or a substantial change in mobility may result in a reassessment of your priority. Your application will usually be suspended, and you will not be able to bid for any properties until you have provided enough written evidence to allow us to verify the change and reassess your priority.

4.2 Priority date

Your household's priority date is the date that you submit your initial application. If we receive new information and this results in a change to your priority band which causes your banding to increase, then your priority date will be amended to the date that you notified us of the change. If the new information causes no change or you are placed in a lower priority band, your priority date will remain unaffected.

4.3 Priority bands

The three bands broadly equate to:

- **A** - Exceptional Priority
- **B** - High priority
- **C** - Medium priority

Within each band, relative priority is determined only by priority date.

Your household will be placed in the appropriate band according to its highest need, not the accumulation of its needs. For example, if you are awarded a high priority on medical, disability or welfare grounds, you will be placed into band B regardless of whether you are also threatened with homelessness.

However, if the Council has determined that you have become homeless intentionally and you qualify to be included on the housing register, you will be placed into band C regardless of whether you have another housing need that would give rise to a higher priority band, for example overcrowding. Your priority band

will be reviewed by the Housing Solutions Service 24 months after the Council's decision that you became homeless intentionally. If you have not secured settled accommodation in this time, you will remain in band C.

Band A - Exceptional Priority

- Households where one or more members are wheelchair dependent in the home, and do not currently occupy a wheelchair accessible/adapted home.
- Those unable to be discharged from hospital or other inpatient setting as their accommodation is unsuitable for their medical or disability needs.
- Conditions at your property are assessed by our Private Sector Housing Service as presenting an immediate threat of serious injury or are life threatening.
- Those currently residing in refuge after fleeing their home on extreme welfare grounds and it has been established that it is not safe for a return to the last settled address.
- Households that require urgent rehousing because of violence or to escape serious anti-social behaviour of domestic abuse as evidenced in section 4.8.
- Under-occupation - housing association tenants living in the borough who need at least two bedrooms fewer than their current home.

Band B – High Priority

- Overcrowding – applicants assessed as being overcrowded by two or more bedrooms than their current home.
- Homeless applicants where we have accepted a section 193 (2) duty to secure accommodation under part VII of the Housing Act 1996 and that duty has not been brought to an end.
- Applicants who are being evicted from the family home and are owed a Section 195(2) prevention duty. This will only apply to applicants who have never held a tenancy of their own and where the use of temporary accommodation can be prevented by the applicant remaining at their current address.
- Households where one or more members are awarded a high priority on medical, disability or welfare grounds.
- Under-occupation - housing association tenants living in the borough who need one bedroom less than their current home.
- Housing association tenants living in the borough in a home with significant adaptations to meet disability needs that are no longer required.

Band C – Medium Priority

- Overcrowding – applicants assessed as being overcrowded by one bedroom.
- People owed a duty under section 190(2) accommodation for a reasonable period if found intentionally homeless, 189(B) relief duty or 195(2) prevention duty under the Housing Act 1996 and those duties have not ended (or section 65(2) or 68(2) Housing Act 1985).
- Those who are of no fixed abode, including those staying or sofa surfing with relatives or friends, or verified rough sleepers.
- Tenants occupying HM Forces service family accommodation who are threatened with homelessness because they have been served with a valid notice to vacate their tenancy (usually at least 3 months).
- Applicants assessed as needing sheltered accommodation who are not currently residing in sheltered accommodation.
- Applicants awarded priority on property condition grounds.
- Households where one or more members are awarded a low priority on medical, disability or welfare grounds.

- Applicants living in non-traditional housing (for example, houseboat, caravan or commercial premises) who lack any kitchen and/or bathroom facilities.

4.4 Homelessness

If we accept that you are eligible, unintentionally homeless and in priority need¹⁰, you can be offered a suitable private sector tenancy. When you accept a private rented sector offer in discharge of our homelessness duty your application will be removed from the housing register. However, if within two years of the date on which you accepted the private rented sector offer you become unintentionally homeless or threatened with homelessness unintentionally, your housing register application will be reinstated.

4.5 Overcrowding/under-occupation

We assess overcrowding and under-occupation by comparing the number of bedrooms in your home against your household's needs. You will be assessed as needing one bedroom for:

- the applicant and any partner.
- any additional adult couple.
- any two siblings of the same sex up to the age of 16.
- any two children aged under 10 regardless of sex.
- for any additional person.

You will be assessed as needing an extra bedroom if:

- you have a disabled child who is unable to share a room with a sibling¹¹; or
- you are an approved foster carer whether or not a child has been placed with you or you are between placements (so long as you have fostered a child, or become an approved foster carer in the last 12 months); or
- you have adult children in the Armed Forces (but who continue to live with you) who will be treated as continuing to live at home, even when deployed on operations; or
- a member of your household is temporarily absent from your home because they are attending a full time University course.

A bedroom is defined as any room intended to be used as a bedroom as defined in a tenancy agreement. The Council will also count any second communal room, as a bedroom when measuring overcrowding.

Your living room will not be considered as a bedroom unless you live in bedsit/studio accommodation without a separate bedroom. Where a dwelling has two separate living/reception rooms we will consider the second room as suitable for use as a bedroom if this leaves enough living room space for the household.

For the purposes of assessing overcrowding:

- two children of the same sex would be expected to share a bedroom until the eldest reaches 16 years of age.
- two children of the opposite sex would be expected to share a bedroom until the eldest reaches 10 years of age.
- a couple or single parent would not be expected to share their bedroom with a child.

4.6 Property size guidelines

Generally, homes are offered in line with the following guide:

Household size	Type and Size of Home
A single person	Bedsit, studio flat, or one-bedroom flat, house, bungalow or sheltered accommodation.
A couple. ¹	Bedsit, studio flat, or one-bedroom flat, house, bungalow or sheltered accommodation.
Two adults with a verified need for separate bedrooms.	Two-bedroom flat, house, bungalow or sheltered accommodation.
A couple ¹ or single parent with one child or expecting a first child. ²	Two-bedroom flat, house or bungalow.
A couple ¹ or single parent with two children, or expecting a second child. ²	Two- or three-bedroom flat or house, depending on age/sex of children.
A couple ¹ or single parent with three or more children or expecting a third. or subsequent child. ²	Three- or four-bedroom house, depending on age/sex of children.

Notes:

1. Couple includes heterosexual or same-sex couples, whether married, in a civil partnership or living together in the same household.
2. A valid MAT B1 will be required where an extra bedroom is needed in line with this policy for an expectant child.

Exceptions to this guide, depending on individual circumstances, include:

- a medical recommendation for a bigger home¹² for example to:
 - meet a medical or disability need for an extra bedroom; or
 - accommodate a carer; or
- the available home has special adaptations and there are no other applicants of the correct household size available that need those adaptations; or
- the allocation is the result of an emergency; or
- the home is being used as temporary accommodation; or
- the home is being let under the terms of a local lettings policy.

Bungalows will generally be allocated to households where the applicant or a member of their household needs level-living accommodation.

4.7 Property condition

If you state on your housing application form that there are problems with the condition of your home, you will first be sent information on working with your landlord to rectify the situation and you must co-operate with your landlord to rectify any issues. Where your landlord is not cooperating and we have evidence of this, we will then make a referral to our Private Sector Housing team who may contact you and your landlord. No priority will be awarded if you fail to co-operate with your landlord, refuse to allow us to

contact your landlord or prevent works being carried out, for example by refusing to let contractors into your home to undertake the works.

If a visit is determined necessary by the Private Sector Housing team, they will inspect and assess your home using the Housing Health and Safety Rating System (HHSRS). We use this to identify and categorise any hazards¹³ to health and safety. A crowding and space hazard is included within the housing needs assessment of overcrowding and, if present, no additional priority will be awarded under property condition grounds.

Band A priority will only be awarded to applicants who currently occupy a property which has at least one category 1 hazard (excluding crowding and space) where the conditions present an immediate threat of serious injury or are life threatening and where remedial action is considered unreasonable or impractical for cost or other reasons. Examples of where remedial action is considered unreasonable or impractical:

- where work cannot be carried out to remedy a serious hazard with the applicant in residence and no alternative accommodation is available to the applicant to assist in progressing remedial works; or
- where the risk from the hazard in the property is greater because of being an elderly person or having a young child but the property would be relatively safe for occupation by others.

Band C priority will only be awarded to applicants who occupy a property which has at least one category 1 hazard (excluding crowding and space) where:

- the category 1 hazard(s) identified pose a significant threat to the health and wellbeing of the occupants but where there is no immediate danger, or it is not life threatening, and remedial action is considered unreasonable or impractical; or
- you do not have access to one or more of the basic facilities: bathroom, kitchen, inside toilet, cold or hot water supplies, electricity and this cannot be remedied within a reasonable timescale (this does not apply if you live in shared accommodation and share these facilities with another household).

4.8 Medical or welfare reasons for moving

In this section, “medical” is used to mean medical and/or disability needs (including learning disabilities) and “welfare” is used to mean social and/or welfare needs.

We will decide the level of priority to be awarded on medical or welfare grounds based on the information you submit. If you consider that anyone in your household has a medical condition that is affected by your current housing, you must give your reasons by providing independent verification from your General Practitioner (GP), Hospital Consultant, or other health professional. If an applicant wishes to be considered for a high priority band or additional room for medical or welfare reasons, GP verification alone will not be sufficient.

In welfare cases you should provide independent verification of your circumstances from your Social Worker, Support Worker or other professional involved in your case. For medical cases we may ask you to provide further evidence or refer your case for independent medical advice. For welfare assessments we may ask you to provide further evidence or, where appropriate, we may make a joint assessment with Social Services, or an appropriate support agency.

Medical Cases

- We look at whether your current housing makes a medical condition worse.

- In mobility cases we look at the severity of your difficulties in relation to your property. Factors such as the number of steps inside and leading to a property and whether you have a lift or ramp may be relevant.
- If so, we consider whether a move to more suitable housing would either improve the medical condition or substantially improve your quality of life.
- If you have medical needs, but a move would not significantly improve the situation, there will be no change in priority based on medical grounds.
- Overcrowding may impact on the health and well-being of some or all members of your household and/or the needs of any children as they grow up. This is considered in the overcrowding assessment, and usually no further priority will be awarded.

Welfare cases

- Working with other people involved in your care, we may identify ways to help you stay in your current home with appropriate ongoing support. If this resolves your support needs, you will not be awarded any priority on welfare grounds.
- Otherwise, we look at whether your needs are made worse by your current housing.
- If so, we will consider whether a move to more suitable housing would improve things for you.
- If you have welfare needs, but a move would not significantly improve the situation, there will be no change in priority on welfare grounds.

If you need to move into the borough to provide or receive significant and ongoing care or support to or from an immediate family member (children over the age of 18, parents, or brothers/sisters) we will look at the following factors as part of the assessment:

- the level of care and support that is required and whether this can be provided locally or by a formal care package.
- whether you and/or your family member can drive or use public transport.
- whether you and/or your family member are in receipt of Carer's Allowance.
- whether you need or can provide frequent assistance with activities of daily living, including household chores, preparing, and cooking meals, organising finances, and attending to medical needs including administering medication and attending appointments.

If you are currently living in supported housing and have been assessed by the support provider as ready to move on into independent living, you will usually be awarded a high priority on welfare grounds.

High priority will usually be awarded where:

- your accommodation is unsuitable and has a significant impact on your medical, welfare or disability needs, and as a result a move is essential; or
- a medical condition is very serious or life threatening, or welfare needs are very high, and health or related quality of life could be substantially improved by a move to more suitable accommodation.

If awarded a high priority, your household will be assessed as band B. Examples of cases where we may award high priority are shown in the table below.

Medium priority will usually be awarded where:

- your accommodation has some impact on your medical, welfare or disability needs, and a move would be desirable but is not essential; or

- a medical condition or welfare needs are low and related quality of life could be improved to a limited extent by a move to more suitable accommodation.

If awarded a medium priority, your household will be assessed as band C.

If you are experiencing difficulties in accessing your home due to non-medical matters such as carrying children, shopping, prams, or pushchairs on external or communal stairs or do not have access to a private garden, you will not usually be awarded any change in priority based on medical or welfare grounds.

Domestic Abuse, violence, or harassment

Applicants who need to move due to domestic abuse, violence or harassment at a high level will be verified by the Police, and or other agencies as necessary.

Households subject to Multi Agency Risk Assessment Conference (MARAC)

If you are currently living in the Borough and have been assessed as high risk by MARAC and provided with a supporting letter to evidence this, you will not be eligible to join the housing register, as it has been deemed unsafe for you to remain in the area.

We recognise that there are cases where it has been agreed during MARAC and with any additional services involved, that in certain circumstances there may be a need to remain in the Borough for support. Any applicants with an exceptional need to remain in the Borough will be assessed on a case-by-case basis.

Please note that MARAC letters must be provided to us by the relevant support worker only. MARAC letters uploaded directly to the application by the applicant, will not be taken into consideration as evidence.

Low to medium risk households

Households that have been assessed as low to medium risk for domestic abuse, violence or harassment and whose the current accommodation is otherwise suitable for the household's needs, will be considered for a referral to the Sanctuary Scheme before they are considered for the housing register. As this may enable the household to remain in their current home.

Where a need to move is identified and violence is a feature, the household will not be offered a home within the vicinity of the area they are fleeing.

**Examples of cases where we may award high priority:
(in this table "you" means you, or someone in your household)**

- A medical condition may get worse because of continuing to live in the property.
- If you are unable to get in or out of your home due to your mobility difficulties and it is not possible for adaptations to be carried out.
- You may be at risk in your home but could continue to live independently if you were able to move nearer to relatives who could provide suitable care for you.
- You need to move because you provide care, without which the person being cared for is at risk of harm or may have to move into residential care.
- You need to move to suitable accommodation because of a serious injury, medical condition or disability sustained because of service in the Regular or Reserve Forces.
- Your household includes a child who is assessed as a Child in Need under the Children Act 1989, for example, because of a disability, illness, or developmental problems, and you require suitable accommodation to meet that need.
- You have been approved by Social Services for adopting or fostering a child and a child is to be placed, but your current accommodation is not suitable for the child.

- Where the Council has a duty to re-house displaced occupiers into suitable alternative accommodation:
 - under the Rent (Agriculture) Act 1976, where an agricultural worker needs to be rehoused as his/her accommodation is required to accommodate another worker in the interests of efficient agriculture; or
 - following the compulsory purchase of a property under the Land Compensation Act 1973.
- You have suffered severe emotional or physical trauma resulting from violence (including hate crimes and domestic abuse) or threats of violence, or physical, emotional, or sexual abuse. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.
- You are currently living in specialist supported accommodation and have successfully completed a support programme and are considered by the scheme manager to be both ready to move-on and capable of sustaining an independent tenancy. Your priority will be reviewed after 6 months if you have not been rehoused and may be removed if you are no longer considered to need an urgent move.

¹⁰ And therefore owed a housing duty under s193 Housing Act 1996 (as amended), the offer of a suitable private sector tenancy will discharge this duty. Further details are contained within our separate policy for discharging the statutory homelessness duty into the private rented sector.

¹¹ In making this assessment we will consider not only the nature and severity of the disability, but also the nature and frequency of care required during the night, and the extent and regularity of the disturbance to the sleep of the child who would normally be required to share the bedroom. We will take into account any relevant medical evidence and whether your child is in receipt of disability benefits.

¹² A decision that you are entitled to be considered for a bigger home for the purposes of this allocation scheme does not mean that you would automatically be entitled to housing benefit to cover the increased rent for any additional bedrooms.

¹³ A serious hazard will be deemed to be a category 1 hazard, for example, the hazard of falling between levels from an unsecure window with a low sill on the second floor where you would fall onto a concrete yard area. More minor hazards will be deemed category 2 hazards, for example, the hazard of excess cold from draughty windows in a property with a good heating system and good insulation.

5 Local lettings policies

National and regional policies encourage new housing schemes to be mixed tenure, catering for a range of needs and aspirations to create sustainable communities. Local lettings policies may make affordable housing available to households with a range of priority bandings across the register towards creating mixed and sustainable communities rather than concentrations of those with support needs. In line with these policies, we sometimes give additional priority to households with a local connection to the area in which a new development is located or working households.

We will work with Registered Providers where needed to develop local letting plans for new developments and deprived areas.

Where a property has a local letting plan, a full copy of the plan will usually be linked within the advert and will contain the specific criteria.

6 Down-banding

Down-banding will usually be applied if you are assessed as having deliberately worsened your housing situation. For example, you:

- have given up a suitable tenancy to move into overcrowded accommodation; or
- have transferred your property, as a homeowner, to another family member during the seven years before the date of your application; or
- have disposed of, or deprived yourself of, capital or assets which could reasonably have been used to secure housing during the seven years before the date of your application.

Down-banding will not usually be applied if you require sheltered housing or need a property adapted for wheelchair access or to meet other disability needs.

We will decide whether to apply down-banding to your application. We will write to you setting out the reasons for the decision and your right to ask for this to be reviewed. You have the right to request a review of a decision to apply a lower band to your application - see section 10. If your application has been down-banded, this decision will usually be reviewed after 12 months unless you notify us of a relevant change in your circumstances.

6.1 Exceptional priority

On occasion circumstances require an applicant to move urgently. These include cases where:

- the applicant is a high-risk offender where the Council has been asked to assist under the Multi Agency Public Protection Arrangements; or
- the Council has been asked by the National Witness Mobility Service to assist in relocating witness households.

There will also be other circumstances that attract exceptional priority outside of the scope of this policy and when this is the case a senior member of staff will consider such cases on an individual basis and can place the application in band A on the grounds of exceptional priority.

7 Keeping the Register up to date

7.1 Annual review

Once a year, on or near the anniversary of the date you were first registered, on logging into Kent Homechoice you will be prompted to tell us about any changes in your circumstances. If you fail to login during this time, then we will write to you asking if you wish to remain on the register. You will be given 28 days to respond and provide any supporting information. If you fail to do this, we will assume that you no longer wish to be on the register and will remove you from the register without contacting you again.

7.2 Removal from the Register

You will be removed from the register for any of the following reasons, where you:

- accept a tenancy offered by one of our housing association providers; or
- accept a private sector tenancy, including when we have provided financial assistance by way of a rent deposit/bond; or
- do not respond to the annual review; or
- do not bid on any homes for a period of 12 months (unless there has been no suitable accommodation for you to bid on); or
- do not respond to correspondence from the Council asking you to provide information; or
- are no longer eligible to be included on the register; or
- no longer wish to be re-housed; or
- have left temporary accommodation that we arranged for you, and we do not have your forwarding address; or
- have moved without notifying us of your new address.

You may also be removed if we are satisfied that (on the balance of probabilities) you have given false or misleading information or have withheld any relevant information at any time.

8 How to bid for available properties

8.1 Choice Based Lettings

We are a member of Kent Homechoice, a partnership of district councils and housing associations operating in Kent. It was set up to provide Choice Based Lettings (CBL).

CBL enables applicants to bid for suitable properties. In this context “bid” does not involve offering money; here it means the same as “apply”. After a property is let, feedback about the number of households that made a bid, the priority band of the successful applicant, and their priority date is available to view to all bidders on Kent Homechoice. This helps applicants to understand the availability of suitable properties, their likelihood of success when applying and the possible time they could be waiting.

The need for affordable housing greatly exceeds the supply, so CBL should be considered as one of a range of options available to applicants seeking housing. Information and advice on all available housing options can be obtained from our Housing Solutions Service.

8.2 The bidding process

If you have been accepted onto our housing register, you will receive a housing register activation and bidding advice email which confirms your unique TMBC reference number, band, band reason, priority date and bedroom need. You will also receive information on how to bid and the importance of notifying us of any change in your circumstances.

All housing association partners will advertise homes that are available to let in our borough through Kent Homechoice, and each property will be available for applicants to place bids on for a minimum period of 5 days. Every advert will show the bidding closure date, and you will have until the end of this date to bid for the home. The adverts will also give you information about each property such as size, rent, accessibility etc and a photograph will be included.

At any given time, you can place as many bids as you wish on properties being advertised that meet your households needs.

You can bid in the following ways:

- On the internet - Sign in on the top right of this page and follow the instructions on screen.
- Auto Bidding - If you would like to have bids placed for you automatically without you having to log in you can contact your Local Authority and ask for auto bidding to be set up for you.
- Staff assistance – by contact our Customer Service Team on 01732 844522.

9 How available properties are allocated

9.1 Processing the shortlist

When advertisements close for each property, all bids for each available home are put into priority order. They are ranked according to the priority band with band A first, band B second and so on. Within each band, order is by priority date, starting with the earliest. This produces a shortlist of eligible applicants for each property. For each property, the housing association contacts the applicant at the top of the shortlist to check that the information they have given is correct and that the property is suitable. Subject to this, the highest priority applicant will usually be offered the property. If two or more applicants share the same priority date within the priority band, the housing association decides which of the applicants will be offered the property based on the best use of the housing stock and the applicants' needs.

If an offer is refused, the property will be offered to the next applicant in the shortlist, and so on, until the property is successfully let.

The relative position of bidders on the shortlist for a property may change between bidding and when the property is offered. This will only happen if there is a change in priority band for one or more applicants. In such cases, the property will usually be offered to the applicant with the highest priority at the time of the offer.

We may refuse to shortlist or offer housing, for example where offering the property to the highest priority applicant would put others at risk. Housing associations may also refuse to offer housing to applicants:

- whose conduct has been unacceptable; or
- who do not satisfy their verification checks, which include confirming the members of the household and their current circumstances.

In these cases, the housing association will write to the applicant and explain why they have been rejected.

9.2 Unacceptable behaviour

When deciding if your behaviour has been unacceptable, housing associations may consider:

- If you, or any member of your household, have been evicted from a housing association or a council tenancy during the past five years due to rent arrears, anti-social behaviour, or criminal/fraud activities; or
- If you, or any member of your household, have outstanding rent arrears with your current landlord or a former landlord; or
- If there is evidence that you, or any member of your household, have a history of anti-social behaviour or other breach of tenancy conditions.

Each case is judged individually. Where you owe rent for a previous tenancy, you will be encouraged to enter into an agreement to pay your arrears. If you keep to such an agreement for a reasonable period, usually a minimum of three consecutive months, the housing association will reconsider whether, or when, you will be offered a tenancy. However, if you are an existing housing association tenant seeking a transfer, a rent account with no arrears is normally expected, except in the case of a re-housing emergency.

9.3 Direct offers

Occasionally, certain properties are excluded from CBL and allocated by making direct offers outside of priority date and band order to selected applicants. For example, this could apply to applicants:

- with an exceptional need to move on health or welfare grounds, for example in cases of terminal illness where the current home is unsuitable, or where there is an evidenced immediate risk to life; or
- who are subject to current multi-agency public protection arrangements (MAPPA), and who pose a very serious risk to the community, where the type or location of properties that are suitable may need to be restricted; or
- to discharge duties to provide accommodation to homeless households under the Housing Act 1996 (as amended), where there are considerable budgetary pressures on the council caused by numbers in temporary accommodation.

Wherever possible a direct offer will match your assessed need in terms of location, property type and floor level, and any essential requirements on health and welfare grounds. Other factors such as your non-essential preferences regarding the location or type of housing will not normally be considered.

9.4 Bidding for homeless accepted households

If you are assessed as homeless where the Council accepts a duty to secure accommodation, then you can be offered a suitable home in either the private rented sector or the social/affordable rented sector. If you are assessed as homeless where the Council accepts a duty to secure accommodation, and you are accepted onto our housing register auto-bidding will be put on in line with your suitability assessment. The Council may make you a direct offer of accommodation to discharge our duty to provide accommodation under the Housing Act 1996 (as amended).

9.5 Period for considering an offer

After the short listing and checking processes, the housing association will telephone the successful bidder and arrange for them to view the property and attend a verification interview. A longer period can be arranged for viewing were, for example, the applicant:

- is particularly vulnerable and needs to arrange for a relative or advocate to accompany them to a viewing or wishes to take advice before reaching a decision; or
- lives outside the borough, is not familiar with the locality and needs to make arrangements to travel; or
- is in hospital or some form of temporary home such as a hostel or refuge; or
- requires adaptations to help them cope with disabilities and the property needs to be assessed by an occupational therapist.

If you are offered a home, then you will normally be expected to accept or refuse it within 24 hours of the viewing.

9.6 Refusing an offer

Where you refuse 3 suitable offers, without good reason, the Council will reset your priority date on the register to the date of your third refusal.

The exception to this is if you are accepted homeless, where you will be made one suitable offer.

A suitable offer is one that considers:

- whether the housing is affordable, considering income, including housing benefit where applicable, and living expenses, including rent.
- the size, floor level, space, and arrangement of the property, where applicable to the housing needs of the household.
- any medical or welfare grounds for re-housing; and
- any risk of domestic or other violence.

If we have accepted the duty to re-house you as homeless, refusal of a direct offer will result in discharge of the housing duty.

A direct offer is made by letter to you, explaining it is a final offer and, if refused, you have the right to ask us to review whether it was suitable for your needs. Any review is conducted by a senior officer not involved in the original decision – see section 10.

We do not hold the property for you during the review period; it will be immediately re-offered to another applicant. No further offers will be made, and you will be required to secure your own housing and leave any temporary accommodation that may have been provided if the review confirms the property was suitable.

Alternatively, you can both accept the offer and seek a review as to its suitability. If the review confirms the property is suitable, you can remain there. If the review confirms the property is not suitable, you will be entitled to a further offer.

10 The right to request a review of a decision

You have the right to request a review of any decision:

- to treat you as ineligible because of your immigration status; or
- to exclude you from the register because you do not have a local connection and/or a housing need; or
- about the facts of your case which have been, or are likely to be taken into account in considering your priority on the register; or
- to disqualify your application on the grounds of unacceptable behaviour; or
- to discharge our re-housing duty due to your refusal of a final offer; or
- to apply a medium priority band to your application.

To request a review of a decision you must contact us within 21 calendar days of receiving it and clearly state why you believe this Scheme has been applied incorrectly. You can ask someone else to assist you with this. If you have problems requesting a review in writing, we can accept your request verbally. We may also award you extra time to request a review in exceptional circumstances.

We will not usually accept a request for a review on your priority on medical or welfare grounds if your household is already in band A or B as an assessment cannot increase your priority. If your household is in band C we will only assess your priority on medical and/or welfare grounds if there is evidence that your current housing impacts directly on your medical condition or welfare.

We will email or write to you within 14 days of receiving your request a review. We may ask you to provide more information and/or attend an interview. A senior member of staff will carry out the review. We will explain the outcome of the review, and the grounds for the conclusion to you in writing within 8 weeks of your request. If we need further time to complete the review, we will let you know why and how much longer we will need.

The review will look at your case based on the rules in our housing allocation scheme, any legal requirements, and all relevant information. This includes information you have provided and any changes since the original decision was made, for example paying off arrears or setting up a repayment plan, or where someone responsible for anti-social behaviour has left your household.

We will not consider a further review of the decision unless there is a material change in your circumstances.

11 Scheme maintenance

11.1 Regular review

The Housing Service is responsible for this scheme and will review its operation every year.

11.2 Amendments to the scheme

It may sometimes be necessary to make minor amendments to this scheme. For example, if we decide to change the frequency of reviewing applications from annually to every two years. Authority to introduce such minor amendments is delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing.

However, we will seek to inform all applicants of any changes by publicising details on our website and the Kent Homechoice website.

11.3 Service standards

We aim to process all completed assessment forms (including those where you have changed your address) within 8 weeks of receiving all of the necessary verification documentation.

We will respond to all email or other written enquiries within 10 working days.

12 Complaints

Many problems can be resolved by contacting us on 01732 844522 or emailing your concerns to housing.services@tmbc.gov.uk. However, if having done this you are still unhappy and wish to register a formal complaint, you can do so by visiting <https://www.tmbc.gov.uk/council/council-works-complaints>.

Agenda Item 8

The recommendations of the Communities and Environment Scrutiny Select of 6 November 2024 in respect of fees and charges are **marked 'to follow'** and will be circulated as soon as possible in advance of the meeting of Cabinet.

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Communities and Environment Scrutiny Select Committee

06 November 2024

Part 1 - Public

Matters for Cabinet - Key Decision



www.tmbc.gov.uk

Cabinet Member	Martin Coffin, Cabinet Member for Transformation & Infrastructure Des Keers, Cabinet Member for Communities Robin Betts, Cabinet Member for Climate Change, Regeneration & Property Kim Tanner, Cabinet Member for Finance and Housing
Responsible Officer	Robert Styles, Director of Street, Leisure and Technical Services Eleanor Hoyle, Director of Planning, Housing and Environmental Health Sharon Shelton, Director of Finance and Transformation
Report Author	Darren Lanes, Head of Street Scene & Leisure Linda Hibbs, Head of Housing & Health Paul Worden, Chief Financial Services Officer

Review of Fees & Charges

1 Summary and Purpose of Report

- 1.1 This report sets out the proposed fees and charges for the provision of services in respect of garden waste subscriptions, household bulky refuse & fridge/freezer collections, “missed” refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, pest control, food certificates, contaminated land monitoring and private water supplies from 1 April 2025.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 It is important that fees and charges are reviewed on an annual basis in accordance with a set of guiding principles to ensure the Council can continue to provide the existing range and standard of services and cover increases in expenditure.

3 Recommendations

- 3.1 The proposed scale of charges for garden waste subscriptions, household bulky refuse & fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, Tonbridge Allotments, Tonbridge Cemetery, pest control, food certificates, contaminated land monitoring and private water supplies as detailed in the report be approved; and
- 3.2 The proposed scale of charges be implemented from 1st April 2025.

4 Introduction and Background

- 4.1 In bringing forward the charging proposals for 2025/26 consideration has been given to a range of factors, including the Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback.
- 4.2 The proposed charges for 2025/26 have also taken into account a set of guiding principles for the setting of fees and charges reproduced below for the benefit of this Committee:
- Fees and charges should reflect the Council's strategic priorities and other corporate aims, recognising there may be trade-offs as these are not mutually exclusive;
 - Fees and charges should have due regard to the Council's Medium Term Financial Strategy;
 - If there is to be a subsidy from the Council taxpayer to the service user this should be a conscious choice;
 - The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
 - Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
 - Fees and charges should not be used to provide a subsidy from the Council taxpayer to commercial operators;
 - There should be consistency between charges for similar services;
 - Concessions for services should follow a logical pattern so as not to preclude, where appropriate, access to Council services on the grounds of ability to pay.
- 4.3 It is essential in light of the Council's overall financial position that opportunities are taken to maximise income, as it is becoming increasingly difficult to achieve

further expenditure savings to meet the targets in the Savings and Transformation Strategy. Attention has been given to the fees and charges applied by neighbouring Council's, and averages across the County, and these comparisons are included in relevant sections of the report for Member consideration.

5 Proposal

5.1 Garden Waste Subscriptions

- 5.1.1 The current charge for an annual garden waste subscription is £53 with a second or third bin discounted to £36. 28,400 residents are currently signed up for the service representing a take up of 55%. The current charge represents a price per collection of £2.04 for a fortnightly service. Currently, only two councils in Kent charge less than Tonbridge and Malling and our waste contract partner authority (Tunbridge Wells BC) is already charging £60. If a resident chooses not to subscribe to the service then there remains the option to take the garden waste direct to the household waste sites or have it collected by a private operator.
- 5.1.2 When setting the Budget in February 2024, Members were advised that there is a break point in the Waste Contract in 2027. It has been assumed for financial planning purposes that one or both parties would not wish to extend the contract beyond the break point. While a future meeting of this Committee will receive a report on commissioning options for future waste collection arrangements beyond this contract, it is important to note that there will be a significant financial impact on this Council of any future waste collection arrangements.
- 5.1.3 Whilst provision for some additional costs to account for recommissioning of the tender was assumed in the Medium Term Financial Strategy (MTFS) from 2027/28, external advice received has demonstrated that the market has hardened since the previous Waste Contract started in 2019. This is primarily as a result of Covid, fuel costs, HGV driver salaries, the current market for similar contracts and levels of risk that contractors are now willing to accept. Clearly, it would not be appropriate to speculate on the market position in a public report, however Members may wish to read the Part 2 report to Cabinet on 12 November on the update to the MTFS to gain some understanding of this position. The Cabinet report will be published prior to the meeting of this Committee.
- 5.1.4 Given this context, Members will need to revisit the contract specification with the aim of bringing the cost of waste collection down ahead of the next contract. However, there remains significant demand for many of the services included within the Waste Contract including street cleaning, high speed road clearance, emptying of litter & dog waste bins, collection of fly tips, kerbside collections, supporting community litter picks, etc.
- 5.1.5 One option Members may wish to consider is increasing the cost of garden waste subscriptions beyond what is factored into the MTFS. This would contribute to offsetting the forthcoming increase in contract costs effective from 1 April 2025,

and the increase in contract price when the new contract commences in 2027; and therefore ensure any changes to the specification are minimised.

5.1.6 Within the Council's current MTFs (approved by Cabinet February 2024) an increase of £1.50 has been included which would result in the charge per Garden Waste collection increasing to £2.10. However, considering the impending costs to the Council described above, Members may wish to increase the charge to £60 per annum (equating to £2.31 per collection). This would be the same as the current cost for residents in Tunbridge Wells borough, which is part of the same Waste Collection contract as this Council.

5.1.7 It is important to note that currently we have 28,400 households signed up for the service. This represents a take up of 55%. The table below shows the number of renewals compared to the number of cancellations in the current financial year. It is clear that take up has continued to perform strongly as the price of the service has risen.

Renewal month	RENEWED	CANCELLED	Pending	Grand Total	% Cancelled of all issued
01/04/2023	760	6	0	766	0.8%
01/05/2023	318	6	0	324	1.9%
01/06/2023	278	6	0	284	2.1%
01/07/2023	17014	131	0	17145	0.8%
01/08/2023	2886	22	0	2908	0.8%
01/09/2023	791	10	0	801	1.2%
01/10/2023	397	6	0	403	1.5%
01/11/2023	464	6	0	470	1.3%
01/12/2023	378	6	0	384	1.6%
01/01/2024	345	5	0	350	1.4%
01/02/2024	767	5	0	772	0.6%
01/03/2024	473	3	0	476	0.6%
01/04/2024	749	3	87	839	0.4%
01/05/2024	478	5	42	525	1.0%
01/06/2024	466	2	60	528	0.4%
01/07/2024	15866	46	1268	17180	0.3%
01/08/2024	1666	10	1404	3080	0.3%
01/09/2024	332	19	612	963	2.0%
Total	44428	297	3473	48198	0.6%

5.1.8 Income to the Council from the garden waste subscription scheme is significant and uptake across the borough since its introduction has been extremely good. This has been assisted by a number of targeted marketing campaigns which will be continued in the future.

5.1.9 Based on current levels of uptake it is estimated that a charge of £60.00 per annum (which equates to £2.31 per collection) would generate additional income of £150K for the Council above the current original estimate.

5.2 Household Bulky Refuse & Fridge/Freezer Collection Service

5.2.1 In April 2016, a two-tier fee was introduced with a price for up to six items of bulky refuse and a lower price for up to two fridge/freezer only collections. The new fee structure also included a concessionary charge for those receiving Council Tax Support.

5.2.2 At the Cabinet meeting on the 7 September 2022 Bulky Collections charges were reviewed with the following recommendations being approved: “the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and the subsidy fee levied should be increased in line with the projected contract indexation - as per inflation - levels from 1 April 2023”.

5.2.3 While Councils are not able to make a profit from the collection of a “prescribed” household waste (such as a bulky collection service), the legislation does allow Councils to recover the associated collection costs together with reasonable administration costs.

5.2.4 The current fee structure of our neighbouring authorities is outlined below, with each authority having different arrangements in place.

Gravesham B.C.	Maidstone B.C.	Sevenoaks D.C.	Tun. Wells B.C.
1-4 items - £32	1-4 Items - £30 5 - 8 items - £40 White goods - £21	1 item - £25 2 items - £30 3 to 4 items – 40 5 to 10 items - £55 White goods - £25	1-4 items - £61.50 (max.1 fridge or freezer) 5-8 items - £123
No concessions	Council Tax Reduction 1-4 items - £20 (one per year)	No Concessions	Council Tax Reduction 1- 4 items free (one every 90 days)

5.2.5 It is proposed to increase this authority’s existing full and concessionary prices as set out below. Demand for this service has been steady over the last few years

which is expected to continue in 2025/26 which is reflected in the estimated income.

- 5.2.6 Based on current levels of uptake it is estimated that the proposed charges set out below will generate additional income of £8,300 above the original 2024/25 estimate of £157,300. This will contribute to offsetting the anticipated increased contract costs caused by indexation.

Service	Current Full Charge	Proposed Full Charge 2025/26	Current Concession Charge	Proposed Concession Charge 2025/26	Est. Annual Income 2025/26
Household Bulky Refuse Collection (up to six items)	£69.50	£72	£14.50	£15.00	£143,050
Household Fridge/ Freezer Collection (up to two items)	£42.50	£44	£14.50	£15.00	£22,550

5.3 Refuse collection charge

- 5.3.1 On occasion the Waste Services Team receive requests from customers to empty wheeled bins where the customer has not placed their bin out and has missed the collection. On these occasions the Team are occasionally asked by the customer if they can pay for a “one off” return collection.
- 5.3.2 A collection charge to cover these circumstances was introduced in April 2015. It covers the contract cost of returning and includes a small administration fee. To date there have been no concerns raised by customers. Although the number of requests is low, it does allow our Waste Services staff to offer an alternative solution.
- 5.3.3 It is proposed to increase this charge to £26.00 for 2025/26 as outlined in the table below.

Service	Current Charge	Proposed Charge 2025/26	Est. Annual Income 2025/26
Refuse Collection Charge	£25.00	£26.00	£300

5.4 Stray Dog Redemption fee

- 5.4.1 The Environmental Protection Act 1990 prescribes that a person claiming to be the owner of a dog seized as a stray by the Council shall not be entitled to the return of the dog unless all the expenses incurred by reason of its detention, and such further amount as is for the time being prescribed, are met. The Environmental Protection (Stray Dogs) Regulations 1992 set down a prescribed redemption fee of £25 and provides for local authorities to recover its other reasonable expenses, in addition to any other expenses incurred, such as kennelling costs.
- 5.4.2 Where a dog is taken to kennels the Council charges the owner for the other reasonable expenses, associated with the costs of providing the Dog Warden contract and admin costs. This is presently set at £87.50. The total fee charged by the Council is therefore £112.50.
- 5.4.3 It is proposed that the contract & administration fee be increased to £90.50 with no formal waiver or discount, but the Council will continue to exercise discretion to allow payment by instalments. Daily kennelling costs are paid direct to the kennels by the owner when collecting their dog.
- 5.4.4 The number of stray dogs being claimed by their owners has been declining in recent years and this is reflected in the estimated income for 2025/26.

Service	Current Charge	Proposed Charge 2025/26	Est. Annual Income 2025/26
Stray Dog Redemption Fee - Return Direct to owner	£25 (Statutory fee)	£25 (Statutory fee)	£100
Stray Dog Redemption Fee - Kennelling required	£112.50 (including statutory fee, but not including daily kennelling costs).	£115.50 (including statutory fee, but not including daily kennelling costs).	£5,440

- 5.4.5 The proposed total charge of £115.50 is comparable to charges applied by neighbouring councils. At present, where the Dog Warden returns a stray dog to the owner without the need for kennelling, a charge is made at the prescribed fee

of £25. No change is proposed to this charge as it is a statutory fee set in legislation.

5.5 Tonbridge Allotment Charges

5.5.1 Allotments in Tonbridge are managed on the Council's behalf by the Tonbridge Allotments and Gardens Association. In 2021 the Association adopted a charging structure that was approved by Members of the former Communities and Housing Advisory Board on the 16 February 2021 and approved at the Associations annual general meeting in October 2021. The charging structure raised annual rents per rod by one pound per annum through to 2024/25.

5.5.2 This charging structure referred to above has now expired. The Association have therefore proposed an increase to the annual rent of £1 per rod for 2025/2026.

Proposed Annual Charges (10 rod plot)	
2025/26	£100

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

5.6 Tonbridge Cemetery Charges

5.6.1 On the 9 November 2021 Members of the former Communities and Housing Advisory Board undertook a strategic and comprehensive review of charges at the Cemetery. The review specifically took into consideration the significant subsidy applied in relation to site management and maintenance costs. The Board, and subsequently Cabinet, approved charges for 2021/22 to reflect and address the above.

5.6.2 Additional increases of 10% and 5.25% were applied in April 2023 and April 2024 respectively, to reflect inflationary and contract increases at the time of each review. It is proposed that an increase of 3.5% is applied to charges from the 1 April 2025, again to take into account inflation and relevant contract indexation. Proposed charges are shown at **Annex 1**.

5.6.3 Members will note that there are no fees for burials of under 18's. This policy decision was recommended to and approved by Cabinet through a Supplementary Report considered on the 14 February 2019. Cabinet resolved that: "the existing charges for child burials at Tonbridge Cemetery be amended, with future burials for all under 18-year-olds being free of charge with immediate effect". Members may wish to note that on average only one to two burials for

under 18s have been undertaken in recent years, and the Council is able to seek reimbursement of an element of the costs for these burials.

- 5.6.4 Based on current levels of uptake it is estimated that the proposed charges will generate additional income of £22,500 above revised estimate for 2024/25 of £128,550.

5.7 Pest Control

- 5.7.1 A new contract for pest control comes into place from 01 November 2024. The agreed price for a treatment of rats or mice is £105. It is proposed to continue to subsidise this for residents in receipt of Council Tax Reduction Scheme by £55 so the resident will have to pay £50.

5.8 Condemned Food Certificates

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

Service	Current Charge	Proposed Charge 2025/26
For each Condemned Food Certificate Issued	£220 for first hour plus £220 for each additional hour plus VAT	£228 for first hour plus £228 for each additional hour plus VAT

5.9 Exported Food Certificates

- 5.9.1 This is a service provided by the Council for food exporters who export food not of animal origin. In this instance, Authorised Officers from the Borough Council certify that the food products being exported have been manufactured and held under hygienic conditions in accordance with the requirements of Regulation (EC) 852/2004 and The Food Safety & Hygiene (England) Regulations 2013. The premises are subject to regular inspection by Food and Safety Officers.
- 5.9.2 The level of demand for Exported Food Certificates has slowly declined over the last few years to about 19 per year.

5.9.3 There is some variance across the County in fees charged for this service in 2024/25:

Dartford BC – Price on Application
 Maidstone BC - £146
 Sevenoaks DC - £82.00
 Swale BC - £146
 Tunbridge Wells BC - £148.00

5.9.4 We propose to apply a small increase to the current charge to reflect costs in responding to these certificate requests.

Service	Current Charge	Proposed Charge 2025/26	Estimated Income 2025/26
For each Exported Food Certificate issued	£89.25 plus VAT per certificate	£92.50 plus VAT per certificate.	£1,750

5.10 Food Hygiene Requests for Re-visits

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

Ashford £111

Mid Kent Environmental Health Partnership £205

Sevenoaks £210

Dartford £200

Gravesham £210, and

Dover £202

5.10.2 The proposal is not to increase the fee for 2025/26.

5.11 Contaminated Land

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

- 5.11.2 The Environmental Protection Team provides a contaminated land information service or assessment of risk for which it currently makes a charge of £90 per hour in responding to these requests for information.
- 5.11.3 Guidance from the Information Commissioner advises that local authorities can make a reasonable charge. We have assumed that a reasonable charge includes the hourly rate of the Officer responsible for providing information, on-costs and an administration charge.
- 5.11.4 The fee has been derived based upon comparison with other Kent local authorities. For example, while Ashford charge £25 per hour, Gravesham charge £100. Some Authorities such as Folkestone & Hythe, and Medway charge flat rates of £186.40 and £174 respectively. There is no maximum fee under the legislation.
- 5.11.5 We propose to apply a small increase to the current charge to reflect costs in responding to these requests for information.

Service	Current Charge	Proposed Charge 2025/26	Estimated Income 2025/26
Responding to requests for information relating to contaminated land	£90.00 per hour (1 hour minimum charge)	£100.00 per hour (1 hour minimum charge)	£2,050

5.12 Private Water Supplies

- 5.12.1 The Private Water Supplies Regulations 2009 introduced a statutory and more onerous regime for the risk assessment and sampling of private water supplies.
- 5.12.2 In a report to this Board on 28 February 2011 it was agreed to introduce a charge to recover the cost of Officer's time. In addition, owners of private water supplies and private distribution networks will be charged for the cost of sample analysis.
- 5.12.3 We have reviewed the cost of providing this service and propose to apply a small increase to £90 per hour, plus the cost of sample analysis.
- 5.12.4 The fee has been derived based upon comparison with other Kent local authorities. Medway charge £51 per hour. Dover charge a flat fee of £100 for sampling and £500 for a risk assessment, with sample analysis costs on top. These charges are no longer subject to a maximum limit by virtue of the Private Water Supplies (England) (Amendment) Regulations 2018. However, there is an expectation that charges should only cover costs incurred.

5.12.5 As each private water supply is very different, the Officer time for each visit/ risk assessment is difficult to quantify. We have seen a decline in this service over recent years which is reflected in the estimated full year income.

Service	Current Charge	Proposed Charge 2025/26	Estimated Income 2025/26
Carrying out sampling and risk assessment of private water supplies	£85.00 per hour (1 hour minimum charge) plus VAT	£90.00 per hour (1 hour minimum charge) plus VAT	£700

6 Other Options

6.1 For each of the services included in the report a proposed charge has been included taking into account the guiding principles for the annual review. Members of this Committee may of course wish to bring forward other options such as lower or higher charges.

7 Financial and Value for Money Considerations

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

8 Risk Assessment

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

9 Legal Implications

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

10 Consultation and Communications

10.1 In bringing forward proposals surrounding local authorities have been consulted so Members can make appropriate comparisons. Under Section 93 of the 2003 Local Government Act there is no requirement for the Council to consult with the public.

11 Implementation

11.1 Implementation of all the proposed charges will be from 1st April 2025.

12 Cross Cutting Issues

12.1 Following corporate guidelines for all of the charges included in this report has ensured a standard approach across different services.

13 Climate Change and Biodiversity

13.1 A moderate source of emissions is likely to be maintained at current levels.

13.2 Climate change advice has been sought in the preparation of the options and recommendations in this report. It is not considered that that the proposed will reduce demand for the services which is particularly relevant for the subscription for garden waste.

14 Equalities and Diversity

14.1 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.

15 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 - Tonbridge Cemetery Proposed Charges

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TONBRIDGE CEMETERY CHARGES
WITH EFFECT FROM 1 APRIL 2025

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

Section 1:	Exclusive right of burial in a grave for 60 years	
	(a) Stillborn – 1 year (inclusive) Children’s Plot only	1.00
	(b) 2 – 18 years (inclusive) – Children’s Plot / adult plot	1.00
	(c) Over 18 years	2334.00
	(d) Plot 15 – single graves	1223.00

Section 2:	Interment (including digging of grave)	
	(a) Stillborn – 18 years (inclusive)	NIL
	(b) Over 18 years	1553.00
	(c) Ashes (Memorial Wall or Grave, where exclusive right has been granted)	374.00

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

Section 3:	Permits for Monuments, Memorials & Inscriptions	
	(i) Memorial not exceeding 1 metre in height and occupying an area not exceeding 2’ x 4’	339.00
	(ii) Memorial larger than specifications in (i)	680.00
	(iii) For each additional inscription after the first	227.00

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

Section 4:	Memorial Garden	
	(i) Memorial tablet and vase block (to include plaque, inscription, 20 year lease and scattering of ashes if required)	1291.00
	(ii) Double Underground Vault, Memorial Tablet and Vase Block. (To include plaque, inscription, 20 year lease and interment of up to 2 urns)	2491.00
	(iii) Double Overground Vault, Memorial Tablet and Vase Block (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 2 urns)	2423.00
	(iv) Additional Inscriptions	453.00
	(v) Sanctum Panorama Vault and Memorial Tablet (To include plaque, inscription up to 80 letters, 20 year lease and interment of up to 3 urns)	2423.00
	Optional bronze vase container	84.00
	(vi) Photo plaque or design on plaque for Sanctum 2000 Overground Vault or Sanctum Panorama	Individually priced
	(vii) Additional cost for inscriptions for Sanctum 2000 and Panorama over 80 letters	£3.42 per gilded letter

Section 5:	Chapel Area – Memorial Wall	
	(i) Memorial Plaque. (Includes supply and installation of plaque, 20 year lease and scattering of ashes if required)	374.00
	(ii) Additional Inscription. (Includes new plaque, installation and scattering of ashes, if required)	374.00

Section 6:	Miscellaneous	
	(i) Use of Chapel	351.00
	(ii) Transfer of Burial Rights/admin fee	204.00
	(iii) Entry in Book of Remembrance	At Cost + Admin Fee
	(iv) For up to and including five searches for names by one applicant	124.00

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

All charges shown are exempt of VAT

Cabinet

12 November 2024

Part 1 - Public

Executive Non-key Decision



Cabinet Member Kim Tanner, Cabinet Member for Finance and Housing

Responsible Officer Sharon Shelton, Director of Finance and Transformation

Report Author Sharon Shelton, Director of Finance and Transformation
Paul Worden, Chief Financial Services Officer

September 2024 Budgetary Control

1 **Summary and Purpose of Report**

1.1 In accordance with the Council's Financial Procedure Rules this report informs Members of the current financial position to the end of September 2024 for the 2024/25 Financial Year.

2 **Corporate Strategy Priority Area**

2.1 Efficient services for all our residents, maintaining an effective council.

3 **Recommendations**

3.1 **NOTE** that, as at the end of September 2024, there is a net favourable variance of circa £296,512 when compared to the proportion of the 2024/25 budget as shown in paragraph 9.

3.2 **NOTE** the potential issues surrounding the impact of the current client levels, cost of TA and debt recovery within the revenue budget for Homelessness Accommodation.

3.3 **NOTE** the current business rate pool position as at the end of September 2024 as set out in paragraph 10.

3.4 **NOTE** the current spend on Capital projects for 2024/25 as set out in paragraph 11.

4 Introduction and Background

4.1 As part of sound financial management, Members should be kept informed of the Council's finances against the approved budget.

4.2 In the case for this Council, this will involve the examination of areas covering:

- Member approved changes to the budget,
- salaries and income monitoring,
- treasury investments income,
- budget variations identified by services,
- retained business rate income, and
- the current spend on the Council's capital plan.

5 Current Approved Budget

5.1 In February 2024 the Council set a revenue budget of £11,671,480 with a contribution to the General Revenue Reserve of £1,064,824 giving a council tax requirement of £12,736,304.

5.2 Since this meeting a number of Cabinet and Committee decisions have been taken. These decisions have been detailed in full in **[Annex 1]** to this report and currently amount to £1,398,997. These movements have been split between non-salary and salary adjustments. **However, after additional reserve contributions the net effect of all the changes on the revenue budget is reduction of £3,192.**

6 Salary and Income Monitoring to end September 2024

6.1 Appended for information at **[Annex 2]** is the budgetary control statement covering salaries to the end of July 2024 against the proportion of the current estimate allowing for the staffing changes agreed in the decisions taken above.

6.2 The original estimate, set in February 2024, for salaries was £12,966,100. Adding agreed adjustments of £759,850 gives a total of running total of £13,725,950, although the majority of this increase will be funded from earmarked reserves.

6.3 Cabinet will note that this shows **an underspend of £98,600** against the current estimates proportioned to the end of September 2024.

6.4 Appended for information at **[Annex 3]** is the budgetary control statement covering income, fees, and charges from the major income streams to the end of September 2024 against the proportion of original estimate set in February 2024.

- 6.5 The original estimate set in February 2024 for these major income streams was £7,662,450. No agreed changes have been made to the budget at this time.
- 6.6 Cabinet will note the actual to the end of September 2024 is **£15,108 less than the apportioned estimate**. Under-recovery on areas covering the Housing Market, such as fees for Planning Applications, Building Control and Land Charges are being offset by additional income on Garden Waste and Car Parking Charges following the recent increases in charges. The budgetary increases in respect of Car Parking, which were approved after the budget was set in February, will be reflected in the revised estimate presented in January.

7 Investment Income Monitoring to the end of September 2024

- 7.1 The details below show the results of invested fund to the end of September 2024.
- 7.2 **Core funds** currently stand at £33m, an increase of £1m on the sums invested at the 31 March 2024. Income generated on these investments amount to £833,620 representing a return of 5.60%, generating a positive variance of £495,620 when compared to the original estimate to the end of September 2024. The positive variance is due to the Council's ability to hold investment funds in core longer than anticipated when setting the original budget. It is expected that core investments will reduce as the need for cashflow in the current year increases to commence capital project works.
- 7.3 **Cashflow funds** currently stand at £20.66m, an increase of £6.75m on the sums invested at the 31 March 2024. Income generated on these investments amount to £657,170 representing a return of 5.15%, providing a negative variance of £59,330 when compared to the original estimate to the end of September 2024.
- 7.4 In the case of both Core and Cashflow funds, the amounts shown above the proportion of the original estimate are because of continued high base rates.
- 7.5 **Multi Asset Funds** are showing a balance of £3.82 million to the end of September 2024 and we have received £88,510 in dividends representing a return of 4.17%. This is a negative variation of £3,240 against the proportion of the original estimate to the end of September 2024.
- 7.6 **Property Funds** Net Asset Value (NAV), excluding Lothbury, are showing a balance of £2.58 million to the end of **September 2024**. Lothbury has continued to distribute income from the sale of assets and has currently paid back £853,850 from our capital investment with them. Recent communication from Lothbury has confirmed progression on the sale of an £18.1m asset and it is anticipated that a capital distribution payment will be made in November 2024. The Lothbury fund continues to be reported to the Audit Committee in detail. To the end of **September**, across all funds, we have received £76,050 in dividends representing a return of 3.65%. The negative variation of £16,450 against the original budget is mainly due to the significantly reduced dividends generated as a result of the sale of assets by Lothbury.

8 Other revenue budgetary control

- 8.1 As of the end of September the following areas have been identified as variations to the original estimate: -
- 8.2 Service fee to the Leisure Trust - the fee payable to the Trust is based upon an agreement covering the utility costs usage following the significant increases in energy prices occurring in 2022. Since this time energy prices have fallen and the installation of energy efficiency measures at the buildings operated by the Trust has resulted in a fall in the service fees payable. Based upon current information on tariffs and usage it is predicted that the Service Fee for the 2024/25 financial year will be in the region of £330,000, some **£80,000 below** the original estimate set in February 2024. This figure could be subject to change depending on future changes in energy tariffs for the winter period.
- 8.3 As at the end of September there were 145 clients in Temporary Accommodation (compared to an estimate based upon 100 clients in TA). The net expenditure incurred by the end of July was £556,000 compared to a profiled budget of £212,000; **an overspend of £344,000**. If the client levels, cost of TA and debt recovery were to continue at the current levels until the end of the financial year the overspend against the agreed budget would be in the region of £555,000.

9 Revenue Budget 2024/25 Summary

- 9.1 The table below brings together the areas highlighted above.

Description	Budget to September £	Actual to September £	Variance £
Salaries Monitoring Statement	6,816,650	6,718,050	(98,600)
Income Monitoring Statement	(4,416,600)	(4,401,492)	15,108
Treasury Management	(1,238,750)	(1,655,350)	(416,600)
Approved Variations to the Revenue Budget (not included in above)		(60,420)	(60,420)
Revenue Budgetary Control (net)		264,000	264,000
Net Variance	1,161,300	864,788	(296,512)

Figures in brackets represent favourable variance.

10 Business Rates Monitoring to the end of September 2024

- 10.1 Members will remember that the Original Estimate set an overall net income expectation of £6,184,366. This allowed for the release of an unused appeals

provision and the rating of properties in Panattoni Park being undertaken by the Valuation Office.

- 10.2 As at the end of September the current position shows an overall net income of £5,998,000, some £186,000 below the estimated level. The Amazon building valuation at Panattoni Park has now been received and was in line with expectations, but increases in number and value of empty properties are the reason for the current variation. Other newly completed properties are being valued at the present time and officers are confident that a balanced estimate will be achieved.

11 Capital Expenditure

- 11.1 In February 2024 the Council agreed a capital budget for 2024/25 of £7.283m but following the outturn for 2023/24 and the slippage for projects being undertaken this has increased to £8.505m. In addition to this slippage **[Annex 1]** identifies an additional spend of £607,500 on agreed capital projects bringing the total to £9.113m.
- 11.2 Spend to the end of September 2024, shown in **[Annex 4]** was £1,054,000. The largest project being undertaken this year, the Gibson Building Refurbishment, is expected to commence in the new Calendar year, meaning some of the budget will slip into the 2025/26 financial year.

12 Financial and Value for Money Considerations

- 12.1 As set out above

13 Risk Assessment

- 13.1 Budgetary control is a prerequisite of good financial management, financial planning and control and needs to be kept under review to ensure it remains effective and relevant.

14 Legal Implications

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

15 Consultation and Communications

- 15.1 None

16 Implementation

16.1 Budgetary control is ongoing so no implementation issues.

17 Cross Cutting Issues

17.1 Climate Change and Biodiversity

17.1.1 None

17.2 Equalities and Diversity

17.2.1 None

Background Papers	None
Annexes	Annex 1 – Member Decisions Annex 2 – Salary Monitoring Annex 3 – Income Monitoring Annex 4 – Capital Monitoring

Decision Notices with budget implications
Period Ending September 2024
2024/25 Financial Year

Decision Note Reference	Cabinet Member / Officer	Decision Notice Title	Brief description of decision made	Date of Decision	Revenue Impact	Capital Impact	Financed from Reserves? Y/N
Non-Salaries							
D240020CAB	Cabinet	Recycling Bring Sites	Removal of all Bring Sites - Income saving less removal cost in 24/25.	13/02/2024	(£50,000)	£0	N
D240029CAB	Cabinet	Windmill Lane Gypsy and Traveller Site	Future management of the gypsy site at Windmill Lane to be carried out by KCC in 2024/25.	05/03/2024	£63,651	£0	Y
D240031MEM	Cabinet Member for Finance and Housing	Agile - Enhancements Project	To fund project costs to deliver enhanced functionality in the Agile operating system.	18/03/2024	£74,460	£0	Y
D240036CAB	Cabinet	Empty Homes	To fund work that enabled the facilitation of empty homes being brought back into use.	19/03/2024	£30,000	£0	Y
D240038CAB	Cabinet	Procurement support	To enter into an agreement with the Mid Kent Procurement Partnership.	01/04/2024	£88,848	£0	Y
D240033MEM	Cabinet Member for Climate Change, Regeneration and Property	Electric vehicle pathway	To bridge the funding gap between the purchase price of combustion engine vehicles and electric vehicles for the purpose of replacing two of the existing Council owned vehicles due for replacement in 2024/25.	02/04/2024	£0	£27,000	Y
D240042CAB	Cabinet	Gibson Building, Gibson Drive	A payment to be made to Kent County Council in respect of the Gibson site.	02/04/2024	£400,000	£0	Y
D240037CAB	Cabinet	Voluntary Sector Grants	Removal of some grants.	02/04/2024	(£10,420)	£0	N
D240046MEM	Cabinet Member for Community Services	Tonbridge Farm Sportsground	Appointment of Chartered Town Planners to Undertake Work on a Masterplan.	16/05/2024	£14,750	£0	Y
D240047MEM	Cabinet Member for Finance and Housing	Upgrade to Integra Centros Financial Management System	Upgrades to current reporting software and the additional modules requested by Services.	16/05/2024	£0	£80,500	Y
D240070CAB	Cabinet	De-carbonising & Energy Efficiency Capital Plan	Revised costs for these capital schemes.	08/07/2024	£0	£500,000	Y
D240082MEM	Cabinet Member for Finance and Housing	Extension of Customer Portals in Jadu	Expansion of lookup functionality to a national database.	31/07/2024	£9,450	£0	Y
D240095MEM	Cabinet Member for Finance and Housing	Customer contact centre - enhanced facilities	Enable automated webchat as an enhancement to the current Customer Contact system.	17/09/2024	£9,408	£0	Y
					£630,147	£607,500	
Salaries							
D240024MEM	Cabinet Member for Planning	Planning Backlog And Digital Transformation Preparation Resource	Development Management - temporary staff resource.	28/02/2024	73,987	£0	Y
GP24/15	General Purposes Committee	Establishment Report	Licensing - regrade.	13/03/2024	3,827	£0	N
GP24/15	General Purposes Committee	Establishment Report	Housing Solutions - 6 new posts.	13/03/2024	257,674	£0	Y
GP24/15	General Purposes Committee	Establishment Report	IT Development / Technical Support - restructure.	13/03/2024	(3,396)	£0	N
CB24/44	Cabinet	Tonbridge Town Centre Programme Manager	Estates - fixed term post (3 years).	02/04/2024	76,108	£0	Y
CB24/45	Cabinet	Empty Homes	Private Sector Housing - fixed term post (2 years).	02/04/2024	45,619	£0	Y
GP24/21	General Purposes Committee	Establishment Report	Economic Development - fixed term post extended for 2 further years (from December 2024).	12/06/2024	11,948	£0	Y
GP24/21	General Purposes Committee	Establishment Report	Electoral Registration - regrade.	12/06/2024	2,799	£0	N
GP24/21	General Purposes Committee	Establishment Report	Media & Communications - fixed term post to be made permanent.	12/06/2024	4,357	£0	N
GP24/21	General Purposes Committee	Establishment Report	Revenue & Benefits - restructure.	12/06/2024	9,148	£0	N
GP24/21	General Purposes Committee	Establishment Report	Accountancy - fixed term post (3 years).	12/06/2024	32,714	£0	Y
GP24/21	General Purposes Committee	Establishment Report	Exchequer - restructure.	12/06/2024	40,493	£0	N
D240075MEM	Cabinet Member for Community Services	Safeguarding Officer	Safeguarding Officer - fixed term post (2 years).	10/07/2024	14,540	£0	Y
D240084MEM	Cabinet Member for Finance and Housing	Engagement and Funding of a Full Time Temporary Housing Solutions Officer Agency Resource	Housing Solutions - agency resource	08/08/2024	13,320	£0	Y
D240092CAB	Cabinet	Housing Team Staffing	Housing Solution - extension of 5 temporary posts and agency resource	03/09/2024	124,712	£0	Y
D240093MEM	Cabinet Member for Finance and Housing	Extension of Agile Management Arrangements and Funding	PHEH Management - extension of Business Change Project Manager contract	04/09/2024	52,000	£0	Y
					£759,850	£0	
			Total Growth/(Saving)		1,389,997	607,500	
			Funded from Reserves		(1,393,189)	(607,500)	
			MTFS Impact		(3,192)	0	

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Salaries Budgetary Control Monitoring Statement

Annex 2

Period Ending September 2024**2024/25 Financial Year**

Service	2024/25		Actual to end of September (b) £	Above (Below) Budget (b - a) £
	Annual Budget As amended £	Budget to end of September (a) £		
Central				
Administration & Property	1,136,700	569,600	471,100	(98,500)
Legal	719,800	359,900	375,150	15,250
Personnel & Customer Services	711,750	355,900	344,250	(11,650)
Executive	679,550	331,100	353,350	22,250
Finance & Transformation				
Finance	1,966,250	970,950	936,750	(34,200)
Information Technology	1,245,200	622,650	557,800	(64,850)
Planning, Housing & Environmental Health				
Environmental Health & Housing	2,128,850	999,100	1,062,900	63,800
Planning	2,978,450	1,527,700	1,509,500	(18,200)
Street Scene, Leisure & Technical	2,159,400	1,079,750	1,087,800	8,050
Sub-total	13,725,950	6,816,650	6,698,600	(118,050)
Non-budgeted spend on recruitment & other expenses to the end of May				12,500
Budgeted ring-fenced sum to the end of May				(7,050)
Adjustments for expenditure funded from reserves or grants				(58,000)
Budgeted management savings to the end of May				72,000
Above / (Below) Budget				(98,600)

Please note that service expenditure includes the one off £150 paid to staff members in July. The funding for which is included in the £66,200 below the line.

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Income Budgetary Control Monitoring Statement

Annex 3

Period Ended September 2024**2024/25 Financial Year**

Service	Annual Budget £	2024/25		(Above) Below Budget (b - a) £
		Budget to end of September (a) £	Actual to end of September (b) £	
Central				
Land Charges	(230,000)	(113,250)	(100,521)	12,729
Licensing	(361,700)	(167,850)	(172,388)	(4,538)
Sub-Total	(591,700)	(281,100)	(272,909)	8,191
Planning, Housing & Environmental Health				
Planning Applications	(1,290,000)	(645,000)	(438,609)	206,391
Building Regulations	(421,000)	(210,500)	(173,277)	37,223
Sub-Total	(1,711,000)	(855,500)	(611,886)	243,614
Street Scene, Leisure & Technical				
Garden Waste Collection	(1,390,000)	(1,635,300)	(1,720,339)	(85,039)
Recycling Performance Payment	(628,000)	0	0	0
Bulky Refuse Collection	(157,300)	(78,650)	(71,962)	6,688
Tonbridge Cemetery	(128,550)	(64,300)	(58,264)	6,036
Short Stay Car Parking	(1,730,000)	(838,000)	(837,390)	610
Long Stay Car Parking	(600,000)	(291,000)	(356,959)	(65,959)
Penalty Charge Notices	(380,000)	(190,000)	(249,563)	(59,563)
Car Parks Season Tickets	(120,000)	(60,000)	(69,266)	(9,266)
Residents Parking Permits	(140,000)	(76,000)	(92,792)	(16,792)
Haysden Country Park Parking	(93,500)	(46,750)	(60,162)	(13,412)
Sub-Total	(5,367,350)	(3,280,000)	(3,516,697)	(236,697)
Grand Total	(7,670,050)	(4,416,600)	(4,401,492)	15,108

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2024/25 Capital Monitoring Statement - 30 September 2024
Service Summary

	Expenditure To 31/03/2024	2024/25 Estimate Inc Prior Year Slippage	2024/25 Actual to 30 September 2024	2024/25 Actual to 30 September 2024	2025/26 Estimate	2026/27 Estimate	2027/28 Estimate	2028/29 Estimate	2029/30 Estimate	2030/31 Estimate	Scheme Total Estimate
	£'000	£'000	£'000	%	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Capital Plan Schemes											
Planning, Housing & Environmental Health	1,318	101	(6)	(6)	30	30	30	30	30	30	1,599
Street Scene, Leisure & Technical Services	780	1,939	382	20	350	159	159	174	159	159	3,879
Corporate	203	3,912	421	11	60	0	0	0	0	0	4,175
Sub-total	2,301	5,952	797	13	440	189	189	204	189	189	9,653
Capital Renewals											
Planning, Housing & Environmental Health	n/a	0	0	0	16	0	0	21	21	0	58
Street Scene, Leisure & Technical Services	n/a	2,522	209	8	312	432	581	782	762	0	5,391
Corporate	n/a	636	48	8	292	118	121	242	300	0	1,709
Sub-total	0	3,158	257	8	620	550	702	1,045	1,083	0	7,158
Total	2,301	9,110	1,054	12	1,060	739	891	1,249	1,272	189	16,811

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CONSULTANT USE AT THE COUNCIL

Item OS 24/34 referred from Overview and Scrutiny Committee of 11 September 2024

The report of the Chief Executive presented for Members' consideration the outcome of a review undertaken on the Council's use of consultants, with particular focus placed on the use of external expertise.

A summary of consultant use in Council services, where external expertise had been provided over the previous four financial years, was set out in Annex 2, where commendable practices and areas for further consideration by Members were highlighted. It was noted that some of the external support provided had resulted in cost savings and efficient project delivery, which would not have been possible without external experts.

During discussion, Members raised a number of questions over the use of consultants for certain projects, such as production of technical design for heat pump schemes at Larkfield Leisure Centre and Tonbridge Pool, reclaim of overpaid VAT in Leisure, treasury advice services, business support programme funded by UK Shared Prosperity Fund, waste consulting services, the development of a Borough Green Gardens brief and the project design and construction management of the eco café at Leybourne Lakes Country Park. Where possible responses were provided by Officer with further background information and positive outcomes achieved from these projects, whereas for questions that were unable to be responded to during the meeting, Members were advised to send in their questions for specific projects so that a follow up report could be prepared and presented to a future meeting of the Committee.

While recognising the difficulty and challenge in recruiting and retaining qualified and skilful staff in a number of service areas and supporting specialist resource sharing options to be explored with neighbouring local authorities, Members expressed their desire for a higher level of oversight on procurement process and post implementation value for money evaluation, and therefore proposed a threshold to be set on consultancy spend in order that any project in excess of a certain limit could be reported to the relevant committee or scrutiny select committee for consideration and approval. This proposal was supported by the Committee.

Having due regard to the financial and value for money considerations and the legal implications, Members acknowledged the benefits of engaging external expertise for certain project based works and sought further engagement in overseeing the Council's approach to future use of external experts while exploring collaboration opportunities with other local authorities and minimising the need for external consultancy going forward.

RECOMMENDED*: That

- (1) the information provided in the summary of consultancy spend at Annex 2, be noted;

- (2) further detail about consultancy spend on specific projects be provided to a future meeting of the Committee, with questions to be provided in writing to Officers to enable responses to be prepared;
- (3) the Council be requested to continue to closely manage future use of external experts and an ongoing review of consultant use at the Council be reported to the Overview and Scrutiny Committee on an annual basis;
- (4) officers be requested to continue to look for opportunities to collaborate with other councils;
- (5) the Council maintain its effectiveness at retaining specialist talent, to reduce the need for external experts going forward; and
- (6) any proposed consultancy spend in excess of £40,000 be reported to the relevant committee or scrutiny select committee for consideration and approval.

***Recommended to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

11 September 2024

Report of the Chief Executive

Part 1- Public

Matters for Recommendation to Cabinet

1 CONSULTANT USE AT THE COUNCIL

1.1 Background

1.1.1 The Chair of Overview and Scrutiny Committee requested a review of the Council's use of consultants and a scoping report (Annex 1) was agreed by this Committee. It was agreed that the focus would be on the use of external expertise and not persons employed to provide day to day operational resource.

1.1.2 A summary of consultant use, where external expertise has been provided over the previous four financial years was to be presented to this committee for further consideration. This detail is now attached at Annex 2.

1.1.3 All services across the council have listed external expertise that has been used over the previous four years. The detail includes the total cost, the business need, monitoring and procurement process along with outcomes and possible risks if external support had not been sought.

1.2 Areas for consideration

1.2.1 The details provided in Annex 2 provide the Committee with a concise overview, which highlights commendable practices and areas the Committee may require further information or consideration. It is apparent that some of the external support provided has resulted in cost savings and efficient project delivery, which would not have been possible without external experts.

1.2.2 The Committee may want to consider the details provided in Annex 2, to assess how external support aligns with the council's long-term objectives and priorities. The Committee may want to consider if any of the engagements could have been delivered via internal capacity building or if it continues to be more effective to utilise external expertise for specialist project delivery. The Committee may want to consider if the council is effective at retaining specialist talent, to allow for delivery of projects without the need for external support.

1.2.3 As you would expect there are a variety of projects from across different services, including project management to specialised expertise. In some cases,

collaboration with other councils has led to cost efficiencies and improved outcomes.

- 1.2.4 Different approaches have been adopted depending on the project, with some projects receiving prior agreement via relevant Committee and some projects being service led. Whilst this approach offers potential benefits, such as flexibility and rapid access to specialised skills, there may be cases where Members would prefer more detailed assessments presented of cost effectiveness and longer-term impacts for the council. The Committee may want to ensure services follow robust procurement routes.

1.3 Legal Implications

- 1.3.1 Procurement is undertaken in accordance with financial regulations and council procurement frameworks. The use of a Waiver is undertaken in certain circumstances.

1.4 Financial and Value for Money Considerations

- 1.4.1 The average spend per year over the four years is £533,954 per year, for a total of 135 projects (over four years). It should also be noted that one project resulted in a £2m reclaim returned to the council. In addition, consultants used to assist with the technical design services for carbon reduction measures at the Leisure Centre, resulted in a successful grant application and grant award of £1,164,760.
- 1.4.2 Over half of the external expertise used (55%) was for amounts less than £5,000, making up 8% of the consultancy spend. 5 projects accounted for almost a third of the total spend (30%).

1.5 Risk Assessment

- 1.5.1 The risks associated with not using external expertise have been highlighted against each project in Annex 2.

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

- 1.7.1 Business Continuity/Resilience
- 1.7.2 Procurement

1.8 Recommendations

The Overview and Scrutiny Committee is asked to:

- 1.8.1 Note the information provided in Annex 2;

- 1.8.2 Consider if further detail is required by this Committee for any specific projects;
- 1.8.3 Ensure the Council continues to closely manage future use of external experts;
- 1.8.4 Ask officers to continue to look for opportunities to collaborate with other councils;
- 1.8.5 Ensure the council is effective at retaining specialist talent, to reduce the need for external experts going forward; and
- 1.8.6 Make recommendations to Cabinet to be approved and/or noted.

Background papers:

contact: Gill Fox

Nil

Damian Roberts
Chief Executive

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TONBRIDGE & MALLING BOROUGH COUNCIL**OVERVIEW AND SCRUTINY COMMITTEE****25 January 2024****Report of the Interim Chief Executive****Part 1- Public****Delegated****1 SCOPING REPORT – REVIEW OF THE COUNCIL’S USE OF CONSULTANTS**

To scope out the terms for the Overview and Scrutiny Review of the appointment of consultants across the Council.

1.1 Background

1.1.1 The Chair of Overview and Scrutiny Committee has requested a review by this Committee into the Council’s use of consultants. This report sets out the possible scope of the review and options the Committee may want to investigate for the next stage of the review.

1.1.2 The primary questions raised regarding the use of consultants are as follows:

- Why is there a need to employ consultants, is there existing internal expertise that could be utilised?
- Is there a substantial cost to the Council in employing consultants?
- What checks and balances are in place to monitor the consultants?

1.2 Scope

1.2.1 Firstly, the Committee will need to define exactly what is meant by the term “consultants”. The Committee may wish to focus on consultancy work which is providing knowledge, techniques and assets to improve performance that is outside of the Council’s “business as usual”. This would include the use of external third parties, providing expertise that is typically not available internally. Focusing on this aspect, would rule out the use of contractors who fill vacancies and are used for the day-to-day operational resources to maintain departmental function.

1.2.2 The Committee may want to consider the way consultants are engaged. For example, what is the procurement process? Who decides to engage consultants? At what point are Members involved in the process?

- 1.2.3 The Committee may want to consider value for money issues, such as how rates are decided, the rationale for how long companies/individuals are engaged, the cost and frequency of the engagements. Is there a consistent approach in the use of consultants across the Council?
- 1.2.4 In order to consider these issues, it is suggested that a summary of the Council's use of consultants over the past 4 years is presented at the next stage of this review. This could include who the consultants are, what the consultants provided, the cost of the appointment and the final outcome of the appointment.
- 1.2.5 The Committee may want to consider the findings to help understand if there are opportunities to do things differently. For example, is there an opportunity to utilise staff expertise, is more training required to ensure the necessary expertise? Are there any possible measures in place to identify staff potential as a route to reducing reliance on consultants? Conversely, are there risks of not appointing consultants for specific projects?

1.3 Legal Implications

- 1.3.1 To be considered as part of the final Review.

1.4 Financial and Value for Money Considerations

- 1.4.1 Consultancy spend will be considered as part of the final Review. Any possible options to save money can be considered by Members at the final review stage.

1.5 Risk Assessment

- 1.5.1 N/A

1.6 Equality Impact Assessment

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

1.7 Policy Considerations

- 1.7.1 Business Continuity/Resilience
- 1.7.2 Procurement

1.8 Recommendations

- 1.8.1 That the Committee **ENDORSE** the scope of the review, to focus on consultants providing third party expertise not available in the Council and not persons employed to provide day to day operational resource.
- 1.8.2 The Committee **AGREE** to the next steps of the review, looking at the engagement process and the value for money issues.

1.8.3 The Committee **REQUEST** information to consider in the form of a summary of the Council's use of consultants over the previous 4 years.

Background papers:

contact: Gill Fox

Nil

Adrian Stanfield
Interim Chief Executive

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Annex 2 – Consultancy spend

Summary of consultancy spend

In total, £2,135,814 was spend on 135 consultancy projects between 2000 and 2024. Over half of these projects (55%) involved spend of £5,000 or less. Almost a third (30%) of all consultancy spending was for only 5 projects, each involving spend of over £100,000.

Summary statistics

Total consultancy projects	135
Total consultancy spend	£2,135,814

	No. of projects	Total spend	% total consultancy projects	% total consultancy spend
Consultancy spending over £100k (Key Decision)	5	£633,206	4%	30%
Consultancy spending between £5k but less than £100k	56	£1,324,046	41%	62%
Consultancy spending of less than £5k	74	£178,562	55%	8%

Directorate	£ spend	% total consultancy spend
Central	460,619	22%
DFT	203,498	10%
Exec	111,403	5%
IT	52,170	2%
PHEH	1,046,140	49%
SSLTS	261,985	12%

Consultancy spending list by Directorate

Central Services

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
22/01/2021	18/05/2021	BPS Chartered Surveyors	£3,510	Annual asset valuations required to comply with financial reporting standards	Communication / meetings	Service led, quotation sought	Production of annual asset valuations and associated report	Failure to comply with financial reporting standards would mean the Council would not get its accounts signed off by external auditors. The Council does not have a RICS Registered Valuer to undertake the valuations. Several attempts have been made to recruit.
18/01/2023	26/05/2023	Hartnell Taylor Cook	£26,750	Annual asset valuations required to comply with financial reporting standards and insurance valuations	Communication / meetings	Service led, quotations sought	Production of annual asset valuations and associated report and insurance valuations	Failure to comply with financial reporting standards would mean the Council would not get its accounts signed off by external auditors. The Council does not have a RICS Registered Valuer to undertake the valuations. Several attempts have been made to recruit.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
01/02/2024	Ongoing	Wilks Head & Eve	£8,500	Annual asset valuations required to comply with financial reporting standards	Communication / meetings	Service led, quotation sought	Production of annual asset valuations and associated report	Failure to comply with financial reporting standards would mean the Council would not get its accounts signed off by external auditors. The Council does not have a RICS Registered Valuer to undertake the valuations. Several attempts have been made to recruit.
31/10/2022	27/02/2023	MEPS Consulting	£4,704	Ventilation design for air handling adaptations in spin studio at Larkfield Leisure Centre	Communication / meetings	Service led, quotation sought	Production of design to enable quotations to be sought from contractors for the work	Failure to adhere to building ventilation regulations leading to potential claims against the Council
07/11/2022	Ongoing	MEPS Consulting	£4,175	Ventilation design for replacement air handling unit serving gym area at Larkfield Leisure Centre	Communication / meetings	Service led, quotation sought	Production of design to enable quotations to be sought from contractors for the work	Failure to adhere to building ventilation regulations leading to potential claims against the Council
17/01/2022	23/09/2022	Versatile Consultants	£4,462	Condition survey and specification for re-roofing Tonbridge Castle Offices	Communication / meetings	Service led, quotation sought	Production of specification to enable quotations to be sought from	No in-house technical roofing expertise which would allow the production of a suitable

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							contractors for the work	specification. Risk of work not adhering to Building Regulations
06/04/2023	15/06/2023	Stuart Page Architect	£1,853	Architectural advice on Tonbridge Castle Gatehouse roof remedial repair	Communication / meetings	Service led, quotation sought	Advice from the architect who worked on the roof scheme in the early 2000s provided helpful insight into the design of the roof and led on the engagement with Heritage England for consent	A lack of information would have led to a prolonged closure of the Gatehouse, resulting in increased lost revenue, as well as potentially undertaking work which would not have been consented to by Heritage England
18/04/2023	15/06/2023	The Morton Partnership	£1,865	Structural Engineer advice on Tonbridge Castle Gatehouse roof remedial repair	Communication / meetings	Service led, quotation sought	Advice and design for ensuring the remedial repairs were structurally sound	Risk of the remedial repairs not being structurally sound, leading to a failure of the roof structure and closure of the attraction leading to loss of income
12/12/2023	Ongoing	CWG Advisory	£4,638	Retail specific property advice in relation to negotiations with Sainsbury's	Communication / meetings	Service led, quotation sought	Providing the Council with advice in negotiations with Sainsbury's	No in-house retail specialist knowledge means without external advice the Council risks not achieving best value

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								from its negotiations with Sainsburys and therefore failing to comply with its statutory obligation
15/09/2021	20/01/2022	Hartnell Taylor Cook	£16,000	Valuations and development appraisals in respect of Gibson site as part of negotiations with KCC regarding covenant	Communication / meetings	Service led, quotation sought	Existing use valuations and development appraisals report to progress negotiations with KCC	No in-house expertise to produce valuations and development appraisals. If these had not been produced it would have been difficult to progress negotiations with KCC and to demonstrate best value had been achieved, risking not complying with statutory obligation
07/11/2023	08/12/2023	Hartnell Taylor Cook	£4,500	Updated valuations and development appraisals in respect of Gibson site as part of negotiations with KCC regarding covenant	Communication / meetings	Service led, quotation sought	Updated existing use valuations and development appraisals report to progress negotiations with KCC	No in-house expertise to produce valuations and development appraisals. If these had not been produced it would have been difficult to progress negotiations with KCC and to demonstrate best value had been

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								achieved, risking not complying with statutory obligation
20/01/2023	27/04/2023	Fuller Long Planning and Heritage Consultants	£3,995	Requirement to assess the heritage significance of Gibson West to inform the development appraisal of the building as part of negotiations with KCC regarding covenant	Communication / meetings	Service led, quotations sought	Production of heritage assessment	No in-house expertise to produce heritage assessment, which required specialist heritage and planning knowledge. If this had not been produced the development appraisal would have been based on unrealistic expectations and therefore affected negotiations with KCC
24/11/2022	Ongoing	HMY Architects	£55,500	To provide architectural services in respect of Gibson East refurbishment	Communication / meetings	Service led, quotations sought	Leading the design team, undertaking architectural services, producing designs/drawings, including the role of Principal Designer under Construction and	No in-house expertise for architectural services. Risk of not engaging architects would be poor designs being produced leading to increased uncertainty, increased costs and likelihood of plans not complying

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							Design Management Regulations	with planning or building regulations
25/01/2023	Ongoing	CTP Consulting Engineers	£18,000	To provide structural and civil engineering services in respect of Gibson East refurbishment	Communication / meetings	Service led, quotations sought	Undertaking structural and civil design services, including producing designs/drawings	No in-house expertise for these services. Risk of not engaging engineers would be works which were not compliant with building regulations and could potentially be unsafe for building users
09/01/2023	Ongoing	Hawden	£33,859	To provide mechanical, electrical and public health design services in respect of Gibson East refurbishment	Communication / meetings	Service led, quotations sought	Undertaking mechanical, electrical and public health design services, including producing designs/drawings	No in-house expertise for these services. Risk of not engaging engineers would be works which were not compliant with building regulations and could potentially lead to delivery of non-compliant building services, which could be unsafe for building users

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
19/12/2022	Ongoing	Betteridge & Milsom	£21,900	To provide quantity surveyor services in respect of Gibson East refurbishment	Communication / meetings	Service led, quotations sought	Undertaking quantity surveyor services including producing cost plans, contract documentation and valuations	No in-house expertise for these services. Risk of not engaging QS would lead to a lack of financial control and oversight, resulting in higher costs
18/08/2022	Ongoing	Mitchell & Ogilvie	£5,500	To provide design and management services in respect of a replacement disinfection system at Tonbridge Pool	Communication / meetings	Service led, quotation sought	Producing specification against which quotations were sought for the replacement system, management of the works	No in-house expertise for these services. Risk of not engaging specialists would be to end up with a disinfection system which was not fit for purpose, potentially leading to closure of the pools, resulting in lost revenue, and risking users health
06/06/2023	05/05/2024	Laser Energy	£16,883	To provide design and project management services for solar PV system at Tonbridge Pool	Communication / meetings	Service led, quotation sought	Producing specification against which quotations were sought for PV system, management of the works	No in-house expertise for PV design services and lack of resources for management services. Risk of not engaging services would be to install a system which was not fit for purpose and would not

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								deliver on the Council's climate change aspirations
22/05/2023	13/08/2023	HMY Architects	£7,750	To provide architectural services in respect of the conversion of former Aylesford public toilets	Communication / meetings	Service led, quotation sought	Producing designs for conversion of building	No in-house expertise for architectural services. Risk of not engaging architects would be poor designs being produced leading to increased uncertainty, increased costs and likelihood of plans not complying with planning or building regulations
20/02/2022	21/06/2022	Mace	£33,590	To provide town centre regeneration advice in respect of Tonbridge town centre asset review	Communication / meetings	Service led, quotation sought via framework. Decision to appoint taken by the Leader of the Council, Cabinet Member for Finance, Innovation &	Phase 1 report and presentation setting out the Council's aims and objectives for the asset review	No in-house town centre regeneration expertise or resources. Risk of not bringing in specialists would be poor quality of work resulting in a lack of engagement with Members and the review not progressing

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
						Property, the Cabinet Member for Economic Regeneration and the Chair of the Overview & Scrutiny Committee		
30/01/2023	26/02/2024	Mace	£102,591	To provide town centre regeneration advice in respect of Tonbridge town centre asset review, including undertaking housing type study, concept design work, cost reports and final reports and presentations	Communication / meetings	Service led, quotation sought via framework. Decision to appoint taken by Cabinet	Phase 2 reports and presentation, including market viability report, governance and programme report and design reports	No in-house town centre regeneration expertise or resources. Risk of not bringing in specialists would be poor quality of work resulting in a lack of engagement with Members and the review not progressing
20/05/2022	09/11/2022	Laser Energy	£16,747	To provide carbon descent plans for Larkfield Leisure Centre and Tonbridge Pool as part of the Council's Climate Change Strategy	Communication / meetings	Service led, quotation sought via framework	Carbon descent plans produced for both sites which enabled the Council to prioritise projects to reduce the	Specialist technical expertise was required by mechanical and electrical engineers to advise on potential schemes for further investigation. If this

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							carbon footprint of those buildings	work has not been undertaken the Council may have invested in projects with little chance of success or which delivered low carbon savings
27/09/2023	04/04/2024	GEP Environmental	£63,347	To provide technical design services for heat pump schemes at Larkfield Leisure Centre and Tonbridge Pool to support external grant fund application	Communication / meetings	Service led, quotation sought via framework	Production of technical design for heat pump schemes as well as cost estimates and support through external grant fund application process	No in-house technical expertise to produce heat pump designs. Risk of not bringing in specialists would result in low chance of being successful with external grant application

DFT

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
2022		AON	4,000.00	Insurance Tender preparation and assessment	Communication / Meeting	Service Led, prior use, member approved FIPAB 12/1/2022	Successful tender of Insurance Policies achieving £50,000 saving on previous premium paid.	Workload pressures on current staff and knowledge base requirement.
2022		Focus on Banking	4,500.00	Banking and Card Acquirer review	Communication / Meeting	Service Led, prior use, member approved FIPAB 12/1/2022	Successful renegotiation of Banking and Card Fees saving around £4,000 per annum	Workload pressures on current staff and knowledge base requirement.
2021	2022	PSTAX	3,540.00	Advice service on VAT, Stamp Duty and Land Tax and PAYE	Communication / Meeting	Service Led, prior use	Use of consultant on complicated issues covering VAT and PAYE to avoid potential penalties from HMRC. These are around £10,000 per incident.	Knowledge bases on these matters would require additional full time staff.
2022	2023	PSTAX	3,540.00	Advice service on VAT, Stamp Duty and Land Tax and PAYE	Communication / Meeting	Service Led, prior use	Use of consultant on complicated issues covering VAT and PAYE to	Knowledge bases on these matters would require additional full time staff.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							avoid potential penalties from HMRC. These are around £10,000 per incident.	
2023	2024	PSTAX	4,020.00	Advice service on VAT, Stamp Duty and Land Tax and PAYE	Communication / Meeting	Service Led, prior use	Use of consultant on complicated issues covering VAT and PAYE to avoid potential penalties from HMRC. These are around £10,000 per incident.	Knowledge bases on these matters would require additional full time staff.
2024	2025	PSTAX	4,020.00	Advice service on VAT, Stamp Duty and Land Tax and PAYE	Communication / Meeting	Service Led, prior use	Use of consultant on complicated issues covering VAT and PAYE to avoid potential penalties from HMRC. These are around £10,000 per incident.	Knowledge bases on these matters would require additional full time staff.
2020	2021	Link Treasury Group	10,164.00	Treasury Advice Service	Communication / Meeting	Service Led, prior use	Use of Consultant on Treasury Advice in order to maintain safe	Knowledge bases on these matters would require additional full time staff.

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							investment return.	
2021	2022	Link Treasury Group	10,164.00	Treasury Advice Service	Communication / Meeting	Service Led, prior use	Use of Consultant on Treasury Advice in order to maintain safe investment return.	Knowledge bases on these matters would require additional full time staff.
2022	2023	Link Treasury Group	10,764.00	Treasury Advice Service	Communication / Meeting	Service Led, prior use	Use of Consultant on Treasury Advice in order to maintain safe investment return.	Knowledge bases on these matters would require additional full time staff.
2023	2024	Link Treasury Group	11,531.00	Treasury Advice Service	Communication / Meeting	Service Led, prior use	Use of Consultant on Treasury Advice in order to maintain safe investment return.	Knowledge bases on these matters would require additional full time staff.
2023		Link Treasury Group	1,800.00	Member Training on Treasury Management	Communication / Meeting	Service Led, prior use	Member Training	Knowledge bases on these matters would require additional full time staff.
2021		Link Treasury Group	10,200.00	Multi Asset Income Fund Selection Process	Communication / Meeting	Service Led, prior use	Consultant used to vet Multi Asset fund providers	Knowledge bases on these matters would

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								require additional full time staff.
2023		CIPFA FAN	940.42	Member Training on Financial Statements	Communication / Meeting	Service Led, prior use	Member Training	Knowledge bases on these matters would require additional full time staff.
2023		KPMG	75,000.00	Leisure VAT Reclaim	Communication / Meeting	Consultant approached us	Use of expertise to submit claim to reclaim overpaid VAT. Resulting in £2m reclaim from HMRC in 2023/24.	Knowledge bases on these matters would require additional full time staff.
06/11/2020		Airey Consultancy Services Ltd	750.6	Consultancy Support Discretionary COVID Business Grants	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
22/10/2020		Airey Consultancy Services Ltd	600	Covid Local Restrictions Support Payment Scheme	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
22/10/2020		Airey Consultancy Services Ltd	840	COVID Test & Trace discretionary & standard scheme	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.

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01/05/2021		Airey Consultancy Services Ltd	840	COVID LRSPS (Open & Sector)	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
02/02/2021		Airey Consultancy Services Ltd	1,680.00	COVID Consultancy for LRSG schemes	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
29/04/2021		Airey Consultancy Services Ltd	960	COVID Restart Grants & NDR Disc Rate Relief	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
21/07/2021		Airey Consultancy Services Ltd	960	COVID Local Restrictions ARG Restart Dis Grants	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
28/09/2021		Airey Consultancy Services Ltd	360	COVID consultancy for ARG Restart grants	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
02/08/2022		Airey Consultancy Services Ltd	834	Full Ctax S13A 1A CTax reduction scheme	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
21/04/2022		Airey Consultancy Services Ltd	2,160.00	Consultancy Support TR & Ctax rebate	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								knowledge base requirement.
16/05/2022		Airey Consultancy Services Ltd	1,440.00	Consultancy Support CTax Rebate schemes	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
08/09/2022		Airey Consultancy Services Ltd	1,920.00	covid Consultancy CARF, OMICRON & ARG	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
08/09/2022		Airey Consultancy Services Ltd	834	Consultancy CTRS 2023/24	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
21/02/2023		Airey Consultancy Services Ltd	1,080.00	Consultancy support NDR SSB & RHL policy	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
14/03/2023		Airey Consultancy Services Ltd	1,080.00	Provision of Consultancy supporting EBSS & AFP	Communication	Service Led	Successful payment of Grants	Workload pressures on current staff and knowledge base requirement.
25/07/2023		Airey Consultancy Services Ltd	540	Consultancy CTS Fund policy	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.

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10/05/2023		Airey Consultancy Services Ltd	834	Full Ctax S13A 1A CTR Scheme 2024/25	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
23/01/2024		Airey Consultancy Services Ltd	660	Council Tax Premiums Policy & Notice	Communication	Service Led	Successful implementation of scheme	Workload pressures on current staff and knowledge base requirement.
11/10/2020		LG Futures Ltd	3582	NNDR pooling advice for withdrawal from Pool	Communication / Meeting	Service Led	Withdrawal from Kent Pool following losses	Independent review of continued involvement in pool whilst suffering losses.
26/02/2021		LG Futures Ltd	3834	Funding Briefings & Med Term Rev Res Forecasting	Communication / Meeting	Service Led	Legislation and Funding Advice	
03/03/2022		LG Futures Ltd	4188	Funding Briefings & Med Term Rev Res Forecasting	Communication / Meeting	Service Led	Legislation and Funding Advice	
04/05/2023		LG Futures Ltd	4848	Funding Briefings & Med Term Rev Res Forecasting	Communication / Meeting	Service Led	Legislation and Funding Advice	
02/06/2024		LG Futures Ltd	2394	collection fund suite (Part Year)	Communication / Meeting	Service Led	Review of NNDR forecasting	Advice lead to increase provision release from Appeals
20/02/2024		LG Futures Ltd	12096	Funding Briefings & Med Term Rev Res Forecasting	Communication / Meeting	Service Led	Legislation and Funding Advice	

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				Including Collection Fund review				

Executive Services

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
11/02/2021	31/03/2022	Partnering Regeneration Development Ltd	£24,362.50	Funded by external grant (Welcome Back Fund), an analysis of our town centres and their performance as they came out of covid restrictions. Used to inform our UKSPF Investment Plan which has unlocked £1m for economic projects.	In Service	Service led in accordance with financial regulations	Data and analysis of our main town centres - Tonbridge, West Malling, Borough Green and Snodland, along with project suggestions that could be used in the UKSPF Investment Plan.	If done in house, this wouldn't have been an independent assessment and it wouldn't have been as in-depth as the Economic Regeneration Manager would have tried to fit it in between existing workloads. Funded through the Welcome Back Fund, so no

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								additional cost to the council.
01/12/2023	ongoing	Let's Do Business Group	£7,000	Funded by external grant (UKSPF and BRRP), they provide support to businesses looking to apply to the Shopfront Grant Scheme, to ensure the applications are of a good quality.	In service - regular update meetings.	Service led in accordance with financial regulations	Better quality applications that have saved us time by not having to chase applicants for missing or incorrect information. Also helped to maintain an independence between ourselves (who were running the programme and making recommendations on applications) and the help available with applications. We have approved 39 applications over the past two	It would have led to more time being spent by the council in dealing with and assessing poor quality applications, which would have taken us away from other priorities.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							rounds, and have received a low number of poor applications (often those that didn't use the support available)	
27/3/2023	ongoing	Smarter Society Ltd	£54,000	In partnership with SDC and TWBC, UKSPF funded business support programme which runs networking sessions, business conferences (including West Kent Expo) and seminars, 1-2-1 business mentoring and a micro-grants scheme for start-up businesses. As set out in the UKSPF Investment Plan this project	SDC are the Accountable Body. We have regular update meetings (bi-weekly or monthly depending on activity)	Led by SDC	Over 600 business have so far engaged with the service, with nearly 60 accessing mentoring support and 30 accessing micro-grants. The West Kent Expo took place in March 2024 and had a lot of positive feedback.	We wouldn't have had the skills/business knowledge in-house to run this service ourselves - it required a business support organisation to run it

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				was needed post-covid as many businesses were struggling to get back on their feet, whilst at the same time a lot of business support was disappearing.				
04/01/2021	06/10/2021	Laser Energy	£3,000	To establish TMBC emissions baseline and initial high level action plan following carbon neutral aspiration, prior to the Council having a Climate Change Officer in-house.	Communication / meetings/ presentation to Members	Member agreement to work with KCC (who also contributed £3000) to utilise expertise from Laser to establish baseline emissions.	Baseline emissions report produced covering Council's own estate/buildings, vehicles and business travel.	When the carbon neutral aspiration was adopted, we did not have the expertise in house to complete carbon audit work. The Climate Change Strategy had been adopted and we needed to progress this work to help with target setting to 2030. Without the expertise from Laser, the Council would not have set an emissions baseline.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
21/03/2024		Gatenby Sanderson	£23,040.00	Recruitment consultants - Chief Executive	Cabinet	Cabinet led process	Robust, transparent and impartial recruitment process.	It is important for the Council to follow standard practice when recruiting at this level. Without external consultants, there is a risk of not being able to deliver a rigorous unbiased interview process.

IT

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
22-Mar	22-Mar	ANSecurity	£1,620	Required to attain compliance to ensure cyber resilience	Meeting / communication / Accreditation success	Service Led	Successful completion of Cyber Essentials accreditation for the Council	No internal knowledge of the Cyber Essentials accreditation process which would require a specialised member of staff full time.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
23-Apr	23-Apr	Phoenix Software Ltd	£3,600	Cloud environment Health Check and Review to ensure that security best practice is place	Meeting / Communication / Report	Service Led, prior use	Assessment of the hosted cloud environment to ensure it is secure and provide recommendations to enhance the security	Without the external assessment there may have been unforeseen cyber security issues that would not have been addressed resulting in a potential attack
22-May	22-May	Phoenix Software Ltd	£2,400	Training for IT Staff to get knowledge on Power Apps to enable use of technology to streamline processes	Meeting / Communication	Service Led, prior use	Provided knowledge and training to IT staff to assist with digitisation of workloads.	Without the training and knowledge transfer reliance on external companies to create streamline apps would be a great expense to the Council.
22-Mar	22-Mar	Phoenix Software Ltd	£6,960	New solution required for remote working and access to internal Council systems. Consultancy required due to new technology being adopted.	Meeting / Communication	Service Led, prior use	Creation of environment and knowledge transfer to IT staff to enable internal development, configuration and support of the new system.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading ot a cyber incident.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
21-Nov	21-Nov	Phoenix Software Ltd	£2,280	8 VM migrations	Meeting / Communication	Service Led, prior use	Successful migration of critical systems without unplanned outages.	Limited internal knowledge causing additional downtime critical frontline services being migrated from Gibson building to the new Cloud environment leading to a reduction in residents access to critical systems
21-Oct	21-Oct	Phoenix Software Ltd	£5,700	Exchange 2016 Upgrade	Meeting / Communication	Service Led, prior use	Successful migration to a new supported corporate email system with no loss of data or unplanned outages	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
21-Aug	21-Aug	Phoenix Software Ltd	£900	Northgate Azure Migration	Meeting / Communication	Service Led, prior use	Successful migration of critical systems without unplanned outages.	Limited internal knowledge causing additional downtime critical frontline services being migrated from Gibson building to the new Cloud environment leading to a reduction in residents access to critical systems
21-Jul	21-Jul	Phoenix Software Ltd	£1,140	Exchange discovery workshop	Meeting / Communication	Service Led, prior use	In depth knowledge resulting in a plan for migration to a new supported corporate email system.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
21-May	21-May	Phoenix Software Ltd	£1,140	Windows 2003 decommission	Meeting / Communication	Service Led, prior use	In depth knowledge of the risks and remediation steps in removing a vulnerable critical server and enabling a migration with no outages to the Councils core systems	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
21-Mar	21-Mar	Phoenix Software Ltd	£6,840	Landing Zone for Azure	Meeting / Communication	Service Led, prior use	Knowledge to enable the creation of a secure Landing zone for the start of the Council's migration to the cloud.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
20-Oct	20-Oct	Phoenix Software Ltd	£4,560	Azure environment	Meeting / Communication	Service Led, prior use	Knowledge to enable the creation of a Azure environment to enable Cloud server services.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
24-May	In progress	KHIPU Networks	£2,640	3rd Party remote access solution	Meeting / Communication	Service Led, prior use	Knowledge and expertise to create a secure environment for contractors to	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council

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							access the Council's IT environment.	systems potentially leading to a cyber incident.
22-Jun	22-Jun	KHIPU Networks	£5,250	Migration of Brandford to NAC	Meeting / Communication	Service Led, prior use	Knowledge of the new system to enable knowledge transfer and successful migration without disruption to Council services.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
21-Dec	21-Dec	KHIPU Networks	£1,920	Palo Alto GP cloud migration	Meeting / Communication	Service Led, prior use	Knowledge of the new system to enable knowledge transfer and successful migration without disruption to Council services.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.
21-Jan	21-Jan	KHIPU Networks	£3,300	Cyber Awareness training	Meeting / Communication	Service Led, prior use	Cyber Awareness training for staff	Not upskilling staff in Cyber awareness training could lead to cyber incidents due to lack of knowledge
21-Jan	21-Jan	KHIPU Networks	£1,920	Palo Alto Firewall Azure	Meeting / Communication	Service Led, prior use	Knowledge of the new system to enable knowledge transfer and successful migration without disruption to Council services.	No internal knowledge of the system could have led to misconfiguration and exposure of critical Council systems potentially leading to a cyber incident.

PHEH

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
2/05/2023	Ongoing	Capax Solutions Limited	£101,047	Project Management for Agile implementation	In service	Direct award through Service	Structure and delivery mechanisms	Project not delivered and lack of structure around programming and solutions
04/01/2020	31/3/21	Ecologia	£1,152	To support contaminated land monitoring on Council's own land	Regular reports	Service led. Members aware through reports into relevant Board.	Expert advice and support allowed us to manage contaminated land issue satisfactorily.	We did not have the expertise/resource in house to deal with this issue for which we have a statutory responsibility.
04/01/2022	31/3/23	Killgerm	£648	To provide expert knowledge regarding nuisance cases (fly issue)	Meetings/ final report	Service led. Key Members aware through updates.	Expert advice and support allowed us to continue to investigate the complaints being received.	We did not have the expertise/resource in house to deal with this issue for which we have a statutory responsibility.

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04/01/2022	31/3/24	Ricardo	£6,690	To support delivery of a DEFRA grant schools project including collation of air quality results, equipment calibration and inclusion of results on Kent Air Quality website.	Meetings/ reports/web site	Service led. Members aware through reports into relevant Boards/Committees and key Member updates.	Allowed us to progress the schools project and provide air quality results alongside all our air quality monitoring on the website so available to all.	We did not have the expertise/resource in house to deal with this issue for which we have a statutory responsibility. The funding for this was through a successful bid.
04/01/2021	31/3/24	Ricardo	£17,452	Payment to Tunbridge Wells BC (over three year period) who led on air quality contract with Ricardo. Provides air quality monitoring, support and website on Kent-wide contract.	Regular meetings/ reports/web site	Led by Tunbridge Wells BC	Ongoing air quality monitoring, support and provision of a public facing website for outcomes across Kent.	We did not have the expertise/resource in house to deal with this issue for which we have a statutory responsibility.
04/01/2020	31/3/2021	AQDM	£1,959	Payment to Swale BC who led on air quality contract with AQDM. Provides air quality monitoring, support and website on Kent-wide contract.	Regular meetings/ reports/web site	Led by Swale BC	Ongoing air quality monitoring, support and provision of a public facing website for	We did not have the expertise/resource in house to deal with this issue for which we have a

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							outcomes across Kent.	statutory responsibility.
04/01/2020	31/3/2024	Housing Reviews Centre	£645	To support with housing homelessness/register decision reviews.	Review letters	Service led.	Reviews of TMBC decisions and associated case letters.	Reviews are a statutory requirement and need to be independent of original decision thus expertise/resource within team means use of external consultants is a necessity to meet legal requirements.
04/01/2020	31/3/2024	Independent Reviews Ltd	£12,635	To support with housing homelessness/register decision reviews.	Review letters	Service led.	Reviews of TMBC decisions and associated case letters.	Reviews are a statutory requirement and need to be independent of original decision thus expertise/resource within team

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
								means use of external consultants is a necessity to meet legal requirements.
06/07/2023	26/03/2024	Adonis Blue	£16,100	To provide technical ecological expertise in the production of a Green Infrastructure Strategy	Communication / meetings	Service led, quotations sought from three providers	Production of a Green Infrastructure Strategy	No in-house ecological expertise. Risk of not bringing in specialists would be poor quality of work resulting in non compliance with National Planning Policy Framework requirements for Local Plan evidence.
02/03/2022	on-going	Landuse Consultants	£51,348.41	To provide technical Sustainability Appraisal expertise in the preparation of the Local Plan	Communication / meetings	Service led, quotations sought from three providers	Production of the Interim Sustainability Appraisal at Regulation 18 and Regulation	Limited in-house expertise. Independent production of the Sustainability Appraisal for the Local Plan ensure

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							18B of the Local Plan	impartiality can be demonstrated during the Local Plan Examination process.
30/03/2023	on-going	AECOM	£58,755	To provide technical Air Quality modelling and reporting, Habitats Regulations Assessment, and combined impact assessment (including Equalities Impact Assessment) for the Local Plan, ensuring the legal compliance tests are met.	Communication / meetings	Service led, quotations sought from three providers	Production of a Habitats Regulations Assessment Scoping Report. They will also produce an Air Quality Assessment Report, Habitats Regulations Assessment and an Impact Assessment Report to accompany the Regulation 19 Local Plan.	Air quality monitoring and reporting, Habitats Regulations Assessment and combined impact assessment commissioned. These will be undertaken between Regulation 18b and Regulation 19 to inform the Submission Local Plan.
09/09/2021	12/09/2021	JBA	£20,282	To provide technical Sustainability Appraisal expertise in the preparation of the	Communication / meetings	Service led, quotations sought from three providers	Production of the Sustainability	Limited in-house expertise. Independent production of the

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				Scoping Report for the Local Plan.			Appraisal Scoping Report	Sustainability Appraisal for the Local Plan ensure impartiality can be demonstrated during the Local Plan Examination process.
09/01/2021	Ongoing	JBA	£50,751	Strategic Flood Risk Assessment [SFRA] Level1 for Local Plan. No in-house expertise	Communication / meetings	Service led, quotations sought from three providers with waivers agreed for fee extensions.	Full comprehensive SFRA level 1 for whole borough	Failure to assess the flood risk and failure of the Local Plan.
08/01/2023	15/03/2024	AECOM	£27,390	To provide technical assessment for climate change for Local Plan. Limited in-house expertise.	Communication / meetings	Service led, quotations sought from three providers.	A full assessment and report on climate change in the borough and recommended policies for the Local Plan	Failure to address climate change in the Local Plan could result in failure of legal compliance and failure of the Local Plan.
14/04/2022	04/11/2023	CBA	£17,216	To provide a heritage strategy for the emerging Local Plan.	Communication / meetings	Service led, quotations	A full heritage strategy endorsed by	Failure to address Heritage with a strategy in the

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
						sought from three providers.	Historic England.	Local Plan could result in failure of the Local Plan.
11/10/2023	Ongoing	ENPLAN	£8,273	To provide a landscape sensitivity assessment to inform the emerging Local Plan.	Communication / meetings	Service led, quotations sought from three providers.	Landscape assessment work provided.	Failure to address landscape issues in the Local Plan could result in failure of the Local Plan.
14/08/2019	25/07/2023	ARCADIS	£99,335	To prepare a development brief for Borough Green Gardens and relief road feasibility study	Communication / meetings	Homes England Multi Disciplinary Framework.	Draft development brief for Borough Green Gardens and relief road feasibility study	This work would not have progressed in accordance with the requirements of the Homes England Garden Community capacity funding award to the council.
18/10/2019	20/05/2022	ENPLAN	£17,131	To prepare additional landscape evidence to inform the Borough Green Gardens development brief.	Communication / meetings	Waiver - extension to withdrawn Local Plan technical work.	A landscape sensitivity and capacity study which informed the preparation of the	The development framework plan would have lacked the technical evidence required to be able to design this

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							framework plan for the site.	appropriately having regarding the to landscape context.
20/10/2021	21/09/2023	SOLVE WEB MEDIA	£11,086	To prepare a website to support public engagement for Borough Green Gardens.	Communication / meetings	Service led, quotations sought from three providers.	Purchase of web domains, preparation of branding and website design.	Not delivering high quality public engagement would have hindered project progress.
26/05/2021	17/12/2021	MOTT MACDONALD	£28,794	To prepare additional transport evidence to inform the Borough Green Gardens development brief.	Communication / meetings	Waiver - extension to withdrawn Local Plan technical work.	Additional technical work to better understand related highway junction impacts and to provide advice on trigger points for development contributions.	The framework plan and relief road feasibility study would have lacked the evidence required to inform the the design and phasing of the relief road proposed for Borough Green as part of this project.
13/06/2022	Ongoing	JACOBS	£192,704	To prepare transport modelling evidence including transport	Communication / meetings	Kent County Council Highway	Work ongoing, transport forecast	Failure to address transport issues and identify

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				assessment for the emerging Local Plan.		Services Framework.	baseline, LTC and M2 J3 sensitivity tests and 2 scenario test reports provided so far.	appropriate mitigation could result in failure of the Local Plan.
18/12/2019	Ongoing	DHA TRANSPORT	£36,035	To prepare an Active Travel Strategy including route audits, to align with the emerging Local Plan.	Communication / meetings	Service led, quotations sought from three providers with wavers agreed for fee extensions.	Draft Active Travel Strategy, walking and cycling route audits prepared.	To help mitigate the transport impacts of growth identified in the Local Plan and to help tackle congestion and support climate change ambitions, this study is required to support
02/03/2022	Ongoing	ARC4	£18,840	To prepare a gypsy and traveller accommodation assessment and undertake related site assessments.	Communication / meetings	Service led, quotations sought from three providers with wavers agreed for fee extensions.	Draft gypsy and traveller need assessment and site assessment reports prepared.	Failure to address gypsy and traveller accommodation requirements in the Local Plan could result in failure of the Local Plan.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
19/09/2023	26/01/2024	WSP	£20,586	Scheme planning and design for the upgrade of footpaths MR581 and MR32 in Snodland, and stage 1 road safety audit.	Communication / meetings	Kent County Council Professional Services Framework.	Outline scheme design and road safety stage 1 report received.	Scheme delivery unlikely to progress putting at risk related funding negotiations with National Highways and Kent County Council, relating to mitigation for the Lower Thames Crossing.
15/09/2022	Ongoing	Ove Arup & Partners	£121,917	To prepare Green Belt and Strategic Gap studies, and Housing Constraints Assessment to inform the emerging Local Plan.	Communication / meetings/Reports	Service led, quotations sought from three providers with wavers agreed for fee extensions.	Housing Constraints Assessment and Green Belt Stage 2 Assessment provided, strategic gap work ongoing.	Failure to assess Green Belt sites for potential release for development and to provide Strategic Gap advice could result in failure of the Local Plan.
16/12/2023	Ongoing	Ploszajski Lynch Consulting	£41,200	To undertake an and Indoor Sport, Recreation and Open Space Study to inform	Communication / meetings/Reports	Service led, quotations sought from three providers.	Draft reports received for indoor and outdoor sport, recreation and	Failure to address open space issues in the Local Plan could result in

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				the emerging Local Plan.			open space provision.	failure of the Local Plan
21/09/2021	Ongoing	Nathaniel Lichfield and Partners	£35,832	To prepare an Economy Study including retail needs assessment to inform the emerging Local Plan.	Communication / meetings/Reports	Service led, quotations sought from three providers with wavers agreed for fee extensions.	Draft Economy Study report received.	Failure to address employment including retail matters, including the allocation of sufficient employment floorspace in the emerging Local Plan could result in failure of the Local Plan.
16/12/2022	Ongoing	BNP Paribas	£14,316	To prepare a Local Plan Viability Assessment.	Communication / meetings/Reports	Service led, quotations sought from three providers.	Work ongoing.	Viability assessment required to demonstrate the viability of the policy and infrastructure requirements included in the Local Plan.

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24/01/2024	Ongoing	Pillory Barn Design Studios	£620	Creative design of Regulation 18b Local Plan publication draft.	Communication / meetings/Reports	Service led, quotations sought from three providers.	Work ongoing to prepare the publication draft of the Local Plan.	It is important that the Local Plan document is well presented to ensure that the content is well received and understood by all. A poorly produced document would hinder public engagement.
15/02/2024	Ongoing	Commonplace Digital Ltd	£15,400	Provision of online consultation and engagement platform for the Local Plan.	Communication / meetings/Reports	Crown Commercial Service G-Cloud 13 Framework.	Work ongoing to prepare the online Local Plan consultation.	It is important that the Local Plan consultation is as accessible as possible. A high quality online platform is an important part of achieving this.

SSLTS

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
Aug-22	Nov-22	Waste Consulting LLP - Grounds Consulting Division	£ 4,888	Options Report-report in preparation for retender of Grounds Maintenance Contract - additional specialist industry skills and resources required to assess service re-commissioning options.	Award of contract and outcome reported through Member Committee/Cabinet	Service led in accordance with financial regulations. Appointment approved through Member Committee	Options Report received that allowed the Council to make a decision on the Strategic approach to the future delivery of the Grounds Maintenance Services.	Lack of industry insight and deeper understanding of pro and cons of potential service delivery options to inform Council/Member decision.
Oct-23	Apr-24	Waste Consulting LLP - Grounds Consulting Division	£ 10,494	Update of Options Report and Public Sector Comparator - additional specialist industry skills and resource required. External independent	Award of contract and outcome reported through Member Committee/Cabinet	Appointment approved through Member Committee. Also commissioned following consultation with Corporate OSG and MT and formal Wavier sought and	Final report awaited.	Lack of industry insight and deeper understanding of anticipated contract costs to inform Council/Member decision.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				assessment required for the Public Sector Comparator.		approved for appointment.		
Aug-21	Dec-22	Waste Consulting LLP	£ 14,433	Waste Contract Support-including service delivery options appraisal. Additional industry specialist skills and resource required. Total cost was £28,866 but shared 50/50 with Tunbridge Wells Borough Council. Work commissioned was in relation, and in response to, exceptional poor performance of the waste	Work monitored through a Joint Partnership Group with Tunbridge Wells Borough Council. Included updates and meetings to CE and Member (Cabinet Member/leader) level.	Service led in accordance with financial regulations. Wavier sought and approved.	Options Report received that guided the Council's discussions with the Contractor to resolve contract issues and improve service provision.	Lack of industry insight and a deeper understanding of contract options which, if not available would have weakened the Council's position in discussing service improvement with the current contractor.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				contractor at that current time.				
Jan-22	Feb-22	Waste Consulting LLP	£ 3,278	Garden Waste Project - Options review for service provision. Work commissioned was in relation, and in response to, poor service performance by the contractor allowing the Council to assess potential future options. Additional specialist industry experience and insight required.	Work monitored through a Joint Partnership Group with Tunbridge Wells Borough Council. Included updates and meetings to CE and Member (Cabinet Member/leader) level.	Service led in accordance with financial regulations	Options Report received that guided the Council's discussions with the Contractor to resolve contract issues and improve service provision.	Lack of industry insight and a deeper understanding of contract options which, if not available would have weakened the Council's decision making process.
Jun-23	Jan-24	Blackwood Bayne Ltd	£ 3,675	Haysden Country Park Market Survey - Additional specialist skills and resources required with	In Service	Service led in accordance with financial regulations	Report results feed into Site Management Plan and steer future site	Lack of information and understanding of the use of the Country Park to allow users views to be

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				regard to canvassing, data analysis and report production. Reports essential to lever in external funding and develop site management plans.			improvements.	incorporated into site management plan.
Jun-22	Mar-23	Blackwood Bayne Ltd	£ 3,394	Tonbridge Racecourse Sportsground Market Survey - Additional specialist skills and resources required with regard to canvassing, data analysis and report production. Reports essential to lever in external funding	In Service	Service led in accordance with financial regulations	Report results feed into Site Management Plan and steer future site improvements.	Lack of information and understanding of the use of the Country Park to allow users views to be incorporated into site management plan.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				and develop site management plans.				
2020	2024	Alltree Consultancy Ltd	£ 4,062	Tree Inspections-cost reflects 14 separate Specialist Tree Inspections and Reports making prioritised recommendations over a 4 year period. Required over and above the Council's regular contractual health and safety tree inspections undertaken by the ground maintenance contractor. Average cost of each inspection/report	In Service	Service led in accordance with financial regulations	Inspection and report provides external and specialist reassurance of health and safety aspects, reduces risk to the public and enhances the Councils insurance position.	Health and Safety of the public and reputational and financial risk to the Council.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				is £290. Reports commissioned in direct response to public health and safety concerns.				
Jan-21	Aug-21	Alliance Leisure	£ 114,947	Scheme development and project management for the design and construction of the new Cafe at Leybourne Lakes Country Park. Included external industry skills in quantity surveying, architecture, project management and design. Funded in full from developer contributions	In Service and through corporate officer group	Procured through the UK Leisure Framework. Waiver sought and approved	Specialist advice and skills in the design and construction of the new cafe	Lack of skills and resources leading to the in effective delivery of the project.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
Mar-24	Ongoing	Alliance Leisure	£ 50,000	Angel Centre Options Appraisal -appointment to undertake feasibility report on the potential location and facility mix of a replacement Angel Centre.	In Service and through corporate officer group	Procured through the UK Leisure Framework. Waiver sought and approved	Will provide specialist advice and skills in the location and facility mix of replacement building	
Jan-21	Jul-21	G and S Brown Grounds Maintenance Contractors	£ 10,200	Drainage assessment-required to address specific flooding of Deacons Field that was impacting community sports use. Specialist assessment required to support approved Capital Plan Scheme. External funding of £10,000 secured	In Service and through the Capital Plan	Service led in accordance with financial regulations	Specialist report to guide and steer works required through the Capital Plan	Lack of details and evidence when considering potential projects.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				from Sport England to support the project.				
Apr-21	May-21	G and S Brown Grounds Maintenance Contractors	£ 6,000	Initial drainage assessment of the site undertaken due to flooding issues. Data then used to support internal review, monitoring and project appraisal	In Service	Service led in accordance with financial regulations	Specialist report used as baseline data to then support the Council's own internal review, monitoring and project development.	Lack of baseline data to feed into internal review.
30/11/2022	18/01/2023	Alpha Parking	£ 10,075	Car park review - Independent review of off-street parking capacity, trip generation and usage in Tonbridge. No capacity in-house	In Service	Service led in accordance with financial regulations	Independent report on car park usage along with analysis of trends looking at balance of short/long	Better understanding of car park demand and usage delivered outside of normal parking operational capacity.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
							stay parking provision.	
01/01/2024	01/02/2024	Old School Consultancy	£ 2,070	Parking consultation analysis - due to volumes of responses greater resource and support required for Parking Manager - No Capacity in-house	In Service	Service led in accordance with financial regulations	Assistance in analysis of consultation responses	Peak workload timescale targets not met
28/09/2020	28/10/2020	BDR	£ 1,200	Structural assessment and report for bridge foundations by qualified Structural Engineer. Beyond current in house skill set and required as part of asset H&S management	In Service	Service led in accordance with financial regulations	Assurance of bridge supports Angel West walkway.	Independent indemnity to provide confidence of structural integrity of bridge supports.

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
30/11/2020	30/01/2021	Project Centre Ltd	£ 4,900	Structural bridge inspections and reports (done every 2 years) by qualified Structural Engineer. Beyond current in house skill set and required as part of asset H&S management	In Service	Service led in accordance with financial regulations	Structural report for 18 TMBC owned bridges	Risk to the public - TMBC asset becoming hazardous to users
25/02/2021	25/03/2021	Project Centre Ltd	£ 2,500	Structural assessment of failing revetment wall. Beyond current in house skill set and required as part of asset H&S management	In Service.	Service led in accordance with financial regulations	Structural assessment of failing sports ground revetment wall	Risk to the public - TMBC asset becoming hazardous to users
17/05/2022	17/06/2022	Roads and Sewers for Planning and Design	£ 1,950	Structural works specification/design for required bridge works by qualified Structural	In Service	Service led in accordance with financial regulations	Works specification and details ready to works quotations	If done in house, works could have been miss specified, wrong or not cost affective

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
				Engineer to enable works quotations. Beyond current in-house skill set.			for 3 bridges that are requiring structural repair	
27/02/2023	27/04/2023	Roads and Sewers for Planning and Design	£ 3,750	Wouldham River Wall Options Report by qualified Structural Engineer. Beyond current in house skill set and required to allow project to progress	In Service	Service led in accordance with financial regulations	Options report following 5 years of monitoring of TMBC asset	Independent indemnity to provide a review of structural integrity of this river wall and to provide specialised guidance on options.
30/10/2023	06/11/2023	Roads and Sewers for Planning and Design	£ 720	Independent assessment of trees associated to revetment wall works and other schemes.	In Service	Service led in accordance with financial regulations to provide Cllrs with a independent assessment on tree condition for revetment phase 2	Report provided confirm works couldn't reasonably be delivered without removing two trees	If done in house, it wouldn't have been a independent assessment

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
04/01/2023	04/03/2023	Roads and Sewers for Planning and Design	£ 4,800	Structural bridge inspections and reports (done every 2 years) by qualified Structural Engineer. Beyond current in house skill set and required as part of asset H&S management	In Service	Service led in accordance with financial regulations	Structural report for 18 TMBC owned bridges	Risk to the public - TMBC asset becoming hazardous to users
01/03/2024	01/04/2024	Roads and Sewers for Planning and Design	£ 1,750	Additional structural bridge inspections and reports of high risk bridges(done every year)by qualified Structural Engineer. Beyond current in house skill set and required as part of asset H&S management	In Service	Service led in accordance with financial regulations	Additional structural report for 3 TMBC owned bridges	Risk to the public - TMBC asset becoming hazardous to users

Start Date	End Date	Consultant	Total Cost	Reason indicate business need, include details of in-house expertise	Monitoring process	Procurement process. Include details of Member involvement or approval	Outcome what did the consultants provide/achieve	Risk Any risk associated with not appointing consultants for this project?
16/11/2022	16/12/2022	Lighting Efficiency Design Services Ltd	£ 1,900	Assessment and recommendations for car park lighting to change to LED lights in all Council car parks. Beyond current in house skill set.	In Service	Service led in accordance with financial regulations	Options/feasibility report provided for car park LED switch	Independent assessment to ensure lighting designs are fit-for-purpose.
05/11/2023	05/12/2023	Lighting Efficiency Design Services Ltd	£ 1,000	LED lights technical specification provided for tender document. Beyond current in house skill set. Funded by external grant.	In Service	Service led in accordance with financial regulations	Technical specification provided to complete tender document	Independent assessment to ensure lighting designs are correctly specified to ensure cost effective solutions are bought forward.

RISK MANAGEMENT

Item AU 24/40 referred from Audit Committee of 23 September 2024

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register (SRR). An update in respect of the Zurich Risk Management Review which was presented to Members in January 2024 was also provided. The SSR was considered to be a 'live' document and was updated, as often as was required, by the Management Team.

In July 2024, there were 4 risks categorised as 'red' as summarised below:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement.

Members were advised at the last meeting that Management Team had undertaken a review of all the risks contained within the Strategic Risk Register with a view to achieving a more streamlined version, highlighting only the strategic risks to the Council over the one to two year horizon.

The 'red' risks continued to be:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Implementation of the Agile software system
- Contract/Contractor Procurement.

During discussion, the Chair reminded Members that they could request the lead officer for each 'red' risk to attend a meeting of the Audit Committee. Members expressed an interest in hearing about the risks associated with failure to deliver a Local Plan.

A schedule of ongoing risks and risks identified by Service Management Teams and Management Team since the last report to the Committee were set out in Annex 2 of the report.

The findings of the Risk Management Health Check undertaken by Zurich Risk Management had been reported to the Audit Committee in January 2024. An update on the progress in addressing the recommendations identified for improvement were set out in Annex 3 of the report. Consideration had been given to a process for increasing visibility of risks across services and the Director of Finance and Transformation had been designated as the officer Risk Champion. In terms of a Member Risk Champion, it was agreed that this falls within the purview of the Chair of the Audit Committee as their responsibility was to oversee risk management.

RECOMMENDED*: That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted;
- (2) the lead officer for the Local Plan be requested to attend the next meeting of the Audit Committee should the risk remain RED;
- (3) the progress towards the delivery of recommendations from the Zurich Risk Management Review, be noted; and
- (4) the Chair of the Audit Committee be appointed as the Member 'Risk Champion'.

***Referred to Cabinet**

TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

23 September 2024

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 RISK MANAGEMENT

The report provides an update on the risk management process and the Strategic Risk Register. An update is also provided in respect of the Zurich Risk Management Review which was presented to Members in January 2024.

1.1 Introduction

- 1.1.1 The Risk Management Strategy sets out the Council's risk management objectives and details the roles and responsibilities of officers, Members and the Council's partners in the identification, evaluation and cost-effective control of risks.
- 1.1.2 The Council's risk management arrangements are designed to ensure that risks are reduced to an acceptable level or, where reasonable, eliminated thereby safeguarding the Council's assets, employees and customers and the delivery of services to the local community. Examples of risk include budget deficit, cyber/data loss, environmental and reputational.
- 1.1.3 The Council endeavours to pursue a forward-looking and dynamic approach to delivering services to the local community and will not be averse to taking a degree of commercial risk. However, it will always exercise a prudent approach to risk taking and decisions will be made within the parameters of the Council's internal control arrangements, i.e. Constitution, Procedural Rules, etc. These arrangements will serve to ensure that the Council does not expose itself to risks above an acceptable level.
- 1.1.4 The current Risk Management Strategy was endorsed by this Committee in January and subsequently adopted by Full Council on 20 February 2024.

1.2 Risk Management Escalation Process

- 1.2.1 Effectively risks are assessed/scored in terms of their likelihood/impact.
- 1.2.2 Any risk evaluated as 'High Risk' (score of 15 or above) will be deemed by the Council to be beyond 'risk tolerance' and to have exceeded its 'risk appetite' and

will be escalated immediately. Such risks should be added to the service's risk register and discussed at the earliest opportunity within the Service Management Team (SMT) to inform a decision as to whether this should be escalated to Management Team by the respective Service Director. Management Team should then consider whether the risk is significant enough for inclusion in the Strategic Risk Register and action this if relevant. A record should be maintained of risks discussed at both SMTs and Management Team and the outcome of those discussions.

- 1.2.3 Similarly risks identified as "Medium Risk" may be escalated to the appropriate SMT for advice and to ensure they are kept fully aware of the current risks being faced. Risks determined as "Low Risk" should be managed within the service team. It is recommended that SMTs consider periodic review or moderation processes for Service Risk Registers to ensure they are happy with the scores risks have been given and confirm whether there are 'Medium' or 'Low' risks they wish to consider further.

1.3 Strategic Risk Register

- 1.3.1 The Strategic Risk Register (SRR) is considered to be a 'live' document and is updated, as often as is required, by the Management Team. An executive summary of the RED risks has been provided at [Annex 1] and a full update of the current strategic risks and how they are being managed as at the time of writing is appended at [Annex 1a].

- 1.3.2 For completeness the risks that were categorised as RED at the time of the July meeting of this Committee is given below.

- 1) Achievement of Savings and Transformation Strategy
- 2) Failure to agree a Local Plan
- 3) Implementation of the Agile software system
- 4) Contract/Contractor Procurement

- 1.3.3 As Members were advised at the last meeting, Management Team undertook a review of all the risks contained within the Strategic Risk Register **with a view to achieving a more streamlined version, highlighting only the strategic risks to the Council over the one to two year horizon.**

- 1.3.4 Members will note from the notes in red font on the Register identifying current mitigations and updates to the strategic risks. In terms of '*direction of travel*' there has been no significant movement in the risks.

- 1.3.5 The RED risks at the time of publishing this report continue to be:

- 1) Achievement of Savings and Transformation Strategy

- 2) Failure to agree a Local Plan
- 3) Implementation of the Agile software system
- 4) Contract/Contractor Procurement

1.3.6 If Members wish to seek further detail about any risk, Management Team can arrange for an appropriate 'lead' risk owner to attend a meeting of the Audit Committee.

1.4 Ongoing Risks and Risks Identified by Service Management Teams and Management Team

1.4.1 To give Members some reassurance as to the effectiveness of risk management outcomes from the risk management escalation process are reported to the meetings of this Committee unless that is there is something that needs to be brought to Members' attention in the interim.

1.4.2 A schedule of ongoing risks and risks identified by Service Management Teams and Management Team since the last report to this Committee in January is appended at **[Annex 2]**.

1.4.3 Senior officers will be undertaking mandatory training with the Risk Consultant in October. Risk management appears as an agenda item for all Service Management Teams and Corporate Management Team meetings.

1.5 Zurich Risk Management Review

1.5.1 Members might recall that earlier in the year Zurich Risk Management undertook a Risk Management Health Check. Details were reported to the January meeting of this Committee. The report identified 12 recommendations for improvement.

1.5.2 **[Annex 3]** to the report gives an update with progress on addressing these recommendations. The majority of the recommendations had a target implementation date of January 2025.

1.5.3 Management Team has agreed that it is appropriate that the Director of Finance & Transformation should be designated the officer 'Risk Champion'. The Director of Finance and Transformation will chair meetings of a group of officers who have been nominated as risk champions from across all Service areas; and it is the intention that this group will progress and deliver the outstanding recommendations.

1.5.4 In terms of a Member 'Risk Champion', it would seem appropriate for this to fall within the purview of the Chair of the Audit Committee given that it is this Committee which is responsible for overseeing risk management. An alternative option might be the Cabinet Member for Finance & Housing. Members are asked to **RECOMMEND** to Cabinet who should be nominated as the Member Risk Champion.

1.5.5 Officer training of risk management will be undertaken in October. Once this has occurred, a meeting of the Risk Champions will be convened to take forward the remaining recommendations and action points from the Review. A further report will come back to the Audit Committee when it meets in January.

1.6 Legal Implications

1.6.1 There is a Health and Safety requirement for effective risk management to be in place and the Strategy supports this requirement.

1.6.2 There is also a requirement in the Accounts and Audit Regulations that accounting control systems must include measures to ensure that risk is appropriately managed.

1.7 Financial and Value for Money Considerations

1.7.1 Financial issues may arise in mitigating risk which will be managed within existing budget resources or reported to Members if this is not possible.

1.7.2 Effective risk management arrangements make a positive contribution to ensuring value for money is provided in the delivery of services.

1.8 Risk Assessment

1.8.1 Sound risk management arrangements aid the Council in effective strategic decision-making. The Council's approach to risk should be reviewed on a regular basis to ensure it is up to date and operating effectively.

1.8.2 A specific item for 'Risk Management' appears on all Management Team and Service Management Team agendas.

1.9 Equality Impact Assessment

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

1.10 Policy Considerations

1.10.1 Risk management is relevant to all areas of the Council's business.

1.11 Recommendations

1.11.1 Members are asked to

- 1) **NOTE** the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED;
- 2) **NOTE** the progress towards the delivery of recommendations from the Zurich Risk Management Review;

- 3) **CONSIDER** whether the Chair of this Committee should be recommended as the Member 'Risk Champion'.

Background papers:

contact: Sharon Shelton

Nil

Paul Worden

Sharon Shelton

Director of Finance and Transformation on behalf of the Management Team

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No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
5	Achievement of Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error. Coronavirus pandemic and the subsequent economic crisis has significant economic implications for the Council, businesses and residents.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. With regular reports to update MT and Members The 24/25 Budget is balanced with contribution to General Revenue Reserve and significant contributions to Earmarked Reserves for Corporate priorities. s25 statement reported to Members in Feb 24 MTFS and STS updated and approved by Council in Feb 2024. Funding gap estimated to be £1.7m. Take all opportunities to maximise income receipts Savings, new income and transformation contributions of £820k accrued to date (report to FRPSSC Sept 24 refers) but negated by growth of £96. However, this means overachievement of savings against the in year target of £305k.	3	3	9	The priorities and focus of the incoming government could have an impact on the financial picture for the Council, either adversely or positively. It will be some time before we know how this will impact. Intelligence gathering and responses to any consultations prior to Spending Review will be important. Cabinet have been asked in report of 3 September to consider involving Members of Scrutiny Select Committees in identification of options for achievement of savings. Update of MTFS and achievement of savings will be reported to Cabinet and Select Committee in November	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Oct-24
6	Failure to agree Local Plan	F, R	Lack of sound legal footing for Plan through inadequacies in evidence base, legal advice or process, including duty to cooperate. Leading to widespread public concern, or risk of failure at Examination. External factors or widespread planning reforms leading to delays to timetable, reputational risks around plan-making and impacts on development management processes through protracted period with no up-to-date plan. Absence of corporate or external co-ordination leading to a lack of infrastructure to support future development.	4/1/2017, reviewed and updated March 24	4	4	16	Members are updated via informal email updates and reports to the Housing & Planning Scrutiny Select Committee Reg 18 concluded in late 2022 Revised LDS adopted summer 2023 The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the PI by 30th June 2025. The Council has recently engaged Towers and Hamlins Law Firm to advise and support the Planning Policy Team in order to progress matters up until the Adoption stage of the Local Plan. The Planning Policy Manager position is now filled. Proposed informal engagement with members on emerging spatial strategy in Autumn 2023 Current Risk score to remain until conclusion of Regulation 19 consultation.	3	3	9	Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning Ongoing engagement with Counsel Ongoing engagement with Members Regular analysis of budget position and priority given to finding a permanent Planning Policy Manager. Regular review of hours of Interim Planning Policy Manager to ensure capacity is available within the team. Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	↔	Oct-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
14	Implementation of Agile system	F, S	Service impacts from level of staff time required to develop the Agile product for use as operating system. Significant level of concern from staff about implementation process results in a lack of confidence in implementation, which will adversely impact service delivery and record keeping	01/11/2022	5	3	15	<p>Programme of liaison meetings with Agile in place including Board and weekly catch ups</p> <p>Employment of Business Change PM to manage project on behalf of TMBC and coordinate all issues</p> <p>Regular updates for CM for Finance & Housing, who is the Cabinet Lead for Agile.</p> <p>Internal meetings with staff, managed by Business Change Project Manager</p> <p>Issues log in use</p> <p>Issues escalated to Agile management</p> <p>Post-implementation review of APAS implementation being carried out by internal Audit</p> <p>Agreement to deliver enhancement project in Q1/Q2 of 24/25 financial year</p> <p>At least 2 stand ups per week between Business Change PM and SRO (DPHEH) in September to oversee APAS go live by end of September</p>	2	2	4	<p>Further escalation of issues to Agile CEO</p> <p>Agreement of revised Land Charges implementation programme PLACIS delivery plan updated by Agile following review of data migration approach</p> <p>Weekly review of project plan and considerations of service impacts required to meet go live programme to be reported into MT and informal Cabinet on a regular basis</p> <p>Review of project governance and use of Project Board for escalation of issues</p> <p>Completion of all modules for go live</p>	Digital Strategy	Director of Planning, Housing and Environmental Health	↔	Oct-24
17	Contract/Contractor Procurement	F, R	Failure to appoint suitably experienced and qualified contractors leading to poor quality of service, reputational damage and increased costs to the Council.	01/02/2024	4	4	16	<p>Compliance with Council's adopted Procurement Rules and Strategy.</p> <p>Consultation undertaken with Property and Legal Services to ensure appropriate Lease/License/Contract arrangements are in place.</p> <p>Procedure adopted and monitored for the engagement of contractors setting out and seeking minimal requirements including Risk Assessment and Public Liability.</p> <p>Establishment of cross-departmental working groups for key contracts and projects.</p> <p>Contracts awarded on an evaluation of 'most economically advantageous' and 'best value' and not solely on financial benefit.</p> <p>Directorate representatives on the Council's Procurement OSG.</p> <p>Use of external specialist consultant (Dartford Borough Council) in the administration of contract procurement.</p> <p>Use of specialist advisors on major contracts.</p> <p>Contracts to include break clause and/or extension periods based on performance.</p> <p>Use of contract frameworks where appropriate.</p> <p>Risk assessment approach to appointment of contractors.</p>	1	3	3	<p>Corporate Procurement Rules & Strategy being addressed by Corporate Procurement Group as currently out of date. Now being reviewed and updated following appointment of Mid Kent Partnership</p> <p>Corporate Procurement Group addressing adequacy of corporate procurement support.</p> <p>Cabinet 2 April for procurement resources through Mid Kent Partnership agreed</p> <p>Corporate Training arranged for staff</p>	Procurement Strategy. Compliance with legislation. Health and Safety.	Director of Street Scene, Leisure & Technical Services	↔	Nov-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
1	Safeguarding and PREVENT	S, R	Significant impact should a child, young person or adults at risk come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes are in place with adequate staff resource to ensure safeguarding procedures are consistently being followed.	01/04/2017	3	4	12	<p>The overall responsibility for safeguarding lies with the Chief Executive, rather than individual services.</p> <p>The Council has undertaken the following actions to mitigate risk</p> <ul style="list-style-type: none"> Carried out audit review of procedures to identify and address weaknesses Provided training to all licenced Dual, Hackney Carriage and Private Hire Drivers Provides a secure database for the recording and sharing of safeguarding concerns. Officer Study Group with safeguarding champions across services who are able to provide advise and support regarding safeguarding issues Management Team have approved the recruitment of a dedicated safeguarding officer (Interviews taking place Sept 2024). Training provided to staff 	3	4	12	<p>Continue to refer Safeguarding concerns to appropriate agencies where necessary and also raise with partners at the weekly CSU meetings.</p> <p>Undertake actions from the latest Safeguarding Audits/ Self Assessments.</p> <p>Recruitment of dedicated Safeguarding Officer</p>	Safeguarding Policy	Chief Executive	↔	Mar-25
2	Financial position/budget deficit	F, R	<p>Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention and/or s114 notice.</p> <p>This includes</p> <ul style="list-style-type: none"> Failure to maximise New Homes Bonus (for as long as it exists). Assessment of the current economic implications of higher inflation and interest rates Failure to deliver identified savings / Additional income 	01/04/2017	3	4	12	<p>The Council provides an annual statement (as a minimum) on the following areas;</p> <ul style="list-style-type: none"> Treasury Management and Investment Strategy. Robustness of estimates and adequacy of reserves (s25 statement) Medium Term Financial Strategy (MTFS) Savings and Transformation Strategy (STS) Statement of Accounts containing Audit and Value for Money Opinion. 2023/24 accounts closed in accordance with statutory requirements, and a positive position noted. Growth in business rate income above baseline is assisting overall financial position in current year 24/25 . The Council also considers it has the following Effective Budgetary control and reporting procedures covering areas such as Leisure Trust Utility costs Effective monitoring covering Business Rates and Council Tax income including reporting to the Kent Pool. Regular reviews undertaken on the forecast of the Local Government Settlement. 2023/24 outturn was positive, mainly due to continued high interest rates. This has enabled some additional funds for reserves serving important priorities, but cannot provide a long term solution. Minimum level of General Revenue Reserve maintained at £3m. In addition, a Budget Stabilisation Reserve is held. Current financial position within MTFS shows balanced budget for final year. This is after allowing for assumptions made on long term resourcing issues covering Fair Funding, Business Rates reset and allows for increased contract costs on major council contracts. Budget monitoring to date shows overall budget on track, although individual areas need careful review and attention 	3	3	9	<p>The 2024/25 Budget is balanced with contribution to General Revenue Reserve, as well as significant contributions to Earmarked Reserves in order to support Corporate priorities. Council tax increase of 3% approved for 2024/25. Members need to monitor budget carefully during year</p> <p>It has always been anticipated that once a Fair Funding Review has been undertaken, the position will dramatically switch and expenditure will outstrip external funding. Therefore savings needs to be made in order to ensure that by the end of MTFS we have a balanced budget again. Under new government, national priorities and actions need to be carefully tracked.</p> <p>Ensure that Business Rate income is maximised for benefit of TMBC prior to any Reset by any incoming Government (expected post 25/26)</p> <p>Commence update of MTFS in liaison with Management Team and Cabinet, and formally report to Cabinet and Scrutiny Select Committee</p> <p>Await and assess the outcome of the incoming Government's spending reviews for local government and any redistribution of funding</p> <p>Three key financial risks were highlighted to Members: namely Waste (including the proposed Extended Producer Responsibility scheme which has been delayed) , Homelessness and Local Plan. All three have significant financial implications for the Council in different ways and need to be continually assessed and managed.</p> <p>MT and Cabinet continuing to work to consider the best way of delivering transformation which could also to assist with identification and delivery of efficiencies</p> <p>Savings, contained with MTFS and Saving and Transformation Strategy , must be achieved in a timely manner in order to ensure that MTFS targets maintained. Recent decisions taken removing bring banks, parking charges and grounds maintenance contract have assisted in bridging the funding gap. However, there are growth demands (GP Committee reports refer) which counterbalance some of the progress. Further reports will be brought forward as options are assessed.</p> <p>Continue to actively monitor in year budgets to enable swift action as needed</p>	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Director of Finance and Transformation	↔	Oct-24



No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
3	Economic Stability	F	Financial impact and effect on the economy as well as uncertainty around current EU legislation, i.e. what replaces it, could have a significant financial impact and lead to legislative changes impacting on finance and resources. A number of key threats to business continuity including: border delays and congestion impacts on the Kent road network creating difficulties for local businesses, TMBC staff and potential air quality issues; loss of KCC staff e.g. welfare/social services support; potential loss of TMBC waste contract workforce, general increase in costs as imports become restricted. inflation coupled with higher interest rates than have been seen for a number of years likely to have wider impact on community and businesses. The Council's own collection of council tax and business rates could be affected	01/04/2017	3	4	12	Kent-wide working to understand, plan for and react to pressures. Partnership working with KCC on household support fund for benefit of residents. Regular review of; MTFS reflecting economic factors Treasury Management and Investment strategies. Collection performance for council tax and business rates monitored All staff equipped to be able to work from home and deliver public services and arrangements set out in adopted working policy Inflation falling, with May CPI now at BoE target level of 2%. Bank of England interest rate however still remains at 5.25% GP Committee approved additional part time resource in Revenue and Benefits team to assist with recovery of council tax and business rates	3	4	12	Council continuing to work with Kent Resilience forum and County Partnership groups as needed Keep Business Impact assessments under review. Business continuity planning updated to ensure smooth running of services to public. Complete roll out tranche 5 of Household Support Fund. Continued focus on homelessness prevention work. Consultants recommendations on how to improve/maintain position received Jan 2024. Assessment of options for new TA accommodation underway following report to H&PSSC. Ensure delivery of accommodation with funding set aside in earmarked reserve	N/A - external risk.	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Oct-24
4	Performance Management	F,R,S	Without an effective performance management framework in place, the authority will not be able to understand any required improvements or achieve value for money.	30/08/2023 (separated from Corporate Plan)	3	3	9	With the adoption of the new Corporate Strategy, the authority has also set in place new aligned KPIs to monitor progress, and provide detail on direction of travel, and targets. Further work has been undertaken on benchmarking following the purchase of LGInform Plus and also on instilling the KPIs within the culture of the organisation. At present the KPIs are initially discussed at SMTs, before being presented to Management Team and Informal Cabinet before being shared with the Scrutiny Select Committees, O&S and Cabinet on a quarterly basis. An internal audit review of performance management was undertaken from November 2023 - March 2024, finding substantial assurance with very good prospects for improvement.	2	3	6	The main action arising from the internal audit is ensuring greater engagement from Members and embedding the KPIs within the culture of the organisation - additional work on benchmarking and presenting the data in reports has been undertaken to improve engagement. Report to Cabinet in October 2024 will set out some proposals for embedding performance management within the organisation (along with reporting Q1 KPIs)	One of the priorities in the new Corporate Strategy is "Efficient services for all our residents, maintaining an effective council"	Chief Executive/ Management Team	↔	Nov-24
5	Achievement of Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error. Coronavirus pandemic and the subsequent economic crisis has significant economic implications for the Council, businesses and residents.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. With regular reports to update MT and Members The 24/25 Budget is balanced with contribution to General Revenue Reserve and significant contributions to Earmarked Reserves for Corporate priorities. s25 statement reported to Members in Feb 24 MTFS and STS updated and approved by Council in Feb 2024. Funding gap estimated to be £1.7m. Take all opportunities to maximise income receipts Savings, new income and transformation contributions of £820k accrued to date (report to FRPSSC Sept 24 refers) but negated by growth of £96. However, this means overachievement of savings against the in year target of £305k.	3	3	9	The priorities and focus of the incoming government could have an impact on the financial picture for the Council, either adversely or positively. It will be some time before we know how this will impact. Intelligence gathering and responses to any consultations prior to Spending Review will be important. Cabinet have been asked in report of 3 September to consider involving Members of Scrutiny Select Committees in identification of options for achievement of savings. Update of MTFS and achievement of savings will be reported to Cabinet and Select Committee in November	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Chief Executive / Director of Finance and Transformation/ Management Team	↔	Oct-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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6	Failure to agree Local Plan	F, R	Lack of sound legal footing for Plan through inadequacies in evidence base, legal advice or process, including duty to cooperate. Leading to widespread public concern, or risk of failure at Examination. External factors or widespread planning reforms leading to delays to timetable, reputational risks around plan-making and impacts on development management processes through protracted period with no up-to-date plan. Absence of corporate or external co-ordination leading to a lack of infrastructure to support future development.	4/1/2017, reviewed and updated March 24	4	4	16	Members are updated via informal email updates and reports to the Housing & Planning Scrutiny Select Committee Reg 18 concluded in late 2022 Revised LDS adopted summer 2023 The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the PI by 30th June 2025. The Council has recently engaged Towers and Hamlin Law Firm to advise and support the Planning Policy Team in order to progress matters up until the Adoption stage of the Local Plan. The Planning Policy Manager position is now filled. Proposed informal engagement with members on emerging spatial strategy in Autumn 2023 Current Risk score to remain until conclusion of Regulation 19 consultation.	3	3	9	Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning Ongoing engagement with Counsel Ongoing engagement with Members Regular analysis of budget position and priority given to finding a permanent Planning Policy Manager. Regular review of hours of Interim Planning Policy Manager to ensure capacity is available within the team. Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly.	Local Plan assists in economic growth, delivering the supply of future housing and addressing affordability. Procedures set by National Government	Director of Planning, Housing and Environmental Health	↔	Oct-24
7	Organisational development inc. staff recruitment and retention/skills mix. Impact of loss of capacity caused by recruitment difficulties upon delivery of corporate objectives. Increase in rate of inflation and consequent pressure on level of pay award.	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	3	4	12	Review of staff resources and skills via service reviews. Organisational structure reviews are part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities. The Council implemented its Market Supplement policy in October 2023. At present all 'qualified' Planning Officer roles receive a market supplement. Vacant Planning Officer roles are advertised with a 'Golden Hello' payment. Specific workstream on Building Control due to Building Safety Act requirements for all surveyors to be recertified - looking at different certification routes and HR processes for staff.	3	4	12	Succession planning and staff development to be prioritised and reflected in an updated appraisal process by 1 April 2025. Engagement of agency staff, external consultants and specialists where required. Reviewed by MT on a monthly basis to ensure Value for Money. Resilience and rationalisation of existing structures. Pay award for 2024/25 5% or £1,900 (whichever is higher) for all staff, from April 2024. GP Committee approved one-off reward payment to all staff of £150 at June Committee Structural reviews approved by Members on an ongoing basis. Workforce Strategy approved by General Purposes Committee in June 2022. Revised version to be considered by General Purposes Committee in January 2025.	HR Strategy Savings and Transformation Strategy	Director of Central Services and Deputy Chief Executive/ Chief Executive	↔	Jan-25

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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8	Health and Safety	F, R, S	Significant reputational impact should a service user, officer, member or contractor come to harm and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	3	4	12	<p>Lone working policy and service based practices to be continuously monitored.</p> <p>Health and Safety considered by management at weekly SMT meetings.</p> <p>Staff involvement with Health & Safety Group</p> <p>Ongoing review undertaken to react to potential key risk areas.</p> <p>Organisational learning and response to national events.</p> <p>Incident and near miss reporting.</p>	2	3	6	<p>Embedding and dissemination of good practice through staff briefings.</p> <p>Corporate Health and Safety Group (chaired by DPHEH) identifying cross organisational issues with feedback to Management Team and Health and Safety Officer.</p> <p>All services have reviewed all their Health & Safety local Procedures in particular Lone working and service specific risk assessments.</p> <p>Staff survey on H&W completed spring 2021, results reviewed and a future survey will be incorporated into general staff survey approach</p> <p>Corporate Health & Safety Policies and procedures are up to date and reviewed regularly which all staff can access.</p> <p>Continuing focus on risk assessment process including reviews as a result of Coronavirus pandemic. Further staff wellbeing survey to focus on working at home and wellbeing.</p>	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health	↔	Ongoing
9	Cyber Security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017	3	4	12	<p>The Council has; Information Security Policy deployed via Policy Management System.</p> <p>Implemented network security measures including access controls.</p> <p>Considered cyber insurance.</p> <p>Established an Information Governance Group.</p> <p>Appointed a Member Cyber Champion.</p> <p>Rolled out Cyber awareness training to all staff and Members via eLearning.</p> <p>Deployed 'Next generation' Palo Alto firewall technology for improved visibility and control.</p> <p>Deployed software solution to identify potential confidential data held on file servers.</p> <p>Implemented secure email in accordance with NCSC guidelines.</p> <p>Maintained dual level firewall security with the KPSN gateway being primary and the Council's own firewalls secondary.</p> <p>Implemented Solarwinds Security Event Manager.</p> <p>1 member of IT team obtained Certified Information Systems Security Professional (CISSP) qualification October 2020.</p> <p>Implemented cloud backup and DR facilities to improve resilience; and embedded cyber security into DR and BCP processes.</p> <p>Continued to monitor Cybersecurity alerts via LGA Cyber Security email; through membership of the AWAPP and CSPP and other bodies.</p> <p>Cloud based web and email filtering has been deployed to improve availability and resilience.</p> <p>Completed firewall ruleset review following migration to Cloud to ensure our configuration is in line with best practice guidelines.</p> <p>Carried out phishing simulation exercises for awareness training for staff and members, to highlight areas of risk and to identify training needs. Subsequent online training sent out to all staff and members.</p> <p>Developed and deployed wallpaper/ lock screen to all TMBC laptops and PCs, with cyber security reminder to further reduce risk by increasing awareness.</p> <p>Head of IT appointed Senior Information Risk Owner (SIRO) from October 22. This role has responsibility for information and data risk and protection.</p>	3	3	9	<p>The Council has; Prioritised the resources (both financial and staff) to ensure relevant updates and security mitigations are carried out in a timely manner.</p> <p>Scheduled annual IT Health Check (ITHC), quarterly PCI scans, and monthly vulnerability scans, feeding into remediation plans. July 2022 PCI scan passed. Investigating and resolving detected security issues from last ITHC 8/8/22 - 12/8/22. New ITHC completed August 2023, including the TMBC Microsoft 365 environment, report pending.</p> <p>Regular email messages are sent out to all staff and Members on cyber security vigilance.</p> <p>Continuing to investigate emerging threats and cyber alerts, communicating with 3rd party suppliers to check compliance/obtain security updates and implementing mitigations as required to reduce likelihood of compromise.</p> <p>Training for IT staff on security aspects of Cloud environment is underway.</p> <p>Investigating further improvements to DR capability with specific regard to recovery from cyber incidents.</p> <p>Ensuring new staff have been invited to undertake training cyber security training. Further training and audits will follow to ensure the Council is as aware and prepared as possible to respond to potential cyber attacks.</p> <p>Procured NCSC approved cyber security training for staff and members, deployed during 2023.</p> <p>As at June 2024, All staff, with exception of new starters have completed Cyber Training. As at June 2024 only 11 Members have completed the training, a further 16 have started but have yet to complete leaving 17 members yet to start.</p> <p>Phishing simulations are carried out on an ad-hoc basis, without prior notification, to check effectiveness of training, and as regular assurance of staff and member awareness.</p> <p>We are currently working towards meeting the requirements for resubmission for Cyber Essentials accreditation. Submission is pending removal of legacy software associated with the IDOX DMS and Uniform systems. Cyber Essentials accreditation passed 07/05/2024. Cyber Essentials plus to take place 18th July 2024</p>	IT Strategy	Director of Finance and Transformation	↔	Dec-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
	Cyber Security. Continued							<p>Obtained Cyber Essentials accreditation in November 2022, demonstrating that our technical controls are designed to defend against the most common cyber threats.</p> <p>NCSC approved cyber security training has been evaluated and made available via the Council's new LMS.</p> <p>Achieved 'Substantial' rating for Cyber Security at Internal Audit Report TM19-2023 & TM07-2023 - Cyber Security and ICT Infrastructure (Combined Report).</p> <p>An in-depth phishing training package, to highlight specific risks and increase staff awareness, was deployed to all staff and followed up by phishing simulations to check effectiveness of training.</p>				<p>Enrolment and management of devices in Intune is now live. It has replaced SCCM for deployment of all line of business apps to PCs and laptops, and Microsoft Defender for Endpoint is being used to leverage additional security features including network blocking when malware is detected. Enforcement of encryption as a potential replacement for Checkpoint is under test.</p> <p>Test restore to sandbox environment carried out November 2023 to validate our ability to recover successfully from a cyber incident. Areas for improvement identified, documentation of process underway and training for all technical support staff planned for Q2 2024/25.</p> <p>Continued ongoing development training to ensure that knowledge is kept up to date.</p> <p>Investigating Microsoft Defender for Cloud to further enhance security of the Council's Azure IaaS infrastructure.</p> <p>PCI DSS accreditation is pending implementation of Smartpay 6 - Completed Pending update of Jadu servers due to be completed June 2024.</p> <p>Investigating preventative analysis, monitoring and remediation of suspected malicious network activity and NCSC approved cyber incident response retainer services to allow on hand cyber experts to assist with any Cyber Incident that may occur.</p> <p>Investigating and working towards the new government framework Cloud Assessment Framework (CAF) to ensure critical systems are documented and robust.</p>				
10	Business Continuity and Emergency Planning (incl. Civil Contingencies)	F, R, S	Failure to provide statutory service or meet residents' needs resulting in additional costs, risk of harm and reputational impact. Impact/pressures on services and resources. Failure to ensure proper safeguards to prevent or to respond adequately to a significant disaster/event e.g. terrorist attack at a large scale public event, fire or flood	updated January	3	4	12	<p>The Council has in place:</p> <ul style="list-style-type: none"> Business Continuity Plan. Corporate Business Continuity Risk Register Emergency Plans Disaster Recovery Plans Inter-Authority Agreements Mutual Aid Agreement Partnership agreement with Kent Resilience Team. Emergency Planning Support Officer. Duty Emergency Coordinator System and Duty Officer System introduced to provide greater resilience. Covid Secure rest centre plan has been developed Flood Risk Assessments along with Support from Parishes with Flood Wardens EA support for expansion of Leigh Storage Area and works to Medway River Wall 	3	4	12	<p>Emergency planning documentation undergoing constant review and key aspects exercised.</p> <p>Increase % of staff trained in roles identified in the Emergency Plan</p> <p>Training organised by Kent Resilience Team. Business Continuity working group established to review and update existing Plan. Updated plan to be considered by Management Team and tested by a training exercise.</p> <p>Duty Officer rota in place to support Duty Emergency Coordinators out of hours. All staff fully trained before commencing duties.</p> <p>Out of Hours Manual reviewed and regularly updated.</p> <p>DSSLTS sits on Kent Resilience Forum Strategic Board.</p> <p>Actions taken in response to the Covid 19 pandemic will be reviewed and lessons learnt for the future. Any approved changes will be reflected in the Corporate Business Continuity Plan. Business Continuity Group including all members of Management Team meets twice weekly to oversee and coordinate response to pandemic.</p> <p>Annual Emergency planning review to be reported to Management Team.</p> <p>Pandemic response dealt with as emergency through Kent Resilience Forum. Reports regularly presented to Cabinet. More detailed reports covering Review Reorientation and Recovery presented to relevant Advisory Boards.</p> <p>Recruitment into roles in the Emergency Plan is ongoing. Emergency Planning Officer's hours increased to full time during pandemic.</p> <p>Enhanced staff training being developed to ensure rest centre staffing levels</p> <p>Funding allocated in Council's Capital Plan to support works to Leigh Flood storage area which will be completed by 2025.</p> <p>Possible partnership working with EA in improving flood resilience in Wouldham linked to the replacement of the river wall.</p>	Business continuity underpins the delivery of the Council's essential services and is a core of the authorities risk management	Director of Street Scene, Leisure & Technical Services		Nov-24



No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
11	Housing need, Homelessness and Welfare Reform	F, R, S	<p>Safeguarding impact on TMBC residents due to reduction in benefits, introduction of UC and increase in applications for DHP, etc. Failure to adequately understand and meet housing needs and return unsuitable properties to use leading to increase in homelessness or occupation of unsuitable homes. Financial impact of increased emergency accommodation .</p> <p>Current economic situation has implications for residents and businesses</p> <p>Ukrainian refugee temporary resettlement program - We are awaiting full guidance on Local Authority responsibilities. Kent Resilience Forum are acting as lead.</p>	01/04/2017	4	3	12	<p>Cross sector working (e.g. welfare reform group) to identify issues and solution. New partners joining group</p> <p>Providing advice to residents on welfare and housing issues, or signposting to relevant providers. Council has joined the ReferKent network</p> <p>Working with partners to identify land and funding opportunities.</p> <p>Working with Registered Provider Partners to ensure needs of residents are being met.</p> <p>Working with owners to bring long term empty properties back into use. Report to H&PSSC March 24 recommended fixed term post of Empty Homes Officer to assist. Council in February 24 agreed empty homes premium and second homes premium.</p> <p>Work with consultancy firm Altair on options for longer term TA provision -consideration now being given to delivery following report to Members and allocation of £1.3m through 24/25 budget</p> <p>commissioned consultancy work in respect of Homelessness function (TA). Recommendations being implemented</p> <p>Concessionary charges for key services. EQIA assessment of key decisions included in all Board reports.</p> <p>TMBC was successful in LA Housing Fund Round 3, attracting £1.6m. This together with TMBC own funding should help to deliver TA and resettlement accommodation</p> <p>Signposting now to UC rather than HB for new working age claimants. Keeping track of welfare statistics</p> <p>CTR Scheme approved for 24/25 .</p> <p>Working with KCC on tranche 5 of Household Support Fund</p> <p>Downsizing incentive policy agreed</p> <p>Significant focus on temporary accommodation and in borough provision as well as framework agreement with private providers.</p>	3	3	9	<p>Improved working with TA providers leading to more guarantees of available accommodation and developing a TA Procurement Strategy</p> <p>Improved working with main housing provider to identify trends/specific cases across borough to jointly agree approach to preventing homelessness using housing provider mechanisms, DHP payments and homeless prevention funding where needed.</p> <p>Continue to facilitate Welfare Reform group and widen participation from external partners so as to ensure best support for those affected by welfare reforms in T&M.</p> <p>Work with Kent councils collaboratively to ensure grants and support targeted to those most in need</p> <p>Continued focus on homelessness prevention</p> <p>Delivery of LA housing Fund programme</p> <p>Work with KCC to deliver Household Support Fund 5</p>	Promoting Fairness - acting transparently at all times and being accountable for what we do, and promoting equality of opportunities. Embracing Effective Partnership Working - achieving more by working and engaging effectively with a wide range of local partners from the private, public, voluntary and community sectors.	Director of Planning, Housing and Environmental Health/ Director of Finance & Transformation	↔	Oct-24
12	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	3	4	12	<p>Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy.</p> <p>Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS.</p> <p>Regular Group Leader meetings in place and stability of leadership following election. Regular pattern of informal MT/Cabinet meetings to provide stability and cohesiveness</p>	3	3	9	<p>Member briefings and training sessions.</p> <p>Training for Officers has been arranged for September 2023 by the LGA - 'working in a no overall control council'</p> <p>Top Team awayday between Cabinet and MT took place in December 2023. Actions arising from that awayday are being implemented</p> <p>Induction training to be delivered for new Councillor following by-election 4 July</p>	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive	↔	Dec-24
13	Homes for Ukraine Scheme	F, R, S	Districts are required to undertake home assessments for potential host households to support Ukrainian refugees fleeing the conflict. There is a risk of homelessness and duty to place in T.A. therefore work needs to be undertaken to or support into private rented sector. As of 1 April 2023, TMBC have taken on wider support role for Ukrainians in the borough under HFU scheme.	01/09/2022	3	4	12	<p>Re-matches are unsustainable in the longer term, and work continues to support more families into PRS.</p> <p>Funding in place to support families and incentivise move out of HFU scheme and into the PRS.</p>	3	4	12	<p>Additional support into Private Rented Sector required. Full time Resettlement Worker has been in post for some time.</p>		Chief Executive	↔	Nov-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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14	Implementation of Agile system	F, S	Service impacts from level of staff time required to develop the Agile product for use as operating system. Significant level of concern from staff about implementation process results in a lack of confidence in implementation, which will adversely impact service delivery and record keeping	01/11/2022	5	3	15	Programme of liaison meetings with Agile in place including Board and weekly catch ups Employment of Business Change PM to manage project on behalf of TMBC and coordinate all issues Regular updates for CM for Finance & Housing, who is the Cabinet Lead for Agile. Internal meetings with staff, managed by Business Change Project Manager Issues log in use Issues escalated to Agile management Post-implementation review of APAS implementation being carried out by internal Audit Agreement to deliver enhancement project in Q1/Q2 of 24/25 financial year At least 2 stand ups per week between Business Change PM and SRO (DPHEH) in September to oversee APAS go live by end of September	2	2	4	Further escalation of issues to Agile CEO Agreement of revised Land Charges implementation programme PLACIS delivery plan updated by Agile following review of data migration approach Weekly review of project plan and considerations of service impacts required to meet go live programme - to be reported into MT and informal Cabinet on a regular basis Review of project governance and use of Project Board for escalation of issues Completion of all modules for go live	Digital Strategy	Director of Planning, Housing and Environmental Health	↔	Oct-24
15	Carbon Neutral 2030 Aspiration	F, R, S	Significant reputational risk, particularly if other similar councils have achieved similar goals or targets. Significant financial cost to purchasing offsets to meet carbon neutral. High cost of increased frequency and intensity of extreme events (floods, heat waves) that increase costs and disrupt service delivery.	01/09/2023	3	3	9	Development of climate evidence (e.g. for the Local Plan), partnerships (residents, community and other Councils) and pathway analysis to support move towards transformative and larger-scale emissions reductions Increased contributions to Climate Change Reserve to Support match funding as well as capital projects. Grant Award received for Energy Efficiency measures for Sports Facilities. Total grant award of £1.6m will support installation of LEDs, solar PV and a heat pump at Larkfield Leisure Centre, reducing vulnerability to energy price variations and tackling a significant source of carbon emissions.	3	2	6	New strategic planning, oversight and commitment by Members, senior management and services to ambitious actions beyond 'business as usual'. Improved understanding of financial returns from climate mitigation measures that can be reinvested. Innovative thinking and delivery of services and mitigation options. Gap analysis report endorsed at Overview and Scrutiny Committee January 24 Funding is dependant on successful applications and awards being achieved, otherwise Council Resources will be needed. Successful delivery of decarbonisation projects using grant funding. Ensure all delivery, project and monitoring milestones set by funders are met.	Climate Change Strategy 2020 - 2030, Corporate Strategy 2023 - 2025	Chief Executive	↔	Dec-24
16	Waste/Recycling Income	F	Risk associated to the outcome of current government consultations including Collection Consistency and Extended Producer Responsibilities. High potential for alteration to levels and mechanisms for Council income associated to these areas including, but not restricted to, KCC Performance Payments.	01/09/2023	4	3	12	Consultations currently being monitored through the KRP and direct through DEFRA briefings/updates by Waste and Financial Services and updates being channelled through the Kent Chief Executives meetings.	4	3	12	Whilst consultations and implementation plans will be monitored, the influence on government policy may be limited. This restricts the ability for the Council to directly control the level of this risk and is why the risk remains the same following mitigations.	Statutory Requirement	Director of Street Scene, Leisure and Technical Services	↔	Nov-24

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

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17	Contract/Contractor Procurement	F, R	Failure to appoint suitably experienced and qualified contractors leading to poor quality of service, reputational damage and increased costs to the Council.	01/02/2024	4	4	16	<p>Compliance with Council's adopted Procurement Rules and Strategy.</p> <p>Consultation undertaken with Property and Legal Services to ensure appropriate Lease/License/Contract arrangements are in place.</p> <p>Procedure adopted and monitored for the engagement of contractors setting out and seeking minimal requirements including Risk Assessment and Public Liability.</p> <p>Establishment of cross-departmental working groups for key contracts and projects.</p> <p>Contracts awarded on an evaluation of 'most economically advantageous' and 'best value' and not solely on financial benefit.</p> <p>Directorate representatives on the Council's Procurement OSG.</p> <p>Use of external specialist consultant (Dartford Borough Council) in the administration of contract procurement.</p> <p>Use of specialist advisors on major contracts.</p> <p>Contracts to include break clause and/or extension periods based on performance.</p> <p>Use of contract frameworks where appropriate.</p> <p>Risk assessment approach to appointment of contractors.</p>	1	3	3	<p>Corporate Procurement Rules & Strategy being addressed by Corporate Procurement Group as currently out of date. Now being reviewed and updated following appointment of Mid Kent Partnership</p> <p>Corporate Procurement Group addressing adequacy of corporate procurement support.</p> <p>Cabinet 2 April for procurement resources through Mid Kent Partnership agreed</p> <p>Corporate Training arranged for staff</p>	Procurement Strategy, Compliance with legislation, Health and Safety.	Director of Street Scene, Leisure & Technical Services		Nov-24

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Homes For Ukraine Scheme	Moved to Strategic Risk Register		
UK Shared Prosperity Fund Programme (inc. Rural England Prosperity Fund)	Having had our T&M Investment Plans approved by DLUHC (now MHCLG), implementation of projects required over the next few years (up to March 2025)	Ongoing.	Need to keep under review to ensure that delivery on track so that future years funding is not compromised (based on annual funding award). UKSPF Year 1 (2022/23) and 2 (2023/24) progress was substantially on track with 100% of budget spent. As of 01 Sept, around 43% of Year 3 budget spent, but there remain a number of larger capital projects which are still to deliver and this remains the key risk. REPF (used to create the West Kent Rural Grants Scheme) - as of 01 September, 90.5% of the pot has been awarded to projects, with further applications (with an ask amounting to a further 7.5%) awaiting decision. To date 34% of the budget has been spent (i.e. projects completed and claimed funding in arrears).
Gibson Building - unable to deliver financial saving which has been assumed within MTFS	Cabinet agreed in Sept 2022 that the main offices of the Council should remain located at Kings Hill and that Officers should investigate the feasibility of progressing option 4 set out in the report.	Updated	Need to keep under review to ensure that changes in office accommodation deliver value for money and deliver identified savings. Deal now agreed with KCC in respect of covenants, subject to completion of legal agreement. Risk of capital cost for works to Gibson East exceeding previously agreed budget.
Tonbridge Castle Gatehouse Roof - costs of resolving roof issue	Water ingress from roof in Great Hall. Feb 2023 rot discovered in roof beam ends. Facility now open following completion of remedial works in July 2023. Permanent works in autumn 2024 to now be scoped	Ongoing	Extent to permanent works required still unknown and therefore operational and financial risk remains
Elections	Introduction of Elections Bill changes Tranche 2	Ongoing	All Election Act changes up and running and being improved including new Postal vote portal, Postal vote renewals changing to every 3 years Proxy Vote changes. Overseas electors renewal every 3 years, the last one EU citizenship eligibility starts 7/5/24. Some training has been undertaken for this.
Elections	Changes to Parliamentary boundaries	Ongoing	Work completed and register changed 1/2/24, in readiness for a Parliamentary election.
Elections	Parliamentary Election	Ongoing	Parliamentary Election to take place on 04/07/24 together with by-election for vacant seat in Judd Ward. Concern over lack of PO's and Count supervisors, due to Polling and Count being on the same day.
Climate Change Action Scorecard	Climate Emergency UK conduct an annual review of all local authority's climate actions. For 2022-23, the Right to Reply process revealed that TMBC is likely to score only around 25% and, as such, we should expect to be one of the lower scoring authorities. Climate Emergency UK will seek national media coverage for its findings and publish its results in Autumn 2023, posing a reputational risk to TMBC.	Ongoing	Scorecard results not yet published so level of media interest and final TMBC score unknown. Climate Emergency UK will carry out the annual process again for 2024/25 and while some further actions will result in a higher score (e.g. we have started climate literacy training) it is hard to assess progress relative to other authorities at this stage.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
IT Security (formerly COCO Compliance)	Review of IT Infrastructure identified several areas of weakness for IT standards compliance	Ongoing	Number of risk removed, expected that remaining risks, once removed, will allow full compliance.
Economic Stability	Economic issues surrounding Council Finances	Ongoing	Part of Strategic Risk Register.
Staffing	Year end processes are a significant demand on staffing resources.	Ongoing	This has been exhibited but staff shortages at the present time. Workloads will be monitored closely to ensure service delivery maintained.
Corporate Insurance	Increases and changes to premiums for 2023/24 insured year	Ongoing	The Councils Insurers have made changes to the charges included within the premiums. Therefore changes will be required to capital and revenue project evaluations to include insurance assessment.
Payroll	Key information being supplied to Payroll in a timely manner, causing risk of staff and members not being paid.	Ongoing.	The Payroll Team pay over 250 Staff and Councillors on a monthly basis. Due to the date of payment, being the closest working day to the 15th of the month, information to be included in the pay run must be received no later than three working days into the month. In recent months some delays have occurred on the submission of data due to incomplete or incorrect information being supplied. this has jeopardised the payment to all staff requiring addition unsocial hours to be worked by the payroll team.
IT Resources	Resource capacity for Development Staff	Ongoing	The current demands on IT Development Staff are placing increased pressures on the resource capacity on the staff given competing demands of corporate systems being reviewed and implemented.
GDPR Compliance findings	Redacted information being stored with unredacted information	Ongoing	Access being restricted and will be removed once uniform is fully deactivated.
Security and Access to Information	Access to information with shared access with DWP	Ongoing	Review of staff access to be carried out and further additional checks to be carried out.
Back Scanning	Additional requirements identified, resource assessment and funding to be identified	Ongoing	Review of volumes being undertaken to assess resource need to enable Gisbon East redevelopment.
Supported Accommodation	The Supported Housing (Regulatory Oversight) Act 2023 came in to force August 2023. Assessment of the act has been ongoing and a consultation on how the act will regulated in practice. The practice is likely to involve a Licensing duty for the responsibility of the Council. Further implications could effect Housing Benefit payments to Landlord where care levels are considered to be unsuitable for the tenant.	Ongoing	Further investigation work will need to be undertaken following the practice regulation are issued, this will involve potentially new service staffing and income to the council. Greater working relationship with Adult Social Care Services will need to be considered and protocols arranged.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Temporary Accommodation (TA)	TA consultancy review undertaken Dec 2021, actions implemented in 2022. Cost of living crisis and DA legislation implementation are impacting on maintaining TA levels within the agreed range.	Ongoing	TA costs remain high, as does level of need. Project underway to look at sustainable TA portfolio approach to help manage unit costs for TA. This is alongside ongoing work/training in service to support demand.
Temporary Accommodation (TA)	Personal injury claims	Ongoing	Updated inspection regime being developed by officers.
Food & Safety	Increased risk of food complaints/poisoning. Additional resources to manage backlog of inspections.	Ongoing	During the Covid-19 crisis the ceasing/reduction in the food hygiene inspection regime may result in food safety issues. There will also be a backlog of food safety inspections due to restrictions on visiting/businesses closed. Agreed catch up programme in place utilising COMF funding.
Increased number of planning appeals/inquiries	Application determination timescales not being met, more speculative development, creates reputational risks and increases likelihood of appeals.	Ongoing	Volume and complexity of applications coming forward in parallel with local plan progression and given current uncertainties in timescales for adoption. MT agreed agency planning funding for short term. Head of Planning conducting service review summer 2022
Staffing challenges in Planning services	Ongoing recruitment and retention difficulties in the sector and in T&M specifically. Several recruitment campaigns carried out.	Ongoing.	MT agreed that development of a Workforce Strategy will include recruitment and retention. Part 2 report to GP in July 2023 to look at immediate pressures. This will likely be followed by a new recruitment campaign and therefore this risk remains.
Windmill Lane Gypsy Site	KCC have requested return of management of this site (which is already owned by TMBC) to TMBC on 31 March 2024. This is part of a programme of returns to districts of their owned G&T sites. Initial discussions about management issues and costs have been undertaken.	Ongoing	The return requires Member approval, proposing that this happens via Cabinet in Jan 2024. There are a mixture of Property and Housing risks relating to this potential transfer. Officers are awaiting detailed information from KCC on maintenance costs, the detailed works schedule for grant funded improvements that are scheduled to complete before end of financial year and rent roll. TMBC will require a management arrangement for the site, which is being explored with neighbouring authorities as well as external providers. There will also be a requirement for the Council to have a G&T Allocation Scheme. Risk that the approach to management of this site is not fully in place before the proposed transfer, which could cause liability issues. Also need to consider specific equalities considerations for this group of residents.
Local Plan	Reg 18 carried out in Autumn 2022. Changes to NPPF and proposed changes to system via LURB published December 2022. Assessing options for delivery of a Local Plan.	Ongoing	Members to make a decision on a revised Local Development Scheme in Summer 2023. This is subject to a number of challenges including ongoing delays in Govt announcements on national planning policy. The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirement of the NPPF so that the plan can be found to be sound at the examination stage. Timing is of the essence as the Local Plan will need to be submitted to the Planning Inspectorate by 30th June 2025. The Council has recently engaged Trowers and Hamblins Law Firm to advise and support the Planning Policy Team up until adoption stage.

Ongoing Risks and Risks Identified by Service Management Teams and Management Team

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Bridge inspections	Bridges on Council owned land identified as service risk. Internal Officer Group established and bridge audit progressed. Identified as Service Pressure Aspiration. Revenue budget approved to inspect and repair bridges over 2 years and annual inspections to be progressed. Structural assessments being undertaken.	Ongoing	Second year programme of work currently being progressed. Further survey undertaken and report to be analysed. Remembrance Garden and Maintenance bridges reassessed to check if structurally stable. Remembrance Garden bridge confirmed safe for 5-7 years, Maintenance bridge confirmed safe for 3-5 years. Structural assessment being undertaken re Haysden Country Park bridge replacement.
Pay & Display machines	Continual issues with contractor, G4S in terms of cash collection.	Ongoing	Considering alternative options as very few companies in market place willing to undertake work.
Phone Signal	CEOs having difficulty enforcing parking in Tonbridge and customers having issues accessing Ringo due to deterioration in mobile phone signal.	Ongoing	Multi-network sim cards issues to CEO's and liaison taking place with service providers.
Garden Waste invoices	Delay in invoices being issued to subscribers wanting to renew due to IT issues.	Ongoing	Ongoing liaison with IT Services to resolve issue and distribute invoices.
Utilities costs	Significant energy price increases at leisure centres is resulting in financial cost to the Council under the risk sharing agreement in the Management Agreement with the Trust.	Ongoing	Trust providing regular updates via Strategic/Service Fee meetings - cost of swim charges increased to help contribute to additional cost, energy saving initiatives being investigated and implemented and central government being lobbied. Government recently announced support package within the Budget statement.
Tonbridge Swimming Pool / Larkfield Leisure Centre	Low supply of chemicals for treating pools available across Europe. May lead to closures.	Ongoing	Trust exploring all opportunities to secure supply. Alternative means of cleansing investigated by Property Services and order to be placed for new system. Funded through BRREP and contribution from Leisure Trust.
KRF Review	The KRF have undertaken a review and plan to make adjustments to how the forum operates.	Ongoing.	Risks associated with increased responsibility being undertaken by LA's. The impact of this is currently being assessed and addressed by Kent Chief Executives. This appears to be requiring LA's to delivery work areas that were historically delivered through the KRF and KRT.
Business Continuity & Emergency Planning	The current structure of the LRF and legislation has been added to. The Kent Resilience Forum is undergoing a review with significant changes to how the Kent Resilience Team will provide support and guidance to Local Authorities. The UK Government has also recently published a new 'UK Government Resilience Framework'. Further guidance is expected but the theme is around increasing locally led resilience and planning at the LA level.	Ongoing	Need to track new guidance and review how we contribute and participate in the Kent Resilience Forum. We also need to be able to ensure that we maintain a fit-for-purpose organisation to enable suitable response.

ZM Risk Management Review Recommendation Matrix

Reference	Recommendation	Management Response	Update September 2024	Officer / Member Responsible	Date Proposed for Implementation
Culture and Leadership					
1	Consider assigning a corporate risk champion who will drive risk management conversations, set the tone and be the example to follow for both fellow senior level managers and officers at all levels.	This role should be considered by Corporate Management Team on who would have sufficient seniority and resource.	Director of Finance and Transformation appointed as Corporate Risk Champion to be supported by Service Officers as individual Service Risk Champions.	To be considered	January 2025
2	Clarify risk management roles and responsibilities, in particular to separate officers and members' roles. This should include not just what is expected, but also how responsibilities should be carried out.	This will be considered as part of the Risk Strategy Review	Risk Strategy to include terms of reference for Risk Champions, Officer and Members. To be discussed at first Risk Meeting.	Appointed Risk Champion, CMT and Chief Financial Services Officer	January 2025
3	Review the level of engagement that is possible from senior officers within current workloads to ensure that risk management responsibilities and objectives are realistic.	Wider review will need to be undertaken	Discussion at Risk Group	CMT	January 2025
Risk Appetite & Strategy					
4	Define risk appetite levels and statements across different risk categories. This will provide an organisational approach and align thinking across officer and members while providing officers practical guidance at key decision points.	Wider review will need to be undertaken	Discussions to be held by Risk Group and involvement from Cabinet will be required.	Appointed Risk Champion, CMT and Chief Financial Services Officer	January 2025
5	Revisit the risk management strategy and it's place among other frameworks. Determine if there are opportunities to include risk management as an integrated part of working rather than an add-on requiring specific resources.	The Council's Risk Strategy and Guidance will be reviewed following the clarification of risk appetite.	Workflow to be developed, giving links between areas such as Safeguarding, Budget and Savings, Procurement and Workforce Strategies.	Chief Financial Services Officer	January 2025
Governance					
6	Consider a process for increasing visibility of risks across services, this could be either at management level through a management board or more informally through risk champion officers from each service that take on responsibilities for both risk updates within services but also meet to share practices and discuss emerging risks.	Ensure that risks are adequately discussed at Team and Service Management Meetings.	Service Risk officer have been appointed and Risk is a weekly item on Service and Corporate Management Team agendas.	Appointed Risk Champion and CMT	January 2025
7	Ensure that members, and audit committee representatives in particular, receive risk management training that include clear descriptions of their remit and responsibilities.	Training to Members is being prepared and delivered on 15 th January 2024. The session will be recorded and placed into the members resources library.	Received January 2024	Chief Financial Services Officer	January 2024
Methodology					
8	Initiate dedicated risk identification sessions at both service- and corporate level to increase proactive risk identification and expand the timeline available to manage risks by being proactive rather than reactive.	Ensure that risks are adequately discussed at Team and Service Management Meetings.	Group discussions to inform both the Service Risks identified and Strategic Risk Registers in order to provide feedback to CMT and Members.	Appointed Risk Champion, CMT and SMTs	January 2025
9	Ensure controls are SMART and that risk owners complete follow-ups. Risk should have practical roadmaps to desired risk score.	Risk Registers need reviewing on an annual basis by Service Management Teams along with documented evidence showing review.	To be discussed at Risk Group but plan is that Risk 'route map' to be discussed with Service Risk Holder and they are to provide project plan to eliminate or reduce risk.	Risk Champions on SMTs	January 2025

People & Training					
10	Mandate training sessions for elected members, senior leadership, service heads and possibly also third tier managers.	Members training will be delivered in January 2024, Officer training will be arranged following policy renewal in June 2024	Member Training delivered Jan 24 Officer Training Oct 24.	Chief Financial Services Officer	November 2024
11	Consider if there are officers within teams that could have capacity to receive extra training and be integrated risk champions in each service.	Review following Risk training	Consideration to be made following Officer Training in October.	CMT	November 2024
Projects, Partnerships, Contracts & Supply Chain					
12	Review procurement and contract policies and ensure that a defined risk management approach is included. Ensure training is supplied to increase the skills and confidence of officers managing contracts and partner relationships.	Consideration to be made by Procurement OSG	Currently underway with review of Council's Procurement Strategy	Head of Procurement OSG, Appointed Risk Champion	January 2025

PROGRESS WITH RECOMMENDATIONS FROM AUDITOR'S ANNUAL REPORT (VALUE FOR MONEY) 2022/23

Item AU 24/41 referred from Audit Committee of 23 September 2024

The report of the Management Team provided an update on the progress in addressing the recommendations made in the 2022/23 Auditor's Annual Report. On 25 September 2023, the Committee received a copy of the Auditor's Annual Report for 2022/23 and noted that two significant weaknesses had been identified by Grant Thornton relating to performance management and procurement under the heading 'Improving economy, efficiency and effectiveness'.

In addition to the recommendations made in respect of the two significant weaknesses, Grant Thornton also made four improvement recommendations. These related to transformation, workforce strategy, the re-formatting of the Strategic Risk Register and the integration of financial reporting and performance data. A list of key recommendations and improvement recommendations was attached at Annex 1 to the report.

RECOMMENDED*: That

- (1) Annex 1 to the report be reviewed and, if appropriate, any further updates provided, be incorporated; and
- (2) the actions and commentary set out in Annex 1 to the report, be endorsed.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

23 September 2024

Report of the Management Team

Part 1- Public

Matters for Recommendation to Cabinet

1 PROGRESS WITH RECOMMENDATIONS FROM AUDITOR'S ANNUAL REPORT (VALUE FOR MONEY) 2022/23

This report updates Members on the progress in addressing the recommendations made in the 2022/23 Auditor's Annual Report.

1.1 Introduction

- 1.1.1 Members of this Committee are aware that the external auditor is required to report on the Authority's overall arrangements for securing economy, efficiency and effectiveness in its use of resources, as well as key recommendations on any significant weaknesses in arrangements identified during the audit.
- 1.1.2 Auditors are required to report their commentary on the Authority's arrangements under specified criteria. The criteria are financial sustainability, governance and improving economy, efficiency and effectiveness.
- 1.1.3 On 25 September 2023, this Committee received a copy of the Auditor's Annual Report for 2022/23.
- 1.1.4 Two significant weaknesses in arrangements were identified by Grant Thornton relating to **performance management and procurement** under the heading 'Improving economy, efficiency and effectiveness'. For Members' information, 'Significant weakness' is the term used by the National Audit Office Code of Audit Practice. Where auditors identify significant weaknesses as part of their arrangements to secure value for money, it requires that they should make recommendations setting out the actions that should be taken by the Council.
- 1.1.5 In addition, a number of 'improvement recommendations' were also made.
- 1.1.6 Members received the report and recommendations at their meeting in September 2023 along with a commentary from Management Team. It was noted that a partnership approach between Members and officers would be needed to ensure that we were able to respond to, and satisfy, the challenges identified.
- 1.1.7 This report updates Members on the progress made in addressing these matters.

1.2 Progress Update

- 1.2.1 Attached at **[Annex 1]** is a document listing the key recommendations (resulting from the 2 significant weaknesses) and the improvement recommendations.
- 1.2.2 Naturally, greater focus must be given to the Key Recommendations relating to performance management and procurement. Both feature on the Council's Strategic Risk Register.

Performance Management

- 1.2.3 In terms of **performance management**, hopefully Members will recognise the wealth of data that is now presented to the Cabinet and the three Scrutiny Select Committees on a regular basis.
- 1.2.4 With the adoption of the new Corporate Strategy, the authority has set in place new aligned KPIs to monitor progress, and provide detail on direction of travel, and targets. Further work has been undertaken on benchmarking following the purchase of LGInform Plus and also on instilling the KPIs within the culture of the organisation.
- 1.2.5 At present the KPIs are initially discussed at each Director's Service Management Team, before being presented to Management Team and 'Informal' Cabinet before being shared with the Scrutiny Select Committees, Overview and Scrutiny and Cabinet on a quarterly basis.
- 1.2.6 An internal audit review of performance management was undertaken from November 2023 - March 2024, finding substantial assurance with very good prospects for improvement. The main action arising from the internal audit report is ensuring greater engagement from Members and embedding the KPIs within the culture of the organisation - additional work on benchmarking and presenting the data in reports has been undertaken to improve engagement. It is intended that a report to Cabinet in October 2024 will set out some proposals for embedding performance management within the organisation (along with reporting Q1 KPIs).

Procurement

- 1.2.7 In terms of **procurement**, Members are aware that a decision was taken by Cabinet in April 2024 to join the Mid Kent Partnership on a 2 year trial basis. The partnership provides TMBC officers with support from fully trained procurement specialists.
- 1.2.8 The Council's internal Procurement Project Group has revised its terms of reference and is chaired at Director level. A new Procurement Strategy for the authority has been produced, and will be reported to the Finance, Regeneration

and Property Scrutiny Select Committee in November for recommendation to Cabinet.

- 1.2.9 The Partnership is already assisting Officers on a number of contracts including Waste, public conveniences and pest control. The Partnership Officers attend all meetings of the Procurement Project Group to ensure a joined up approach across the authority.
- 1.2.10 A programme of dates for staff training on procurement have been set for September and the training will be delivered by the Procurement Partnership Manager. The training will cover the introduction of new legislation and fraud awareness and it is the intention that it will subsequently be extended to Members.

Improvement Recommendations

- 1.2.11 In addition to the recommendations made in respect of the 2 significant weaknesses, Grant Thornton also made 4 improvement recommendations. These related to transformation, workforce strategy, the re-formatting of the Strategic Risk Register and the integration of financial reporting and performance data. Commentary is given in Annex 1.
- 1.2.12 Members are invited to review the Annex.

1.3 Annual Report 2023/24

- 1.3.1 As Members are aware, the audit of the Accounts has been pushed back slightly due to the national backlog and the audit is not due to start until October 2024.
- 1.3.2 Work on the 2023/24 Annual Report will commence simultaneously with the audit of the accounts, and Auditors have already asked for a progress update to inform their work. A copy of Annex 1 presented to Members will be provided to the team to assist them.
- 1.3.3 It is understood that Grant Thornton are aiming to present the 2023/24 Annual Report at the January 2025 Audit Committee.
- 1.3.4 It should be remembered that the auditors will be looking at progress that occurred during 2023/24 for this particular report. Whilst the direction of travel with both Key Recommendations is very positive, some of the progress (e.g. joining the Mid Kent Procurement partnership) did not occur in 2023/24. It should be remembered of course that the Annual Report was not received until September 2023, so the number of months available to implement actions was limited.
- 1.3.5 Therefore, it is important that Members acknowledge that it is possible that 'residual' recommendations regarding these significant weaknesses could remain in the 2023/24 report.

1.4 Legal Implications

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

1.5 Financial and Value for Money Considerations

- 1.5.1 The Auditor did not need to carry out any additional work as a result of identifying the two significant weaknesses above and therefore no additional fees accrued.

1.6 Risk Assessment

- 1.6.1 Grant Thornton identified two significant weaknesses leading to key recommendations. As recognised last year, it is important that both Members and officers actively respond to these matters as quickly as possible in order to protect the Council and its services to residents.

1.7 Equality Impact Assessment

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

1.8 Recommendations

- 1.8.1 Members of the Committee are **RECOMMENDED** to
- 1) **Review** the attachment **[Annex 1]** and, if appropriate, provide any further updates that should be incorporated; and
 - 2) **Endorse** the actions and commentary set out in Annex 1

Background papers:

contact: Sharon Shelton

Damian Roberts
Chief Executive

Sharon Shelton
Director of Finance and Transformation

For Management Team

Improvement Recommendation	Recommendation	Management Response approved by Audit Committee September 2023	Further Evidence / Questions
1 Key	<p>Cabinet members cannot hold officers to account for performance if reporting is lacking'; and 'in 2022-23 the Council still lacked a performance framework meaning it was reactive to challenge, rather than proactively forward planning or anticipating issues before they emerged'.</p> <p>1) Using the reset Corporate Plan to establish a golden thread for the Council, by creating a performance management framework at corporate and service levels linking outcomes to expected annual measures to track success and report these to the public;</p> <p>2) Developing annual delivery plans aligned with the Corporate Plan and reduce the number of service specific strategies to ensure the golden thread is in place;</p> <p>3) Agreeing performance outcomes, that can be measured, at least annually as part of the new performance management framework;</p> <p>4) Ensuring performance reporting include targets, RAG rating, and actual measures and benchmarking. Reports should use previous year and 'nearest neighbours' data where possible; integrating performance, risk and finance reporting to drive improvement;</p> <p>5) Ensuring the Cabinet receives quarterly performance reports to enable it to hold officers to account;</p> <p>6) Using performance and financial data and benchmarking to look at delivery levels of statutory services to ensure the Council is achieving value for money;</p> <p>7) Ensuring that the new performance management framework and reporting extends to key contracts such as waste and leisure;</p> <p>8) Developing a strategic approach to assessing the levels of statutory services needed to save money;</p> <p>9) Engaging with hard-to-reach customers to ensure they can still access services given the Council's digital by default approach;</p> <p>10) Ensuring partnership performance management, including outcomes, is reported regularly to Cabinet; and</p> <p>11) Engaging key stakeholders, where appropriate, to determine local priorities for resources or opportunities for savings.</p>	<p>Over the past 18 months, the Borough Council has made good progress on establishing a performance management framework. Whilst the framework will need to be continually refined over the coming months, an internal audit of our new framework which was carried out in February 2024 concluded that it offered 'substantial' assurance with very good prospects for improvement.</p> <p>The Corporate Strategy is supported by an annual action plan and suite of Corporate KPIs that are directly aligned with the 'priority actions' of the strategy.</p> <p>Work is ongoing to improve the 'golden thread' through the organisation - annual service plans are being pulled together, report templates are being amended in order to demonstrate linkages with the Corporate Strategy, and the Corporate Strategy Action Plan includes specific linkages to a small number of key council strategies.</p> <p>The performance indicators are reported on a quarterly basis. Once collated, they are first presented to Management Team and Informal Cabinet for consideration. Relevant thematic indicators are then presented to the Scrutiny Select Committees and Overview and Scrutiny Committee before finally going to Cabinet in their entirety.</p> <p>The majority of performance indicators include targets, actual measures and trend data. To improve benchmarking, the borough council has subscribed to LG Inform Plus in order to gain greater access to comparable data. Whilst not all indicators are benchmarked, the majority now are, helping to inform areas for transformation and value for money.</p> <p>The performance indicators cover a wide range of council activity, including a number of indicators that refer specifically to the waste and leisure contracts.</p> <p>The Borough Council is currently working with Digital Kent to deliver an initiative (funded through UK Shared Prosperity Fund and Business Rates Retention Pilot Reserve) that provides hardware and digital training to our most digitally excluded residents. The project will for the entirety of 2024/25, offering support to up to 225 residents in the borough.</p> <p>In terms of engagement with residents, a consultation was undertaken to inform the development of the new Corporate Strategy and assess local priorities. Further individual consultations have been undertaken with residents and local businesses more recently on specific matters that are intrinsic to the Corporate Strategy action plan and that impact on resources and options for savings. A further consultation on the Corporate Strategy will take place in 2025 (which represents the mid-point for the strategy).</p>	<p>Agenda for Audit Committee on Monday, 15th April, 2024, 7.30 pm (tmbc.gov.uk) - see Annex 1 of Report AU 24/20</p> <p>Agenda for Cabinet on Tuesday, 4th June, 2024, 7.30 pm (tmbc.gov.uk) - Report CB 24/71</p> <p>At present the KPIs are initially discussed at SMTs, before being presented to Management Team and Informal Cabinet before being shared with the Scrutiny Select Committees, O&S and Cabinet on a quarterly basis.</p> <p>Agenda for Cabinet on Monday, 8th July, 2024, 7.30 pm (tmbc.gov.uk) - Example: Report CB 24/78 (plenty of other reports available)</p> <p>Please see above link which also sets out range of KPIs</p> <p>https://www.digitalkent.uk/information/projects/externally-funded/tmbc</p>

Improvement Recommendation	Recommendation	Management Response approved by Audit Committee September 2023	Further Evidence / Questions
			<p>An internal audit review of performance management was undertaken from November 2023 - March 2024, finding substantial assurance with very good prospects for improvement.</p> <p>The main action arising from the internal audit is ensuring greater engagement from Members and embedding the KPIs within the culture of the organisation - additional work on benchmarking and presenting the data in reports has been undertaken to improve engagement. Report to Cabinet in October 2024 will set out some proposals for embedding performance management within the organisation (along with reporting Q1 KPIs)</p>
2 Key	<p>The Council needs to improve its procurement and contract management arrangement by:</p> <ol style="list-style-type: none"> 1) Updating its procurement strategy; 2) Ensuring the contracts register is monitored, kept up to date and used by all services; 3) Ensuring it fully meets the Local Government (Transparency Requirements) (England) Regulations 2015 legislation; 4) Having a suitably trained client lead for procurement and contract management; 5) Provide training for officers and members on procurement and contract management to enable them to fully understand their responsibilities for social value and value for money; and 6) Ensuring the Council's shared arrangements for fraud also include procurement and contract management. 	<p>Management Team acknowledges that updating of the procurement strategy has been an outstanding matter for some time.</p> <p>The Council does not have its own procurement resource and has relied on a working group of officers from across the Council to discuss and deliver procurement priorities and monitor/update the contracts register.</p> <p>For the letting of significant contracts, the Council has always sought professional assistance externally, but it acknowledged that a lack of 'in house' expertise in this discipline has led to a lack of progress.</p> <p>We are now having discussions with another Local Authority with a view to developing a SLA for both the review and revision of the Procurement Strategy along with a named officer for day to day professional advice who could also sit on the Procurement working group. In order to bolster the profile and importance of the procurement function, the Procurement working group will now be chaired by a member of Management Team.</p> <p>Appropriate training for both officers and Members will be developed by the group over the next few months.</p> <p>With regard to the risk of fraud within procurement, the Council's SLA with Kent County Council's Internal Audit and Fraud team does already cover this activity.</p> <p>Procurement fraud awareness training will be offered to procurement leads during 23/24 and a rolling programme will be established"</p>	<p>https://modgov.tmbc.gov.uk/ieDecisionDetails.aspx?AllId=40455</p> <p>Once the new Procurement Strategy has been approved all procurement documentation used by the Council will be reviewed and updated in liaison with the Partnership to ensure robust documentation is in place and continuity exists across different services.</p> <p>The Council joined the Mid Kent Procurement Partnership in April 2024 to provide Officers with support from fully trained procurement specialists. The Council's internal Procurement Project Group has revised its terms of reference and is chaired at Director level. A new Procurement Strategy for the authority has been produced and will shortly be reported to the Finance, Regeneration and Property Scrutiny Committee for recommendation to Cabinet. The Partnership is already assisting Officers on a number of contracts including Waste, public conveniences and pest control. The Partnership Officers attend all meetings of the Procurement Project Group to ensure a joined up approach across the authority.</p> <p>A programme of dates for staff training on procurement have been set for September and the training will be delivered by the Procurement Partnership Manager. The training will cover the introduction of new legislation and fraud awareness and will subsequently be rolled out to Members.</p>

Improvement Recommendation	Recommendation	Management Response approved by Audit Committee September 2023	Further Evidence / Questions
1 Improvement	the Council should develop a transformation programme to enable it to reduce spend by looking at different ways of delivering services or by enable others in its system leadership role.	<p>A Management Team/Cabinet LGA Development Day is being arranged for October, themed around transformation. It will look at development of the transformation programme and subsequently the resource requirement.</p> <p>As part of the budgetary process for the Revised Estimate for 2023/24 and Forward Estimates for 2024/25 Services are asked to identify whether services provided were mandatory or discretionary to help develop an overall understanding of cost and priorities.</p>	<p>The Management Team/ Cabinet Development Day took place in November 2023. A number of actions were agreed under the theme of transformation, including (1) Appointment of a Tonbridge Town Centre Programme Manager (2) Joint briefing between Senior Officers, Leader and the opposition groups (3) Amend Committee reports to include links to the corporate priorities and plan. Substantial progress has been made in these respects. A Tonbridge Town Centre Programme Manager has been appointed and starts with the Council in September 2024. The Joint Briefings commenced in early 2024 and a revised committee report template has been developed and is due to go live in October 2024 (following completion of testing with staff).</p> <p>Implemented for 2024/25 Estimates but further development has been put on hold following changes to External Audit Timetable that means External Audit of 23/24 Statements clash with 'normal' estimates timetable.</p>
2 Improvement	improve the Workforce Strategy to include fully costed strategy over the medium to long term	Future revisions of the Workforce strategy will include medium-term impacts requiring reviews of service delivery, succession planning, resilience as well as financial costing.	<p>The Workforce Strategy will be fully updated to reflect the following:</p> <ul style="list-style-type: none"> - A planned future management development programme. - Address issues identified in the all staff survey planned for September 2024 - Ensure that the WF Strategy develops closer links to the Council's Vision and Values by updating the Council's employee appraisal scheme which will strengthen areas around staff development and succession planning. - Identify behaviour competencies with close links to the Council's vision and values - Target date for completion January 2025 to be agreed at January meeting of the General Purposes committee. To be updated and reviewed annually.
3 Improvement	<p>The Council needs to improve risk management by:</p> <ul style="list-style-type: none"> Improving the format of the Strategic Risk Register (SRR) to add for each risk: key controls and assurances; direction of travel; a single named owner; the original risk score and likelihood scores after initial mitigation; current risk scores and target risk scores; and provide updated mitigation quarterly; It would be useful to identify issues, risk and impact separately; Updating the SRR format to align with our proposed SRR changes; Reviewing the SRR risks to ensure they have the right actions and are unique risks; Reporting the SRR quarterly to Cabinet alongside performance and finance; Improving committee reports to facilitate good risk management, referencing strategic risks and their scores and impact in all Council reports; and Developing training for members and staff to raise awareness of risk and responsibilities. 	Some changes have already been made to the SRR to indicate direction of travel and further changes will be made over the next few months. In the light of both last year's recommendation and an internal audit report (which contained similar recommendations) Zurich, the Council's insurers, are being asked to review the Risk Management Strategy, formats of risk registers and risk training for new employees.	<p>Zurich have carried out training on Risk Management to Members, held in January 24 and Officer training is being arranged for the Autumn 2024.</p> <p>Zurich have revised the Council's Strategic Risk Register and procedures and have made recommendation to officers and members for improvement actions</p> <p>Management Team, have reviewed the number of risks contained within the Strategic Risk Register, reducing them down to 23 in January 2024 to 17 in July 2024.</p> <p>Under the Council's constitution the delegated authority for risk management is given to the Audit Committee then sent to Full council for approval.</p>
4 Improvement	The Council need to fully integrate performance and financial reporting for revenue and capital to improve financial reporting	Management Team are currently considering this recommendation and at the time of responding have not finalised a view. Further discussions will take place with Cabinet and Grant Thornton, as it is important that Members are not overloaded with operational data and can focus their attention on strategic matters.	As part of the Budget build for 2025/26 services are to provide details of the costs drivers where volumes can affect the levels of spend and income. This will be incorporated into the reports to Members to in Jan 2025.

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Agenda Item 13

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

PARISH PARTNERSHIP PANEL

Thursday, 29th August, 2024

Present: Cllr Mrs M Tatton (Vice-Chair), Cllr B Banks, Cllr P M Hickmott, Cllr M Taylor, Cllr A McDermott (substitute), Cllr K B Tanner (substitute) and Cllr C J Williams (substitute).

Together with representatives of Aylesford, Birling, Borough Green (Vice-Chair – Cllr S Butterfill), Ditton, East Malling and Larkfield, Hadlow, Hildenborough, Ightham, Kings Hill, Platt, Plaxtol, Shipbourne, Watringbury, West Malling and Wrotham Parish Councils; and County Cllrs S Hudson and H Rayner.

Apologies for absence were received from Councillors R W Dalton (Chair), R P Betts, M D Boughton, P Boxall, M A Coffin and S M Hammond and Burham, East Peckham and Wouldham Parish Councils.

PART 1 - PUBLIC

PPP 24/10 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor A McDermott substituted for Councillor R Dalton (Chair)
- Councillor K Tanner substituted for Councillor R Betts
- Councillor C Williams substituted for Councillor M Boughton

In accordance with Council Procedure Rules 17.5 to 17.9 these councillors had the same rights as the ordinary member of the committee for whom they were substituting.

PPP 24/11 MINUTES

RESOLVED: That the Minutes of the meeting held on 30 May 2024 be approved as a correct record and signed by the Chairman.

PPP 24/12 UPDATE ON ACTION IDENTIFIED IN THE LAST MINUTES

There were no matters required to be updated.

PPP 24/13 S106 CONTRIBUTIONS - ANNUAL SUMMARY REPORT

The report of the Senior Development Obligations Officer provided a summary of the S106 developers' contributions received by the Council since the beginning of calendar year 2024.

It was noted that the majority of the contributions would be reported within the Infrastructure Funding Statement for the 2023/24 reporting period, which was anticipated to be presented to the Housing and Planning Scrutiny Select Committee later in the year.

Members and Parish/Town Council representatives were advised that whilst liaisons were ongoing with relevant parties in respect of the allocation of the funds to projects, any specific queries should be directed to the Senior Development Obligations Officer via email.

PPP 24/14 JOINT STANDARDS COMMITTEE - CONFIRMATION OF REPRESENTATIVES AND VOTING ALLOCATIONS

Consideration was given to a referral from the Joint Standards Committee of 5 June 2024 to note the Parish/Town Council representatives and voting allocations agreed for the period 2024/26.

The Panel agreed to note:

- (1) the revised 'pool' for parish and town council representatives, as set out in Annex 1 to the report for the Joint Standards Committee of 5 June 2024; and
- (2) the voting allocations for 2024-26, as set out in the aforesaid Annex 1 and duplicated below:

2024/25	Burham, Ditton, Hadlow, Platt, Plaxtol and Ryarsh;
2025/26	Addington, Aylesford, Borough Green, East Peckham, Kings Hill and Trottiscliffe;
2026/27	Snodland, Wrotham and 4 vacancies

PPP 24/15 OVERVIEW OF PLANNING ENFORCEMENT

In response to a query raised by the Chair of Kent Association of Local Councils (Tonbridge and Malling) (Cllr S Barker) in respect of the Borough Council's Planning Enforcement team and how they planned to tackle outstanding case backlogs, the Chief Executive and the Cabinet Member for Planning (Cllr M Taylor) drew Members' attention to the recruitment and retention challenge in Planning Services faced by many local authorities in the South East of England and the positive measures the Borough Council had put in place to address this significant issue.

The Vice Chair of Kent County Council Planning Applications Committee (Cllr H Rayner) expressed his support in facilitating collaboration opportunities between the County Council and the Borough Council in terms of sharing Planning enforcement resource and the general idea of collaboration at county and borough levels was welcomed by the Chief

Executive and the Cabinet Member for Planning and considered worthy of further exploration.

It was therefore suggested by the Vice Chair of the Panel (Cllr S Butterfill of Borough Green Parish Council) and supported by the Chair of Kent Association of Local Councils (Tonbridge and Malling) that a meeting be arranged between the Chief Executive, the Cabinet Member for Planning and the Vice Chair of Kent County Council Planning Applications Committee to identify joint working opportunities and that the outcome of the meeting be reported back to this Panel in due course.

Finally, the Chair reminded all parish/town councils to raise concerns on any specific enforcement cases directly with Planning officers or local borough councillors.

PPP 24/16 ANY OTHER BUSINESS

(1) Local Plan

In response to a question raised by Kent Association of Local Councils (Tonbridge and Malling) and Kings Hill Parish Council in respect of the emerging Local Plan and impact of the ongoing government consultation on the proposed reforms to the National Planning Policy Framework (NPPF) and other changes to the planning system, the Cabinet Member for Planning (Cllr M Taylor) and the Chief Executive provided a brief update on the Borough Council's Local Plan process.

Members noted that the implications of the proposed reforms to the NPPF and other changes to the planning system for the Borough Council were anticipated to be reported to the next meeting of the Housing and Planning Scrutiny Select Committee on 24 September 2024, with a further report planned for the Committee on 3 December 2024.

During discussion, significant mutual concern was raised by the Chief Executive, the Cabinet Member for Planning and representatives of the parish/town councils over the massive uplift of 29% in yearly housing need requirement placed on the Borough, with an additional 20% buffer given that the Borough Council did not currently have a 5-year housing land supply.

Whilst the Borough Council submitted its own consultation response to the Ministry of Housing, Communities and Local Government, the County Council and all parish/town councils were encouraged to respond to the government consultation, either individually or collectively. The consultation could be accessed on the website at [Proposed reforms to the National Planning Policy Framework and other changes to the planning system - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system) and would close on 24 September 2024.

Furthermore, reference was made to developments in areas where there was lack of utility infrastructures, although it was acknowledged that implementation and expansion of infrastructures would likely need to be justified by the growth of population, particularly in the case of investment by the private sectors.

Finally, Members acknowledged the benefit of adopting a Local Plan as soon as practically possible in order to address challenges brought forward by the speculative development schemes whilst appreciating that the burden of meeting the growing housing need would have to be shared across the Borough on an as fair and equitable as possible basis. With regard to a new timetable for the Local Plan, the Chief Executive advised that the Borough Council would be in a position to consider a proposed new timetable as soon as a final proposal around the reform of the planning system was published by the Government following the conclusion of the ongoing consultation.

In addition, a question was raised by a Parish Council representative in respect of enforcement of carbon reduction target for new build housing and this would be forwarded to the Director of Planning, Housing and Environmental Health for a response to be provided either outside of the meeting or at a future meeting.

(2) Thermal Imaging Camera Loan Scheme

The Chair of Kent Association of Local Councils (Tonbridge and Malling) and the Chief Executive provided a brief introduction of the above scheme, which would be launched by the Borough Council in September 2024 to help support residents to improve insulation, comfort and save energy at home. A note provided by the Climate Change Officer to update the Panel Members on the launch of the Scheme was attached to the Minutes at Annex 1.

(3) Climate Action Shipbourne and Plaxtol Presentation and Workshop

The Chair of Kent Association of Local Councils (Tonbridge and Malling) informed the Panel of a presentation and workshop on the climate change agenda – ‘Our Burning Issue!’ to be held at Plaxtol Memorial Hall on 14 September 2024. A leaflet of the event was attached to the Minutes at Annex 2.

(4) West Kent Rural Grants Funding

The Chair of Kent Association of Local Councils (Tonbridge and Malling) encouraged parish/town councils to consider applying to the above grants scheme for funding to support capital projects of local communities. Details of the funding were available on the website at [West Kent Rural Grants | Sevenoaks District Council](#).

(5) Kent County Council Updates

County Councillor H Rayner provided the Panel with a brief update on a number of issues with implications for the borough:

- Housing and infrastructure – as discussed earlier on the agenda;
- Review of road projects – cuts and delay to projects, with particular reference made to the Lower Thames Crossing and associated road network works;
- Transport and buses – uncertainty around continued funding to support improvement of service and routes;
- Tax education – concern on VAT addition to the fees of private schools and impact on public schools;
- Adult social care – fast growing pressure on the County Council due to increasing demands;
- New EU Entry/Exit System – potential significant delays to be anticipated at UK borders, including Dover, Folkstone and St Pancras, from mid-November; and
- Asylum seeking children – County Council continued to put pressure on the Home Office in respect of the implementation of the national transfer scheme in response to the high number of arrivals.

The meeting ended at 8.41 pm

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TONBRIDGE AND MALLING BOROUGH COUNCIL

TONBRIDGE COMMUNITY FORUM

MINUTES

Monday, 2nd September, 2024

Present: Cllr L Athwal (Chair), Cllr D W King (Vice-Chair), Friends of Mill Stream (Vice-Chair), Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr F A Hoskins, Cllr A Mehmet, Cllr B A Parry, Cllr S Pilgrim, Cllr M R Rhodes, County Cllr P Stepto and County Cllr M Hood

Together with representatives from:

- Rotary Club of Tonbridge
- Tonbridge Bicycle Users Group
- Tonbridge Civic Society
- Tonbridge Line Commuters
- Tonbridge Lions Club
- Tonbridge and Malling Seniors
- Tonbridge Town Team
- Tonbridge U3A

Apologies for absence were received from Councillors R W G Oliver and K S Tunstall, Angel Indoor Bowls Club, Tonbridge Dementia Friendly Community and Tonbridge Historical Society.

TCF 24/25 APPOINTMENT OF CHAIR

The appointment of Councillor Lee Athwal as Chair of the Tonbridge Community Forum was confirmed.

TCF 24/26 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

TCF 24/27 MINUTES

RESOLVED: That the Minutes of the meeting held on 20 May 2024 be approved as a correct record..

TCF 24/28 UPDATE ON ANY ACTION IDENTIFIED IN THE LAST MINUTES

(1) Minute Number TCF 24/17 - Update on Any Action Identified in the Last Minutes

- (i) Minute Number TCF 24/6 (meeting held on 26 February 2024) – Review of the Tonbridge Community Forum

Members were advised that a scoping report would be considered by the Overview and Scrutiny Committee on 11 September 2024. It was noted that the report was previously going to be considered by the Committee on 27 June 2024, however the meeting was cancelled due to the General Election.

- (ii) Minute Number TCF 24/9 (meeting held on 26 February 2024) – Request for Membership

Members were informed that Barden Residents Group and West Kent Asian Association had been invited to attend a future meeting of the Forum, however at this stage no response from either organisation had been received.

(2) Minute Number TCF 24/18 – Kent Police Update

Members received a verbal update from Kent Police on neighbourhood policing and recent initiatives and operations. In particular, it was noted that there had been a reduction in crime over the last year across the borough and that good progress continued to be made in recruitment and the full quota would be reached by the end of September.

(3) Minute Number TCF 24/29 – Bus to Bluewater

County Councillor Stepto provided an update from Kent County Council regarding the retender of a contract for a school bus 223 which ran from Gravesend to Tonbridge Schools. Members were informed that outside of the contract and essentially unbeknown to Kent County Council, Redroute had previously used the same vehicle to operate the 228 on a commercial unsubsidised basis outside of the contract.

The new contract was awarded to Brian Jones Coaches following tender and as a result Redroute cancelled the 228. Brian Jones Coaches had been approached and provided passenger figures for the 228 service but they did not feel that this was something that they could operate presumably based on use of the service or different demands on the vehicle and / or driver between the school runs.

(4) Minute Number TCF 24/22 – Town Centre Redevelopment

The Chair advised that the Town Centre Redevelopment would be a standing item on future agendas and that the first meeting of the Programme Board was scheduled to be held week commencing 2 September 2024.

TCF 24/29 ACCESS TO CASH

Sally Pearce provided an update on the 'Access to Cash' campaign during which Members were advised that a new regulatory regime had been established to maintain reasonable access to cash for consumer and businesses in the UK and which followed new powers granted to the Financial Conduct Authority by the Financial Services and Markets Act 2023 to ensure the reasonable provision of cash access services in the UK. Under the new rules, banks and building societies would have to weigh up whether local communities lacked access to cash services and provide additional services where they found significant gaps.

Members of the public and community groups were encouraged to submit a request for a review of the community's access to cash via [LINK / Request Access to Cash](#).

TCF 24/30 PROMOTION OF UPCOMING EVENTS

(1) Run Kent Tonbridge Half Marathon

The Run Kent Tonbridge Half marathon, 5km and 10km event, supported by Tonbridge Lions Club and the Rotary Club of Tonbridge would be held on 29 September 2024. The event would start and finish in the outskirts of Tonbridge and would head out into the Kent countryside. Road closures would be in place for the duration of the event.

(2) River Walk Music

There was free Friday night music by the river in Tonbridge from 19 July to 6 September 2024.

(3) The Hound of the Baskervilles

Illyria would be performing the Hound of the Baskervilles at Tonbridge Castle on 8 September 2024.

(4) Supercar Rally 2024

The Mason Foundation Supercar Rally would be held on 8 September 2024, 11.45am – 3.00pm. The supercars would be making their way through Tonbridge High Street to Tonbridge Castle and there would be an opportunity to view the cars and speak to the drivers. The event was

free to attend and there would be an opportunity to donate to Propel, supporting young people with additional learning needs to thrive in employment.

(5) Walk Tonbridge Festival Marathon

The marathon would be taking place on 22 September 2024 and would follow a challenging 26.2 mile route from Tonbridge Baptist Church to Tonbridge Old Fire Station.

(6) Artisan Market

Members were invited to explore a diverse range of offerings, from culinary delights and bespoke gifts to household necessities at the Tonbridge Artisan Market to be held in the Tonbridge Castle Car Park on 7 October 2024.

(7) Tonbridge Charity Fireworks

The Tonbridge Annual Fireworks Display would return to the Racecourse Sports Ground at Tonbridge Park on 3 November 2024. The gates would open at 5.00pm and the display was scheduled to start at 6.30pm.

(8) Remembrance Service and Parade

The Remembrance Service and Parade would be held on 10 November 2024 at Tonbridge Memorial Gardens and Castle Bailey Lawn.

(9) Tonbridge Christmas Festival/Fireworks

The Christmas Festival would be held on 24 November 2024, 2.00pm to 6.00pm on the High Street. The festival would include entertainment, stalls, funfair, the Christmas Light Switch On and fireworks.

(10) Illuminate Light Show

Illuminate would be returning to Tonbridge Castle from 24 November 2024 to 31 December 2024 with magical light displays.

(11) Information and Advice Day

The Tonbridge and Malling Seniors would be holding an information and advice day at the Angel Centre, Tonbridge on 30 September 2024, 11.00am to 1.00pm.

TCF 24/31 ANY OTHER BUSINESS(1) Local Plan

An update on the process and timelines for the Local Plan public consultation and submission to the Planning Inspectorate had been requested by Tonbridge Historical Society.

Members were advised that following the Government's announcement to make significant changes to national planning policy, the Borough Council had made the decision to wait for more details before proceeding to the next stage of developing its Local Plan. The proposals were out for consultation until September 2024 and could be viewed at <https://www.gov.uk/government/consultations/proposed-reforms-to-the-national-planning-policy-framework-and-other-changes-to-the-planning-system>.

The outcomes of the proposed standard method were also included. A report would be presented to the Housing and Planning Scrutiny Select Committee in September 2024 outlining the position for Tonbridge and Malling in light of emerging central government policy changes. The consultation on the National Planning Policy Framework was still live and there were further announcements to come from Government on the detail of their proposed approach and therefore officers cannot provide a more detailed update to the Tonbridge Community Forum at this time.

(2) Litter

Concern was raised regarding the amount of overflowing litter bins at some events, partly due to the lack of bins available when large events took place simultaneously. In addition, the segregation of recycling at events was encouraged.

(3) Constitutions

In order to gain a greater understanding of each of the community groups represented on the Forum and their aims, the Chair requested a copy of their constitutions.

The meeting ended at 8.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT TRANSPORTATION BOARD

MINUTES

Monday, 16th September, 2024

Present: County Cllr H Rayner (Chair), Cllr M A Coffin (Vice-Chair), Cllr A Cope, Cllr S Crisp, Cllr D A S Davis, Cllr A Mehmet, Cllr R V Roud (substitute for Cllr F A Hoskins), Cllr D Thornewell, County Cllr Mrs T Dean, County Cllr M Hood, County Cllr S Hudson and County Cllr P Stepto

In attendance: Councillors Mrs M Tatton and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M D Boughton, R I B Cannon, Mrs A S Oakley and M R Rhodes participated via MS Teams in accordance with Council Procedure rule 15.21.

Apologies for absence were received from Councillor F A Hoskins and County Cllr Mrs S Hohler

PART 1 - PUBLIC

JTB 24/25 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor R Roud substituted for Councillor F Hoskins

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 24/26 DECLARATIONS OF INTEREST

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

JTB 24/27 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Transportation Board held on 17 June 2024 be approved as a correct record and signed by the Chairman.

JTB 24/28 UPDATE ON ACTION(S) IDENTIFIED IN THE LAST MINUTES

- (1) Minute No. JTB 24/14 – Scope of the Joint Transportation Board and Local/Public Transport

County Councillor Neil Baker, Cabinet Member for Highways and Transport addressed the Board during which he explained that the review of Joint Transportation Boards was on hold until the changes proposed by Government became clear. Particular reference was made to the importance of Boards continuing to meet in the interim period.

- (2) Minute No. JTB 24/18 – Any Other Business (20 mph and 30 mph zones/speed limits in Ightham)

A representative of Ightham Parish Council addressed the Board following the request at the last meeting that Kent County Council give consideration to the implementation of a 20 mph speed limit in Ightham village centre, the installation of an interactive speed sign and effective signage due to an increase in traffic issues.

In response, Kent County Council would raise the concerns regarding speed enforcement with Kent Police and consideration would be given to engineering methods, such as virtual traffic calming.

MATTERS SUBMITTED FOR INFORMATION**JTB 24/29 LOCAL TRANSPORT PLAN 5 - PUBLIC CONSULTATION**

The report of Transport Strategy, Kent County Council, provided an update on the public consultation on Kent County Council's new Local Transport Plan 5. The consultation commenced on 17 July 2024 and would run until 8 October 2024. Following consideration of the feedback from the public consultation, the aim was that it would be ready for Kent County Council to vote on its adoption later in the year.

Following the consultation on the Emerging Local Transport Plan last year, the Plan's outcomes were amended and aimed to put balance on schemes that promoted a move towards net zero travel. Those proposals which were borough-specific to Tonbridge and Malling were attached at Annex 2 to the report.

Members welcomed the improvements to Public Rights of Way and the Kent Cycling and Walking Infrastructure and were encouraged to respond to the consultation about priorities at a local level. During discussion, Members indicated that they would welcome pressure put on rail authorities to introduce a student rail pass and accessibility improvements at rail stations.

It was recognised that the Bus Service Improvement Plan (BSIP) would end in March 2025 and at this point, future Government funding streams were unknown.

JTB 24/30 HIGHWAYS FORWARD WORKS PROGRAMME

The report of Kent County Highways, Transportation and Waste summarised schemes programmed for delivery in 2024/25 and 2025/26 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 reinstallation of the speed cushions on Chapman Way, East Malling. It was confirmed that the remaining speed cushions would be installed as part of the countywide programme to be completed along with the ancillary works, such as Ironwork, cat's eyes, kerb lines and defects from the 2024 Surface Preservation season. The retreading works on Beech Road and Willow Wents in Mereworth would also fall under this programme of works.

Furthermore, an update on the junction improvement and footway realignment at East Street/High Street, Tonbridge and details of the forward works planned for Clare Lane, East Malling and Larkfield were sought. Members were informed that the Clare Lane inclusions within the current Highway Works Programme were in the early planning stages with no actual recommendation of treatment available. The rationale for the addition was due to a few factors, with reduction in skid resistance and the age/condition of the surface being the primary factors and the works had been included in year 2 of the 1-2 years delivery for the 2025/26 works programme, therefore it was likely to be delivered to its conclusion within the forward works programme.

Members provided positive feedback on the machine resurfacing on the B245 Tonbridge Road (Foxbush to Orchard Lea) and welcomed the timings for the drainage repairs on Pembury Road, Tonbridge to avoid school traffic.

The West Kent Highway Improvements Programme Manager, Kent County Council, presented the Highways Improvement Plan (HIP). Kent County Council recommended that Parish and Town Councils had a HIP, a list of potential highway improvements requested by the community and endorsed by the Parish/Town Council or County Member if led in an unparished area, so that the main highway issues could be identified and prioritised. It was recommended that the Highway Improvement Plan Information Pack, which was published as a supplemental, be used to make a positive difference to communities.

Members received an update on the construction progress of the A20 Coldharbour Roundabout Junction Improvement which was part of the Maidstone Integrated Transport Programme and 'Keep Maidstone Moving' initiative and which was required to relieve the existing congestion and support the delivery of local plan sites. Construction commenced on 12 February 2024 and it was anticipated that the scheme would be delivered on time in early December 2024.

JTB 24/31 ANY OTHER MATTERS TO BE RAISED

(1) Parking restrictions on Darkhill Road, Ightham

Following concerns raised regarding the parking of Heavy Goods Vehicles on lines on Darkhill Road, Ightham, the site would be added to the Parking Phrase Action Plan. It was highlighted that the Board had previously considered changes to parking restrictions on Darkhill Road and following consultation had agreed that the proposals be abandoned at that time, however it was recognised that the situation of the road had since changed. Members requested that Kent County Council give consideration to whether double yellow lines should be in place along Darkhill Road on grounds of safety and an update would be provided at the next meeting.

(2) Phase 15 Parking Review and Timeframes

The Phase 15 Parking Review and formal consultation for Hadlow and Hildenborough were anticipated to commence in Autumn 2024 and further information would be presented to Members at the next meeting of the Board.

MATTERS FOR CONSIDERATION IN PRIVATE

JTB 24/32 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.19 pm

Executive Decisions Record - September 2024

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective			
D240087CAB	July 2024 Budgetary Control	Cabinet	03.09.24	05.09.24	12.09.24						13.09.24			
D240088CAB	Tonbridge Racecourse Sportsground Management Plan Consultation													13.09.24
D240089CAB	Risk Management													13.09.24
D240090CAB	LLC Roof Re-felt and Insulation Upgrade Tender													13.09.24
D240091CAB	Local Authority Housing Fund													13.09.24
D240092CAB	Housing Team Staffing													13.09.24
D240093MEM	Extension of Agile Management Arrangements and Funding					Finance and Housing	04.09.24	05.09.24	12.09.24					
D240094MEM	Response to NPPF consultation	Planning	11.09.24	16.09.24 (at 9 am)	20.09.24	16.09.24	26.09.24				N/A			
D240095MEM	Customer Contact Centre - Enhanced Facilities	Finance and Housing	17.09.24	20.09.24	27.09.24						28.09.24			
D240094(1)MEM	Call in of D240094MEM - Response to NPPF consultation	Original DN amended to reflect recommendation of O&S.	27.09.24	30.09.24	N/A						30.09.24			

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

URG - outside of budget and policy framework

Number of monthly call-ins:	1
Number of call-ins for year:	2

Executive Decisions Record - October 2024

Decision Number	Title	Cabinet Member	Date of Decision	Date Published	Call-in period ends	Called in	Scrutiny Committee Consideration	Referred back to Cabinet	Referred back to Council	Council referred to Cabinet	Date Decision Effective
D240096MEM	Tonbridge Castle Gatehouse Roof Repairs – Approval of Tender Route	Climate Change, Regeneration and Property	30.09.24	07.10.24	14.10.24						15.10.24
D240097MEM	Amendments to Sainsbury's Tonbridge Store Lease	Climate Change, Regeneration and Property	11.10.24	14.10.24	21.10.24						
D240098MEM	Application for Discretionary Rate Relief	Finance and Housing	22.10.24	22.10.24	29.10.24						
D240099MEM	Application for Reduction in Council Tax Liability	Finance and Housing	22.10.24	22.10.24	29.10.24						
D240100MEM	Debts for Write Off	Finance and Housing	22.10.24	22.10.24	22.10.24						
Decision pending	Call in period	Key Decision	Private	Urgent							
	Subject to call in										

URG - outside of budget and policy framework

Number of monthly call-ins:	1
Number of call-ins for year:	2

**TONBRIDGE AND MALLING BOROUGH COUNCIL
NOTICE OF FORTHCOMING KEY DECISIONS**

In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, at least 28 days before a key decision is expected to be taken a Notice of Forthcoming Key Decisions will be published. A 'key decision' is an executive decision which is likely either

- (a) to result in the local authority incurring expenditure which is, or the making of savings which are, significant having regard to the local authority's budget for the service or functions to which the decision relates.

'Significant' when applied to expenditure or savings shall mean a sum in excess of £100,000 or such other sum as may be specified in any enactment or other statutory provision.

or

- (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the area of the local authority.

The Notice of Forthcoming Key Decisions sets out:

- (a) the matter in respect of which a key decision is to be made;
- (b) details of the decision taker and the date on which the key decision will be made;
- (c) a list of documents to be submitted to the decision taker for consideration in relation to the matter;
- (d) the address from which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed is available and the procedure for requesting details.

All key decisions will be made by the Cabinet on the dates specified unless otherwise stated*. The agenda and documents to be submitted to the Cabinet (unless they contain exempt information) will be available for inspection at the Council Offices and on the website 5 clear working days before the meeting. Copies or extracts are available from committee.services@tmbc.gov.uk or Democratic Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

This document also gives notice of the Council's intention to hold a private meeting (or part thereof) of the Cabinet. It indicates any items where it is likely that the public will be excluded because public discussion would disclose confidential or exempt information and the reasons in each case. Any representations against the intention to hold a private meeting may be made to committee.services@tmbc.gov.uk or Committee Services, Tonbridge & Malling Borough Council, Gibson Building, Gibson Drive, Kings Hill, West Malling ME19 4LZ.

Members of the Cabinet and their areas of responsibility:

Councillor Matt Boughton (Leader)
Councillor Robin Betts (Climate Change, Regeneration and Property)
Councillor Martin Coffin (Transformation and Infrastructure)
Councillor Des Keers (Community Services)
Councillor Kim Tanner (Finance and Housing)
Councillor Mike Taylor (Planning)

(*Note: This Notice is subject to change as it may become necessary to defer decisions until the next meeting of Cabinet)

NOTICE OF FORTHCOMING KEY DECISIONS

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Changes to Housing Allocation Scheme	12 Nov 2024	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Housing and Health	Officers report	Public
Review of Fees and Charges 2025/26	12 Nov 2024	Internal consultation via Communities and Environment Scrutiny Select Committee and Cabinet as detailed in the reports to be considered by Members.		Officer report	Public
Angel Centre Nominated Operator/Replacement Facility	12 Nov 2024	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Administrative and Property Services	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Tonbridge Castle Gatehouse - Roof Tender	12 Nov 2024	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Administrative and Property Services	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Award of Air Source Heat Pumps at Larkfield Leisure Centre	12 Nov 2024	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Administrative and Property Services	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Review of Fees and Charges 2025/26 - Finance, Regeneration and Property	10 Dec 2024	Internal consultation via the Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024 and Cabinet of 10 December 2024 as detailed in the reports to be considered by Members.		Officer report	Public
Review of Fees and Charges 2025-26 - Housing and Planning	10 Dec 2024	Internal consultation via Housing and Planning Scrutiny Select Committee of 3 December 2024 and Cabinet of 10 December 2024 as detailed in the reports to be considered by Members.		Officer report	Public

Description of Decision	Date of Cabinet	Who is to be consulted	Contact Officer	Documents to be submitted to Cabinet	Public or Private (reason if Private)
Award of building works associated with Refurbishment of Gibson Building East	10 Dec 2024	Internal consultation via Cabinet as detailed in the reports considered by Members.	Head of Administrative and Property Services	Officer report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
Award of Solar PV at Larkfield Leisure Centre	10 Dec 2024	Internal consultation via Cabinet as detailed in the reports to be considered by Members.	Head of Administrative and Property Services	Officers report	Fully exempt Information relating to the financial or business affairs of any particular person (including the authority holding that information)
<p>Contact: committee.services@tmhc.gov.uk Publication: 15 October 2024</p>					

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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Agenda Item 23

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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