

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

2 December 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, 10th December, 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

2. Apologies for absence 11 - 12
3. Declarations of interest 13 - 14

Members are reminded of their obligation under the Council's Code of Conduct to disclose any Disclosable Pecuniary Interests and Other Significant Interests in any matter(s) to be considered or being considered at the meeting. These are explained in the Code of Conduct on the Council's website at [Code of conduct for members – Tonbridge and Malling Borough Council \(tmbc.gov.uk\)](https://www.tmbc.gov.uk/code-of-conduct-for-members).

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

4. Minutes 15 - 26

To confirm as a correct record the Minutes of the meeting of the Cabinet held on 12 November 2024

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

Executive Key Decisions

5. Review of Fees and Charges 2025/26 27 - 48

Consideration of recommendation FRP 24/22 of the Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024 in respect of Fees and Charges for 2025/26 within the purview of the Committee

6. Review of Fees and Charges for Discretionary Planning Services 49 - 102

Consideration of recommendation HP 24/40 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of discretionary fees across the planning service for 2025/26.

The recommendations will be circulated to Members in advance of the meeting of Cabinet.

7. HMO and Caravan Site Licensing Fee Charges for 2025/26 103 - 110

Consideration of recommendation HP 24/41 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of proposed fees for licensing of houses in multiple occupation (HMOs) and caravan sites for permanent residential use from 1 April 2025.

The recommendation will be circulated to Members in advance of the meeting of Cabinet.

Executive Non-Key Decisions

8. Local Plan Engagement Strategy and Estimated Local Plan Budget 111 - 154

Consideration of recommendation HP 24/42 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of a Local Plan Engagement and Consultation Strategy.

The recommendation will be circulated to Members in advance of the meeting of Cabinet.

9. Data Protection Policy 155 - 168

This report presents an updated Data Protection Policy for approval by Members.

10. Community Grant Scheme 169 - 180

Approval is sought in respect of a proposed 50th Anniversary Community Grant Scheme.

11. Review of Tonbridge Community Forum and Parish Partnership Panel 181 - 192

Consideration of recommendation OS 24/50 of the Overview and Scrutiny Committee of 14 November 2024 in respect of the Tonbridge Community Forum and Parish Partnership Panel.

12. Procurement Strategy 193 - 212

Consideration of recommendation FRP 24/23 of the Finance, Regeneration and Property Scrutiny Select of 19 November 2024 in respect of a Procurement Strategy.

13. Debt Collection Practices - Potential Pilot with ReachOut 213 - 274

Consideration of recommendation FRP 24/24 of the Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024 in respect of debt collection practices.

14. Tree Protocol Update 275 - 284

Consideration of recommendation HP 24/43 of the Housing and Planning Scrutiny Select Committee of 3 December 2024 in respect of Tree Preservation Orders.

The recommendation will be circulated to Members in advance of the meeting of Cabinet.

Matters submitted for Information

15. Decisions taken by Cabinet Members 285 - 286

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

16. Notice of Forthcoming Key Decisions (if available) 287 - 292

The Notice of Key Decisions anticipated to be taken during November and December 2024/25 is attached. This may be subject to change due to adjustments to the reporting timetable.

17. Urgent Items 293 - 294

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

Matters for consideration in Private

18. Exclusion of Press and Public 295 - 296

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

PART 2 - PRIVATE

Executive Key Decision

19. Proposed Lease of Residential Apartments in Tonbridge for use as Temporary Accommodation 297 - 310

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

Consideration of recommendation HP 24/51 of the Housing and Planning Scrutiny Select of 3 December 2024 in respect of opportunity to lease residential apartments in Tonbridge for use as temporary accommodation.

The recommendation will be circulated to Members in advance of the meeting of Cabinet.

20. Urgent Items 311 - 312

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

MEMBERSHIP

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

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

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GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

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

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

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

Attendance:

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

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

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

Ground Rules:

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

Voting:

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

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

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 12th November, 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: Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

Virtual: Councillors L Athwal, Mrs S Bell, S Crisp, J Clokey, F A Hoskins, Mrs A S Oakley, W E Palmer, M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 24/100 DECLARATIONS OF INTEREST

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

CB 24/101 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 3 September 2024 be approved as a correct record and signed by the Chairman.

MATTERS FOR CORPORATE MONITORING

CB 24/102 KEY PERFORMANCE INDICATORS - QUARTER 1

(Decision Notice D240102CAB)

The report and annexes provided data on Key Performance Indicators (KPIs) that were aligned to the Corporate Strategy 2023-2027 and monitored on a quarterly or annual basis. Within the report, consideration was 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 the creation of a more efficient and stream-lined approach to KPIs.

The KPIs provided at Annex 1, with the data for April – June 2024 (Q1) represented the most up-to-date available statistics in most instances,

however due to the lag in some statistics the previous quarter still represented the most up to date figures.

Cabinet noted the positive quarterly trends that could be identified and those areas of focus. Particular reference was made to the drop in recycling rates and the increase in the number of fly tipping incidents and noted that the procurement of a longer-term solution for the delivery of fly tipping and litter enforcement should result in a positive direction of travel.

RESOLVED: That

- (1) the report, be noted;
- (2) the targets associated with the KPIs as referred to in 5.1 and set out in Annex 1, be agreed; and
- (3) the proposed solutions arising from the review of performance management as set out in Section 6, be agreed.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 24/103 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2024/25

Consideration was given to the recommendations of the Audit Committee meeting held on 23 September 2024.

RECOMMENDED*: That

- (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 of the report of the Director of Finance and Transformation for the Audit Committee meeting of 23 September 2024, be retained.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/104 HOUSING ALLOCATIONS SCHEME - AMENDMENT

(Decision Notice D240103CAB)

The Housing Allocations Scheme set out how the Council would assess and prioritise applications made for social housing in the district and ensured that only those who had a need for affordable housing, and a local connection to the area were prioritised. Following the launch of the new Housing Allocations Scheme in June 2023, a one year post implementation review had been completed and some amendments made in line with ongoing feedback and experience.

The report of the Director of Housing, Planning and Environmental Health asked that consideration be given to these amendments and agreement was sought to entering a period of engagement with the Council's registered providers, and then making and implementing any amendments. A list of key proposed amendments was set out at paragraph 3.1 of the report.

Cabinet had due regard to the financial and value for money considerations and the legal implications and recognised that if the current Scheme were not amended and continued to operate as it was, this might lead to the Council being open to challenge and not meeting the needs of applicants if the Scheme were not kept under review.

RESOLVED: That

- (1) a period of engagement on the amendments to the Housing Allocation Scheme set out at 3.1 of the report, be entered into with the Council's registered providers; and
- (2) authority be delegated 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.

CB 24/105 REVIEW OF FEES AND CHARGES - COMMUNITIES AND ENVIRONMENT

(Decision Notice D240104CAB)

Consideration was given to recommendation CE 24/35 of the Communities and Environment Scrutiny Select Committee of 6 November 2024 in respect of proposed fees and charges for garden

waste subscriptions, household bulky refuse and 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.

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

Consideration was given to reducing the annual garden waste subscription for those in receipt of benefits and it was recognised that this was a discretionary service that was facing significant increases in cost, that the proposed subscription price was broadly consistent with the price in other Councils across Kent, that the service represented good value for money, and that residents had a choice regarding taking up a subscription.

RESOLVED: That

- (1) the proposed annual garden waste subscription of £63 per annum for the first bin and £40 for a second or third bin, as recommended by the Communities and Environment Scrutiny Select Committee, be approved;
- (2) the schedule of proposed charges for household bulky refuse and fridge/freezer collection service as set out in 15.2.6 of the report, be approved;
- (3) the proposed charge for "missed" refuse collection as set out in 5.3.3 of the report, be approved;
- (4) the schedule of proposed charges in respect of Stray Dog redemption service, as set out in 5.4.4 of the report, be approved;
- (5) the charging structure for Tonbridge Allotment as set out in 5.5.2 of the report, be noted and endorsed;
- (6) the schedule of proposed charges for Tonbridge Cemetery as set out in Annex 1 and 5.6.2 of the report, be approved;
- (7) the proposed continuation of the pest control subsidy for residents in receipt of Council Tax Reduction Scheme as set out in 5.7.1 of the report be approved;
- (8) the proposed charge for condemned food certificates as set out in 5.8.2 of the report, be approved;

- (9) the proposed charge for exported food certificates as set out in 5.9.4 of the report, be approved;
- (10) the proposed charge for provision of services in respect of contaminated land as set out in 5.11.5 of the report, be approved;
- (11) the proposed charge for provision of services in respect of private water supplies as set out in 5.12.5 of the report, be approved; and
- (12) the above proposed scale of charges be implemented from 1 April 2025.

EXECUTIVE NON-KEY DECISIONS

CB 24/106 BUDGETARY CONTROL - SEPTEMBER 2024

(Decision Notice D240105CAB)

The report presented the current financial position to the end of September 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 £98,600 against the current salary estimates proportioned to the end of September 2024 and an actual which was £15,108 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.

Particular reference was made to capital expenditure to the end of September 2024, detailed in Annex 4, and noted that some of the budget would slip into the 2025/26 financial year due to the Gibson Building Refurbishment project being expected to commence in the new Calendar year.

RESOLVED: That

- (1) as at the end of September 2024, a net favourable variance of circa £296,512 when compared to the proportion of the 2024/25 budget as shown in paragraph 9 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 September 2024 as set out in paragraph 10, be noted; and
- (4) the current spend on Capital Projects for 2024/25 as set out in paragraph 11, be noted.

CB 24/107 CONSULTANT USE AT THE COUNCIL

(Decision Notice D240106CAB)

Consideration was given to recommendation CE 24/34 of the Overview and Scrutiny Committee of 11 September 2024 in respect of consultant use at the Council.

Due regard was given to the views of the Overview and Scrutiny Committee, the financial and value for money considerations and the legal implications and 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.

With regard to recommendation (6) of the Overview and Scrutiny Committee regarding consultancy spend in excess of £40,000, Cabinet felt that further consideration was needed to ensure that this did not lead to delays in delivery and increased cost.

RESOLVED: 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; and
- (5) the Council maintain its effectiveness at retaining specialist talent, to reduce the need for external experts going forward.

CB 24/108 RISK MANAGEMENT

(Decision Notice D240107CAB)

Consideration was given to recommendation AU 24/40 of the Audit Committee of 23 September 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 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 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 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'.

CB 24/109 PROGRESS WITH RECOMMENDATIONS FROM AUDITOR'S ANNUAL REPORT (VALUE FOR MONEY) 2022/23

(Decision Notice D240108CAB)

Consideration was given to recommendation AU 24/41 of the Audit Committee of 23 September 2024 in respect of progress in addressing the recommendations made in the 2022/23 Auditor's Annual Report.

Cabinet had due regard to the views of the Committee, the financial and value for money considerations, noting that the Auditor did not need to carry out any additional work as a result of identifying the two significant

weaknesses and therefore no additional fees were accrued. Cabinet also had due regard to the legal implications.

RESOLVED: 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.

MATTERS SUBMITTED FOR INFORMATION

CB 24/110 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Parish Partnership Panel of 29 August 2024, the Minutes of the Tonbridge Community Forum of 2 September 2024 and the Minutes of the Joint Transportation Board of 16 September 2024 were received and noted.

CB 24/111 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 24/112 NOTICE OF FORTHCOMING KEY DECISIONS (IF AVAILABLE)

Notice of Forthcoming Key Decisions for November to December 2024 was presented for information.

CB 24/113 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.

MATTERS SUBMITTED FOR INFORMATION

CB 24/114 TONBRIDGE TOWN CENTRE PROGRAMME BOARD - MINUTES AND RECOMMENDATIONS

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

The report of the Director of Central Services detailed the minutes, actions and recommendations from the Tonbridge Town Centre Board meeting on 26 September 2024.

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 24/115 FUTURE OPERATOR OF THE REPLACEMENT ANGEL CENTRE

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

(Decision Notice D240109CAB)

The report of the Director of Street Scene, Leisure and Technical Services set out a proposal to appoint the Leisure Trust as the future operator of the replacement Angel Centre. The proposal was supported by the Tonbridge Town Centre Programme Board.

Consideration was given to the advantages and disadvantages of agreeing the Trust as the operator of a future leisure/community facility in Tonbridge to replace the existing Angel Centre and noted the recommendation of Alliance Leisure that a future operator be identified soon in the process, so that it could be involved in open participation over future design and operational arrangements.

Cabinet had due regard to the risk assessment, financial and value for money considerations and the legal implications and noted that the benefits of retaining the existing Trust as the nominated operator of a new facility to replace the Angel Centre far outweighed the alternative options.

RESOLVED: That the future contractor for the operation of the new replacement Leisure Centre be confirmed as Tonbridge and Malling Leisure Trust.

CB 24/116 LARKFIELD LEISURE CENTRE AIR SOURCE HEAT PUMPS AND AIR HANDLING UNIT TENDER

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

(Decision Notice D210110CAB)

Following a formal tender and evaluation process, the report provided details of the tenders received for the design and installation of air source heat pumps along with replacement air handling unit serving the fitness pool 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 majority of the cost of the project was being met from external grant funding and that the successful tender was within the overall approved budget.

RESOLVED: That the contract for the design and installation of air source heat pumps and replacement air handling unit serving the fitness pool at Larkfield Leisure Centre be awarded to DMA.

CB 24/117 TONBRIDGE CASTLE GATEHOUSE - ROOF REPAIR TENDER

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

(Decision Notice D240111CAB)

Following a formal tender and evaluation process, the report provided details of the tenders received for the roof repair work at Tonbridge Castle Gatehouse 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 cost of the works, fees and contingency fell within the overall project budget.

RESOLVED: That the contract to undertake the roof repair works at Tonbridge Castle Gatehouse be awarded to Traditional Stone Restoration.

EXECUTIVE NON-KEY DECISIONS

CB 24/118 MEDIUM TERM FINANCIAL STRATEGY - UPDATE

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

(Decision Notice D240112CAB)

The report provided an update on the Medium Term Financial Strategy (MTFS) having regard to the latest financial issues. The MTFS would continue to be updated as the 2025/26 budget was prepared and therefore the update was treated as an interim update only.

Cabinet had due regard to the legal implications, risk assessment, financial and value for money and policy considerations and noted the changes that had positively contributed to bridging the funding gap since the MTFS was approved by Council in February 2024. In addition, consideration was given to those areas identified causing the increase in the funding gap and to those areas of potential impact on future finances.

RESOLVED: That the current position on the Medium Term Financial Strategy (MTFS), and the areas identified causing the increase in the funding gap, be noted.

The meeting ended at 9.10 pm

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REVIEW OF FEES AND CHARGES 2025/26

Item FRP 24/22 referred from Finance, Regeneration and Property Advisory Board of 19 November 2024

The joint report of the Director of Finance and Transformation and Director of Central Services set out proposed fees and charges for 2025/26 for the provision of services in respect of legal costs, photocopying charges, street name and numbering, land charges, Tonbridge Castle, events on open spaces, billboards and banners and Council Tax and Business Rate court costs with effect from 1 April 2025.

In bringing forward the charging proposals for 2025/26 consideration had been given to a range of factors, including the Borough Council's overall financial and market positions, trading patterns, the current rate of inflation and customer feedback. A set of guiding principles for the setting of fees and charges had also been taken into account and were summarised in 4.2 of the report.

Particular reference was made to the Borough Council's significant and challenging financial position and as it was becoming increasingly difficult to achieve further expenditure savings to meet the targets in the Savings and Transformation Strategy it was essential that opportunities to maximise income were taken.

Due regard was given to the overall financial position and potential impacts on the Medium-Term Financial Strategy and on the grounds of ensuring adequate cost recovery in providing street name and numbering, Cllr Clokey proposed that fees and charges for 2025/26 should be rounded up to the nearest £10. This was seconded by Cllr Brown and supported by the Committee.

In respect of Tonbridge Castle, it was clarified that the repair works to the roof had been rescheduled to early 2025 to lessen the impact on external events over the Christmas/New Year period as the Castle would be enveloped with scaffolding during the repair period.

***RECOMMENDED:** That

- (1) the proposed charges for legal costs, as set out in 5 of the report, be approved with effect from 1 April 2025;
- (2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate, as set out in 5.2 of the report, be retained;
- (3) the Fee Schedule for Street Naming and Numbering, as set out in 5.3 of the report, be rounded up to nearest £10 and adopted with effect from 1 April 2025;
- (4) the proposed scale of fees for local land charges searches and enquiries, as set out in 5.4 of the report, be adopted with effect from 1 April 2025;

- (5) the proposed fees and charges for 2025/26 related to Tonbridge Castle, as set out in 5.5 of the report, be approved with effect from 1 April 2025;
- (6) the proposed fees and charges for 2025/26 related to Open Spaces, as set out in 5.6 of the report, be approved;
- (7) authority be delegated to the Director of Central Services and Deputy Chief Executive to negotiate fees for individual commercial events on Council-owned land;
- (8) the proposed fees and charges for 2025/26 related to Billboards and Banners, as set out in 5.9 of the report, be approved; and
- (9) the amount of costs charged in 2025/26 to recover unpaid council tax and business rates debts remain at the 2024/25 levels, as set out in 5.10 of the report.

***Recommended to Cabinet**

Finance, Regeneration and Property Scrutiny Select Committee

19 November 2024

Part 1 - Public

Matters for Cabinet - Key Decision



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Cabinet Member	Kim Tanner, Cabinet Member for Finance & Housing; and Des Keers, Cabinet Member for Communities
Responsible Officer	Sharon Shelton, Director of Finance & Transformation; and Adrian Stanfield, Director of Central Services & Deputy Chief Executive
Report Author	Joy Ukadike, Head of Legal and Democratic Services; Anthony Garnett, Head of Licensing, Community Safety and Customer Services; Laura French, Tonbridge Castle, Events and Customer Services Manager; Stuart Edwards, Head of Administrative and Property Services; Glen Pritchard, Revenue Manager; and Nizete Vasconcelos, GIS Manager

Fees and Charges 2025/26

1 Summary and Purpose of Report

1.1 This report sets out the proposed fees and charges for 2025/26 within the purview of the Scrutiny Select Committee for review and thereafter for recommendation to Cabinet.

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

- 1) the proposed charges for legal costs as set out in section 5.1 of the report be approved;

- 2) the current photocopying charges of £0.10 (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained as set out in paragraph 5.2.
- 3) the Fee Schedule for Street Naming and Numbering as set out in section 5.3 of the report be adopted from 1 April 2025;
- 4) the proposed scale of fees for local land charges searches and enquiries set out in section 5.4 of the report be adopted with effect from 1 April 2025;
- 5) the fees and charges 2025/26 related to Tonbridge Castle as set out in section 5.5 of the report be approved; and
- 6) the fees and charges 2025/26 related to Open Spaces as set out in section 5.6 of the report be approved; and
- 7) authority be delegated to the Director of Central Services and Deputy Chief Executive to negotiate fees for individual commercial events on Council-owned land ; and
- 8) the fees and charges 2025/26 related to Billboards and Banners as set out in section 5.9 of the report be approved; and
- 9) the amount of costs charged in 2025/26 to recover unpaid council tax and business rates debts remain at the 2024/24 levels (section 5.10).

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 tax payer to the service user this should be a conscious choice;

- The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
 - Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);
- 4.3 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.
- 4.4 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(s)

5.1 Legal fees payable by third parties

- 5.1.1 From time to time the Council's legal fees can be recovered from third parties, for example, costs in connection with section 106 agreements required to be entered into by developers seeking planning permission for their schemes. Our level of fees has historically followed the Supreme Court guideline hourly rates. The guideline hourly rates were last updated on 1st January 2024 and are currently as follows for Kent, which falls under National Band1: -

Solicitors and legal executives with over 8 years post qualification experience	£278
Solicitors and legal executives with over 4 years post qualification experience	£233
Other solicitors or legal executives and fee earners of equivalent experience	£190
Trainee solicitors, paralegals and fee earners	£134

- 5.1.2 For some Property transactions the amount to be charged in connection with the Council's legal work is indicated in the Property document or Lease and in such cases the amount stated in such documents will apply on a case-by-case basis.
- 5.1.3 For certain leasehold and miscellaneous property transactions the Council does not charge the full fee for the legal and administrative work undertaken as the operators, who are often sole traders and small businesses, have to pay full market rate for the rental of the business premises in accordance with statutory provisions. This is for instance the case with regard to lease renewals where only a contribution towards legal and administrative work is charged of £250. It is proposed to continue with this approach to assist the local economy.
- 5.1.4 It is **RECOMMENDED** that the Council's charges follow the rates set out above and continue to reflect existing practises highlighted above. In respect of the fees set out at 5.1.1 above, the Supreme Court guideline hourly rates may change from time to time, so it is therefore **RECOMMENDED** that the level of legal fees charged by the Council is in accordance with the applicable rates set out in the Supreme Court guidelines. This will avoid the necessity of a further report should the guideline hourly rates change.

5.2 Photocopying Charges

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

5.3 Street Naming and Numbering

- 5.3.1 The requirement to provide a Street Naming & Numbering (SNN) service is derived from the Towns Improvement Clauses Act 1847, the Public Health Acts Amendment Act 1907 and the County of Kent Act 1981. The TMBC Street Naming & Numbering Policy sets out the framework under which the service is delivered in this authority.
- 5.3.2 The IT GIS Team are responsible for delivery of this service. The actual cost of service delivery has been calculated by recording staff processing time, software costs and postage costs. The service generates an income of circa £45,000 a year. Neighbouring boroughs have their costs calculated in a different way from TMBC, where new developments can be more costly and single addresses can be less costly, but the overall income is balanced.
- 5.3.3 Members had previously agreed for prior year reviews with the below relevant priorities:
- 5.3.4 There should be no overall reduction of income to the Council through the SNN function;
- The cost of SNN to the Council should, where possible, be recovered through fees and charges (noting that this is not always possible, and not always desirable);
 - Ensure there are no 'perverse incentives' to apply for alternative naming schemes to minimise costs;
 - Ensure there is clarity in the fee schedule to avoid confusion and the need for officer discretion in charging fees;
 - Where workloads are sufficient to justify such, additional new fees should be considered.
- 5.3.5 One of the primary objectives is to ensure that cost of SNN to the Council should, where possible, be recovered through fees and charges. Based on estimated costs of delivery of the function and the need to meet this objective, the proposals below are based on one increase in the region of 3.5% (rounded to nearest £) effective from 1 April 2025.

- New Properties

Category	Up to three in-fill properties on an existing street	Current Fee 2024/25	Proposed Fee 2025/26
1	Addressing one new in-fill property	£227	£235
2	Addressing two to three in-fill properties	£119 Per Property	£123 per Property
	Where four or more properties are to be named or numbered, the fee for new developments (below) will be levied.		
	Four or more in-fill properties on an existing street, or new properties on a new street		
3	Fee for naming of a street, other than in relation to new property addressing	£278	£288
4	Fee for addressing plots, including street naming if Required 1- 4 Units	£279 + £44	£288 + £46
Category	Up to three in-fill properties on an existing street	Current Fee 2024/25	Proposed Fee 2025/26
5	5 – 10 Units	£278 + £39	£288 + £40
6	11 or more units	£575 + £14	£595 + £14

- Existing Properties

Category		Current Fee 2024/25	Proposed Fee 2025/26
7	Renumbering an existing property	£102	£106
8	Renaming an existing property, not in a current numbering scheme	£102	£106
9	Registering the addition or change or an alias to a numbered property	£102	£106
10	Removing an existing alias from a numbered property	No charge	No charge
11	Rename an existing street	£2,137	£2,212
12	Rename a block of flats	£2,137	£2,212
13	Fee for addressing units (flats) when splitting an existing property	£143 per unit	£148 per unit
14	Fee for addressing a single property when merging separate units	£232	£240

5.3.6 It is **RECOMMENDED** to Cabinet that the above fee Schedule for Street Naming and Numbering be adopted from 1 April 2025.

5.4 Land Charges

- 5.4.1 Maintenance of the land charges register is a mandatory function of the Council. The Register now sits within the HM Land Registry digitised register. Search agents use this register along with collecting information from various departments within the Council to complete the Con29 (a “personal search”) which provide a commercial service to people seeking to buy a property (residential or commercial), and more generally those carrying out “due diligence” in relation to a property transaction.
- 5.4.2 The Council charge for Con29/Con29O (Enquiries of Local Authority) searches, which is backed by the Council’s indemnity insurance in the event of there being an error in the search result. The Council is therefore in competition with personal search companies for this fee: if the fee is set too high, it is likely more people will engage a search agent to undertake a personal search rather than pay the Council’s fees. The Con 29 form is a search setting out a standard set of enquiries agreed by central government, the Law Society and local authorities.
- 5.4.3 The Local Land Charges Act 1975 (“the Act”) and the Local Authorities (England) (Charges for Property Searches) Regulations 2008 (“the Regulations”) enable local authorities to charge for their property search services and set out rules for calculating the fees. The charges must be on a cost recovery basis and not on a “profit basis” and so the Council is legally restrained in its approach to such fee setting.
- 5.4.4 The regulations allow for the fact that the fee has to be set in advance and so is based on an estimate of the likely level of searches received and the likely expenditure of the local authority in connection with answering those enquiries for the forthcoming year. The Act provides that registering authorities must secure that taking one financial year with another, that fee income does not exceed the cost of providing the services. This applies to the Official Search of the Land Charges Register. The Regulations apply in respect of the Official Enquiries of Local Authorities (more commonly known as Con 29) and further provide that over any three year period the authority should not make a profit in relation to the fees it has charged.
- 5.4.5 The housing and commercial property market is known to be a volatile area of activity where income can fall, or alternatively increase, quickly.
- 5.4.6 The LLC1 search migrated to HM Land Registry on 25th April 2024 and from this date the Council no longer receives LLC1 income, whilst retaining responsibility to maintain the register. It is envisaged that this loss of income should be accounted for (at least in part) in fee setting for 2025/26 financial year (FY). Since the migration was completed, officers have reviewed the level of fees charged to ensure that they reflect the time spent on dealing with the relevant enquiries. **The table below** shows the fees for land charges searches and enquiries currently charged by TMBC and by other Councils in Kent for comparison.

Current Search fees for Kent Authorities					
2024/2025 (including VAT)					
Local Authority	Residential Con29	Commercial Con29	Optional Con29O	Additional Questions	Additional Parcels
Ashford	£92.00	£168.00	£17.00	£50.00	£18.00
Canterbury	£149.00	N/A	£13.62 to £20.40	£20.40	N/A
Dartford	£180.00 (LLC & Con29)	£220.00	£20.00	£20.00	£20.00
Dover	£161.70	N/A	£16.80 (Q22 - £26.40)	N/A	£15.00
Folkestone & Hythe	£140.30	N/A	£14.04	N/A	£20.04
Gravesham	£160.80	£247.20	£16.08 (Q22 £30.00)	on an ad hoc basis	£18.00
Mid Kent (Maidstone)	£172.20	N/A	£17.00 (Q22 £31.50)	£23.95	£25.20
Medway	£66.48	N/A	£13.32 (Q22 £20.04)	N/A	£20.04
Sevenoaks	£161.00	N/A	£24.00	N/A	£21
Mid Kent (Swale)	£172.20	N/A	£17.00 (Q22 £31.50)	£23.95	£25.20
Tonbridge & Malling	£162.00	£351.60	£21.00	£24.00	£14.40
Thanet	£140.00	£216.00	£13 (Q22 £18.15)	N/A	£25.30
Mid Kent (Tunbridge Wells)	£172.20	N/A	£17.00 (Q22 £31.50)	£23.95	£25.20

5.4.7 Proposed increase in fees to be effective from 1 April 2025 are as follows:

- Residential CON29 fee increase [from £162.00] to £168.00 including VAT (overall increase 3.7%)
- Commercial CON29 fee to stay at £351.60 including VAT, no change as already considered high when compared to others

- Optional CON29 questions increase [from £21.00] to £24.00 including VAT (overall increase 14.3%)
- Supplementary questions increase [from £24.00] to £27.00 including VAT (overall increase 12.5%)
- Additional Parcels increase [from £14.40] to £16.80 including VAT (overall increase 16.7%)
- Expedited fee to stay at £58.80 including VAT, no change as a minimal number of requests for expedited search
- Refined data to increase [from £9.60] to £12.00 including VAT (overall increase 25%)

5.4.8 It is not believed that it is appropriate to have any concessionary charges apply to these fees given that the search function supports the sale and purchase of private property. Members are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have regard to the requirement to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) to advance equality of opportunity between people from different groups and (iii) to foster good relations between people from different groups, however it is not believed that these charges will have an adverse impact on any particular group protected by the 2010 legislation. The charges will be the same for everyone who requires the Services and there does not appear to be any disproportionate effect on any of the protected groups.

5.4.9 It is **RECOMMENDED** that the proposed scale of fees for local land charges searches and enquiries set out in Section 8 be adopted with effect from 1 April 2025.

5.5 Tonbridge Castle

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

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

5.5.2 The Castle was originally programmed to be closed from November through to December 2024 for roof works, however as the duration of works was not sufficient this has been moved to January through to April/May 2025. This has resulted in the team not being able to book internal events, weddings and school trips for the November to December 2024 period, now this has moved to January to May this results in greater losses of income through our peak period.

5.5.3 The September meeting of Tonbridge Castle OSG with cross party representation from Councillors, together with Officers, reviewed the event fees and operation strategy for the Castle as we plan for the decommissioning of the Gateway.

A report on Tonbridge Castle OSG is scheduled to be presented at the Communities and Environment Scrutiny Select Committee on the 5 February 2025.

5.5.4 Proposed pricing for Castle tours 2025/26: -

Year	2022/23	2023/24	2024/25	2025/26
Adult*	£9.00	£9.90	£9.90	£10.50
Concessions* Jun/Senior/Student	£6.50	£7.15	£7.15	£7.50
Family Ticket* 2 adults 2 children	£28.00	£30.00	£30.00	£32.00
Season Ticket Adult*	£30.00	£30.00	£35.00	£37.00

5.5.5 *Other castles continue to charge a lower entrance fee than Tonbridge (Rochester £8.50; Lullingstone Castle £9.00 and Upnor £8.10 for adult entry). The admission fees for castles further afield within Kent are significantly higher (e.g. Hever £25.95, Leeds £35 and Dover £30 for adult entry), although these are not considered to be directly comparable in size or offer. As Members will note from the table at 9.2 above, the entry fees were last raised in 2023/24 but there is a balance to be struck between admission prices and maintaining visitor numbers. Increasing the admission price may have the undesirable consequence of reducing visitor numbers. On balance we recommend that fees are raised by a small amount for 25/26, but these will be need to be monitored to ensure we remain competitive. In particular, the Castle Tour will be closed for four months during 2025 for the roof to be replaced. It is therefore essential that we remain competitive to regrow demand for this attraction.

5.5.6 Additional tour fees 25/26:

Item	Cost	Comment
Castle Tour Guide – Commercial	£35.00 (no change from existing fee)	One off - charge per tour guide

5.5.7 A Tour guide is a new concept which was introduced for testing during 2024/25. However, there has been limited demand and we propose to test this for one more year during 2025/26 to evaluate whether sufficient demand exists to support continuation of the service.

5.5.8 Proposed fees for schools 25/26

5.5.9 The castle was initially programmed to be closed from November through to December 2024 for roof works, however as the duration of works was not sufficient this has been moved to January through to April / May 2025. This has resulted in the team not being able to book school visits for the November to December 2024 period, now this has moved to January to May this results in greater losses of income through school bookings as this is our peak period.

5.5.10 Costs for school visits do not include VAT.

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

Year	2022/23	2023/24	2024/25	2025/26
Adult	£8.60	£9.46	£9.46	£9.99
School Children	£6.00	£6.60	£6.60	£6.99
Education Facilities includes toys, dressing up clothes, games, paper, pens and 2 tour guides (1 teacher free per 10 children. For special needs groups, carers admitted free as required)	£95.00	£104.50	£110	£110

5.5.12 As with the general admission prices, the fees for schools were last raised in 2023/24.

5.5.13 Ceremonies – fee model – chamber

	2022/23	2023/24	2024/25	2025/26	2026/27
Weddings -					
Monday - Thursday	£900	£990	£990	£1,020	£1,050
Friday	£940	£1,034	£1,085	£1,120	£1,155
Saturday	£980	£1,078	£1,125	£1,160	£1,195
Sunday	£980	£1,078	£1,125	£1,160	£1,195

	2022/23	2023/24	2024/25	2025/26
Events like Renewal of Vows/Baby Naming / Wakes				
Monday - Thursday	£330	£363	£380	£380
Friday	£440	£484	£500	£500
Saturday	£550	£605	£630	£630
Sunday	£550	£605	£630	£630

5.5.14 This will be reviewed as we develop our commercial wedding package options post Gateway.

5.5.15 In respect of weddings, these have suffered as a result of castle closures relating to repairs to the roof (see 5.7.1 above).

5.5.16 Ceremonies – additional fees

Additional Ceremony fees	2023/24	2024/25	2025/26
Castle Photo Opportunity – buy 30mins in the Castle 4-4.30pm	£55	£60	£62
Wedding Fair Table (single)	£28	£30	£31
Wedding Fair Table (Double)	£55	£60	£62
Corkage Table	£55	£100	£103

- Council Chamber

Venue	2023/24	2024/25	2025/26
Chamber Half Day	£110	£115	£119
Chamber Full Day	£220	£230	£237
Chamber Evening	£110	£225	£232
Castle Conference Room Half day	£83	£85	£88
Venue	2023/24	2024/25	2025/26
Castle Conference Room Full Day	£165	£170	£175
Castle Conference Evening	£83	£195	£200

5.5.17 It is **RECOMMENDED** that the proposed scale of fees for Tonbridge Castle set out in Section 5.5 be adopted with effect from 1 April 2025.

5.6 Fee and Charges for Events on open spaces

5.6.1 There are various levels of fees and charges based on numbers of people attending an event at any one time.

5.6.2 For each event there is an administration fee for the cost of processing the application, and an event fee for the associated costs of maintaining and running the open spaces.

- Commercial Events

5.6.3 The current administration fees (2024/25) for commercial events on Council-owned land are as follows:-

Type of event	Maximum attendees (at once)	Administration fee
Commercial	Less than 100	£58
	Less than 500	£58
	Between 500 and 1,499	£350
	More than 1,500	£695

5.6.4 Additional land hire fees are also charged for one-off events, as follows:-

Type of event	Maximum attendees (at once)	Land Hire Fee
Commercial	Less than 100	£580
	Less than 500	£580
	Between 500 and 1,499	£1158
	More than 1,500	£1737

5.6.5 Additional charges may apply where events require use of Council equipment, car parks or buildings. These charges will be determined on a case-by-case basis. In the event of a car park needing to be closed, the charge would equate to the loss of car parking income.

5.6.6 The charges, or rent, for regular activities will be determined on a case-by-case basis and will be specified in the legal agreement. In arriving at a charge or rent, Officers will take into account the following criteria:

- The requirement for the Council to obtain best value. This assessment may result in the opportunity being tendered to provide other operators a chance to apply.
- The nature of the proposed activity, for example whether it is being run for commercial gain. The Council will assess the anticipated income/profit being generated and may seek comparable evidence from similar activities taking place in similar areas to arrive at a charge or rent.

- The frequency and duration of use. Activities which take place more frequently or for a longer duration will attract a higher charge than those taking place for short durations.
- The physical area on which the activity will take place. For example, the proposed location may result in additional income being generated.

5.6.7 Our research has indicated that the current practice for many local authorities elsewhere is not to publish their open space fee hire costs. This allows for a fee to be negotiated on a case-by-case basis, with the potential to achieve higher fees for large or significant events. To allow greater flexibility in respect of one-off events, it is proposed for commercial events that we do not publish any fees, as these will be negotiated on a case-by-case basis to optimise and enhance revenue income. Members are asked to note however that any negotiated fees for commercial events would not fall below those set out above.

Administration Fees – Charity and Community events

- Current administration fees 2024-25

Type of event	Maximum attendees (at once)	Administration fee
Charity or community	Less than 100	£29
	Less than 500	£29
	Between 500 and 1,499	£58
	More than 1,500	£116

5.6.8 The unforeseen consequences of the current threshold of “Less than 500” results in a lot of event organisers completing their event applications to reflect under 500 people where the lower fee level applies. The reality is that some of these events exceed the threshold of 499 people at any one time

5.6.9 It is proposed to simplify the applicable thresholds for people attending an event by reducing the threshold down to 200 people for future bookings to reflect the administration and supervision time that has to be undertaken by TMBC staff as follows:

- Proposed administration fees 2025-26

Type of event	Maximum attendees (at once)	Administration fee
Charity or community	Less than 200	£29
	Between 200 and 1,000	£58
	More than 1,000	£116

Land hire fees- charity and community events

5.6.10 Current Charges for land hire 2024-25 – per day

Type of event	Maximum attendees (at once)	Charge
Charity or community	Less than 100	£0
	Less than 500	£116
	Between 500 and 1,499	£116
	More than 1,500	£116

5.6.11 Proposed Charges for land hire 2025-26 – per day

Type of event	Maximum attendees (at once)	Charge “If free to attend”	Charge “If charging to attend”
Charity or community	Less than 100	£20	£50
	Between 100 and less than 500	£116	£150
	Between 500 – 2,000	£150	£180
	Between 2,001 and less than 5,000	£200	£500

5.6.12 Any changes to the fees charged will only be considered in exceptional circumstances by the Director of Central Services and Deputy Chief Executive.

Billboards and banners

5.6.13 Billboards and banners – Current charges 2024-25

5.6.14 The current charges for people to advertise their events within the Borough depend on the category of the organisation. These fall into one of three categories (Commercial, Community and Charity).

5.6.15 The Billboards have to be serviced regularly, taking down old out of date adverts, and putting up new posters. This service comes at a cost, depending on the number of adverts that have to be changed, as the Council have to pay for someone to undertake this duty.

5.6.16 An organisation who is a registered Charity, regardless how large the charity is can advertise many posters during the year promoting their events without any cost to them, and no income for Tonbridge and Malling Borough Council.

- Current fee levels

Type of event	Hire Duration 2 weeks	Charge
Commercial	Billboards (A0) – 3no. Max	£250 + VAT
	Notice boards (A2 size) – 6no. Max	£150 + VAT
	Banners (2m x 3m) – up to 3no.	£200 + VAT
	Banners (2m x 3m) up to 6no. Max	£350 + VAT

Type of event	Hire Duration 2 weeks	Charge
Community	Billboards (A0) – 3no. Max	£25
	Notice boards (A2 size) – 6no. Max	£20
	Banners (2m x 3m) – up to 3no	£25
	Banners (2m x 3m) up to 6no. Max	£40

5.6.17 It is proposed to introduce a small fee level for charities to cover the costs of this service which entails putting up and taking down the posters. We fully appreciate the financial pressures that all Charities have to deal with and therefore have reflected this in the proposed pricing

5.6.18 Billboards and banners – proposed charges for 2025-26

Type of event	Hire Duration 2 weeks	Charge
Commercial	Billboards (A0) – Three billboards to show advert	£250 + VAT
	Notice boards (A2 size) Four notice boards to show advert	£150 + VAT
	Banners (2m x 3m) Three banners to show advert	£200 + VAT
	Banners (2m x 3m) up to 6no. Max	£350 + VAT

Type of event	Hire Duration 2 weeks	Charge
Community	Billboards (A0) – Three billboards to show advert	£75
	Notice boards (A2 size) Four notice boards to show advert	£50
	Banners (2m x 3m) Three banners to show advert	£50
	Banners (2m x 3m) up to 6no. Max	£75

Type of event	Hire Duration 2 weeks	Charge
Charity	Billboards (A0) – Three billboards to show advert	£30
	Notice boards (A2 size) Four notice boards to show advert	£20
	Banners (2m x 3m) Three banners to show advert	£20
	Banners (2m x 3m) up to 6no. Max	£20

5.6.19 It is **RECOMMENDED** that the proposed scale of fees for Events on Open Spaces and Billboards set out in Section 5.6 be adopted with effect from 1 April 2025.

5.7 Council Tax and Business Rate Court Costs

5.7.1 The Council is obliged by law to collect all unpaid amounts of council tax and business rates and therefore has to take recovery action through the Magistrates' Court to obtain the necessary order.

5.7.2 Following a review last year, the Court's approval to increasing the level of council tax costs requested from taxpayers was sought. This request brought us into line with the majority of Kent authorities (see table below).

Court Costs 2024/25	Council Tax - costs requested			Non Domestic Rates - costs requested			Increase costs? Or proposed cost figure for 2025/26
	Summons	Liability Order	Total	Summons	Liability Order	Total	
Ashford	£60.00	£65.00	£125.00	£0.00	£180.00	£180.00	No increase proposed
Canterbury	£79.00	£60.00	£139.00	£79.00	£60.00	£139.00	Currently under discussion
Dartford	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00	No increase proposed
Dover	£92.00	£80.00	£172.00	£85.00	£55.00	£140.00	Currently under discussion
Folkestone & Hythe	£46.00	£54.00	£100.00	£109.00	£65.00	£174.00	No increase proposed
Gravesham	£65.00	£55.00	£120.00	£120.00	£0.00	£120.00	Increased in last year
Maidstone	£60.00	£50.00	£110.00	£145.00	£55.00	£200.00	To be considered
Medway	£95.00	£25.00	£120.00	£95.00	£25.00	£120.00	No increase proposed
Tonbridge & Malling	£60.00	£50.00	£110.00	£120.00	£60.00	£180.00	No increase proposed
Sevenoaks	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00	No increase proposed
Swale	£43.00	£60.00	£103.00	£0.00	£103.00	£103.00	Going to propose increase 2025/26
Thanet	£60.00	£50.00	£110.00	£60.00	£50.00	£110.00	Currently under discussion
Tunbridge Wells	£65.00	£55.00	£120.00	£145.00	£55.00	£200.00	To be considered

5.7.3 The increased amount of £110.00 has been charged back to council taxpayers since 1 April 2024. Business rates costs remained unchanged at £180.00.

5.7.4 As the level of costs has only recently been reviewed, I do not propose to seek the Court's approval to increase the level of costs requested from council taxpayers or business rate payers.

5.7.5 It is **RECOMMENDED**, therefore, that the amount of costs charged in 2024/25 should remain the same for the 2025/26 financial year.

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.

8.2 Failure to uprate fees and charges appropriately when costs are increasing will expose the council to financial pressure with its Medium Term Financial Strategy.

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, fees and charges of surrounding local authorities have been considered.

10.2 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 Climate Change and Biodiversity

12.1.1 No issues. 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 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
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Agenda Item 6

The recommendations of the Housing and Planning Scrutiny Select Committee of 3 December 2024 are 'To Follow'

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Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Matters for Cabinet - Key Decision



Cabinet Member/s	Cllr Mike Taylor, Cabinet Member for Planning Cllr Martin Coffin – Cabinet Member for Transformation and Infrastructure
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	James Bailey, Head of Planning

Review of Fees and Charges for Discretionary Planning Services

1 Summary and Purpose of Report

- 1.1 This report updates the discretionary fees across the planning service for 2025/26 which would become effective on the 1st April 2025. Fees have generally been increased between 3.5% – 5%, with fees for Strategic development being increased by 10%, with consideration being given to each category of fee. Further explanation of these increases can be found in the body of the report.
- 1.2 New fees categories have been introduced either as a result of reviewing best practise or arising from requests from customers.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Ensuring that discretionary fees are reviewed regularly and are benchmarked against other Kent authorities ensures TMBC's fees are set to cover costs and provide an efficient service for our customers.

3 Recommendations

- 3.1 It is **RECOMMENDED TO CABINET** to **APPROVE** the following with effect from 1st April 2025.
 - Adopt the updated Pre-application Charging Fee Schedule 2025/26 as attached at Annex 1.

- Adopt the updated Building Control Fee Schedule for 2025/26 attached at Annex 2.
- Adopt the updated charging fees for S106 monitoring and compliance as set out in paragraphs 5.17/5.20 below.
- Adopt the updated High Hedge fee as set out in paragraph 5.12 below.
- Adopt the updated PPA charging schedule as attached at Annex 4
- Adopt and replace the PPA template attached to this report as Annex 3 which is included as Annex 1 to the Planning Performance Agreement Protocol.

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 tax payer to the service user this should be a conscious choice;
- The Council should look to maximise income subject to market conditions, opportunities and comparable charges elsewhere, in the context of its strategic priorities and other corporate aims.
- Fees and charges should normally be reviewed at least annually (unless fixed by statute or some other body);

4.3 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.
- 4.4 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.
- 4.5 The current pre-application advice and charging regime for Development Management was introduced on 1st April 2016 and has been updated annually following ongoing periods of monitoring and review. A comprehensive review of the service was undertaken and reported to the Planning and Transportation Advisory Board in November 2021 – <https://democracy.tmbc.gov.uk/ieListDocuments.aspx?CId=159&MId+4655> and changes were recommended and made at that time to the pre-application advice service. These changes remain in place with increases to the fees on a yearly basis.
- 4.6 Building Control Fees, High Hedges and S106 Monitoring Fees have also been increased yearly to ensure that the cost of delivering these services is fully met.
- 4.7 It is proposed to introduce some new fees in Development Management, S106 monitoring & compliance and Building Control and these are set out below.

5 Proposal

Development Management Charges

- 5.1 No changes are proposed to the pre-application categories as part of this report as operationally these are working well and meeting the needs of customers. However, it is proposed to introduce some new fee scales for requests for compliance with planning conditions and involvement of senior officers in pre-application discussions. A full list of reviewed and updated fees is included as Annex 1.
- 5.2 Fees for providing householder, listed buildings, small (minor), medium and larger developments and Majors have been raised by 5% as there has been only a limited increase in the time spent to provide this advice. Fees for Strategic developments have however been increased by 10% due to the added complexity and officer time that is required for a strategic pre-application review. Applicants also benefit from an enhanced service with the introduction of Planning Policy comments to assess the implications on key infrastructure provision.
- 5.3 The service sometimes receives requests from customers seeking confirmation that conditions attached to planning permissions have been complied with. This is

outside the formal statutory process where applicants seek approval of planning conditions. Currently there is no charge for requests seeking confirmation of compliance with conditions and it is proposed to introduce a new fee for requests for compliance with planning conditions.

- 5.4 In recognition of the fees for householder development and given that householder proposals usually take less time to research, it is proposed to have a reduced fee for householder requests with a larger fee for non-household developments. Consideration has been given to a separate fee for large scale developments, however this has been discounted at this time in lieu of consistency across application types. A review will however be undertaken next year to gauge the effectiveness of the new fees. The new fees are included in the table attached as Annex 1.

Building Control

- 5.5 A review has been undertaken for Building Control Fees, which has also included a benchmarking exercise against other Building Control fees across Kent.
- 5.6 The review has included an assessment of the work undertaken, the number of hours required to carry out the work and the hourly charge to undertake the work. Annex 2 sets out the current and proposed charges. The outcome of the review demonstrates that our current fee levels are set appropriately and therefore Annex 2 sets out the standard charges across Tables A – C and includes increases of 3.5% only.
- 5.7 Tables A, B and C have only been increased by 3.5% as the fees currently cover the hours spent on these applications. As charges can only be levied on a cost recovery basis and having been benchmarked against other Kent based Building Control teams, it is not recommended that fees be increased further than the suggested increase.
- 5.8 Whilst Building Control fees can only be levied on a cost recovery basis, it is recommended that the hourly rate, currently charged at £61.52 be increased by 3.5% to **£63.67** to cover the additional work that is required in light of the Building Regulation changes.
- 5.9 Some new fee charges are proposed to cover providing copies of notices, requests to make amendments to an application and an hourly charge to cover applications where a request is made to visit a site two or more years since the last inspection. These additional charges are set out in Table D of Annex 2. Minor correction changes to the fee charging table are highlighted in yellow.
- 5.10 In agreeing the updated Building Control fees members are advised that the original estimate for Building Control was £421,000 for 24/25. In light of current market conditions where trading remains difficult and demand for the service is reduced, the revised estimate for 25/26 is £341,550, a reduction of £79,000. This

has yet to be agreed by Full Council but is included in this report for members information.

Additional discretionary Fees - High Hedges and S106 Monitoring.

- 5.11 A benchmarking exercise was carried out for the 2023/24 review of fees for High Hedge complaints against other Kent authorities and the average time taken to process these by the relevant officer. This established the current fees of £510.
- 5.12 A further review has been undertaken against other Kent authorities with four raising their fees and eight keeping their fees unchanged. TMBC's current fee is slightly higher than the mean average for Kent and the current median (which is Canterbury at £500). It is proposed to raise the current fee by just over 5%, which would still be just above the median council (Canterbury) and would still represent good value for money for the complainant who wishes to utilise this service. The fees are currently considered to cover the actual officer time for processing the complaint, although it should be recognised that cases vary significantly in terms of officer time and therefore the slightly larger increase in fee allows for these variations.
- 5.13 It is recommended that High Hedges Fees be increased to **£540**

S106 Monitoring

- 5.14 A review and benchmarking exercise has been undertaken to assess the contributions charged for S106 monitoring. This varies significantly across Kent and only gives a snapshot of the charges but not the size of the teams involved in S106/CIL monitoring. Due to some local authorities being CIL charging, they also have expensive back-office monitoring systems and additional staff to manage the complexities of the CIL regime. Therefore, the benchmarking exercise does not fully assist in evaluating the cost for providing the service but does provide some useful information on fee levels.
- 5.15 The Council currently charges £400 per obligation for the monitoring fee and employs a Senior Obligations Officer who primarily manages the S106 monitoring and most (80%) of the role's time is devoted to S106 monitoring. The salary is partly funded but not all through the monitoring fees and this does not cover all the salary costs.
- 5.16 In order to recover the costs for S106 monitoring and to provide sufficient funding to cover the salary costs for this monitoring, a 15% increase in fees is proposed from the current chargeable rate of £400 to £460.
- 5.17 It is further recommended that the increased rate be reflected in the Planning Obligations Protocol S106 (paragraph 9.5) to reflect the proposed increase in monitoring fees.

- 5.18 It is recommended that S106 Monitoring Fees be increased to **£460** for each obligation contained in the agreement.
- 5.19 We currently receive requests to confirm compliance with the obligations in the S106 have been met. This involves research work by the Senior Obligations Officer outside of current normal duties. There is currently no charge for this research and confirmation. Checking compliance with S106 obligations may involve visiting the site so any proposed charges should reflect this as an additional charging category.
- 5.20 It is proposed to charge a flat rate fee of £175 for all requests relating to compliance with S106 clauses and if a site visit is required to check for compliance, then an additional fee of £145 is proposed. The decision on whether a site visit is required will be made by the Senior Obligations Officer following a review of the submitted information and request and would be reviewed by the Planning Policy Manager or Head of Planning should this be queried by the customer.
- 5.21 It is recommended that a new fee for S106 compliance requests of **£175** with an additional fee of **£145** should a site visit be required be introduced with effect from the 1st April 2025.

Planning Performance Agreement and Charging Schedule

- 5.22 A comprehensive review of the Planning Performance Agreement (PPA) Protocol was undertaken in 2023/24 with an updated Protocol and increased fee schedule. Fees were increased by various percentages for small (65%), medium (61%), large (49%) and strategic (32%) applications to reflect the time spent of negotiating and delivering on the PPA timescale on a cost recovery basis.
- 5.23 It is not proposed to review the Protocol for the 25/26 financial year as this remains up to date and concurrent with guidance on PPAs. It has become apparent however that the template PPA document, which was attached as Annex 1 to the report to H&PSSC on 14 December 2023, needs updating to address minor formatting errors. The updated template is included as **Annex 3** to this report.
- 5.24 Whilst the charging categories work well for PPAs, there is currently an omission in the PPA fee schedule to cover Hybrid applications. To address this, it is proposed to add a charge for Hybrid applications in addition to the development type fee to each category as set out in **Annex 4**.
- 5.25 In addition to introducing a new hybrid fee for PPAs it is proposed to introduce a new PPA category for condition discharge/approval. This is to be based on the number of conditions seeking to be approved and is shown in Annex 4.

- 5.26 Increases to all Development type fees are proposed at 5% to account for the officer time in providing the project plan and liaising with applicants to keep the PPA on target.

6 Other Options

- 6.1 A review has also been undertaken to assess whether any additional services could be offered to customers on a chargeable basis.
- 6.2 A review carried out last year for the 24/25 fees concluded that it was not considered that a charge should be made for historic searches, however this report seeks to introduce new charges to cover areas where officers feel that value can be added to the process or where requests have been made from agents/members of the public for additional services to be offered.
- 6.3 For Development Management these additional charges cover fees for requests for compliance with planning conditions and fees for senior officer involvement in Major development proposals. For PPA's, these additional charges relate to discharge of conditions. For Building Control, new fee charges are proposed to cover costs for providing copies of notices, requests to make amendments to an application and an hourly charge to cover applications where a request is made to visit a site two or more years since the last inspection. For S106 monitoring, new fees have been included for compliance with S106 obligations.

7 Financial and Value for Money Considerations

- 7.1 It is appropriate to review the charging schedule every year, to ensure the Council continues to effectively recover costs. This will ensure that the Council is responsive to the needs of the customer and that the charging schedule is fairly applied and reflects the costs of delivering the service.
- 7.2 Based on the current level of uptake, the proposed increases to the fees discussed within this report will generate additional income of £44,588 in 2025/26 onwards, compared to the 24/25 budget. Which can be split out as follows:
- Development Management - £19,500
 - PPA's - £9,738
 - Building Control - £11,550
 - S106 Monitoring - £3,750

8 Risk Assessment

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

9 Legal Implications

- 9.1 The Local Government Act 2003 provides the power for local authorities to charge for discretionary services (as defined in the Local Government Act 1999). Discretionary services are those services that an authority has the power but not a duty to provide. An authority may charge where the person who receives the service has agreed to its provision. The power to charge under this provision does not apply where the power to provide the service in question already benefits from a charging power or is subject to an express prohibition from charging.
- 9.2 The Local Government Act 2003 places a duty on authorities to ensure that, taken one year with another, the income from charges for each kind of discretionary service does not exceed the costs of provision. An authority may set charges as it thinks fit, and may charge only certain people for a service or charge different people different amounts.
- 9.3 Local authorities are required to have regard for any guidance that may be issued by the Secretary of State in terms of carrying out their functions under the 2003 Act. Section 93(7) of the Act provides that certain prohibitions in other legislation preventing authorities from raising money are specifically dis-applied in relation to the exercise of the charging power.
- 9.4 Local Planning Authorities therefore have powers to recover the costs of preapplication advice in recognition of the time officers have to spend researching information in order to provide answers to prospective developers or applicants.

10 Consultation and Communications

- 10.1 The fee tables will be published on-line on the Council's website at least four weeks prior to start of the new financial year when the new fees will become live. Old fee tables will be removed at the start of the new financial year.

11 Implementation

- 11.1 New fees will be applied from 1st April 2025.

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.

12.1.3 There are no impacts on Climate change arising from this report.

12.2 Equalities and Diversity

12.2.1 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.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Development Management Fees Annex 2 – Building Control Fees Annex 3 – Planning Performance updated template Annex 4 – Planning Performance Fees

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Tonbridge and Malling Borough Council

Pre-application charging schedule 2025/26

Type of Development	Criteria	Existing Fees 2024/25	Proposed Fees increase	Proposed Fees 2025/26
Householder development fees	<ul style="list-style-type: none"> Alteration or extension of individual houses for residential purposes and where the building affected is not a listed building 	Written advice only: £297	5% increase	Written advice only: £312
Small (Minor) development fees for minor /other applications	<ul style="list-style-type: none"> Alterations to an existing building where there is no increase in floor space and no new residential units are to be created New or replacement shopfronts New or replacement Advertisements Demolition Telecommunications equipment Air conditioning or ventilation equipment 	Written advice only: £450	5% increase	Written advice only: £473
Medium development fees for minor applications	<ul style="list-style-type: none"> Creation of one to four new residential units Where the floorspace to be created or changed in use is less than 499 square metre 	Written advice only: £586 Virtual meeting and letter: £1,163	5% increase for all	Written advice only: £615 Virtual meeting and letter: £1,221 Site visit, follow up

		Meeting on site and letter: £1,259		meeting and letter £1322
Larger scale development fees for minor applications	<ul style="list-style-type: none"> • Creation of five to nine new residential units • Where the floorspace to be created or changed in use is between 499 to 999 sqm metres 	<p>Written advice only: £877</p> <p>Virtual meeting and letter: £1,745</p> <p>Meeting on site and letter: £1,942</p>	5% increase for all	<p>Written advice only: £920</p> <p>Virtual meeting and letter: £1,832</p> <p>Site visit, follow up meeting and letter £2,039</p>
Major development fees	<p>Existing criteria</p> <ul style="list-style-type: none"> • Creation of 10 units or over • Creation or change of use of over 1,000 square metres or more floorspace <p>Proposed criteria</p> <ul style="list-style-type: none"> • Ten to 99 new residential units • Creation or change of use between 1,000 square metres 9,999 square metres 	<p>£2,832</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting</p>	5% increase	<p>£2,973</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting</p>

		<p>between developer and council teams (60 mins)</p> <p>Written response (format to be agreed by the parties)</p>		<p>between developer and council teams (60 mins)</p> <p>Written response (format to be agreed by the parties)</p>
<p>Strategic development</p>	<ul style="list-style-type: none"> • Creation of 100 or more new residential units • Creation or change of use of 10,000 square metres or more floorspace 	<p>£3500</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council teams</p>	<p>10% increase</p>	<p>£3850</p> <p>The fee covers:</p> <p>Preliminary site visit by case officer</p> <p>Internal meeting by case officer with internal services</p> <p>Initial briefing by case officer to key members (where the case officer considers it necessary and proportionate to do so in liaison with those members)</p> <p>Virtual meeting between developer and council teams</p>

		(up to 2 hours) Written response (format to be agreed by the parties)		(up to 2 hours) Written response (format to be agreed by the parties)
Works to listed buildings fees	<ul style="list-style-type: none"> Internal and external works to listed buildings Enquiries relating to whether proposed works require listed building consent should be subject to a formal application for a lawful development certificate 	<p>Virtual meeting and letter: £506.00</p> <p>Meeting on site and letter: £671</p>	5% increase	<p>Virtual meeting and letter: £531</p> <p>Site visit, follow up meeting and letter: £704</p>
Requests for compliance with planning conditions	<ul style="list-style-type: none"> Householder developments Non-householder developments 		New Fee	<p>£43</p> <p>£145</p>
Additional Fees for senior officer involvement for Major Development Proposals	<ul style="list-style-type: none"> Ten to 99 new residential units Creation or change of use between 1,000 square metres 9,999 square metres 	<p>Virtual meeting between developer and council teams (60 mins)</p> <p>To include Team Leader</p> <p>To include Development Manager</p>	New Fee	<p>Additional £129 to Major development fees</p> <p>Additional £149 to Major Development Fees</p>

		To include Team Leader and Developer Manager		Additional £278 to Major Development Fees
Additional Fees for senior officer involvement for Strategic Development Proposals	<ul style="list-style-type: none"> • Creation of over 100 or more new residential units • Creation or change of use of over 10,000 square metres or more floorspace 	<p>Virtual meeting between developer and council teams including case officer (up to 2 hours)</p> <p>To include Team Leader</p> <p>To include Development Manager</p> <p>To include Team Leader and Development Manager</p> <p>To include Head of Planning</p> <p>To include Team Leader or Development Manager and Head of Planning</p> <p>To include Director of Planning, Housing and</p>	New Fee	<p>Additional £129 to Strategic Development Fees</p> <p>Additional £149 to Strategic Development Fees</p> <p>Additional £278 to Strategic Development Fees</p> <p>Additional £179 to Strategic Development Fees</p> <p>Additional £348 to Strategic Development Fees</p> <p>Additional £199 to Strategic</p>

		Environmental Health		Development Fees
		To include Head of Planning and Director of Housing and Environmental Health		Additional £378 to Strategic Development Fees
		To include either Leader of the Council/Chief Executive and Head of Planning or Director of Planning, Housing and Environmental Health		Additional £485 to Strategic Development Fees

Please note additional fees may be incurred for the following reasons:

- multiple proposals for the same scheme will be charged at full rate for the first proposal, then 50% of that fee for each additional proposal;
- schemes which would create additional units/floorspace in more than one use class will be charged at the relevant fee for both use class; and
- where a proposal includes development falling into one of the categories above and also alterations to a listed building both fees will apply.



Building Control

Phone: 01732 876230 **Option 2**

Email: building.control@tmbc.gov.uk

www.tmbc.gov.uk

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

Standard Building Control Guide to Charges Effective from 1 April 2025

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

Charges payable for:

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

Full Plans Application with Approval

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

Building Notice

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

Fire Safety Order

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

Regularisation

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

Individually Determined Charges

You can request a bespoke fee quote where:

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

We will use or calculated hourly rate of **£63.67** plus VAT for individually determined charges.

You can obtain an Individually Determined Charge by sending plans of your proposals by email: building.control@tmbc.gov.uk or by contacting us by telephone: 01732 876230 **Option 2.**

Exemption from Charges

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

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

Service level

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

The stages the Surveyor will look at include:

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

VAT

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

Payment

Payment can be made via an email payment link on request

Debit /Credit card payments are accepted by telephone; 01732 876230 Option 2 and cheques should be made payable to “Tonbridge & Malling Borough Council”.

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

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

Email: building.control@tmbc.gov.uk

Phone: 01732 876230 Option 2

www.tmbc.gov.uk

Standard Charges

Table A – New dwellings

Limited to work less than 300m² floor area per plot.

Code	Bungalows or Houses less than 3 storeys	Totals	24/25 Full plans Plan Charge	Uplift by 3.5% For 25/26	24/25 Full plans Inspection Charge	Uplift by 3.5% For 25/26	24/25 Building Notice Charge	Uplift by 3.5% For 25/26	24/25 Regularisation Charge	Uplift by 3.5% For 25/26
H01	1 Plot	Net	308.33	319.17	635.00	657.50	1130.83	1170.83	1700.00	1760.00
		VAT	61.67	63.83	127.00	131.50	226.17	234.17	-	-
		Total	370.00	383.00	762.00	789.00	1357.00	1405.00	1700.00	1760.00
H02	2 Plots	Net	385.00	399.17	1026.67	1063.33	1695.83	1755.83	2310.00	2391.00
		VAT	77.00	79.83	205.33	212.66	339.17	351.17	-	-
		Total	462.00	479.00	1232.00	1276.00	2035.00	2107.00	2310.00	2391.00
H03	3 Plots	Net	462.50	479.17	1348.33	1395.83	2171.67	2248.33	3258.00	3372.00
		VAT	92.50	95.83	269.67	279.16	434.33	449.66	-	-
		Total	555.00	575.00	1618.00	1675.00	2606.00	2698.00	3258.00	3372.00
H04	4 Plots	Net	539.00	558.33	1663.33	1721.67	2642.50	2735.00	3964.00	4103.00
		VAT	107.83	111.67	332.67	344.33	528.50	547.00	-	-
		Total	647.00	670.00	1996.00	2066.00	3171.00	3282.00	3964.00	4103.00
H05	5 Plots	Net	615.83	637.50	1823.33	1887.50	2927.50	3030.00	4391.00	4545.00
		VAT	123.17	127.50	364.67	377.50	585.50	606.00	-	-
		Total	739.00	765.00	2188.00	2265.00	3513.00	3636.00	4391.00	4545.00

Please request a bespoke quotation where the number of plots exceeds 5 or the floor area of any plot exceeds 300m².

Standard Charges

Table B – Extensions to a single dwelling

Limited to work not more than 3 storeys above ground level

Code	Extensions & Conversions	Totals	24/25 Full Plans Plan Charge	Uplift by 3.5% For 25/26	25/25 Full Plans Inspection Charge	Uplift by 3.5% For 25/26	24/25 Building Notice Charge	Uplift by 3.5% For 25/26	24/25 Regularisation Charge	Uplift by 3.5% For 25/26
D01	Single storey extension with a floor area less than 10m ²	Net	147.50	154.17	368.33	381.67	515.83	535.84	774.00	801.00
		VAT	29.50	30.83	73.67	76.33	103.17	107.16	-	-
		Total	177.00	185.00	442.00	458.00	619.00	643.00	774.00	801.00
D02	Single storey extension with floor area between 10m ² &	Net	220.83	229.17	515.83	534.17	736.66	763.33	1106.00	1145.00
		VAT	44.17	45.83	103.17	106.83	147.34	152.67	-	-
		Total	265.00	275.00	619.00	641.00	884.00	916.00	1106.00	1145.00
D03	Single storey extension with floor area between 40m ² &	Net	295.83	306.67	589.17	610.00	885.00	916.67	1326.00	1373.00
		VAT	59.17	61.33	117.83	122.00	177.00	183.33	-	-
		Total	355.00	368.00	707.00	732.00	1062.00	1100.00	1326.00	1373.00
D04	Multi-storey extension (ie some part 2 or 3 storeys in height) & floor area not	Net	295.83	306.67	589.17	610.00	885.00	916.67	1326.00	1373.00
		VAT	59.17	61.33	117.83	122.00	177.00	183.33	-	-
		Total	355.00	368.00	707.00	732.00	1062.00	1100.00	1326.00	1373.00
D05	Multi-storey extension (ie some part 2 or 3 storeys in height) & floor area 40m ² to 100m ²	Net	295.83	306.67	663.33	686.67	959.17	993.33	1479.00	1531.00
		VAT	59.17	61.33	132.67	137.33	191.83	198.67	-	-
		Total	355.00	368.00	796.00	824.00	1151.00	1192.00	1479.00	1531.00
D06	Extension comprising SOLELY a garage, carport or store with a floor area less than 60m ²	Net	147.50	153.33	368.33	381.67	515.83	535.00	751.00	778.00
		VAT	29.50	30.67	73.67	76.33	103.17	107.00	-	-
		Total	177.00	184.00	442.00	458.00	619.00	642.00	751.00	778.00
D07	Single storey detached non-habitable domestic outbuilding floor area less than 60m ²	VAT	29.50	30.67	73.67	76.33	103.17	107.00	-	-
		Total	177.00	184.00	442.00	458.00	619.00	642.00	774.00	778.00

D08	Single storey detached habitable domestic outbuilding building/annex, floor area less than 60m ²	Net	295.83	306.67	589.17	610.00	885.00	916.67	1326.00	1373.00
		VAT	59.17	61.33	117.83	122.00	177.00	183.33	-	-
		Total	355.00	368.00	707.00	732.00	1062.00	1100.00	1326.00	1373.00
Conversions										
D09	Loft conversions with a floor area less than 40m ²	Net	295.83	306.67	589.17	610.00	885.00	916.67	1326.00	1373.00
		VAT	59.17	61.33	117.83	122.00	177.00	183.33	-	-
		Total	355.00	368.00	707.00	732.00	1062.00	1100.00	1326.00	1373.00
D10	Loft conversions with a floor area between 40m ² & 100m ²	Net	295.83	306.67	663.33	686.67	959.17	993.33	1480.00	1532.00
		VAT	59.17	61.33	132.67	137.33	191.83	198.67	-	-
		Total	355.00	368.00	796.00	824.00	1151.00	1192.00	1480.00	1532.00
D11	Conversion of a garage to a habitable room	Net	147.50	153.33	270.00	279.17	417.50	432.50	626.00	648.00
		VAT	29.50	30.67	54.00	55.83	83.50	86.50	-	-
		Total	177.00	184.00	324.00	335.00	501.00	519.00	626.00	648.00

Multiple work reductions:

- a) Where more than one extension, or an extension and a loft conversion is proposed and the works are carried out concurrently, the individual fees should be combined and reduced by 30%.
- b) Where domestic alterations up to £15,000 are to be carried out at the same time as work described in codes D01 – D011 above, the charge payable in Table C can be reduced by 30%.

Standard Charges

Table C – Alterations to a single dwelling and all other non-domestic work
Limited to work not more than 3 storeys above ground level

Code	Alterations	Totals	Full Plans Plan Charge	Uplift by 3.5% For 25/26	Full Plans Inspection Charge	Uplift by 3.5% For 25/26	Building Notice Charge	Uplift by 3.5% For 25/26	Regularisation Charge	Uplift by 3.5% For 25/26
D12	Renovation of a thermal element ie recovering a roof or recladding walls	Net	76.94	80.00	153.89	160.00	230.83	240.00	348.00	361.00
		VAT	15.39	16.00	30.78	32.00	46.17	48.00	-	-
		Total	92.33	96.00	184.67	192.00	277.00	288.00	348.00	361.00
D13	Replacement of windows, roof windows, or external glazed doors	Net	76.94	80.00	153.89	160.00	230.83	240.00	348.00	361.00
		VAT	15.39	16.00	30.78	32.00	46.17	48.00	-	-
		Total	92.33	96.00	184.67	192.00	277.00	288.00	348.00	361.00
D14	Cost of work not exceeding £2000	Net	76.94	80.00	153.89	160.00	230.83	240.00	348.00	361.00
		VAT	15.39	16.00	30.78	32.00	46.17	48.00	-	-
		Total	92.33	96.00	184.67	192.00	277.00	288.00	348.00	361.00
D15	Cost of work between £2,001 & £5,000	Net	106.94	110.83	213.89	221.67	320.83	332.50	469.00	486.00
		VAT	21.39	22.17	42.78	44.33	64.17	66.50	-	-
		Total	128.33	133.00	256.67	266.00	385.00	399.00	469.00	486.00
D16	Cost of work between £5,001 & £15,000	Net	192.50	200.00	323.33	335.00	515.83	535.00	736.00	762.00
		VAT	38.50	40.00	64.67	67.00	103.17	107.00	-	-
		Total	231.00	240.00	388.00	402.00	619.00	642.00	736.00	762.00
D17	Cost of work between £15,001 & £25000	Net	219.17	228.33	430.83	446.67	650.00	675.00	976.00	1011.00
		VAT	43.83	45.67	86.17	89.33	130.00	135.00	-	-
		Total	263.00	274.00	517.00	536.00	780.00	810.00	976.00	1011.00

D18	Cost of work between £25,001 & £50000	Net	346.67	359.17	701.67	726.67	1048.33	1085.83	1572.00	1627.00
		VAT	69.33	71.83	140.33	145.33	209.67	217.17	-	-
		Total	416.00	431.00	842.00	872.00	1258.00	1303.00	1572.00	1627.00
D19	Cost of work between £50,001 & £100000	Net	430.83	446.67	847.50	877.50	1278.33	1324.17	1896.00	1963.00
		VAT	86.17	89.33	169.50	175.50	255.67	264.83	-	-
		Total	517.00	536.00	1017.00	1053.00	1534.00	1589.00	1896.00	1963.00

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

Competent Persons Scheme notification can / will not be provided (in addition to the above, where applicable)

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

Code	Alterations	Totals	Building Notice Charge	No uplift proposed from 24/25	Regularisation Charge
Page 74 D20	Where a satisfactory competent person's certificate can / will not be provided, Electrical Part P	Net	329.17		409.00
		VAT	65.83		-
		Total	395.00		409.00

Table D – Other chargeable items (exclusive from VAT)

Code	Description	Totals	Charge	Notes
E01	Copy of Notices and Certificates	Net Total	64.00 64.00	
E02	Per hour charge (after the first hour) that may be applied to an application that has been commenced and inspections carried out when a subsequent request to visit site is received after a delay of two or more years since the last inspection.	Net Total	64.00 64.00	Per hour dependant on the complexity of the project and the date the application was submitted
E03	Request to make an amendment to an application such as a change to the description of work, re-issuing of invoices, changes to named person on application etc.	Net Total	64.00 64.00	Minimum fee dependant on complexity and extent of changes required

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Estimated Cost of Works:

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

Competent Persons Schemes:

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

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Planning Performance Agreement

INSERT DATE

ENTER SITE ADDRESS

Between:

Tonbridge and Malling Borough Council and

ENTER NAME OF APPLICANT/AGENT

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1. Executive Summary

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

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

Excerpt from the National Planning Practice Guidance, paragraph 018: Reference ID: 20-018-20150326 (revised 26 March 2015):

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

2. Introduction and Purpose

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

Definitions

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

Party	Details
Applicant	ENTER APPLICANT
Applicant's Team	Those personnel employed or appointed by the Applicant in connection with the Project set out at Table 1 of Appendix 2
Application Documents	The documents set out at Part 2 of Appendix 3 of this agreement
Planning Counsel	Any of the following Barristers:
Pre-Application Documents	The documents set out at Part 1 of Appendix 3 of this agreement
Site Address	ENTER SITE ADDRESS
Project	ENTER PROPOSAL
Third Party Challenge	Any legal challenge against a decision made by TMBC in connection with the project, including any appeal in the higher courts.

TMBC	Tonbridge and Malling Borough Council
TMBC's Team	Those TMBC personnel involved in the Project as set out at Table 2 of Appendix 2

3. General Principles

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

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

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

Principle 2: To commit and provide promptly information to support and manage the development management process, in accordance with the Performance Standards contained in paragraphs 5.13 and 5.14 of this agreement.

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

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

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

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

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

4. Form and Content of the Pre-Application Submission

- 4.1 The pre-application discussions relate to the project's need for TYPE planning permission.
- 4.2 The greater the level of information provided by the applicant at the pre-application stage, the better and more detailed the response. With this in mind, key documents (relating to the specifics of the proposal) will be requested at the earliest opportunity during the pre-application discussions. The dates for the provision of such information shall be fed into the timetabling to help TMBC efficiently allocate time and resources.
- 4.3 The Applicant shall provide TMBC with the Pre-Application Documentation (as a minimum) as part of the pre-application discussion process.

5. Resources and Liaison

The Project Team

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

Performance Standards

5.2 Communications, be it via email or hard copy correspondence shall be acknowledged within 5 working days of receipt with a suitable response where possible.

5.3 Telephone messages shall be returned within 5 working days of receipt.

5.4 Relevant information will be circulated by all parties no later than 5 working days prior to a meeting.

5.5 The Applicant's Planning Agent to circulate meeting agendas, unless otherwise agreed, no later than 5 working days prior to any meeting.

5.6 Unless otherwise agreed, the Applicant's Planning Agent will circulate minutes no later than 3 working days after the meeting.

5.7 Unless otherwise agreed, actions arising from meetings shall be agreed no later than 5 working days after the minutes of that meeting have been circulated.

5.8 If requested by the Applicant or Applicant's Planning Agent, TMBC shall provide informal feedback on information presented at a meeting within 10 working days from that meeting.

Meetings

5.9 Meetings will be attended by the Project Team (unless specific attendance is not required due to meeting topic).

5.10 The Applicant's Planning Agent, in conjunction with the TMBC Case Officer, will act as PPA Project Managers and will convene meetings, organise agendas and produce minutes to be agreed by the Project Team.

5.11 Project Team meetings will be held at the times set out in the Project Programme (unless otherwise agreed or cancelled).

5.12 10 working days in advance of any meeting the Project Team shall agree whether any specialist advice is required and seek to ensure the relevant personnel are available to attend.

Availability of People and Resources

5.13 The parties to this agreement will endeavour to make available members of the Project Team to facilitate meetings within 10 working days from a formal written request, unless otherwise agreed.

5.14 The parties will also share with each other project tools (such as traffic models, visualisation models and development viability information) subject to protecting commercial confidentiality and Freedom of Information considerations.

Confidentiality

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

Costs

5.16 The Applicant commits to cover all charges from ENTER DATE OF PPA AGREEMENT:

- i. TMBC's costs incurred in the staffing and resourcing of necessary meetings between TMBC's Team and the Applicant's Team during the life of the pre-application discussion (ENTER PRE-APP REFERENCE). These fees are as per the pre-application protocol 2024.
- ii. The Applicant will pay the one-off upfront PPA fee of £ENTER RELEVANT PPA FEE to TMBC. This is in accordance with the Council's PPA Charging Schedule 2024/2025. For the avoidance of doubt, this includes up to ENTER NUMBER OF MEETINGS AS PER PPA SCHEDULE meetings. The PPA fee is to be paid by the Applicant on or before the date the PPA is signed and dated by both parties.
- iii. Additional meetings will be charged as set out in the TMBC PPA charging schedule for additional meetings.
- iv. In the event that it is agreed between the parties that legal representation is required at any meeting, TMBC will agree with the Applicant the required costs in connection with its legal advisor. TMBC's legal advisor shall be its internal planning lawyer (at the date of this agreement the post-holder designated as "Principal Solicitor (Litigation)") unless due to resourcing issues it is necessary for TMBC to appoint an external solicitor to provide advice and representation. Upon agreement, the Applicant will pay for the full costs associated with such an appointment.
- v. In the event that TMBC deems necessary (in its reasonable opinion) to appoint external consultants to provide an independent review of any of the Application Documents or Pre-Application Documents (or to provide technical advice in connection with consultation responses), the costs of such external consultants shall be agreed in writing with the Applicant prior to appointment. If additional work is required, this sum shall only increase with the written agreement of the Project Team. Upon the agreement, the Applicant will pay the full costs of such external appointments.
- vi. If required by TMBC the Applicant will pay TMBC the costs of appointing an additional Planning Officer (not to be part of the Project Team) for the duration of the Project to enable TMBC to adequately resource the Project within the timescales set out in this

agreement. TMBC will agree will the applicant the required costs in connection to this appointment.

- vii. Fees for consultants appointed by the TMBC shall be paid directly to the consultant upon the Applicant receiving an invoice from them in accordance with the payment terms contained therein.

6. Application (Project) Programme

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

7. Appeals and Third Party Challenges

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

8. Nature of Agreement

- 8.1 Nothing in this Agreement shall operate or be construed as any fetter on TMBC's discretion either as the local planning authority in connection with the Project or more generally as a local authority. For the avoidance of doubt, nothing in this agreement is intended to commit TMBC to the delivery of an approval of any planning application.
- 8.2 If any provision of this agreement is held by any court or other competent body to be void or unenforceable in whole or in part, then the other unaffected remaining provisions of the agreement shall continue.
- 8.3 Nothing in this agreement shall create, or be deemed to create, a partnership between the parties.

9. Breach and Termination

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

10. Third Party Rights

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

10.2 Without prejudice to clause 10.1, this agreement may be varied, revoked, modified or supplemented without the consent of any third party.

11. Agreement

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

Tonbridge and Malling Borough Council

Name:

Signature:

Position:

On Behalf Of:

Date:

Applicant

Applicant Name:

Signature:

Position:

On Behalf Of:

Date:

Appendix 1 – Project Programme

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

Project Programme - Pre-application Phase

Task	Parties Involved	Week Number	Date
Signing & payment of Planning Performance Agreement (Activation)	Council and Applicant		
Introduction Meeting	Planning Officer(s) & Applicant Co-ordinator		
Submission of pre-application documentation	Applicant Co-ordinator		
Consideration of submitted Pre-Application Documents	Planning Officer(s) & Statutory Consultees		
Pre-application Meeting	Planning Officer(s) & Applicant Co-ordinator		
Member Briefing(s)	Planning Officer(s) & Applicant Co-ordinator		
Public Consultation & Exhibition	Applicant Co-ordinator		
Submission of all outstanding pre-application documents and material	Applicant Co-ordinator		
Consideration of submitted pre-application documents	Planning Officer(s) & Statutory Consultees		
Further pre-application meeting <i>Planning Officer to arrange with internal Council personnel</i> <i>Applicant Co-ordinator to arrange with external consultees</i>	Planning Officer(s) & Applicant Co-ordinator		

Project Programme - Application Phase

The timescales are based upon the following assumptions:

- The Developer to submit ENTER DATE OF APPLICATION SUBMISSION
- No more than ENTER AS NECESSARY joint working meetings are required (refer to PPA fee schedule)
- The outcomes of the joint working meetings are productive and resolve outstanding issues
- The application is not called in by the Secretary of State

Parties Involved	Week Number	Date	W/b or Date
Submission of Application	Applicant Co-ordinator		
Registration and consideration of the validity of the application <i>Provided that the Application is valid</i>	Technician and Planning Officer(s)		
Consultation in respect of the Application <i>21 days minimum</i>	Technician, Planning Officer(s) and Statutory Consultees		
1st Joint Working Meeting - consideration of consultation responses received	Planning Officer(s) and Developer Co-ordinator		
Developer Co-ordinator to address issues raised in the joint working meeting and submit further information if required	Applicant Co-ordinator		
Re-consultation on amended or additional information <i>21 days minimum</i>	Planning Officer(s) and Statutory Consultees		
2nd Joint Working Meeting <i>Depending on size of PPA</i>	Planning Officer(s) / Applicant Co-ordinator		
Developer Co-ordinator to address issues raised in the 2nd joint working meeting and submit further information if required <i>Depending on size of PPA</i>	Applicant Co-ordinator		
Re-consultation on amended or additional information <i>21 days minimum</i> <i>Depending on size of PPA</i>	Planning Officer(s) and Statutory Consultees		
Preparation of Members Briefing Note	Planning Officer(s)		

Organisation of Members Site Inspection <i>Add-on for Strategic PPAs only</i>	Full Council/Planning Committee		
Developer Co-ordinator to address any issues raised and submit amendments and/or additional information <i>Depending on size of PPA</i>	Applicant Co-ordinator		
Preparation and submission of Report to Full Council/Planning Committee	Planning Officer(s)		
Consideration by Full Council/Planning Committee	Full Council/Planning Committee		
Negotiation and completion of Section 106 agreement	Council legal representative/ Planning Officer(s)/ Applicant representative		
Referral to Secretary of State <i>Three weeks</i>	Planning Officer(s)		
Issue of planning application decision notice	Planning Officer(s)		

Appendix 2 – Project Team

Table 1 – Applicant’s Team

Company	Name	Responsibility	Telephone No	Email

Table 2 – TMBC’s Team

Name	Position	Telephone No	Email

Appendix 3 – Documents

Part 1 – Pre Application Documents

- INSERT PLANS/DOCUMENTS ACCORDINGLY

Appendix 3 – Documents

Part 2 – Application Documents

- INSERT PLANS/DOCUMENTS ACCORDINGLY

Annex 4

Proposed Fee Schedule from 1st April 2025/26 – Planning Performance Protocol (PPA)

Inception Fee = **£1,302**

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

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

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

PPA Fees 2025/26

Development type	Residential Units	Commercial Floorspace (sq.m)	Meetings (intro + topic area*)	Member Briefings** (Microsoft Teams)	Number of amendments at application stage	Current PPA Fee 24/25(£)	Fee Increase	Proposed Fee 25/26
Small	10 to 49	1,000 to 2,499	1 + 1	1	1	5,760	5%	£6,048
Hybrid (an additional fee of)						N/A		£303
Medium	50 to 99	2,500 to 4,999	1 + 2	1	1	8,060	5%	£8,463
Hybrid (an additional fee of)						N/A		£423
Large	100 to 249	5,000 to 9,999	1 + 3	1	2	11,200	5%	£11,760
Hybrid (an additional fee of)						N/A		£588
Strategic	250+	10,000+	1 + 4	2	3	18,200	5%	£19,110
Hybrid (an additional fee of)						N/A		£956
Small to Strategic - Discharge of conditions	10-250+	1000 – 10,000+	1	N/A	1	New Fee	New Fee	New Fee

For 1-5 conditions						N/A		£870
For 6-10 conditions						N/A		£1172
For 11 and above						N/A		£1652

*Additional Topic Area meetings = £1,252 per meeting

**Additional Member Briefings (Teams) = £525 per meeting

Additional Meeting Briefing (Council Chamber) = £1,669 per meeting (Strategic only)

Additional Meeting Site Visit Briefing = £1,701 per meeting (Strategic only)

Notes:

Fees and deductions

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

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

Public Engagement Events

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

External Specialist Advice

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

External Consultee Advice

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

Design Review

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

Member Briefings

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

Member Site Visit

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

Submission of Amendments (planning application stage).

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

Agenda Item 7

The recommendations of the Housing and Planning Scrutiny Select Committee of 3 December 2024 are 'To Follow'

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Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Matters for Cabinet - Key Decision



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Cabinet Member	Kim Tanner, Cabinet Member for Finance and Housing
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	Linda Hibbs, Head of Housing & Health Hazel Skinner, Senior Environmental Health Officer

HMO and Caravan Site Licensing Fee Charges for 2025/26

1 Summary and Purpose of Report

- 1.1 This report sets out the proposed fees for licensing of houses in multiple occupation (HMOs) and caravan sites for permanent residential use 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 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 fees for licensing of HMOs and caravan sites for permanent residential use as detailed in the report be approved; and
- 3.2 The proposed fees be implemented from 1st April 2025

4 Introduction and Background

- 4.1 The proposed charges for 2025/26 have 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.

4.2 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 HMO Licensing Fees

5.1.1 Under the Housing Act 2004 Part 2 HMOs occupied by five or more persons living in two or more households are required to be licensed. HMOs in self-contained flats in purpose-built blocks where the block comprises three or more self-contained flats are excluded from this licensing requirement.

5.1.2 There are currently 27 licensed HMOs in the Tonbridge & Malling area.

5.1.3 The aim of licensing is to improve the controls on HMOs and to raise the standard of some of the highest risk properties that are often occupied by some of the most vulnerable people, whilst maintaining an adequate supply of rented accommodation.

- 5.1.4 The licence is for a maximum of five years and cannot be transferred. The licence can end as a result of the passage of time, the death of the licence holder, the sale of the property or the revocation of the licence by the Council.
- 5.1.5 The Council is required to have a register containing the particulars of these HMOs, which can be inspected by members of the public.
- 5.1.6 Following a review of administrative costs and using the same HMO licence fee cost calculator developed by the Kent and Medway local authorities that has previously been used and based on an increase of 3.5% the proposed revised charges are detailed in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2025/26
New HMO licence application fee	£753	£779	£2,337 for three new HMO licence applications.
Renewal of a HMO licence application	£675	£699	£2,097 for three licence renewals due in this period

- 5.1.7 The charge for a new HMO licence application (in 2024/25) in Tunbridge Wells is £760 (for 5 to 7 occupants) and £855 (for 8 or more occupants), £740 in Maidstone and £972 in Sevenoaks.
- 5.1.8 The charge for the renewal of an HMO licence application (in 2024/25) in Tunbridge Wells is £655 (for 5 to 7 occupants) and £700 (for 8 or more occupants), £690 for Maidstone and £972 in Sevenoaks. The lower cost for a licence renewal is attributed to the reduced inspection time.

5.2 Caravan Site Licensing Fees

- 5.2.1 The Mobile Homes Act 2013 amended the Caravan Sites and Control of Development Act 1960 to allow local authorities from the 1 April 2014 to charge a fee for the licensing of residential mobile (park) home sites (“relevant protected sites”) and recover their costs in undertaking this function.
- 5.2.2 A caravan site must have planning consent for use as a caravan site before it can be licensed and once licensed it remains in perpetuity until a change of use or planning consent has expired.
- 5.2.3 Following a review of administrative costs associated with charging for caravan site licences based on our experience over the last twelve months the proposed revised charges based on an increase of 3.5% are shown in the table below:

Service	Current Charge	Recommended Charge	Predicted Income Full Year 2024/25
New caravan site licence application fee	£475	£492	£492 for one new licence
Transfer of a caravan site licence	£232	£240	£240 based on the transfer of one caravan site licence

- 5.2.4 The charge to process a licence application for a new caravan site and transfer of the licence (in 2024/25) in Tunbridge Wells is £355 and £175 respectively. The charge in Sevenoaks is an incremental cost from £720 dependent on the number of pitches above one for a new caravan site, free if a single pitch site, and to transfer an existing licence is £99.
- 5.2.5 Where a licence holder of a permanent residential site wishes to register their site rules with the Council, the Council can charge a fee for administering and publishing the site rules on their website. The fee charged for this in 2024/25 was £60. The fee charged in Sevenoaks in 2024/25 is £66. It is proposed to increase this fee for the 2025/26 period to £62.
- 5.2.6 The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020 introduced a fit and proper person test for site owners/caravan site licence holders or for their person appointed to manage the mobile home/caravan/park home site. This only applies to relevant protected sites other than non-commercial family occupied sites.
- 5.2.7 The Regulations require site owners/caravan site licence holders to apply to be included or their appointed manager to be included on a register of fit and proper persons. Inclusion on the register is for five years.
- 5.2.8 The Council adopted a fee policy for processing fit and proper person test applications and the fee charge in 2024/25 was £273. It is proposed to increase this fee for the 2025/26 period to £283. There are no fit and proper person test applications due for renewal in 2025/26. The fee charged by our neighbouring boroughs of Tunbridge Wells and Sevenoaks (in 2024/25) is £132 and £107.48 respectively.

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

10 Consultation and Communications

- 10.1 In bringing forward proposals surrounding local authorities have been consulted so Members can make appropriate comparisons.

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.

12.2 Climate Change and Biodiversity

- 12.2.1 Limited or low impact on emissions and environment.

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

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.

12.4 Other If Relevant

- None

Background Papers	None
Annexes	None

Agenda Item 8

The recommendations of the Housing and Planning Scrutiny Select Committee of 3 December 2024 are 'To Follow'

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Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Recommendation to Cabinet – Non-Key Decision



Cabinet Member	Cllr Mike Taylor - Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle – Director of Planning, Housing and Environment
Report Author	Kelly Sharp – Planning Policy Manager

Local Plan Engagement Strategy and estimated Local Plan budget

1 Summary and Purpose of Report

- 1.1 Following the Government's consultation (July – September 2024) on updates to the National Planning Policy Framework (NPPF) and Planning Reform, the Council has been progressing a number of workstreams following the consultation and the September 2024 HPSCC, where a number of agenda items were identified for future HPSCC meetings.
- 1.2 A revised NPPF has not been published to date, therefore the focus of this report relates to the Local Plan Engagement and Consultation Strategy (item VII from the September HPSCC proposed agenda), with a brief update on our understanding of the emerging Local Plan budget requirements. It is not possible to report on the other noted future agenda items until a revised NPPF is published.
- 1.3 The Local Plan Engagement and Consultation Strategy builds on the current Statement of Community Involvement (SCI) that was adopted in September 2022. The Engagement Strategy provides further detail in relation to the engagement process that we will take both internally within the Council, including other Council services and with Council Members, as well as externally with stakeholders and our communities.

2 Corporate Strategy Priority Area

- 2.1 The report will contribute to the following corporate priorities:
 - Efficient services for all our residents, maintaining an effective council.
 - Sustaining a borough which cares for the environment.

- Improving housing options for local people whilst protecting our outdoor areas of importance.
- Investing in our local economy.

2.2 The Local Plan once progressed to adoption will be the key planning document for TMBC, setting out the Council's strategy for land use. Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also important for consultation and engagement to be effective.

3 Recommendations

HPSSC is asked to recommend to Cabinet the:

- 3.1 APPROVAL of the Local Plan Engagement and Consultation Strategy.
- 3.2 Endorse the Engagement Programme set out at Annex 2.
- 3.3 NOTE the updates provided in relation to the Local Plan including the likely increase in the annual allocation to the Local Plan reserve that will be required to progress a Local Plan under a revised NPPF.

4 Introduction and Background

- 4.1 At the 24th of September 2024 meeting of this Committee, Members noted the draft response to the Government's NPPF and planning reform consultation that took place from 30th July – 24th September 2024. Members also noted a number of annexes to the report including a summary of the implications of the draft NPPF provided as part of the Government's consultation on plan-making and implications of this on the local plan work programme and local plan evidence gathering.
- 4.2 A commitment was made at the September HPSSC to bring a number of agenda items to future HSPSSC, if it was possible to do so, considering the date of publication of a revised NPPF and time to consider the revisions and the implications of these. To date a revised NPPF has not been published by the Government and therefore it is only possible to bring one agenda item to this committee, that being a Local Plan Engagement and Consultation Strategy. However, we have also provided a brief interim update in relation to the Local Plan work we are progressing ahead of a revised NPPF.

5 Engagement and Consultation Strategy

- 5.1 Engagement is an essential and critical part of the plan-making process providing an opportunity for members, communities, partners and stakeholders to be involved, having a say in how to shape the places in which we live. It is also

important for consultation and engagement to be effective. The extended time provided by the transitional arrangements for Local Plan submission provides an opportunity to consider the most effective ways for local plan engagement and consultation.

- 5.2 The Council has a duty under the Town and Country Planning (Local Planning)(England) Regulations 2012 (as amended) to consult with a number of different groups, as set out in the Regulations, at key stages of the local plan preparation process. In addition, under the Localism Act 2011 the Council has a legal duty to engage constructively, actively and on an on-going basis with duty to cooperate bodies to maximise the effectiveness of local plan preparation relating to strategic cross-boundary matters. The Engagement Strategy provides further detail on this.
- 5.3 The Council's adopted Statement of Community Involvement (SCI) (2022) sets out the Council's approach to engaging the community in the planning process. The Local Plan Engagement and Consultation Strategy has been prepared to expand on the Council's SCI and to set out the approach that we will take to consulting and engaging on the next stages of our emerging Local Plan. The document sets out the engagement process that we will take both internally and externally, with Council Members, officers in other relevant Council services, external partners and stakeholders, Parish Council's and communities. Setting this out ensures that the process that we take is transparent with the aim of increasing awareness and levels of participation in the Local Plan process.
- 5.4 The Engagement and Consultation Strategy is provided at **Annex 1**. It sets out the consultation details against each of the key local plan stages, sets out who will be engaged at the various stages and also the engagement and consultation methods that will be used.
- 5.5 Work has also been undertaken to devise a Council Member, Council officer and Parish Council engagement programme. This is not presented in detail within the engagement strategy given that the document is a high-level and public facing document. However, further detail of our Local Plan engagement programme is presented in Annex 2. Please note that this is draft, timescales or dates for meetings have not been provided as these partly rely on the publication of a revised NPPF. There may also need to be a change in the order of the programme, taking into account timescales for obtaining evidence to support plan-making. Notwithstanding this, **Annex 2** sets out the fundamental aspects of member and officer engagement.

6 Interim Local Plan update

- 6.1 It was reported to the 24th September HPSSC Committee that one of the main implications of a revised NPPF will be the requirement to update or revise the emerging Local Plan position to meet new national policy requirements to ensure a robust Local Plan. This includes the consideration of meeting a higher housing

target as well as a consideration of new national policy and guidance in relation to the Green Belt, amongst other changes.

- 6.2 Based on our current understanding of likely revisions to the NPPF, work has been undertaken to understand Local Plan requirements more fully, allowing a programme of work to be understood and costs to be identified over the plan production period. Although work has been undertaken, we are unable to confirm the exact Local Plan timetable or estimated costs until the Government provide a response to the NPPF consultation and publish a new NPPF, providing us with greater certainty. The Local Plan programme of work and the estimated budget requirements will therefore be presented to HPSSC early next year.
- 6.3 However, ahead of this, we would like Members to note that a revised NPPF, should this include the changes made as per those in the consultation draft, will require an increase to the annual allocation of funds into the Local Plan reserve. Further detail on the estimated Local Plan budget will be provided at a future HPSSC meeting once a revised NPPF is published, which will provide added certainty in relation to the Local Plan timetable and costs required.
- 6.4 In considering costs, it is likely that the evidence base requirements will be the largest cost. The Council has progressed certain evidence bases to support the 2022 consultation stage and also the consultation stage that was due to take place this year before pausing the Local Plan at the end of July 2024. Progressing a Local Plan under a revised NPPF will incur costs associated with updating the emerging evidence to support the next Regulation 18 consultation as well as progressing further evidence to support the new Regulation 18 and subsequent Regulation 19 consultation stage. Evidence gathering has been and will continue to be a key and essential part of the Local Plan process and it will be critical for any updated or revised evidence to feed into the emerging Local Plan to ensure that it is found sound at examination.
- 6.5 In light of a revised NPPF, particularly around green belt policy and increased development requirements, evidence that was not previously budgeted for will be required. This includes landscape evidence such as a borough-wide landscape character study, landscape sensitivity assessments for the borough and also for potential sites and a landscape sensitivity assessment for renewable energy. This will be required given that national policy for Green Belt will be weakened including where we cannot demonstrate a 5-year housing land supply. This work will assist in Local Plan policy formulation and in identifying suitable sites to deliver sustainable development by ensuring that the most valued landscapes are protected. It will also assist in planning application considerations and decisions. To meet Local Plan timescales, it is essential to progress this work now, using the current Local Plan budget.
- 6.6 Other evidence base work that has been progressed to-date will either require updates or will need to be re-run / re-considered against the requirements of a revised NPPF and the emerging Local Plan, for example, Green belt evidence,

transport modelling, Sustainability Appraisal and Habitats Regulations Assessment. It will also be necessary to update other evidence including that relating to housing, the economy, infrastructure and the environment to account for national policy changes and / or an increase in housing / employment requirements. The level of updates required and their associated costs will vary for different evidence bases.

- 6.7 It will be necessary to engage certain consultants as soon as possible, particularly in relation to work associated with the Green Belt and also Sustainability Appraisal. Procurement will need to be progressed for this work utilising the existing Local Plan budget.
- 6.8 It is worth noting that much of the evidence base work already undertaken would require updating without a revised NPPF due to the iterative process of plan-making, however, a revised NPPF will require changes to methodologies, consideration of new national policy or a consideration of national policy in a different way. This means that certain evidence bases that have already been progressed will not meet a revised NPPF or will require additional work to ensure that they are policy compliant.
- 6.9 We would also like Members to note that submitting a Local Plan no later than December 2026 which is the current timeframe outlined in the NPPF consultation, will be tight. We will therefore be taking a report to General Purposes Committee in January 2025 to request a moderate boost to the planning policy staff resource on a permanent basis to help deliver the new Local Plan within the timescales provided by the Government. Please note that staffing is a separate Council budget, therefore permanent staff costs will not be included in Local Plan budget considerations.

7 Financial and Value for Money Considerations

- 7.1 Whilst we are awaiting the revised NPPF to be published, it is worth noting now that there will be direct financial and value for money considerations associated with Local Plan preparation beyond that which was originally identified before the 30th July 2024 NPPF consultation and the pausing of the Local Plan.
- 7.2 The Government are clear that LPAs at the early stages in plan-making will be required to take plans forward in accordance with a revised NPPF once this is published. Members will be aware that Local Plan expenditure is funded from the Council's earmarked reserve. Given the fundamental changes proposed and the implications of these, this report notes that an increase in the annual allocation to the Local Plan reserve will be required to deliver a Local Plan that meets policy changes that will be included in a revised NPPF. The estimation of costs will be confirmed once a revised NPPF is published. In the meantime, table 1 below details Local Plan actual spend between 1st April 2020 – 31st March 2024. This is provided to identify to members the cost of preparing a Local Plan so far and to also identify the available budget for 2024/25.

Table 1: Local Plan (actual) budget (1st April 2020 – 31st March 2024)

Local Plan budget (1st April 2020 – 31st March 2024)	Actual Spend			
	2020/21	2021/22	2022/23	2023/24
	£	£	£	£
Opening balance	34,908	220,725	938,300	834,798
Local Plan top up contribution	377,193	830,000	80,000	80,000
External spend - supplies and services	(191,376)	(112,425)	(175,465)	(295,644)
Additional Staffing	0.00	0.00	(8,037)	(45,000)
Closing balance	220,725	938,300	834,798	574,154

7.3 Following a contribution to the reserve of £425,000, the available balance for the 1st April 2024/25 was £999,154. Expenditure during the course of the financial year results in a closing balance as of the end of October 2024 of £827,034.

Table 2: Local Plan (actual) budget (1st April 2024 – 31st October 2024)

Local Plan budget (1st April 2024 – 31st October 2024)	2024/25
	£
Opening balance	574,154
Local Plan top up contribution	425,000
External spend - supplies and services	(172,120)
Closing balance	827,034

7.4 As set out above, to meet the December 2026 Local Plan submission deadline it is critical to procure certain workstreams to get consultants in place for when a revised NPPF is published. The existing budget will be utilised to reduce risks later on down the line to meeting the Local Plan timetable.

7.5 A report has recently been taken to Finance, Regeneration and Property Scrutiny Select Committee setting out the Medium-Term Financial Strategy (MTFS). This report notes the current annual contribution of £80k to the Local Plan budget and provides an interim increase to £160k, taking into account that the current annual contribution of £80k is likely to be insufficient to meet the requirements of a new NPPF and submission timescales. Given the work that will be required to produce a national policy compliant Local Plan, it is likely that additional funds beyond the £160k currently identified in the MTFS will be required. Further updates to the figure presented in the MTFS will be considered as soon as it is possible to do so in line with the publication of a revised NPPF.

- 7.6 As relevant to the Engagement Strategy, there will also be financial and value for money considerations and these will be included in the budget considerations presented in this report.

8 Risk Assessment

- 8.1 The preparation of the new Local Plan will provide the council with an up-to-date Local Plan on adoption. This will alleviate the current risks associated with not having an up-to-date development plan in place. The Government are clear within the consultation that it is unacceptable for LPAs to not make a Local Plan and are considering updating the intervention criteria given the criticality of local plans to the Government's housing and economic development agenda. The Government are also clear that plans should continue to be progressed under the existing planning system without delay and have provided transitional arrangements to achieve this where all plans will need to be submitted no later than December 2026.
- 8.2 A number of Corporate Risks are relevant including staffing challenges in planning services and a corporate risk directly associated with the Local Plan. An updated Risk Assessment was provided as an Annexe to the 24th of September 2024 HPSCC report. This is again relevant here and has been provided in Annex 3. An additional risk has been added which relates to the delivery of the Local Plan should Members not agree to the Local Plan budget once this is presented in the new year.

9 Legal Implications

- 9.1 Local Planning Authorities are required to prepare and keep an up-to-date development plan for their area. The Planning and Compulsory Purchase 2004 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) set out the requirements and the statutory process for the preparation of a Local Plan.

10 Consultation and Communications

- 10.1 Subject to approval by Cabinet, the Engagement and Consultation Strategy can be published on the Council's Local Plan webpages and the approaches set out progressed at the various Local Plan stages.

11 Implementation

- 11.1 The Local Plan is on-going work. The LDS will be brought before HSPCC early next year setting out the timelines of the Local Plan and other relevant documents. Having an agreed budget for 2025-2028 which will be presented to Members early next year will be key to progressing and achieving an adopted Local Plan.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Adaptation and resilience have been considered.

12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report. Climate change has been considered in devising the engagement strategy through methods of consultation, such as providing information and exhibitions online during consultation to reduce car use. The remainder of the report provides an update to budgetary requirements and therefore has minimal relevance.

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.

12.2.2 The Engagement and Consultation Strategy provides further detail to that provided in the Council's adopted Statement of Community Involvement and both documents ensure that engagement and consultation at the various Local Plan stages are accessible to all.

12.2.3 The impact of this report has been considered and does not vary between groups of people.

12.3 Other If Relevant

- Business Continuity / Resilience
- Data Protection

12.3.1 The above selected options are relevant to this report for the following reasons:

Business Continuity / Resilience

12.3.2 Once progressed, identifying an estimated budget will assist with the Council's business continuity / resilience. Whilst we are awaiting the publication of a revised NPPF, noting that an increase in the annual allocation to the Local Plan reserve is useful to enable the Council to plan for the additional budget required including risk assessments.

Data protection

12.3.3 The engagement strategy sets out how we will consult with communities and stakeholders including the use of software platforms. Data protection is a key consideration within the work we do. The Council holds information within databases to enable us to consult on the Local Plan as well as gather information for the Council's Local Plan evidence, such as the Land Availability Assessment. and data protection consultation process. Databases are kept up to date and used to keep registered individuals, organisations and groups informed on the production of any planning policy documents. In order to accord with the requirements of the General Data Protection Regulations (GDPR) 2018, those wishing to be contacted in relation to community engagement and updates to the Local Plan, must register with TMBC. In compliance with GDPR, contact details cannot be shared.

Background Papers	None
Annexes	Annex 1 – Local Plan Engagement and Consultation Strategy Annex 2 - Engagement Programme Annex 3 – Local Plan Risk Register

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Local Plan

Engagement and Consultation Strategy

November 2024

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1. Introduction

- 1.1 Tonbridge and Malling Borough Council (TMBC) have begun the process of preparing a new local plan. The Local Plan will cover a minimum 15-year period, setting out a vision for and a range of strategic objectives for the Borough. The plan will set out housing and employment requirements and identify the locations where this will be located, and if possible, will address any unmet housing and employment needs from neighbouring authorities. The Local Plan will also address a number of other important matters, setting out the Council's planning strategy and policies in relation to climate change, protecting and enhancing the natural and historic environment, design principles for development, as well as identifying the physical and community infrastructure that will be required to be delivered in order to support growth in the Borough.
- 1.2 The involvement of communities and stakeholders is an essential and critical part of the plan-making process, where providing the opportunity to be involved in shaping the places that we live through meaningful engagement, will contribute to the success of the plan and the delivery of the strategy.
- 1.3 A Local Plan has multiple audiences including communities, developers, agents, infrastructure and service providers as well as other Council services. It is a technical document for the purposes of decision making, however, it is also a strategy that requires visionary thinking and creativity to address local issues that reflect community aspirations. Problem solving is key, both in the way the plan is produced as well as within the plan itself.
- 1.4 An early consultation (Regulation 18) on the Local Plan has already been undertaken. This took place between 22nd September and 3rd November 2022. This Engagement and Consultation Strategy therefore sets out our approach to consulting and engaging the community and a range of different stakeholders on the next stages of our emerging Local Plan.
- 1.5 The principles that we set out in this Engagement and Consultation Strategy are consistent with the Council's Statement of Community Involvement (SCI), which was last updated in September 2022. This document provides further detail in relation to the engagement process that we will take both internally within the Council including other council services and with Council Members, as well as externally with stakeholders and our communities.
- 1.6 A vital aspect of plan-making is how we maintain effective cooperation with neighbouring authorities and other key partners when planning for wider strategic cross boundary matters. The Engagement Strategy will also set out how we will continue to engage to meet the legislative 'duty to cooperate' requirements.
- 1.7 Over the last few years, local plan engagement has been considered in numerous Government papers with a focus on making it easier and simpler for people to engage in the planning process, including through the use of more accessible and digital tools. The aim is to make it easier for communities and stakeholders to contribute their views. This is also something we will address in this strategy.

2 Local Plan preparation stages

2.1 The process of producing a Local Plan involves working towards a number of key stages, with each key stage requiring consultation with communities and stakeholders. The key stages for the TMBC Local Plan are set out below and the timetable for Local Plan preparation is set out in the Council's Local Development Scheme (LDS).

Table 1: Key Local Plan stages

Key stage	Consultation details
Regulation 18 consultation	A period of evidence gathering and early stage and on-going consultation with communities and stakeholders. We are currently working towards our second Regulation 18 consultation.
Regulation 18 Consultation	
Regulation 19 Publication of the pre-submission local plan	Statutory public consultation period. This is the final stage when representations can be made on the local plan.
Regulation 20 Consultation on the pre-submission local plan	
Regulation 22 Submission of the local plan to the Secretary of State	A copy of the proposed Local Plan and associated documents are submitted to the Secretary of State for examination.
Regulation 24 Independent Examination in Public	An Independent Inspector is appointed to examine the soundness of the Local Plan.
Regulation 25 Publication of Inspectors Report	The Inspector provides a report of the examination and decides what changes (if any) need to be made. Once this report is received, the Council have to amend the Local Plan in line with the recommendations and consult on these as necessary.
Local Plan Adoption	The Local Plan is adopted by the Council.

2.2 It is a statutory requirement for a Local Authority to consult on a local plan for a minimum of six weeks. Should the consultation period fall within school holidays, it is good practice to extend the consultation to either seven or eight weeks. Additional consultation may be undertaken to aid plan making, as long as the Regulation 18 and 19 legislative requirements are met.

Regulation 18 Consultation Stage

2.3 In general terms, the Regulation 18 stage is about developing the emerging Local Plan and providing an early opportunity for communities and stakeholders to comment and provide feedback on any of the Local Plan emerging policies or proposals before the plan is considered further and then finalised for publication at the Regulation 19 stage.

- 2.4 There is considerable flexibility in how the initial Regulation 18 stage of local plan production is carried out. This is as long as any formal consultation complies with the Town and Country Planning Regulations 2012, along with meeting the commitments set out within a local authorities SCI.
- 2.5 Although it isn't required, many local authorities, often choose to undertake two Regulation 18 stage consultations and this is the approach that we are taking to plan-making and consultation at TMBC given that engagement is key to preparing a local plan.

TMBC's first Regulation 18 consultation (2022)

- 2.6 Our first Regulation 18 consultation document provided a high-level and early consultation exercise where we were able to learn about our communities and stakeholder's aspirations for the Borough. The responses have been considered and were reported to the Council's Housing and Planning Scrutiny Select Committee on the 6th December 2022¹ and also 18th July 2023² including a number of recommendations as to how the local plan should progress.

TMBC's second Regulation 18 consultation

- 2.7 Whilst delayed due to the July 2024 Government consultation on reforms to the planning system and a revised NPPF, we are now progressing a second Regulation 18 Local Plan document for consultation. This consultation will set out the Council's preferred strategy for growth and will include draft planning policies and proposals.
- 2.8 Setting out our detailed draft policies and our preferred spatial strategy and any options that may require further testing will provide an opportunity for communities and stakeholders to respond to a targeted consultation, whilst the plan is still in its formative stage. A second consultation therefore provides a further engagement opportunity in which communities and stakeholders can shape the direction of the plan, its policies and proposals prior to the Council undertaking any further information and evidence gathering and publishing our Pre-Submission Local Plan.

Regulation 20 consultation stage

- 2.9 The Regulation 20 consultation stage on the Pre-Submission Local Plan is different to that at Regulation 18. At this stage, the Council will consult on its Pre-Submission Local Plan where communities and stakeholders are asked whether they consider the Local Plan to be 'legally compliant' and whether it meets the 'tests of soundness i.e. Has the Local Plan been positively prepared? Is it justified? Is it effective and is it consistent with national policy?
- 2.10 At this stage, the Local Authority does not have an opportunity to make significant changes to the Pre-Submission Local Plan unless it decides to carry out further consultation. Following the Regulation 20 consultation, it is for the authority to consider the representations made and decide whether it still considers the Local Plan to be sound and whether the Local Plan should be submitted to an independent Planning Inspector. Where there is a decision to submit the Local Plan, the representations made and all other documentation will be submitted for examination.

¹ Housing and Planning Scrutiny Select Committee – 6th December 2022
<https://democracy.tmbc.gov.uk/ieListDocuments.aspx?Cid=465&Mid=5293&Ver=4>

² Housing and Planning Scrutiny Select Committee – 18th July 2023 -
<https://democracy.tmbc.gov.uk/ieListDocuments.aspx?Cid=465&Mid=5524&Ver=4>

Examination of the Local Plan by a Planning Inspector

- 2.11 The Secretary of State will appoint an independent Inspector (from the Planning Inspectorate) to consider the ‘soundness’ of the Draft Submission Local Plan, as part of a public examination. The Inspector will consider the representations received during the Regulation 20 consultation and individuals or stakeholders who submitted representations will be invited by the Inspector to appear at the Examination in Public.
- 2.12 Following the Examination in Public, the Inspector will produce a report to determine whether or not the plan is considered to be ‘sound’ and /or ‘legally compliant’. This report may include changes to the Draft Local Plan where the Inspector feels that these are necessary to ensure that the Plan is sound. Any modifications suggested by the Inspector will be consulted on for a period of six weeks. Any consultation responses received will be considered by the Inspector prior to the publication of the final report.

Adoption

- 2.13 The final stage in the plan making process is the formal adoption of a Plan. In accordance with the Council’s Constitution, the adoption of the Local Plan must take place at a meeting of Full Council. Following adoption, the Local Plan will become the main document against which decisions on planning applications will be made.

3. Local Plan production

- 3.1 In developing a Local Plan, it is important to recognise that it provides the spatial dimension for delivering the Council’s ambitions for the Borough. To achieve this successfully a number of considerations are required throughout the process. In summary and in no particular order, considerations include:
- **Considering the Corporate context** – Understanding what the Local Plan should support in a wider perspective and bringing together strategies, for example, those relating to housing, the economy or other political commitments.
 - **National policy and legislation** – Plan-making is enshrined in law where we are required to meet numerous legislative requirements. We are also required to take into account the National Planning Policy Framework (NPPF) in preparing a local plan.
 - **Evidence gathering** - The NPPF requires local plan policies to be underpinned by relevant and up to date (less than five years old) evidence, which is adequate and proportionate, focused on supporting and justifying policies and taking into account market signals.
 - **Working with other authorities and agencies** – Understanding the plans and strategies of other local authorities and stakeholders and ensuring that other plans and strategies do not have any implications to our strategy or vice-versa and ensuring that plans and strategies align.
- 3.2 In relation to evidence gathering, certain evidence base studies will have cross boundary implications, and some studies will be more key than others in understanding the deliverability of our spatial strategy. When gathering evidence, we will carry out both formal and informal engagement with a range of relevant stakeholders to obtain information, knowledge and advice and to also check and challenge the outputs, where this is required.
- 3.3 In developing our Local Plan, it will be the combination of the above four points alongside consultation with our communities and stakeholders that will inform our Local Plan.

- 3.4 We are also required to undertake a Sustainability Appraisal and Habitats regulations Assessment as part of plan-making and consult on these documents with statutory consultees including Natural England, the Environment Agency and Historic England.

4. Engagement and Consultation

Consultation general principles

- 4.1 The Councils SCI sets out a number of general principles to consultation and these principles have been considered in devising this Engagement and Consultation Strategy. The principles are provided below:
- We will work with parish councils and elected Members to achieve consensus;
 - We will make full use of community information networks, including local publications to disseminate information and seek views;
 - We will seek views of interested and affected parties as early as possible;
 - We will continue to co-operate with neighbouring boroughs and public bodies to ensure that strategic matters are appropriately addressed;
 - Involvement will be open to all regardless of gender, faith, race, disability, sexual orientation, age etc.;
 - We will consult local community and voluntary bodies;
 - We will choose consultation processes which balance appropriately cost and time constraints, community impact and available resources;
 - We will publish all consultation documents and response forms on the website;
 - We will seek to maximise the use of electronic communication methods when contacting stakeholders and the community;
 - Consultation publications will be clear and concise and avoid unnecessary jargon, without understating the complexities of any decisions; and
 - We will inform those who respond to a consultation of any outcomes and of later stages in the process.
- 4.2 In addition to the above, we consider that transparency is key, and we will achieve this by providing open and clear communication, by being clear on how and who we will consult and by setting up regular communications with stakeholders, setting out the local plan process and how stakeholders can be involved. Transparency will help us build and maintain trust with our stakeholders and communities and it will also reduce risk to the new Local Plan.

Who are we required to consult?

- 4.3 The Town and Country Planning Regulations 2012 (as amended) at paragraph (2) sets out who we are required to consult as part of the local plan process. This includes both specific and general consultation bodies, including residents, businesses and landowners in our local authority area. The table below sets out both our specific and general consultees. This includes a number of hard-to-reach groups to ensure that we engage across all sectors of our community.

Table 2: Specific and general local plan consultation bodies

Specific Consultation Bodies	General Consultation Bodies and other interested groups
<ul style="list-style-type: none"> • Adjoining Local Planning Authorities, County Councils, Parish and Town Councils • The Police and Crime Commissioners • The Coal Authority • The Environment Agency • Historic England • Marine Management Organisations • Natural England • Network Rail • Highways England • Relevant telecommunications companies • Relevant Clinical Commissioning Groups • NHS Commissioning Board • Relevant gas and electricity companies • Relevant water and sewerage companies • The Homes and Communities Agency 	<ul style="list-style-type: none"> • Nature conservation / countryside bodies • Environmental groups • Infrastructure and service providers • Interest and amenity groups • Resident’s associations • Property, trade and business associations • Neighbourhood Plan Steering Groups • Learning agencies • Recreation bodies • Local Nature Partnership • Disability groups • Minority groups, for example those relating to race, sex, disability, religion or those with caring responsibilities • Voluntary groups • Residents • Local businesses • Landowners <p>Other miscellaneous bodies</p>

Duty to Cooperate and partnership working

- 4.4 The Localism Act 2011 places a duty on the Council to cooperate with neighbouring local planning authorities and other prescribed bodies on strategic cross boundary matters. Therefore, the identification of, and planning for, strategic cross boundary matters and positively engaging on these matters to find workable solutions will be an essential element of our plan making process. Capturing the outcomes of this engagement will be critical to achieving a successful Local Plan and Statements of Common Ground (SoCG) will provide a written record of progress made, showing where cooperation is and is not happening.
- 4.5 SoCG’s will be used at examination to demonstrate that the plan is deliverable, is based on effective joint working and that the duty to cooperate has been complied with. The approach for developing SoCG is set out in national policy and as these are developed, we will make these publicly available throughout the plan-making process to provide transparency.

4.6 Our main ‘duty to cooperate’ partners and ‘prescribed bodies’ are provided in the table below:

Table 3: TMBC’s duty to cooperate partners and other prescribed bodies

Local Authority Duty to Cooperate partners	Other prescribed bodies
<ul style="list-style-type: none"> • Kent County Council and adjacent County Councils including Surrey and East Sussex • Gravesham Borough Council • Maidstone Borough Council • Medway Council • Tunbridge Wells Borough Council • Sevenoaks District Council 	<ul style="list-style-type: none"> • Environment Agency • Historic England • Natural England • Civil Aviation Authority • Homes and Communities Agency • Clinical Commissioning Groups • National Health Service • Network Rail • National Highways • Highways Authority and Transport for London • Marine Management Organisation Local Enterprise Partnerships

4.7 The NPPF identifies the strategic matters that may need to be addressed and include:

- housing (including affordable housing), employment, retail, leisure and other commercial development;
- infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
- community facilities (such as health, education and cultural infrastructure); and
- conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

4.8 The requirements of the duty to cooperate will be met through:

- regular engagement with partners;
- working iteratively and collaboratively on SoCG;
- working with partners on evidence bases, as relevant, including on joint or shared evidence bases or by agreeing methodologies in which evidence should be collated;
- gaining advice as necessary from the Planning Advisory Service (PAS) and / or critical friend advice;
- working closely with infrastructure partners to test and model development scenarios and agreeing Memorandums of Understanding (MoU) or SoCG, as relevant, to aid local plan production and to demonstrate the deliverability of the local plan at examination.

4.9 It will also be important to engage with other partners and organisations, ensuring that we engage at the right time. Other key partnerships will include but will not be limited to the following:

- Kent Downs National Landscape Joint Advisory Committee
- High Weald National Landscape Officer Steering Group

- Medway Flood Partnership
- Medway Estuary and Swale Strategy Group (MEASS)
- Transport for the Southeast Partnership Board and Senior Officer Group
- Enhanced Bus Partnership Schemes Monitoring Group for West Kent
- Kent Planning Policy Forum
- Kent and Medway Economic Partnership
- Kent Nature Recovery Partnership

Corporate priorities and issues

- 4.10 As mentioned in section 3.1, it is really important for the Local Plan to be aligned with other Council strategies, both existing and emerging, given the Local Plan timeline. Although we are one Council, there are many different departments who deliver a range of services to our communities including housing, waste, building control, development management, leisure services, environmental health and climate change.
- 4.11 Officers who work in other Council departments have a wealth of knowledge across many specialisms that are relevant to many policy areas of the Local Plan and we consider that cross department liaison will be key to ensuring that corporate priorities and challenges experienced in the borough are addressed, where it is possible and relevant to do so.
- 4.12 To facilitate this, the Planning Policy Team will liaise with officers from other teams including through working groups where information and knowledge can be shared and issues, challenges, opportunities and policy options to address these can be discussed to help inform the Council's policy approach.

Engaging with TMBC Councillors

- 4.13 The Borough of Tonbridge and Malling is currently served by 44 Councillors, representing 19 Parish wards. Local Councillors are elected by the community to decide how the Council should carry out its various activities including plan-making. Councillors have regular contact with the communities that they serve which provides an opportunity for Councillors to understand planning issues on the ground, whilst also recognising these issues within the wider planning context of the borough and feed into the process.
- 4.14 Engagement with Councillors will take place throughout the local plan making process through a Local Plan Member's Advisory Group (LPMAG). Through the LPMAG we will share information including the evidence base as this becomes available and we will discuss local plan issues and emerging policy. The meetings will provide an opportunity for Councillors to provide informal feedback to assist officers in formulating the emerging Local Plan.
- 4.15 A programme of meetings will be established on a topic-by-topic basis and meetings will be attended by Borough Councillors and senior officers and planning officers as appropriate and as relevant to the LPMAG agenda. To facilitate good attendance the LPMAG will be a virtual meeting. However, from time-to-time it may be appropriate for meetings on certain topic areas to be held in person. Where necessary extraordinary meetings may also be arranged in addition to those identified in the programme of LPMAG meetings.

Engaging with Town and Parish Councils

- 4.16 As local representatives of Tonbridge and Malling's communities, Parish Councils have an important role to play in developing our local plan. In addition, Parish Councillors have detailed knowledge of

their areas and are aware of any issues facing their communities at a local level and it is important for our Local Plan to ensure that local issues are addressed where this is relevant to plan-making.

- 4.17 Throughout local plan production we will ensure regular dialogue with our Parish Council's through the Parish Partnership Panel meetings. The Local Plan will be a regular agenda item, providing a platform where updates on local plan progress can be provided and local issues on a range of local plan topics can be discussed on a regular basis. The Parish Partnership Panel meetings are held quarterly. However, it will be important for the Parish Panel to meet at key stages in the plan-making process. Where the quarterly meetings don't neatly align with key stages in the plan-making process, extraordinary meetings will be arranged, as relevant, to ensure that the right dialogue can take place at the right time.
- 4.18 During the next Regulation 18 consultation we will hold a set of meetings for Parish Council's to attend. In considering that there are 34 Parish Council wards and two Town wards, we will split the borough up into geographical areas to allow smaller group discussions. Each meeting will provide an opportunity for Parish Council's to ask questions about the consultation and / or the content of the draft local plan or its evidence base to assist in responding to the consultation. Up to Two Parish Councillors will be able to attend the relevant meeting from each Parish Council. These meetings will most likely be virtual to facilitate good attendance.
- 4.19 In addition to the above, we will offer to attend Parish meetings during the consultation period for those Parishes who will receive the largest quantum of strategic development. We will liaise with relevant Parish Council's in relation to the timing of Parish Council meetings and to arrange this.

Engaging with Tonbridge Community Forum

- 4.20 Tonbridge Community Forum consists of a number of environmental, community and sports related organisations. It enables Tonbridge and Malling Borough Council and Tonbridge based organisations to share information, consult and communicate on enhancing the wellbeing of the town through the identification of problems and joint working towards solutions. We will engage with Tonbridge Community Forum throughout the plan-making process in a similar way as that set out for Parish Councils by including the Local Plan as a regular agenda item for the meetings, which occur four times per year and by setting up an extraordinary meeting during the Regulation 18 consultation, should a meeting date not coincide with the start of the consultation period.

Neighbourhood Plan Groups

- 4.21 One of the key matters for a neighbourhood plan is for it to be 'in general conformity' with the strategic policies of a higher-level local plan. It is important therefore for a neighbourhood planning group to be aware of emerging strategic policies in a local plan and how this may affect a neighbourhood plan policy approach.
- 4.22 Where neighbourhood plans are being progressed officers will meet and provide advice to neighbourhood planning groups at relevant stages in both the neighbourhood plan and local plan process. We will also notify and invite each neighbourhood planning group to make comments at each local plan consultation stage, so that the views of our neighbourhood planning groups are considered throughout the evolution of the local plan.

Engagement with our communities

- 4.23 The planning system is an important part of our lives and affects us all in some way; from the homes and streets we live in, the places that we work, the location and types of shops that we shop in, as

well as the outdoor spaces and natural environment that we spend time relaxing in. Engagement with those who live, work or visit the borough is therefore an essential and critical part of the plan-making process and an element that we are committed to so that our communities have an opportunity to be involved and have a say in how to shape the place in which we live.

- 4.24 There are a variety of ways in which our communities and community groups can be involved in the local plan process, and these are set out in more detail in the methods section below and within the Council's SCI.
- 4.25 The local plan website will be the main vehicle for community engagement where we will provide updates to the local plan process and publish our evidence base and other information when this becomes available. Our website will also host our Local Plan consultations and responses to these.
- 4.26 TMBC is committed to engaging with hard-to-reach groups and we are committed to making our local plan consultations accessible to everybody, including (but not limited to) those with a language barrier, those with disabilities, ethnic groups, those on low incomes, those with limited or no access to the internet, Gypsy and Travellers and Travelling Showpeople and both the younger and older generations.
- 4.27 As part of our consultation process, we will ensure that we review and keep-up to date the information we hold to ensure that specific community and seldom heard / hard to reach groups are identified and included within our consultation database (with their agreement) and provided a range of options in which to be contacted and accessible options in which to respond. This will ensure that everyone has the opportunity to take part in our Local Plan consultation and so that everyone's voices have an opportunity to be heard.
- 4.28 With regards to hard-to-reach groups, in addition to the standard contact we make to inform people that consultations are taking place, we will reach out further to ensure that hard to reach groups are aware of the consultation alongside our consultation events and our Local Plan virtual exhibition. This could involve attending organised meetings and offering advice and assistance in relation to taking part in the consultation.

5. Consultation methods

- 5.1 As set out in our SCI, there are many methods that we can use to encourage communities and stakeholders to be involved in the preparation of our Local Plan. To achieve wide ranging community and stakeholder participation we will devise a range of methods that are both digitally engaging and innovative alongside more traditional methods. The objective is to provide easy ways for our communities and stakeholders to take part and respond to our consultations. Publicising our consultations is the first step in this process.

Publicising our consultations

- 5.2 We will publicise our consultations using the following approaches:
- **Consultation database** – The Council holds a database of individuals and organisations who would like to be consulted on local plan matters in Tonbridge and Malling Borough. The database includes those who we have a legal duty to consult but also includes residents, businesses, organisations and hard to reach groups who would like to be involved in the local plan process. We will contact all those on our database at the start of each consultation stage by either email or letter and we will provide details on how to take part in the consultation. Anyone can join the TMBC Local Plan consultation database by emailing localplan@tmbc.gov.uk

- **Social media** – At the start of as well as during, we will publicise the consultation through various social media platforms including facebook, Instagram and X (formally twitter). This will include providing the link to the Council’s consultation platform. Using social media will allow different audiences to be targeted using Built-ID marketing.
 - **TMBC app notification** – The Council has its own app providing information on a range of Council services and will publicise the consultation via the app both at the beginning as well as during the consultation.
 - **Website** – We will promote all Local Plan consultations providing the link to the Council's consultation platform on our website including on both the home page as well as publicising via the Council’s news release webpages.
 - **Posters** – We will provide and distribute posters publicising the Local Plan consultations including QR codes, so that people can easily access the consultation. These will be distributed to Parish Council’s and will be placed on Council owned notice boards.
- 5.3 We will make hard copies of all consultation documents available for those who are unable to access the consultation using the internet. At a minimum, hard copies will be available to view at Kingshill Council offices and Tonbridge Castle. All consultation documents and our evidence base (as completed) will be available electronically. Hard copies of consultation response forms will be made available to consultees upon request to ensure that those without internet access can still take part in the consultation. It will be expected for those with internet access to submit responses / representations via the Council’s consultation system (see below). Support will be provided to residents to complete the consultation forms where this is required.

6. Engagement methods at each stage of consultation

Draft Local Plan consultation (Regulation 18 consultation)

- 6.1 Our next stage in consultation will set out our policies that will shape development in the borough between now and 2042 and will identify locations for future development. We consider it important to engage with as wide a range and as many individuals and organisations who have an interest in the future of the borough as possible to help shape the Plan and to ensure that future development is delivered in a way that meets our communities and stakeholder’s expectations. We will use the following methods for engagement:
- **Consultation / drop in sessions** – We will hold up to three consultation events across the borough. The event(s) will be held in an accessible location, so that the opportunity to attend is maximised. This will provide an opportunity for the community / stakeholders to view information relating to the Local Plan, to find out how to respond to the consultation and to ask any questions to help inform consultation responses.
 - **Virtual exhibition** – We will provide a virtual exhibition, where we can present information about the Local Plan as well as provide all Local Plan information. The virtual exhibition will also host videos and provide a link direct to the consultation. The virtual exhibition will be made available throughout the consultation and can be accessed by the community and stakeholders at any time and from anywhere.
 - **Digital consultation platform** – The Council has obtained a specialist digital platform called ‘Commonplace’ to engage with communities and stakeholders on the Local Plan. The digital platform will provide a ‘one-stop-shop’ for the consultation, providing information that is easy to navigate, making it easy for people to engage with the consultation as well as providing solutions so that all consultation responses can be analysed effectively, using both quantitative and qualitative techniques

as well as understanding the nature of responses spatially. The software also provides an opportunity to keep communities and stakeholders on the Local Plan consultation database up to date on local plan progress and will allow the Council to promote and build awareness of the consultation to increase participation.

- **Digital maps** – The Council has obtained specialist software to help understand the suitability and deliverability of sites for future development. This software will be used to present the Council’s Land Availability Assessment evidence base and will provide an opportunity for landowners, agents and developers to engage in this process, including updating information that the Council may hold and also submitting new sites for consideration. It will be possible to see the outputs of the LAA digitally using this software and this will be made available during consultations.
- **Video log (Vlog)** – We will provide an ‘explainer video’ to introduce the Plan and to let people know what the consultation is about. We can also provide a video guide to help explain how to use the consultation system to help ensure that a high level of responses is received via this medium. These videos will be made available throughout the consultation via various means including our website, the consultation platform, the virtual exhibition and via social media.

Pre-Submission (Regulation 19) Local Plan

- 6.2 At this stage the Council is unable to make any changes to the Local Plan before it is submitted to an independent Planning Inspector. The Council will therefore direct its resources towards ensuring that the consultation is publicised as far as possible. This will include the approaches set out in section 5. above, as well as using its commonplace software.

7 Local Plan Consultations

Commenting on our local plan consultation

- 7.1 At Responding to Local Plan consultations via our consultation platform ‘commonplace’ will be encouraged and promoted as the preferred means of receiving responses to our consultation. Using commonplace to respond will be the fastest and the most accurate method in which to record your response as it will allow for responses to be processed quickly and efficiently. It will also record responses under specific questions ensuring that responses are attached to the correct section of the consultation document. Using commonplace to respond will also reduce the administrative burden on the Council and will reduce the likelihood of any errors in recording responses.
- 7.2 Notwithstanding the above, we recognise that not everyone is able to access or use the internet to take part in our consultations. Therefore, paper copies of response forms will be made available on request. Guidance notes will be provided to aid the completion of both the online consultation system and also paper copies.

Receiving and considering consultation comments, feedback and decision making

- 7.3 For the next Regulation 18 consultation all comments received will be available to view via the consultation system and all comments will be considered and analysed. We will provide a summary of all comments, responses and changes that we propose to the Local Plan (where relevant) in an informal report which will be presented to the Council’s LPMAG, the Housing and Planning Scrutiny Select Committee (HPSSC) and Full Council and will therefore be agreed by Council Members before moving onto the next stage (Regulation 19). Council decisions on the local plan will be made publicly

available on the Council's website.

7.4 The consultation on the Council's Regulation 19 Local Plan will set out the Council's final recommendations and preferred Local Plan including site allocations to deliver development. This consultation stage is more technical and focused. At this stage we ask consultees whether the Local Plan passes the four tests of soundness. This includes whether the Plan is:

- **Positively prepared** - provides a strategy which, as a minimum, seeks to meet our objectively assessed needs and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- **Justified** - An appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- **Effective** - Deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- **Consistent with national policy** - Enabling the delivery of sustainable development in accordance with the policies in this framework and other statements of national planning policy, where relevant.

7.5 At this stage, all representations will be made publicly available via the consultation system as well as to the appointed Planning Inspector (when the local plan is submitted) who will examine the Local Plan.

8 Local Plan Engagement and Consultation Strategy

8.1 The table below provides a summary of the Local Plan Engagement and Consultation Strategy and sets out the outcomes that will result from each Local Plan consultation stage.

Table 4: Summary of Local Plan Engagement and Consultation Strategy

Stage of Plan preparation	Methods of consultation and engagement	Outcomes
Evidence gathering and preparation of the Regulation 18 local plan - ongoing	<ul style="list-style-type: none"> • Discuss evidence base requirements with key Council officers and other stakeholders (as relevant) including Duty to Cooperate partners to understand opportunities for joint commissions / shared methodologies. • Engage with consultants to update evidence bases as required. • Hold regular meetings to discuss emerging evidence and preferred policy options as per an agreed programme with: 	<ul style="list-style-type: none"> • Understanding and confirmation from stakeholders about the key issues facing the borough and also opportunities to address these. • An up-to-date evidence base that addresses both national, strategic and local priorities. • Checking and ensuring that the Local Plan vision and objectives and emerging policies address both corporate and local priorities, issues and opportunities and agreeing these.

	<ul style="list-style-type: none"> ○ Council Management Team; ○ Officer Working Group ○ LPMAG ● Meet regularly with: <ul style="list-style-type: none"> ○ Duty to Cooperate partners ○ Infrastructure providers ○ Parish Panel ○ Tonbridge Community Forum ○ Other stakeholders (as relevant) ● Provide opportunities for further sites to be submitted as part of the Land Availability Assessment. ● Meet with relevant landowners, agents and developers. ● Publish evidence base documents on the Council's website as they become available. ● Provide Local Plan updates on our website. <p>Ensure that contact information is up to date for hard to reach and other relevant community groups and include contacts within the consultation database.</p>	<ul style="list-style-type: none"> ● Ensure that the Council complies with its duty to cooperate on cross boundary strategic matters with shared evidence bases and methodologies where relevant. ● Ensuring that the emerging Local Plan is based on an up-to-date understanding of land availability and deliverability to meet development requirements. ● Stakeholder understanding of emerging evidence base. ● Agreed outcomes and next steps from engagement sessions. ● Agreement on preferred policy options to take forward in the Regulation 18 local plan consultation. ● Access to information including local plan updates and evidence once available. <p>Ensuring that the consultation database includes all community and hard-to-reach groups.</p>
<p>Consultation on the draft Local Plan (Regulation 18)</p>	<ul style="list-style-type: none"> ● Minimum six-week consultation period. ● Send out emails / letters to consultees informing them of the consultation. ● Publicise and make the consultation available through the various social media platforms and TMBC app notifications. ● Consultation documents to be made available on the Council's website / consultation platform and hard copies made available for inspection at the agreed locations. ● Public consultation events held in accessible locations. 	<ul style="list-style-type: none"> ● Community and stakeholder understanding of the evidence base collated to date. ● Increase in knowledge and understanding for communities and stakeholders of the likely direction of the Local Plan, its spatial strategy and policies. ● Provide information on next steps in plan preparation, and further opportunities to engage with the process. ● Receipt of consultation responses to consider and analyse in the next stage of plan-making.

	<ul style="list-style-type: none"> • Meetings with Parish / Town Councils. • Meetings with stakeholders and community groups (as relevant). • Public consultation via a virtual exhibition. • Provision of posters to promote the consultation. <p>Provide opportunities for further sites to be submitted as part of the Land Availability Assessment.</p>	
Preparation of the Regulation 19 Local Plan	<ul style="list-style-type: none"> • Report on outputs of the Regulation 18 consultation giving full consideration to all responses received. • Engage in further discussions to cover consultation feedback and proposed actions as per an agreed programme with: <ul style="list-style-type: none"> ○ Council Management Team; ○ Officer Working Group ○ LPMAG • Engage in further discussions with: <ul style="list-style-type: none"> ○ Duty to Cooperate partners ○ Infrastructure providers ○ Parish Panel ○ Tonbridge Community Forum ○ Other stakeholders (as relevant) • Engage further with relevant landowners, agents and developers. • Provide local plan updates on our website. <p>Engage with consultants to update evidence base as required.</p>	<ul style="list-style-type: none"> • Consider and feedback responses from Regulation 18 consultation. • Continue duty to cooperate conversations and prepare Statement of Common Grounds (SoCGs) with duty to cooperate partners and infrastructure providers. • Stakeholder understanding of further emerging evidence base. • Further consider land availability and deliverability to meet development requirements. • Agreement on preferred policies and site allocations. <p>Access to information including local plan updates and evidence once available.</p>
Consultation on the Draft Proposed Submission Local Plan - Regulation 19	<ul style="list-style-type: none"> • Minimum six-week consultation period. • Send out emails / letters to consultees informing them of the consultation. • Publicise and make the consultation available through the various social 	Receipt of representations to consider and provide to an Independent local plan examiner.

	<p>media platforms and TMBC app notifications.</p> <ul style="list-style-type: none">• Consultation documents to be made available on the Council's website / consultation platform and hard copies made available for inspection at the agreed locations.	
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Annex 2: TMBC Member, Officer and Parish Council Engagement Plan

A local plan Engagement and Consultation Strategy has been prepared to provide further detail in relation to how we will engage and consult both internally and externally on the local plan as we progress through the various local plan stages. The Strategy sets out that we will engage internally within the Council, including other Council services and with Council Members, as well as with Parish Councils. The Engagement Strategy is a high-level report building on the Council's adopted Statement of Community Involvement and detail about internal engagement programming is not included within this document. The purpose of this report is to set out the further detail on the programme of engagement for Officers, Members and the Parish Councils.

Member Engagement

The Engagement Strategy sets out that a Local Plan Member's Advisory Group (LPMAG) will be established. The LPMAG will be a confidential informal meeting and all Council Members will be invited to attend. The LPMAG will have no delegated decision-making powers.

The purpose of the LPMAG will be to:

- Discuss local plan issues and opportunities;
- Share local plan evidence base documents prior to publication; and
- Provide informal feedback on draft policies / documentation and help build consensus on local plan direction to assist officers in the production of the local plan.

A programme of meetings is proposed as below. The meetings will provide an opportunity to discuss the local plan on a topic-by-topic basis. Please note that dates will be provided for these meetings in due course. This is partly dependent on when a revised NPPF will be published. Therefore, the below is an early draft proposal at this time and may be subject to change to allow sufficient time to prepare policies based on a revised NPPF and any associated guidance.

LPMAG	Topics
January	Local Plan Vision
	Sustainable Settlements Study
February	Natural and Built Environment
	Climate Change
March	Housing
	Local Economy
April	Infrastructure
	Mop up session for any remaining areas or policies
May (In person)	Site allocations and spatial strategy

Meeting information

- Meetings will generally be held on MS teams to facilitate and maximise attendance. However, in person meetings may be appropriate from time-to-time, particularly for those sessions where the spatial strategy and / or potential sites for development will be discussed. Extraordinary meetings may be required from time-to-time also.
- Meetings will be arranged with adequate notice provided.
- Information will be shared electronically with Members on a confidential basis one week ahead of the meeting. Please note that confidentiality relates to ALL information shared. It is advised for Members to read this information ahead of the meeting to ensure informed discussions.
- Members should consider whether they have any interests to declare and take advice on their action as necessary.
- The LPMAG will be supported by the Planning Policy team and both Senior and planning officers will be in attendance as relevant.
- Meeting minutes will not be taken. This is to facilitate both free and open speech.
- Instead, key actions will be identified, confirmed and agreed throughout the meeting, taken away and considered by officers.
- Feedback on key actions will be provided to political party leaders for information and for further dissemination as relevant. Feedback may include an update to confirm that suggested changes have been made to draft documentation / draft policies, or where updates are not possible, feedback will be provided to explain why.

Parish Council engagement

The Engagement Strategy sets out that engagement with Parish Council's will be through the quarterly Parish Panel meetings. An additional set of meetings are also identified to be held during the next Regulation 18 consultation to provide an opportunity for Parish Council's to ask questions about the consultation and / or the content of the draft local plan or its evidence base to assist in responding to the consultation.

Given that there are 34 Parish Council's and two town wards it is proposed to split the borough up into geographical areas to allow smaller group discussion. The groupings will be considered at a later date.

Regulation 18 consultation Parish Council meeting information

- Meetings will be held on MS teams to facilitate attendance and will be held in the first three weeks of consultation to help facilitate Parish Council consultation response timetabling.
- The meetings will be supported by the Planning Policy team and both Senior and planning officers will be in attendance as relevant.

- Meeting minutes will not be taken.

Officer engagement

The Engagement Strategy notes the importance of cross department liaison to ensure that corporate priorities and challenges experienced in the borough can be addressed where it is relevant to do so in the local plan. The Engagement Strategy states that internal liaison will take place through a Local Plan Officer Working Group(s) (LPOWG).

Purpose of the working group

The purpose of the LPOWG will be to:

- Discuss local plan issues, challenges and opportunities;
- Discuss evidence base requirements / outputs and facilitate cross team working to ensure Council priorities can be considered and addressed through policy, where it is possible and relevant to do so;
- Share experience and provide informal feedback on draft policies / documentation to assist officers in the production of the local plan.

Form of LPOWG

In considering the approach for the LPOWG, we have been mindful of the time that will likely be required by officers to participate and engage in the local plan process. Membership of the LPOWG will require officers to read documentation provided, attend meetings and provide meaningful feedback. The same programme is proposed as that provided for members, however, the programme will work one month ahead to enable officers to feed into the process prior to providing policies / documentation to members. This is set out below:

LPOWG	Topics
January	Natural and Built Environment
	Climate Change
February	Housing
	Local Economy
March	Infrastructure
	Mop up session for any remaining areas or policies

Membership of the LPOWG

Membership of the LPOWG will consist of officer(s) from the below teams, as agreed by the relevant Managers.

- Planning Policy
- Development Management
- Building Control
- Housing
- Environmental Health

- Climate change
- Waste
- Leisure Services
- Economic and regeneration
- Tonbridge Town Centre Manager
- Conservation and Design (External)

Officers should be of sufficient seniority to input into the process including making decisions on proposed policy options that will contribute to Council priorities.

Meeting information

- Meetings will be held either via MS Teams to facilitate attendance or will be held in person / hybrid.
- A LPOWG Teams channel will be created and documentation / draft policies will be shared with LPOWG members. Information will be shared on a confidential basis. Such information will be draft and must not be used in any other Council business.
- Meetings will be arranged with adequate notice provided and meetings will be held ahead of the relevant topic meeting with Members, to ensure that all services have had an opportunity to feed into draft policies and are satisfied with them.
- Information will be provided as soon as this is practically possible and no later than one week ahead of a meeting.
- Comments will be invited on draft policies once these are shared and officers will be encouraged to provide any comments on these 3 working days ahead of the meeting to ensure informed discussions.
- Information provided will be split on a topic-by-topic basis to allow for input and effective time management alongside other Council duties.
- The LPOWG will be supported by the Planning Policy team.
- Meeting minutes will not be taken. Instead, key actions will be identified throughout the meeting, taken away and considered by officers.
- Feedback on key actions will be provided within the shared documentation within Teams. Feedback may include an update to confirm that suggested changes have been made to draft documentation / draft policies, or where updates are not possible, feedback will be provided to explain why.

Development Management

Throughout local plan production it will be important to work closely with the Council's Development Management team. This is because planning officers have direct experience of using existing local plan policies and will be aware of the

effectiveness of these, alongside understanding the issues that the Council faces when considering whether development is or can be made acceptable in planning terms.

Given the tight local plan timetable alongside limits on officer time and overall staff resource, it will not be possible for the planning policy team to engage with all DM officers. Instead, Team Leaders will represent development management on the LPOWG representing their respective teams and sharing information and feedback as relevant.

Local Plan DM Forum (LPDMF)

In addition to the above, it will be helpful in the formulation of planning policy to have a forum to discuss specific planning matters. This may include topics such as the Green Belt, housing land supply, landscape, heritage, design, validation lists for example.

It is envisaged that a separate forum will be set up to facilitate such discussions and for meetings and liaison to occur as the need arises. A separate forum consisting of experienced planning officers will allow the LPOWG to run more efficiently, allowing the LPOWG to focus on specific corporate issues by taking specific and potentially complex planning matters to an alternate forum.

The purpose of the LPDMF will be to:

- Discuss specific planning matters that are mostly relevant to the development management / planning policy team, for example Green Belt matters, housing land supply, landscape, heritage, design, validation lists;
- Discuss matters relating to the spatial strategy and the suitability of potential development sites;
- Share experience and provide informal feedback on the options and direction of draft policies to assist officers in the production of the local plan.

Meeting information

- Meetings will be held in the office where this is possible or hybrid via MS teams. Meetings relating to the spatial strategy and / or potential site allocations will be held in the office.
- Meetings will be arranged with adequate notice provided. However, it is proposed to set up a meeting every two weeks starting in January 2025 to discuss planning matters, this includes potential site allocations.
- A folder will be created in the LPOWG teams channel to share to facilitate the LPOWG. All LPOWG Members will have access to this information for transparency. Information will be shared on a confidential basis. Such information will be draft and must not be used in any other Council business.

- Where discussions are required in relation to the spatial strategy and / or potential site allocations, information will be shared in a confidential teams channel, given the sensitivities around these matters.
- Information will be provided as soon as this is practically possible and timescales will be agreed for responding to information.
- Information provided will be split on a topic-by-topic basis to allow for input and effective time management alongside other Council duties.
- The LPDMF will be supported by the Planning Policy team.
- Meeting minutes will not be taken. Instead, key actions will be identified throughout the meeting, taken away and considered by officers.
- Feedback on key actions will be provided and liaison will be ongoing.

Further information

As with most local plan work there are often a number of options in how policy can be progressed, and it is not unusual for officers, members or communities to have different views on these. During all meetings, it will be expected for all participants to be respectful and courteous to each other. Where there are conflicts in relation to how to progress policy then decisions will be made at the appropriate level taking into account available information and the ultimate goal of achieving a sound, robust and legally compliant local plan. Where there are matters of difference during Member engagement then these will be taken to political group leaders for resolution.

Annex 3: TMBC Local Plan Risk Register (November 2024)

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
1	Change in political administration or direction from administration	Delay or revisiting key aspects of the local plan, failure to meet 'transitional arrangements' as proposed by Government.	01/09/2024	4	4	16	N	Medium	Progress a Local Plan Engagement Strategy setting out how both internal and external engagement will be progressed. Working with members to gain understanding and awareness of the local plan, the process and the direction of the spatial strategy and local plan policies. Regular member briefings. External legal and technical advice obtained and for the outputs to be communicated to members.	n/a	Kelly Sharp		01/04/2025	01/04/2025
2	Project management-timetable for local plan document, evidence and supporting documentation slips	Delay to the local plan consultation and failure to meet deadlines	01/09/2024	3	4	12	N	Medium	Regular project management meetings between PPM and PPOs; regular updates of timetable	n/a	Kelly Sharp		31/01/2025	01/04/2025
3	Staffing- further changes in staff numbers or loss of hours; unexpected absences	Delay to timetable, health and wellbeing implications for team.	01/09/2024	3	4	12	N	Medium	Regular team meetings, 1:1s, effective file management and installation of a 'buddy' system, risk management escalation; utilising contractor staff. Smart recruitment policy and investigation of specialist support. Work with recruitment agencies to fill permanent positions including the currently vacant PPO post.	n/a	Kelly Sharp		31/12/2024	28/02/2025
4	DTC issues	Failure to demonstrate DTC at examination or other issues raised prior to consultations; duty to cooperate issues with neighbouring boroughs including unmet development needs and cumulative infrastructure issues. This may be more critical with NPPF revisions.	01/09/2024	3	4	12	N	Medium	Developing a robust PM system, new DTC grid and legal compliance toolkit and cross boundary issues understood at an early stage. Meeting with DTC partners early.	n/a	Kelly Sharp		28/02/2025	01/04/2025

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
5	Consultation database, GDPR and privacy notice issues	Failure of management of the database	01/09/2024	3	4	12	N	Medium	Liaising with legal, keeping them informed of current process, setting dates/timeframes for consultation database review/refresh	n/a	Kelly Sharp		01/04/2025	01/06/2025
6	Lack of design/conservation support	Lack of dedicated internal staff offering this support could lead to matters being missed in local plan, design code or decision-making compromised.	01/09/2024	4	3	12	N	Medium	Continual review of and flagging of matters relating to conservation and design-review of the design code work programme and resource requirements. Grant awarded from the Planning Skills and Delivery Fund to progress review of conservation areas. Funding anticipated April/May 24 onwards. Working with Tunbridge Wells Borough Council to implement a new Planning Service Level Agreement to provide advice and guidance in local plan heritage related work.	n/a	Kelly Sharp		28/02/2025	01/04/2025
7	HRA, AQ Evidence-Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Providing enough time in the work programme to test the local plan and its policies.	To be identified subject to revised timetable	Kelly Sharp		01/04/2025	01/04/2025
8	SA	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Providing enough time in the work programme to test the local plan and its policies.	To be identified subject to revised timetable	Kelly Sharp		28/02/2024	01/03/2025

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
9	Evidence base studies - general	Delay to the local plan production and consultation process; lack of consultant support, failure to deliver the study to time. Securing the right consultants to undertake the work with work being delivered in a timely manner to inform plan-making.	01/09/2024	3	4	16	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Engaging with consultants early to ensure they are available and have the necessary resources to deliver work to the identified timescales.	To be identified subject to revised timetable	Kelly Sharp		28/02/2025	01/04/2025
10	SFRA, L1 and L2- - Evidence	Delay to the local plan production and consultation process; Not PPG compliant as data is not available; not yet known the number of sites to be assessed which could extend cost or length or work programme. With impacts on other workstreams.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	To be identified subject to revised timetable	Kelly Sharp		01/03/2025	01/05/2025
11	Spatial Strategy	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of the NPPF consultation.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met. Dissemination and approval by members.	To be identified subject to revised timetable	Kelly Sharp		01/04/2025	01/06/2025

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
12	Green Belt - Evidence	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation and any subsequent guidance. Including development of evidence base options with differing implications for the outputs of the work in relation to spatial strategy decisions and local plan options.	01/09/2024	3	4	16	Y	Medium	Project management approach, regular evidence base check ins, ensuring consultants are in place and internal and external deadlines are met. Ensuring that consultants are in place to undertake work when required.	To be identified subject to revised timetable	Kelly Sharp		28/02/2025	01/04/2025
13	Transport Modelling	Delay to the critical path of evidence production and resulting impact upon local plan production and consultation process. Including any delays to the procurement process or changes in scope of the work, resulting from direction or outcomes of NPPF consultation.	01/09/2024	3	4	12	N	Medium	Project management approach, regular evidence base check ins, ensuring consultants and internal deadlines are met	To be identified subject to revised timetable	Kelly Sharp		31/01/2025	01/04/2025
14	Amended or escalating costs of evidence base	Changes to the scope, timing or number of iterations of the evidence base requirements incurring additional costs; or amended requirements of national policy in order to meet the Governments proposed submission date of no later than December 2026.	01/09/2024	4	4	16	N	Medium	Regular financial management procedures, ensuring contracts are in place, strict project management controls	n/a	Kelly Sharp		31/03/2025	01/04/2025

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
15	Transition arrangements for plan making maintained and formally confirmed to be submission no later than December 2026	Meeting the transitional arrangements will be dependent on the extent of changes made as provided in a revised NPPF once published before the end of the year. A revised NPPF is likely to result in fundamental changes to the way we have progressed plan-making to date and there will be a need for evidence base updates, new evidence to be progressed alongside further on the local plan and its policies to account for a revised NPPF. A revised NPPF will result in cost implications to account for the work required and also the extended time period to deliver a local plan.	01/09/2024	5	4	12	N	Medium	Continue to liaise with members to keep them informed of any changes and timescales relating to a revised NPPF and other relevant consultations; ensure flexibility within new evidence base commissions and budgets to enable quick action once NPPF confirmed. Submission of response to the government's consultation setting out the implications for TMBC on the proposed national policy changes and other planning reforms.	n/a	Kelly Sharp		28/02/2024	28/02/2025
16	Increase in development needs following a new standard methodology as per a revised NPPF once published	Changes to work undertaken so far in plan-making, a need to undertake a further call for sites to identify suitable sites for development to meet needs. The knock on impact of this in evidence gathering and spatial strategy / site allocation testing and work to progress towards a Regulation 18 consultation.	01/09/2024	4	4	16	N	Medium	Consider work that has been progressed so far and identify a work programme to address further work required. Progress background work for a call for sites to progress once NPPF has been published. Work with consultants to understand implications and liaise with members to keep them informed. Progress duty to cooperate meetings with surrounding LPAs and other relevant stakeholders / partners.	n/a	Kelly Sharp		28/02/2024	01/01/2025

No	Risk Title	Consequences	Date identified	Likelihood Score	Impact score	Overall inherent risk score	Risk Assessment form completed?	Desired risk score	Mitigating actions to achieve desired risk score	Risk escalation date	Risk Owner	Date closed	Action required/ by	Review Date
17	Overall increase in costs required to progress a local plan and additional / sufficient budget not being agreed	Inability to deliver a robust / sound local plan. The knock-on effect could result in not progressing a local plan, issues at examination and / or achieving an adopted local plan for the borough following examination.	03/11/2024	4	4	16	N	Medium	Detailed work has taken place to estimate likely local plan costs up to adoption and to allow the Council to consider and plan for increased costs to deliver a local plan.	To be identified subject to revised timetable	Kelly Sharp		31/03 2025	31/03/2025

Cabinet

10 December 2024

Part 1 - Public

Executive Non-key Decision



Cabinet Member

Cllr Kim Tanner

Responsible Officer

Adrian Stanfield, Data Protection Officer

Report Author

Adrian Stanfield, Data Protection Officer

Data Protection Policy

1 Summary and Purpose of Report

1.1 This report presents an updated Data Protection Policy for approval by Members.

2 Corporate Strategy Priority Area

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

2.2 The proposals in this paper will contribute to the above priority area by ensuring that the Council lawfully discharges its data protection obligations. The Policy is intended to assist residents in exercising their data protection rights by setting out the nature of those rights and what they can expect from the Council in response to any request.

3 Recommendations

3.1 Cabinet is asked to approve the policy at **Annex 1**.

4 Introduction and Background

4.1 In order to ensure that the Borough Council is able carry out its statutory responsibilities in a lawful manner, we conduct regular reviews of our policies and procedures.

4.2 The Council's existing data protection policy has not been reviewed since the UK GDPR took effect in 2020. Revisions are therefore necessary to ensure that the Council continues to lawfully discharge its data protection obligations.

4.3 The UK GDPR requires the Council to put in place appropriate technical and organisational measures to implement the data protection principles effectively and safeguard individual rights. This is known as 'data protection by design and

by default'. The concept is not new, but under the UK GDPR it is now a statutory requirement.

4.4 The UK GDPR sets out seven data protection principles, which lie at the heart of the general data protection regime:-

- **Lawfulness, fairness and transparency** - personal data shall be processed lawfully, fairly and in a transparent manner in relation to individuals.
- **Purpose limitation** - the processing purposes shall be specified, explicit and legitimate and not further processed in a manner that is incompatible with those purposes.
- **Data minimisation** - personal data shall be adequate, relevant and not excessive in relation to the purpose for which it is processed
- **Accuracy** - personal data shall be accurate and, where necessary, kept up to date. Additionally, reasonable steps must be taken to ensure that personal data that is inaccurate, having regard to the law enforcement purpose for which it is processed, is erased or rectified without delay.
- **Storage limitation** - personal data shall be kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed.
- **Integrity and confidentiality** - personal data shall be processed in a manner that ensures appropriate security of the personal data, using appropriate technical or organisation measures. Appropriate security includes protection against unauthorised or unlawful processing and against accidental loss, destruction or damage.
- **Accountability** - the data controller shall be responsible for and be able to demonstrate compliance with the above.

4.5 Members are asked to note that the draft Policy at Annex 1 is one of the ways in which the Council demonstrates compliance with the provisions of the UK GDPR and Data Protection Act 2018.

4.6 All staff are required to undertake regular training on data protection. The most recent training took place earlier this year via our e-learning system.

5 Proposal

5.1 The draft policy at Annex 1 is intended to assist any member of the public wishing to understand their data protection rights by explaining each of those rights and setting out how those may be exercised in respect of any personal data held by Tonbridge & Malling Borough Council. These rights are listed below:-

- Right to access personal information - known as subject access requests (SARs)
- Right to rectification
- Right to erasure
- Right to restrict processing
- Right to data portability
- Right to object
- Rights in relation to automated decision making and profiling

5.2 The policy also sets out the circumstances under which the exercise of any of these rights may be restricted.

6 Other Options

6.1 No other options were considered. The policy needs to be updated to ensure that it is consistent with the provisions of the UK GDPR.

7 Financial and Value for Money Considerations

7.1 The operation of the data protection policy has negligible financial impact upon the Council.

8 Risk Assessment

8.1 The Council is required to demonstrate how it complies with its data protection obligations. This is known as the accountability principle under the UK GDPR / Data Protection Act 2018. The approval of an up-to-date policy is one of the ways in which the Council shows how it is meeting this accountability requirement.

9 Legal Implications

9.1 The Council has a number of statutory responsibilities and duties under the provisions of the UK GDPR and the Data Protection Act 2018 (which sits alongside and supplements the UK GDPR).

9.2 The attached policy sets out how the Council intends to perform these responsibilities and duties.

10 Consultation and Communications

10.1 Consultation has taken place with the Council's Information Governance Officer Steering Group, who have approved the draft at Annex 1.

10.2 If approved, the Policy will be published on the Council's website.

11 Implementation

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 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 – Data Protection Policy



Data Protection Policy

1 Introduction

Introduction

1. The Council is required under the UK GDPR & Data Protection Act 2018 to ensure the security of all personal data it processes including that processed by third parties acting on its behalf. We need to collect and use certain types of information about people with whom we deal in order to deliver our services.
2. One of the four priorities within the Council's Corporate Strategy 2023-2027 is to provide "Efficient services for all residents, maintaining an effective Council." This policy will contribute to the delivery of this strategic priority by ensuring we handle personal information securely and efficiently.
3. This policy applies to all personal data processed by the Council.
4. The UK GDPR defines personal data as "any information relating to an identified or identifiable natural person (data subject). Examples of personal data include:-
 - Personal information, such as name and address.
 - Family details.
 - Lifestyle and hobbies.
 - Education and training.
 - Health-related information.
 - Employment data.
 - Financial information.
5. Examples of special category personal data include:-
 - Racial or ethnic origin.
 - Political opinions.
 - Religious and philosophical beliefs.
 - Trade union membership.
 - Genetic data.
 - Biometric data for the purpose of uniquely identifying a natural person.
 - Data concerning health.
 - Sex life and sexual orientation.

Legislative framework – the Data Protection Principles

6. There are seven Data Protection Principles contained in the UK GDPR which must be complied with when processing personal data. Failure to comply with any of these Principles is a breach of the UK GDPR.

Personal information should be:-

1. processed lawfully, fairly and in a transparent manner in relation to the data subject ('lawfulness, fairness and transparency');
2. collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall, in accordance with [Article 89\(1\)](#), not be considered to be incompatible with the initial purposes ('purpose limitation');
3. adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ('data minimisation');
4. accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');
5. kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with [Article 89\(1\)](#) subject to implementation of the appropriate technical and organisational measures required by this Regulation in order to safeguard the rights and freedoms of the data subject ('storage limitation');
6. processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

The data controller shall be responsible for and be able to demonstrate compliance with the above (the 'accountability' principle). This is explained in more detail at paragraph 7 below.

Accountability Principle

7. We must be able to demonstrate compliance with the above Principles. Our Data Protection Officer is responsible for monitoring our compliance with these Principles. We will:
- ensure that records are kept of all personal data processing activities, and that these are provided to the Information Commissioner on request;
 - carry out a Data Protection Impact Assessment for any high-risk personal data processing, and consult the Information Commissioner if appropriate;
 - ensure that a Data Protection Officer is appointed to provide independent advice and monitoring of the Council's personal data handling and that this person has access to Management Team;
 - have in place internal processes to ensure that personal data is only collected, used or handled in a way that is compliant with data protection legislation.

Corporate Privacy Notices

8. The council collects and uses personal information for a number of purposes across all of its departments and functions. Privacy notices for each service may be viewed on the Council's website at <https://www.tmbc.gov.uk/privacy-notice>.

Data Retention

9. We cannot keep data for longer than we need it. The Data Protection Act/ UK GDPR does not set specific time limits for retention of different types of data. Unless there are legal or regulatory requirements to retain data for a specific period, it is up to us to determine our retention periods, which will depend on how long we need the data for our specified purposes.
10. Our Data Retention Policy sets out the time periods we will adhere to for the retention of personal data. These will also be explained in the relevant privacy notice.
11. Our Data Retention Policies may be viewed on our website at [TMBC privacy notices by service – Tonbridge and Malling Borough Council](#).

Data Subject Rights

12. You have certain rights in respect of your personal data. These guidelines provide a framework for responding to requests to exercise those rights in accordance

with Data Protection legislation. Your rights are set out below.

- Right to access your personal information - known as subject access requests (SARs)
 - Right to rectification
 - Right to erasure
 - Right to restrict processing
 - Right to data portability
 - Right to object
 - Rights in relation to automated decision making and profiling
13. Where a request to exercise a right is made, we will, unless an exemption applies, comply with your request without undue delay and usually within one calendar month of the date of receipt of your request. If the request is complex, or there are a number of requests, we may extend the period for responding by up to two additional calendar months. If we extend the period for responding, we will inform you within one month of receipt of the request and explain the reason for the delay.
14. We may refuse to deal with a request where we consider it is manifestly unfounded or excessive or alternatively we may charge a 'reasonable fee' to deal with the request. If we are not going to respond to your request for rectification, we will inform you of the reason(s) for not taking action and of your right to make a complaint to the ICO/ seek a judicial remedy.

How to access your rights

(1) Subject Access Requests (SARs)

15. You have the right to find out what information we hold about you.
16. We do not have to comply with a SAR, if doing so means disclosing information which identifies another individual, except where:
- the other individual has consented to the disclosure; or
 - it is reasonable to comply with the request without that individual's consent.
17. **How can you find out what information is held about you?** - You may make your request either verbally or in writing e.g., by letter, e-mail or online. Someone else can make a request on your behalf only if we are satisfied that they have your permission to do so.

18. **Is a fee payable?** - In most cases, we cannot charge a fee to comply with a SAR. However, we can charge a 'reasonable fee' for the administrative costs of complying with a request if:
- it is manifestly unfounded or excessive; or
 - you request additional copies.
19. Alternatively, we can refuse to comply with a manifestly unfounded or excessive request.
20. When determining a reasonable fee, we can take into account the administrative costs of:
- assessing whether or not we are processing the information; locating, retrieving and extracting the information; providing a copy of the information; and
 - communicating the response to you, including contacting you to inform you that we hold the requested information (even if we are not providing the information)
21. A reasonable fee may include the costs of photocopying, printing, postage and any other costs involved in transferring the information to you (e.g. the costs of making the information available remotely on an online platform); equipment and supplies (eg discs, envelopes or USB devices); and staff time. We will base the costs of our staff time on the estimated time it will take staff to comply with the specific request, charged at a reasonable hourly rate.
22. We will not respond to a subject access request until we have confirmed your identity and address.
23. We will not respond to a subject access request until you have paid your fee, where applicable.

(2) Request to rectify personal data ('right to rectification')

24. Personal information is inaccurate if it is incorrect or misleading as to any matter of fact. You have the right to have your inaccurate personal information rectified or completed if it is incomplete.

(3) Request to erase personal data ('right to be forgotten')

25. The right to erasure is not absolute and only applies in certain circumstances. For example, we can refuse to deal with a request for erasure where we are under a legal obligation to process your personal information in order to perform a task in the public interest.
26. You have the right to have personal information erased and to prevent processing in specific circumstances:
- where retention of the personal data is no longer necessary in relation to the purpose for which it was originally collected.
 - you have withdrawn your consent to the processing of your personal data and no other legal justification for processing applies.
 - You have objected to processing that is either:-
 - Necessary for the Council to perform a task in the public interest or in the exercise of official authority vested in the Council;
 - Necessary to pursue a legitimate interest; and
 - No other compelling legitimate grounds for processing apply.
 - the personal information was unlawfully processed (i.e., otherwise in breach of the GDPR).
 - the personal information has to be erased in order to comply with a legal obligation.
 - You object to the processing of your personal data for direct marketing purposes.
27. The right only applies to data held at the time the request is received. It does not apply to data that may be created in the future.

(4) Request to restrict processing of personal data

28. The right to restrict processing is not absolute and only applies in certain circumstances.
29. You have the right to restrict processing of your personal information in circumstances set out below:
- you contest the accuracy of your personal information - we will restrict the processing until we have verified the accuracy of the personal information.
 - you have objected to the processing that relies upon the public interest or a third party's legitimate interests as the lawful basis for processing – we will restrict the processing whilst we are considering whether our/ the third party's legitimate grounds override yours.

- the processing is unlawful. Instead of requesting erasure, you may request that the Council restricts use of the unlawfully processed personal data.
- if we no longer need your personal information but you require the personal information to establish, exercise or defend a legal claim.

(5) Data portability

30. You have the right to obtain from us and reuse your personal information for your own purposes across different services. This right only applies to information you have supplied to us and in the following circumstances:-
- The lawful basis relied upon by the Council for processing the information is consent or for the performance of a contract
 - We are carrying out the processing by automated means i.e. excluding paper files.
31. Where this right applies you are entitled to receive a copy of your personal information in a structured, commonly used and machine readable form and/ or have your personal data transmitted to another data controller.
32. We will consider the technical feasibility of a transmission on a request by request basis. The right to data portability does not create an obligation for us to adopt or maintain processing systems which are technically compatible with other systems.

(6) Objecting to the processing of personal data

33. You have a right to object to
- processing based on the performance of a task in the public interest/legitimate interests (including profiling);
 - direct marketing (including profiling); and
 - processing for purposes of scientific/historical research and statistics, unless the processing is necessary for the performance of a task carried out in the public interest.
34. Where the objection is to processing your personal information for direct marketing purposes, we must stop processing your personal information when we receive your objection.
35. Where the objection is to processing your personal information for the performance of a public interest task or legitimate interests we must stop processing your personal information unless we can demonstrate compelling

legitimate grounds for the processing which override your interests, or, the processing is for the establishment, exercise or defence of legal claims.

(7) Automated decision making and profiling

36. You have the right not to be subject to solely automated decision-making, including profiling, which has legal or other similarly significant effects on you.
37. This right does not apply when the automated decision is:-
 - Necessary for entering into or performing a contract with you;
 - Required or authorised by domestic law which requires suitable measures to safeguard your rights and freedoms and legitimate interests;
 - Based upon your explicit consent

Key Contacts

38. The Council's appointed Data Protection Officer is Adrian Stanfield, Director of Central Services and Deputy Chief Executive.
39. The Council's appointed Senior Information Risk Owner (SIRO) is Ganesh Thanagarajah, Head of IT.

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Cabinet

10 December 2024

Part 1 - Public

Executive Non-key Decision



Cabinet Member	Des Keers (Community Services)
Responsible Officer	Damian Roberts (Chief Executive)
Report Author	Gill Fox (Policy, Scrutiny & Communities Manager)

Community Grant

1 Summary and Purpose of Report

- 1.1 Approval is sought in respect of the proposed 50th Anniversary Community Grant Scheme.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 For the Council to work with local voluntary and community sector organisations, to meet priorities set out in our Corporate Strategy, it is proposed that a one-off grant is offered to coincide with the 50th anniversary year of Tonbridge & Malling Borough Council.

3 Recommendations

- 3.1 That a 50th Anniversary Community Grant Scheme is launched with a budget of £50,000, as we come to the close of the council's 50th year.
- 3.2 That the grant guidelines, criteria and application process (as set out in Annex 1 and Annex 2 of the report) be endorsed.
- 3.3 That, the balance of £37,000 is ringfenced to support further community initiatives in 2025/26, including potentially a phase 2 of the borough wide pilot Enforcement Team, subject to a full review of the outcomes of the pilot.

4 Introduction and Background

To mark the 50th year of Tonbridge and Malling Borough Council, several proposals were put forward to take place throughout the year. One such proposal was to provide a grant scheme to support voluntary and community sector

organisations who are delivering much needed support to residents in the borough.

5 Proposal

- 5.1 Over recent years the Council has been awarded funding to deliver two Community Development Grant Schemes, using income provided by the UK Shared Prosperity Fund. Schemes were developed that invited applications from local community groups who were offering services that supported objectives in the Corporate Strategy. Priorities were identified and those groups who could evidence that they would support our priorities were awarded grant funding. Both schemes were successful with numerous projects delivered across the whole of the borough. The two schemes were over-subscribed, evidencing local need for funding of smaller organisations and charities to enable them to deliver projects and support services that help residents.
- 5.2 At the present time, we do not have firm confirmation of external funding for any future round of UK Shared Prosperity Fund for 2025/26 or beyond. However, the council has agreed a sum of £87,000 to be allocated to support a one-off 50-year anniversary grant scheme.
- 5.3 Given that we have already delivered a Community Grant Scheme this financial year (using external funding from the UK Shared Prosperity Fund) an amendment is now proposed. It is recommended that £50,000 remains allocated to our 50th Year Community Grant Scheme and the remaining £37,000 is ringfenced to support further community initiatives in 2025/26, including potentially a phase 2 of the borough wide pilot Enforcement Team, subject to a full review of the outcome of the pilot.
- 5.4 £50,000 for the 50th Year will provide adequate funds to run a Community Grant Scheme, which will be targeted at local community groups and charities. It is proposed that a new scheme is launched that replicates previous successful schemes, again addressing one or more of the Council's priorities:
- **Helping vulnerable communities through the cost-of-living crisis**
 - **Supporting healthy lifestyles**
 - **Improving community safety**
 - **Helping people gain skills to access the workplace**
 - **Supporting environmental and carbon reduction initiatives**
- 5.5 Detailed Guidelines and Scoring Criteria are provided at Annex 1 of the report and a suggested Sample Application Form is provided at Annex 2.

6 Other Options

- 6.1 There are no alternative options to consider. This scheme would be a one-off community grant scheme as part of the 50-year anniversary of the Council.

7 Financial and Value for Money Considerations

- 7.1 £87,000 has been allocated in the budget for the 50-year anniversary community grant scheme. For the reasons set out in the report, it is proposed that £50,000 for the 50 Year Anniversary Grant scheme is endorsed, with applications sought from local charities and organisations. Applicants will be able to bid up to a maximum of £2,500 based on set criteria.
- 7.2 It is proposed that the remaining £37,000 be ringfenced towards supporting borough wide community initiatives in 2025/26, including potentially a phase 2 of the borough wide pilot Enforcement Team, subject to a full review of the outcome of the pilot.

8 Risk Assessment

- 8.1 The application process has been designed to minimise risk, with assessments based on set criteria. Payments will only be made following this process and upon receipt of audited or signed accounts, along with a copy of the organisation's constitution.

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 scheme will be promoted via the council website and social media channels. All applicants are asked at application stage to confirm they are willing to acknowledge the support of the Borough Council with regards to media and publicity. As projects progress there will be ongoing opportunities to promote the activity that has taken place as a result of the grant received. This will include visits from the mayor to help raise awareness of the work undertaken by groups following receipt of the grant.

11 Implementation

- 11.1 The scheme can be launched on 2 January 2025 with a closing date of 2 March 2025. This will allow sufficient time for analysis, checks and scoring of all applications prior to final approval from Cabinet on 1 April 2025. Funds can then be allocated to recipients, from early to mid-April. Monitoring and publicity will follow over the course of the next 6 months.

12 Cross Cutting Issues

- 12.1 Climate Change and Biodiversity
- 12.1.1 Some impact on reducing emissions in support of carbon neutral by 2030 or enhancing the natural environment.

12.1.2 Climate change advice has been sought in the preparation of the options and recommendations in this report.

12.2 One of the priorities for funding is “supporting environmental and carbon reduction initiatives” it is therefore likely that we will receive some applications that will support this objective.

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.

12.4 Other If Relevant

- Business Continuity / Resilience
- Healthy Lifestyles

12.4.1 The priorities that have been identified in the grant criteria include helping vulnerable communities, supporting healthy lifestyles, improving community safety and helping people access the workplace. It is therefore likely that applications will be received that support these objectives.

Background Papers	None
Annexes	Annex 1 – Guidelines and Scoring Criteria 50 th Anniversary Community Grant Annex 2 – Sample application form

Tonbridge & Malling Borough Council 50th Anniversary Community Grant Scheme



Guidelines for Grants (maximum grant £2,500)

1. Who can apply?

Any community organisation or charity which:

- is based in the Borough and/or is providing a direct service to residents of the borough in line with community priorities
- provides services that will promote or improve the economic, social or environmental wellbeing of the area for the benefit of residents of Tonbridge & Malling and can clearly demonstrate this
- is in the community, not for profit or voluntary sector
- has a constitution or set of rules setting out its aims and objectives
- has a bank or building society account in its own name
- can provide externally examined, or signed accounts for the previous financial year
- only applies for one grant from this fund (we will not fund multiple projects from the same organisation)

2. The Council's Funding Priorities

Specific priorities for funding are as follows:

- A specific project deliverable within 6 months of receipt of funding
- Projects which are funded from a variety of sources where the Council can provide additional financial support
- Projects which help the Council meet one or more of the priorities set out in the Corporate Strategy, addressing one or more of the following priorities:
 - **Helping vulnerable communities through the cost-of-living crisis**
 - **Supporting healthy lifestyles**
 - **Improving community safety**
 - **Helping people gain skills to access the workplace**
 - **Supporting environmental and carbon reduction initiatives**

The Council will consider applications for core funding to support the on-going work of voluntary and community groups but will give higher priority to those applications seeking funding for a specific project or purchase.

2. Monitoring

Organisations will be asked to complete a monitoring form six months after the grant has been allocated.

3. We will not grant aid

- Businesses e.g. shops, pubs or salons (grants from this fund will support the voluntary and community sector)
- Parish or Town Councils
- Multiple applications from the same organisation. An organisation can only receive funding for one project.
- Organisations seeking to add capital to their investments or reserves
- Local organisations whose total fund-raising is sent to their central HQ for redistribution
- Individuals seeking sponsorship
- Groups whose main aim is campaigning
- Activities that promote religion
- Groups that hold levels of reserves which are not in line with the Charity Commission's guidelines
- Activities, the full cost of which can be charged for



4. Awarding Grants

The table in section 5 below sets out the criteria and associated scoring that will be used for comparative assessment of applications for grants. This is provided to assist applicants in setting out their grant applications. Applicants are not expected to score themselves against the criteria; this will be done independently once the applications have been received. All applications must be submitted online via the Council Website ahead of the deadline (**midnight on 2 March 2025**). Applicants will be advised of the outcome of their grant applications by mid-April 2025.


The Council will operate an internal review process and will accept a request for a review of any decision. Any such request must be made in writing or email to the Council and should state the reasons why the applicant is aggrieved with the decision of the Council. A request for review will be considered by a senior officer and the applicant informed of the final decision. The decision of the Council on any eligibility matter will be final.

5. Criteria and Scoring for Grant Applications



Criteria		Score	Awarded (office use only)
Location of the organisation	Based in the borough	3	
	Based in the local area (including Maidstone, Tunbridge Wells, Sevenoaks, Medway)	1	
Area of the borough served	Support focused on residents in more deprived communities (Trench, Snodland, East Malling or Aylesford)	3	
	Serves all areas of the borough	2	
	Serves another specified area of the borough	1	
Project Funding	Grant will fund a project, purchase or seeks to establish a new group	5	
	Grant will fund both ongoing work and a specific project purchase	3	
	Ongoing work only	1	
Delivery of priorities	Assists with the delivery of more than one priority	5	
	Assists with the delivery of one priority	3	
Partnership working	Application involves joint working with others	2	
Other sources of funding	Several sources of funding obtained	5	
	Funding obtained from one other source	3	
	Funding applied for but not yet confirmed	2	
Recognised quality standard	Has achieved accreditation	3	
	Is working towards accreditation	1	
Community Grant Funding received from TMBC in the last two years	Yes	1	
	No	3	
Total Points Scored			

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<p>Maximum Grant - £2500</p> <p>(Sample application form showing questions and evidence required. All forms must be submitted online).</p>	<p>Tonbridge & Malling Borough Council</p> <p>50th Anniversary Community Grant Scheme</p>	 <p>50 YEARS</p>
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How to submit this application

1. The decision about a grant will be made based on information you submit.
2. It is essential that you fully complete all sections, even if this information is included in other documents you may submit.
3. Please remember to upload copies of your latest signed accounts (or a budget for the first year if this is a new venture) and a copy of your constitution or set of rules.
5. Please use the checklist to ensure that you have submitted all the required information.
6. This form should be submitted **by midnight on 2 March 2025**

1. **Contact information**

Name and Address of organisation: (as it should appear on a grant cheque)

Name of applicant: _____ Position in organisation: _____

Address to which correspondence should be sent:

Daytime telephone number:

Email Address:

Registered Charity No (if applicable):

2. **The purpose of your organisation**

What is the purpose of your organisation?

3. **Additional information about your organisation**

If successful, this grant funding will support residents living in the following area: (please tick one)

Focused on **identified deprived communities** (Trench, Snodland, East Malling, or Ayelsford)

Focus will be across **all** areas of Tonbridge & Malling

Focus will be in a **specified area** of Tonbridge and Malling (please state area)

How many people living in Tonbridge & Malling Borough directly benefit from contact with your organisation each year?

How many staff are employed by your organisation?.....

How many volunteers assist your organisation?.....

Have staff/volunteers who work with young people/vulnerable adults obtained DBS clearance if required?
Yes / No

Have you received a Community Grant from TMBC in the last 2 years? Yes No

4. INFORMATION ABOUT HOW YOU WOULD USE A GRANT FROM TONBRIDGE AND MALLING BOROUGH COUNCIL

What is the amount of grant you are applying for:

Please provide here a brief summary of what the grant will fund:

The grant will fund:

A specific project or purchase

Ongoing work

A combination of the above

Establishment of a new group

Which of the following priorities does the grant application seek to support?

Helping vulnerable communities through the cost-of-living crisis

Supporting healthy lifestyles

Improving Community Safety

Helping people gain skills to access the workplace

Supporting environmental and carbon reduction initiatives

5. WORKING IN PARTNERSHIP

Is this a joint grant application submitted with other partners? Yes No

If yes, please list partner organisations

Please list details of any applications made to other funding bodies for a grant for the financial year 2024/25 and 2025/26:

Funding:

Amount:

Confirmed yes/no :

6. Accreditation

Do you have or are you working towards any quality accreditation?

Yes (Please provide details)

No

7. Performance Indicators

Please list at least 3 indicators which will help you measure your success and will also enable us to assess whether our grant support to your organisation will have achieved its intended objectives. This will assist us to monitor progress throughout the year.

- 1.
- 2.
- 3.

8. Your confirmation

If my application is successful, I agree to acknowledge the support of the borough council in my publicity material or on my premises. I confirm that my organisation is committed to equal opportunities and complies with statutory requirements.

Signed:

Position:

Date:

Your Checklist

- Applications must be submitted by no later than **midnight on 2 March 2025**
- Please upload a copy of your latest set of audited or signed accounts and a copy of the constitution of your organisation.
- Any grant given must be spent within 6 months from receipt of funding.
- Please ensure that all sections are completed and any supplementary information which is required is uploaded. Please note we do not need additional information/literature about your organisation.
- Be sure to tell us full details about why you need a grant, what it will be used for and how you will measure your success.
- Please be aware that grant applications are assessed against scoring criteria (as set out in the guidelines for this scheme). Ensure your application addresses the criteria where appropriate.

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REVIEW OF TONBRIDGE COMMUNITY FORUM AND PARISH PARTNERSHIP PANEL

Item OS 24/50 referred from Overview and Scrutiny Committee of 14 November 2024

Following a review of the operation of the Tonbridge Community Forum, as recommended by the Overview and Scrutiny Committee, the report of the Chief Executive set out a number of options for consideration.

Due regard was given to the views of existing members of the Forum on the current venue, style and format of the meetings as detailed in Annex 2. It was evident that there was a preference for in-person meetings with greater input from community groups and a more collaborative approach.

The Chair and Vice-Chair of the Forum expressed a preference for meetings of the Forum to be held at Tonbridge Methodist Church as room hire was reasonably priced, compared to the Angel Centre, and included audio equipment which avoided the requirement for an external provider.

It was noted that community groups had expressed a desire for a 'dedicated open discussion' to provide an opportunity for all members to discuss and respond to matters to ensure an equal distribution of views between Borough Councillors, County Councillors and community representatives. Whilst this was supported in principle, it was also recognised that topics should continue to be raised in advance to assist with effective agenda planning. There was also opportunity to raise other matters under Any Other Business.

***RECOMMENDED:** That

- (1) the venue for Tonbridge Community Forum be moved to Tonbridge Methodist Church on a trial basis for all meetings in 2025;
- (2) all Meetings of the Tonbridge Community Forum be held in person on a trial basis in 2025;
- (3) following a topic or item raised at Tonbridge Community Forum a section should be dedicated to open discussion to provide an opportunity for all members to discuss and respond to the matter;
- (4) initial responses in relation to the operation of the Parish Partnership Panel be shared at a future meeting of the Parish Partnership Panel to allow all members additional opportunity to discuss and consider options for this meeting.

***Recommended to Cabinet**

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Overview and Scrutiny Committee

14 November 2024

Part 1 - Public

Recommendation to Cabinet



Cabinet Member	Cllr Des Keers, Community Services
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Gill Fox, Policy, Scrutiny and Communities Manager

Review of Tonbridge Community Forum and Parish Partnership Panel

1 Summary and Purpose of Report

- 1.1 To consider options for future meetings of Tonbridge Community Forum and Parish Partnership Panel.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Ensuring we are meeting the needs of members of the Tonbridge Community Forum and Parish Partnership Panel in relation to engagement and information sharing.

3 Recommendations

That the following are recommended to Cabinet:

- 3.1 The venue for Tonbridge Community Forum is moved to Tonbridge Methodist Church on a trial basis, for all meetings taking place in 2025
- 3.2 Meetings of Tonbridge Community Forum are all held in person (rather than virtually via MS Teams) on a trial basis, for all meetings taking place in 2025
- 3.3 Following a topic or item raised at Tonbridge Community Forum, a section should be dedicated to open discussion to provide an opportunity for all members to discuss and respond to the item
- 3.4 That initial responses in relation to Parish Partnership Panel are shared at a future meeting of Parish Partnership Panel, to allow all members additional opportunity to discuss and consider options for this meeting.

4 Introduction and Background

- 4.1 The former Chair of Tonbridge Community Forum requested that a review be undertaken in relation to the venue and operation of Tonbridge Community Forum. A scoping report (Annex 1) was discussed at the meeting of Overview and Scrutiny in September 2024. At this meeting it was also agreed that a review of the operation of Parish Partnership Panel would also be helpful.
- 4.2 The current membership of Tonbridge Community Forum is as follows: Friends of Mill Stream, Angel Indoor Bowls Club, EMBER Community Interest Company, Feast, Rotary Club of Tonbridge, Tonbridge and Malling Seniors, Tonbridge Bicycle Users Group, Tonbridge Civic Society, Tonbridge Dementia Friendly Community, Tonbridge District Scout Council, Tonbridge Historical Society, Tonbridge Line Commuters, Tonbridge Lions Club, Tonbridge Parish Church, Tonbridge Sports Association, Tonbridge Town Team and Tonbridge U3A. In addition, there are 13 Tonbridge ward Members (not politically balanced) and two KCC Members.
- 4.3 The Terms of Reference for Tonbridge Community Forum state it is “A vehicle for the exchange of information, consultation and a structured dialogue between the Borough Council and those Tonbridge-based organisations with a shared interest in enhancing the wellbeing of the town through identification of problems and joint working towards solutions”.
- 4.4 At the last review of the Forum (in 2021), it was agreed that “Membership from the community to include recognised, constituted groups, not affiliated with a political party. All existing and new members to complete an application form to ensure a balance of organisations that are representative of the town and to avoid multiple representatives from the same/ similar institutions.”
- 4.5 Membership of Parish Partnership Panel is comprised of all Parish/Town Councils across the Borough.

5 Proposal

- 5.1 Views have been sought from existing Members of Tonbridge Community Forum and Parish Partnership Panel on the current venue, style and format of the meetings. All responses are provided in Annex 2.
- 5.2 Looking at Tonbridge Community Forum responses, it is evident that there is a preference for in-person meetings (with only one respondent expressing a preference for online meetings).
- 5.3 Views were expressed in relation to the way information is shared, with a request for a more collaborative approach with greater input from community groups. Meetings with more open discussion would be more meaningful for some members.

- 5.4 There was only one written comment received in relation to the venue for the meetings (expressing a preference to remain at the Angel Centre), however both the Chair and Vice Chair of Tonbridge Community Forum have expressed their views that the meeting should be moved to Tonbridge Methodist Church.
- 5.5 Promotion of Tonbridge Community Forum, including a request for new members has been distributed via the Council's Media Team. So far, two additional groups have come forward. It is suggested that the invitation to join the Forum be kept open and the Chair and Vice-Chairs will review expressions of interest and notify members of the Forum of the decisions as they are made.
- 5.6 There have been some initial responses in relation to Parish Partnership Panel, however, there have also been requests to allow from more time to consider options. It is therefore suggested that an item is added to a future agenda of Parish Partnership Panel, where a further discussion can take place, seeking views from all participants.

6 Other Options

- 6.1 Possible venues for meetings of Tonbridge Community Forum, including approximate costs for each option have been considered in other locations in the town. Tonbridge Baptist church was considered, but depending on the room used, there may be additional work to set up and mobile microphones may be required. Two school venues were considered, but they were unable to accommodate all the dates and were more expensive than the church options, so they have not been followed up.
- 6.2 Having considered costs and availability the preferred option to trial is Tonbridge Methodist Church. This will save money as room hire is reasonably priced and includes audio equipment, they have confirmed availability for all the dates and the room will be set up ready. Both the Chair and Vice Chair are key holders and are willing to operate the audio equipment at the meetings.

7 Financial and Value for Money Considerations

- 7.1 Current room hire costs (for Tonbridge Community Forum) at the Angel Centre and the cost of audio/visual equipment for the in-person meetings, total £763. In addition, there are costs incurred in relation to staff time (administration).

The proposed venue (Tonbridge Methodist Church) will cost £22.50 per hour, meetings are not expected to go beyond two hours. Audio facilities are available at the church and are included in the hire cost. In addition, there are costs incurred in relation to staff time (administration).

8 Risk Assessment

- 8.1 Any risk related to the use of venues and equipment will need to be managed as the proposed venue is not owned by the council. Appropriate health and safety checks will need to be completed.

9 Legal Implications

- 9.1 Tonbridge Community Forum and Parish Partnership Panel are not decision-making bodies.

10 Consultation and Communications

- 10.1 Initial consultation has taken place for both groups. Further views will be sought from members of Parish Partnership Panel at a future meeting. Proposed changes to Tonbridge Community Forum will be reviewed after a trial period of one year.

11 Implementation

- 11.1 Changes to the format of the meetings will take place from 2025 for a trial period of one year.

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 A move to all in-person meetings is likely to increase car journeys. However, groups are all Tonbridge focussed and should therefore be locally based providing some attendees the opportunity to walk to the meetings, use public transport and/or car share, which should be encouraged and promoted.

- 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: Review of Tonbridge Community Forum (Scoping Report) Annex 2: Summary of Responses

TONBRIDGE & MALLING BOROUGH COUNCIL
OVERVIEW AND SCRUTINY COMMITTEE

11 September 2024

Report of the Chief Executive

Part 1- Public

Delegated

1 SCOPING REPORT – REVIEW OF TONBRIDGE COMMUNITY FORUM

1.1 Background

1.1.1 The former Chair of Tonbridge Community Forum requested that a review be undertaken in relation to the venue and operation of Tonbridge Community Forum. This has been raised at a previous Tonbridge Community Forum meeting and partner organisation (who were present), agreed with the principle of looking at options for change.

1.1.2 Suggestions put to Forum members, from the former Chair were as follows:

- How often meetings take place
- Should all meetings take place in person
- Where should the venue be
- Do all groups meet agreed criteria of the TCF

1.2 Meeting Frequency, Format and group criteria

1.2.1 Following the last review of the Forum in 2021, it was agreed that meetings would increase from twice per year to four times per year and they would alternate between in-person meetings held at the Angel Centre and virtual meetings held via MS teams. The move to virtual meetings was to encourage greater participation and means that these can be livestreamed for the benefit of the wider community.

1.2.2 The meeting programme for 2024-26 was approved by Annual Council on 14 May 2024 and adding additional meetings will create capacity issues within Democratic Services. Therefore, any changes to the programme need careful consideration if this were something that Members would like to progress. There will also be staffing and cost implications if all meetings are held in person, especially if Members wished for these to be livestreamed.

1.2.3 If Members wish to consider alternative venues to hold all meetings in-person, a range of options can be presented at the next meeting, along with the associated costs. It will need to include any arrangements around hall/seating set up and who will be available to undertake this.

1.2.4 Regarding the agreed criteria for groups, if Members wish to review the current membership, and/or invite other interested groups to join, a simple form can be promoted/shared and added to the council website, as detailed in the suggested draft form (Annex 1).

1.3 Review of Parish Partnership Panel

1.3.1 Previously changes to Tonbridge Community Forum (agreed by Overview and Scrutiny Committee in October 2021) were considered alongside a review of Parish Partnership Panel. If Members opt to review the frequency, format and criteria for Tonbridge Community Forum, it may also be timely to consider if any changes are required to Parish Partnership Panel.

1.4 Legal Implications

1.4.1 Tonbridge Community Forum is not a decision-making body.

1.5 Financial and Value for Money Considerations

1.5.1 Current room hire costs at the Angel Centre and the cost of audio/visual equipment for the in-person meetings, total £763. In addition, there are costs incurred in relation to staff time (administration).

1.5.2 If Members wished to livestream meetings external audio/visual support would be required, subject to facilities at venues, and this could be a significant cost.

1.6 Risk Assessment

1.6.1 Members should note that any risk related to the use of venues and equipment will need to be managed if using buildings that are not owned by the council. Council owned buildings are routinely checked by the Health and Safety Officer, the Head of Administration and Property and Head of IT to ensure that all appropriate safety checks are undertaken.

1.6.2 There is a potential health and safety risk when using other venues and there is a requirement for appropriate safety checks and forms to be completed. Currently, this is a function that is outside of the role of Democratic Services and consideration would need to be given on how to address these concerns.

1.7 Equality Impact Assessment

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

1.8 Policy Considerations

1.8.1 Communications

1.8.2 Community

1.9 Recommendations

1.9.1 Members to consider the frequency, format and criteria issues raised in section 1.2 and **ENDORSE** further investigation into associated costs of venues and staff resourcing issues.

1.9.2 Members to **CONSIDER** if a review of Parish Partnership Panel is also required, with options to be presented at the next meeting.

Background papers:

contact: Gill Fox

Nil

Damian Roberts
Chief Executive

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Tonbridge Community Forum

- Meetings could be better organised with advance notice of dates and request for items.
- Police news is of interest, but would like more council news (future of Angel Centre, car park charges, flood planning decisions etc)
- Not keen on online meetings
- Prefer in person meetings, online lacks human touch
- It allows a forum for an exchange of information and discussion. Would prefer all meetings in-person. Online are impersonal and do not allow for meaningful networking
- Valuable outlet for imparting community information and community group visibility. Follow up liaison between groups is missing, not the fault of TMBC.
- Interval of meeting is about right at once a quarter.
- Previous planned changes have not been implemented and the Forum has reverted to sitting through presentations. Little to no input from groups. No space for open discussion, presented with an agenda without any input. Invite groups to talk at meetings, to consider challenges and support needed.
- Forum has become highly politicised. Should be focussed on community groups, rather than promotion tool.
- Councillors should not interfere with the running of events organised by groups as some suggestions may be detrimental to the group.
- Forum in its current format provides no benefits to the groups, the information could be shared as an email. An open discussion format would be more helpful.
- My preferred meeting type is via teams as I live in East peckham and it saves me another trip in to Tonbridge.
- Prefer meetings in person rather than online – enables participants to build rapport, encourages greater sense of community, which is lacking online.
- Format of the agenda and meetings is fine.
- There is a preference for face-to-face meetings and there is a very strong opinion that all meetings should be held in the Angel Centre, Tonbridge.
- The frequency of meetings, currently four per year, is fine. However, the dates of Community Forum meetings could be looked into for the following reason - This is to try and avoid clashes, where possible, with Council or Councillor meetings that prevent Council officers from updating or discussing issues with the Forum due to confidentiality or non-disclosure issues. In the past, issues raised by Forum members for inclusion on the agenda have been unable to be addressed. Then by the date of the next meeting; they are either out of date, decisions have been made, or issue's are back to Council for a decision. This can be most frustrating. The Society accepts that this may prove difficult, but it is worth looking into and giving careful consideration.

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PROCUREMENT STRATEGY

Item FRP 24/23 referred from Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024

Consideration was given to the draft Procurement Strategy (attached at Annex 1) which was intended to ensure a more compliant and efficient approach to procurement, enable opportunities to extract added value and develop a more sustainable approach to procurement in the future. The Strategy would also reflect major new procurement legislation being introduced by Government in 2025.

Particular reference was made to the Mid Kent Procurement Partnership which provided the Borough Council with support, guidance and experience. Since May 2024 the Partnership had worked with Officers on the procurement of a number of contracts across the organisation including waste and recycling, litter enforcement, construction contracts and pest control. A key priority for the new Partnership had been the production of a new Procurement Strategy.

It was recognised that the Strategy ensured best value from Borough Council contracts was achieved, enabled services to continue to be delivered in increasingly challenging economic markets, supported best practice and compliance and helped mitigate the level of risk related to procurement on the Corporate Risk Register.

Members welcomed the production of a Procurement Strategy as it addressed a strategic risk previously identified by external auditors. On the grounds that parish and town councils were bound by the same procurement legislation as all public sector bodies, Cllr Palmer proposed that the list of contractors be made available to parish/town councils. This was seconded by Cllr Bishop and supported by the Committee.

***Recommended:** That

- (1) the draft Procurement Strategy, attached at Annex 1, be commended to Cabinet for adoption; and
- (2) the Borough Council's list of contractors be made available to parish/town councils.

***Recommended to Cabinet**

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19 November 2024

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Martin Coffin, Cabinet Member for Transformation and Infrastructure
Responsible Officer	Robert Styles, Director of Street Scene Leisure and Technical Services
Report Author	Robert Styles, Director of Street Scene Leisure and Technical Services

Procurement Strategy

1 Summary and Purpose of Report

1.1 This report brings forward an updated draft Procurement Strategy for comment and recommendation to Cabinet

2 Corporate Strategy Priority Area

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

2.2 A revised Procurement Strategy will help deliver Best Value to the organisation and ensure compliance with legislative requirements.

3 Recommendations

3.1 To consider and make comments to Cabinet on the draft Procurement Strategy attached at **Annex 1**.

4 Introduction and Background

4.1 Members of this Committee will be aware that the Council's approach to procurement was identified by Grant Thornton as requiring improvement in its last external audit report and was subsequently identified as a red strategic risk on the corporate risk register. At the time of the external audit the Council had no dedicated procurement resource to assist Officers and its Procurement Strategy and associated documentation needed to be reviewed and updated.

4.2 As a result of the external audit the first significant step forward was joining the Mid Kent Procurement Partnership for a 2 year initial period to provide the Council with the support, guidance and experience it needed. The Partnership

commenced in May 2024 and to date has worked exceptionally well and good progress has already been made.

- 4.3 In addition to starting to work with Officers on the procurement of a number of contracts across the organisation including waste and recycling, litter enforcement, construction contracts and pest control a key priority for the new Partnership, and a recommendation of the external audit, was to assist the Council with the production of a new Procurement Strategy.
- 4.4 The Mid Kent Partnership Procurement Manager will be in attendance at the meeting to update on progress to date and answer any questions Members have on the draft Strategy.

5 Proposal

- 5.1 A draft Procurement Strategy is attached for Member consideration and recommendation to Cabinet at **[Annex 1]**. The draft Strategy is based on the style and format used by the other two authorities within the Partnership (TWBC and MBC) but adapted to fit the needs of this organisation. The draft 2 year Strategy has been considered by the Council's Procurement Officer Project Group, attended by Officers from all departments across the Council. It is the intention that the draft Strategy will ensure a more compliant and efficient approach to procurement, enable opportunities to extract added value and develop a more sustainable approach to procurement in the future. The Strategy will also take into account major new procurement legislation being introduced by government in February 2025.
- 5.2 The Strategy will cover a 2 year period from 2024-2026 to tie in with the other 2 partnership authorities and the length of the existing partnership agreement. The Strategy focusses on 6 key themes, namely compliance, sustainability, localism, commercialisation, stability and expansion.
- 5.3 Once the draft Strategy has been considered by this Committee and approved by Cabinet, the next stage will be to develop an implementation plan to action the priorities set out in the Strategy. This will involve working alongside the Partnership to ensure all the documentation associated with the procurement process meets the requirements of this authority and develop a Procurement section on the staff intranet to guide Officers. A programme of staff training has already been delivered by the Partnership Manager across the organisation and this will be continued as progress is made.

6 Other Options

- 6.1 It is essential that the Council has an updated Procurement Strategy that is fit for purpose.

7 Financial and Value for Money Considerations

- 7.1 The Director of Street Scene Leisure and Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.
- 7.2 The new Strategy will ensure that best value from our contracts is achieved enabling services to continue to be delivered in increasingly challenging economic markets.

8 Risk Assessment

- 8.1 Without an up to date Procurement Strategy the Council will not keep up to date with Government legislation and best practice, will not be compliant and will not be able to promote fair and equal competition within the market. The new Procurement Strategy will help mitigate the level of risk relating to procurement on the Corporate Risk Register bringing it down from red to amber.

9 Legal Implications

- 9.1 The draft Procurement Strategy takes into full account the forthcoming new legislative changes of the Governments Procurement Act. The 3 key areas that will be focussed upon in the Strategy in this regard are engagement, updates and communication. The draft Strategy recognises the need to update the Council's Constitution and meet the obligations of Local Government Transparency Code and its Public Sector Equality Duty.

10 Consultation and Communications

- 10.1 The draft Strategy has been developed in consultation with the Mid Kent Procurement Partnership.

11 Implementation

- 11.1 Subject to approval by Cabinet the new Strategy will be implemented with immediate effect.

12 Cross Cutting Issues

- 12.1 Climate Change and Biodiversity
- 12.1.1 Adaptation and resilience have been considered.
- 12.1.2 Climate change advice has been sought in the preparation of the options and recommendations in this report.
- 12.2 The Strategy has a section on sustainability looking to reduce carbon emitted through our contracts to assist the Council in its objective of being carbon neutral.

13 Equalities and Diversity

13.1 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.

- Procurement
- Business Continuity / Resilience

Background Papers	None
Annexes	Annex1 - Draft Procurement Strategy

Tonbridge and Malling
Borough Council
**Draft Procurement
Strategy**
2024–2026
[version 1]



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Introduction

The Council is a member of the Mid Kent Procurement Partnership (Tunbridge Wells, Tonbridge and Malling and Maidstone Borough Councils). The Partnership has a clear focus that enables and encourages economic growth and investment into its respective boroughs, whilst ensuring the appropriate infrastructure is in place to support growth and enhance residents' quality of life.

The last few years have seen a period of significant disruption to everyone's way of life, with a global pandemic causing national lockdowns and changes to our everyday routines and working lives.

Politically, there have been changes at both local and national level which have created challenges, and globally we have seen economies suffer following the invasion of Ukraine.

These socioeconomic issues create significant challenges for Local Authorities, particularly in terms of revenue generation and funding of local services. New ways of generating income or stretching existing budgets have been explored but must continue to be found in order to maintain front line services, and to give us the opportunity to enhance the lifestyles and wellbeing of our residents.

Procurement plays a vital role in delivering on the operational and political priorities. Delivering best value is the foundation of what we do. It underpins our organisation and allows us to build for the future. We are committed to delivering a quality service to our stakeholders and residents across Tonbridge and Malling, along with contributing to the delivery of a greener and prosperous borough over the coming years.

We understand that the context in which we operate will continue to evolve - on both a local and national level. We will keep up to date with the latest Government legislation and guidelines, and ensure we are compliant across the organisation, whilst continuing to promote fair and equal competition within the market.

We will ensure that this Strategy is reviewed and updated according to these conditions, with a commitment to providing innovative procurement solutions through the Partnership.

Local & National Context

Local Context

As a Partnership of three borough councils (TWBC, TMBC and MBC), responsibilities are clearly defined. At the time of writing this Strategy, all the partner authorities face significant challenges:

1. Budgetary Pressures – The cost of re-procuring existing services is likely to rise significantly as contracts expire, which will add increased strain to budgets.
2. Climate Change – all authorities have committed to net carbon zero status by 2030, but progress is reliant on internal resources and suitable funding.
3. Staff Retention – our ability to compete with the private sector and other public sector bodies.

National Context

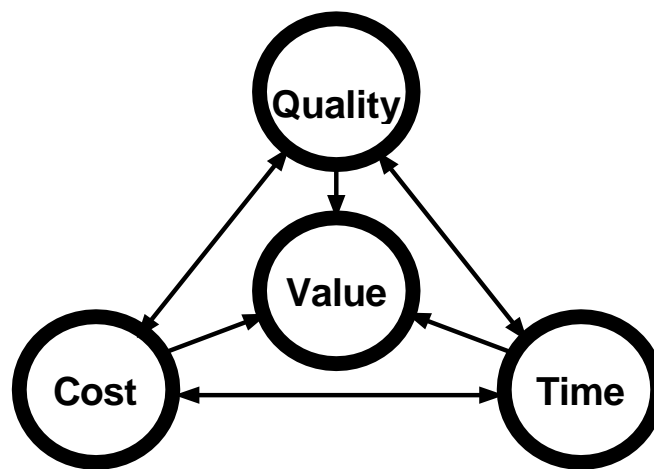
At a national level the UK economy has seen significant upheaval with the invasion of Ukraine a cost of living crisis, and changes to inflation, mortgage rates and interest rates. These have put greater strain on the already stretched finances of the Council

On a legislative front, the way in which public sector procurement is conducted is currently under review by the Government. A new legislative framework, the Procurement Act, is being introduced. This legislation will hopefully come into effect in early 2025, following a delay with the introduction of the new Government. This will present a significant step change in how procurement is undertaken by local authorities, with a more flexible approach to the operational aspects. With the new changes there will also be a greater burden of administration, with several new requirements for publication of documentation and reporting. Training of staff will be critical to meeting the requirements of the new Procurement Act. The Partnership are well prepared for the introduction of the new legislation and training for staff has already been undertaken.

The Procurement Strategy focuses on key themes for the delivery of our strategic aims: Compliance; Sustainability; Localism; Commercialism; Stability and Expansion

Compliance

Our vision is to ensure that we deliver best value to the authority: Quality, Cost, and Time (Availability of goods and services):



In order to achieve our vision, we must ensure that the Council procures in a compliant manner – whilst attempting to derive as much value from our contracts as possible.

For this Strategy, we will be concentrating on 2 key themes for Compliance: Legislative Changes and Training

Legislative Changes

A review of the legislation regarding public sector procurement was undertaken following the UK's exit from the European Union, and the subsequent pitfalls and issues identified within the current legislative framework by the Government whilst procuring supplies during the Covid 19 pandemic. This review aims to introduce a new legislative framework for the governance of public sector procurement, known as The Procurement Act (2022-23), and is expected to be implemented from early 2025.

There are 3 key areas that we will focus on in regard to the proposed legislative changes:

1. Engagement – Through the Partnership we will ensure that we are up to date with the latest details of the Act and its passage through the two houses of Parliament. This will include:
 - i. Responding to any public consultations issued by the Government in relation to the Act, ensuring that our views are expressed, and;
 - ii. Engaging with key stakeholders

2. Updates – We will ensure that we update the following key documents in line with the new legislative framework:
 - i. The Constitution to reflect the new legislation, and;
 - ii. All procurement guidance documents, portals, and training materials in order to ensure delivery of timely and accurate advice to all stakeholders.
3. Communications – We will ensure that the legislative changes are communicated to all internal stakeholders, and that new training materials are rolled out ahead of the implementation of the new legislation.

By focusing on these key areas, we will also be continuing to work towards zero non-conformance. A forward plan (project pipeline) is likely to form part of the required new notices under the Procurement Act, and as such this will be communicated to key personnel and cascaded amongst their teams for additional projects and information to be added.

We will ensure that the Council complies with transparency requirements – ensuring that our stakeholders are fully aware of their obligations under the Local Government Transparency Code 2015.

As well as the procurement specific legislation, we are committed to ensuring we have regard to the Public Sector Equality Duty in our processes so that we procure goods and services that take account of the needs of different users. Officers will be responsible for ensuring that equality impacts are considered prior to approval of any procurement project and mechanisms will be put in place to embed equality standards throughout the procurement process.

What will success look like?

Success in this area will be defined by being fully compliant with the requirements of the Local Government Transparency Code 2015, having robust processes and procedures in place ahead of the new legislative framework being implemented, and working as part of a well prepared Partnership to lead us through the implementation process.– ensuring that our communication plans and training rollout are all put into practice as early as possible.

Training

The development of skills, and training of staff in our procurement and contract management processes and procedures, is a key area of focus in order to ensure compliance.

We consider that there are 3 key stakeholder groups to engage in this objective:

1. **Officers** – Ensuring that Officers are well coached and able to access professional advice through the Partnership. We will do this by:
 - i. Rolling out new procurement training and guidance notes, to be delivered as early as possible before the implementation of the new legislative framework, and;
 - ii. Creating self-help/reference functions on our intranet pages - for example: creation of Frequently Asked Questions (FAQs) and short guides to procurement - to support the training module rollout.
2. **Elected Members** – Ensuring that elected members are informed and offered relevant guidance and training on the new legislation by:
 - i. Updating the constitution to ensure that it accurately reflects the new requirements of the Act and;

- ii. Offering member briefings/training sessions in order to ensure that members have the knowledge required to properly scrutinise procurement activity undertaken.
- 3. Businesses** – Ensuring that local businesses are engaged with our processes, and the legislation which governs them, by:
- i. Sending out relevant and useful communications to businesses by partnering with our Economic Development team to provide information for their newsletters and social media posts.
 - ii. Holding in-person supplier events, at which we can update suppliers on the legislative changes and how this will affect how we do business. This will also help to encourage suppliers to register for the use of the Partnership's eTendering platform.
 - iii. Ensuring that the website is fully updated with the latest information for external stakeholders and businesses to find.

What will success look like?

Success in this area will be defined by having full access to a well trained, professional and approachable procurement team. The partnership team will continue working towards CIPS status by taking professional qualifications and ensure that all team members are certified under the new legislative framework in order to offer expert advice and guidance on all procurement matters.

The Organisation will have well informed and trained officers and members, who are fully aware of their obligations to ensure compliance with all local and national procurement regulations.

Sustainability

In order to understand our approach to sustainable procurement, it is important to first define this term; 'Sustainable Procurement is a process whereby organisations meet their needs for goods, services, works and utilities in a way that achieves value for money on a whole life basis in terms of generating benefits not only to the organisation, but also to society and the local economy, whilst minimising damage to the environment' ([LGA 2021](#)). It is the intention to implement a Sustainable procurement policy. This policy will aim to support our Climate emergency pledge. This strategy outlines our vision to look beyond the Sustainable Procurement Policy into three areas procurement can impact on the Council's Climate Emergency objectives. The Council has also signed up to the Kent and Medway Market Position Statement on climate change and environment.

Carbon Reduction

In 2019 the Council declared a climate emergency and set out a commitment to become carbon neutral by 2030. For the Authority the majority of greenhouse gas emissions lie outside internal operations. By looking at our main contracts forming our Scope 3 emissions, we open opportunities to look at how we can reduce the contract carbon emissions. These opportunities open through both the procurement process and effective contract management. Our sustainable procurement policy outlines how we will engage with potential suppliers and provides a timeline for measuring scope 3 emissions. It is our intention that we will look to work collaboratively with our suppliers to develop a proactive approach to reducing emissions. In order to best support the Council's objectives in this area, procurement will be looking to continually expand on our growing sustainability knowledge, and we will look to provide officers with case studies and examples of

contracts where carbon reductions have been achieved.

In the current economic climate, it is important to note that Local Government faces increasingly difficult financial decisions in its search for best value in its contracts. Whilst the Council strive to achieve its goals of being carbon neutral by 2030, we must balance this with the requirement to deliver contracts within the agreed budget. As the definition of sustainable procurement makes clear, the Council's strategic goal to deliver efficient services and achieve the best value for public money requires careful consideration of both costs and benefits over the lifetime of its procurement activity. Whilst we cannot say with certainty that contracts offering to make serious reductions in the carbon they emit will be at a higher cost, this Strategy will note that this is a possibility that the Council will have to contend with.

What effect will this have?

The reduction of the carbon emitted throughout our contracts will assist the Council in its objective of being carbon neutral in 2030. Through the outlined approach of collaborative working with our suppliers, this may allow us to pursue contracts that will reduce carbon emissions at a maintainable cost.

Three Pillars of Sustainability/ Triple Bottom Line

The section proposes our vision for changing the way in which we view procuring, Officers will be asked to consider The Three pillars of Sustainability/ Triple Bottom Line (TBS/TBL). This theory is an expansion on the traditional bottom-line methodology, instead of focusing solely on their financial impact, organisations under this model are also looking to measure the influence that they can have on social and environmental factors. The below provides a brief outline of some of the areas that we will look to target and support under this model:

1. Environmental:

Minimizing environmental impacts produced by the supplier and its operations to deliver the contract including:

- waste minimization, resource recycling/ reuse, – supporting service areas with understanding the whole life cost implications of purchasing, with an objective to guide towards the purchase of products that will be recyclable or reusable.
- reductions in carbon (greenhouse gas) emissions to support progress towards net carbon zero, with an objective to support minimizing life-cycle emissions where practicable
- increasing energy efficiency and decarbonizing energy used.
- minimization of water use, air pollutants, chemicals and exploration of potential alternatives.

Minimising Carbon emissions consistent with carbon neutral goals will be a collaborative effort between the Council and its suppliers, as stated above, to understand suppliers' strategies, goals and plans to tackle emissions.

2. Social:

- Social value – increasing value to our communities through the use of our social value policy whilst tendering to achieve deliverable outcomes in line with sustainable procurement principles.

3. Financial:

- Ensuring that we are operating within our budget and achieving best value for public money.

An essential part of implementation is to establish the methods in which we will gather data to understand our impact on our bottomline. This will need to be established by collaborating effectively with contract managers and suppliers.

What effect will this have?

In exploring key contracts and their impact on the Council's triple bottom line/ three pillars of sustainability, this will allow us to increase our positive impact in these areas. Our social value and sustainability policies will continue to allow us to focus on the impact we have on social and environmental factors, as well as looking after financial factors.

Localism

In order to understand our approach to 'Localism', it is important to first define this term; 'the belief that services should be controlled and provided, or goods produced and bought, within a local area for the benefit of people in that area' (Collins Dictionary 2023). We will be exploring the factors surrounding social value, engagement, communications and how we can help generate more tender submissions and interest from local suppliers by utilising these resources.

Social Value

Social Value refers to the way in which public sector contracts can benefit the community with responsible and sustainable business practices.

It is the use of strategic procurement processes to generate wider public benefits beyond the core products and services purchased.

Our intention is to commit fully to the Social Value Act 2012, by embedding its principles into our procurement processes and procedures where it is feasible and appropriate to do so. This will be through a separate Social Value Policy. The Council is committed to delivering best value for its residents in every area of service, ensuring we consider the total cost over the lifetime of the item or service, and to incorporate social value into its procurement processes.

Commissioning/contract officers must look for opportunities to enhance the value of the contract to the wider community and not just the goods/ services they are procuring.

The benefits of incorporating social value into our procurement processes are:

- Generation of employment and training opportunities
- Attraction of social benefit suppliers whose business revolves around their purpose and what they do with their profits, for example Social Enterprises and Voluntary Community Social Organisations (VCSOs)
- More diverse supplier markets which can lead to increased innovations
- Businesses that have an important presence in the local area and can use local labour (enabling the communities to grow).

What effect will this have?

The effect of incorporating social value into procurements will be defined by the commissioning/contract officers abiding by the Social Value Policy for the authority, and by monitoring the added value that this brings to our contracts moving forward.

Engagement

Supplier Events

In the delivery of our Social Value Policies, we intend to be more engaged with local businesses to ensure that they understand how we do business. Many suppliers, however, still lack the knowledge and/or confidence to quote for Council contracts as they are unfamiliar with our processes.

To encourage greater participation from the local suppliers we will be working with the partnership to offer Supplier Events and training sessions. This would be a chance for local businesses to attend organised events to gain a better understanding of our processes, and what would be

expected of them during a tender exercise. We would offer an overview of the Partnerships eTendering platform and evaluation models and methodologies that may be used in our processes, provided it would not constitute a conflict of interest for the Council.

Council Members

Elected Members will be offered training and guidance to understand how we do business.

We commit to, where appropriate, utilising our corporate social media platforms to engage more local businesses. Council Members will be encouraged to share these posts through their own social media platforms, to reach a wider audience.

Parish/Town Councils

Parish /Town councils are bound by the same procurement legislation as all public sector bodies. If they do not have access to dedicated, professional procurement advice then they may be vulnerable to falling foul of these rules. The partnership would be happy to build relationships with our parishes in order to aid them with procurement processes, which in return could result in a possible revenue stream for the Partnership.

What effect will this have?

The effect in this area will be an improved relationship with, and potentially more tenders being received from, local companies. The number of tenders received from local suppliers can be monitored and reported upon, and publicised, to increase the drive for local participation in our procurement process.

Communications

Communication is very important as it is a means to reaching a wide audience locally and this can be achieved through a variety of methods. The Council commits in helping to generate more business in the local area and one way to achieve this is by liaising internally with our Communications department, to share posts created by Procurement on our corporate social media platforms. The aim of this is to direct interested suppliers to where they can bid for the work.

Alongside this, advertisements will be posted on the Council's website explaining how the Council does business and direct potential suppliers to the eTendering platform where they can bid for current opportunities.

What effect will this have?

The effect this will have will be defined very similarly to the previous section whereby the Council will have improved relationships with local suppliers, and this will translate into more tenders being received from local companies.

Commercialism

Commercialism has different meanings in varying contexts. For the purpose of this Strategy, we will adopt the following definition provided by the National Procurement Strategy Local Government England 2022; 'Creating commercial opportunities refers to how an organisation promotes revenue generation and value creation through the way it plans its major third-party acquisitions (works, services and goods), reviews its business options (make or buy), engages with, and influences, markets and potential suppliers, seeks to support and encourage innovation,

and promotes the development of new ideas and solutions to service delivery.'

In order to progress in this area, we will look to target 3 key areas: **skill sets, revenue generation and category management.**

Skill Sets

Within the Council, selected service areas are operating in a commercial manner, as we move forward whilst operating in a constrained financial environment, it is vital that Officers possess the skills to identify further opportunities to commercialise contracts. These benefits may be tangible (financial) or intangible (further services provided whilst reducing/ sharing the cost). We will seek to develop Officers understanding and will provide guidance in how they can enhance their contracts and internal services to generate further value.

In developing Officers commercial understanding, we will be looking to build upon relationships, especially in areas where cross functionality will be beneficial to the organisation. Cross functionality in this context will be defined as bringing together a group of service areas/ individuals with varying expertise to support the achievement of a common goal. These cross functional teams will be established with the objective of generating further commercial value.

What effect will this have?

In developing the skill sets of our colleagues, we will seek to build on the competency of our officers to enable them to identify and explore opportunities to commercialise parts of their services. Through this exercise we will encourage cross functional working which will provide Officers with connections to potentially drive commercial value.

Revenue Generation

Revenue generation is the process of identifying and establishing ways in which we can deliver a service/ contract in order to create a revenue income. Historically, the Council have mainly considered concessions contracts as a means to satisfy these requirements. For future revenue generation, it will be essential that service areas are participating in exploring and evaluating opportunities across the organisation. Any revenue generation will enable us to provide support to discretionary services which may otherwise become vulnerable to funding cuts.

To achieve revenue generation, we firstly have to look at producing options for business to become involved in our activities. To make this viable it is essential that during the planning phases we consider our engagement strategy both internally and externally in advance of progressing to any procurement exercise.

1. In reviewing potential opportunities in advance this provides the opportunity to collaborate

with businesses through an early engagement in order to ensure both parties achieve a desirable outcome.

2. Internal engagement - We will look to work with service areas to understand and develop contracts that may be suitable for revenue generation, once identified we will look to engage with suppliers to understand viability before moving towards planning our procurement.
3. External engagement - This will involve co-ordinating sessions to help build a relationship between the Council and potential suppliers, these exercises will assist us in understanding what could be achieved.

What effect will this have?

Success in this area will have the effect of providing further income streams for the Council and will provide the opportunity for us to assist local businesses in their development. In establishing regular income streams, this will enable us to invest further into the Council's aims and objectives.

Category Management

In implementing a category management approach, we are looking to fully understand the breadth of our spend, then to break this down into categories for which we can employ management strategies in order to achieve best value.

This strategy proposes that as an organisation and a partnership we adopt a variation on the traditional category management approach. This will involve undertaking extensive analysis of our spend which will be completed in multiple phases. In breaking our analysis down into stages, we will be able to focus on areas where we will be able to achieve 'quick wins' before moving on to our more complex areas of spend.

A four stage analysis journey will be undertaken to further understand our spend areas and how we will look to use this data to our advantage in a category management approach.

Stage 1: Spend data will be collected and then divided into broad categories.

Stage 2: Spend categories identified at stage 1 will be further broken down into subcategories. The structure for each category may be different, this will be scrutinised to fully understand the data.

Stage 3: Following stage 2, we will be looking to find synergies within the various categories both across the Councils and within the partnership.

Stage 4: Category management strategy options are evaluated for each category and implemented.

In following the above process at stage 3 in the above process we will be looking to identify synergies, which we hope will lead to potential opportunities to seek better value in procurements. Value in this context could relate to quality, or the costs associated with the goods and services we are looking to obtain. By adopting a category management approach, it may open further opportunities to work with other organisations around Kent. The potential benefit of which would be larger economies of scale and the creation of contracts that are more appealing and viable for bidders.

In order to implement an effective category management approach, we will need to establish a strategic toolkit. This will enable us to identify the drivers/ triggers for each category and to gain a greater understanding of effective management approaches that could be adopted to deliver value. We will identify the appropriate tools to use for each category following the analysis and evaluation of data.

What effect will this have?

In reviewing the spend across the partnership we will begin to understand the breadth of contracts that enable the Councils to deliver their services. In employing the category management approach, we aim to implement effective strategies to drive better value. This process enables us to look at how we can best deliver the contract and review all potential options or changes to services.

Stability

Stability is an important value in any team or organisation. Lack of stability in a team can lead to poor productivity and communication, as well as halting and delaying projects. To address stability we will be looking at three key areas in this section:

contract management, training, and competency.

Contract Management

Contract management plays a pivotal role in our ability to maximise the value of our contracts.

Effective contract management starts from the earliest moments of the commissioning cycle, with officers defining the organisations requirements and what the contract must deliver. To ensure effective contract management, we will provide practical support for contract managers where required, and access to a toolkit to assist officers with the management of their contracts. A key method of improving stability through contract management is by providing training for our officers. This can be achieved using compulsory training sessions, and/or through various walk-in surgeries that we hope to hold throughout the next three years.

Training Sessions

Training sessions offer the opportunity for officers to understand procurement processes and procedures, and what their role is within them. This leads to our colleagues being able to fully participate in projects and set well-defined objectives and clear requirements for contracts.

Compulsory sessions will be available for the partners, and we will aim to hold these on a regular basis.

Walk in sessions, or virtual drop-in sessions, are to be provided as part of this strategy. This will be provided in addition to the training and support that will be offered to managers and budget holders as part of their induction and will be available to all stakeholders. The benefit of allowing officers opportunities to attend these sessions is the refinement of skills and shared learning. As these are optional sessions, officers who attend are more likely to engage and interact in the training sessions as they volunteered their own time to do so, and it also has the potential to increase competency throughout the councils as these are not limited to a select group of officers.

Competency

To uphold quality throughout the councils it is important that there is a high degree of competency

when it comes to how we conduct our processes.

Whilst training can initially help with this, we aim to implement strategies in order to ensure best practice principles are observed.

The partnership has developed a strategic tool kit, which is available to all officers, which we will be promoting and actively encouraging the use of. This toolkit is designed to assist officers in the management of contracts and includes links to useful sources, expectations of contract managers and guidance.

What will success look like?

Success in this area will be defined by having a confident and capable team of contract managers across the Councils and ensuring that value is at the heart of our contracts. Officers will be well informed and able to deliver against organisational objectives in a compliant manner. Regular monitoring will be taking place to ensure that processes are followed, and non-conformance will be reported on regularly.

Summary

In summary, the next two years will be a time of significant change and challenge for Procurement. By joining the Mid Kent Procurement Partnership we have inherited a solid foundation from which to build, and we will continue to explore opportunities for improving and enhancing our procurement. We have undertaken a re-design of our processes and procedures in the last year to ensure a more compliant and efficient approach.

Moving ahead, we need to ensure that we make the most of every opportunity to extract added value from our contracts, with a focus on category management, supplier led innovation, and cost reduction/revenue generation initiatives. We must ensure that a more sustainable approach to our procurements is adopted, in order to achieve the very challenging target of achieving Net Zero carbon emissions by 2030. Our budgets will continue to be stretched, but we will still be expected to deliver the vast amounts of services required by our residents in increasingly challenging economic markets.

None of us can predict the impact of the new procurement legislation, which is due to come into effect in 2024 - but we will be fully prepared.

DEBT COLLECTION PRACTICES - POTENTIAL PILOT WITH REACHOUT

Item FRP 24/24 referred from Finance, Regeneration and Property Scrutiny Select Committee of 19 November 2024

Members reviewed and discussed the Borough Council's collection practices for council tax and other debts following the findings of the Money Advice Trust's 'Stop the Knock' research into local authority debt collection. A formal policy covering residents in vulnerable circumstances was included in the Corporate Debt Recovery Policy (attached at Annex 2). It was recommended that this was reviewed to reflect the more challenging financial position of our residents.

Consideration was also given to the proposal to commission a pilot scheme with an organisation called ReachOut to engage with residents struggling with debt and assist them with getting support to improve financial, mental and physical wellbeing. Details of the organisation were set out in Annex 3.

Whilst the Borough Council had a duty to collect public monies it was important to consider the welfare of those in vulnerable circumstances and the recommended pilot with ReachOut provided an opportunity to understand household circumstances and support those in debt. The Committee felt that a sample size of 500 cases for the pilot scheme seemed appropriate as consideration could be given to a further tranche if these was successful.

Members were pleased to note that the Money Advice Trust had found that the Borough Council already took some of its recommended steps in respect of debt collect practices. However, the Committee were asked to consider if other steps could be taken to improve practice including a publicly published commitment to make every possible effort to reduce the use of bailiffs.

Cllr Clokey proposed that the Borough Council should target a reduction in the need to use bailiffs. This was seconded by Cllr Boxall and supported by the majority of the Committee.

***Recommended:** That

- (1) a pilot scheme of up to 500 cases be approved and ReachOut be commissioned to engage with residents struggling with debt, as set out in 7 of the report, and reconnect those residents with the Borough Council's teams in order to resolve their debts;
- (2) a review of the Corporate Debt Recovery Policy be approved to reflect the more challenging financial position of residents; and
- (3) a statement be made highlighting the positive actions being taken by the Borough Council to engage with residents and re-emphasising that referrals to bailiffs were only done as a last resort and that a reduction in the need to use bailiffs would be targeted.

***Recommended to Cabinet**

19 November 2024

Part 1 - Public

Matters for Cabinet - Non-key Decision



www.tmbc.gov.uk

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

Responsible Officer Sharon Shelton, Director of Finance and Transformation

Report Author Glen Pritchard, Revenues Manager

Debt Collection Practices: potential pilot with ReachOut

1 Summary and Purpose of Report

1.1 To discuss the collection practices for council tax and other debts following the findings of the Money Advice Trust's 'Stop The Knock' research into local authority debt collection; and consider an opportunity that has arisen for a pilot with ReachOut.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The report details the current methods used to recover debts, to ensure that income can be maximised to maintain services for residents.

3 Recommendations

- 3.1 Members are **REQUESTED** to consider whether the following should be recommended to Cabinet:
- 1) Subject to feedback provided at the meeting, a pilot scheme of up to 500 cases be approved whereby ReachOut are commissioned to engage with residents who are struggling with debt helping them get support to improve financial, mental and physical wellbeing, and ultimately reconnect those residents with our in-house teams in order to resolve their debts;
 - 2) A review of the corporate debt recovery policy to reflect the more challenging financial position of our residents; and

- 3) Make a statement to highlight the positive actions the Council is taking to engage with residents and re-emphasise that referrals to bailiffs are only done as a last resort.

4 Introduction and Background

- 4.1 The Money Advice Trust is a national charity that helps people to tackle their debts and manage their money with confidence.
- 4.2 Recently, the Trust, in partnership with the Centre for Social Justice, has made some recommendations on how they believe councils could improve collection practices - see **[ANNEX 1]**.
- 4.3 Using information provided through a Freedom of Information request, they have stated that this Council passed 3,593 debts to bailiffs in the 2022/23 financial year – a 44% increase on pre-pandemic levels in 2018/19.
- 4.4 This includes 2,428 council tax debts, 997 parking debts and 168 other debts, including business rates, housing benefit overpayments and commercial rents. A comparison to other councils is available via their online mapping tool at www.stoptheknock.org . In terms of council tax (the largest figure) it is worth reflecting that the number of cases (2428) represents about 4% of the number of accounts.
- 4.5 They recognise the significant financial pressure that local authorities are under, and the critical importance of council tax collection in providing local services. However, they feel the use of bailiffs remains high and have published their guide 'Six steps for local authorities' on how to improve debt collection practices.
- 4.6 They were pleased to see from their findings that TMBC already take some of these steps, including signposting to free debt advice, having a vulnerability policy and exempting Council Tax Support recipients from bailiff action.
- 4.7 However, they would like us to consider if other steps can be taken to improve practices and are also recommending that all councils make a clear public commitment - in the form of a decision, motion of Full Council or public statement - to make every possible effort to reduce the use of bailiffs over time.
- 4.8 The attached Corporate Debt Recovery Policy **[ANNEX 2]** sets out the principles and processes for the collection of all types of debt at TMBC. However, given that the main focus of this report concerns enforcement action through bailiffs, in order to give some context, the following subsections 5 and 6 give Members a flavour of the collection practices for council tax and parking services which do necessarily rely more heavily on the use of bailiffs at the latter stages of recovery.

5 Collection practices for Revenues & Benefits debts

5.1 Over the past 5 years, the Council has achieved excellent collection rates for council tax and business rates, regularly being the highest in Kent. The average collection rate for this period is 98.2% for council tax and 98.9% for business rates.

5.2 It should first be recognised that bailiffs are an invaluable part of the recovery process, and on many occasions, they are often the first to realise a taxpayer is vulnerable and need help. That's why the enforcement agents employed by the Council have a policy that deals with vulnerable people and they are obliged by law to return cases to us where the vulnerability is genuine.

5.3 That being said, a lot of work is done after a court order is obtained to find alternative methods of recovery, and only those that have no alternative get passed to the bailiffs. Here's a list of what we do:

- Summons is issued with a monthly repayment plan if they are unable to make the payment in full. If payment is made as agreed, or in full then no further action is taken with the liability order.
- If taxpayers are unable to make the monthly repayments, then they contact us by phone/email etc and we can look at extending the instalments based on their individual/personal circumstances. We advise them to claim Council tax Reduction (CTR) or speak to a free debt agency such as StepChange.
- If no payment is made on the account, then a broken arrangement letter is sent, asking for them to bring the account up to date. If payment is made, the arrangement continues, no further action taken.
- If no payment is made after the broken arrangement letter is sent, then the arrangement is cancelled. An information request letter is sent out.
- Once an information request form or offer of payment is received, we liaise with the Taxpayer to set up an arrangement on the account, again discuss CTR if not claiming, suggest applying for an Exceptional Hardship Payment (EHP) and free debt advice etc. If payments are made as agreed no further action taken.
- If there is no contact from the Taxpayer then a 7 day letter is sent advising the matter could be passed to the bailiffs.
- The Recovery team also gets a list of all accounts that could be sent to the bailiffs. This list is checked to see what other recovery options are available, for example deductions from benefits (not disability) or attachment of earnings. The team would also try to email the taxpayer if we

have details and check if there is any outstanding correspondence that could affect the amount due.

- If there is no response at all, it is at this point we send the case to the bailiffs. Accounts that are excluded are where taxpayers are in receipt of JSA/ESA and have small balances below £55.00.
- If Taxpayers come to us if they are having difficulty communicating with the bailiffs then we do occasionally liaise on their behalf to put a payment arrangement in place. Sometimes bailiffs need further information regarding welfare etc before making a decision on the account.

- 5.4 Recovery of housing benefit overpayment (HBOP) debt is also going well, and the DWP has recently said we are doing 'a fantastic job' in all aspects of housing benefit administration.
- 5.5 An enforcement agent is used to assist us with recovering these HBOP debts, but they only send letters and do not have agents visiting properties. This is done at no cost to the Council.
- 5.6 Unfortunately, the effects of the cost of living crisis are still being felt by many residents of the borough and with the ever increasing population, this has resulted in a higher amount of cases being sent to our bailiffs.
- 5.7 As can be demonstrated from the list of steps taken, we give taxpayers multiple opportunities to contact us before we consider passing cases to the bailiffs.
- 5.8 Members may have seen the recent article from Martin Lewis (MoneySavingExpert) regarding what he calls 'Aggressive council tax debt collection practices'.
- 5.9 He mentions that Councils can take court action after a taxpayer misses just one payment, which is factually correct as the legislation allows this. However, to recognise the financial/personal difficulties that taxpayers are experiencing, we have chosen to add an extra step into our recovery process. This gives residents two opportunities to contact us, discuss their situation and put an affordable payment plan in place.
- 5.10 If taxpayers choose to engage, we do everything we can to assist them and signpost them to other agencies that may be able to support them. Unfortunately, on a lot of occasions, taxpayers do not engage with us, and in the absence of any information regarding who they work for, we have no alternative way of collecting debts.

6 Collection practices for Parking

- 6.1 Tonbridge & Malling Borough Council use Enforcement Agents for the recovery of debts related to outstanding Penalty Charges – though we go beyond the statutory requirement to consider challenges by inviting informal challenges before the Notice to Owner stage of enforcement, and consider any mitigation offered.
- 6.2 However, when Penalty Charges are not paid they escalate in accordance with the statutory processes and are then registered as a debt.
- 6.3 If, at any time through the process, we are notified that the responsible person is in financial difficulties to the point that they apply for “breathing time” we place cases on-hold to allow time for them to address their obligations.
- 6.4 We also ask that our Enforcement Agents carry out assessment of the responsible person’s ability to pay and whether they would be considered to be vulnerable.
- 6.5 However, it remains that the whole process is instigated by the responsible person not adhering to their legal requirements as a driver, and could have been avoided by taking appropriate actions that the majority of the public see as the norm, and the accrual of associated debts for parking is wholly avoidable, either by parking correctly or by prompt settlement of penalty charges.

7 Proposal

- 7.1 As already mentioned, the Money Advice Trust acknowledges we already take some of their suggested steps to reduce referrals to bailiffs; however, there are some other areas that could be considered.
- 7.2 A formal policy covering residents in vulnerable circumstances is included in the Corporate Debt Recovery policy (see **ANNEX 2**). This was last reviewed in January 2022, so it is suggested that a review of this policy takes place to reflect the more challenging financial position of our residents.
- 7.3 In respect of taking steps to understand household circumstances, an opportunity has arisen to work with an organisation called ReachOut (see **ANNEX 3**).
- 7.4 Their aim is to engage with residents who are struggling with debt and help them get support to improve financial, mental and physical wellbeing. Residents are then reconnected with our teams to resolve their debts.
- 7.5 ReachOut charge a flat fee of £7.50 for each account referred to them and have suggested a pilot scheme of 1,000 accounts. They have stated that, for Walsall's return, for every £7.50 spent they saw £97 back in month one alone.
- 7.6 At the time of writing this report, a follow up conversation has been arranged on 5 November to discuss what can be done. Feedback will be provided to Members on the night of this meeting.

- 7.7 The final point for Members to consider is whether to make a clear public commitment to reduce the council's use of bailiffs over time.
- 7.8 As already mentioned, numerous steps are already in place to limit the number of cases we send to bailiffs. However, with the other options to be considered, Members may wish to make a statement to highlight the positive actions we take to engage with residents and that referrals to bailiffs are only done as a last resort.

8 Other Options

- 8.1 A further recommendation made by the Money Advice Trust is to adopt the Standard Financial Statement (SFS) to assess a person's ability to pay their debts.
- 8.2 This was discussed by the Kent Revenues Group many years ago, and the consensus at the time was that the statement was geared heavily towards residents and may affect the ability of local authorities to collect debts. The Council designed its own form for use in these circumstances and this form is still in use today.
- 8.3 Our own financial statement, in my opinion, gives a better understanding of a person's ability to pay debts and it is suggested we do **not** move to the SFS (which only 55 local authorities have so far done).
- 8.4 Finally, the Trust seeks support from councils generally in making a clear public commitment to reduce the use of bailiffs over time. Whilst of course we would like to see the need for enforcement work reduce, making such a commitment could jeopardise the Council's ability to collect debts. As Members are aware, the Council has a good collection rate and is one of the top performing councils in Kent. In my opinion, making this commitment could jeopardise that position and thereby put financial stress on the Council.

9 Financial and Value for Money Considerations

- 9.1 A pilot scheme of 1,000 cases with ReachOut will cost £7,500, which would have to be met fully by the Council. Members may wish to consider a reduced pilot of, say, 500 cases should this be an acceptable option. Funding of circa £3,750 can be met from an existing local revenue and NNDR collection budget.
- 9.2 The Council has good collection performance and use of bailiffs is only one tool in our recovery processes. Restricting the use of certain recovery processes could impact on collection performance and thereby the financial position of the Council.

10 Risk Assessment

- 10.1 The only perceived risk is potential negative press by not considering other options to reduce the amount of cases being sent to bailiffs.

10.2 Striking the right balance on the range and stages of recovery processes is important for both Council and its residents. The Council has a duty to collect public monies and restricting the use of certain processes could have an impact on finances.

11 Legal Implications

11.1 None

12 Cross Cutting Issues

12.1 Equalities and Diversity

12.1.1 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.

12.2 Other If Relevant

- None

Background Papers	None
Annexes	Annex 1 – Money Advice Trust report Annex 2 – Corporate Debt Recovery Policy Annex 3 – ReachOut pilot scheme

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Six steps for local authorities

As part of our ongoing Stop The Knock campaign to improve local government debt collection practices, we are recommending six steps for all lower-tier and unitary local authorities to implement, where they are yet to do so.

Find out more at www.stoptheknock.org.

1 Make a clear public commitment to reduce the council's use of bailiffs over time

More than 2.7 million debts were passed to bailiffs by local authorities in England and Wales in the 2022/23 financial year.

We recommend that council leaders make a clear public commitment to reduce the use of bailiffs over time by improving their debt collection practices, in order to provide clarity to officers at an operational level. This commitment could take the form of a public statement, a formal decision or statement of administration policy, or a motion of Full Council. This commitment should include all debt types, not just council tax arrears.

Visit the Money Advice Trust's www.stoptheknock.org website for details of your council's bailiff use, and email policy@moneyadvicetrust.org to find out more about the campaign.

2 Exempt Council Tax Support recipients from bailiff action

Only 10% of councils have a policy of exempting Council Tax Support recipients, who have already been identified as requiring additional support, from bailiff action.

We recommend local authorities exempt recipients of Council Tax Support, who have already been identified as requiring additional support through locally-determined criteria, from bailiff action altogether. This recommendation would see local authorities follow the lead of the small number of councils who have adopted this approach, which has been shown to deliver significant results for both residents and the taxpayer.

Read more about the importance of exempting Council Tax Support recipients from bailiff action, and recommendations on increasing take-up and awareness, in the Centre for Social Justice's full report [Still Collecting Dust](#).

3

Put in place a formal policy covering residents in vulnerable circumstances

153 local authorities have a formal policy in place covering residents in vulnerable circumstances, either through a separate policy or within a wider debt collection policy.

We recommend that all local authorities should introduce, for all debt types, a formal vulnerability policy – either as a standalone document or in the form of specific and detailed provisions in a broader debt collection or corporate debt recovery policy. This should include identifying vulnerable residents and amending collections processes accordingly. Policies should be published and reviewed regularly, and should be accompanied by staff training.

For further information see the [Money Advice Trust's work](#) on helping organisations to identify and support people in vulnerable circumstances, including our [resources hub](#).

4

Take steps to understand household circumstances before a liability order is sought

Two-thirds of councils (67%) said they conduct an assessment of income and expenditure or vulnerability (or both) before seeking a liability order. However, the majority only did so if a resident proactively got in touch to ask for this.

We recommend that councils be proactive in establishing a resident's circumstances, prior to seeking a liability order for council tax. This will help councils to understand where someone is struggling to pay and to tailor collection practices accordingly, as well giving individuals more time to engage and try to resolve the debt before being made liable for their entire annual bill.

We recommend councils take the following steps prior to seeking a liability order: Assessment of vulnerability; assessment of income and expenditure; referral to council tax support scheme; referral to free debt advice; and referral to income maximisation.

5

Adopt the Standard Financial Statement (SFS) to objectively assess affordability

Just 55 local authorities have adopted the SFS, run by the Money and Pensions Service – as an objective way of assessing affordability.

We recommend that councils adopt the Standard Financial Statement (SFS), which provides a consistent, fair and industry-recognised method of working out affordable repayments, for residents in financial difficulty. For all types of debt, councils should proactively establish ability to pay before sending accounts for enforcement – and accept any provided SFS-compliant financial statement as a true reflection of income and expenditure.

For further information about the [Standard Financial Statement](#) and how it could help your council visit the SFS website.

6

Review the council's signposting to free debt advice, including phone/online channels

Almost all councils (98%) signpost residents in financial difficulty to free debt advice, although many are directed through written communications rather than more pro-active referrals.

It is positive that nearly all councils refer residents to free debt advice. We recommend that all councils regularly review their signposting and referrals processes to ensure that all opportunities to help people access free debt advice are maximised. National Debtline provides free, independent debt advice over the phone, webchat and online. We recommend all councils include National Debtline as part of their signposting on letters and websites.

Visit our website for more information on referring to National Debtline, including suggested text for communications with residents.

All research findings taken from the Money Advice Trust and Centre for Social Justice FOI of local authorities in England and Wales. View the full data at www.stoptheknock.org and read the Centre for Social Justice's report *Still Collecting Dust: Ensuring Fairness in Council Tax Collection in 2024*, by visiting www.centreforsocialjustice.org.uk.

July 2024

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Tonbridge & Malling Borough Council - Corporate Debt Recovery Policy

Adopted July 2012

Revised January 2022

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Annex C - National Non-Domestic Rate Recovery

Annex D - Housing Benefits Overpayment Policy

Annex E - Parking Recovery Policy

Introduction

The Council aims to ensure that all monies due to the Council are recovered economically, efficiently and effectively in order for it to continue to provide services and keep the council tax as low as possible for those who are liable to pay it. In pursuit of that aim, the Council will endeavour to treat all customers equally, in-line with the Council's standards of customer-care and will differentiate between those who can pay, but do not, and those having genuine difficulty in paying. Each annex provides details of the debt recovery procedures used by that particular service.

However, the key principles noted below are common to all debt recovery procedures and must be included in any new or amended procedures.

Statement of Intent

The Council will treat all debtors in a consistent manner which is fair, sympathetic, firm and cost-effective whilst ensuring that it distinguishes between those who cannot pay and those who will not pay.

At all times the action taken to recover debts will take account of, and comply with other relevant Council policies including but not limited to – equality, violence at work, and the vulnerable person's policy.

Key Principles

The following key principles will be applied to all areas of debt recovery:

- Hard copy/electronic invoices/bills and notices are issued and sent to debtors promptly and in accordance with published/statutory requirements.
- Where a debtor is in receipt of housing benefit and/or council tax reduction, the Council will make every effort to ensure that the debtor is receiving the maximum benefit to which they are entitled.
- Debtors who cannot pay will, as far as possible, be distinguished from those who will not pay.
- Recovery action will be fair and equitable with the aim of ensuring that, where debtors have the means, they fulfil their obligation to pay their debts.
- An appraisal of the debtor's circumstances will be undertaken and used as the basis for agreeing mutually acceptable repayment arrangements.
- We will aim to strike a fair balance between the claims of Tonbridge and Malling Borough Council and those of competing creditors. Where such a need is identified,

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debtors will be asked if they have considered seeking assistance from a money advice service such as the Citizens Advice Bureau (CAB).

- Every effort will be made to maintain communication with debtors.
- Irrecoverable Debts - when a debt is deemed to be irrecoverable the process outlined in the Council's Financial Procedure Rules will be implemented.

Further Information

Additional information relating to the repayment of Council debts may be obtained from Financial Services.

By e-mail: financial.services@tmbc.gov.uk

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Annex A – General Debt Recovery Policy

Introduction

These procedure notes provide guidelines for the recovery of the Council's general debts. General debts are those debts held on the Council's Sales Ledger System and do not include – Council Tax, Business Rates, Car Park Penalty Charge Notices, Housing Benefit Overpayments or Statutory Fines.

Debtors will be notified in accordance with relevant regulations, e.g. emergency Building Control works and will be clearly informed of any rights they may have to dispute the Council's decisions.

Debt Recovery Process

Invoices are raised on a daily basis and, for debt recovery purposes, a notional 'due by' date of seven days after the date of the invoice is used. If the invoice is not paid within seven days and the debtor has neither queried the charge nor requested payment by instalments (see below) debt recovery proceedings will commence.

- A Reminder to Pay is issued 18 days after the date of the invoice.
- A Legal Notice is issued 32 days after the date of the invoice.
- A Letter before Action is issued 46 days after the date of the invoice.
- The debt is passed to an enforcement agent from 76 days (can vary depending on circumstances of each case) after the date of the invoice.
- If, after a maximum of 90 days with the enforcement agent, the debt has not been recovered in full or an instalment arrangement entered into, the debt is returned to the Council for further consideration including legal action.

The Director of Finance & Transformation may amend the timings of each of these actions as deemed appropriate.

Court action should not be instigated solely because of the legal right of the Council to do so, but because it is a reasonable route left open after other means of recovery have been attempted.

Instalment Arrangements

A Chief Officer in consultation with the Director of Finance & Transformation may enter into or agree other payment terms which reflect the ability of the debtor to repay their debt or where there are special circumstances that need to be taken into consideration. Instalment arrangements may usually only be arranged for non-corporate debtors or charities and only after their specific circumstances have been fully considered. In practice the amount of the instalments and term of the arrangement are governed by the debtors' financial situation and their ability to pay.

If at all possible the arrangement should provide for the debt being repaid as soon as possible and within the current financial year. If the repayment term exceeds 12 months the Council may apply an interest rate where allowable.

If a debtor fails to adhere to an agreed instalment arrangement the debt becomes payable in full as soon as the payment has been missed. However, if the debtor forewarns the Council that they will be unable to make a payment and the reason given is acceptable, the arrangement may be allowed to continue with either the term extended or the value of the missing payment incorporated into the remaining instalments.

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Legal Considerations

If, having exhausted all of the above mentioned actions, the debt remains unpaid the Council will consider the appropriateness in taking formal legal action in line with prevailing legal requirements. In such instances guidance will be sought from the Council's Legal Team.

If the debtor owns property it may be possible to place a Land Registry Charge on the property. Again, in such instances guidance will be sought from the Council's Legal Team.

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ANNEX B – Council Tax Recovery Policy

Foreword

In accordance with the provisions of the Local Government Finance Act 1992 the Council is responsible for levying and collecting all Council Tax that is payable on all occupied and unoccupied domestic properties, which are not exempt and situated in the borough.

In order to ensure arrears are kept to a minimum, it is essential that the Council operate an effective and efficient approach to the collection of Council Tax monies using the methods determined by legislation and regulation.

In pursuit of that aim, the Council will endeavour to treat all customers equally, and in-line with the Council's standards of customer-care, and differentiate between those who can pay, but do not, and those having genuine difficulty in paying. This policy specifically addresses issues relating to the recovery of council tax debts.

However, it must be read in the context of the Council's Corporate Debt Recovery Policy.

The recovery process

The collection and enforcement of Council Tax is governed by the Council Tax (Administration and Enforcement) Regulations 1992. It is important that anyone who does not pay their Council Tax by the due date is pursued for payment quickly.

Reminder notices, final notices and summonses are issued in accordance with the recovery timetable approved each year by the Director of Finance and Transformation.

- When a payment is missed, an Instalment Reminder letter will be sent 14 days after the instalment becomes due.
- If the account is brought up to date and then a second instalment is missed, a second reminder letter is sent.
- If the second instalment is brought up to date and then a third instalment is missed, a Final Notice is sent requesting the full outstanding balance for the year.
- A summons will be sent following a reminder or a second reminder or a final notice if the account is not brought up to date. Explanatory notes will be issued with the summons notice explaining the implication of Council Tax Enforcement.

Information regarding the availability of discounts, exemptions and council tax reduction is available on the Council's website.

Where taxpayers have contacted the authority to make a payment arrangement every attempt will be made to clear outstanding arrears by the end of the financial year 31 March.

If the resident contacts the Council and agrees an arrangement to pay following a summons, the resident's employer details will be captured and retained where possible.

Should the case reach court, the Council will make an application for a Liability Order at the hearing.

Staff attending court will assist defaulters who may choose to attend court for the Liability Order hearing and ensure they have a written breakdown of summons and liability order costs available. They will also ensure they are equipped with a supply of CTRS (council tax reduction scheme)/Single Person Discount forms etc. In order to provide assistance to

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complete forms and assess potential entitlement to CTRS/ Housing benefit, the taxpayer will be encouraged to ring the Council to discuss their case.

A Council Tax Notice of Liability Order and information request with details of the possibility of Enforcement Agent action will be issued to the taxpayer within 3 working days of the court hearing.

If the information request is not returned, the case will be passed to Enforcement Agents for recovery action. Fourteen days' notice must be given prior to carrying out this action.

An Attachment of Earnings Order (AEO) is the Council's preferred method of recovery. Once an AEO has been issued to an employer of the debtor, it will not be withdrawn without the express agreement of a senior officer. Generally employers will be instructed to implement orders strictly in accordance with the legislation.

An employer is bound by law to action a local authority request to apply an attachment to earnings in respect of a liability order granted under relevant Council Tax legislation. An employer who fails to set up such an attachment will first be reminded but ultimate failure to carry out this action will result in prosecution.

Where information about relevant benefits is provided, an attachment to benefit will be arranged to recover the outstanding debt. Should the authority be unsuccessful in arranging attachment to earnings or benefits, the case will be passed to Enforcement Agents for recovery action.

Should the debt fail to be recovered through the use of the Enforcement Agents, appropriate action may be taken from the following options:

1. Prosecute for potential committal;
2. Charging Orders to be applied for;
3. Petition for Bankruptcy and in appropriate cases apply for an order for sale of the property.

Enforcement Agents

Before the Council instructs an Enforcement Agent, the resident will be sent a final warning letter informing the resident that the Council is about to instruct an Enforcement Agent to recover council tax monies that are due and inform them of the costs involved.

When the services of Enforcement Agents have been determined, an agreement will exist along with formal written procedures specifying the standard of service to be provided and will cover the following matters:-

- The initial Enforcement Agent visit will be expected to be within 10 working days of receipt of the case.
- Where no contact has been made within office hours then at least one visit will take place outside normal working hours before the case is returned for alternative action.
- Cases will only be returned by Enforcement Agents after at least three unsuccessful visits have been made
- There will be specific procedures for the removal of goods.
- There will be agreed provision for the security of money collected in the form of bond or client account.

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- A joint signatory account will be set up for external Enforcement Agents to pay in all collections requiring an authorised signatory for the withdrawal of the Enforcement Agents portion of fees.
- The authority should be able to access the external Enforcement Agents' system via a link in order to make enquiries.
- Where an arrangement does not exist between the authority and Enforcement Agents, the Enforcement Agent will not retain the case for longer than a maximum of 12 months.
- Money collected by the Enforcement Agents will be paid to the authority on a weekly basis.

Payment arrangements

Except in exceptional circumstances, all arrangements will require the debt to be paid within the current financial year.

Arrangements for payment of a debt, where the debt will not be cleared by the end of the current financial year, will be agreed only where there is a proven inability to clear the debt by the end of the year. Unless agreed otherwise by a senior officer, such arrangements will be made only if the debtor completes and returns a financial statement form.

All payment arrangements will be confirmed in writing to the debtor.

If an information request letter has already been sent to the debtor, a payment arrangement will be made only on condition that the information request is completed by the debtor and returned to the Council (unless the arrangement is over a period of less than one month).

Once a case has been passed to the Enforcement Agents, it is not the Council's practice to intervene in discussions between the Enforcement Agents and the debtor as to collection of the debt. The Council may intervene in exceptional circumstances, by, for example, coming to a payment arrangement direct with the debtor. However, such payment arrangements will not be made without the express agreement of a senior officer.

The purpose of all arrangements is to achieve payment of the debt in the shortest possible time, at a rate that is realistically affordable by the debtor. Where possible, a lump sum payment "up front" will be sought from the debtor. Where more than one council tax account is involved (e.g. if the debtor has moved), priority will be given to keeping payments for the current year up-to-date. Debtors will be encouraged to set up a direct debit for the current year's payments.

Where a debtor is on Income Support/JSA (IB)/ESA (IR)/Pension Credit, an arrangement will not be agreed to (unless there are exceptional circumstances) that allows the debtor to pay less than the current recovery amount that can be attached from their state benefit.

If an arrangement is broken, the debtor will be contacted no later than one month after the default occurs. The debtor will be given the chance to bring the arrangement up-to-date before it is cancelled.

Where a debtor has defaulted on one arrangement, a further arrangement will not be agreed unless there is a good reason why the original one was broken.

Costs

Costs may be cancelled where:

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- the Magistrates' Court has ordered their cancellation; or
- although the issue of the summons was legally correct, the Council has reason to believe that the taxpayer was genuinely unaware of the debt; or
- there is evidence of extreme hardship; or
- a senior officer of the Council has agreed to their withdrawal.

The amount of the costs is not negotiable.

Debt Counselling

If someone has contacted a debt counselling agency (e.g. Step Change, CAB), we will take a sympathetic line. Where a financial statement has been prepared, and the information supplied has been accepted, any reasonable offer of payment that is based on the statement will be considered and accepted if appropriate. The Council is aware of the national "breathing space" arrangements for those in difficulty with financial debts and will abide by those requirements.

If a case is already with the Enforcement Agents by the time the debtor seeks advice, they will be contacted and made aware of the debtor's circumstances and the case will be put on hold until we receive the update from the debt counselling agency.

Having done this, if we are not contacted by the debt counselling agency the Enforcement Agent will be requested to ascertain whether there are sufficient goods on which to levy.

Committals

When the Authority has tried all other recovery options it will only list unpaid Council Tax cases for committal which exceed the minimum value which is considered by the authority as economical to pursue.

The council will send pre-committal warning letters (pending warrant letter) prior to commencement of proceedings allowing the taxpayer the opportunity to make payment by other methods.

If after 14 days no contact or payment is made the Council will complete Committal Approval Documents, which must be approved by Senior Officer.

If approved, the Council will apply to the Magistrates Court for a Bail Warrant instructing the taxpayer to attend Court at times and dates as specified by the Court.

Once granted by the Court, the Bail Warrant is passed directly to the Enforcement Agent for execution.

The authority shall charge costs up to the statutory maximum at the time of issuing a Committal Warrant to cover admin costs.

Evidence/cases will be presented in court in line with the Council's procedure. The Magistrates will conduct a Means Enquiry to assess if the tax payer is guilty of wilful refusal or culpable neglect. They can commit to prison for a maximum of 90 days per liability order or suspend with a payment order/ remit all or part of the total debt.

Should the taxpayer not attend the Court hearing, a Warrant without Bail will be applied for, together with appropriate costs. This involves arresting the taxpayer and bringing them to Court immediately.

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If a Court Order Payment Plan is not adhered to a Section 18 Notice will be issued requiring the taxpayer to attend Court. This notice must be either hand delivered to the taxpayer (requiring a witness statement of service) or sent by recorded delivery. Once a suspended committal sentence has been imposed and the payment plan has been defaulted on, a committal warrant can be applied even in the taxpayer's absence. Any such application requires approval from a Senior Officer.

Bankruptcy

The Council recognises that sometimes it might have no alternative other than to commence bankruptcy proceedings for the recovery of unpaid council tax. In order to establish whether bankruptcy is the most appropriate method of recovery, the Officers of the Council will refer to the Council's document entitled "Recovery Procedure for Selecting Cases for Bankruptcy or Charging Order".

Charging Orders

A charging order may be made against a dwelling where the owner is subject to a liability order for unpaid council tax, subject to the amount of the liability order plus costs being at least £1,000.

In deciding whether to apply for a charging order, each case will be considered, on its merits, by a senior officer of the Council. An application for an order is made to the County Court.

In deciding whether to grant an order, the court must consider all aspects of the case, such as the personal circumstances of the debtor and whether any other person would be unduly prejudiced by the making of an order.

If the making of a charging order by the Court does not produce payment from the debtor, then the Council will consider asking the Court for an Order for Sale.

If the debtor's outstanding debts (mortgage, council tax etc.) might exceed the estimate of the likely sale price of the property at auction, we will still proceed in applying for a charging order if the difference between the two were marginal. If the difference were more than marginal, then we might still proceed if other factors were relevant, for example:

- the general good of the community, taking into account factors such as the appearance of the area; or
- the desire to bring an empty property onto the market and available for occupation; or
- the prevention of an ever-accumulating debt.

Irrecoverable Debts/Write Offs

The Council may write off the whole, or a proportion, of a debt depending on the circumstances of the particular case. The most common circumstances in which the council will write off a debt are where:

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1. It is uneconomical to pursue recovery; or
2. There are humanitarian grounds for not pursuing recovery; or
3. The debtor has died; or
4. The debtor cannot be traced; or
5. The debtor has been declared bankrupt.

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Vulnerable persons policy

We recognise that certain groups of customers may be vulnerable. These groups may include, but are not restricted to:

- Pregnant women or recent parents
- Long term sickness, serious illness or frailty
- Elderly
- Physical disability
- People with learning difficulties, or mental health problems
- Recent bereavement
- Severe financial difficulties and/or Income Support, Jobseeker's Allowance, Pension Credit or Employment Support Allowance
- Customers with communication difficulties
- Customers with a history of alcohol or drug misuse
- Victims of domestic violence

Not all people in these groups may be vulnerable, but we will consider your individual circumstances if we know about your vulnerability.

What We Will Do

- We will work with you to agree the best method of recovering outstanding arrears and the easiest way for you to pay.
- We will clearly mark your records that you are a vulnerable person when vulnerability has been identified.
- We will carefully consider each case where vulnerability has been identified before taking any recovery action.
- We will not take action such as bankruptcy, charging order or committal on any case where vulnerability has been identified before we make an appointment with you.
- We will adapt our recovery process where we are aware that a customer is vulnerable to minimise any hardship or distress.
- We will clearly explain our decisions regarding our action and our reasons for refusing any requests.
- We will signpost our customers to any help that we consider may be useful in their circumstances.

What You Should Do

- You must tell us of your vulnerability at the earliest opportunity. We may ask you to provide some evidence, such as a doctor's letter, to establish the nature of your vulnerability. This is to ensure that we are clear on any particular needs you may have so we can help you.
- You should complete an Income and expenditure form to give us an accurate picture of your financial situation.
- If you want someone to discuss the account on your behalf you will need to write to us confirming who can deal with the account.
- You should keep us informed of any changes to your circumstances and any address change.
- You will keep to any appointments scheduled or contact us if you cannot attend.
- You should make any payments you have offered whilst we are considering your offer.
- You should review any services that our officers may signpost you to so you can decide if they are relevant to your circumstances.

We will try to help you if you are in arrears and have a vulnerability but can only do so if we know your circumstances.

You can call us on 01732 876388 or email revenues@tmbc.gov.uk

You can also write to us at:

Tonbridge & Malling Borough Council
Council Tax Recovery Section
Gibson Building
Gibson Drive
Kings Hill
West Malling
Kent ME19 4LZ

Tonbridge & Malling Borough Council

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ANNEX C - National Non-Domestic Rate Recovery Policy

Foreword

Schedule 7 (part 1) Local Government Finance Act 1988 provides that the multiplier is set by the Secretary of State. The Valuation Office (an agency of HM Revenue & Customs) provides the rateable value of all non-domestic hereditaments. The Council is responsible for levying and collection of Non Domestic Rates payable on all occupied and unoccupied hereditaments, which are not exempt and situated in the borough.

The Council aims to ensure that all monies due to the non-domestic rate pool are recovered economically, efficiently and effectively. In pursuit of that aim, the Council will endeavour to treat all customers equally, and in-line with the Council's standards of customer-care, and differentiate between those who can pay, but do not, and those having genuine difficulty in paying. This policy specifically addresses issues relating to the recovery of non-domestic rate debts. However, it must be read in the context of the Council's Corporate Debt Recovery Policy.

The recovery process

Reminder notices, final notices and summonses are issued in accordance with the recovery timetable approved each year by the Director (Finance and Transformation).

- When a payment is missed, an Instalment Reminder letter will be sent 14 days after the instalment becomes due.
- If a second instalment is missed, a Final Notice is sent requesting the full outstanding balance for the year.
- A summons will be sent following a reminder or a final notice if the account is not brought up to date. Explanatory notes will be issued with the summons notice explaining the implication of NNDR enforcement.

Following the hearing of summonses by the Magistrates, pre-Enforcement Agent letters will be issued as soon as practicable thereafter.

All cases not subject to a payment arrangement (see below), or other recovery action, will be sent to the Council's Enforcement Agents 14 days after the issue of pre-Enforcement Agent letters.

Payment arrangements

Except in exceptional circumstances, all arrangements will require the debt to be paid within the current financial year.

Arrangements for payment of a debt, where the debt will not be cleared by the end of the current financial year, will be agreed only where there is a proven inability to clear the debt by the end of the year. Unless agreed otherwise by a senior officer, such arrangements will be made only if the debtor completes and returns a financial statement form. All payment arrangements will be confirmed in writing to the debtor.

Once a case has been passed to the Enforcement Agents, it is not the Council's practice to intervene in discussions between the Enforcement Agents and the debtor as to collection of the debt. The Council will intervene in exceptional circumstances, by, for example, coming to

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a payment arrangement direct with the debtor. However, such payment arrangements will not be made without the express agreement of a senior officer.

The purpose of all arrangements is to achieve payment of the debt in the shortest possible time, at a rate that is realistically affordable by the debtor. Where possible, a lump sum payment "up front" will be sought from the debtor.

Where more than one non-domestic rate account is involved (e.g. if the debtor has moved), priority will be given to keeping payments for the current year up-to-date. Debtors will be encouraged to set up a direct debit for the current year's payments.

If an arrangement is broken, the debtor will be contacted no later than one month after the default occurs. The debtor will be given the chance to bring the arrangement up-to-date before it is cancelled.

Where a debtor has defaulted on one arrangement, a further arrangement will not be agreed unless there is a good reason why the original one was broken.

Reminders, final notices and summonses

Once issued, a reminder, final notice or summons will be withdrawn only for one of the following reasons:

1. It has been issued in error; or
2. the issue of the notice has crossed with the ratepayer's payment (a notice is unlikely to be withdrawn on more than one occasion for this reason); or
3. a senior officer has agreed the withdrawal; or
4. it appears that the person will not be liable to pay the amount of the debt shown on the notice, for example because they have moved. The notice will be withdrawn only once it has been confirmed that there will be nothing left to pay.

A final notice may be withdrawn if the taxpayer agrees to change to payment by direct debit (and sets up an instruction).

Where appropriate, the withdrawal of summonses will be confirmed in writing.

Debtors in receipt of reminders, final notices and summonses are encouraged to convert to direct debit.

Costs

Costs may be cancelled where:

1. the Magistrates' Court has ordered their cancellation; or
2. although the issue of the summons was legally correct, the Council has reason to believe that the taxpayer was genuinely unaware of the debt; or
3. there is evidence of extreme hardship; or
4. a senior officer of the Council has agreed to their withdrawal.

The amount of the costs is not negotiable.

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Enforcement Agents

Once the Council has passed a debt to its Enforcement Agents for collection, the Enforcement Agents will generally be allowed to collect the debt with minimal interference from the Council. Any debtor wishing to make a payment arrangement against a debt that is with the Enforcement Agents will be referred to the Enforcement Agents.

The Council wishes to ensure that its Enforcement Agents are acting within the law and in accordance with the standards expected by the Council. Any evidence of malpractice by the Enforcement Agents will be investigated by the Council.

The Council will not seek to interfere with the level of fees charged by the Enforcement Agents, unless it appears that they are not legally correct.

The Council will withdraw a case from the Enforcement Agents if:

1. it was sent to the Enforcement Agents in error; or
2. it would be more effective to use a different recovery method; or
3. at a senior officer's discretion, the circumstances of the debtor are exceptional for any reason.

Debt Counselling

If someone has contacted a debt counselling agency (e.g. Step Change, CAB), we will take a sympathetic line. Where a financial statement has been prepared, and the information supplied has been accepted, any reasonable offer of payment that is based on the statement will be considered and accepted if appropriate. The Council is aware of the national "breathing space" arrangements for those in difficulty with financial debts and will abide by those requirements.

If a case is already with the Enforcement Agents by the time the debtor seeks advice, the case will be left with the Enforcement Agents until he has been able to ascertain whether there are sufficient goods on which to levy. The Enforcement Agents will be contacted and made aware of the debtor's circumstances. Having done this, the Enforcement Agents will be requested to cease further action unless it is apparent that the debtor is able to pay the debt.

Insolvency

The Council recognises that sometimes it might have no alternative other than to commence insolvency proceedings for the recovery of unpaid non-domestic rates. In order to establish whether insolvency is the most appropriate method of recovery, the officers of the Council will refer to the Council's document entitled "Recovery Procedure for Selecting Cases for Bankruptcy or Charging Order".

Security for Unpaid Rates

If a ratepayer has an interest in a property (occupied or unoccupied), the Council may enter into an agreement that any interest is made the subject of a charge to secure payment.

In consideration of such a charge, the Council will take no further recovery action for the amount concerned for a period specified in the agreement.

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The agreement may not be made for a period of more than three years. It may extend to further amounts becoming due from the ratepayer and it may provide for the payment of interest on sums outstanding (and for that interest, also to be subject to the charge).

Committal

Where all other methods of recovery have either failed or are considered inappropriate, the Council will apply to the Magistrates' Court for a warrant of commitment against the debtor (Sole Trader). This action cannot be taken against a company.

On account of the potentially serious consequences to the debtor of imprisonment, all of the debtor's personal circumstances will be fully considered by a senior officer before pursuing this course of action.

Irrecoverable Debts

The Council may write off the whole, or a proportion, of a debt depending on the circumstances of the particular case. The most common circumstances in which the council will write off a debt are where:

1. It is uneconomical to pursue recovery; or
2. There are humanitarian grounds for not pursuing recovery; or
3. The debtor has died; or
4. The debtor cannot be traced; or
5. The debtor has been declared insolvent.

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ANNEX D - Housing Benefits Overpayment Policy

Introduction

An overpayment is defined under Housing Benefit legislation, as being any payment to which there was no entitlement. This policy is designed to set out guidelines for Benefits staff when dealing with benefit overpayments. It is essential that each case should be reviewed on its merits and that appropriate action be taken only after considering all the facts. Any discretion should be exercised in a fair and reasonable manner. However, this policy is intended to set a framework within which recovery actions can be made.

The majority of Housing Overpayments are recoverable. A recoverable Housing Benefit overpayment must always be recovered from the claimant and/or person to whom it was paid. Some debts are irrecoverable, for example, those caused by Official Error where the claimant could not reasonably have known that they had been overpaid or where they had not contributed to the error.

Policy Aims

The aims of the policy are to:

- maximise the recovery of all overpaid benefit through the measures set out below, and
- recover overpaid benefit in the most cost-effective way.

Affected parties will be notified in accordance with regulations and will be clearly informed of any rights to dispute the Council's decisions.

When identifying that an overpayment has arisen, the following factors need to be determined:

- the cause of the overpayment;
- whether or not the overpayment is recoverable;
- whether or not we should seek to recover the overpayment;
- from whom recovery will be sought;
- the method of recovery and, if the amount is to be recovered by instalments, the periodic amount that is to be recovered.

Housing benefit overpayment staff should negotiate instalment repayment rates at a level that will fully repay the debt within the current financial year when practical to do so. However, where a claimant can show that these levels of recovery will cause undue hardship to themselves or their family, then reduced instalments may be agreed if a financial statement is submitted to the Housing Benefit Overpayment Section.

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Causes of overpayments

Benefit overpayments can be caused by any one or combination of the reasons below:

- notification of a change of circumstances after the change has occurred; failure by a claimant to notify a change of circumstances;
- the deliberate withholding of information by an interested party (for example a landlord);
- the provision of incorrect information by a claimant or someone acting on their behalf;
- fraudulent encashment of a benefit payment;
- the death of a claimant, or
- from errors made by staff of the Department for Works and Pensions and/or the Council's own staff. These are known as "official errors".

Deciding if an overpayment is recoverable

When deciding if an overpayment is recoverable all of the pertinent facts, supporting evidence and the Benefit Regulations must be taken account of by the Benefits staff.

Generally, all overpayments are recoverable except when they are the result of an "official error". However, even these are recoverable if it is decided that the claimant could reasonably have been expected to realise that it was an overpayment at the time payment was made.

Due regard of the circumstances relating to the individual case shall be taken into account when deciding if recovery of the overpayment is appropriate.

Deciding if an overpayment should be recovered

Having decided that an overpayment is recoverable a decision then needs to be made on whether or not recovery action is to be taken.

A decision not to recover an overpayment is permissible by law but should only be made in exceptional circumstances under the authorisation of the Director (Finance and Transformation). The Council's Financial Procedure Rules set out the procedures for writing off such debts.

Deciding if non-recovery of recoverable overpayments is appropriate

Where it is believed that the recovery of an overpayment, taking into account social factors, is unreasonable and will cause hardship or significant distress, no recovery shall be sought.

Subject to the approval of the Director (Finance and Transformation), Benefits Overpayment staff will consider not taking recovery action in instances where the

claimant's social factors are exceptional and in the following circumstances when known:

- the claimant (or any partner) is terminally ill;
- the claimant is about to enter a residential home; or
- the claimant is suffering from a mental illness.

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Deciding from whom benefit should be recovered

From April 2006 the Regulations state that if an overpayment was caused by misrepresentation or failure to disclose information, the overpayment must be recovered from the person who actually misrepresented or failed to disclose that information.

If the overpayment was caused by an official error it must be recovered from the person who, at the time of receiving the overpayment or any notices relating to the payment, could reasonably have been expected to realise that it was an overpayment.

If neither of the above apply the overpayment can be recovered from:

- the claimant;
- the claimant's partner, if they were members of the same household, both at the time of the overpayment and when it is being recovered; or
- the person to whom the overpayment was paid

Appeals against overpayments and recovery

When the Council receives an appeal, within the allowed time period, against the calculation of an overpayment or the decision as to whom it is recoverable from, by a person entitled to appeal the decision then any action to recover the overpayment should be suspended awaiting the outcome of the appeal.

However, if the debtor wishes to make payments against the debt these will not be refused.

Methods of recovery

Overpayments may be recovered by one or more of the following options provided that no undue hardship is caused to the claimant or former claimant:

- deductions from ongoing benefit;
- the issue of an invoice;
- from ongoing benefit paid by another Council;
- deductions from other benefits paid to the claimant by the Department for Work and Pensions; or
- recovery from payments to a landlord in respect of the benefit due to other tenants where that benefit is paid directly to the landlord. This applies in specific 'blameless tenant' circumstances such as when the tenant has died or moved address.
- Recovery from debt collection agency
- Direct Earnings Attachment

Deductions from ongoing benefit

There are two prescribed rates of deduction from ongoing benefit depending on whether the overpayment has arisen as a result of fraud or not. These rates are usually reviewed annually, normally in April. For illustrative purposes with effect from April 2021 the standard rates are:

- a) £18.75 in the case of a claimant having been found guilty of fraud or having made an admission under caution of deception or fraud for the purpose of gaining benefit or they have agreed to pay a penalty under Section 45A of the Administration Act and the agreement has not been withdrawn; and
- b) £11.25 in other cases.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

The following additions may also be made:

- half of any applicable earnings disregard;
- half of any disregarded regular voluntary or charitable payment; and
- half of any war disablement pension or war widow's pension. TMBC has chosen to omit these pensions from its recovery considerations.

These are the maximum mandatory rates of overpayment recovery and may be reduced if individual circumstances warrant such a course of action. Higher rates of recovery are possible if these are arranged with the consent of the person they are being recovered from.

Direct Earnings Attachment (DEA)

From 8 April 2013 the Social Security Act 1992 was amended allowing Local Authorities to recover overpayments by attachment to earnings without the need to obtain a Court authority.

Where the debtor has not made an arrangement to repay the overpayment and it is found that they are working for an employer, the Local Authority will issue a DEA order to the employer instructing repayment at the appropriate rate as per the net earnings.

Issue of an invoice

In the case of deceased debtors, invoices will be issued to the estate of the individual. In these instances recovery action will be dependent upon the specific circumstances of each case.

Recovery of overpayments for cancelled claims will be started by the issue of an invoice. In the first instance the aim will be to recover the overpayment by a single payment. However, where the claimant can show that this is unaffordable, payment by instalment may be negotiated. It is at this stage that investigations into recovery via third parties (other local authorities and DWP) may be undertaken.

Where the debtor is no longer entitled to benefit because their income is too high, instalments may be agreed after taking into account their net disposable income and reasonable financial needs (the applicable amount used in the last calculation of benefit subject to changes in respect of dependents). Net disposable income may be estimated without the need for absolute proof.

Repayments must be set at levels that the former claimants can reasonably be expected to pay. As a rule of thumb, instalments should not usually be greater than 50% of the "excess income" as calculated in accordance with the previous paragraph. Instalments can be renegotiated at any time to take account of varying circumstances.

If the debtor fails to make payment in full or agree an arrangement to pay within 14 days of the invoice being issued (and there is no ongoing dispute) a reminder will be sent.

If payment in full or an arrangement is not then made within a further 16 days a "Letter before Action" will be issued. This will advise the debtor that legal action or referral to a debt collection agency will be commenced if payment is not received in full or an arrangement made within a further 10 days.

If the debtor fails to respond appropriately within 10 days further recovery action will be taken. The decision on which of these actions is to be taken is solely dependent on which one is expected to maximise the amount recovered.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

Deductions from benefits paid by another local authority

Where the former claimant fails to repay an invoiced overpayment, and is in receipt of benefit from another Local Authority, that Authority is to be asked to recover the overpayment by weekly deductions.

Recovery by deduction from benefits paid by the DWP

If the former claimant fails to repay an invoiced overpayment, and is in receipt of one of the benefits listed in Regulation 105 of the Housing Benefit Regulations 2006, the appropriate office is to be asked to recover the overpayment from one or more of the benefits received.

Recovery of overpayments from Landlords and Agents

If the debtor continues to be entitled to receive benefit then the recovery will normally be by deduction from ongoing benefit paid to the landlord unless the landlord has agreed to repay the debt in full directly.

However, in instances where the debtor is no longer entitled to receive benefit, the Social Security Administration (Fraud) Act 1997 allows the recovery of an overpayment of benefit to be made from a current tenant of a landlord even though the debt relates to a former tenant of the landlord. This only arises when the landlord was paid direct for the former claimant and an overpayment arose. This method of recovery is exceptional and must only be used in the appropriate circumstances.

Recovery is said, in these circumstances, to be being made from “blameless tenants”.

Recovery from a Debt Collection Agency

Debt referred to a debt collection agency shall be on a commission only basis. Such commission shall not be passed on to the debtor nor shall the debt collection agency be empowered to take recovery action, unless authorised by the Director (Finance and Transformation), other than as follows: Reminder letters, Telephone calls, Text messages and Home visits.

Legal Considerations

If, having exhausted all of the above mentioned actions, the debt remains unpaid the Council will consider the appropriateness of other legal action. The Council will register a HB Overpayment decision as a judgement of the court. This allows the Council to use any of the court’s enforcement procedures for recovery of the debt.

These can include:

- A warrant of execution which gives court enforcement agents the authority to take goods from the debtor’s home or business. The county court enforcement agents can only enforce a warrant for debts up to £5,000, For any higher amounts the order will be transferred to the High Court;
- Third party debt order which stops the debtor being able to access their bank accounts;
- A charging order which prevents the debtor from selling their assets such as land and property;
- An order to obtain information can be granted if the Council holds little or no information about the debtor;

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- A bankruptcy order where the debtor owes £5,000 or more and an arrangement to pay has not been agreed.

Write Off Procedure

Outstanding overpayments will be regularly reviewed to identify any debts that are irrecoverable and need to be authorised for write-off by the Director (Finance and Transformation) under delegated powers or by the Finance, Innovation and Property Advisory Board. The delegated authority for write offs is as follows and additional information is provided in the value based action plan table below.

The following are circumstances where a recoverable overpayment might be reasonably considered for write-off: -

- the debtor has absconded and cannot be traced via Locta, Experian, CIS etc;
- the debtor has died leaving no estate;
- the debt has been returned by the Magistrates' Court;
- the debt is uneconomical to collect; or
- it is considered inappropriate to recover a debt due to the physical and/or mental condition of the debtor.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

Value based action plan

Amount	Recovery action sequence	Write off action
£0 to £1	No action.	Submit to Director (Finance and Transformation) for write off as uneconomic to pursue.
£1.01 to £15	<ul style="list-style-type: none"> • Overpayment notification. • Issue invoice or deduct from on-going benefit. • Issue first reminder. 	Submit to Director (Finance and Transformation) for write off as uneconomic to pursue if the debt remains unpaid 35 days after the issue of the first reminder.
£15.01 to £499.99	<ul style="list-style-type: none"> • Overpayment notification. • Issue invoice or deduct from on-going benefit. • Issue first reminder. • Issue Letter before Action. • Check Locta, DWP & Experian. • Refer to debt collection agency. 	Submit to Director (Finance and Transformation) for write off as uneconomic to pursue when debt collection agency return the debt as uncollectable (no payment arrangements)
£500.00 to £5,000.00	<ul style="list-style-type: none"> • Overpayment notification. • Issue invoice or deduct from on-going benefit. • Issue first reminder. • Issue Letter before Action. • Check Locta, DWP, Experian • Use tracing agents, proactive telephone calls and home visits. • Refer to debt collection agency. • If no payment arrangement is made with the agency then if the debtor is working or possesses sufficient assets apply to the County Court for judgement. Utilise Charging orders, consider attachment of earnings, instruct County Court Enforcement Agents, consider insolvency. 	Submit to Director (Finance and Transformation) for write off on return of debt as uncollectable by the debt collection agency or action via the Court proves ineffective or not appropriate (due to case information)
£5,000.01 and greater.	As for over £500.01.	Submit to FIPAB via Director (Finance and Transformation) for write off upon return of debt as uncollectable by the debt collection agency or if action via the Court proves to be either ineffective or not appropriate.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

ANNEX E - Parking Penalty Charge Notice Debt Recovery Policy

Foreword

The Council aims to ensure that all monies due to the Council are recovered economically, efficiently and effectively in order for it to continue to provide services and keep the council tax down for everyone who is liable to pay it. In pursuit of that aim, the Council will endeavour to treat all customers equally, and in line with the Council's standards of customer-care, and differentiate between those who can pay, but do not, and those having genuine difficulty in paying. This policy specifically addresses issues relating to the recovery of Penalty Charge Notice debts. However, it must be read in the context of the Council's Corporate Debt Recovery Policy.

Introduction

The recovery process for Penalty Charge Notices is governed, in the main, by legislation. Parts of the process are automated to ensure that each case is treated consistently and that the necessary time scales are respected and achieved.

Whenever possible, and within the constraints of the legal process, the Council will consider mitigation, at any stage, in a sympathetic but consistent manner, in line with the adopted policies of the South East Parking Managers Group and national guidelines. Where the driver has not offered mitigation, or it has been rejected, the legal process will proceed to recover the outstanding charge.

Legal enforcement and recovery process

- All drivers are legally entitled to 14 days in which to pay the Penalty Charge Notice at a 50% discounted rate. The system is set to allow a further 3 days for delays in posting and processing before the amount increases to the full charge.
- The discount period can be extended for a further 14 days from the date of any reply to representations or mitigation.
- After 30 days, unpaid Penalty Charge Notices will be referred to the DVLA to identify the registered keeper. The law expects the registered keeper to be responsible for unpaid Penalty Charge Notices.
- Statutory Notices and reminders will then be sent, in a timely manner within the guidelines, to the registered keeper informing him/her of the consequences of not making full payment and allowing him/her to make contact with the Council to arrange payment of the outstanding balance or offer fresh mitigation as to why enforcement should not continue. Each communication, including the original Penalty Charge Notice, provides details of the appeals procedure and offers opportunities to contact the Council to resolve the outstanding matter.
- At the relevant stage the case will be prepared for Debt Registration at the Traffic Enforcement Centre (TEC) where an order for recovery is sought. The opportunity still exists for the registered keeper to make contact and arrange payment or in some circumstances seek an independent review.
- All cases not subject to a successful payment arrangement (see below), or not subject to an accepted challenge or appeal by the TEC or Traffic Penalty Tribunal (TPT), will be sent to the Council's Enforcement Agents 36 days after the issue of an Order of Recovery.

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Corporate Debt Recovery Policy

Payment arrangements

- Arrangements will not normally be considered when the charge is at the discount stage.
- Requests to make payments by instalments will only be considered if supported by financial evidence.
- Other than in exceptional circumstances, all arrangements will require the debt to be paid within one calendar year.
- The purpose of all arrangements is to achieve payment of the debt in the shortest possible time but at a rate that is realistically affordable by the debtor.
- The debtor will normally be expected to make an immediate initial payment.
- Payment arrangements will be confirmed in writing to the debtor.
- Where more than one Penalty Charge Notice (PCN) is involved, the arrangement will endeavour to clear cases at the most advanced stage of enforcement first.
- All PCNs included in an arrangement will be placed "on-hold" and will not escalate further unless the arrangement is broken.
- Once an arrangement has been reached, additional, newly acquired PCNs cannot be added and must be addressed in the normal manner.
- If an arrangement is broken the debtor will be contacted no later than one month after the default occurs and be given the opportunity to bring the arrangement up-to-date. Failure to do so will result in the cancellation of the arrangement and the immediate resumption of the enforcement process.
- Where a debtor has defaulted on one arrangement it is unlikely that a second one will be agreed unless there is a good reason why the original one was broken.
- Once a case has been passed to the Enforcement Agents it is only he who can determine and agree any further payment arrangement. It is not the Council's practice to intervene in discussions, between the Enforcement Agents and the debtor, as to the collection of the debt although it would expect the Enforcement Agents to show due consideration to any particular circumstances that might justify any arrangement.

Debt Counselling

- The Council will normally adopt a sympathetic view to any approach by a debt counselling agency provided a financial statement is submitted and is accepted. It will endeavour to agree an appropriate sum and rate of repayment in all cases.
- The Council is aware of the national "breathing space" arrangements for those in difficulty with financial debts and will abide by those requirements
- If the approach is made after the case is already with the Enforcement Agents then the Enforcement Agents will be advised of the circumstances and requested to cease further action until both the Council and the Enforcement Agents have been able to assess the situation and determine what course of action is appropriate.
- This may include continuing with the execution of the distress warrant or returning it, pending the debtor being in a better position to settle the debt.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

Enforcement Agents

- The Council will only use Enforcement Agents that are members of a recognised professional body and are committed to working in accordance with national guidelines and / or regulations.
- The Council will ensure that its Enforcement Agents are acting within the law and in accordance with the standards expected by the Council. Any evidence of malpractice by the Enforcement Agent will be investigated fully by the Council.
- Once the Council has passed a debt to its Enforcement Agents for collection, the Enforcement Agents will generally be allowed to collect the debt with minimal interference from the Council. Any debtor wishing to make a payment or an arrangement against a debt that is with the Enforcement Agents will be referred to the Enforcement Agents.
- The Council will not seek to interfere with the level of fees charged by the Enforcement Agents, unless it appears that they are not legally correct. However it will seek their co-operation in minimising their fees in appropriate circumstances.
- The Council will normally only withdraw a case from the Enforcement Agents if in the opinion of a Senior Officer there are exceptional circumstances, or on the advice of the Enforcement Agents.
- The Council will maintain regular contact with the Enforcement Agents ensuring that overall performance is satisfactory and that any specific cases do not require an alternative approach. The Council will normally rely upon the professional judgement of the Enforcement Agents in all cases.
- The Council will seek to engage a minimum of two Enforcement Agents to encourage maximum performance and offer flexibility where necessary. Each Enforcement Agent will be expected to return unexecuted warrants well within the lifetime (1 year) of that warrant to enable an alternative company to attempting tracing and execution of the warrant.

Bankruptcy

- If a debtor provides a Bankruptcy Order, or any other evidence of insolvency, dated after the issue of the Penalty Charge Notice/s, the Council would write off the Notice. However a claim would be lodged with the receiver in the hope that some payment would be forthcoming.
- Any Penalty Charge Notice issued after any Bankruptcy or Insolvency Order was made, would be payable and dealt with in accordance with the above policy.

Tonbridge & Malling Borough Council

Corporate Debt Recovery Policy

Irrecoverable Debts

If a debt appears irrecoverable the Council may write off the whole, or a proportion, of a debt depending on the circumstances of the particular case. The most common circumstances in which the council will write off a Penalty Charge Notice are where:

- The Enforcement Agents considers there are insufficient funds upon which to levy distress
- The debtor cannot be traced
- The debtor has died
- The debtor has been declared bankrupt.
- It is uneconomical to pursue recovery
- There are humanitarian grounds for not pursuing recovery

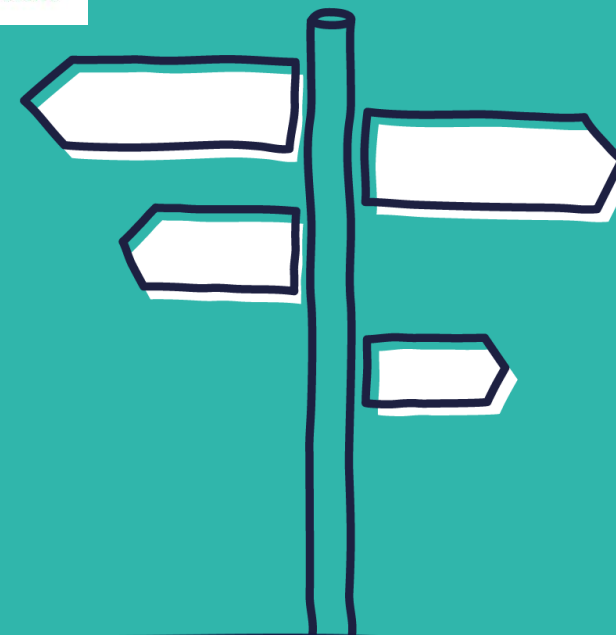
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ReachOut: Creating the next conversation

Engaging and supporting disengaged residents in debt

reachout

BY SIGMA CONNECTED



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www.reachout.co.uk

www.sigmaconnected.com

"I feel like I'm drowning.

I do a small care job, about 1.5 hours a day Monday to Friday, and I'm also self-employed doing a bit of cleaning. But my health has really gotten worse, so I've had to drop the cleaning.

My mental health has got horrendous in the last few weeks, but I don't think the stress has helped it to be honest.

My son, he's seventeen, he's on antidepressants, and my daughter, she's recently started home schooling because her mental health is terrible and she self-harms as well.

I'm terrible at explaining stuff, my head doesn't work properly and I can't think! That's what I feel like. I expect the worse, like with the (PIP) assessment I did, I'm thinking 'I've buggered that one up haven't I' I never know what to say I can't think what to say."

'Ms H', single mum to two teenagers, working part time and struggling with her own mental and physical health. Ms H was contacted by the team at ReachOut, supported with referrals to third party support, and warm-transferred to Walsall Council for immediate support with her debt

Service Overview

Our USP is connecting with people in debt...

We can engage with a significant proportion of people that haven't previously engaged with your internal recoveries. Key is our offer of help, impartiality and confidentiality; and being clear we're not collecting debt.

helping them get support to improve financial, mental and physical wellbeing...

We take time to understand individual circumstances and challenges. We then help people understand what free grants, support and advice is out there to improve financial, emotional, mental and physical wellbeing or support through crisis – and help them access this support, including through our partnership with a leading debt charity.

and reconnect them back to your teams to resolve their debt...

We then also raise awareness of the amazing initiatives and support you offer your residents in problem debt or vulnerable circumstances – and warm transfer them to your internal teams so you can work with your residents to resolve the debt.

resulting in better and more sustainable outcomes for residents and our clients.

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Partnerships with leading organisations

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35% positive engagement



31% positive engagement



20% positive engagement



25% positive engagement



18% positive engagement

- **26% average engagement rate** (just prior to DCA/enforcement)
- **2 in 3 reconnected with our client** and work together to agree a positive way to resolve their debt
- **Water:** >15:1 (typical) ROI based on bad debt repaid / secured against a plan
- **Energy:** >20:1 (typical) ROI based on bad debt repaid / secured against a plan
- **Financial Services:** >25:1 (typical) ROI based on bad debt provision savings (preventing roll into Stage 3 of IFRS 9)
- **Local Authority: >10:1 (typical) ROI based on bad debt repaid / secured against a plan. Walsall saw a 13:1 return within the first month alone**
- All in a **14-day contact strategy**

Piloting with ReachOut

The problem

1. Limited council resource to proactively engage with indebted residents

- Growing volumes of vulnerable residents cannot afford their monthly council tax (CT) and wider debts
- Residents disengage for fear of the consequences of non-payment
- The council has little time/resource to proactively engage before the debt escalates
- Without engagement, these residents progress through the recovery process, incurring additional fees
- Often leading to enforcement or attachment of benefits/earnings

2. Recurring year-on-year debt for residents/councils

- A new CT bill issued each year
- Without the means to pay, multiple years' worth of CT arrears build
- Leading to further disengagement and low awareness of council support
- Enforcement isn't always appropriate given vulnerability, financial or otherwise

The solution: Lichfield pilot ReachOut

- A new engagement approach with residents who aren't engaging with the standard recoveries process, one that factors in the high probability of vulnerability
- The use of ReachOut, a trusted third party, not to directly collect debt, but to re-engage with residents and help them to access the help they need and to resolve their debt with the TMBC directly
- Customer Charter - ReachOut Support and Assistance

Pilot objectives

- Increase engagement with residents earlier in the CT recovery process (or other debts types owed to the council)
- Understand individual circumstances/identify where extra help is needed
- Share tailored information, helping residents to access grants, advice and support from specialist charity partners
- **Raise awareness of support, guiding residents back to TMBC teams to access support/to resolve their debt**
- Avoid further recovery action

Possible applications for ReachOut

Council Tax arrears

- Pre or post a liability order (our strategy only takes 14 days)
- Can be used for any resident in arrears, not solely those in receipt of CTR
- Could be used following the use of data analytics to segment those residents most in need

Rent arrears

- Use ReachOut as part of the pre-action protocol, or for older debts

Other debt types

- HBOP, ASC, wider sundry debts

Pension Credit awareness campaigns

- Target residents who could be entitled to PC and the wider support that accompanies it
- Our calling doesn't need to be prompted by an outstanding debt, just anyone eligible for PC but not claiming it

Wider services also available through Sigma Connected

- White label Collections, Customer Service, Complaints, McClaren Credit Services (DCA)

Engagement with Walsall residents

29% positive engagement with residents who had a liability order in place (pre-enforcement)

41% positive engagement with residents without a liability order in place

35% overall positive engagement with residents across the pilot

£97k reduction in bad debt in the first month alone, outperforming the Council's control group by 43%

21% of all residents warm-transferred to Walsall's team

180 residents referred to debt advice and other charities (32 charities in total)

Engagement with FHDC residents

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28.5% positive engagement across all cohorts

9% of residents warm-transferred (demand for warm transfer as high as 15%)

Enabled FHDC to go above and beyond with the most severe cases

One-off payments made within the first two weeks alone would have paid for the full three-month pilot

92% of residents warm-transferred made a payment or setup a plan

c. £30,000 in one off payments/bad debt reduced, with further funds received/forecast in payment plans

Increased, but manageable, take-up of Council support (50 successful applications for welfare etc.)

Avoided further collections efforts/enforcement

271 residents referred to debt advice and other charities (41 charities in total)

What our partners say



"ReachOut have enabled us to start conversations with residents that we had previously been unable to liaise with. This has enabled us to offer further support to more low-income households using the support and advice available to us."

**Andrew Hatcher, Council Tax, Benefits & Welfare Manager
Folkestone & Hythe District Council**

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"For whatever reason we know a lot of our residents don't have the confidence to speak with us directly. ReachOut have had those essential conversations with some of our most vulnerable residents. Through ReachOut we've been able to intervene and support more households, people who otherwise would have gone without."

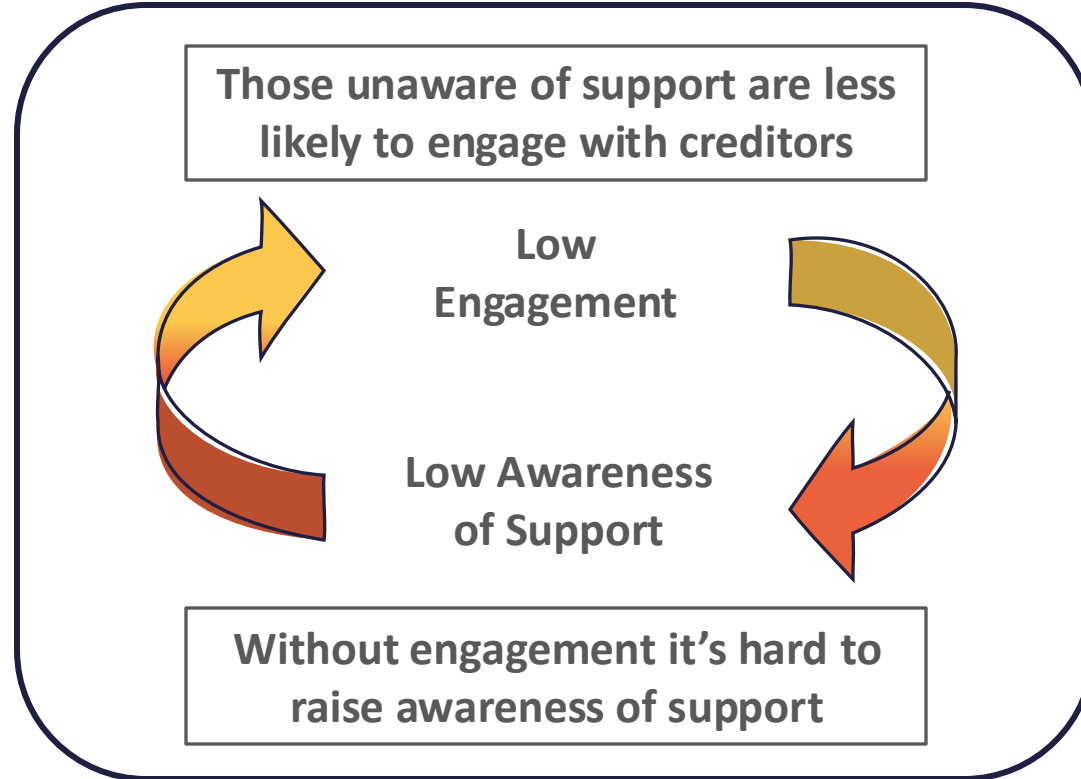
Mark Fearn, Customer Engagement Lead, Walsall Council

Residents are missing vital support

Citizens Advice are helping 9k people/pm with CT arrears, the highest since Feb 2020

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Only 1 in 20 are aware of support available



40% of Citizens Advice CT clients are also struggling with rent arrears

46% in problem debt also have a mental health problem

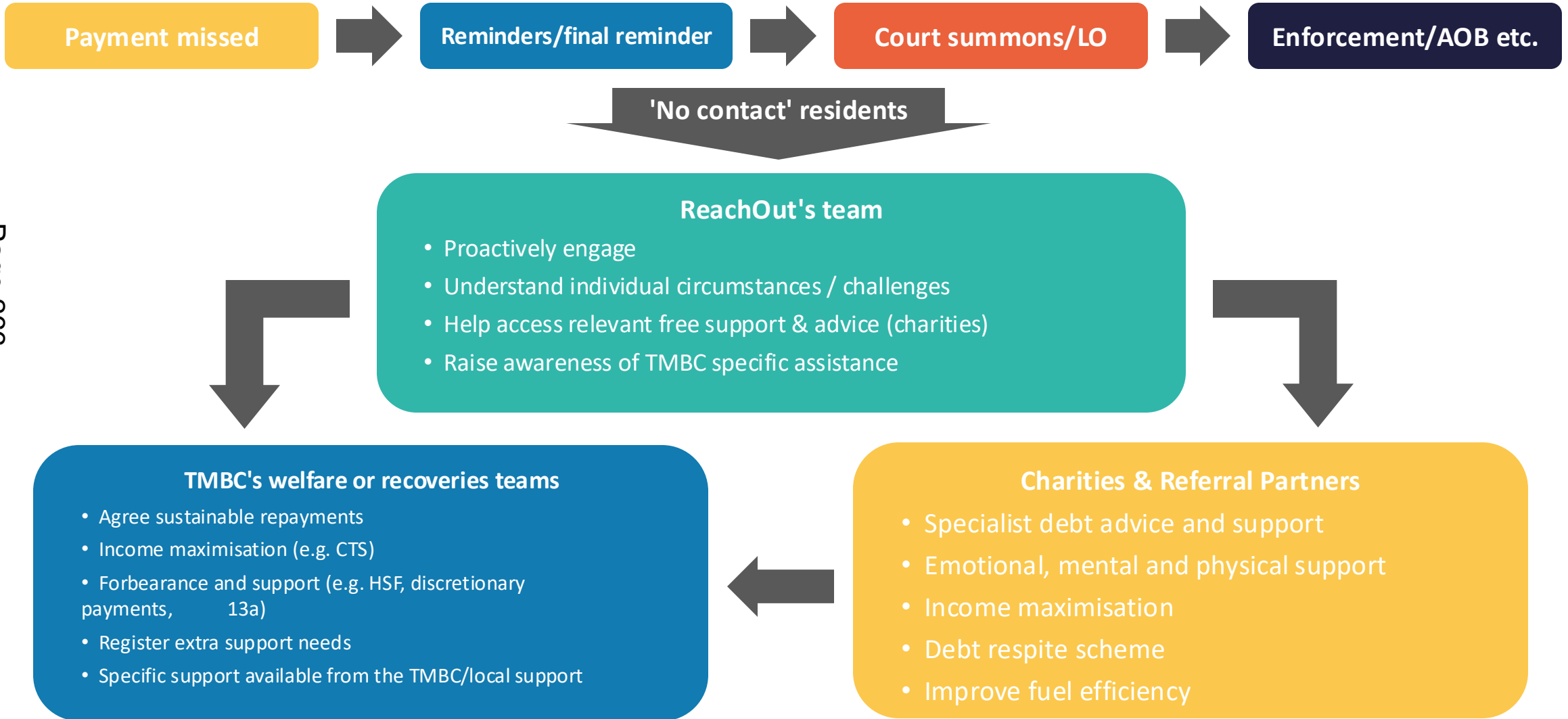
So we invented an entirely new step

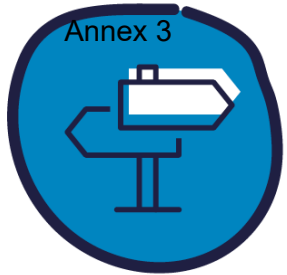
- We believe more can be done to engage with and support those genuinely struggling to pay
- Our mission is to raise awareness of all relevant support out there
- Earlier intervention and support improves outcomes
- Engagement and trust are key to success



“By helping people understand and access support from charities – as well as guiding them back to the support their creditor (our client) offers – we help address underlying challenges and promote better outcomes, which also improves ability to manage bills.”

ReachOut connects residents to support





Guiding to free support & advice



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MI examples

The following four slides demonstrate just some of the MI we provide, including:

- Customer profile
- Strategy and productivity
- Account insight
- Charity referrals



Customer Profile
Customer Demographics & Overview

Latest SF Data
27/03/2024

Product
All

Client
Energy (Client Type) + Clie...

Batch Short
All



Age Profile

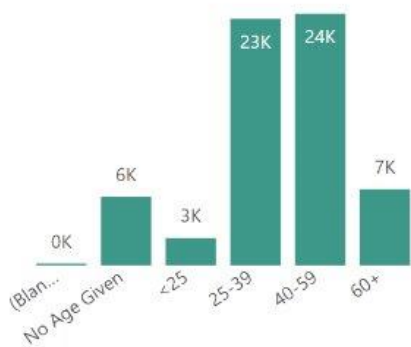
38
Average

104
Max

-1
Min

6459
No D.O.B. Given

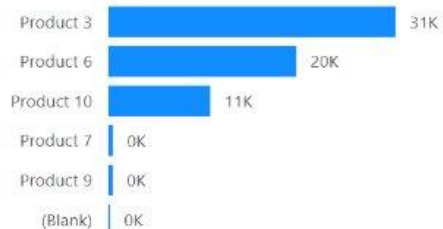
Customer Age Profile



Category	%
(Blank) No Age Given	0.0%
<25	10.2%
25-39	4.0%
40-59	36.8%
60+	37.6%
60+	11.3%

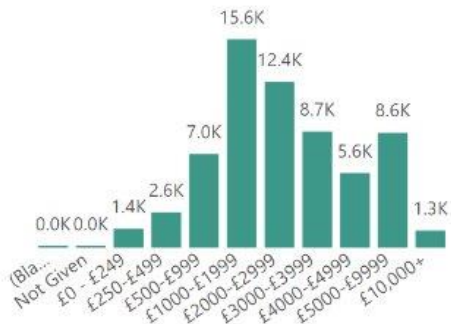


Product Type
Product Distribution



Product	%
Product 3	49.0%
Product 6	32.0%
Product 10	17.4%
Product 7	0.8%
Product 9	0.8%
(Blank)	0.1%

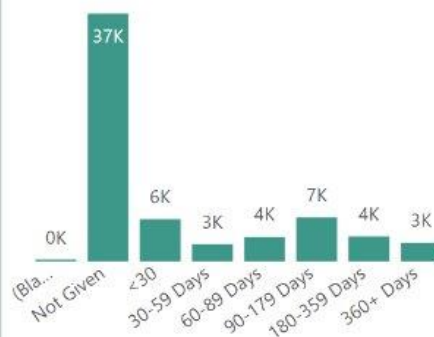
Debt Value Profile



Debt Age (Days)

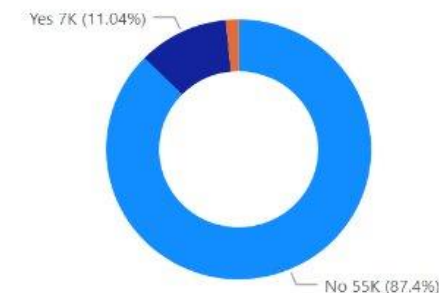
165.61
Average

Debt Age Profile



Debt Age Groups	%
(Blank) Not Given	0.0%
<30	59.2%
30-59 Days	10.0%
60-89 Days	4.1%
90-179 Days	5.8%
180-359 Days	10.5%
360+ Days	5.9%
360+ Days	4.4%

Priority Services Register Customer?



Data Quality

63,181

Accounts - Count Card

3756

Accounts - Data Quality - No Cont...

6459

No D.O.B. given



Telephony

29384 Total Calls | 334 Inbound Calls | 28210 Outbound Calls | 819 CallBacks

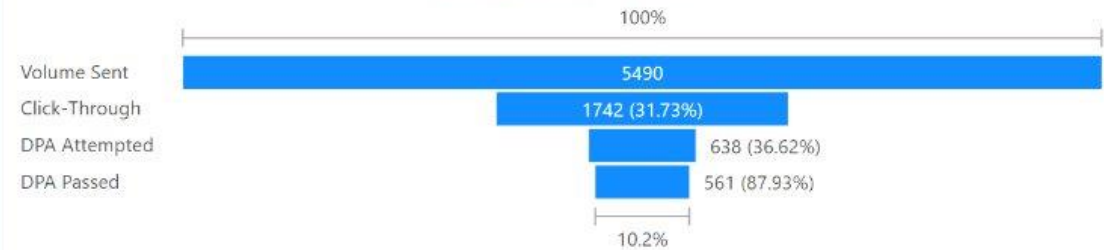
In Strategy Grouping	Accounts - last outcomes	%GT Accounts - last outcomes
<input checked="" type="checkbox"/> Negative	1547	29.88%
Closed End of workflow	1299	25.09%
RPC - Refused to Engage	232	4.48%
Third Party Contact - Advised Gone-Away	16	0.31%
<input checked="" type="checkbox"/> Positive RPC	1605	31.00%
Closed as per Client	463	8.94%
Deceased Notice	4	0.08%
RPC - Claims Paid	39	0.75%
RPC - Client Call-Back discuss Account	3	0.06%
RPC - Client Call-Back Pay	1	0.02%
RPC - Client Call-Back Plan setup	2	0.04%
RPC - Customer Call Client Directly Claims Paid	1	0.02%
RPC - Customer Call Client Directly discuss Account	220	4.25%
RPC - Customer Call Client Directly Pay	20	0.39%
RPC - Customer Call Client Directly Plan setup	58	1.12%
RPC - Customer Call Client Directly PSR	1	0.02%
RPC - Customer seeking Free Money Advice	374	7.22%
RPC - Hold Contact	22	0.42%
RPC - Warm Transferred discuss Account	310	5.99%
RPC - Warm Transferred Pay	4	0.08%
RPC - Warm Transferred Plan setup	54	1.04%
RPC - Warm Transferred PSR	29	0.56%
<input checked="" type="checkbox"/> Still In Workflow	1863	35.99%
RPC - Agreed Time To Speak	4	0.08%
RPC - Call Disconnected	133	2.57%
RPC - Terminated Call	2	0.04%
Third Party Contact - No Authority	16	0.31%
Voicemail / No answer	1708	32.99%
<input checked="" type="checkbox"/> Wrong Number	155	2.99%
Total	5177	100.00%

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Follow Up SMS and White Mail

3987 SMS 1 | 3538 SMS 2 | 3007 SMS 3 | 6179 White Mail

Cloud Letter Funnel



Attempted Calls Per Week





Account Outcomes per Product Type

Grouping	Dual Fuel	Elec	Gas	Total
Negative	2166	915	332	3413
Positive RPC	1029	436	140	1605
Scheduled Callback	4			4
Wrong Number	104	39	12	155

Grouping	Dual Fuel	Elec	Gas	Total
Negative	65.58%	65.83%	68.60%	65.93%
Positive RPC	31.15%	31.37%	28.93%	31.00%
Scheduled Callback	0.12%			0.08%
Wrong Number	3.15%	2.81%	2.48%	2.99%

Debt Value by Account Outcome

Positive RPC Negative Wrong Number



Debt Value by Account Outcome

Positive RPC Negative Wrong Number



Account Outcomes per Age Group

Grouping	No Age Given	<25	25-39	40-59	60+	Total
Negative	381	112	1255	1318	347	3413
Positive RPC	75	38	542	729	221	1605
Scheduled Callback			2	2		4
Wrong Number	20	4	54	60	17	155
Total	476	154	1853	2109	585	5177

Grouping	No Age Given	<25	25-39	40-59	60+	Total
Negative	80.0%	72.7%	67.7%	62.5%	59.3%	65.9
Positive RPC	15.8%	24.7%	29.2%	34.6%	37.8%	31.0
Scheduled Callback			0.1%	0.1%		0.1
Wrong Number	4.2%	2.6%	2.9%	2.8%	2.9%	3.0

Account Outcomes by 'Mobile Number Provided?'

Grouping	No Contact Numbers	Number Given	Total
Negative	280	3133	3413
Positive RPC	32	1573	1605
Scheduled Callback		4	4
Wrong Number	3	152	155

Grouping	No Contact Numbers	Number Given	Total
Negative	5.41%	60.52%	65.93%
Positive RPC	0.62%	30.38%	31.00%
Scheduled Callback		0.08%	0.08%
Wrong Number	0.06%	2.94%	2.99%

Account Outcomes per Debt Age Group

Grouping	Not Given	<30	30-59 Days	60-89 Days	90-179 Days	180-359 Days	360+ Days	Total
Negative	925	604	147	403	325	572	437	3413
Positive RPC	1	336	480	149	213	137	184	1605
Scheduled Callback		1	1		1	1		4
Wrong Number		58	14	3	13	10	32	155
Total	1	1320	1099	299	629	473	789	5177

Grouping	Not Given	<30	30-59 Days	60-89 Days	90-179 Days	180-359 Days	360+ Days	Total
Negative	70.08%	54.96%	49.16%	64.07%	68.71%	72.50%	77.07%	65.93%
Positive RPC	100.00%	25.45%	43.68%	49.83%	33.86%	28.96%	23.32%	31.00%
Scheduled Callback		0.08%	0.09%		0.21%	0.13%		0.08%
Wrong Number		4.39%	1.27%	1.00%	2.07%	2.11%	4.06%	2.99%



Client: Energy (client_type) + Clie...
 Batch: All
 Period: Current Calendar Month

Accounts Referred

954

Charities Referred To

45

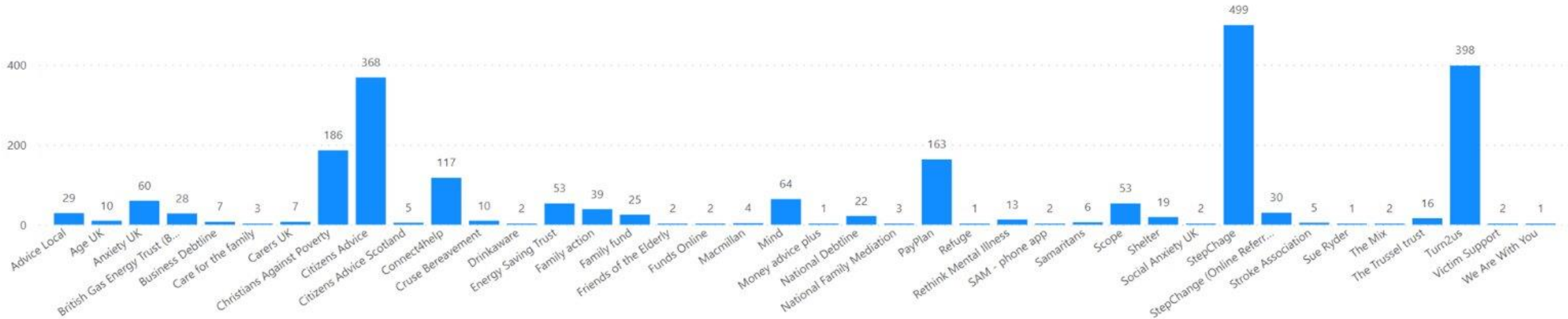
Total Referrals

2356

Average Referrals per Account

2.47

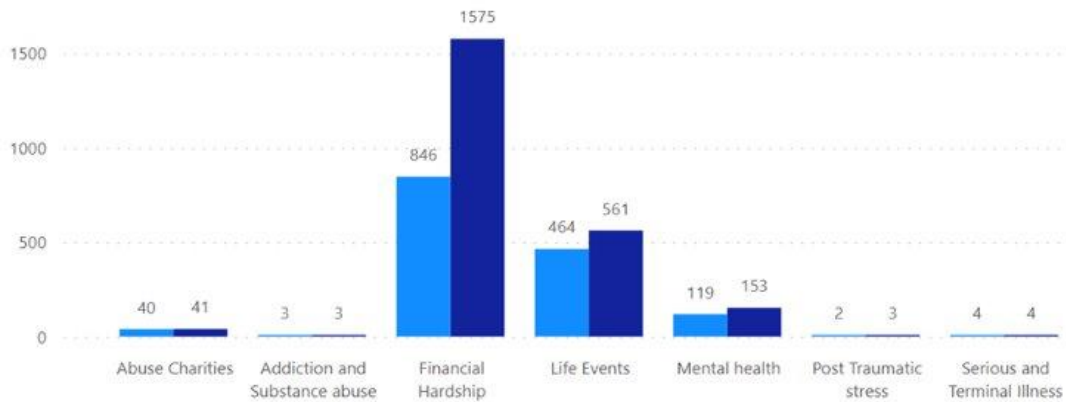
Accounts Referred by Charity



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Account and Total Referrals by Charity Group

Charities - Accounts Referred Charities - Total Referrals



Account and Total Referrals by Charity

Charities - Accounts Referred Charities - Total Referrals



Questions



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[ReachOut Website](#)

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reachout

BY SIGMA CONNECTED



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Agenda Item 14

The recommendations of the Housing and Planning Scrutiny Select Committee of 3 December 2024 are 'To Follow'

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Housing and Planning Scrutiny Select Committee

03 December 2024

Part 1 - Public

Matters for Cabinet - Non-key Decision



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Cabinet Member	Cllr Mike Taylor, Cabinet Member for Planning
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	Hannah Parker, Development Manager

Tree Protocol Update

1 Summary and Purpose of Report

- 1.1 This report provides an update on how the service is dealing with the backlog of Tree Preservation Order requests following the adoption of the Tree Preservation Order Protocol as agreed by Cabinet and following the request by H&PSSC for a six-monthly update of progress for reducing the backlog in a timely manner and what further measures or amendments could be implemented if the backlog was not being reduced. It proposes a number of options for members to consider.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 This report puts recommendations forward that support improvements in the customer and stakeholder experience of the service.

3 Recommendation

- 3.1 It is **RECOMMENDED TO CABINET** to consider the options put forward and depending on the option that is chosen, to identify a funding source if this is required.

4 Introduction and Background

- 4.1 Following on from the adoption of the Tree Preservation Order Protocol and the Enforcement Tree Protocol in May, 2024, Members expressed concern that the measures proposed to address the backlog were insufficient to make a significant improvement in a timely manner. They requested an update report every six months on progress made on reducing the TPO request backlog. This approach was supported by the Committee. Members also requested the update report

include potential alternative measures that could be implemented if performance was not meeting the desired standard. The report suggested one TPO case a week to be progressed with time being given to the Landscape Officer to meet this target. As can be seen from the figures set out in paragraph 4.3 below, this target has not been reached and this report will look to set out available options for members to consider. It should be acknowledged however that there is no identified budget to progress with the suggestions outlined below and therefore depending on the option selected, a suitable reserve will need to be identified.

4.2 This section of the report looks at progress of reducing the backlog of TPO requests in more detail. Since June Councillors have been sent emails regarding the progress of the backlog of TPO requests to allow Members a general overview of this aspect of work. What can be concluded is that although progress has been made in reducing the backlog, the fact that new TPO requests are being received, means the overall number is not reducing at the preferred rate. This is illustrated in the figures below. Additional narrative has been given in the monthly emails.

- July outstanding TPO requests 62
- August outstanding TPO requests 59
- September outstanding TPO requests 56
- October outstanding TPO requests 59
- November outstanding TPO requests 58

4.3 Currently as explained in the previous report to H&PSSC in May, the Council has one Landscape Officer who is responsible for tree related issues. The responsibilities of the officer in this role include:

- Triaging TPO requests
- Writing up reports on each TPO request to determine whether a TPO will be needed
- Making and confirming TPOs and serving the orders
- Applications for works to TPO's trees
- Notifications for works to trees in conservation areas
- Observations on planning application
- General tree enquires
- All tree enforcement matters

- Felling licences
- Providing advice on high hedges. Complaints and Enforcement
- Hedgerow regulations notification

4.4 It should also be noted that enforcement issues are unpredictable due to their nature and can be time consuming so cannot be programmed into a work plan.

4.5 The Landscape Officer currently has a high volume of work. The table below shows the key statistics of the outstanding caseload.

Observations outstanding for planning application	Application for works to protected Trees	Notifications for works to trees in conservation area	Tree Preservation orders
27	73	22	58

4.6 This level of casework is considered to be high. The applications for works on protected trees is considered to be especially high. This is a combination of new cases and overtime cases. Overtime cases are classed as those which have passed statutory expiry. The numbers of applications for protected trees can vary considerably week on week. With for example as many as 19 coming in one week and other weeks can be as low as five. The unpredictable nature also contributes to spikes in case numbers. At the time of writing this report the number of overtime cases accounted for 45 out of the 73 cases outlined in the table above. The remainder are within the statutory expiry period. There are also several very old cases (over a year) which have stemmed back from the implementation of Agile. The works to the Agile tree module are still outstanding but are on programmed in. Once these have been completed, we would expect to see efficiency improvements. These case figures also don't include enforcement investigations which involve tree consultation, any of the email responses or other aspects of the role as outlined in paragraph 4.3.

5 Options Analysis

5.1 As set out above, it is not considered that the Landscape Officer has the capacity to progress the TPO backlog request in a timely manner as originally envisaged by the May H&PSCC report. The unpredictable nature of his work and the call on his time makes it very difficult to create time in his schedule to progress one TPO request a week. If the backlog was significantly reduced, then it would be easier to progress TPO requests although this would need to be carefully managed. It should also be acknowledged that if the backlog was cleared, then this may trigger an increased number of TPO requests. Again, this will need to be closely

monitored, and the current reporting mechanism would ensure members are notified of this.

- 5.2 As the Landscape Officer does not have the current capacity to clear the backlog of TPO requests in a timely manner, there are a number of options put forward to address this for members to consider. It should be recognised however that one of the options put forward would need a funding stream to be identified.
- 5.3 **Option A:** To seek a consultant to work on the backlog of TPO requests. An example brief that could be used is summarised below. Also detailed in this section is the approximate timings for each of these tasks. These details are estimated based on how long an average cases takes:
1. Review the 58 backlog cases in line with the Tree Preservation Order Protocol (at the time of writing).
 2. Conduct a site visit for each tree(s) where required. A right to entry will be provided. Average time for a site visit is between 1 and 1.5 hours.
 3. Conduct a TEMPO assessment where applicable and in accordance with the Tree Preservation Order Protocol. Estimated time 30 mins to complete.
 4. Write a report as to whether the tree subject to the TPO request merits a TPO, for a manager to review. Templates and examples will be provided. Estimated time for an average report is 2 hours to complete.
 5. Provide a draft map and 1st Schedule for trees which merit a TPO to be assessed alongside the delegated report. Example templates will be provided. Estimated time 30 mins to complete.
- 5.4 The costs of assessing a TPO request will vary depending on the tree or number of tree(s) which are subject to the request. What has been outlined in the above is the average time taken. Where a case requires a TPO this will generally take longer as further steps are required.
- 5.5 Based on the time estimates above it will take on average 4 hours to complete. The Planning team have conducted some initial research, the rate of an accredited consultant is £125 an hour. Based on 4 hours of work that is an average of £500 per request. Based on 58 cases that's £29 000. This is considered to be a one-off cost to clear the backlog.
- 5.6 An option could be to contract out the full process to an external qualified consultant. This has benefits including more effective performance management. Payment could be made on an outcome basis. The consultant or company would be paid per case rather than hours claimed. If cases aren't processed to conclusion, then the contract would not be fulfilled, and payment would not be made. An alternative option would be a consultant who works within the service who is paid at a high hourly rate and will get paid no matter the output. An officer

preference would be to contract out completely as this gives greater control over performance.

- 5.7 Members are advised that this option alone will not address the capacity issues being experienced within the service which will still need to be explored. It is a dedicated task to solve a backlog issue of TPO requests and to ensure that they are considered and progressed in a timely manner.
- 5.8 **Option B:** Continue to attempt to reduce the TPO request backlog within the existing resource as has been done over the previous 6 months. The landscape officer will continue and aim to reduce the backlog by the means that we have employed so far. However, it should be acknowledged that TPOs will not be progressed in as timely a manner as Members have previously suggested they would like to see, and it is unlikely that the backlog will be cleared at a rate of one per week as previously outlined.
- 5.9 TPO requests will still be triaged and a tree that merits an immediate TPO will be prioritised in accordance with the Tree Preservation Order Protocol. However, trees which have a lower priority are unlikely to be dealt with quickly. The Landscape Officer has several conflicting priorities which must be managed on a daily basis. The caseload of the Landscape Officer has been illustrated in the headline figures of this report. There is an overall downward trend in the number of outstanding TPO requests. However, trying to maintain a reduction in TPO requests combined with enforcement issues has meant that the outstanding caseload figures for the Landscape Officer have gone up. This upward trend in case numbers is likely to continue.
- 5.10 **Option C:** Wait for the outcome of the wider review of the case work and capacity of the Landscape Officer as part of the Planning Fees Review. This review will help to establish more accurately the costs and inputs required. Waiting will enable members to have additional evidence and establish what capacity and resource is required to enable the Landscape Officer to fulfil his duties. However, this option will mean that the backlog of TPO requests will not be progressed until that review is complete, which is not likely to be until into the 2025/26 financial year.

6 Financial and Value for Money Considerations

- 6.1 Robust monitoring should be carried out to ensure we work as efficiently as possible as a service. Depending which option above is chosen, this will depend if funding is required. Option A identifies the approximate costs for this option as being a one-off cost of £29,000. If this option was chosen it could be included as a one-off cost on the forward estimates for 2025/2026.
- 6.2 No funding source has been identified at this time as a decision on the options to progress have not been made at this time. There is no budget within the service

provision to accommodate this so a request from the General Revenue Reserve would be required.

7 Risk Assessment

- 7.1 Regarding Option A, there is a risk of contracting out a service to an external party. However, this will be mitigated by seeking an Arboricultural Association Registered Consultant and a robust selection process will be undertaken. Procurement Procedures Rules would be required to be adhered to, and a contract sent out which will ensure confidentiality. There is also a risk of finding a qualified contractor to carry out the works in the timeframe required.
- 7.2 Options B and C would mean that the risk profile remains as it currently is and work on the requests for TPO would not be progressed in a timely manner as requested by members. However, work would be carried in accordance with the Tree Preservation Order Protocol.

8 Legal Implications

- 8.1 There are no legal implications arising from the options recommended in this report.

9 Consultation and Communications

- 9.1 Monthly emails to Members will continue which will provide an update on the progress made depending which option is progressed. Emails will continue to provide additional narrative when required.

10 Implementation

- 10.1 If Option A is accepted and the financial resource established, then procurement could progress relatively swiftly in line with the Councils Procurement Rules and a consultant appointed. It would be the aim of the Service to have this arrangement in place by April 2025.
- 10.2 If Option B or C, work would continue as currently is and no further implementation is required.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

11.1.1 Limited and low impact the environment and emissions

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

11.1.3 There are no impacts on Climate change arising from this report.

11.2 Equalities and Diversity

11.2.1 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.

11.3 Other If Relevant

- None

Background Papers	None
Annexes	N/A

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Executive Decisions Record - November 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
D240101MEM	Gibson East Refurbishment - Approval of Tender Route	Climate Change, Regeneration and Property	01.11.24	08.11.24	15.11.24						16.11.24
D240102CAB	Key Performance Indicators (Q1 2024/25)	Cabinet	12.11.24	14.11.24	21.11.24						22.11.24
D240103CAB	Housing Allocations Scheme - Amendment										
D240104CAB	Review of Fees and Charges - Communities and Environment										
D240105CAB	Budgetary Control - September 2024										
D240106CAB	Consultant Use at the Council										
D240107CAB	Risk Management										
D240108CAB	Progress with Recommendations from Auditor's Annual Report										
D240109CAB	Future Operator of the replacement Angel Centre										
D240110CAB	Larkfield Leisure Centre Air Source Heat Pumps and Air Handling Unit Tender										
D240111CAB	Tonbridge Castle Gatehouse - Roof Repair Tender										
D240112CAB	Medium Term Financial Strategy - Update										
D240113MEM	Application of removal of council tax empty property premium charge	Finance and Housing	13.11.24	14.11.24	21.11.24						22.11.24
D240114MEM	One You Staffing	Finance and Housing	12.11.24	14.11.24	21.11.24						22.11.24
D240115MEM	Enforcement Tender Result	Transformation and Infrastructure	7.11.24	15.11.24	22.11.24						23.11.24
D240116MEM	Martin Square Lease Renewal		18.11.24	18.11.24	25.11.24						26.11.24
D240117MEM	Budgetary Control - September 2024 (FRPSSC)	Finance and Housing	19.11.24	21.11.24	28.11.24						29.11.24
D240118MEM	MTFS (FRPSSC)	Finance and Housing	19.11.24	21.11.24	28.11.24						29.11.24
D240119MEM	Extension of a Fixed Term Senior Planning Officer Post	Planning	20.11.24	25.11.24	02.12.24						03.12.24
D240120MEM	EOHS Masterplan Consultant Selection	Climate Change, Regeneration and Property	22.11.24	25.11.24	02.12.24						03.12.24

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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:	0
Number of call-ins for year:	2

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**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)
Review of Fees and Charges 2025/26 - HMO, Caravan Site Licensing	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.	Head of Housing and Health	Officers report	Public
Review of Fees and Charges 2025/26 - Development Management, Building Control, High Hedges, S106 Monitoring and Planning Performance Agreement and Charging Schedule	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.	Director of Planning, Housing and Environmental Health	Officers 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)
Local Nature Recovery Strategy	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.	Director of Planning, Housing and Environmental Health	Officer report	Public
Leasing of Temporary Accommodation	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)

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 Solar PV at Larkfield Leisure Centre	7 Jan 2025	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)
Re-commissioning Options - Waste Services Contract	11 Feb 2025	Internal consultation via Communities and Environment Scrutiny Select Committee and Cabinet as detailed in the reports to be considered by Members.	Head of Street Scene and Leisure 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@tmbc.gov.uk</p> <p>Published: 12 November 2024</p>					

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Agenda Item 17

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

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Agenda Item 18

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

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

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of the Local Government Act 1972.

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Agenda Item 20

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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