



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

23 May 2025

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, 3rd June, 2025 commencing at 7.30 pm.

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

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

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

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance for the Conduct of Meetings

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PART 1 - PUBLIC

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| 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.

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| 4. | Minutes | 15 - 24 |
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To confirm as a correct record the Minutes of the meeting of the Cabinet held on 1 April 2025

Matters in accordance with Part 3 of the Constitution

Executive Key Decisions

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| 5. | River Lawn, Tonbridge - Voluntary Application for Registration as a Village Green | 25 - 34 |
|----|---|---------|

This report invites Members to consider the submission to Kent County Council of a voluntary application to register land owned by the Borough Council at River Lawn Road, Tonbridge as a village green.

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| 6. | Housing Services Staffing | 35 - 38 |
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This report seeks approval for funding to be transferred from the Homelessness Reserve into the revenue budget to support capacity within the Housing Service.

Executive Non-Key Decisions

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| 7. | Tonbridge Town Centre Programme Board - Change of Membership | 39 - 48 |
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This report details changes to the membership of the Tonbridge Town Centre Programme Board (TTCPB) in accordance with section 2.0 & 2.4 within the TTCPB Terms of Reference. These changes are proposed following the changes to the membership of Cabinet announced by the Leader at Annual Council.

8. Policy on Managing Unreasonable Actions by Complaints 49 - 86

This proposes revisions to the existing policy adopted by the Borough Council in relation to managing unreasonable actions by complainants (previously referred to as the policy on managing unreasonable or unreasonably persistent complainants).

9. Review of Parish Partnership Panel 87 - 94

Consideration of recommendations of the Overview and Scrutiny Committee in respect of options for future meetings of Parish Partnership Panel

10. Risk Management 95 - 118

Consideration of recommendations of the Audit Committee in respect of risk management.

11. Local Lettings Plan (LLP) Policy 119 - 140

Consideration of recommendations of the Housing and Planning Scrutiny Select Committee in respect of an approach to Local Lettings Plans for affordable housing in partnership with Registered Providers.

Matters for Recommendation to the Council

12. Riverside Route Lighting Project, Tonbridge 141 - 158

Consideration of recommendations of the Finance, Regeneration and Property Scrutiny Select Committee in respect of the Riverside Improvement Project in Tonbridge.

Recommendations of the Scrutiny Select Committee are **to follow**

Matters submitted for Information

13. Decisions taken by Cabinet Members 159 - 160

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

14. Urgent Items 161 - 162

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

15. Exclusion of Press and Public 163 - 164

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

PART 2 - PRIVATE

Matters in accordance with Part 3 of the Constitution

Executive Key Decisions

16. Proposed Lease Renewal - Residential Apartments in Maidstone - Temporary Accommodation 165 - 172

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

The report sets out a proposal to renew an existing lease of 7 residential apartments in Maidstone to serve as temporary accommodation, in line with the Council's adopted Housing Strategy.

17. Gibson East Refurbishment Tender 173 - 194

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

This report sets out the tenders received for the refurbishment of Gibson Building East, which forms part of the Council's office accommodation consolidation project. The report seeks Cabinet approval to award the contract.

Executive Non-Key Decisions

18. Gibson Building West Future 195 - 228

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

Consideration of recommendations of the Finance, Regeneration and Property Scrutiny Select Committee in respect of potential options for Gibson Building West at Kings Hill.

Recommendations of the Scrutiny Select Committee are **to follow**

19. Temporary Accommodation Project 229 - 294

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

Consideration of recommendations of the Finance, Regeneration and Scrutiny Select Committee in respect of options for new temporary accommodation to help meet the Council's requirements to mitigate and manage homelessness.

20. Urgent Items 295 - 296

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, (Housing, Environment and Economy)
Councillor M A Coffin, (Finance, Waste and Technical Services)
Councillor D Keers, (Community Services)
Councillor A Mehmet, (Infrastructure and Tonbridge Regeneration)
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-ugSzxiAPfw/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@tmhc.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@tmhc.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, 1st April, 2025

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

In attendance: Councillors B Banks, Mrs T Dean, R V Roud, Mrs S Bell*, T Bishop*, M A J Hood*, Mrs A S Oakley*, Stacey Pilgrim* and M R Rhodes* were also present pursuant to Access to Information Rule No 23.

(*participated via MS Teams)

PART 1 - PUBLIC

CB 25/43 DECLARATIONS OF INTEREST

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

CB 25/44 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Cabinet held on 4 March 2025 and 19 March 2025 respectively be approved as a correct record and signed by the Chairman.

MATTERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 25/45 PETITION - SAVE WEST MALLING FARMERS MARKET

(Decision Notice: D250030CAB)

Consideration was given to a petition received from Councillors T Dean, R Roud and M Tatton as joint sponsors asking that the four-hour parking restriction at Ryarsh Lane Car Park be lifted for traders at the West Malling Farmers Market so that a Farmers Market could continue to be provided on the fourth Sunday of each month in West Malling.

The petition organisers addressed the Cabinet in accordance with the Borough Council's Petition Scheme, as set out in the Constitution, and expressed concerns in respect of the impact that a four-hour parking limit had on the viability of the operation of the West Malling Farmers

Market for market operators and stall holders. It was clarified by the petitioners that they were seeking lifting of the four-hour maximum parking time restriction only rather than a waiver of parking charges, to allow market traders sufficient time of parking at the Ryarsh Lane Car Park to complete all the necessary tasks associated with the operation of the four-hour market.

Due regard was given to the views of the petition organisers and legal implications detailed in the report of the Director of Street Scene, Leisure and Technical Services.

Recognising the importance of the West Malling Farmers Market not only to the market traders and local residents but also to the development and vibrance of the area, the petition was supported by the Cabinet Member for Transformation and Infrastructure, who in addition suggested that consideration be given to allowing parents and/or carers of children in West Malling Church of England Primary School to park at the Ryarsh Lane Car Park for up to 15 minutes during school collection time, to be included within the same Notice of Variation that was to be issued to amend the parking time restriction in support of the petition regarding the West Malling Farmers Market.

The timing for this Notice of Variation would be dependent on the existing pipeline of parking review work but the Cabinet Member for Transformation and Infrastructure (Cllr M Coffin) endeavoured to progress this as soon as possible.

Cllr M Coffin proposed, seconded by Cllr M Boughton and Cabinet

RESOLVED: That

- (1) the Petition seeking lifting of a four-hour parking restriction at Ryarsh Lane Car Park for traders at West Malling Farmers Market, as set out in Annex 1, be received and noted;
- (2) a provision be made to enable parents and/or carers of children in West Malling Church of England Primary School to park at the Ryarsh Lane Car Park for up to 15 minutes during school collection time; and
- (3) an Amendment to the Off Street Parking Order be made to alter the charging period of Ryarsh Lane Car Park in West Malling, to reflect the changes agreed per above (1) and (2), by way of the issuing of a Notice of Variation with its display in the car park affected and in the local press for a period of not less than 21 days prior to the changes coming into effect, as set out in paragraph 1.2.2 of the report, subject to agreement of a suitable tariff as a linear extension of the current charging arrangement.

CB 25/46 CORPORATE KEY PERFORMANCE INDICATORS - Q3 2024/25

(Decision Notice: D250031CAB)

Consideration was given to a set of Key Performance Indicators covering Quarter 3 of 2024/25 (October to December 2024), attached at Annex 1, which were aligned to the Corporate Strategy 2023 – 2027 and monitored on a quarterly or annual basis.

Quarterly trends in respect of both positive direction of travel and areas of focus were identified and highlighted in paragraph 4.2 of the report, with particular reference made to the drop in reported Anti-Social Behaviour (ASB) cases thanks to the engagement of the Council's ASB Enforcement Team, drop in the 5 Year Housing Land Supply due to the higher housing need set out in the revised National Planning Policy Framework, ongoing challenge in addressing the Housing Register backlog given the higher than normal number of applications received in the last few months and the slight reduction in the recycling and composting rate although it was noted that a comprehensive programme of recycling promotion was scheduled for the next year to maximise performance.

Furthermore, it was noted that a long view for the Corporate Key Performance Indicators for the last six quarters was attached at Annex 2.

Cabinet had due regard to the risk assessment and consultation, communication and implementation considerations and noted that given the overlap between introduction of the new Annual Service Delivery Plan 2025/26 and the scheduled reporting of Q4 2024/25 Key Performance Indicators, there was advantage of circulating an end-of-year report via email and publishing on the Council website instead of reporting through the formal decision-making channels.

RESOLVED: That

- (1) the report and the Key Performance Indicators for Q3 2024/25, set out in Annexes 1 and 2, be noted; and
- (2) the arrangements for reporting Q4 2024/25 Key Performance Indicators, as set out in paragraph 4.4 of the report, be approved.

CB 25/47 50TH ANNIVERSARY COMMUNITY GRANT SCHEME

(Decision Notice: D250032CAB)

Consideration was given to proposals for the allocation of the 50th Anniversary Community Grant Scheme as detailed in Annex 2 of the report.

The proposed grant allocations focused on projects best meeting the priorities for the Scheme, as set out in paragraph 2.2 of the report, and were assessed against a set of scoring criteria and guidelines as outlined in Annex 1 of the report. While the scheme was welcomed by the community, the difficulty in agreeing a proposal for the allocations was acknowledged due to significant over-subscription. However, it was noted that another round of community grant scheme would be available later in the year to hopefully provide support to more community and voluntary groups within the borough.

Cabinet had due regard to the risk assessment, the financial and value for money considerations and the consultation and communication implications.

Cllr M Boughton proposed, seconded by Cllr D Keers and Cabinet

RESOLVED: That the grant allocations for the Tonbridge and Malling Borough Council 50th Anniversary Community Grant Scheme, as set out in Annex 2 of the report, be endorsed.

CB 25/48 CORPORATE POLICIES UPDATE

(Decision Notice: D250033CAB)

Consideration was given to proposals to update the Borough Council's policies regarding the administration of council tax and business rate discounts/reliefs and the recovery of unpaid debts.

First of all, the Empty Homes and Second Homes Premium Policy was updated to reflect the exceptions to the premium charges as introduced by the Council Tax (Prescribed Classes of Dwellings and Consequential Amendments) (England) Regulations 2024.

Secondly, in accordance with the 2024 Autumn Statement announced by the Government, the Discretionary Non-Domestic Rate Relief Policy was updated to reflect the changes in respect of Retail, Hospitality & Leisure Relief, and also the changes in respect of private schools which from April 2025 were no longer entitled to charitable relief.

Finally, a review of the existing Corporate Debt Recovery Policy had been undertaken as recommended by the Finance, Regeneration and Property Scrutiny Select Committee and identified no amendments required.

Cllr M Boughton proposed, seconded by Cllr K Tanner and Cabinet

RESOLVED: That

- (1) the Empty Homes and Second Homes Premium Policy for the 2025/26 financial year be amended as set out in Annex 1, with effect from 1 April 2025;
- (2) the Discretionary Non-Domestic Rate Relief Policy for the 2025/26 financial year be amended as set out in Annex 2, with effect from 1 April 2025; and
- (3) it be noted that the Corporate Debt Recovery Policy had been reviewed with no amendment required.

EXECUTIVE KEY DECISIONS

CB 25/49 WASTE, RECYCLING AND STREET CLEANSING CONTRACT

(Decision Notice: D250034CAB)

Consideration was given to the recommendations of the Communities and Environment Scrutiny Select Committee of 5 March 2025 in respect of a set of detailed specifications in relation to the procurement of the Borough Council's Waste Services Contract in partnership with Tunbridge Wells Borough Council.

Cabinet had due regard to the view of the Scrutiny Select Committee, the financial and value for money considerations, risk assessment and legal implications.

Cllr M Coffin proposed, seconded by Cllr M Boughton and Cabinet

RESOLVED: That

- (1) the Competitive Flexible Procedure procurement route and timeline as outlined in Section 5.1 of the report submitted to the Communities and Environment Scrutiny Select Committee of 5 March 2025, be agreed;
- (2) the proposed contract length of 12 years, as outlined in Section 5.2.1 of the aforementioned report, be agreed;
- (3) joint delegated authority be given to the Cabinet Member for Transformation and Infrastructure and the Director of Street Scene, Leisure and Technical Services to agree contract variations following dialogue and negotiation ahead of the contractors' final bids, as outlined in Section 5.1.5 of the aforementioned report;
- (4) the proposed Specification amendment, highlighted in Section 5.3 of the aforementioned report, be agreed and reflected in the tender pack;

- (5) the proposed areas of dialogue, as highlighted in Section 5.4 of the aforementioned report, be agreed;
- (6) the proposed contract options, as highlighted in Section 5.5 of the aforementioned report, be agreed;
- (7) the approach to vehicle finance options, as highlighted in Section 5.6 of the aforementioned report, be determined by the Partner Authorities' Finance lead officers and be reported to the appropriate Committee and Cabinet;
- (8) the proposed method of contract indexation, as highlighted in Section 5.7 of the aforementioned report, be agreed;
- (9) the proposed tender evaluation be progressed in accordance with Section 5.8 of the aforementioned report; and
- (10) the proposed approach to decarbonisation, as highlighted in Section 12.7 of the aforementioned report, be agreed.

CB 25/50 GREEN AND BLUE INFRASTRUCTURE STRATEGY

(Decision Notice: D250035CAB)

Consideration was given to the recommendations of the Communities and Environment Scrutiny Select Committee of 5 March 2025 in respect of an updated Green and Blue Infrastructure Strategy.

Following consideration by the Scrutiny Select Committee, the draft Strategy had been updated to take into account a number of suggestions made by Members and an updated Green and Blue Infrastructure Strategy was attached at Annex 1.

Cabinet had due regard to the views of the Scrutiny Select Committee, the risk assessment, the financial and value for money implications and the implementation considerations.

Cllr R Betts proposed, seconded by Cllr M Taylor and Cabinet

RESOLVED: That the updated Green and Blue Infrastructure Strategy, as set out in Annex 1, be endorsed for publication.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL AND
EXECUTIVE KEY DECISION**

CB 25/51 REPLACEMENT ANGEL LEISURE CENTRE

(Decision Notice: D250036CAB)

Consideration was given to proposals in respect of replacement of the Angel Leisure Centre in Tonbridge with a new state-of-the-art leisure and community facility located in the town centre area.

When considering the recommendation from the Tonbridge Town Centre Programme Board on the selected location for the replacement leisure centre, Members recognised that the expertise of the Council's Leisure development partner and Masterplanning consultants and the views of Members to ensure the selected site fits into the broader objectives of the town centre masterplanning exercise had been taken into consideration.

Members further noted that the final design of the replacement leisure and community facility would be developed over the next 12 months and would be reported to the Tonbridge Town Centre Programme Board in due course, subject to public consultation and planning approval.

While noting from the capital plan evaluation attached at Annex 2 that the overall project cost to build a replacement leisure centre was estimated to be significant and would represent the largest investment in a project by the Borough Council, Members also acknowledged that there would be option for the Borough Council to discontinue with the project after each of the Royal Institute of British Architects (RIBA) Stages should such a need arise within the context of the Local Government Reorganisation programme and the approval being sought at this stage was for financial commitment to meet the cost for RIBA Stage 2 only.

Concern was raised by the Cabinet Member for Finance and Housing on the estimated cost for the project as identified by the feasibility study undertaken during RIBA Stage 1 and it was recognised that in order to fund the project, external borrowing would have to be considered alongside utilising reserves as part of the funding options, although efforts was being made and would continue to be made within the Borough Council to minimise the need for external borrowing and maximise the value for money to arise from the project. In addition, Members were advised that negotiation with the Tonbridge and Malling Leisure Trust, being the agreed operator of the new leisure centre, was underway in respect of a capital contribution and revised service fees in favour of the Borough Council as part of the wider discussion with regard to a potential contract extension, in anticipation of an uplift in projected net revenue based on forecasted increase in latent demand.

Cabinet had due regard to the financial and value for money considerations, risk assessment and legal implications and reinforced the necessity for additional and tight control to be put in place to enable Cabinet to monitor the entire process of the project to ensure best value for money was achieved with prudent spend of taxpayers' money.

Cllr M Boughton proposed, seconded by Cllr M Coffin and Cabinet

RESOLVED: That

- (1) the Sovereign Way Mid Car Park be selected as the site location for the new Leisure Centre;
- (2) the timeline for the project as shown in Annex 5, be noted, subject to the timeline being amended to reflect that following each Royal Institute of British Architects (RIBA) Stage the Cabinet Member for Climate Change, Regeneration and Property, in consultation with the Cabinet Member for Finance and Housing and the Cabinet Member for Community Services, be asked to confirm agreement to move on to the next RIBA stage;
- (3) subject to approval of the project by full Council, the appointment of Alliance Leisure Services Ltd as the Borough Council's leisure development partner to progress the project through the RIBA Stages, be approved;
- (4) negotiations with the Tonbridge and Malling Leisure Trust be commenced by the Chief Executive of the Borough Council regarding a capital contribution and an ongoing annual contribution to the project and draft Heads of Terms be brought forward by the Chief Executive; and
- (5) £400,000 be transferred from the Borough Council's Climate Change Reserve to the earmarked reserve for the Angel Leisure Centre replacement.

RECOMMENDED*: That

- (1) List C Capital Plan Evaluation for the replacement Angel Leisure Centre scheme, at set out in Annex 2, be transferred to List A of the Capital Plan.

***Recommended to Council**

MATTERS SUBMITTED FOR INFORMATION

CB 25/52 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being

incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

CB 25/53 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 25/54 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out the Key Decisions anticipated to be taken during May and June 2025 was noted.

CB 25/55 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

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Cabinet

03 June 2025

Part 1 - Public

Executive Key Decision



Cabinet Member	Robin Betts, Cabinet Member for Housing, Environment and Economy
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
Report Author	Adrian Stanfield, Director of Central Services & Deputy Chief Executive

River Lawn, Tonbridge – voluntary application to register as a village green

1 Summary and Purpose of Report

- 1.1 This report invites Members to consider the submission to Kent County Council of a voluntary application to register land owned by the Borough Council at River Lawn Road, Tonbridge as a village green.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 Registration of the land owned by the Borough Council at River Lawn Road, Tonbridge will provide protection against any future development of the land. The relevant considerations are set out in detail in this report.

3 Recommendations

- 3.1 Cabinet is asked to confirm whether the Borough Council should make a voluntary application for registration of the land at River Lawn, Tonbridge (shown at Annex 1) as a village green.

4 Introduction and Background

- 4.1 On 18 February 2025 full Council gave consideration to a Notice of Motion (25/004) pursuant to Council Procedure Rule No. 5.7 submitted by Cllr Hood in relation to granting River Lawn, Tonbridge village green status.
- 4.2 The Notice proposed that the Council should resolve that

- In accordance with section 15(8) of the Commons Act 2006, as the landowner it will voluntarily apply for the land known as River Lawn, River Lawn Road, Tonbridge to be registered as a village green; and
- A review is undertaken of the policy of rewilding to River Lawn to assess its success and whether this is the most appropriate management of this open space and that the review is considered by the Communities and Environment Scrutiny Select Committee.

- 4.3 Council resolved that the action requested by Motion 25/004 be agreed.
- 4.4 In respect of the resolution to voluntarily apply for registration of land as a village green, any decision by the Council to make such an application in its capacity as landowner will require the approval of Cabinet as this is an executive function. This report therefore invites Cabinet to consider the matters set out below and confirm whether it wishes to approve an application for voluntary registration under the Commons Act 2006.
- 4.5 The previous history relating to the village green status of this land is set out below. For completeness a plan showing the extent of the Borough Council's land ownership at River Lawn Road is attached as **Annex 1**. The land detailed at Annex 1 would form the basis for any application made for voluntary registration.
- 4.6 Members may be aware that in March 2018 an application was made by the Barden Road Residents Association to Kent County Council to register the land as a Village Green.
- 4.7 A town or village green is an area of open space which by immemorial custom has been used by the inhabitants of the town, village or parish, for the purposes of playing lawful games and recreation. There is no legal distinction between town greens and village greens; the names merely refer to the geographical location of the green.
- 4.8 The core requirement common for applications to register new town and village greens under section 15 of the Commons Act 2006 is that a significant number of the inhabitants of any locality, or of any neighbourhood within a locality, have indulged as of right in lawful sports and pastimes on the land for a period of at least 20 years.
- 4.9 The application by the Barden Road Residents Association was rejected by KCC in January 2020 on the grounds on the basis that a 'trigger event' had occurred under the Commons Act 2006 as a result of land being identified for potential development in TMBC Core Strategy Policy CP23 and the Tonbridge Central Area Action Plan 2008. No further challenge was made to the decision of KCC by the Residents Association.

- 4.10 Under section 15(8) of the Commons Act 2006, the Borough Council (as the owner of the land) can apply voluntarily for the land to be registered as a town or village green. In such cases, the Council would not need to show that the land has been used by local inhabitants for lawful sports and pastimes for at least 20 years.
- 4.11 Any application by the Borough Council to voluntarily register the open space at River Lawn Road would be unaffected by the provisions relating to trigger and terminating events, which was the basis for the rejection of the previous application to the County Council by Keep River Lawn Green.
- 4.12 The implications of any such application are set out below.
- 4.13 Once registered, the land would be protected by long-standing legislation that effectively means that the land cannot be developed. For example, Section 12 of the Inclosure Act 1857 makes it a criminal offence to do any of the following
- undertake any act which interrupts the use or enjoyment of a green as a place of exercise and recreation
 - wilfully cause injury or damage to any fence on a green;
 - wilfully take any cattle or other animals onto a green without lawful authority;
 - wilfully lay any manure, soil, ashes, rubbish or other material on a green; or
 - undertake any act which causes injury to the green
- 4.14 Section 29 of the Commons Act 1876 deems it to be a public nuisance, and therefore an offence, to
- encroach on or inclose a green;
 - erect any structure on, disturb, interfere with or occupy the soil of, a green unless this is done “with a view to the better enjoyment of such town or village green”.
- 4.15 The voluntary registration of the land as a village green would therefore strip the land of its development potential (set out in paragraph 7 below). It would also place a fetter on the Council’s ability to manage its asset in response to any change in circumstances in the future.

Charging for use of a village green

- 4.16 Inhabitants of the locality within which a green is situated have the right to use that green for lawful sports and pastimes. By definition any right can be exercised free of charge. Therefore, although the owner of a green may ask a local inhabitant to pay a donation for their use of a green, that person would be under no obligation to pay. This principle would apply equally to a request for a contribution to

maintain a green as it would to a request for a payment to enter an organised event such as a fête or sports match which was being held on the green. A local inhabitant cannot be required to pay a fee to exercise a right.

- 4.17 Commercial activities can be carried out provided that they do not unduly interfere with the public's rights, it is therefore possible to have "dual use" greens – this could include a situation where tables and chairs are temporarily placed on a small area of the green. That temporary use might not "unduly interfere" with the rights of the public to use the remainder of the green to exercise their rights. For example in the recent Supreme Court case of *TW Logistics v Essex County Council* [2021], the court there considered that temporary storage of materials by TW did not unduly interfere with the public's rights over an area of hardstanding. The commercial use was not incompatible with the registration as a green and TW's continuing commercial activities would not constitute an offence under the Commons Act 1876.

Release from registration as a village green

- 4.18 In considering whether to pursue voluntary registration of the land, Members will no doubt wish to understand the ability of the Council to remove that registration in the future.
- 4.19 Under section 16 of the Commons Act 2006 an owner of a green may apply to the Secretary of State for land to be released from registration. If successful, such an application would result in the land no longer being subject to protection as a green.
- 4.20 If the application relates to the release of land with an area of more than 200 square metres (the River Lawn areas is approximately 1,500sqm), the application must include a proposal to register an alternative site as common land or a town or village green (*section 16(2), CA 2006*). The alternative site would be registered in exchange for the release of the original land. If the release land is smaller than 200 square metres, a proposal for replacement land may be included, but there is no absolute requirement. However, it is the policy of the Secretary of State to avoid the net loss of town and village greens. Therefore, the Secretary of State generally expects that land will be offered in exchange even where the release land is less than 200 square metres.
- 4.21 A proposed exchange under section 16 will be considered by the Secretary of State and will not be approved automatically. The Secretary of State will wish to take into account the impact of the exchange having regard (amongst other things) to the public interest.
- 4.22 When deciding whether to grant the release, the Secretary of State is required to consider:

- The interests of those who have rights over the land (particularly rights of common) and anyone who occupies the land.
- The interests of the neighbourhood.
- The public interest, including:
 - nature conservation;
 - conservation of the landscape;
 - the protection of public rights of access to any area of land; and
 - the protection of archaeological remains and features of historic interest
- Any other relevant matters
- If an application to release land with an area of up to 200 square metres does not include an exchange proposal, the extent to which the absence of a proposal is detrimental to the interests of the public, the neighbourhood and those with rights over the original land

4.23 Members will therefore note that the release of village green status is difficult to achieve, and at the very least would require the release of an equivalent area of land for designation as a village green.

5 Proposal

5.1 Cabinet is asked to confirm whether the Borough Council should make a voluntary application for registration of the land at River Lawn, Tonbridge (shown at Annex 1) as a village green.

6 Other Options

6.1 An alternative to the Village Green process is to consider designating the area as a Local Green Space (LGS) through the preparation of the Local Plan.

6.2 Policies allowing for the creation of Local Green Space (LGS) designations are set out in paragraphs 101-103 and footnote 7 of the 2021 version of the National Planning Policy Framework (NPPF).

6.3 Paragraphs 106 to 108 of the NPPF provide that

‘106. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement

investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.

107. The Local Green Space designation should only be used where the green space is: a) in reasonably close proximity to the community it serves; b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and c) local in character and is not an extensive tract of land.

108. Policies and decisions for managing development within a Local Green Space should be consistent with national policy for Green Belts set out in chapter 13 of this Framework.'

- 6.4 Management of land designated as LGS will remain the responsibility of its owner.
- 6.5 On 23 November 2021 the Cabinet Member for Environment & Climate Change resolved, following a recommendation from the Street Scene and Environment Services Advisory Board that the area of land at River Lawn, Tonbridge be considered for designation in the Local Plan as a Local Green Space.
- 6.6 Work is currently progressing to consider sites for LGS designation. Any update in respect of this specific site will be provided at the meeting.

7 Financial and Value for Money Considerations

- 7.1 Voluntary registration of the land as a village green would be likely to prevent future development and would therefore deprive the land of much of its value. It may also set a precedent in respect of other areas of open space within the Borough.
- 7.2 In accounting terms, the land at River Lawn is held in our accounts at a nil value. This is in accordance with RICS guidance, as the land is not subject to any planning permission.
- 7.3 A marketing appraisal of the site was undertaken by Hartnell Taylor Cook in July 2020, although this wasn't a red book (RICS) valuation. The appraisal was as follows:-
 - the appraisal for Retirement Living and a café showed a positive Residual Land Price of approximately £1,825,000 exclusive of VAT.
 - the appraisal for private residential, some Social & Affordable housing and a café showed a positive Residual Land Price of approximately £620,000 exclusive of VAT

7.4 Members are asked to note that the appraisal is likely to have changed since July 2020, so the above figures are for guidance purposes only.

7.5 Voluntary registration would also mean that the Council would continue to be responsible for maintenance of the area, effectively in perpetuity.

8 Risk Assessment

8.1 The risks of pursuing voluntary registration of the land as a village green, and those relating to the application to register public rights of way are set out within the body of this report

9 Legal Implications

9.1 Set out elsewhere in this report.

10 Consultation and Communications

10.1 If approved, the policy will be published on the Council's website.

11 Implementation

11.1 If Cabinet approve the voluntary registration of the land at River Lawn Road, an application would be submitted to Kent County Council.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Limited or low impact on emissions and environment.

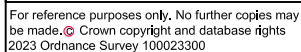
12.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in this report.

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 – plan of TMBC land ownership at River Lawn Road, Tonbridge

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Land at River Lawn Road
Tonbridge
Page 33

Rev	Date	Description
Date MAY2025		
Scale NTS		
Drawing No.		Rev

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Cabinet

03 June 2025

Part 1 - Public

Executive Key Decision



Cabinet Member	Robin Betts, Cabinet Member for Housing, Environment & Economy
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	Linda Hibbs, Head of Housing & Health

Housing Staffing

1 Summary and Purpose of Report

- 1.1 The capacity within the Housing Service requires increasing on a temporary basis to respond to an increased number of housing register applications to ensure the Council's statutory housing duties are fulfilled. This report seeks approval for funding to be transferred from the Homelessness Reserve into the revenue budget to support this outcome.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
 - 2.1.1 This will ensure adequate staffing resources are in place to deliver key statutory Council services
- 2.2 Improving housing options for local people whilst protecting our outdoor areas of importance.
 - 2.2.1 Our work across the Housing Register and Housing Solutions teams help improve options for local people.

3 Recommendations

- 3.1 To APPROVE the transfer of £281,601 from the Homelessness Reserve into the revenue budget to fund the temporary increase in staffing capacity set out in this report subject to the General Purposes Committee approval of the gradings for the Housing Allocations Officers on 11 June 2025.

4 Introduction and Background

- 4.1 Cabinet will be aware of the ongoing service demand within the Housing Allocations team. An average of 237 applications per month were received across 2024/25 and this level of demand continues into 2025/26. The housing service has a backlog of housing register assessments, that although consistently we are now seeing reduce, remains at a level whereby assessment of applications received in September/October 2024 are currently taking place so there is a 7/8 month wait.
- 4.2 It is also of note that the Housing Allocations team have also been dealing with several new development allocations and local lettings plans including shortlisting over recent months with more still to come. It is an important task as it contributes to the corporate priority of ensuring local homes are for local people. However, these divert resources away from reviews, complex assessments and wider support for the team as they are usually managed by the Housing Allocations Coordinator.
- 4.3 It is proposed to retain four temporary Housing Allocations Assistant posts (proposed to be renamed as Housing Allocations Officers and regraded from SCP3/4 to 5/6 – subject to General Purposes Committee approval on 11 June 2025) and to the recruitment of an additional two Housing Allocations Officers all for one year. The existing posts would be extended until 31 March 2026 and the new posts would be in place for one year from start date.
- 4.4 To accelerate the reduction in the housing register backlog, it was also proposed that overtime be re-introduced for a temporary period to assist with housing register documentation checking, assessments and reviews depending on the skills of the Officers involved. This will be closely managed to match what is required at the time with a maximum limit of 16 hours a week being available over a 12-week period. Overtime had a big impact on progress being made last time it was used and there is again an appetite within the team to help with this.
- 4.5 The Council have received a Homelessness Prevention Grant of £834,176 for 2025/26. The Homelessness Prevention Grant is ringfenced to ensure local authorities can focus on preventing homelessness as well as funding the provision of temporary accommodation, and to continue to embed the changes required through implementation of the Homelessness Reduction Act 2017. A new ringfence has also been introduced which means that 49% of the funding allocation must be spent on prevention, relief and staffing activity. There is a clear link between the work of the housing register team and homelessness.
- 4.6 The Housing Service continues to update Members directly on the housing register work on a quarterly basis.

5 Proposal

- 5.1 To meet the cost of continuing and bringing in additional resources to address the housing register backlog and meet increased demand it is proposed that funding from the Homelessness Reserve is transferred to the revenue budget.

6 Other Options

- 6.1 There are no other options to fund this proposal.

7 Financial and Value for Money Considerations

- 7.1 The total cost of the proposals above is £281,601. This can be funded from the Homelessness Reserve including from funds received in 2025/26.

8 Risk Assessment

- 8.1 The delay in assessing housing register applications has an impact on residents who are waiting for an outcome as it can lead to uncertainty about their future housing options.

9 Legal Implications

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

10 Consultation and Communications

- 10.1 Staff have been kept fully informed and engaged, including in relation to the proposals set out in this report, and are fully committed to this work.

11 Implementation

- 11.1 The agreement for this resource is in place, this decision relates to the funding mechanism.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

- 12.1.1 Adaptation and resilience have not been considered.

- 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.

12.3 Other If Relevant

- Human Resources
- Business Continuity / Resilience

12.3.1 This proposal ensures an adequate level of human resources to meet demands on the housing service.

12.3.2 This proposal ensures that the service can progress to a “business as usual” position.

Background Papers	None
Annexes	None

Cabinet

03 June 2025

Part 1 - Public

Executive Non-key Decision



Cabinet Member

Robin Betts (Cabinet Member for Housing, Environment and Economy)

Responsible Officer

Adrian Stanfield (Director of Central Services)

Report Author

Dean Radmore (Tonbridge Town Centre Programme Manager)

Tonbridge Town Centre Programme Board – Change of Membership

1 Summary and Purpose of Report

- 1.1 This report details changes to the membership of the Tonbridge Town Centre Programme Board (TTCPB) in accordance with section 2.0 & 2.4 within the TTCPB Terms of Reference. These changes are proposed following the changes to the membership of Cabinet announced by the Leader at Annual Council.

2 Corporate Strategy Priority Area

- 2.1 Investing in our local economic to help support residents and businesses and foster sustainable growth.
- 2.2 Under this theme, the Corporate Strategy identifies 'ways we could use our land and other assets better, especially in Tonbridge town centre'.

3 Recommendations

- 3.1 To support the change of membership within the Tonbridge Town Centre Programme Board as follows:
- (1) The Cabinet Member for Housing, Environment and Economy to come off the TTCPB.
 - (2) Cabinet be invited to put forward a nomination for the vacant post.
 - (3) The Cabinet Member for Infrastructure and Tonbridge Regeneration be made Chair.

4 Introduction and Background

- 4.1 At Annual Council on 13 May 2025 the Leader announced certain changes to the membership of Cabinet. These changes have a consequential impact on the portfolios of Cabinet Members and in turn on the membership of the TTCPB.
- 4.2 The role of the TTCPB is to support the delivery of the Council's programme of work in connection with Tonbridge town centre, making recommendations to Cabinet as required. The Terms of Reference for the TTCPB can be found at **Annex A**.

5 Proposal

- 5.1 That membership of the TTCPB is changed as set out in section 3 of the report.

6 Other Options

- 6.1 The TTCPB membership remains unchanged, which would not align with the revised Cabinet Member portfolios and potentially lead to the inefficient running of the TTCPB.

7 Financial and Value for Money Considerations

- 7.1 The inclusion of the Cabinet Member for Finance, Waste & Technical Services will ensure that any expenditure on the town centre programme will be monitored and managed appropriately.

8 Risk Assessment

- 8.1 The risk of not updating membership may lead to the inefficient running of the TTCPB, ultimately impacting on the progress made with corporate priority projects.

9 Legal Implications

- 9.1 There are not considered to be any legal implications associated with the contents of this report.

10 Consultation and Communications

- 10.1 The relevant Members directly affected by the proposed changes are in agreement with the proposals.

11 Implementation

- 11.1 The recommendation for approval set out in this report will become effective if approved by Members following the expiry of the call-in period.

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.

12.3 Other If Relevant

- None

Background Papers	N/A
Annexes	Annex A - TTCPB Terms of Reference

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Tonbridge Town Centre Programme Board Terms of Reference

1.0 Establishment and Purpose

- 1.1 The Council's Corporate Strategy identifies the better use of assets within Tonbridge town centre as a key aim under the theme of 'Investing in our local economy'. The potential redevelopment of Tonbridge town centre is an exciting opportunity for the Council, residents of the town and wider borough and visitors to Tonbridge.
- 1.2 The Council has been undertaking a review of its assets in conjunction with the company Mace. During the phase 2 work, Mace recommended the Council considered the creation of a governance structure to help oversee the various workstreams associated with the town centre.
- 1.3 To facilitate efficient and consistent decision making, Cabinet, at its meeting on 2nd April 2024, approved the creation of a Tonbridge Town Centre Programme Board (the Board). The relationship of the Board with other parts of the Council's governance system is set out at **Annex A**.
- 1.4 The Board will not have any decision making powers and will make recommendations on Key Decisions to Cabinet, either directly or via the Finance, Regeneration & Property Scrutiny Select Committee. Cabinet Members will be able to take Non-Key Decisions relating to their portfolios, in line with the Council's Constitution. Any recommendations on non-executive matters will be referred to the full Council.
- 1.5 The Board will be responsible for:
 - Making recommendations to the Project Sponsor (Cabinet/ Portfolio Holders)
 - Adding items to the Board Work Plan
 - Creating, reviewing and updating key project documents for Cabinet's approval which may include a Tonbridge Town Centre strategy, Programme Management Plan, Programme Work Plan, Programme and Programme Risk Management Strategy and risk register
 - Identifying internal and external resources in order to successfully deliver the town centre strategy
 - Monitoring and reviewing programme spend
 - Approve creation of technical working groups, including their terms of reference, to progress individual projects or work streams
 - Providing strategic direction to the technical working groups
 - Receiving update reports from the technical working groups
 - Providing update reports to Cabinet
 - Approving any external funding applications

- Allocating funds from the Tonbridge Town Centre reserve to specific projects or tasks, subject to the Council's financial procedure rules and any required Cabinet/ Cabinet Member Decision
- Approving the submission of any capital plan funding applications

2.0 Membership

2.1 The Board will be made up of the following members:

- Chair – Cabinet Member for Infrastructure & Tonbridge Regeneration
- Vice Chair – Cabinet Member for Communities
- One Conservative Party Member (Cabinet Member for Finance, Waste & Technical Services, Cllr Coffin)
- Two Tonbridge Green Party Members (Cllrs Athwal and Hood)
-
- One Tonbridge Liberal Democrat Party Member (Cllr Bridge)
- The Chief Executive
- The Director of Central Services
- The Director of Finance & Transformation Services
- The Head of Administrative & Property Services
- Tonbridge Town Centre Programme Manager

2.2 Substitute members will not be permitted in order to ensure consistency.

2.3 Quorate for the Board will be 4 members in attendance, which must include either the Chair or Vice Chair.

2.4 Membership of the Board will be reviewed annually or at such intervals as may be required. Any changes to membership will need to be approved by Cabinet.

3.0 Frequency of Meetings

3.1 The Board will meet bi-monthly, or at such intervals as required to maintain progress. Meetings will take place in person at Tonbridge Castle where possible but can be held virtually with the approval of the Chair.

4.0 Agendas and Reporting

4.1 Agendas will be circulated 6 working days prior to the Board meeting date, with reports having to be submitted 8 working days prior to the Board meeting date.

4.2 Minutes from the Board will be reported to Cabinet.

4.3 At each meeting the Board Work Plan will be considered. Members of the Board will be able to request items be added to the Work Plan by notifying the Chair of the item at least 8

working days in advance of the Board meeting date. Members of the Board will then vote on inclusion of the proposed item.

5.0 Voting

- 5.1 The aim of the Board will be to agree recommendations to Cabinet/ Portfolio Holder/ Council as appropriate, via unanimous agreement.
- 5.2 Where there is not general affirmation, a vote will be recorded of Board members on the recommendation being considered. Each serving Borough Council Councillor shall have one vote. A simple majority will suffice for a recommendation to be made to Cabinet/ Portfolio Holder/ Council as appropriate.
- 5.3 In the event of a split vote, the Chair shall have the casting vote.

6.0 Confidentiality

- 6.1 Due to the nature of the information being considered by the Board, unless specifically otherwise agreed by the Board, all items will be confidential. This will provide the Board with the necessary private thinking space in order to reach considered recommendations and to provide assurance to partners and third parties with whom the Council will be working closely. This will extend to agendas, reports, minutes and discussion at the Board.

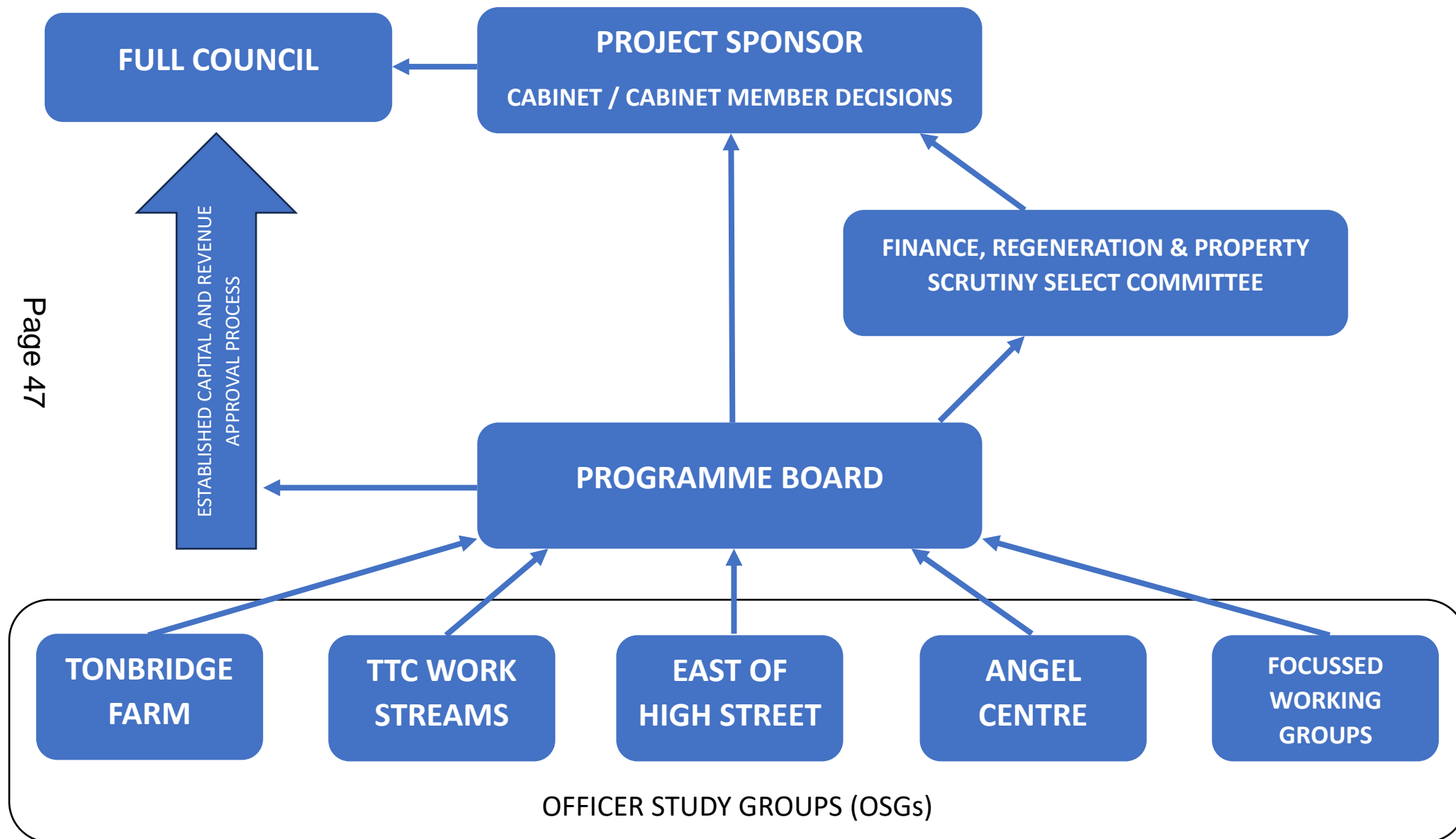
7.0 Review

- 7.1 These terms of reference will be reviewed by the Board on an annual basis.

June 2025

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TONBRIDGE TOWN CENTRE GOVERNANCE ARRANGEMENTS



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Cabinet

03 June 2025

Part 1 - Public

Executive Non-key Decision



Cabinet Member	Des Keers, Cabinet Member for Community Services
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Adrian Stanfield, Director of Central Services & Deputy Chief Executive

Policy on managing unreasonable actions by complainants

1 Summary and Purpose of Report

- 1.1 This proposes revisions to the existing policy adopted by the Borough Council in relation to managing unreasonable actions by complainants (previously referred to as the policy on managing unreasonable or unreasonably persistent complainants).

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 Adopting a revised policy in line with the recommendations of the Local Government & Social Care Ombudsman will ensure that the Council is able to respond efficiently to the needs of local residents.

3 Recommendations

- 3.1 Cabinet is invited to approve the revised policy at **Annex 3**.

4 Introduction and Background

- 4.1 The Council's policy in relation to unreasonable or unreasonably persistent complainants was last reviewed by Cabinet in 2017. A copy of the existing policy is attached as Annex 1. This was based upon the guidance of the Local Government & Social Care Ombudsman in operation at that time.
- 4.2 While cases involving unreasonable actions by complainants are very rare (only 3 current cases), they can be very disruptive and resource intensive, as well as impeding the investigation of complaints (whether from the complainant or others). It is therefore important that the Council adopts a consistent and fair approach to dealing with such cases.

- 4.3 In 2024 the Local Government & Social Care Ombudsman reviewed its own guidance, on managing unreasonable actions by complainants. A copy of the revised guidance is attached as **Annex 2**.

5 Proposal

- 5.1 A revised policy for Tonbridge & Malling Borough Council has been prepared, again based upon the current guidance of the Local Government & Social Care Ombudsman. This will ensure that our policy is applied consistently in practice, while providing the flexibility to enable officers to take a proportionate and fair approach.
- 5.2 A copy of the revised policy is attached as **Annex 3**. Cabinet is invited to approve this policy.

6 Other Options

- 6.1 None considered.

7 Financial and Value for Money Considerations

- 7.1 There are no significant financial or value for money considerations arising from this report.

8 Risk Assessment

- 8.1 Adoption of the revised policy will reduce the risks of:-
- Short term disruption to services to other customers that unreasonable actions may cause;
 - Unreasonable complainants being treated inconsistently or unfairly;
 - The Local Government & Social Care Ombudsman disagreeing with the Council's approach

9 Legal Implications

- 9.1 There is no legal requirement to have a policy on unreasonable actions by complainants. However the adoption of a policy provides a transparent and consistent basis for decision making. This in turn should reduce the risks of decisions being overturned by the Local Government Ombudsman.

10 Consultation and Communications

- 10.1 If approved, the policy will be published on the Council's website.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

11.1.1 Adaptation and resilience have not been considered.

11.1.2 Climate change advice has not been sought in the preparation of the options and recommendations in 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.

11.2.2 The ability for our residents / visitors to make a complaint through various channels remains in place.

Background Papers	None
Annexes	Annex 1 – Existing Policy Annex 2 – Local Government and Social Care Ombudsman guidance Annex 3 – Revised Policy

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TONBRIDGE & MALLING BOROUGH COUNCIL

POLICY ON MANAGING UNREASONABLE BEHAVIOUR

Tonbridge & Malling Borough Council recognises that sometimes things can go wrong and someone may have cause to complain. Complaints are important as we can learn from them and improve our services. We deal with complaints fairly, impartially, objectively, professionally and in confidence. We do our best to solve problems and make sure they don't happen again. Where a complaint is justified we apologise and take corrective action.

We are also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for all residents of the Borough, including complainants. We have therefore adopted a clearly defined complaints procedure.

In order to respond professionally and with high quality customer care to the full range of complaints, our complaints procedure has 3 stages:

- **Stage 1** covers the entirely, or reasonably, straightforward complaints;
- **Stage 2** covers those complaints where the complainant remains dissatisfied after Stage 1 or where the complaint concerns a very complex matter;
- **Stage 3** covers those complaints where the complainant remains dissatisfied after Stage 2 or where the complaint concerns a very serious matter.

If still not satisfied after Stage 3, complainants may take their complaint to the Local Government Ombudsman (LGO), an independent national service that investigates complaints against councils and other public service providers. However, the LGO requires that complainants first complain to the organisation concerned so as to give them a chance to put things right. Complainants should usually therefore go through all stages of the Council's complaints procedure before referring the matter to the LGO.

However, in a minority of cases people pursue their complaints in a way that is unreasonable. This behaviour may include one or two isolated incidents, as well as 'unreasonably persistent behaviour' which is usually a build-up of incidents or behaviour over a longer period. This can impede investigating their complaint (or complaints by others) and can have significant resource implications for the Council.

This policy covers 'unreasonable complainant behaviour'. It uses the definition contained within the guidance of the LGO (attached) as follows

'unreasonable and unreasonably persistent complainants are those complainants who, because of the nature or frequency of their contacts with an organisation, hinder the organisation's consideration of their, or other people's, complaints.'

Examples of the actions and behaviour that might activate this policy are shown below –

- Refusing to specify the grounds of a complaint, despite offers of help
- Refusing to cooperate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of a complaints procedure.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Changing the basis of the complaint as the investigation proceeds.
- Denying or changing statements he or she made at an earlier stage.
- Introducing trivial or irrelevant new information at a later stage.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints on the same issue with various organisations.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed letters every few days, and expecting immediate responses.
- Submitting repeat complaints with minor additions/variations the complainant insists make these 'new' complaints.
- Refusing to accept the decision; repeatedly arguing points with no new evidence.

This list is not exclusive and other actions and behaviour may lead to activation of the policy in a given case.

The decision to categorise someone as unreasonable or unreasonably persistent will be taken either by the Chief Executive or by a Director with responsibility for the service in question.

The options we are most likely to consider include:

- Placing limits on the number and duration of contacts with staff per week or month;
- Offering a restricted time slot for necessary calls;
- Limiting the complainant to one medium of contact (telephone, email, letter etc);
- Requiring the complainant to communicate only with one named member of staff;

- Requiring any personal contacts to take place in the presence of a witness and in a suitable location;
- Refusing to register and process further complaints about the same matter.

In all cases where we decide to treat someone as an unreasonable or unreasonably persistent complainant, we will write to them to tell them why we believe their behaviour falls into that category, what it means for his or her contacts with the organisation, how long any limits will last and what they can do to have the decision reviewed. A copy of this policy will be supplied to complainants in such cases.

In appropriate cases, we may take the following steps

- Offer the complainant a meeting with an officer of appropriate seniority to explore steps for resolution of the complaint and explain why their current behaviour is seen as unreasonable;
- Helping the complainant to find a suitable independent advocate e.g. if the complainant has different needs

When imposing a restriction on access, this will ordinarily be reviewed after a period of 3 months. This period may be shorter or longer depending upon the particular circumstances that led to the restriction but the complainant will be advised of the review period and the outcome of any review in each case.

A complainant wishing to appeal against a decision to categorise them as unreasonable or unreasonably persistent and/ or any particular restrictions applied may appeal to the Chief Executive.

Records will be kept of the following:-

- When a decision has been taken to apply this policy;
- When a decision has been taken not to apply the policy when a member of staff asks for this to be done;
- When a decision is made to make an exception to the policy once it has been applied;
- When a decision is taken not to put a further complaint from a complainant through the Council's complaints procedure for any reason;
- When a decision is taken not to respond to any further correspondence, copies of any further letters or emails have been checked to pick up any significant new information.

Records will normally be retained for a period of 2 years.

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Managing unreasonable actions by complainants: A guide for organisations

Contents:

[Chapter index for Managing unreasonable actions by complainants: A guide for organisations](#)

Updated:

01 April 2024

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Part 1 • Managing unreasonable actions by complainants

Introduction

In a small number of cases people interact with services in a way that is unreasonable. This may include being unreasonably persistent in relation to their contact and submission of information. This can prevent organisations from providing services to the individual and others and have a significant impact on staff wellbeing. These actions can occur during delivery of a service, while a complaint is being investigated, or once an organisation has finished the complaint investigation.

However, the decision to restrict access to services, including the ability to raise complaints, should not be taken lightly. There is an inherent imbalance of power between organisations and individuals and careful consideration should be given to

an organisation's duties under equality and human rights act legislation.

Organisations should not operate a blanket approach to managing challenging actions and should consider the circumstances of each individual case.

This guide aims to help local authorities and other bodies within the Local Government and Social Care Ombudsman's jurisdiction develop a proportionate approach when responding to unreasonable actions, based on our view of good practice in dealing with these complainants. It should be read with our Complaint Handling Code and other good practice guides.

Throughout this guide we refer to unreasonable actions in relation to complaints. Unreasonable actions can also include behaviour that is unreasonable. However, the judgement of behaviour can be subjective and what may be acceptable in some cases may be classed unreasonable in different circumstances. Therefore, organisations are encouraged to take account of wider circumstances and actions of each individual case.

This guide focusses on unreasonable actions within a complaints process. However, individuals will often display unreasonable actions when engaging with services before a complaint is made. The information in this guide is also applicable to those cases.

This guide is not intended to cover the relationship between elected officials and the public.

Part 2 •

Principles

Managing unreasonable actions by complainants: A guide for organisations

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01 April 2024

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Part 2 • Principles

Principles

The approach set out in this guide is based on the clear understanding that:

- All complainants are treated with fairness and respect.
 - In the absence of very good reasons to the contrary, all complainants have a right to access public services.
 - All complaints are considered on their merits.
 - Unreasonable actions from complainants do not preclude there being a valid issue. Someone may have a legitimate complaint, but express it unreasonably.
 - The substance of a complaint (what is alleged to have gone wrong, and its impact) should dictate the level of resources dedicated to it, not a complainant's demands or actions.
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- Anger is an understandable and, to some degree, an acceptable emotion among frustrated complainants as long as it is not expressed through aggression, violence or the use of offensive or discriminatory language.
- Staff safety and well-being are paramount when dealing with unreasonable complainant conduct.
- The decision to change or restrict a complainant's access to services as a result of their actions will only be made at a service management level and in accordance with clearly defined policies and procedures. It must also be subject to review.
- Service managers will ensure relevant systems, policies and procedures are in place to manage complaints including making information available to staff on how to respond to unreasonable actions.
- Any decision to restrict actions to services should be proportionate in relation to the impact the unreasonable actions have on the organisation's ability to deliver an efficient service. Any restriction should still allow fair access to mandatory services.

These are adapted from the [New Zealand Ombudsman's guide](#) to managing unreasonable actions.

Part 1 •

Managing unreasonable actions by complainants

Part 3 •

Definitions

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Part 3 • Definitions

What are unreasonable actions?

Unreasonable actions are those which, because of the nature or frequency of contact with an organisation, hinder the organisation’s delivery of services or consideration of complaints.

It is important that the circumstances of each complaint and complainant are taken into account. There is no universal measure for when actions may be classed as unreasonable.

Some unreasonable actions emerge over time as complainants become more persistent in pursuit of their complaint. It should be recognised that many complainants act in a legitimate but persistent manner in order to pursue their

complaint. Therefore, it is important to recognise the difference between “persistent” and “unreasonably persistent” actions.

Organisations must also consider whether there are any underlying explanations for unreasonable actions. This could be due to unmet communication or support needs and so it is important that organisations have regard to their duty to make reasonable adjustments under the Equality Act 2010.

Unreasonable actions by representatives

Having a representative can be helpful for many people, not just people who experience difficulties in communicating. A representative could be a friend or family member or a professional such as an advocate or solicitor. Organisations should ensure a representative has consent or other lawful basis for acting on another individual’s behalf.

Organisations should not place restrictions on representatives unless there are good reasons for doing so. For example, if a person wants to attend a meeting with a friend or family member for support there is no reason for an organisation to prevent that person from speaking in the meeting without good reason.

However, some representatives may act in a way that is unreasonable. This causes difficulties for the organisation and also the individual they are representing.

Organisations can apply their unreasonable actions policy to representatives where this is warranted. However, in doing so organisations should ensure the individual they are representing is not disadvantaged by this.

To avoid any disadvantage organisations could consider taking the following action:

- Offer to deal with the individual directly taking account of any reasonable adjustments required or requested under the Equality Act 2010.
- Offer to support the individual to find another representative (e.g. advocacy service).
- Ask the individual to nominate another representative.

Examples of unreasonable actions

There is no exhaustive list of actions that may be unreasonable as each case should be judged based on its circumstances. The following are examples of actions which may be considered unreasonable:

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
- Putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses.
- Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints.
- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Providing false information and/ or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations.

Recording of interactions with organisations by members of the public

Modern technology now allows individuals to record interactions with organisations more easily than at any time in the past. This includes the ability to live broadcast

interactions in public and private spaces. Sometimes this can be done without an organisation's knowledge and staff may be understandably concerned about what a person may do with a recording.

However, organisations should not automatically refuse to allow members of the public to record interactions. It is important to acknowledge that organisations routinely record their interactions with the public for training and monitoring purposes. Complainants should not be prevented from making their own recording in order to have a clear record of matters that were discussed. We would expect complainants to advise staff members if they intended to record any interactions and the purpose for doing so.

Having a recording of a meeting or telephone call can be helpful to people with certain disabilities who may struggle to recollect details of what was said or be unable to read or process written records about any interactions.

Sometimes members of the public will record interactions with organisations covertly and with good reason. This could include where a member of staff is suspected of abusing someone in their care. We will consider covert recordings as part of our consideration of complaints on the basis that it can be shared with the organisation and any individuals concerned for comment. Organisations should consider taking a similar approach when considering complaints.

However, a small number of people will misuse technology and act in a way that is unreasonable. This may include:

- Recording interactions with an organisation without good reason.
- Putting recordings online without the consent of those being recorded.
- Live broadcasting interactions with an organisation without their consent.
- Manipulating or editing recordings.

Staff members who operate in public areas should be given advice on what action to take if they become aware they are being recorded as they carry out their job.

Part 2 •

Principles

Part 4 •

**Preventing unreasonable
actions**

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Part 4 • Preventing unreasonable actions

Preventing unreasonable actions

In most cases unreasonable actions can be prevented by ensuring people can access services and the information they need easily. Organisations should ensure information about their services can be accessed in a range of different ways and that they provide a range of channels for people to use to contact them.

An organisation's initial interaction with a complainant is probably one of the most important contacts. The way you begin this interaction can significantly affect how the complainant interacts with you subsequently. A complainant, who feels that they have been listened to, understood, treated fairly and with respect and who has been given a thorough explanation of the complaints process and what is likely to happen

with their complaint is more likely to respond positively to you, your organisation^{Annex 2} and the complaints process than if they were not given this information.

This is supported by the ["My Expectations"](#) report published in 2014. This sets out what people expect from a complaints system when raising concerns. Although based on research in health and care services the findings are applicable to people's expectations of complaint handling in other areas of public service delivery.

Unreasonable actions can also be an indication of an unmet communication or support need. Not all disabilities are visible and therefore organisations should ask everyone who contacts their service whether they need to make any changes to how they deliver their service, such as the way they communicate with them. This allows individuals an opportunity to tell them if they need any reasonable adjustments under the Equality Act 2010.

Where an individual's actions are considered unreasonable, it may be appropriate to speak with other teams, departments and external bodies (e.g. mental health services) involved to share information for the purposes of safeguarding their welfare and exploring other ways in which they can be supported through inter or cross-organisational working.

Staff members should be empowered to warn individuals of the consequences of their actions in the first instance. This may help the complainant to reflect on their actions and provide an opportunity for them to modify it. Staff members should also be able to take immediate action in response to unreasonable actions such as terminating phone calls, asking someone to leave the premises or pausing communications. Any immediate steps should be followed by either an informal warning about future conduct or consideration of further action under the organisation's unreasonable actions policy.

Part 3 •

Definitions

Part 5 •

**Managing unreasonable
actions**

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Part 5 • Managing unreasonable actions

Policy led approach

Organisations want to deal with service users and complainants in ways that are open, fair and proportionate. A considered, policy-led approach helps staff to understand clearly what is expected of them, what options for action are available, and who can authorise these actions. Policies should be shared with service users and complainants if they start to act unreasonably. This can help in managing their expectations and their actions, as far as possible, while the substance of their complaint is addressed.

Informal warnings

Staff should be empowered to give informal warnings to individuals who act in an unreasonable way. This should be explained in any policy or procedure. This gives individuals an opportunity to modify their actions. Should individuals continue to act in an unreasonable way then the matter should be escalated for further consideration.

In the majority of cases an informal warning should be given before further action is taken.

Formal warning

If an individual has failed to adhere to any informal warning from staff then service managers should consider issuing the individual with a formal warning based on evidence. Service managers should consider any evidence staff have gathered and reach their own conclusion on whether a formal warning is necessary or whether other actions may resolve the cause of any unreasonable actions. This may include:

- Exploring whether the individual requires any reasonable adjustments under the Equality Act 2010.
- Offering to meet or speak with the individual to understand any concerns that may be causing them to act in an unreasonable way.
- Offering mediation if the individual requires ongoing services from the organisation.

Any formal warning should be given in writing, where appropriate, and should explain:

- Actions the organisation considers unreasonable;
- Examples of actions considered unreasonable;
- A time period within which future actions will be monitored and when / how / by whom any restrictions on contact or other actions will be reviewed;
- Consequences of failing to address their actions;
- A check on whether the individual requires any reasonable adjustments under the Equality Act 2010; and
- Details of the organisation's complaints process if the person is unhappy with their warning.

Decision to restrict contact

The decision to restrict contact with an individual should be a last resort after attempts at reconciliation and warnings have been exhausted. However, we recognise that in serious cases it may be appropriate to restrict an individual's contact with an organisation without warnings being given.

Given the seriousness of the decision to restrict a person's contact, organisations should give careful consideration as to who is best placed to reach such a decision depending on the size and structure of the organisation.

Any decision to restrict contact should be given in writing, where appropriate (and with regard to any agreed reasonable adjustments), and should explain:

- Actions the organisation considers unreasonable;
- Examples of actions considered unreasonable;
- A time period within which future actions will be monitored; and when / how / by whom any restrictions on contact or other actions will be reviewed;
- Consequences of failing to address their actions;
- Confirmation the organisation has considered the individual's rights under human rights and equality act legislation; and
- Details of the organisation's complaints process **or** details of the Ombudsman if the complaint process has been exhausted.

Reviews

The decision to restrict contact should be reviewed at the end of the time period within which the organisation said it would monitor future actions. The time period will depend on the actions of the individual and any previous decisions to restrict contact. However, restrictions should be reviewed at least every 12 months.

When an organisation reviews restrictions placed on an individual it should write to them to advise them of its decision. If restrictions are to remain in place the organisation should explain its reasons. If restrictions are lifted the organisation may choose to warn the individual about their future conduct.

Further action

In a small number of cases decisions to restrict contact have no effect on a complainant's actions. In most cases, restrictions put in place will help staff to manage the impact this has on services.

However, in the most serious cases, further action may be necessary, particularly where a complainant's actions are having an adverse impact on staff welfare.

Where an organisation is considering placing legal restrictions on an individual's contact or declining to provide a service at all it should seek appropriate advice.

Considering the impact of restrictions on others

In some cases, restricting an individual's contact with an organisation may have an adverse impact on others. For example, if a family member of someone in residential care has been told they can no longer enter the care home, this would have an adverse impact on the resident and potentially engage their human rights.

Organisations should be conscious of the impact restrictions may have on others when reaching a decision on what restrictions are appropriate and mitigate against this.

This could include:

- Requiring an individual subject to restrictions to be accompanied by another person (e.g. family member or social worker) when visiting.
- Putting in place alternative visiting arrangements, such as meeting outdoors or at another venue, so long as this is suitable for the person being visited.
- Facilitating video calls where there is a risk to staff or others in allowing a person to be physically present in the building.

Part 4 •

**Preventing unreasonable
actions**

Part 6 •

Restrictions on contact

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Part 6 • Restrictions on contact

Examples of restrictions

Organisations should not take a blanket approach to restricting contact with services. In most cases it will be sufficient to restrict access to the service subject to unreasonable actions. However, where their unreasonable actions pose a significant risk to staff members or relate to a number of different service areas it may be appropriate to consider organisation wide restrictions on contact.

Restrictions may include:

- Restricting contact to an individual named officer or generic inbox.
- Placing correspondence on file without acknowledgement or reply.

- Restricting access to certain buildings or premises controlled by the organisation.
- Restricting contact to written contact only (having regard to any agreed reasonable adjustments).
- Restricting the length and frequency of telephone calls.
- Restricting access to discretionary services.

Restrictions should be tailored and proportionate to address the unreasonable actions found in each case.

Organisations are able to withdraw mandatory services towards individuals on grounds of unreasonable actions in certain limited circumstances (e.g. homelessness). Withdrawal, of a mandatory service is a serious step and organisations should have regard to wider human rights and equality duties when reaching such a decision.

Dealing with further communication

Where an organisation decides to place correspondence on file without acknowledgement or reply it should still review the contents to ensure it does not contain significant new information or raise any safeguarding concerns. There is no need to advise the individual that their correspondence contains no new information as this may encourage further unwanted communication.

Part 5 •

Managing unreasonable actions

Part 7 •

Signposting to the Ombudsman

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Part 7 • Signposting to the Ombudsman

Signposting to the Ombudsman

Organisations should consider complaints before signposting individuals to the Ombudsman, even where they are acting in an unreasonable way. In most cases it should be possible for organisations to progress a complaint through local processes and manage any unreasonable actions using their unreasonable actions policy.

Once the organisation has signposted the individual to the Ombudsman it is reasonable to expect them to contact us directly.

Part 6 •

Restrictions on contact

Part 8 •

Information for elected officials

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Part 8 • Information for elected officials

Information for elected officials

This guide is not intended to cover unreasonable actions from individuals directed towards elected officials such as councillors.

The Local Government Association has produced a guide for councillors on handling harassment, abuse and intimidation which can be found on its website:

[Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

Part 7 •

**Signposting to the
Ombudsman**

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TONBRIDGE & MALLING BOROUGH COUNCIL

POLICY ON MANAGING UNREASONABLE ACTIONS BY COMPLAINANTS

Tonbridge & Malling Borough Council recognises that sometimes things can go wrong and someone may have cause to complain. Complaints are important as we can learn from them and improve our services. We deal with complaints fairly, impartially, objectively, professionally and in confidence. We do our best to solve problems and make sure they don't happen again. Where a complaint is justified we apologise and take corrective action.

We are also accountable for the proper use of public money and must ensure that money is spent wisely and achieves value for all residents of the Borough, including complainants. We have therefore adopted a clearly defined complaints procedure.

In order to respond professionally and with high quality customer care to the full range of complaints, our complaints procedure has 2 stages. If still not satisfied after Stage 2, complainants may take their complaint to the Local Government & Social Care Ombudsman (LGSCO), an independent national service that investigates complaints against councils and other public service providers. However, the LGSCO requires that complainants first complain to the organisation concerned so as to give them a chance to put things right. Complainants should usually therefore go through all stages of the Council's complaints procedure before referring the matter to the LGSCO.

However, in a minority of cases individuals interact with services in a way that is unreasonable. This behaviour may include one or two isolated incidents, as well as unreasonably persistent actions which are usually a build-up of incidents or behaviour over a longer period. This can prevent the Council from providing services to the individual and to others and have a significant impact on staff wellbeing.

This policy covers 'unreasonable actions'. It uses the definition contained within the guidance of the LGSCO (attached) as follows

'unreasonable actions are those which, because of the nature or frequency of contact with an organisation, hinder the organisation's delivery of services or consideration of complaints.'

There is no exhaustive list of actions that may be unreasonable as each case should be judged based on its circumstances. The following are examples of actions which may be considered unreasonable:

- Being abusive, threatening or acting in a manner intended to intimidate staff. This includes any use of racist, sexist, homophobic or other discriminatory language.
- Putting, or threatening to put information on social media or websites which includes personal information of an organisation's employees without their consent and/or making defamatory statements about employees online.
- Making excessive demands on the time and resources of staff with lengthy phone calls, emails to numerous council staff, or detailed correspondence every few days or more often, and expecting immediate responses.
- Submitting repeat contacts or complaints with minor additions/variations which the complainant insists make these 'new' complaints.
- Refusing to specify the grounds of a complaint, despite offers of help.
- Refusing to cooperate with the complaints investigation process. For example, failing to provide information requested that is important for the investigation.
- Insisting on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Making unjustified complaints about staff who are trying to deal with the issues, and seeking to have them replaced.
- Frequently changing the basis of the complaint as the investigation proceeds.
- Raising many detailed but unimportant questions, and insisting they are all answered.
- Providing false information and/ or submitting falsified documents from themselves or others.
- Adopting a 'scatter gun' approach: pursuing parallel complaints or contact about the same issue with various organisations

The Council will consider whether there are any underlying explanations for the unreasonable actions of individuals. This could be due to unmet communication or support needs so the Council will have regard to the duty to make reasonable adjustments under the Equality Act 2010.

Informal warning

Council staff are empowered to informally warn individuals of the consequences of their actions in the first instance. This will give the complainant time to reflect on their actions and an opportunity to modify it. Staff are also empowered to take immediate action in response to unreasonable actions where appropriate. For example, staff are empowered to terminate phone calls, ask an individual to leave Council premises or pause communications.

If an individual continues to act in an unreasonable way then the matter will be escalated to a formal warning.

Formal warning

If an individual has failed to adhere to any informal warning from staff then service managers will consider issuing the individual with a formal warning based on evidence.

Service managers will consider any evidence staff have gathered and reach their own conclusion on whether a formal warning is necessary or whether other actions may resolve the cause of any unreasonable actions. This may include:

- Exploring whether the individual requires any reasonable adjustments under the Equality Act 2010.
- Offering to meet or speak with the individual to understand any concerns that may be causing them to act in an unreasonable way.
- Offering mediation if the individual requires ongoing services from the organisation.

Any formal warning should be given in writing, where appropriate, and will explain:

- Actions the Council considers unreasonable;
- Examples of actions considered unreasonable;
- A time period within which future actions will be monitored and when / how / by whom any restrictions on contact or other actions will be reviewed;
- Consequences of failing to address their actions;
- A check on whether the individual requires any reasonable adjustments under the Equality Act 2010; and
- Details of the Council's complaints process if the person is unhappy with their warning.

Decision to restrict contact

The decision to restrict contact with an individual will be taken either by the Chief Executive or by a Director with responsibility for the service in question. A decision to restrict contact will be a last resort after other warnings or attempts at resolution have been exhausted.

The options we are most likely to consider may include:

- Restricting contact to an individual named officer or generic inbox.
- Placing correspondence on file without acknowledgement or reply. Where this restriction is considered appropriate
- Restricting access to certain buildings or premises controlled by the organisation.
- Restricting contact to written contact only (having regard to any agreed reasonable adjustments).
- Restricting the length and frequency of telephone calls.

- Restricting access to discretionary services.

Restrictions will be tailored and proportionate to address the unreasonable actions found in each case. In most cases it will be sufficient to restrict access to the service subject to unreasonable actions. However, where their unreasonable actions pose a significant risk to staff members or relate to a number of different service areas it may be appropriate to consider council-wide restrictions on contact.

In some cases, we recognise that placing restrictions on an individual's contact with the Council may have an adverse impact upon others. We will consider this when reaching a decision on what restrictions are appropriate and take steps to mitigate against it.

In all cases where we decide to treat someone's actions as unreasonable, we will write to them to tell them why we believe their actions fall into that category, what it means for his or her contacts with the organisation, how long any limits will last and what they can do to have the decision reviewed. A copy of this policy will be supplied to complainants in such cases.

In appropriate cases, we may take the following steps

- Offer the complainant a meeting with an officer of appropriate seniority to explore steps for resolution of the complaint and explain why their current actions are seen as unreasonable;
- Help the complainant to find a suitable independent advocate e.g. if the complainant has different needs

Reviews

When imposing a restriction on contact, this will be reviewed after the time period within which the Council said it would monitor further actions. The time period will depend on the actions of the individual and any previous decisions to restrict contact. In all cases the restrictions will be reviewed at least every 12 months.

A complainant wishing to appeal against a decision to categorise their actions as unreasonable or unreasonably persistent and/ or any particular restrictions applied may appeal to the Chief Executive.

Records will be kept of the following:-

- When a decision has been taken to apply this policy;
- When a decision has been taken not to apply the policy when a member of staff asks for this to be done;
- When a decision is made to make an exception to the policy once it has been applied;

- When a decision is taken not to put a further complaint from a complainant through the Council's complaints procedure for any reason;
- When a decision is taken not to respond to any further correspondence, copies of any further letters or emails have been checked to pick up any significant new information.

Records will normally be retained for a period of 6 years.

Further action

In a very small number of cases decisions to restrict contact have no effect on the actions of an individual. In the most serious cases, further action may be necessary e.g. if the actions of an individual are having an adverse effect on staff welfare. This action may include reporting the matter to the Police or taking legal action, and may be taken without prior warning.

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REVIEW OF PARISH PARTNERSHIP PANEL

Item OS 25/19 referred from Overview and Scrutiny Committee of 3 April 2025

The report of the Chief Executive considered options for future meetings of the Parish Partnership Panel.

All members of the Panel had been invited to share their views on the current venue, style and format of meetings. The responses were set out in Annex 1. No significant issues had been raised other than the preference for in person meetings. However, it was also recognised that online meetings possibly achieved higher attendance and it was proposed that the option to join remotely be retained.

RECOMMENDED*: That meetings of the Parish Partnership Panel be held in the Council Chamber with the option for members to join remotely retained.

***Recommended to Cabinet**

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Overview and Scrutiny Committee

03 April 2025

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 & Communities Manager

Review of Parish Partnership Panel

1 Summary and Purpose of Report

- 1.1 To consider options for future meetings of Parish Partnership Panel

2 Corporate Strategy Priority Area

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

3 Recommendations

- 3.1 That the following is recommended to Cabinet:
- 3.2 Meetings of Parish Partnership Panel are held in the Council Chamber, with the option for members to join remotely, if they prefer.

4 Introduction and Background

- 4.1 A review of Tonbridge Community Forum was requested last year and it was agreed at this meeting that it would also be helpful to review the operation of Parish Partnership Panel. Membership of Parish Partnership Panel is comprised of all Parish/Town Councils across the Borough. All members were contacted to seek their views on the current venue, style and format of the meetings. All responses are provided in Annex 1.
- 4.2 Additional time was allocated to allow members to raise any further issues or discuss the meeting format during a session of the Parish Partnership Meeting, but there have been no additional comments submitted. Overall, the members

are largely content with the current meeting format, with a slight preference for “in-person” meetings, rather than online.

5 Proposal

- 5.1 Views have been sought with no significant issues raised, other than the preference from some for “in person” meetings. One response suggested that the online meetings possibly achieved higher attendance figures, the proposal is therefore to offer in person meetings, with an option to join remotely if preferred. This will enable attendance for all and for those who would struggle to attend in person.

6 Other Options

- 6.1 No additional options are suggested. From the responses provided, members feel the format operates well and changes are not currently required. Given there are some comments in Annex 1 regarding “two-way conversations” and ensuring all members of the group are heard, it will be important going forward to continue to listen to all members of the Parish Partnership Panel and ensure meetings are inclusive for all, with information shared equally between attendees.

7 Financial and Value for Money Considerations

- 7.1 There is no fixed budget for Parish Partnership Panel. There are no room-hire costs as the suggested venue is still the Council Chamber. As before, costs will be incurred in relation to staff time.

8 Risk Assessment

- 8.1 None

9 Legal Implications

- 9.1 Parish Partnership Panel is not a decision-making body.

10 Consultation and Communications

- 10.1 Members of Parish Partnership Panel were consulted on their views.

11 Implementation

- 11.1 Meetings will be held in person (with an option to join remotely) following consideration by Cabinet.

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 A move to all in person meetings is likely to increase car journeys, although there is still a hybrid option for remote attendance. Car sharing is to be encouraged or promoted where possible.

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: Summary of Responses

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Parish Partnership Panel

- Great value to parish councils who work mostly in isolation who may not have the opportunity to know what is going on in the wider community
- Great benefit to local parishes. Enables their voice to be heard
- Central government has devolution on the agenda. The Borough Council via Parish Partnership Panel can strengthen support that may be required.
- Would be beneficial to have power to put forward suggestions/recommendations on areas that need addressing
- Parish Partnership Panel is a very good panel for parishes to air their views and concerns the only change I would support is for all meetings to be face to face in the chamber
- More face-to-face meetings would be better, but understand attendance is greater in hybrid setting.
- Parish Partnership Panel is a very good panel for parishes to air their views and concerns the only change I would support is for all meetings to be face to face in the chamber
- Meetings are for the benefit of parish councils and it is very annoying that borough/county councillors “hog” the time asking questions of speakers that they have contact with every day. Some attendees feel inhibited by this “hogging”.
- PPP is valuable for Parishes to have a connection with TMBC. It is much better than it used to be with it being two-way conversation rather than just a lecture. It may be better to make it more informal with Chair on the same level rather than above the meeting. Some PC Cllrs are not confident in public speaking.
- I prefer in person, but not sure if we get bigger numbers online so mixed is probably a good idea.
- In the past was seen as a place of confrontation, it should be as much about gaining information from the PCs as giving it out.
- It is the opinion of the Hadlow Parish Council that the above panel format operates very well as it is at the moment and needs no changes are required.

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RISK MANAGEMENT

Item AU 25/16 referred from Audit Committee of 14 April 2025

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register. An update was also provided in respect of the work being undertaken within the Council to champion risk management.

An executive summary of the RED risks was provided at Annex 1 of the report and a full update on the current strategic risks and how they were being managed as at the time of writing were set out at Annex 1a. The risks that were categorised RED at the time of the January 2025 meeting were:

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

Following a decision taken by Cabinet on 4 March 2025 with a 'change of direction' given the strategic and operational issues relating to the implementation of the Agile software system, the risk associated with Agile implementation had been retitled 'Management exit from the Agile system' and due to the complex stage the Council was at, it was considered that the risk at the time should remain as RED pending further review.

The current RED risks were therefore as follows:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Management exit from the Agile system

Particular attention was drawn to a new risk added to the Strategic Risk Register in respect of 'Devolution and Reorganisation in Kent Local Government' which was currently classified as 'Amber', although it was recognised that the risk rating could change quickly pending release of further information from the Government.

In response to questions raised by Members with regard to the risks associated with service operations and the enhanced functionality of software systems, the Committee were advised that operational risks were monitored by services with prominent risks escalated to the Management Team for review as to whether they should be added to the Strategic Risk Register as and when required and that consideration would be given to including the potential non-delivery of the added functionality as a result of the exit from the Agile system within the relevant risk on the Strategic Risk Register.

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

In addition, Members were reminded that the Chair of the Audit Committee was nominated as the Member Risk Champion and a description of the role agreed with the Chair was attached at Annex 3.

Following the appointment of Risk Champions at both Member and Officer levels, an officer Risk Management Group had been established with the objective of spreading the workload, and word, on the importance of risk management throughout the Council. The Group was leading on a review and update of the Risk Management Strategy and anticipated to present an updated Strategy to the Committee to review in September 2025.

RECOMMENDED*: That

- (1) the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED, be noted;
- (2) the service risks identified in Annex 2 of the report, be noted; and
- (3) the responsibilities of the Member Risk Champion as detailed in Annex 3 of the report, be noted.

***Recommended to Cabinet**

Audit Committee

14 April 2025

Part 1 - Public

Recommendation to Cabinet



Cabinet Member	Matt Boughton – Leader Kim Tanner – Cabinet Member for Finance and Housing
Responsible Officer	Management Team
Report Author	Sharon Shelton – Director of Finance and Transformation Paul Worden – Chief Financial Services Officer

Risk Management

1 Summary and Purpose of Report

- 1.1 The report of the Management Team provides an update on the risk management process and the Strategic Risk Register. An update is also provided in respect of the work being undertaken within the Council to champion risk management.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The identification, evaluation, and cost-effective control of risks is essential in safeguarding the Council's assets, employees and customers and the delivery of services to the local community.
- 2.3 The Council endeavours to pursue a forward-looking and dynamic approach to delivering services to the local community and will not be averse to taking a degree of commercial risk. However, it will always exercise a prudent approach to risk taking and decisions will be made within the parameters of the Council's internal control arrangements

3 Recommendations

- 3.1 Members are asked to:
- 1) **NOTE** the updates to the Strategic Risk Register since the last iteration with particular emphasis on those risks categorised as RED as shown in Annexes 1 and 1a;

- 2) **NOTE** the service risks identified in Annex 2;
- 3) **NOTE** the responsibilities of the Member Risk Champion as detailed in Annex 3.

4 Introduction and Background

- 4.1 The Risk Management Strategy sets out the Council's risk management objectives and details the roles and responsibilities of officers, Members and the Council's partners in the identification, evaluation and cost-effective control of risks.
- 4.2 The Council's risk management arrangements are designed to ensure that risks are reduced to an acceptable level or, where reasonable, eliminated thereby safeguarding the Council's assets, employees and customers and the delivery of services to the local community. Examples of risk include budget deficit, cyber/data loss, environmental and reputational.
- 4.3 The Council endeavours to pursue a forward-looking and dynamic approach to delivering services to the local community and will not be averse to taking a degree of commercial risk. However, it will always exercise a prudent approach to risk taking and decisions will be made within the parameters of the Council's internal control arrangements, i.e. Constitution, Procedural Rules, etc. These arrangements will serve to ensure that the Council does not expose itself to risks above an acceptable level.
- 4.4 The current Risk Management Strategy was endorsed by this Committee in January and subsequently adopted by Full Council on 20 February 2024. At the last meeting of this Committee in January 2025, due to ongoing work to review and update risk management processes within the Council, Members agreed that the next update of the Strategy would be in September 2025.

5 Risk Management Escalation Process

- 5.1 Effectively risks are assessed/scored in terms of their likelihood/impact.
- 5.2 Any risk evaluated as 'High Risk' (score of 15 or above) will be deemed by the Council to be beyond 'risk tolerance' and to have exceeded its 'risk appetite' and will be escalated immediately. Such risks should be added to the service's risk register and discussed at the earliest opportunity within the Service Management Team (SMT) to inform a decision as to whether this should be escalated to Management Team by the respective Service Director. Management Team should then consider whether the risk is significant enough for inclusion in the Strategic Risk Register and action this if relevant. A record should be maintained of risks discussed at both SMTs and Management Team and the outcome of those discussions.

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

6 Strategic Risk Register

- 6.1 The Strategic Risk Register (SRR) is considered to be a 'live' document and is updated, as often as is required, by the Management Team.
- 6.2 An executive summary of the **RED** risks has been provided at **[Annex 1]** and a full update of the current strategic risks and how they are being managed as at the time of writing is appended at **[Annex 1a]**.
- 6.3 For completeness the risks that were categorised as **RED** at the time of the **January** meeting of this Committee is given below:
- 1) Achievement of Savings and Transformation Strategy
 - 2) Failure to agree a Local Plan
 - 3) Implementation of the Agile software system
- 6.4 Members might recall that, at the meeting of the Committee in January, particular reference was made to the potential emerging risk to arise from the ‘Devolution White Paper’ and Local Government Reorganisation. It was noted that the risk would be assessed in more detail and reported within the regular report to the April meeting. Accordingly, Members will note that a new risk “**Devolution and Reorganisation in Kent Local Government**” has been added and is presently classified as ‘amber’. This could quickly change as further information from government is released.
- 6.5 Since the January meeting took place, Cabinet (on 4 March) received a detailed report in part 2 on the Agile software implementation. The report updated Cabinet on the strategic and operational issues relating to the implementation of the Agile software system and set out proposals for addressing the further delays and growing concerns with this project. Cabinet endorsed a ‘change of direction’ (see minute CB 25/37 04/03/2025) and at the time of writing a managed exit during 2025/26 is being progressed. The risk has therefore been retitled ‘Managed exit from the Agile System’ and due to the complex stage we are now at means that it is classified as ‘red’. It is expected that the level of risk should start to diminish quickly.
- 6.6 The current **RED** risks are now:

- Achievement of Savings and Transformation Strategy
- Failure to agree a Local Plan
- Managed exit from the Agile System

6.7 As usual, notes in red font on the Register identify current mitigations and updates to the strategic risks.

6.8 It is worth noting that although the risk 'Carbon Neutral 2030 Aspiration' remains an 'amber' risk, as we move closer to the 2030 milestone, the risk of non-delivery increases. Members will note that the overall risk score has been increased, albeit that presently it remains an 'amber' risk.

7 Ongoing Service Risks

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

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

7.3 Senior officers undertook mandatory training with the Risk Consultant in October 2024. Risk management appears as an agenda item for all Service Management Teams and Corporate Management Team meetings

8 Risk Champions

8.1 Members are reminded that the Chair of the Audit Committee was nominated as the Member Risk Champion. A description of the role agreed with the Chair is attached at **[Annex 3]**.

8.2 Members will also be aware that from the officer perspective, a number of Service risk champions have been appointed with the Director of Finance and Transformation nominated as the lead officer Risk Champion.

8.3 An officer Risk Management Group was established with the objective of spreading the workload, and word, on the importance of risk management throughout the authority. The group is leading on work to enable the Strategy to be updated by the Committee in September.

9 Financial and Value for Money Considerations

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

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

10 Risk Assessment

- 10.1 Sound risk management arrangements aid the Council in effective strategic decision-making. The Council's approach to risk should be reviewed on a regular basis to ensure it is up to date and operating effectively.
- 10.2 A specific item for 'Risk Management' appears on all Management Team and Service Management Team agendas.

11 Legal Implications

- 11.1 There is a Health and Safety requirement for effective risk management to be in place and the Strategy supports this requirement.
- 11.2 There is also a requirement in the Accounts and Audit Regulations that accounting control systems must include measures to ensure that risk is appropriately managed.

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.

Background Papers	None
Annexes	Executive Summary – Strategic Risk Register Strategic Risk Register Service Risks The Role of Member Risk Champion

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No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
4	Achievement of Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error.	01/04/2017	4	4	16	STS reviewed and updated in line with review of MTFS. Regular reports to update MT and Members. The 25/26 Budget is balanced with small contribution to General Revenue Reserve and significant contributions to Earmarked Reserves for Corporate priorities. s25 statement reported to Members in Feb 25 MTFS updated and reported to Cabinet in February 2025 alongside budget. STS also updated at this point Taking all opportunities to maximise income receipts where appropriate	3	3	9	Exercise to commence in Spring on identification and assessment of savings opportunities for initial review by Cabinet in Summer 2025	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Chief Executive / Director of Finance and Transformation/ Management Team	↔	May-25
5	Failure to agree Local Plan	F, R	Reputational risks around not being able to agree a Local Plan. Impacts around not meeting the timeframe for submission of the Local Plan. Impacts on development management processes through protracted period with no up-to-date plan, likely speculative development. Infrastructure not delivered. Potential for central Government intervention.	04/01/2017	4	4	16	Members are updated via email updates and reports to the Housing & Planning Scrutiny Select Committee Local Plan risk register in place to manage full range of individual risks Ensure that all other policy tools, including 5 year housing land supply evidence, is up to date The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage.	3	3	9	Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning. Regular review of project plan to ensure plan can be delivered within current Government timeframes. Ongoing engagement with Counsel Ongoing engagement with Members including implementation of new engagement strategy Regular analysis of budget position and programme. Maintain staff levels within Planning Policy team to ensure capacity to manage process Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly. Resource available corporately to manage contract and procurement delivery	Improving housing options for local people, whilst protecting our outdoor areas - develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.	Director of Planning, Housing and Environmental Health	↔	Apr-25
12	Managed exit from Agile (This replaces previous risk "implementation of Agile Software") NEW	F, S	Service impacts from level of staff time required to test upgrades, attend training and test data migration Post implementation data issues if transfer is poorly managed	17/03/2025	4	4	16	Regular informal briefings to Cabinet Risk and issue log maintained Internal meetings with staff. Post-implementation review being carried out by internal Audit - live lessons learned being	2	1	2	Revised internal governance Commercial relationship management with IEG4	Digital Strategy	Director of Planning, Housing and Environmental Health		Jun-25

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1	Safeguarding and PREVENT	S, R	Significant impact should a child, young person or adults at risk come to harm, including radicalisation and child sex exploitation, and TMBC are unable to demonstrate appropriate processes are in place with adequate staff resource to ensure safeguarding procedures are consistently being followed.	01/04/2017	3	4	12	<p>The overall responsibility for safeguarding lies with the Chief Executive, rather than individual services.</p> <p>The Council has undertaken the following actions to mitigate risk</p> <ul style="list-style-type: none">Carried out audit review of procedures to identify and address weaknessesProvided training to all licenced Dual, Hackney Carriage and Private Hire DriversProvides a secure database for the recording and sharing of safeguarding concerns.Officer Study Group with safeguarding champions across services who are able to provide advise and support regarding safeguarding issuesDedicated safeguarding officer employed for 2.5 days per week. <p>Training provided to staff</p>	3	4	12	<p>Continue to refer Safeguarding concerns to appropriate agencies where necessary and also raise with partners at the weekly CSU meetings.</p> <p>Complete outstanding actions from the Safeguarding Audits/ Self Assessments.</p> <p>Dedicated Safeguarding Officer now in post.</p>	Safeguarding Policy	Chief Executive		Jun-25
2	Financial position/budget deficit	F, R	<p>Financially unstable organisation. Failure to deliver a balanced budget, detrimental impact on quality of service, increased intervention and/or s114 notice.</p> <p>This includes</p> <ul style="list-style-type: none">Failure to maximise New Homes Bonus (for as long as it exists).Assessment of the current economic implications of higher inflation and interest ratesFailure to deliver identified savings / Additional income	01/04/2017	3	4	12	<p>The Council provides an annual statement (as a minimum) on the following areas;</p> <ul style="list-style-type: none">Treasury Management and Investment Strategy.Robustness of estimates and adequacy of reserves (s25 statement)Medium Term Financial Strategy (MTFS)Savings and Transformation Strategy (STS) <p>Statement of Accounts containing Audit and Value for Money Opinion. 2023/24 accounts closed in accordance with statutory requirements, and a positive position from External Audit noted.</p> <p>Growth in business rate income above baseline is assisting overall financial position in year 24/25 . This is expected to continue in 2025/26.</p> <p>The Council also considers it has the following</p> <ul style="list-style-type: none">Effective Budgetary control and reporting procedures covering areas such as Leisure Trust Utility costsEffective monitoring covering Business Rates and Council Tax income including reporting to the Kent Pool.Regular reviews undertaken on the forecast of the Local Government Settlement. Responses have been made to consultations so far and will continue as new consultations are issued <p>2023/24 outturn was positive, mainly due to continued high interest rates. This has enabled some additional funds for reserves serving important priorities, but cannot provide a long term solution.</p> <p>Minimum level of General Revenue Reserve maintained at £3m. In addition, a Budget Stabilisation Reserve is held.</p> <p>Update of MTFS presented to Members in February 2025 Budget meeting. Current financial position within MTFS shows balanced budget for final year. This is after allowing for assumptions made on long term resourcing issues covering Funding Reform, Business Rates reset and allows for increased contract costs on major council contracts.</p> <p>Budget monitoring to date shows overall budget on track, although individual areas need careful review and attention</p>	3	3	9	<p>Continued budget monitoring during year and actions put in place to address overspending areas, e.g. homelessness. In addition, through budget 2025/26, consider increased budget pressures and how they will be met.</p> <p>It has always been anticipated that once local government Funding Reform has been undertaken, the position will dramatically switch and expenditure will outstrip external funding. Therefore savings needs to be made in order to ensure that by the end of MTFS we have a balanced budget again. Under new government, national priorities and actions need to be carefully tracked.</p> <p>Ensure that Business Rate income is maximised for benefit of TMBC prior to any Reset by any incoming Government (expected 26/27)</p> <p>Update of MTFS presented to Members in February 2025 as part of budget setting showed expected funding gap to be £2.8m. This can be broken down into tranches over next 4 to 5 years with first tranche of £600k to be achieved by 1 April 2026. As part of Annual Service Delivery plan, reporting back to Cabinet in Summer 2025 with options for delivering some of the £600k</p> <p>Continue to respond to any consultations in respect of LG finances.</p> <p>Waste, Homelessness and Local continue to be service areas of financial pressure and are being managed carefully.</p> <p>MT and Cabinet continuing to work to consider the best way of delivering transformation which could also to assist with identification and delivery of efficiencies</p> <p>Carefully review any knock on implications from upper tier spending and funding decisions and where appropriate consider action to address this. Council will need to plan for potential for borrowing in relation to replacement of Angel Leisure Centre. Reports due to come to Members in first part of 2025/26.</p> <p>Continue to actively monitor in year budgets to enable swift action as needed</p>	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Director of Finance and Transformation		May-25



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3	Performance Management	F,R,S	Without an effective performance management framework in place, the authority will not be able to monitor delivery, understand any required improvements or achieve value for money for our residents.	30/08/2023 (separated from Corporate Plan)	3	3	9	Having now been established for over 2 years, a review of performance management was undertaken and reported to O&S and Cabinet in November 2024. Improvements have been made in terms of reporting, as well as strengthening the link between the Corporate Strategy 2023-27 and delivery through the Annual Service Delivery Plan 2025/26 which comprises approximately 70 priority actions and 60 KPIs and was adopted by Cabinet in February 2025.	1	3	3	The streamlined reporting process is being implemented during Q3, with quarterly reports going to Management Team, O&S and Cabinet and this process will then be used from 2025/26 when the Annual Service Delivery Plan replaces the current list of KPIs. An annual Member Report will also go to the relevant Scrutiny Select Committee which highlights achievements over the previous 12 months and future plans.	One of the priorities in the new Corporate Strategy is "Efficient services for all our residents, maintaining an effective council"	CE/MT	↔	Jun-25
4	Achievement of Savings and Transformation Strategy	F, R, S	Failure to meet objectives and/or make savings. Impact on quality of service, budget overspends, salami slicing, etc. staff motivation impacted and increased risk of fraud or error.	01/04/2017	4	4	16	<div>STFS reviewed and updated in line with review of MTFS. Regular reports to update MT and Members. The 25/26 Budget is balanced with small contribution to General Revenue Reserve and significant contributions to Earmarked Reserves for Corporate priorities. s25 statement reported to Members in Feb 25</div> <div>MTFS updated and reported to Cabinet in February 2025 alongside budget. STS also updated at this point</div> <div>Taking all opportunities to maximise income receipts where appropriate</div>	3	3	9	Exercise to commence in Spring on identification and assessment of savings opportunities for initial review by Cabinet in Summer 2025	Priority in the Corporate Strategy of "Efficient services for all our residents, maintaining an effective council"	Chief Executive / Director of Finance and Transformation/ Management Team	↔	May-25
5	Failure to agree Local Plan	F, R	Reputational risks around not being able to agree a Local Plan. Impacts around not meeting the timeframe for submission of the Local Plan. Impacts on development management processes through protracted period with no up-to-date plan, likely speculative development. Infrastructure not delivered. Potential for central Government intervention.	04/01/2017	4	4	16	<div>Members are updated via email updates and reports to the Housing & Planning Scrutiny Select Committee</div> <div>Local Plan risk register in place to manage full range of individual risks</div> <div>Ensure that all other policy tools, including 5 year housing land supply evidence, is up to date</div> <div>The Council has decided to continue progressing the Local Plan under the current legislative and National Planning Policy Framework. It will be critical that the new plan is prepared in compliance with the regulatory framework and relies on a robust evidence base that meets the requirements of the NPPF so that the plan can be found to be sound at the examination stage.</div>	3	3	9	<div>Regular review of Government policy announcements that may impact on delivery, including housing standard methodology and WMS relating to Planning. Regular review of project plan to ensure plan can be delivered within current Government timeframes.</div> <div>Ongoing engagement with Counsel</div> <div>Ongoing engagement with Members including implementation of new engagement strategy</div> <div>Regular analysis of budget position and programme. Maintain staff levels within Planning Policy team to ensure capacity to manage process</div> <div>Regular analysis of programme - within Policy team on a weekly basis, reporting to Head of Planning/DPHEH bi-weekly.</div> <div>Resource available corporately to manage contract and procurement delivery</div>	Improving housing options for local people, whilst protecting our outdoor areas - develop a Local Plan which will ensure the provision of new homes in appropriate locations, focusing on tackling the need to deliver a range of housing for the whole community.	Director of Planning, Housing and Environmental Health	↔	Apr-25



No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
6	Organisational development inc. staff recruitment and retention/skills mix. Impact of loss of capacity caused by recruitment difficulties upon delivery of corporate objectives. Increase in rate of inflation and consequent pressure on level of pay award.	F, R, S	Lack of resources or the right skills to deliver required outcomes, loss of key professionals/senior officers due to pay constraints and pressures, reduced staff morale and quality of work, leading to financial loss, reputational damage and detrimental impact on staff wellbeing.	01/04/2017	3	4	12	<p>Review of staff resources and skills via service reviews.</p> <p>Organisational structure reviews are part of S&TS to achieve efficiency, coordinated service delivery and reflect changing legislative and policy requirements and priorities.</p> <p>The Council implemented it's Market Supplement policy in October 2023.</p> <p>At present all 'qualified' Planning Officer roles receive a market supplement. Vacant Planning Officer roles are advertised with a 'Golden Hello' payment.</p> <p>Specific workstream on Building Control due to Building Safety Act requirements for all surveyors to be recertified - looking at different certification routes and HR processes for staff.</p>	3	4	12	<p>Succession planning and staff development to be prioritised and reflected in an updated appraisal process by 1 April 2025.</p> <p>Engagement of agency staff, external consultants and specialists where required. Reviewed by MT on a monthly basis to ensure Value for Money.</p> <p>Resilience and rationalisation of existing structures.</p> <p>Pay award for 2025/26 for all staff. GP Committee to consider proposals in January 2025.</p> <p>Structural reviews approved by Members on an ongoing basis.</p> <p>Workforce Strategy approved by General Purposes Committee in June 2022. Revised version to be considered by General Purposes Committee in final quarter 2024/2025.</p>	HR Strategy Savings and Transformation Strategy	Director of Central Services and Deputy Chief Executive/ Chief Executive		Jun-25
7	Health and Safety	F, R, S	Significant reputational impact should a service user, officer, member or contractor come to harm and TMBC are unable to demonstrate appropriate processes were in place.	01/04/2017	3	4	12	<p>Lone working policy and service based practices to be continuously monitored.</p> <p>Health and Safety considered by management at weekly SMT meetings.</p> <p>Staff involvement with Health & Safety Group</p> <p>Ongoing review undertaken to react to potential key risk areas.</p> <p>Organisational learning and response to national events.</p> <p>Incident and near miss reporting.</p>	2	3	6	<p>Embedding and dissemination of good practice through staff briefings.</p> <p>Corporate Health and Safety Group (chaired by DPHEH) identifying cross organisational issues with feedback to Management Team and Health and Safety Officer.</p> <p>All services have reviewed all their Health & Safety local Procedures in particular Lone working and service specific risk assessments.</p> <p>Staff survey on H&W completed spring 2021, results reviewed and a future survey will be incorporated into general staff survey approach</p> <p>Corporate Health & Safety Policies and procedures are up to date and reviewed regularly which all staff can access.</p> <p>Continuing focus on risk assessment process including reviews as a result of Coronavirus pandemic. Further staff wellbeing survey to focus on working at home and wellbeing.</p>	Staff wellbeing and customer care underpin the Council's fundamental service and corporate objectives	Director of Planning, Housing and Environmental Health		Ongoing
8	Cyber Security	F, R	Loss of data and legislative breach, leading to financial penalties and reputational impact.	01/04/2017				<p>The Council has; Information Security Policy deployed via Policy Management System.</p> <p>Implemented network security measures including access controls.</p> <p>Considered cyber insurance.</p> <p>Established an Information Governance Group.</p> <p>Appointed a Member Cyber Champion.</p> <p>Rolled out Cyber awareness training to all staff and Members via eLearning.</p> <p>Deployed 'Next generation' Palo Alto firewall technology for improved visibility and control.</p> <p>Deployed software solution to identify potential confidential data held on file servers.</p> <p>Implemented secure email in accordance with NCSC guidelines.</p> <p>Maintained dual level firewall security with the KPSN gateway being primary and the Council's own firewalls secondary.</p> <p>Implemented Solarwinds Security Event Manager.</p> <p>1 member of IT team obtained Certified Information Systems Security Professional (CISSP) qualification October 2020.</p>				<p>The Council has; Prioritised the resources (both financial and staff) to ensure relevant updates and security mitigations are carried out in a timely manner.</p> <p>Scheduled annual IT Health Check (ITHC), quarterly PCI scans, and monthly vulnerability scans, feeding into remediation plans. Investigating and resolving detected security issues from previous ITHC. New ITHC completed August 2024, including the TMBC Microsoft 365 environment with remediation of security improvements underway. Next ITHC scheduled for August 2025</p> <p>Regular email messages are sent out to all staff and Members on cyber security vigilance.</p> <p>Continuing to investigate emerging threats and cyber alerts, communicating with 3rd party suppliers to check compliance/obtain security updates and implementing mitigations as required to reduce likelihood of compromise.</p> <p>Training for IT staff on security aspects of Cloud environment is underway.</p> <p>Investigating further improvements to DR capability with specific regard to recovery from cyber incidents.</p> <p>Ensuring new staff have been invited to undertake training cyber security training. Further training and audits will follow to ensure the Council is as aware and prepared as possible to respond to potential</p>	IT Strategy	Director of Finance and Transformation		Jun-25

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
	Cyber Security. Continued				3	4	12	<p>Implemented cloud backup and DR facilities to improve resilience; and embedded cyber security into DR and BCP processes.</p> <p>Continued to monitor Cybersecurity alerts via LGA Cyber Security email; through membership of NLAWARP and CISP; and attending information sharing events such as Kent Connects Information Security Group.</p> <p>Cloud based web and email filtering has been deployed to improve availability and resilience.</p> <p>Completed firewall ruleset review following migration to Cloud to ensure our configuration is in line with best practice guidelines. Done Annually at ITHC</p> <p>Carried out phishing simulation exercises for awareness training for staff and members, to highlight areas of risk and to identify training needs. Subsequent online training sent out to all staff and members.</p> <p>Developed and deployed wallpaper/ lock screen to all TMBC laptops and PCs, with cyber security reminder to further reduce risk by increasing awareness.</p> <p>Head of IT appointed Senior Information Risk Owner (SIRO) from October 22. This role has responsibility for information and data risk and protection.</p> <p>Obtained Cyber Essentials accreditation in May 2025, demonstrating that our technical controls are designed to defend against the most common cyber threats.</p> <p>NCSC approved cyber security training has been evaluated and made available via the Council's new LMS.</p> <p>Achieved 'Substantial' rating for Cyber Security at Internal Audit Report TM19-2023 & TM07-2023 - Cyber Security and ICT Infrastructure (Combined Report).</p> <p>An in-depth phishing training package, to highlight specific risks and increase staff awareness, was deployed to all staff and followed up by phishing simulations to check effectiveness of training.</p> <p>PCI DSS accreditation achieved to demonstrate that standards have been met by the Council with compliance of the PCI DSS standards to help protect sensitive payment card information and help reduce the risk of data breaches and fraud.</p> <p>Obtained Cyber Essentials Plus accreditation in October 2024, demonstrating that our technical controls are designed to defend against the most common cyber threats which were independently checked and verified.</p> <p>Utilising Microsoft Defender for Cloud to further enhance security of the Council's Azure IaaS infrastructure.</p> <p>Operation member of the IT team to be trained in the Certified Information Systems Security Professional (CISSP) qualification to ensure there is a higher knowledge of security within the team - Staff member qualified in Jan 2025</p> <p>Maintain and using the new government framework Cloud Assessment Framework (CAF) to ensure critical systems are documented and robust. - CAF readiness and assessments completed in line with the first Government adoption programme</p>	3	3	9	<p>cyber attacks.</p> <p>Procured NCSC approved cyber security training for staff and members, deployed during 2023, continued training throughout 2024 and re-procured for 2025</p> <p>As at June 2024, All staff, with exception of new starters have completed Cyber Training, As of March 2025 29 Members have completed the training, a further 9 have started but have yet to complete leaving 5 members yet to start.</p> <p>Phishing simulations are carried out on an ad-hoc basis, without prior notification, to check effectiveness of training, and as regular assurance of staff and member awareness.</p> <p>Maintaining of industry standards, PCI DSS, Cyber Essential and Cyber Essential Plus annually to ensure that any changes in the IT environment still demonstrate that our technical controls are designed to defend against the most common cyber threats.</p> <p>Enrolment and management of devices in Intune is now live. It has replaced SCCM for deployment of all line of business apps to PCs and laptops, and Microsoft Defender for Endpoint is being used to leverage additional security features including network blocking when malware is detected and enforcement of encryption on laptops and removable media.</p> <p>Test restore to sandbox environment carried out to validate our ability to recover successfully from a cyber incident. Areas for improvement identified, documentation of process underway and training for all technical support staff planned for Q4 2024/25.</p> <p>Continued ongoing development training to ensure that knowledge is kept up to date.</p> <p>Investigating preventative analysis, monitoring and remediation of suspected malicious network activity and NCSC approved cyber incident response retainer services to allow on hand cyber experts to assist with any Cyber Incident that may occur.</p> <p>Investigating and working towards the new government framework Cloud Assessment Framework (CAF) to ensure critical systems are documented and robust.</p> <p>Run regular simulations for Cyber readiness to ensure all staff are prepared and understand their roles during incidents.</p>				

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
9	Business Continuity and Emergency Planning (incl. Civil Contingencies)	F, R, S	Failure to provide statutory service or meet residents' needs resulting in additional costs, risk of harm and reputational impact. Impact/pressures on services and resources. Failure to ensure proper safeguards to prevent or to respond adequately to a significant disaster/event e.g. terrorist attack at a large scale public event , fire or flood	updated January	3	4	12	The Council has in place; Business Continuity Plan. Corporate Business Continuity Risk Register Emergency Plans Disaster Recovery Plans Inter-Authority Agreements Mutual Aid Agreement Partnership agreement with Kent Resilience Team. Emergency Planning Support Officer. Duty Emergency Coordinator System and Duty Officer System introduced to provide greater resilience. Covid Secure rest centre plan has been developed Flood Risk Assessments along with Support from Parishes with Flood Wardens EA support for expansion of Leigh Storage Area and works to Medway River Wall	3	4	12	Emergency planning documentation undergoing constant review and key aspects exercised . Increase % of staff trained in roles identified in the Emergency Plan Training organised by Kent Resilience Team . Business Continuity working group established to review and update existing Plan. Updated plan to be considered by Management Team and tested by a training exercise. Duty Officer rota in place to support Duty Emergency Coordinators out of hours. All staff fully trained before commencing duties. Out of Hours Manual reviewed and regularly updated. DSSLTS sits on Kent Resilience Forum Strategic Board. Actions taken in response to the Covid 19 pandemic will be reviewed and lessons learnt for the future. Any approved changes will be reflected in the Corporate Business Continuity Plan. Business Continuity Group including all members of Management Team meets twice weekly to oversee and coordinate response to pandemic. Annual Emergency planning review to be reported to Management Team. Exercising of plans must be undertaken regularly to ensure they are fit for purpose and to validate them. Recruitment into roles in the Emergency Plan is on-going. Enhanced staff training being developed to ensure rest centre staffing levels Funding allocated in Council's Capital Plan to support works to Leigh Flood storage area which will be completed by 2025. Undertake lessons learned from review of Grenfell Tower Inquiry Report Possible partnership working with EA in improving flood resilience in Wouldham linked to the replacement of the river wall.	Business continuity underpins the delivery of the Council's essential services and is a core of the authorities risk management	Director of Street Scene, Leisure & Technical Services		Jun-25
10	Sustained or increasing levels of Housing need.	F, R, S	Increased demand on Housing and Revenues & Benefits services. Significant cost of providing temporary accommodation Inability to meet our legislative requirements - increased risk of decisions being challenged.	01/04/2017	4	3	12	TMBC run Welfare Reform Group with partner agencies invited. Knowledge sharing and issue identification. Council has joined the ReferKent network Working with owners to bring long term empty properties back into use. Ongoing work on Empty Homes is being supplemented by fixed term resource. Council in February 24 agreed empty homes premium and second homes premium. EQIA assessment of key decisions included in all Board reports. Signposting now to UC rather than HB for new working age claimants. Keeping track of welfare statistics CTR Scheme approved for 24/25 . Downsizing incentive policy agreed Homelessness services externally reviewed and Member approved action plan being implemented	3	3	9	Improved working with TA providers leading to more guarantees of available accommodation and developing a TA Procurement Strategy Improved working with main housing provider to identify trends/specific cases across borough to jointly agree approach to preventing homelessness using housing provider mechanisms, DHP payments and homeless prevention funding where needed. Development of council owned/leased temporary accommodation portfolio - including delivery of the Local Authority Housing Fund £1.6m funding received. Continue to facilitate Welfare Reform group and widen participation from external partners so as to ensure best support for those affected by welfare reforms in T&M. Work with Kent councils collaboratively to ensure grants and support targeted to those most in need Continued focus on homelessness prevention through staff training, team structure and delivery of homelessness action plan Distribute latest Household Support Fund	Improving housing options for local people, whilst protecting our outdoor areas of importance use every power we can to support those who are most in need of housing support and at risk of becoming homeless	Director of Planning, Housing and Environmental Health/ Director of Finance & Transformation		Jun-25

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
11	Political factors including stability of political leadership and decision making	F, R	Decisions required to achieve objectives including corporate strategy and savings and transformation may not be made and therefore required savings not achieved.	01/04/2017	3	4	12	Close liaison with Leader, Deputy Leader and Cabinet in developing the Savings & Transformation Strategy. Clear and comprehensive reports to support Members in making appropriate decisions to support the S&TS. Regular Group Leader meetings in place and stability of leadership following election. Regular pattern of informal MT/Cabinet meetings to provide stability and cohesiveness	3	3	9	Member briefings and training sessions.	Underpins delivery of overall strategy and Savings and Transformation.	Chief Executive		Jun-25
12	Managed exit from Agile (This replaces previous risk "implementation of Agile Software") NEW	F, S	Service impacts from level of staff time required to test upgrades, attend training and test data migration Post implementation data issues if transfer is poorly managed	17/03/2025	4	4	16	Regular informal briefings to Cabinet Risk and issue log maintained Internal meetings with staff. Post-implementation review being carried out by internal Audit - live lessons learned being	2	1	2	Revised internal governance Commercial relationship management with IEG4	Digital Strategy	Director of Planning, Housing and Environmental Health		Jun-25
13	Carbon Neutral 2030 Aspiration	F, R, S	Significant reputational risk, particularly if other similar councils have achieved similar goals or targets. Significant financial cost to purchasing offsets to meet carbon neutral. High cost of increased frequency and intensity of extreme events (floods, heat waves) that increase costs and disrupt service delivery.	01/09/2023	4	3	12	Development of climate evidence (e.g. for the Local Plan), partnerships (residents, community and other Councils) and pathway analysis to support move towards transformative and larger-scale emissions reductions. Produce advice on decarbonising new waste collection contract. Increased contributions to Climate Change Reserve to Support match funding as well as capital projects. Grant Award received for Energy Efficiency measures for Sports Facilities. Total grant award of £1.6m will support installation of LEDs, solar PV and a heat pump at Larkfield Leisure Centre, reducing vulnerability to energy price variations and tackling a significant source of carbon emissions. Grant Award received for Energy Efficiency measures for Sports Facilities confirmed got Poulton Wood Golf Course to be installed in 2025/26.	3	2	6	New strategic planning, oversight and commitment by Members, senior management and services to ambitious actions beyond 'business as usual'. Improved understanding of financial returns from climate mitigation measures that can be reinvested. Innovative thinking and delivery of services and mitigation options. Gap analysis report endorsed at Overview and Scrutiny Committee January 24 Funding is dependant on successful applications and awards being achieved, otherwise Council Resources will be needed. Successful delivery of decarbonisation projects using grant funding. Ensure all delivery, project and monitoring milestones set by funders are met.	Climate Change Strategy 2020 - 2030, Corporate Strategy 2023 - 2025	Chief Executive		Jun-25
14	Contract/Contractor Procurement	F, R	Failure to appoint suitably experienced and qualified contractors leading to poor quality of service, reputational damage and increased costs to the Council.	01/02/2024	2	3	6	Compliance with Council's adopted Procurement Rules and Strategy. Consultation undertaken with Property and Legal Services to ensure appropriate Lease/License/Contract arrangements are in place. Procedure adopted and monitored for the engagement of contractors setting out and seeking minimal requirements including Risk Assessment and Public Liability. Establishment of cross-departmental working groups for key contracts and projects. Contracts awarded on an evaluation of 'most economically advantageous' and 'best value' and not solely on financial benefit. Directorate representatives on the Council's Procurement OSG. Use of Mid-Kent Procurement Partnership Use of specialist advisors on major contracts. Contracts to include break clause and/or extension periods based on performance. Use of contract frameworks where appropriate. Risk assessment approach to appointment of contractors.	1	3	3	Corporate Procurement Strategy adopted Procurement documentation being reviewed. Cabinet 2 April for procurement resources through Mid Kent Partnership agreed Corporate Training progressing for staff and Members Annual report to audit committee on procurement performance Compliance with new Procurement Act regulations Review level of legal resources for supporting contract procurement	Procurement Strategy. Compliance with legislation. Health and Safety.	Director of Street Scene, Leisure & Technical Services		Jun-25

Direction of Travel key



Downward or positive movement



No change in movement



Upward or negative movement

No	Risk Title	Risk Type	Consequences	Date identified	Likelihood Score (1-6)	Impact score (1-4)	Overall risk score	Current Mitigation	Desired Likelihood Score (1-6)	Desired Impact score (1-4)	Desired risk score	Actions required to ensure mitigation remains	Links to Corporate Objectives / Strategies	Lead on behalf of Management Team	Direction of Travel	Review Date
15	Devolution and Reorganisation in Kent Local Government	F, R	Uncertainty about future operating models and changes / opportunities in responsibilities or service provision leading to financial pressures, impact on quality of services, reputational damage. New Unitary Council being burdened with historic County Debt Maintaining core Current Council services during the transition and delivery of Council Priorities and Annual Service Plan Current Council priorities & projects undermined by future spending constraints Staff concerns: scale of change & securing a job in new structure Not being aligned with other Councils forming the new unitary The current council may not having sufficient capacity (financial, staffing and project mgmt.) to manage the transition process and carry out Business as Usual (BAU) Is there a risk towards shorter-term thinking (Political Thinking) Risk of Forward Planning being linked to changes in long term organisation	Feb-25	4	3	12	Mitigation will be subject to legislative agenda. Dependent on the accounting records for the debt, whether attributed to specific assets or distributed on Population base Work on certain services will be cross cutting and staff could be seconded to prepare for unitary works therefore leaving ongoing services with reduced support. Regulation 24 will prevent excessive spending from a given date. Major Capital Works (replacement for Angel and Temp Accommodation) will need to be agreed and letter of intent issued prior to this date. Issues around staff retention and appointment needs clarification in accordance with legislation rather than through rumour. Changes in recent elections have changed political control of authorities and therefore a potential wider mix of Political Parties. Link to Core service provision Will depend on 'go-live' date on how matters schemes are progressed or deferred.	4	3	12	Will depend on legislation and accounting records held Planned resources priorities, both frontline and support staff areas in order to maintain service provision. Clear project management of major schemes, showing milestones for achievement. Regular reporting to Members and Management. Open and Transparent communications with staff on progress and potential impact on staff. In regards to recruitment issues working with Neighbouring boroughs could allow cross working or mentoring. Pro active engagement with other authorities and seek alignment on systems during the transition process. Utilisation of Transformation Reserve, Project Groups including secondment, external expertise.	All Strategies	Chief Executive	NEW	Jun-25

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

	Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
Central and Exec	Homes For Ukraine Scheme	Ongoing home assessments and support for Ukrainians hosted under the Homes for Ukraine Scheme. There is a risk of homelessness and duty to place in TA, therefore work needs to be undertaken by the Resettlement Worker to support with sustainable living arrangements.	Ongoing.	Conflict in Ukraine continues and new arrivals into the borough are ongoing. HFU visas are for 3 years and there is now an option to apply for an 18 month Ukraine Permission Extension once the HFU visa expires. All new hosts/houses must be checked and welfare visits undertaken. Rematches via the HFU scheme are unsustainable in the longer term and work needs to be undertaken to support families into PRS or rent a room agreements.
	Successful delivery of the UK Shared Prosperity Fund Programme (inc. Rural England Prosperity Fund)	Having had our initial three-year T&M Investment Plan approved by MHCLG in 2022, implementation of projects required for period up to March 2025). A one-year extension (to March 2026) was awarded in late 2024.	Ongoing.	As of 13 March 2025, the UKSPF Programme is 95% spent, with an expectation that this will reach 100% by the end of the financial year. Approval has been secured for the 2025/26 programme. The REPF Programme is currently 85% spent, with 5 projects (out of the 39) still to complete by the end of the financial year. It is expected that the programme will be around 97% spent by the end of the financial year. Approval has been secured for the use of REPF funds towards the West Kent Rural Grant Scheme in 2025/26.
	Gibson Building - unable to deliver financial saving which has been assumed within MTFS	Cabinet agreed in Sept 2022 that the main offices of the Council should remain located at Kings Hill and that Officers should investigate the feasibility of progressing option 4 set out in the report.	Updated	Need to keep under review to ensure that changes in office accommodation deliver value for money and deliver identified savings. Deal now agreed with KCC in respect of covenants, subject to completion of legal agreement. Risk of capital cost for works to Gibson East exceeding previously agreed budget.
	Tonbridge Castle Gatehouse Roof - costs of resolving roof issue	Water ingress from roof in Great Hall. Feb 2023 rot discovered in roof beam ends. Facility now open following completion of remedial works in July 2023. Permanent works in autumn 2024 to now be scoped	Ongoing	Extent to permanent works required still unknown and therefore operational and financial risk remains

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

Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
IT Security (formerly COCO Compliance)	Review of IT Infrastructure identified several areas of weakness for IT standards compliance	Ongoing	Number of risk removed, expected that remaining risks, once removed, will allow full compliance.
Economic Stability	Economic issues surrounding Council Finances	Ongoing	Part of Strategic Risk Register.
Staffing	Year end processes are a significant demand on staffing resources.	Ongoing	This has been exhibited but staff shortages at the present time. Workloads will be monitored closely to ensure service delivery maintained.
Corporate Insurance	Increases and changes to premiums for 2024/25 and 2025/26 insured year	Ongoing	The Councils Insurers have made changes to the charges included within the premiums. Therefore changes will be required to capital and revenue project evaluations to include insurance assessment.
Payroll	Key information being supplied to Payroll in a timely manner, causing risk of staff and members not being paid.	Ongoing.	The Payroll Team pay over 250 Staff and Councillors on a monthly basis. Due to the date of payment, being the closest working day to the 15th of the month, information to be included in the pay run must be received no later than three working days into the month. In recent months some delays have occurred on the submission of data due to incomplete or incorrect information being supplied. this has jeopardised the payment to all staff requiring addition unsocial hours to be worked by the payroll team.
IT Resources	Resource capacity for both Development and Technical Staff	Ongoing	The current demands on IT Staff are placing increased pressures on the resource capacity given competing demands of corporate systems being reviewed and implemented, namely the move from Agile to IDOX.
Street Naming and Numbering	Resourcing within Team	Ongoing	This remains a risk due to the reversion from Agile to IDOX
GDPR Compliance findings	Redacted information being stored with unredacted information	Ongoing	Access being restricted and will be removed once uniform is fully deactivated.
Annual Billing (Council tax, business rates and annual Housing Benefit Statements)	Preparation, printing an despatch of 57,000 council tax bills and 3,800 business rates bills following Full Council 18 Feb 2025, and 3,400 annual Benefit Statements	New / Complete	All bills and statements prepared, printed and dispatched by the end of March 2025.
Back Scanning	Additional requirements identified requiring additional funding, this was identified and included within the approved revised estimate, the remaining scanning is now underway.	Ongoing	Review of volumes being undertaken to assess resource need to enable Gibson East redevelopment.
Supported Accommodation	The Supported Housing (Regulatory Oversight) Act 2023 came in to force August 2023. Assessment of the act has been ongoing and a consultation on how the act will regulated in practice. The practice is likely to involve a Licensing duty for the responsibility of the Council. Further implications could effect Housing Benefit payments to Landlord where care levels are considered to be unsuitable for the tenant.	Ongoing	Further investigation work will need to be undertaken following the practice regulation are issued, this will involve potentially new service staffing and income to the council. Greater working relationship with Adult Social Care Services will need to be considered and protocols arranged.

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

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

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

Street Scene, Leisure and Technical Services	Risk Identified	Background	Removed or ongoing	Reason for removal / ongoing
	Phone Signal	CEOs having difficulty enforcing parking in Tonbridge and customers having issues accessing Ringo due to deterioration in mobile phone signal.	Ongoing	Multi-network sim cards issues to CEO's and liaison taking place with service providers. Contactless card payments currently being reviewed.
	Garden Waste invoices	Delay in invoices being issued to subscribers wanting to renew due to IT issues.	Ongoing	Financial Services reviewing use of recurring payments.
	Utilities costs	Significant energy price increases at leisure centres is resulting in financial cost to the Council under the risk sharing agreement in the Management Agreement with the Trust.	Ongoing	Trust providing regular updates via Strategic/Service Fee meetings - cost of swim charges increased to help contribute to additional cost, energy saving initiatives being investigated and implemented and central government being lobbied. Government grants applied for successfully to reduce utility costs e.g. solar panels and air source heat pumps.
	CEO Recruitment	Difficulties in recruiting into CEO posts resulting in reduced patrolling and income generation.	Ongoing.	Vacancies needing to be advertised on an ongoing basis. Four posts are currently not filled.
	KRF Review	The KRF have undertaken a review and plan to make adjustments to how the forum operates.	Ongoing.	Risks associated with increased responsibility being undertaken by LA's. Many Kent Chief Executives are recruiting dedicated full-time resource to enable work to be developed and maintained. This appears to be requiring LA's to delivery work areas that were historically delivered through the KRF and KRT.
	Business Continuity & Emergency Planning	The current structure of the LRF and legislation has been added to. The Kent Resilience Forum has undergone review with significant changes to how the Kent Resilience Team will provide support and guidance to Local Authorities. The UK Government has also recently published a new 'UK Government Resilience Framework'. Further guidance is expected but the theme is around increasing locally led resilience and planning at the LA level. Additional recommendations have now been published in relation to the Grenfell Tower Enquiry. These are likely to be included with the review of the CCA.	Ongoing	Need to track new guidance and review how we contribute and participate in the Kent Resilience Forum. We also need to be able to ensure that we maintain a fit-for-purpose organisation to enable suitable response.

Member Risk Champion

Appointment of Member Risk Champion

Following a recommendation from the Audit Committee, Cabinet agreed to appoint the Chair of the Audit Committee as the Member Risk Champion at its meeting on 12 November 2024 (minute CB 24/108 refers).

Roles and Responsibilities

The overall purpose of the role of the Member Risk Champion is to promote, encourage, challenge and drive improvement of the Council's Risk Management processes. The Champion will work closely with Member colleagues and officers in meeting the risk management responsibilities.

As stated above, the Risk Champion at the Council is the Chair of the Audit Committee. They should be prepared to provide regular updates at every meeting of the Committee in respect of their work as Risk Champion, as appropriate.

The main responsibilities of the Member Risk Champion are:

- to promote the Council's Risk Management Strategy and acting as a recognised point of contact for risk related questions.
- to help ensure the Council's risk management systems are operating effectively and to report to the Audit Committee as to the robustness or otherwise of those systems.
- to encourage Member colleagues to raise the profile of risk at both formal and informal council meetings thereby embedding the risk management throughout the Council.
- to raise and maintain an awareness of all matters connected with risk management.
- to take a lead role in the development of all members in relation to risk management

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LOCAL LETTINGS PLAN (LLP) POLICY

Item HP 25/22 referred from Housing and Planning Scrutiny Select Committee of 20 May 2025

A new Policy setting out approach to Local Lettings Plans (LLPs) for affordable housing in partnership with Registered Providers was outlined and attached at Annex A. A Local Lettings Plan template was also attached at Annex B.

The implementation of the proposed Policy would deliver a consistent approach to the use of LLPs on new affordable housing delivery. The process for shortlisting was detailed in 5.2 of the report and priority would be given to households with a local connection and aimed for 50% of lettings to economically active households.

Due regard was given to the financial and value for money considerations, the assessed risk and legal implications outlined in the report. Members sought clarification on the 'economically active' criteria with particular reference made to single parent households. It was explained that economically active was defined by permanent paid employment or work-based training and there was no special exemption for single parent households.

It was proposed by Cllr King, seconded by Cllr Palmer and

***RECOMMENDED:** That

- (1) the Local Lettings Plan Policy and template (attached at Annexes A and B respectively), including amended ward groupings into sub-housing market areas (as set out 5.3 of the report) be approved; and
- (2) delegated authority be given to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Housing, Environment and Economy, to make any minor amendments to the Local Lettings Plan Policy and/or template as experience in using them developed further.

***Recommended to Cabinet**

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Housing and Planning Scrutiny Select Committee

20 May 2025

Part 1 - Public

Matters for Cabinet - Non-key Decision



Cabinet Member	Cllr Kim Tanner, Cabinet Member for Finance & Housing
Responsible Officer	Eleanor Hoyle, Director of Planning, Housing & Environmental Health
Report Author	Gillian Aylett, Housing Strategy & Enabling Manager

Local Lettings Plan (LLP) Policy

1 Summary and Purpose of Report

- 1.1 This report outlines a new Policy (**Annex A**) setting out an approach to Local Lettings Plans (LLPs) for affordable housing in partnership with Registered Providers, along with a Local Lettings Plan template (**Annex B**). The financial implications of this paper relate to staff time and resource.

2 Corporate Strategy Priority Area

- 2.1 Improving housing options for local people whilst protecting our outdoor areas of importance.
- 2.2 Within local lettings plans we prioritise households with a local connection to the area immediate to a development.

3 Recommendations

- 3.1 Approve the Local Lettings Plan Policy and Local Lettings Plan template, including amended ward groupings into sub housing market areas.
- 3.2 Delegate to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Finance and Housing to make any minor amendments to the LLP Policy and/or template as experience in using them develops further.

4 Introduction and Background

- 4.1 Local Lettings Plans (LLPs) give a framework for allocating homes outside the Housing Allocation Scheme to address local priorities or issues. A report outlining an approach to using LLPs went to members in February 2020, including prioritisation of households with a local connection to the area immediate to developments and an aim of 50% of lettings to economically active households.
- 4.2 On some developments conditions are included in planning permission or a S106 agreement which can be achieved through an LLP. For example, Schedule 3, 1.1 of an amendment of the Section 106 agreement (March 2015) for the Peters Village development states “A local lettings plan will be agreed between the Council and the Owner (or other manager of the Affordable Rented dwellings) that will prioritise those households with a local connection to the adjacent wards of Wouldham, Burham and Eccles who will also have to meet the Council’s applicable housing allocation criteria for Affordable Housing”. Requirement for Local Lettings Plans are now included in S106 agreements for developments due to provide 10 or more affordable homes.

There may be circumstances where this is not appropriate or an existing S106 does not include the requirement, which will be handled on a case by case basis by the Planning case officer and Housing Strategy and Enabling Manager.

- 4.3 Any other aims a Registered Provider (or other manager of affordable housing provision) wishes to include in an LLP will be considered on a case by case basis.
- 4.4 The Housing Allocation Scheme refers to local lettings policies in section 5 setting out they may be used to make affordable housing available to a range of priority bandings across the register towards creating mixed and sustainable communities rather than concentrations of those with support needs.
- 4.5 The approach to Affordable home ownership sales is also captured in the LLP seeking to prioritise local households wherever possible.
- 4.6 LLPs have been agreed with several RPs over recent years including Town and Country, Moat, Orbit and Golding Homes. The process of agreeing LLPs and applying them to the occupation of new homes has given insight into the results of LLPs and how they interact with a range of factors including volume of delivery, demand and register numbers. The following are some examples of LLP criteria relating to recent rented homes delivery.
- 4.7 Winterfield Lane development also known as Orchard Mill, with Moat

There is an [LLP agreed with Moat](#) for the 100 homes at this development, 70 provided as Affordable Rent and 30 for Shared Ownership sale. During 2024-25 31 rented homes (20 flats and 11 houses) and 12 Shared Ownership homes have been completed. The 31 rented homes included 20 flats, both 1bed flats and 2bed flats across two blocks, along with 11 houses comprising of 4 x 4bed houses and

7 x 3bed houses. Taking the 3bed houses as an example, the local lettings plan resulted in 6 nominations being households with priority through residency to the sub area and 1 awarded exceptional circumstances, with 2 households from band B and 5 from band C. The three shortlists covering the seven 3bed houses had 41 – 44 bids on each shortlist. Of the seven nominations four were economically active. A total of 17 households were effectively skipped due to not having a local connection to the LLP wards, including 11 band B household, of which 6 were in temporary accommodation. **Annex C** shows a summary of the shortlisting for these seven 3bed houses.

Four 4bed houses were delivered in February 2025, providing another example of the LLP application: 3 x 4beds went to advert on Kent Home Choice and one was used for a direct nomination, with the LLP therefore not applied. Of the three houses advertised there were 13 bids, and all three nominations were for households with local connection priority in line with the LLP, one economically active and two not economically active. Two households were skipped due to not meeting the LLP criteria. This example is shown in **Annex C**.

There have been two blocks of 10 flats completed, taking the first block as an example there were no households with priority through the LLP criteria, with key points of shortlisting process as follows:

- first advertising round resulted in 5 bids for each of the 2bed flats, and no bids for the 2 x 1bed flats with wet room. No households met the LLP, so nominations were made in application date and band order: 2 nominations were made, 1 of which was later refused (and a direct nomination made for this ground floor 2bed flat)
- with 8 flats still available after the first round of adverts (6 x 2bed and 2 x1bed), a second round of adverts resulted in a further 2 nominations, from new shortlists of 8 bids for the 1bed flats and 5 bids for the 2beds but two of these were already nominated from the first shortlists and the remaining three bidding households were housed, so had been offered other tenancies.
- the second round of advertising led to nominations to the 2 x 1bed flats, no households met the LLP local connection criteria so medical need for ground floor and wet room was used to prioritise.
- the remaining 2bed flats were advertised for a third time but there were no resulting nominations, so direct nominations were made to these 6 x 2bed flats. With the ground floor flat, a total of 7 direct nominations were made to this block of 10 flats. No local connection priority applied, economic mix unknown.

4.8 Ditton Edge with Orbit

There is an [LLP agreed with Orbit](#) for 75 affordable homes at this development, comprising of 37 homes for Affordable Rent and 38 for Shared Ownership sale.

Seven 3bed houses for rent and 17 Shared ownership homes (a mix of 1, 2 and 3 beds) have been delivered so far. All seven 3bed houses were advertised on Kent home choice, the most recent group of 5 x 3bed completions received 28- 31 bids for each house, no households met the LLP criteria, so nominations were made by reverting to the top of the shortlist to allocate in application date and band order. The shortlists were then handed back to the Registered Provider to carry out their checks with a view to offering working from the top of the list.

- 4.9 The examples show the range of scenarios that can play out with a LLP in place, with supply, numbers active on the Housing Register, demand and preference for houses rather than flats and affordability all interplaying factors, with some shortlists showing demand outstripping supply and priority in line with the LLP applying to mix nominations, and other homes being advertised several times, with few or no households meeting the LLP and supply outweighing the number of bids.

5 Proposal

- 5.1 Implement the proposed **Local Lettings Plan Policy** set out in **Annex A** to deliver a consistent approach to the use of Local Lettings Plans (LLPs) on new affordable housing delivery.
- 5.2 Council staff will carry out shortlisting, including application of any LLP criteria, to inform nominations to Registered Providers. For large developments it may be agreed with the Registered Provider to jointly resource the shortlisting process.
- 5.3 The areas used for local connection are in the following ward groupings to make up housing sub-market areas:

Sub-area	Wards in sub-area	
Tonbridge	Trench	Higham
	Vauxhall	Judd
	Cage Green and Angel	Hildenborough
Rural East	East and West Peckham, Mereworth and Wateringbury	Bourne
Rural West	Pilgrims with Ightham	Borough Green and Platt
Malling and Kings Hill	East Malling, West Malling and Offham	Kings Hill
	Birling, Leybourne and Ryarsh	
Medway Gap	Larkfield	Aylesford South and Ditton
Rural North	Walderslade	Aylesford North and North Downs
Snodland	Snodland West and Holborough Lakes	Snodland East and Ham Hill

The housing area in which the development is located will be used unless the scale of the development requires an alternative.

- 5.4 **Annex B** gives a draft **LLP template**. It is proposed that this template is adopted for use for all new housing developments providing 10 or more affordable homes as a tool to prioritise households with connection to the area of the development (as defined in the housing allocations scheme) and aim to achieve 50% of lettings to economically active households.
- 5.5 Application of the LLP Policy to occupancy of new homes, including shared ownership sales, will be monitored as part of the implementation.

6 Other Options

- 6.1 Use of LLPs could continue without a Policy in place, although a policy will help set out the Council's approach to occupancy of new affordable homes along with clarifying this to RPs and customers.

7 Financial and Value for Money Considerations

- 7.1 The approach has a resource implication in the form of staff time carrying out the relevant checks and co-ordinating the prioritisation of shortlists. This can be quite involved for large new developments when a number of units complete at a similar time.

This implication will be managed if possible through additional resource from seeking a financial contribution as part of the planning application – see paragraph 9.2. Staff time resources can be mitigated by a schedule of completions and early discussion between Housing Strategy, Housing Options and Registered Providers to agree timescales with staggered delivery of large sites along with use of the template LLP.

8 Risk Assessment

- 8.1 Having an agreed Policy and template LLP will help us deliver a consistent approach to LLPs across the delivery of affordable housing. Processing shortlists in house will provide greater control on the application of the LLP prioritisation and resulting nominations to Registered Providers.

9 Legal Implications

- 9.1 Section 166A(6)(b) of the 1996 Act enables the allocation of particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of Section 166A(3) (to give overall priority to people in the reasonable preference categories). This gives the statutory basis for local lettings policies.

- 9.2 Legal Services advice about an option to charge developers for the administration of LLPs is being sought. We will update Members on this at the meeting.

10 Consultation and Communications

- 10.1 If approved the Policy will be available on the Council's website. A procedure for staff will accompany the Policy, which will be shared with RP staff during joint working on new LLPs and their application at occupancy stage of housing developments.

11 Implementation

- 11.1 The Policy will be implemented once approved.

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.

12.3 Other If Relevant

- None

Background Papers	None
Annexes	Annex A: Local Lettings Plan Policy Annex B: Local Lettings Plan (LLP) template Annex C: Shortlist examples information

Local Lettings Plans Policy

1. Introduction

- 1.1 This Policy outlines our approach to using Local Lettings Plans (LLPs) for new delivery of affordable housing in partnership with Registered Providers to respond to any local issues and priorities and set a pro-forma agreement.
- 1.2 On some developments the planning permission or S106 agreement may include conditions relating to occupation which can be achieved through an LLP.
- 1.3 The TMBC Housing Allocation Scheme refers to local lettings policies setting out they may be used to make affordable housing available to a wider range and variety of households, rather than concentrations of those with particular support needs, to contribute towards establishing balanced sustainable communities.

2. Background - what are local lettings plans?

- 2.1 Local Lettings plans (LLP) give a framework for allocating homes outside the Housing Allocation Scheme to address local priorities or issues. They may be used to achieve a variety of housing management and policy objectives such as creating mixed sustainable communities and can differ from the allocations scheme in various ways such as:
 - giving priority to people with a connection to a certain area
 - allocating properties to applicants in non-priority groups
 - disregarding household type and / or property type and size matching rules, such as allowing under-occupation to promote longer-term tenancies, reduce child density and account for future family growth (in turn reducing the need for transfers).
- 2.2 Section 166A(6)(b) of the 1996 Act enables the allocation of particular accommodation to people of a particular description, whether or not they fall within the reasonable preference categories, provided that overall the authority is able to demonstrate compliance with the requirements of Section 166A(3) (to give overall priority to people in the reasonable preference categories). This gives the statutory basis for local lettings policies.

3. Use of Local Lettings Plans – approach and priorities

Prioritisation criteria

- 3.1 The two priority criteria for inclusion in LLPs for new developments are:
 - A) Local connection to the area immediate to the development giving additional priority
 - B) An aim for 50% of lettings to be to economically active households.

Accessible homes (built to M4(2) with accessible bathroom or M4(3) building regulation requirements) will be prioritised for households with a need for an accessible home ahead of the criteria above.

- 3.2 LLPs will be required as part of planning conditions for all new developments which include 10 or more affordable housing units, to provide an opportunity to respond to any local priorities, issues or specific needs. There may be circumstances where an LLP is not appropriate, this will be agreed between the Planning case officer and Housing Strategy and Enabling Manager.
- 3.3 For the delivery of rented homes the LLP will apply to all new homes at first let. If no households meet the local connection element of the LLP then they will be allocated by reverting to the top of the housing register shortlist.
- 3.4 Any other LLP format or aims a Registered Provider (or other manager of the affordable housing provision) wishes to use or include will be considered on a case-by-case basis.
- 3.5 Accessible homes and ground floor flats will be considered using the above prioritisation criteria and medical need for an accessible or ground floor home. Households with a medical need for an accessible or ground floor home who also meet prioritisation criteria A or B will be prioritised for these homes. Next priority will be to those with a medical need for an accessible or ground floor home, regardless of meeting criteria A or B.
- 3.6 **Areas for local connection** – ward groupings into sub areas
- 3.7 Areas for local connection priority are sub areas consisting of ward groupings as follows:

Sub-area	Wards in sub-area	
Tonbridge	Trench	Higham
	Vauxhall	Judd
	Cage Green and Angel	Hildenborough
Rural East	East and West Peckham, Mereworth and Watlingtonbury	Bourne
Rural West	Pilgrims with Ightham	Borough Green and Platt
Malling and Kings Hill	East Malling, West Malling and Offham	Kings Hill
	Birling, Leybourne and Ryarsh	
Medway Gap	Larkfield	Aylesford South and Ditton
Rural North	Walderslade	Aylesford North and North Downs
Snodland	Snodland West and Holborough Lakes	Snodland East and Ham Hill

- 3.8 The housing area in which the development is located will be used unless the scale of the development requires an alternative option to be considered. The relevant wards will be clearly stated in the LLP agreed with the Registered Provider.
- 3.9 Households in temporary accommodation (TA) will have their local connection considered based on their last settled accommodation before placement in TA, or through family. This is to ensure they are treated fairly, regardless of where they are placed in TA.
- 3.10 Economically active is defined by permanent paid employment or work-based training.
- 3.11 The second prioritisation criteria of 50% of homes to be let to economically active households is based on the permanent employment or work-based training of the lead and/or joint applicant.
- 3.12 Households not able to be economically active because they are not working age, are full time carers or due to a disability or impairment, will not have the economically active element of priority considered, i.e. they will be treated in a neutral way and not bypassed due to not working should they be next in line to be offered in line once the other criteria of this local lettings plan have been applied

4. Template Local Lettings Plan (LLP)

- 4.1 **Appendix A (Annex B** to this report) gives a template Local Lettings Plan. This shows key sections and considerations, but content may vary between each LLP depending on the local issues and priorities each one seeks to address.

5. Monitoring and review

- 5.1 This Policy will be monitored through annual lettings reviews with the relevant Registered Provider partner and reviewed every five years or sooner if needed due legislative changes or in response to monitoring of its implementation.

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Local Lettings Plan (LLP) for [development name] (planning reference)

1. Introduction

- 1.1 This Local Lettings Plan (LLP) applies to the [xx] homes in the [xx] development, [town/place name] (mix of affordable rent and shared ownership provision) provided by [RP name]

Tenure/Unit type	1 bed flat	2 bed flat	2 bed house	3 bed house	4 bed house	Totals
Occupancy						
Social Rent						
Affordable Rent						
Shared Ownership						

There [is no lift] in the blocks of flats.

*[number & mix of units] be accessible, built to M4(3) building regulations standards and have [wet room] bathrooms.

- 1.2 Tonbridge and Malling Borough Council (TMBC) has nomination rights to the rented properties managed by [RP name] and this Local Lettings Plan (LLP) is designed to support sustainable lettings on the development balanced with maximising meeting housing need to prevent potential management problems.
- 1.3 There may be exceptional circumstances in which TMBC and [RP name] agree to allocate a home outside of this LLP.
- 1.4 This LLP gives priority to applicants with a local connection to the immediate area of the development, those with a local connection to wards in [relevant housing sub area] area comprising [relevant ward names] will have highest priority. This plan will also aim to achieve 50% of lettings to economically active households to prevent a concentration of residents wholly dependent on welfare benefits.

2.0 Choice Based Letting Scheme

- 2.1 All affordable homes will be advertised by [RP name] via Kent HomeChoice (Choice Based Letting (CBL) scheme). For first let, this will be as early as possible prior to handover of the scheme. Advertisements will clearly state a Lettings Plan applies giving priority to applicants with a local connection to the immediate area.
- 2.2 Applicants wishing to be considered for homes, including existing tenants seeking a transfer, must be included on the Council's housing register. When vacant properties are advertised, applicants should bid in the usual way on Kent HomeChoice. A shortlist of applicants will be produced when the bidding cycle closes and prioritised in line with this LLP.

- 2.3 The LLP will apply to all rounds of adverts of available homes. If shortlists from the first adverts do not result in all homes being nominated to, remaining available homes will be re-advertised in line with the relevant nominations agreement.

3.0 Prioritisation criteria

- 3.1 There are *two/three* considerations that will inform the prioritisation of households for the allocation of properties:

- A) Local connection
- B) Economic activity
- C) Accessible property and medical need for ground floor/wheelchair accessible/adapted M4(3).

Accessible flats and ground floor flats will be considered using the above prioritisation criteria and medical need for a ground floor or accessible home. Households with a need for accessible/ ground floor accommodation who also meet prioritisation criteria A or B will be prioritised for these homes. Next priority will be to those with a medical need for an accessible/ground floor home, regardless of meeting criteria A or B.

- 3.2 A) Local connection

Priority will be given to households with a local connection to [relevant ward names], in line with the definition of local connection in the Council's [Housing Allocation Scheme](#).

Households in temporary accommodation (TA) will have their local connection considered based on their last settled accommodation before placement in TA, or through family. This is to ensure they are treated fairly, regardless of where they are placed in TA.

- 3.3 B) Economic activity

This plan aims for 50% of homes to be let to economically active households; where the lead or joint applicant is permanently employed or in work-based training.

Applicants will be required to evidence their employment or training information to [RP name] as part of the offer and pre-tenancy checks.

Households not able to be economically active because they are not working age, are full time carers, due to a disability or impairment, will not have the economically active element of priority considered, i.e. they will be treated in a neutral way and not bypassed due to not working should they be next in line to be offered once the other criteria of this local lettings plan has been applied.

If no households meet local connection prioritisation criteria (A) then the LLP will not apply.

3.4 C) Accessible homes built to meet building regulations M4(3) requirements with [wet room bathroom?]

Accessible flats and ground floor flats will be prioritised for households with a medical need for them. Prioritisation criteria A and B will be applied to prioritise households with a medical need for ground floor.

If there are no suitable households with a medical need for an accessible home the remaining homes will be allocated in the same way as the other flats, with criteria A and B applying in the first instance.

4.0 Shortlisting

- 4.1 The Council's Housing Register team will check register information for households who have placed a bid for a property to check and verify if they meet any of the criteria outlined in this plan and assign priority in the order set out in 3.0.
- 4.2 In the event of two or more applicants sharing top priority in line with the criteria in this lettings plan, registration date will be used to determine priority.

5.0 Allocation Process

- 5.1 Homes will be allocated as follows:
- The Housing Register Team will notify the RP when shortlisting is complete and provide nominations for the available homes
 - [RP name] will carry out their checks with a view to inviting the applicant at the top of the shortlist for interview and view the home
 - Applicants will need to provide any information requested, and confirm they meet [RP name]'s criteria as outlined in their [Lettings Policy-hyperlink].
- 5.2 Applicants will be offered a periodic assured tenancy (assured non-shorthold) in line with [RP name]'s [Tenure Policy – hyperlink]. Applicants who are transferring from a Registered Provider or Local Authority will be offered an agreement with the same security of tenure (those with an Assured or Secure tenancy will be given an Assured [non-shorthold] Tenancy).

6.0 Intermediate housing – approach to shared ownership sales

- 6.1 All homes will be proactively advertised by [RP name] online (including through [RP name]'s website and other platforms such as Share to Buy) and prioritisation of eligible buyers will be informed by government policy along with local connection to Tonbridge and Malling borough.
- 6.2 There are two considerations that will inform the prioritisation of households, in the following order:
- A) Households awarded priority for Help to Buy under any relevant government policy or guidance and capital funding criteria in place at the time

of sale/re-sale (for example serving military personnel and former members of the British Armed Forces honourably discharged in the last two years).

B) Local connection

Top priority will be given to households with a local connection to [relevant ward names] in line with the definition of local connection in the Council's [Affordable Home Ownership Discount Sale Policy](#) (or equivalent Council policy in place at the point of sale).

Secondary priority will then be given to households with a local connection to the rest of the Borough of Tonbridge and Malling.

- 6.3 In cases where demand outweighs supply households with a local connection will be given priority. Interest in homes will be processed on a first come first served basis.
- 6.4 For re-sales, priority will be given to any households with a local connection within the marketing period alongside the Help to Buy criteria for any interested buyers.
- 6.5 If there are no interested eligible buyers with a local connection, homes may be sold to any household eligible for Affordable Home Ownership in line with relevant government criteria and [RP name]'s policy criteria in place at the time of sale.

7.0 Review Process

- 7.1 This lettings plan has been drawn up in partnership between Tonbridge and Malling Borough Council and [RP name]. Both parties are positive about the principles of the lettings plan and are keen to see successful long-term lettings achieved at the new scheme.
- 7.2 This Local Lettings plan will apply for all first lets and sales on this development and will be reviewed by both parties at least once every two years. The review may consider:
 - Turnover of vacancies
 - Failed tenancies and the reasons for failure
 - Households accessing or needing support services
 - Anti-social behaviour and its impact
 - General tenant satisfaction
 - Sales and resales information
 - Any changes to Tonbridge and Malling Borough Council or [RP name]'s policies.

Tonbridge and Malling Borough Council

Signed by:

Name(s): Eleanor Hoyle

Designation: Director of Planning, Housing and Environmental Health

Date:

[RP name] Homes Limited

Signed by:

Name(s):

Designation:

Date:

DRAFT

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Annex C – shortlisting example: 3bed houses with Moat, Winterfield Lane development (LLP in place)

7 x 3 bed houses (3 - 5 people) Shortlist summary

Shortlist position	Band	Effective date	LLP shortlisting notes	Outcome
1	Band B	26/01/2021	No LC1 (Snodland East and Ham Hill)	Skipped
2	Band B	15/05/2023	Housed	N/A
3	Band B	13/06/2023	Housed	N/A
4	Band B	04/07/2023	No LC1 (Snodland East and Ham Hill)	Skipped
5	Band B	06/07/2023	No LC1 (Snodland East and Ham Hill) in TA	Skipped
6	Band B	10/08/2023	LC1, lives Larkfield. Not economically active but son works.	Nominated (Forty Acres & Lapwing shortlist)
7	Band B	31/08/2023	No LC1 (Aylesford North and North Downs)	Skipped
8	Band B	15/09/2023	No LC1 (East Malling, West Malling and Offham)	Skipped
9	Band B	05/10/2023	No LC1 (last settled Snodland West and Holborough Lakes) in TA	Skipped
10	Band B	14/10/2023	No LC1 (last settled Birling, Leybourne and Ryarsh) in TA	Skipped
11	Band B	11/11/2023	No LC1 (last settled Snodland East and Ham Hill) in TA	Skipped
12	Band B	22/01/2024	No LC1 (last settled Bourne) in TA	Skipped
13	Band B	13/05/2024	No LC1 (Aylesford North and North Downs)	Skipped
14	Band B	26/06/2024	No LC1 (Snodland East and Ham Hill) in TA	Skipped
15	Band B	21/08/2024	LC1 given under EC. In TA. Working?	Nominated (Forty Acres & Lapwing shortlist)
16	Band C	04/02/2021	LC1, lives Larkfield. Economically active.	Nominated (Forty Acres & Lapwing shortlist)
17	Band C	10/04/2021	No LC1 (East and West Peckham, Mereworth and Watlingtonbury)	Skipped
18	Band C	29/06/2021	No LC1 (Birling, Leybourne and Ryarsh)	Skipped
19	Band C	12/07/2021	LC1, lives Aylesford South and Ditton. Economically active	Nominated (Forty Acres & Lapwing shortlist)
20	Band C	29/09/2021	No LC1 (Kings Hill)	Skipped
21	Band C	12/01/2023	LC1, lives Aylesford South and Ditton. Not economically active	Nominated (Forty Acres shortlist)

Annex C – shortlisting example: 3bed houses with Moat, Winterfield Lane development (LLP in place)

22	Band C	25/01/2023	LC1, lives Larkfield. Economically active.	Nominated (Forty Acres shortlist)
23	Band C	22/02/2023	No LC1 (Birling, Leybourne and Ryarsh)	Skipped
24	Band C	03/03/2023	No LC1 (Snodland West and Holborough Lakes)	Skipped
25	Band C	15/03/2023	No LC1 (Cage Green and Angel)	Skipped
26	Band C	04/04/2023	LC1, lives Larkfield. Economically active.	Nominated (Forty Acres second shortlist)
27	Band C	19/04/2023	End of shortlist LLP checks	N/A no more homes available
28	Band C	20/04/2023		
29	Band C	02/05/2023		
30	Band C	05/05/2023		
31	Band C	02/06/2023		
32	Band C	06/06/2023		
33	Band C	08/06/2023		
34	Band C	12/06/2023		
35	Band C	28/06/2023		
36	Band C	31/08/2023		
37	Band C	04/09/2023		
38	Band C	07/09/2023		
39	Band C	29/10/2023		
40	Band C	14/11/2023		
41	Band C	10/10/2024		

4 x4bed houses (semi-detached), Moat, Winterfield development

Shortlist position	Band	Effective date	LLP checks	Outcome
1	Band A	16/12/2024	LC1, lives Larkfield ward. Not economically active (due to medical needs, in receipt of carers allowance)	Nominated
2	Band B	05/07/2019	No LC1 (East Malling, West Malling and Offham)	Skipped

Annex C – shortlisting example: 3bed houses with Moat, Winterfield Lane development (LLP in place)

3	Band B	27/07/2020	No LC1 (Trench)	Skipped
4	Band B	19/07/2023	LC1, lives Larkfield ward. Economically active	Nominated
5	Band B	16/08/2023	LC1, lives Aylesford South and Ditton. Not economically active	Nominated
6	Band B	11/12/2023	being reassessed	
6	Band B	11/12/2023	No LC1 (Tonbridge)	N/A no more homes available
7	Band B	18/09/2024	No LC1 (Birling, Leybourne and Ryarsh)	N/A no more homes available
8	Band B	20/01/2025	No LC1 (Borough Green and Platt)	N/A no more homes available
9	Band C	07/08/2019	being reassessed	
10	Band C	01/03/2020	being reassessed	
11	Band C	18/04/2020	No LC1 (Snodland East and Ham Hill)	N/A no more homes available
12	Band C	02/05/2021	being reassessed	
13	Band C	31/12/2022	No LC1 (Bourne)	N/A no more homes available

NB one 4bed house used for a direct nomination, not advertised on choice based lettings and LLP therefore not applied.

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Agenda Item 12

The recommendations of the Scrutiny Select Committee are to follow and will be circulated in advance of the meeting.

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Cabinet Member	Cllr Adem Mehmet (Cabinet Member for Infrastructure and Tonbridge Regeneration); Cllr Robin Betts (Cabinet Member for Housing, Environment and Economy); and Cllr Des Keers (Cabinet Member for Community Services)
Responsible Officer	Robert Styles (Director of Street Scene, Leisure & Technical Services)
Report Author	Dean Radmore (Tonbridge Town Centre Programme Manager)

Riverside Route Lighting Project, Tonbridge

1 Summary and Purpose of Report

- 1.1 This report brings forward a List C Capital Plan Evaluation for the Riverside Route Lighting project between Town Lock and Vale Road, Tonbridge. The project will provide high quality lighting to create a safe and secure public realm, minimising opportunities for crime during the night and in low natural light conditions for pedestrians moving between the Town Lock area and the industrial/retail estates in Vale Road/Cannon Lane and/or vice versa.
- 1.2 The report seeks approval to move the project forward for construction later in this calendar year.

2 Corporate Strategy Priority Area

- 2.1 The Riverside Route Lighting project aligns to the Council's Corporate Strategy 2023-2027 - sustaining a borough which cares for the environment – by improving pedestrian safety and encouraging sustainable travel along this route at all hours of the day. The project is included in the 2025/26 Annual Service Delivery Plan.

3 Recommendations

- 3.1 Members are asked to consider the feasibility study report carried out by consultant Project Centre and recommend that Phase 1 of the project is taken

forward through the design stages up to and including the preparation of tender documentation.

- 3.2 Members are asked to consider the List C Capital Plan Evaluation for the Riverside Route Lighting Project at Annex 1 to the report, and to request Cabinet to recommend to Council the scheme be transferred to List A of the Capital Plan.
- 3.3 Members are asked to recommend to Cabinet for authorisation to use this Council's powers under s161 of the Public Health Act 1875 for delivery of the project with agreement from Kent County Council's Public Rights of Way.

4 Introduction and Background

- 4.1 The Town Lock to Vale Road section of the Riverside Route is approximately 380m in length. From west to east, the first section of approximately 120m passes through a recently created landscape between the new residential warehouse-scale developments on Medway Wharf Road and Cannons Wharf to the south, and the river itself to the north. The following 260m section, east to Vale Road, passes the northern boundary of the former gasholder site, which is due to be redeveloped, and the rear of retail units on Cannons Wharf.
- 4.2 There are opportunities that exist for the section of the route between Town Lock and Vale Road/Cannon Lane to include the introduction of lighting. The lack of lighting in this section combined with a narrow path that is lined with trees and shrubbery and unprotected river edge, makes this an uninviting section of the route.
- 4.3 There has been a long-term aspiration from successive local Ward Members to improve safety along this section of the Riverside Route. Cabinet Members have requested that work be accelerated and this project be prioritised.
- 4.4 In order to assist the Council, external consultants Project Centre were appointed to undertake a feasibility study. This project focuses on Phase 1 identified in the Feasibility Report that contains no existing lighting. Phase 2 already has private low level bollard lighting associated with the housing development incorporating Waterway House, Davit House and Breach House that provides ambient light to the path itself. The route is well used by pedestrians to access the High Street and the retail park off Cannon Lane and also forms part of Public Right of Way MU33.
- 4.5 The Riverside Route between Town Lock and Vale Road has a number of land owners including TMBC, KCC, Redrow Homes Ltd, Tonbridge Riverside Regeneration Ltd, Duchess Street Properties Ltd as well as areas of unregistered land. Letters were sent out to known owners on 14th January 2025 with limited response.

Ongoing discussions have been taking place since the commencement of this project with Kent County Council's Public Rights of Way (PROW) Manager and on 13th December 2024 an email was received from the PROW Manager that stated

'Lighting may be installed by (1) the Highway Authority under the provisions of s.97 of the Highways Act 1980, by (2) the Local Lighting Authorities (districts and boroughs) under the provisions of s.161 of the Public Health Act 1875 and by (3) parish councils under the provisions of s.3 of the Parish Councils Act 1957'.

5 Proposal

- 5.1 The proposal is to progress through the next stages of delivery (design) up to and including tender documentation, based on information and recommendations based in the Feasibility Report.

6 Other Options

- 6.1 The other options considered included;
- Illuminated bollards - similar to the private bollards already in place within the housing development at the Town Lock end of the route. The lighting levels and height of the bollards would not provide sufficient illuminance or spread, and this approach is not supported by Kent Police.
 - Solar powered lighting - as there is an amount of coverage from the trees in places along the route, regeneration of solar power throughout the day may be hindered and the lighting levels may be affected during the winter period.
 - Electrically powered lighting columns - both 5m and 6m column heights have been considered in the feasibility report but both are to be considered within the design phase for the consistency of lighting spread and spacing of the columns.

7 Financial and Value for Money Considerations

- 7.1 Members will note from the capital plan evaluation that the estimated build costs including contingency is circa £90,000 and the design costs are expected to be circa £12,000.
- 7.2 There is £20,000 of UK Shared Prosperity Funding already available for the design element and a proposed Business Rates Pool programme has been approved by KCC that includes circa £450,000 of Business Rate Pool funding for Tonbridge town centre including the Riverside Route Lighting scheme. The national business rates retention scheme enables local authorities to come together, on a voluntary basis, to pool their business rates, giving them scope to generate additional growth through collaborative effort and to smooth the impact of volatility in rates income across a wide economic area.
- 7.3 There is currently S106 funding allocated for this project and discussions will also take place with KCC Public Rights of Way regarding a possible financial contribution.

- 7.4 Taking the above into account I am pleased to advise that the project can be delivered in full with external funding and no funding will be needed from the Council.

8 Risk Assessment

- 8.1 As outlined in the Riverside Risk Register at Annex 3, key risks within the project relate to:

- UKPN delivery timescales
- Approval to proceed from landowners or KCC Public Rights of Way
- Increased costs during the design phase of the project

9 Legal Implications

- 9.1 The project is being progressed through an internal Officer Delivery Group with representation from Legal Services. Mid Kent Procurement Partnership are also be engaged to ensure all legal requirements are met.

10 Consultation and Communications

- 10.1 As outlined in the Capital Plan Evaluation at Annex 1.

11 Implementation

- 11.1 A project timeline is attached at Annex 4. Subject to approval of Council, it is planned that construction will commence in Autumn/Winter 2025 and be handed over to the Council by March 2026. Every effort will be made to accelerate this timescale if possible.

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 Limiting the environmental impact of new lighting on this section of the Riverside Route is a key consideration. The height and spacing of the lighting columns, the colour temperature (2700K – 3000K) and possible use of lighting shields suggested in the feasibility study has all been done to minimise the impact on biodiversity whilst providing a safe route for pedestrians.

- 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

- Procurement – Advice will continue to be sought ahead of the design and construction stages from the Mid-Kent Procurement Partnership
- Health and Safety – The installation of lighting will create a safer public realm, minimising opportunities for crime.
- Healthy Lifestyles – The installation of lighting will enable the route to be used by pedestrians at all hours.

Background Papers	None
Annexes	Annex 1 – Capital Plan Evaluation Annex 2 – Project Centre Feasibility Report Annex 3 – Risk Register Annex 4 – Project Timeline

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CAPITAL PLAN LIST C – EVALUATIONS

Project Street Scene Leisure and Technical Services - Environmental Improvements: Riverside Lighting Project				
	1	Specification:		
		(i)	Purpose of the scheme	To install new lighting columns/luminaires along the Riverside Route between Town Lock and Vale Road/Cannon Lane, Tonbridge
		(ii)	Relevance to National / Council's Objectives	(a) National: Public Safety. (b) Council: Sustaining a borough which cares for the environment - encouraging sustainable transport
		(iii)	Targets for judging success	(a) Successful operation of the lighting on completion. (b) Improved security for pedestrian access to/from the town centre (c) Project delivered in accordance with timeline and budget
	2	Description of Project / Design Issues: The Riverside Route lighting project is the first phase of the Riverside Improvement Plan. The Council's stated aim is to create a high-quality, cohesive public realm for the entire riverside route with one of the key elements to provide high quality lighting to create a safe and secure public realm, minimising opportunities for crime. This project focuses on the section of the route between Town Lock and Vale Road/Cannon Lane that is lined with trees and shrubbery and contains no existing lighting apart from private low level bollard lighting associated with the housing development incorporating Waterway House, Davit House and Breach House. This route is well used by pedestrians to access the High Street and the retail park off Cannon Lane and also forms part of Public Right of Way MU33. The total estimated project cost is £102,000. This project would fall under the umbrella capital plan scheme River Medway Riverside Environmental Improvements and relates to Section 1 from Town Lock to Cannon Lane.		

CAPITAL PLAN LIST C – EVALUATIONS

Page 150	3	Milestones / Risks: Completion of feasibility and design. The detailed design would be completed ahead of procuring the works, awarding the contract and completion of the work on site. Based on previous experience there is a risk relating to UKPN's delivery timescales There is a risk of obtaining approval to proceed from landowners or KCC Public Rights of Way There is a risk of increased costs, due to flooding mitigation and working within a towpath prone to tree roots				
	4	Consultation: Consultation has taken place with adjacent landowners, internal officers and Kent County Council. Planning Services has also been consulted and planning permission is not required. The Designing Out Crime Team at Kent Police has also been consulted and have provided the following statement; "I can confirm my approval for the crime prevention measure of the proposal to install column lighting along the section of the Riverside Route between Vale Road and Town Lock. Please can my following comments regarding this be captured within the appropriate report which shall be used to seek approval to move to the design stage. "Lighting - Please note, whilst we are not qualified lighting engineers, any lighting plan should be approved by a professional lighting engineer (e.g., a member of the ILP), particularly where a lighting condition is imposed, to help avoid conflict and light pollution. Bollard lighting should be avoided, Secured By Design Residential (Homes) Guide 2025 states: "19.3 SBD does not advocate the use of bollard lighting to achieve lighting uniformity. Bollard lighting is purely for wayfinding and can be easily obscured or damaged. It should be avoided, as it can increase the fear of crime, because it does not project sufficient light at the right height to recognise facial features." Therefore, we recommend column lighting aligned with a suitable lighting policy to be installed to ensure that members of the public are able to walk along the river safely and to help deflect criminality. External lighting to conform to min standard of BS5489-1:2020."				
	5	Capital Cost: £102,000				
	6	Profiling of Expenditure:				
		2024/25 (£'000)	2025/26 (£'000)	2026/27 (£'000)	2027/28 (£'000)	2028/29 (£'000)
			£102,000			

CAPITAL PLAN LIST C – EVALUATIONS

	7	Capital Renewals Impact: The estimated life expectancy of a lighting column is 25 years with LED luminaires requiring replacement circa after 100,000 hours.		
	8	Revenue Impact: There will be ongoing revenue costs for maintenance and repair of the new lighting assets and for the ongoing power supply. Estimated maintenance and repair and supply costs per year are £2550.		
	9	Partnership Funding: External Capital funding to fund the scheme in full is available from Section 106 funding from developer contributions and Business Rates Pool (Shared Growth Fund). The feasibility and design stages are funded from developer contributions and a grant from the UK Prosperity Fund. external sources.		
	10	Project Monitoring / Post Implementation Review: Director responsible: Robert Styles Progress reported to: Finance, Regeneration and Property Scrutiny Select Committee / Cabinet Post Implementation review to be carried out twelve months after completion.		
Page 151	11	Screening for equality impacts:		
		Question	Answer	Explanation of impacts
		a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	
		b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	n/a	
		c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?	n/a	
	12	Recommendation: Transfer to List B.		

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Due to its size the Stage 2 Lighting Feasibility Study (Annex 2) is published as a supplement.

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Risk ID	Programme or individual project	Status	Risk Description	Risk Type	Consequence of Risk			Impact (A)	Likelihood (B)	Total Risk Score (A x B)	Proximity	Risk Mitigation Description	Risk Mitigation Strategy	Impact (A)	Likelihood (B)	Score (A x B)	Date Originally Added
					Cost	Time	Qty										
14	Riverside Improvements Project	Open	UKPN Delivery Timescales	Operational	N	Y	N	3	3	9	0 - 12 months	Place order for works at the earliest opportunity to chase for agreed delivery dates	Reduction	3	2	6	Apr-25
1	Riverside Improvements Project	Open	Land Ownership and approval – Permission to proceed will be required prior to delivery.	Regulatory/Legal	Y	Y	Y	2	4	8	0 - 6 months	Explore delivery options to obtain and determine if only KCC PROW approval is required	Avoidance	1	4	4	Dec-24
8	Riverside Improvements Project	Open	Increased costs during the design stage	Financial	Y	N	N	2	3	6	within 3 years	Consultant to discuss estimated construction costs during feasibility/design stages	Reduction	2	2	4	Dec-24
9	Riverside Improvements Project	Open	Council unable to fund the project	Financial	Y	Y	Y	3	2	6	Throughout the programme	Use available S106 and UKSPF funding and work with finance team to determine funding	Transference	3	1	3	Dec-24
10	Riverside Improvements Project	Open	Health & Safety breach during any stage of the delivery	Health & Safety	Y	Y	N	3	2	6	Throughout the programme	All parties involved fully understand and follow the requirements of Construction (Design & Management) Regulations and other health & safety legislation including the Building Safety Act 2022	Reduction	3	1	3	Dec-24
12	Riverside Improvements Project	Open	Not meeting the expectations and needs of users, key stakeholders and Members	People	Y	Y	Y	3	2	6	Throughout the programme	Engagement carried out throughout the delivery process	Reduction	3	1	3	Dec-24
13	Riverside Improvements Project	Open	Increased costs during construction due to existing tree roots hindering progress	Financial	Y	Y	N	2	3	6	within 2 years	Ensure tenderers of fully aware of the current site conditions prior to tender submission	Avoidance	2	2	4	Apr-25
2	Riverside Improvements Project	Open	On-going revenue liability – maintenance, repair & electricity costs	Financial	Y	N	N	1	5	5	Throughout the programme	Ensure lighting design is as energy efficient as possible	Reduction	1	3	3	Dec-24
3	Riverside Improvements Project	Open	Changes to key personnel involved in the project	People	N	Y	Y	2	2	4	Throughout the programme	Resources required for each key task to be identified and planned ahead. Project documentation to be in place for business continuity.	Reduction	2	1	2	Dec-24
4	Riverside Improvements Project	Open	Insolvency of a member of the project team	Contractual	Y	Y	Y	2	2	4	Throughout the programme	Credit checks to be carried out ahead of entering into contracts/development agreements to confirm the current financial security of any organisation	Reduction	2	1	2	Dec-24
5	Riverside Improvements Project	Open	Impacts from Brexit and/or global political tensions causing disruption and/or affecting material supplies and costs	Financial	Y	Y	Y	2	2	4	Throughout the programme	Consultants working on the programme to keep abreast of current market conditions, product/material availability and supply timescales. As this is a relatively small scheme the likelihood of implications is less.	Acceptance	2	3	6	Dec-24

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Riverside Route Lighting Scheme - Indicative Project Timeline

Task	Duration	Start	Finish	Dec-24	Jan-25	Feb-25	Mar-25	Apr-25	May-25	Jun-25	Jul-25	Aug-25	Sep-25	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26
Governance - Meetings																			
Initial Meeting (13/12/24)	0d	13/12/2024	13/12/2024	*															
Officer Project Group Meeting	0d	10/01/2025	10/01/2025		*														
Officer Project Group Meeting	0d	05/02/2025	05/02/2025			*													
Officer Project Group Meeting	0d	12/03/2025	12/03/2025				*												
Officer Project Group Meeting	0d	02/04/2025	02/04/2025					*											
Officer Project Group Meeting	0d	07/05/2025	07/05/2025						*										
FRPSSC Meeting	0d	27/05/2025	27/05/2025						*										
Cabinet Meeting	0d	03/06/2025	03/06/2025							*									
Officer Project Group Meeting	0d	04/06/2025	04/06/2025							*									
Officer Project Group Meeting	0d	02/07/2025	02/07/2025								*								
Council Meeting	0d	08/07/2025	08/07/2025								*								
Officer Project Group Meeting	0d	06/08/2025	06/08/2025									*							
Cabinet Meeting	0d	02/09/2025	02/09/2025										*						
LAND OWNERSHIP / APPROVALS																			
Determine route to delivery		01/01/2025	31/03/2025																
Obtain approval to proceed from KCC		01/01/2025	01/02/2025																
FEASIBILITY																			
Feasibility Study		10/03/2025	17/04/2025																
PROCUREMENT																			
Design Procurement	4w	Jun-25	Jul-25																
Construction Procurement	12w	Sep-25	Dec-25																
DESIGN																			
RIBA 2 - 4 Concept Design	12w	Jul-25	Sep-25																
CONSTRUCTION																			
Mobilisation	2w	Dec-25	Dec-25																
Construction	76w	Jan-26	Feb-26																
Handover	4w	Mar-26	Mar-26																

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Executive Decisions Record - April 2025

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
D250029MEM	People and Skills Fund - Round 2	Climate Change, Regeneration and Property	31.03.25	03.04.25	10.04.25						11.04.25
D250030CAB	Petition - Save West Malling Farmers Market	Cabinet	01.04.25	03.04.25	10.04.25						11.04.25
D250031CAB	Corporate Key Performance Indicators - Q3 2024/25				10.04.25						11.04.25
D250032CAB	50th Anniversary Community Grant Scheme				10.04.25						11.04.25
D250033CAB	Corporate Policies Update				10.04.25						11.04.25
D250034CAB	Waste, Recycling and Street Cleansing Contract				10.04.25						11.04.25
D250035CAB	Green and Blue Infrastructure Strategy				10.04.25						11.04.25
D250036CAB	Replacement Angel Leisure Centre				10.04.25						11.04.25
D250037MEM	Business Rates Write Off	Finance and Housing	01.04.25	04.04.25	11.04.25						12.04.25
D250038MEM	Business Rates Discretionary Relief Awards	Finance and Housing	01.04.25	04.04.25	11.04.25						12.04.25
D250039MEM	Application for Section 13A 1(C) Council Tax Discount	Finance and Housing	01.04.25	04.04.25	11.04.25						12.04.25
D250040MEM	Anti-Social Behaviour Enforcement Team	Community Services	14.04.25	16.04.25	25.04.25						26.04.25
D250041MEM	Active Travel Capability Fund Grant	Transformation and Infrastructure	15.04.25	16.04.25	25.04.25						26.04.25

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:	0

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Call in period

Key Decision

Urgent

Subject to call in

*Due to Bank Holiday

Number of monthly call-ins:	0
Number of call-ins for year:	0

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

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

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Agenda Item 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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