

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive
Damian Roberts

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

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

3 September 2025

To: MEMBERS OF THE OVERVIEW AND SCRUTINY COMMITTEE
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Overview and Scrutiny Committee to be held in the Council Chamber, Gibson Drive, Kings Hill on Thursday, 11th September, 2025 commencing at 7.30 pm.

Members of the Committee 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.

Yours faithfully

DAMIAN ROBERTS

Chief Executive

A G E N D A

1. Guidance on the Conduct of Meetings

5 - 8

PART 1 - PUBLIC

2. Apologies for absence
3. Notification of Substitute Members 9 - 10
4. Declarations of interest 11 - 12

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.

5. Minutes 13 - 18

To confirm as a correct record the Minutes of the meeting of the Overview and Scrutiny Committee held on 26 June 2025

6. Any Executive Decisions which have been 'called in' 19 - 20
7. South East Councils - Outside Body Update 21 - 22

The Borough Council's representative, Cllr M Boughton, will provide a brief overview of the role and activities of the outside body.

Matters for Recommendation to the Cabinet

8. Angel Leisure Centre - Replacement Project 23 - 46

This report provides an update on progress with the Replacement Angel Leisure Centre project and provides Members of this Committee the opportunity to ask questions of the Project Team and make any recommendations or comments to Cabinet.

9. Annual Service Delivery Plan 2025/26 - Quarter 1 47 - 72

This covering report and annex provides data on the performance of the council during Q1 of 2025/26 in relation to the milestones and Key Performance Indicators (KPIs) set out in the Annual Service Delivery Plan 2025/26.

10. Executive/Scrutiny Protocol 73 - 84

The Committee is invited to review the effectiveness of the Executive/ Scrutiny Protocol (attached as Annex 1) to ensure that it remains fit for purpose.

Matters for Decision under Delegated Powers

11. Information Rights Request - Update 85 - 108

This report updates Members on the discharge of the Borough Council's duties in managing requests for information made under the Freedom of Information Act 2000 (FOI), the Environmental Information Regulations 2004 (EIR), the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA).

Matters for Information

12. Record of Decisions taken by the Executive 109 - 110

A record of decisions taken by the Cabinet and/or Cabinet Member during July and August 2025 is attached for information.

13. Work Programme 111 - 112

The Work Programme setting out matters to be scrutinised during 2025/26 is attached for information. Members can suggest future items by liaising with the Chair of the Committee.

14. Urgent Items 113 - 114

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 115 - 116

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

16. Urgent Items 117 - 118

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

Cllr Mrs A S Oakley (Chair)

Cllr L Athwal (Vice-Chair) and Cllr K B Tanner (Vice-Chair)

Cllr Mrs S Bell

Cllr T Bishop

Cllr C Brown

Cllr R I B Cannon

Cllr L Chapman

Cllr A Cope

Cllr P M Hickmott

Cllr M A J Hood

Cllr F A Hoskins

Cllr S A Hudson

Cllr D W King

Cllr A McDermott

Cllr W E Palmer

Cllr D Thornewell

GUIDANCE ON HOW MEETINGS WILL BE CONDUCTED

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

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

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

Attendance:

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

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

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

Ground Rules:

The meeting will operate under the following ground rules:

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

For those Members participating online:

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

Voting:

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

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

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Overview and Scrutiny Committee

	Conservative	Liberal Democratic	Green	Ind. Kent Alliance	Labour
1	Dave Davis	Bill Banks	Kath Barton		Angus Bennison
2	James Lark	Paul Boxall	Steve Crisp		
3	Mark Rhodes	Garry Bridge	Robert Oliver		
4	Keith Tunstall	Trudy Dean	Bethan Parry		
5	Colin Williams	Roger Roud	Stacey Pilgrim		

Members of Cabinet cannot be appointed as a substitute to this Committee

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 26th June, 2025

Present: Cllr Mrs A S Oakley (Chair), Cllr L Athwal (Vice-Chair), Cllr K B Tanner (Vice-Chair), Cllr Mrs S Bell, Cllr A G Bennison, Cllr T Bishop, Cllr C Brown, Cllr L Chapman, Cllr A Cope, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr A McDermott, Cllr W E Palmer, Cllr D Thornewell and Cllr K S Tunstall

In attendance: Cllrs R P Betts*, J Clokey, M A Coffin*, R W Dalton*, D A S Davis*, D Keers*, M R Rhodes* and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

(*participated via MS Teams).

Apologies for absence were received from Councillors R I B Cannon, P M Hickmott and M A J Hood

PART 1 - PUBLIC

OS 25/27 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr A Bennison substitute for Cllr P Hickmott;
- Cllr Tunstall substitute for Cllr R Cannon

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

OS 25/28 DECLARATIONS OF INTEREST

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

OS 25/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 3 April 2025 be approved as a correct record and signed by the Chair.

MATTERS FOR INFORMATION

OS 25/30 EMPTY HOMES

Members were provided with an update on the work being done to monitor and return empty homes back into use. Current trends, activities and comparative data with other Kent local authorities were outlined.

As of 15 May 2025, there were 430 properties within the Borough empty for longer than six months and defined as long-term empty. It was noted that within the long-term empty property numbers there were known reasons for groups of properties being empty e.g unsold units. Members commented that the retirement property market was fragile at the moment.

It was reported that Tonbridge and Malling had the fourth lowest number of long-term empty properties in Kent. The Borough also had the largest decrease in number when compared to 2023. However, it was important to note that the decrease included any removal of properties from the Council Tax system.

Recent work included visits to empty properties, offering advice and support to owners and progressing a potential grant through the Kent County Council 'No Use Empty' Scheme. Work was also progressing on cleansing data and responding to complaints about empty homes.

Particular reference was made to the voids reported by Clarion Housing Group and as of March 2025 this was 92 voids with 50% being void for over 90 days. It was indicated that any property not allocated to a tenant, including those properties being repaired were considered void. This continued to be a priority area for discussion and the Borough Council had requested Clarion's 'unlocking voids plan' to understand the strategic detail. As soon as this information was received it would be shared with Members.

Members welcomed the successful recruitment of an Empty Homes Officer on a fixed-term contract. An update on the officer's progress including a project plan and impact assessment would be provided at a future meeting of the committee.

OS 25/31 CONSULTANT USE 2024-25

The report of the Chief Executive provided information on the spend and use of consultants by the Borough Council during 2024/25. As requested by the Overview and Scrutiny Committee of 11 September 2024, the organisation continued to closely manage use of external expertise and an ongoing review of use would be reported annually.

Members reviewed and noted the summary of consultant spend in 2024/25 (attached at Annex 1). Over half (60%) of all projects making use of consultants spent £5,000 or less in 2024/25. Only Planning, Housing and Environmental Health Services and Executive Services had engaged consultants for multi-year projects for which spend in 2024/25 was a proportion of the overall project total. These were mostly in relation to the emerging Local Plan and other significant projects requiring specialist skill.

It was noted that much of the consultant use was utilising external funding for time limited projects, without which the projects would not be feasible and the external funding potentially lost. Consultants provided expertise that was not available in house and where it was not feasible to recruit specialist staff as they would be under occupied for most of the time due to the specialist nature of the work.

OS 25/32 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER

The annual report of the Local Government and Social Care Ombudsman regarding complaints received and dealt with by them over the period 1 April 2024 to 31 March 2025 was presented for information.

In summary, the Ombudsman received 15 formal complaints over that period. The one complaint investigated and upheld related to planning conditions. The remaining complaints were either not for the ombudsman or were assessed and closed.

Details of the complaints were attached at Annex 1.

Whilst the Borough Council had a good record with the Ombudsman, complaints were a valuable tool in measuring performance and reviewing processes.

OS 25/33 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during May and June 2025 were presented for information and noted by the Committee.

OS 25/34 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice setting out Key Decisions anticipated to be taken during the period July to August 2025 was presented for information. It was also noted that the Notice was subject to change if adjustments were necessary to the reporting timetable.

If there were any issues that the Committee wished to scrutinise, they were invited to raise these with the Chair.

OS 25/35 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2025/26 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

The Committee asked that the following issues be covered in discussions on the replacement Angel Centre:

- Consultation and public engagement;
- Facility mix compared to current facilities;
- Disability access in new building;
- Funding

In recognition that these matters were to be considered by the Tonbridge Town Centre Programme Board, it was requested that a report be presented to the Overview and Scrutiny Committee.

MATTERS FOR CONSIDERATION IN PRIVATE**OS 25/36 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded by Cllr Brown and

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

PART 2 - PRIVATE**MATTERS FOR INFORMATION****OS 25/37 BUILT ENVIRONMENT AND PUBLIC PROTECTION SOFTWARE SYSTEM**

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

The findings of the independent review into the implementation of a new software system for the built environment and public protection services was presented.

Careful consideration was given to the findings of the review as summarised in paragraph 12 of the report and detailed in Annex 1. The actions identified to address the findings and the positive progress made at implementing these were noted.

Members were assured that the Borough Council proactively protected its infrastructure against cybersecurity threats and had mechanisms in place to ensure resilience against potential breaches. Work was also

ongoing to mitigate risks and ensure compliance with GDPR requirements.

After in-depth and robust discussion, it was recognised that better procurement processes, risk management, due diligence and project management were required. Members also felt that the Borough Council should have been quicker to recognise and address issues during the project. However, the positive progress already being made to address these areas was welcomed.

OS 25/38 RETIREMENT OF DIRECTOR OF FINANCE AND TRANSFORMATION

Whilst not a private item, Members wished to acknowledge the upcoming retirement of Sharon Shelton after 40 years with the Borough Council and 20+ years as Director of Finance and Transformation.

Gratitude was expressed for her contribution, commitment and support and appreciation was recorded for the excellent financial management of the Borough Council during this period.

The meeting ended at 9.20 pm

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Agenda Item 6

Any Executive Decisions which have been “called in”

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Agenda Item 7

A verbal update will be provided

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Overview and Scrutiny Committee

11 September 2025

Part 1 - Public

Recommendation to Cabinet



www.tmbc.gov.uk

Cabinet Member	Adem Mehmet - Cabinet Member for Infrastructure and Tonbridge Regeneration
Responsible Officer	Robert Styles - Director of Street Scene Leisure and Technical Services
Report Author	Darren Lanes - Head of Street Scene and Leisure

Angel Leisure Centre- Replacement Project Report

1 Summary and Purpose of Report

1.1 Following the Replacement Angel Leisure Centre All Member Presentation on 29th July 2025, this report provides an update on progress with the project and provides Members of this Committee the opportunity to ask questions of the Project Team and make any recommendations or comments to Cabinet.

1.2 Corporate Strategy Priority Area

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

1.4 The replacement of the existing Angel Leisure Centre is identified in the Council's new Annual Service Delivery Plan 2025/26 and will help to facilitate the Council's wider development plans for Tonbridge Town Centre. It also supports the Council's aspiration to be carbon neutral by 2030.

2 Recommendations

2.1 Members of the Committee are asked to comment on the project and make any recommendations or comments to Cabinet.

3 Introduction and Background

3.1 The project to replace the existing Angel Leisure Centre has been progressing since December 2023 and is currently in the RIBA Stage 2 design stage. The slides of the recent All Member Presentation are attached (**Annex 1**) for information, which gives a comprehensive summary of progress with the project to date. Members of the Committee will recall that all aspects of the project were

covered by the presentation including the background, objectives, decision making, timeline, update on current position, costs and finances, public consultation and the way forward.

- 3.2 Members of the Council welcomed the presentation on a project which will represent the largest capital investment made by this Council to date. Members made a range of comments, and a number of changes were made to the public engagement exercise to make the accessibility of the questionnaire as widely available as possible. This included the ability to complete questionnaires at the Angel Leisure Centre and Tonbridge Castle by hand and a presentation at Tonbridge Community Forum. Members noted that the project was now estimated to cost £19m, having previously been estimated to cost £23m. Members particularly welcomed the potential inclusion of new facilities in the design such as soft play and dedicated spin studio.
- 3.3 At the All Member Presentation the full Project Team attended including Officers, Alliance Leisure (the Council's development partner), the project architect and the CEO of the Leisure Trust. In order for Members of this Committee to ask any questions or raise any issues on the project it is again the intention to have the full team present at the meeting.

4 Progress

- 4.1 Since the All Member presentation good progress has been made with the project as part of the RIBA Stage 2. Most notably the public engagement exercise has commenced. At the time of writing this report over 750 responses have already been received reflecting a strong public interest in the project. The survey is for a 6 week period so will close on 24th September 2025 following which the results will be collated.
- 4.2 A presentation on the replacement Angel Leisure Centre was made to the meeting of Tonbridge Community Forum on 1st September 2025 and a verbal update will be made at this meeting on any issues raised.
- 4.3 Site visits are being planned to other leisure facilities offering the same potential facility mix proposed for the replacement Angel Leisure Centre. This will be invaluable in assisting with determining proposed future operational arrangements including financial performance and market demand.
- 4.4 A key element of RIBA stage 2 is the selection of the building contractor. This is a competitive process overseen by Alliance with the involvement of the Council. Following previous comments on procurement made by the Town Centre Programme Board and endorsed by Cabinet the Cabinet Members for Infrastructure and Tonbridge Regeneration and Finance, Waste & Technical Services will be involved in a full day of interviews with the short list of building contractors which is a key element of the selection process.

5 Proposal

- 5.1 The proposal is to replace the existing Angel Leisure Centre with a new state of the art facility located on the existing Sovereign Way Mid car park in the town centre area east of the high street. The final design of the facility is currently being developed though it is proposed that it will include fitness facilities, including a larger gym, group exercise studios and dedicated spin studio, family facilities, including soft play and café, multi use community facilities, including power assisted active wellbeing hub, and a sports hall together with changing rooms and flexible multi-purpose rooms.

6 Other Options

- 6.1 Early in the process consideration was given to the option of refurbishing the existing Angel Leisure Centre but this was not considered by Cabinet to be viable or meet the objections of the project at its meeting on 10 January 2024.
- 6.2 A refurbishment of the existing facility was estimated, at the time, to be up to £15m and would involve the replacement of mechanical and electrical systems, internal alternations and reconfiguration, and replacement and upgrades to the building fabric. Costs were based purely on square metre rates and no survey or design works were undertaken to inform them.
- 6.3 A refurbishment option would also incur a significant loss of income claim from the Leisure Trust and also a loss of market share in the future as people would need to find somewhere else for the leisure activities whilst the work was being undertaken. The life of the refurbished building would not be as long as the proposal to replace the building. If detailed costings were required to refurbish the existing building, a feasibility study would need to be progressed. Multiple options were considered, reviewed and evaluated with regard to the proposed location for the replacement facility. The existing Angel Leisure Centre will continue to operate whilst the replacement facility is being constructed, following which it will be demolished and considered within the wider master plan for the town centre.

7 Financial and Value for Money Considerations

- 7.1 The estimated cost of the replacement facility including build cost, fees, equipment, contingency and build inflation is £19m. This is clearly a substantial sum and would represent the biggest investment in a project by this authority. The estimated cost should not be considered in isolation as the cost to refurbish the existing Angel Centre including the boilers and mechanical and electrical elements of the existing facility was estimated to be up to £15m
- 7.2 The Head of Finance is in the process of considering how the project could be funded and it is envisaged that the funding will be a mix of reserves, a contribution from the Leisure Trust, developer contributions and external borrowing. The approved estimates for 2025/26 allowed for additional contributions to the

earmarked reserve to reduce the need for external borrowing. At the time of writing this report the reserve balance stands at £9.15m.

- 7.3 The level of borrowing which may be required to balance the project will be determined after we have received the final tenders. Discussions with the Trust regarding the business plan and more generally the impact on the overall Management Fee are taking place, stressing the importance of the debt charges from borrowing needing to be covered. Members are advised that at the time of writing PWLB rates for a 40 year loan are around 6.49%.
- 7.4 Council Officers have worked alongside Alliance Leisure Ltd and the Leisure Trust to develop a draft Business Case for the future operation of the replacement facility. The draft Business Case is based on the indicative facility mix arising from the Stage 1 Feasibility Study and is being refined as RIBA Stage 2 progresses.
- 7.5 Within the draft Business Case, consideration was given to current and future anticipated revenue expenditure and income to give an indication of the potential impact on financial performance of the new facility. The draft Business Case has made a number of assumptions including being based on the current indicative facility mix and current market conditions. The draft Business Case also provides two financing scenarios based on a 20% and 40% increase in latent demand. Both scenarios suggest an improved financial annual operating position. The draft Business Plan does, therefore, give reassurance on future operating costs though these figures are indicative at this time and will have the potential to alter (positively or negatively) through the development of the project. It will clearly be important throughout the design stage to consider the commercial viability of each element of the facility mix.
- 7.6 Members should note that in the event of the Council deciding not to proceed after RIBA Stage 4 the costs incurred to date would be sunk costs chargeable to revenue.
- 7.7 By utilising the Council's own reserve to negate borrowing, there will be an impact on the Revenue Budget due to reduced investment income receipts. This will need to be factored into the Medium Term Financial Strategy if Members decide to proceed.

8 Risk Assessment

- 8.1 Key risks within the project relate to:
- Potential Local Government devolution/reorganisation and in particular, the Government placing restrictions on the Council's spending
 - The Council being unable to fund the project, including anticipated costs escalating beyond the Council's approved budget during the design phase
 - Delays in the planning process

- Delays in the Council's decision-making process

8.2 Whilst it is proposed that Alliance Leisure will be awarded the contract through the RIBA Stages, it should be noted that 'Decision Gates' will be in place throughout the process. Most fundamentally following RIBA Stage 4, when final facility design and the Stage 4 Cost Plan will be brought back to Members for consideration and approval prior to proceeding to construction. The ability will also be contained within the contract for the Council to pause or halt any further work after RIBA Stages 2 and/or 3 should any unforeseen issues arise or there is a funding restriction imposed by Government as part of local government re-organisation proposals.

9 Legal Implications

9.1 The project is being progressed through an internal Project Officer Group. Liaison with officers from both Legal Services and the Mid Kent Procurement Partnership is undertaken as required.

10 Consultation and Communications

10.1 Members will be updated at the meeting on the level of feedback from the public engagement process referred to earlier in these papers.

11 Implementation

11.1 The current project timeline is included within the presentation in **Annex 1**. Subject to approval of Council, it is planned that construction will commence in June 2026 and be handed over to the Council in March 2028.

12 Cross Cutting Issues

12.1 Climate Change and Biodiversity

12.1.1 Climate change advice has been sought in the preparation of the options and recommendations in this report. The Council's Climate Change Officer has been engaged during the production of the Stage 1 Feasibility Study and will be consulted through the remainder of the project. Sustainability is a key aspect of this scheme.

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. Full consideration will be given equalities, diversity and accessibility through design stages of the project.

12.3 Other If Relevant

12.3.1 Procurement – Advice and guidance has been, and will continue to be, sought from the Mid Kent Procurement Team to ensure compliance with legislation.

12.3.2 Business Continuity / Resilience – It is proposed that the current Angel Leisure Centre will remain operational until the new replacement facility is complete to ensure continuity of service for the public.

12.3.3 Healthy Lifestyles – The proposal aims to provide opportunities for health and leisure in the local community.

Background Papers	None
Annex 1	All Member Presentation

ANGEL LEISURE CENTRE REPLACEMENT PROJECT

**All Member Briefing
Tuesday 29th July 2025**

Welcome and Introductions

- Welcome by Councillor Adem Mehmet
- Introduction of presenters
 - Key Members
 - Key Officers
 - Leisure Trust
 - Alliance Leisure
- Purpose of presentation/outcomes

Presentation Format

- Background
- Alternatives Considered
- Project Objectives
- Progress to Date
- Project Timeframe
- RIBA Stage 2 Update
- Finance
- Public Engagement
- Next Steps
- Questions

Background

- Reports and approvals

Cabinet (5 Dec 23) – Considered and resolved the following:

that the Angel Centre be demolished and replacement leisure facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure facilities within Tonbridge.

Extraordinary O&S (10 Jan 24) – called in and recommended the following amendment:

That in principle, the Angel Centre be demolished and replacement leisure and community facilities be provided in Tonbridge and, in principle, all options be kept on the table for the future location and nature of such replacement leisure and community facilities within Tonbridge

Extraordinary Cabinet (10 Jan 24) – approved amended recommendation from O&S Committee as above

Alliance appointed RIBA Stage 1 (5 Feb 24)

Cabinet (4 Mar 25) – approved procurement route

Cabinet (1 Apr 25) – approved site location and appointment of Alliance Leisure RIBA Stage 2

Council (8 Apr 25) – approval of capital plan evaluation

Project Objectives

- to provide a fit for purpose, state of the art, carbon neutral facility delivering high quality leisure/community facilities
- to provide the right mix of high-quality accessible leisure/community facilities in the right location
- to ensure the facility can be adapted in the future to meet changes in the market
- reduce ongoing operational costs and generate new income
- to be carbon neutral
- to help facilitate wider development of the area east of the high street

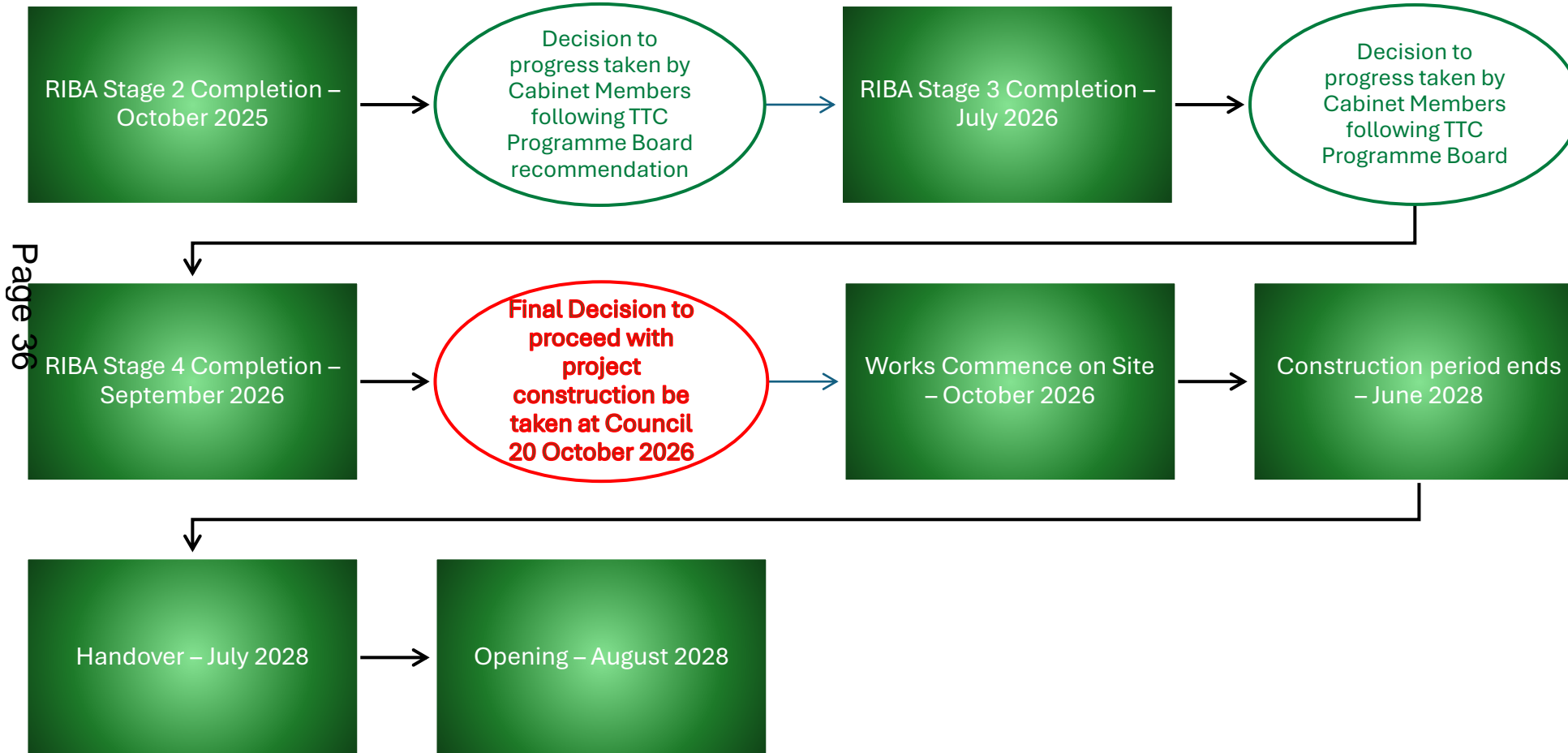
Alternatives Considered

- Replacement and refurbishment options considered by Members in the Finance, Regeneration and Property Scrutiny Select Committee report November 2023
- The report highlighted a number of disadvantages associated with a refurbishment option, including
 - Significant disruption to facility during the course of the work, resulting in customers moving elsewhere and a loss of income
 - Significant challenges to make the building carbon neutral and energy efficient in order to substantially reduce running costs
 - Difficulty in ensuring the existing building can be made fit for purpose to allow additional income to be generated
- The report highlighted a potential refurbishment cost range of £8.6m - £14.58m (mid 2023 prices)

Progress to Date

- Initial reports and approvals
- Links to wider development of East of the High Street
- Established a cross party Tonbridge Town Centre Programme Board (Cllr. Adem Mehmet – Chair, Cllr. Lee Athwal, Cllr. Des Keers, Cllr Garry Bridge, Cllr. Dennis King, Cllr. Mark Hood)
- Appointment of Alliance Leisure (Development Partner)
- Appointment of Leisure Trust (Future Operator)
- Stage 1 Feasibility completed
- Approved location (Sovereign Way Mid Car Park)
- Approval to move to RIBA Stage 2

Project Timeframe



NB. The existing Angel Centre will remain open to customers throughout
 RIBA – Abbreviation for Royal Institute of British Architects

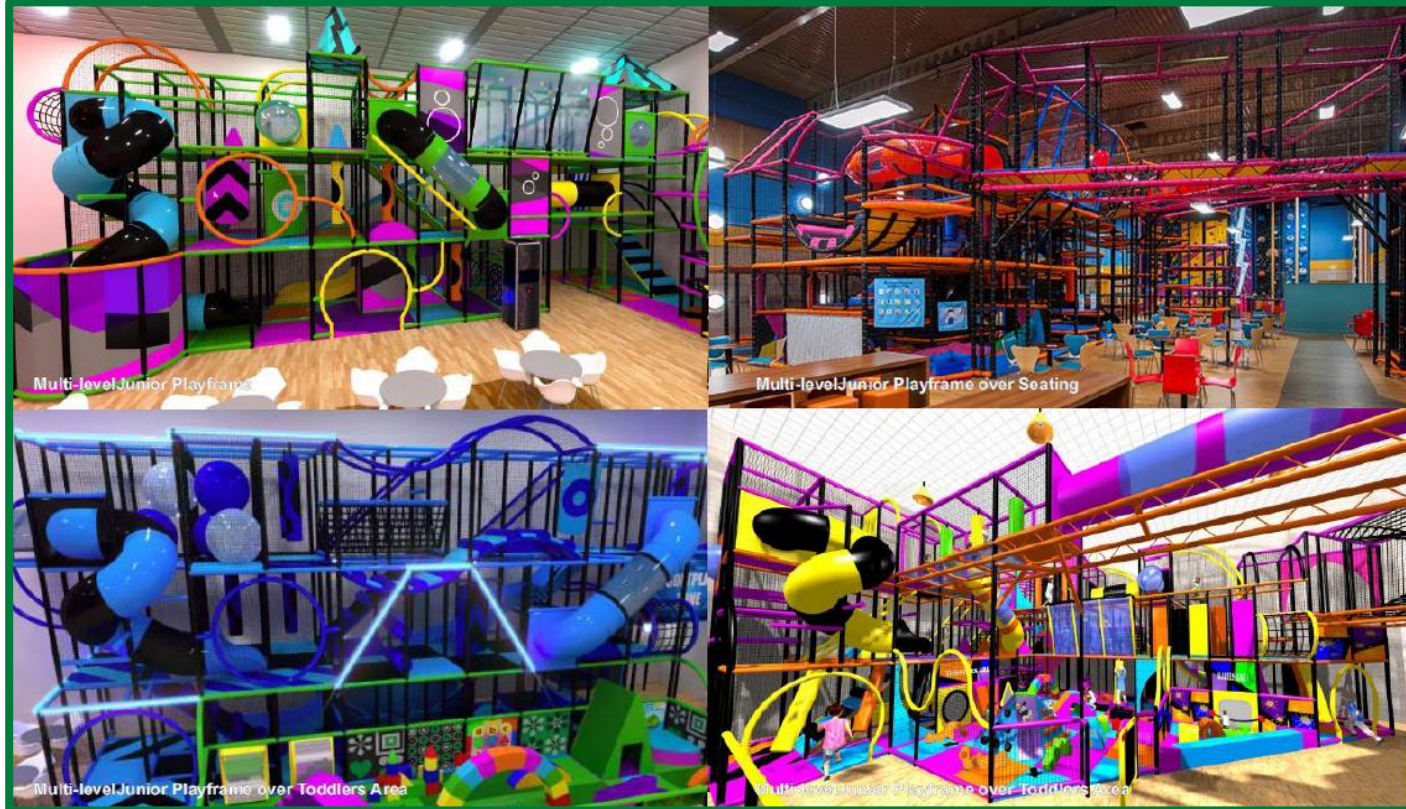
RIBA Stage 2 Update

- Proposed Facility Mix
 - Enlarged and enhanced fitness suite
 - Sports/community hall
 - New active wellness hub
 - New soft play offering
 - New dedicated spin studio
 - Three multi-purpose bespoke studios/rooms
 - New café
 - Changing facilities

RIBA Stage 2 Update



RIBA Stage 2 Update



RIBA Stage 2 Update

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RIBA Stage 2 Update

- Consultants / Reports / Surveys
 - Structural & Civils Consultant - Appointed
 - Building Services Consultant - Appointed
 - BREEAM Consultant - Appointed and initial assessment undertaken

 - Phase 1 Site Investigation - Completed
 - Phase 2 Site Investigation - Pending concept design sign-off & UXO mitigation
 - Contamination Testing - Pending concept design sign-off
 - Topographical Survey - Under way
 - Utility / Service Capacity Survey - Complete
 - Drainage Survey - Under way

 - Planning Surveys - Pending concept design sign-off

RIBA Stage 2 Update

- Consultee Engagement

- Planners - Awaiting confirmation of PPA to enable Pre-planning advice
- Building Control - Initial engagement meeting held and overview of project discussed
- Leisure Consultant - Sports Consultancy – sight of initial concept designs

Finance

- Capital and Revenue Funding
 - Project costs
 - Existing funds held
 - Leisure Trust contribution
 - Potential Developer Contributions
 - Need for borrowing
 - Repayment of Debt
 - Revenue funding
 - Service Fee Negotiations with Leisure Trust

Public Engagement

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In liaison with TA6 and the Leisure Trust



Engagement with current users



Dedicated website



FAQs



Online and paper questionnaire



Timing

Next Steps

- Regular reports to Tonbridge Town Centre Programme Board
- O&S Committee (11 Sep 25)
- Final RIBA Stage 2 report to Tonbridge Town Centre Programme Board and Cabinet Member Decision Notice
- Final RIBA Stage 3 report to Tonbridge Town Centre Programme Board and Cabinet Member Decision Notice
- Report to Full Council prior to scheme approval to progress to construction phases

Questions



Overview and Scrutiny Committee

11 September 2025

Part 1 - Public

Recommendation to Cabinet



Cabinet Member	Cllr Matt Boughton
Responsible Officer	Damian Roberts, Chief Executive
Report Author	Jeremy Whittaker, Strategic Economic Regeneration Manager

Annual Service Delivery Plan Q1 (2025/26) Reporting

1 Summary and Purpose of Report

- 1.1 This covering report and annex provides data on the performance of the council during Q1 of 2025/26 in relation to the milestones and Key Performance Indicators (KPIs) set out in the Annual Service Delivery Plan 2025/26.

2 Corporate Strategy Priority Area

- 2.1 By the very nature of the milestones and KPIs, and their role in monitoring the performance of the Council in meeting the vision and priorities set out in the Corporate Strategy 2023-2027, this report covers all four of the priority areas – Caring for the Environment; Improving Housing and Protecting Areas; Investing in our Borough and Local Economy; and Efficient and Effective Council.

3 Recommendations

- 3.1 That overall progress, including achievements to date and areas needing focus, **BE RECORDED**

4 Introduction and Background

- 4.1 This Q1 report and Annex represents the start of a new approach to performance management – replacing a suite of KPIs which had been in place since 2022, with a new Annual Service Delivery Plan that comprises both key activities and KPIs.
- 4.2 The breakdown of these activities and KPIs is divided up by the Corporate Strategy Priority Areas as follows:

Corporate Strategy Priority Area	Activities	KPIs
Caring for the Environment	15	14
Improving Housing and Protecting Areas	7	15
Investing in our Borough and Local Economy	15	10
Efficient and Effective Council	33	23
Total	70	62

5 Overview of Performance for Key Activities in Q1 (2025/26)

5.1 Whilst the detail is provided in Annex 1, the following table provides an overview of performance relating to the key activities in the Annual Service Delivery Plan for the period up to the end of June 2025:

Corporate Strategy Priority Area	Red	Amber	Green	Total
Caring for the Environment	0	2	13	15
Improving Housing and Protecting Areas ¹	1	3	3	7
Investing in our Borough and Local Economy	0	6	9	15
Efficient and Effective Council	1	8	24	33
Total	2	19	49	70

5.2 The RAG rating of these activities is based on the following definitions:

- **Red** – serious issues with dates being missed.
- **Amber** – some issues that are being managed with a need for close monitoring.
- **Green** – project is on track (with tick where completed).

5.3 A total of 49 activities (70%) were green-rated as of the end of Q1, which represents a strong level of performance. Of these, 5 activities were completed during Q1. Some highlights include:

Caring for the Environment:

- **COMPLETED:** Evaluation of use of hydro-treated vegetable oil for the waste contact vehicles.
- Tender documentation issued for waste and recycling services.
- Installation of air source heat pumps at Larkfield Leisure Centre progressing on site.
- VE Day food waste event undertaken.

Improving Housing and Protecting Areas:

- Local Lettings Policy adopted by Cabinet.

- Lease for 19 units of Temporary Accommodation at Bridge House now signed.

Investing in our Borough and Local Economy:

- Plans for replacement Angel Centre progressing well.
- Approval by Cabinet of the Business Rates (Shared Growth Fund) Programme.
- Establishment of a Temporary Banking Hub at Tonbridge Castle.
- Leigh Expansion and Hildenborough Embankment Scheme entering its final stages with installation of new gates.
- Launch of a Summer Marketing Campaign for Tonbridge Castle

Efficient and Effective Council:

- **COMPLETED:** Second Homes Premium implemented.
- **COMPLETED:** revised Workforce Strategy approved.
- **COMPLETED:** County Council Elections successfully delivered.
- **COMPLETED:** Silver Award in the Armed Forces Employer Recognition Scheme secured.
- Contract awarded for works to Gibson East.
- Annual Governance Statement signed off.
- Project Management templates developed and embedding, with training being arranged.
- Launch of an enhanced Community Enforcement Team
- Transfer of Waste Services calls into the Contact Centre.
- Plans for consolidating the Council's accommodation at Kings Hill are on schedule.
- Budget Review progressing well.
- Annual Governance Statement signed off.
- New external litter enforcement contract that helps to reduce anti-social behaviour commenced.
- Migration of all internal and external eforms to Jadu.

5.4 Overall, only 2 activities (3%) were red-rated. These were both related to delays caused by Central Government:

- a) 5.2 Prepare all system and staffing changes for the implementation of the Building Safety Levy as a key Government action arising out of the Grenfell Inquiry – **REASON:** the implementation of the levy has been delayed by Government by a year so that it will now come into effect in Autumn 2026.
- b) 13.12 Implement a new planning fee structure aligned to expected secondary legislation – **REASON:** the legislation has not yet been passed by Government.

6 Overview of Key Performance Indicators in Q1 (2025/26)

6.1 The following table sets out an overview of the status of the Key Performance Indicators within the Annual Service Delivery Plan 2025/26 as of the end of Q1 (end of June 2025):

Corporate Strategy Priority Area	KPI Status				Total
	Red	Amber	Green	N/A	
Caring for the Environment	1	2	8	3	14
Improving Housing and Protecting Areas	6	3	5	1	15
Investing in our Borough and Local Economy	2	3	2	3	10
Efficient and Effective Council	5	4	13	1	23
Total	14	12	28	8	62

NB: the N/A applies to KPIs that are either reported annually or have a slight lag.

6.2 The definitions for the RAG-rating of the status are as follows:

- **Red** – indicator is below 10% variance of the target
- **Amber** – indicator is within 10% variance of the target.
- **Green** – indicator is on track or exceeding the target.

In Annex 1, the trend is also included for each Key Performance Indicator. The symbols indicate the following:

- ↑ - improving trend
- ↔ - static trend
- ↓ - worsening trend.

6.3 Of the KPIs that are rated, 52% (28 out of 54) are green-rated, which represents a satisfactory level of progress. Some highlights in Q1 include:

- KPI008: Only 0.08% of waste collections missed
- KPI010: Street-cleansing complaints dropped to 5 in Q1
- KPI033: Occupation of Council-owned commercial premises went back up to 100%
- KPI043: Reported Anti-Social Behaviour cases were slightly lower this quarter in comparison to Q1 of 2024/25 (127 vs 130)
- KPI044: The number of victim-based crimes reported in the borough was the lowest since it was collected as a corporate KPI (Q2 of 22/23)
- KPI045: My Account registrations have increased to nearly 49,000 (although this is expected to drop slightly in Q3)
- KPI062: 99.6% of invoices were paid within the 30-day deadline.

6.4 Overall, 14 KPIs (26% of KPIs that are rated) are red-rated, these include:

- KPI009: Waste collection complaints were higher in Q1 (62).
- KPI015: Housing Land Supply is currently 2.89 years.
- KPI019: 41% of appeals were dismissed against the Council's refusal of planning permission.
- KPI026: 456 properties in the borough have been unfurnished and unlive in for longer than 6 months.
- KPI049: there are 12 vacant posts within the council
- KPI051: the mean Gender Pay Gap within the council is 22.3%
- KPI052: 84% of calls in the Contact Centre were answered.

6.5 There are a small number of KPI targets that should be flagged up at this early stage in the year:

a) KPI006 - % Household waste recycled and composted: the current target of 54% was calculated from the estimated out-turn figure for 2024/25 of 50%. The actual out-turn figure was 48%, and as such a target of 50-52% will likely be more achievable.

b) KPI046 – The number of My TMBC app downloads over the course of the year: this data may be challenging to access in future due to it being put behind a paywall.

7 Financial and Value for Money Considerations

7.1 None arising directly from this report.

8 Risk Assessment

8.1 Performance Management is identified in the Strategic Risk Register which highlights that without an effective performance management framework in place (such as that provided by the Annual Service Delivery Plan), the authority will not be able to understand any required improvements or achieve value for money.

9 Legal Implications

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

10 Consultation and Communications

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

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

11.1.1 The monitoring of the Annual Service Delivery Plan as of itself has a limited or low impact on emissions and environment, although there are measures within the plan which will have a more positive bearing on reducing carbon emissions and improving energy efficiency.

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

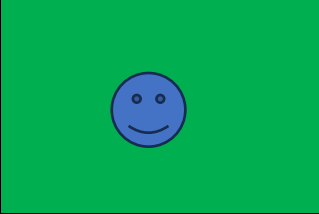
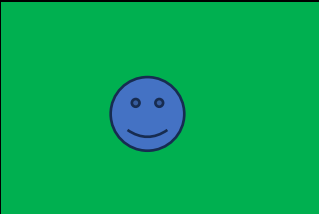

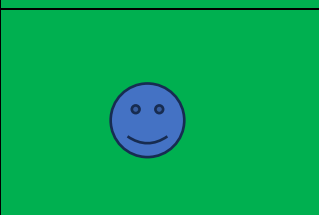
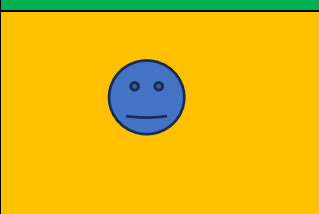

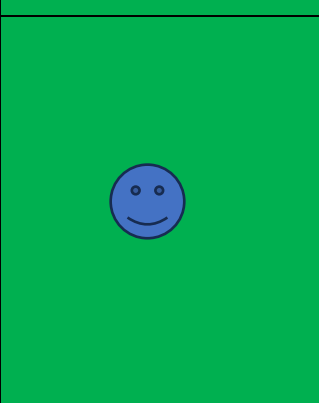
11.2 Equalities and Diversity

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.


Background Papers	None
Annex 1	Annual Service Delivery Plan April-June 2025 (Q1)

Annex 1: Annual Service Delivery Plan – Q1 Update

Caring for the Environment - Activity:

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
1.1	Install electric vehicle rapid charging points in the borough to support the reduction in carbon emissions from private transport.	Climate Change	Deliver 40 more electric vehicle rapid charging points in our car parks by March 2026.	Engineering Manager	Finance, Waste and Technical Services		Contractor performance being monitored to ensure timescale is met.
1.2	Install air source heat pumps to serve the fitness pool at Larkfield Leisure Centre to help meet our 2030 Climate Change goal.	Climate Change	Planning Application approved by Full Council by summer 2025 (if required). Works completed (including the removal of gas boilers) by March 2026.	Head of Administration and Property Services	Housing, Environment and Economy		Planning application not required. Works progressing well on site.
1.3	Progress plans to decarbonise Tonbridge Pool heating system.	Climate Change	Preferred option agreed by Cabinet by November 2025.	Head of Administration and Property Services	Housing, Environment and Economy		Company appointed to undertake decarbonising study (June 2025)
1.4	Decarbonise Gibson offices and install renewable technology.	Climate Change	Report tender outcome to Members and award contract in June 2025. Removal of gas boilers and installation of solar PV completed by March 2026.	Head of Administration and Property Services	Housing, Environment and Economy		Completed - Tender outcome reported to Cabinet on 03 June 2025. Funding transfer due to be considered by Full Council on 08 July 2025.
1.5	Assess relevant Council owned land as Biodiversity Net Gain sites for the borough.	Climate Change	Baselines established for Council owned land during summer 2025. Report outcome to Members by autumn 2025.	Head of Administration and Property Services / Climate Change Officer	Housing, Environment and Economy		The Planning Policy Team has appointed a company to assess the feasibility of the council utilizing its own land for Biodiversity Net Gain purposes. A draft report is expected in August 2025.
1.6	Evaluate use of Hydro-treated Vegetable Oil (HVO) for the waste contract vehicles.	Climate Change	Report setting out consideration of HVO proposals within the recommissioning of waste and recycling services to Members by December 2025.	Head of Street Scene and Leisure	Finance, Waste and Technical Services/Housing, Environment and Economy		Report considered by Scrutiny Select Committee and Cabinet and way forward agreed. Completed.
2.1	Undertake the full procurement of all contracted waste and recycling services.	Recycling	Issuing of tender documentation in May 2025 Tender evaluation undertaken in December 2025. Report to Cabinet to approve preferred contractor in Spring 2026. Appointment of successful contractor in Spring 2026.	Head of Street Scene and Leisure	Finance, Waste and Technical Services		Tender documentation issued in May 2025.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
2.2	Drive up greater recycling rates within our communities.	Recycling	2 council-run events that encourage recycling by March 2026. 2 'behaviour-change' campaigns (including fly-tipping) delivered by end of March 2026.	Head of Communication	Finance, Waste and Technical Services		VE Day food waste event completed. Further event planned for Tonbridge Food and Drink Festival in Sept 2025. Fly tipping campaign scheduled for Autumn 2025 and food waste campaign – timing to be confirmed.
2.3	Work with our contractors to minimise waste and remove single use plastics from their operations.	Recycling	Introduce greater use of refills and reduced waste from Council-owned sites by July 2025.	Climate Change Officer	Housing, Environment and Economy		The July 2025 is not achievable due to no Climate Change Officer currently in post (new officer anticipated October 2025). Work on this will commence in Autumn 2025.
3.1	Improve our designated Air Quality Management Areas (AQMAs) to help support a better environment for our residents.	Tackling Pollution	Revocation of 4 Air Quality Management Areas following improvements by March 2026.	Environmental Protection Manager	Housing, Environment and Economy		Results on track to revoke Tonbridge High Street, Larkfield, Aylesford and Borough Green AQMAs in Q3.
4.1	Invest in Tonbridge Racecourse Sportsground for our residents and visitors.	Parks and Leisure	Refurbish tennis courts by August 2025. Identify new options for the future use of the vacated bowls green by November 2025.	Leisure Services Manager (Outdoors)	Community Services		Quotations received for the tennis courts. To be funded in full through s.106 contributions. Date of works to be confirmed. Indoor/Outdoor Leisure Strategy to be considered by Scrutiny Select Committee and Cabinet.
4.2	Upgrade paths and bridges at our Country Parks to improve accessibility for residents and visitors.	Parks and Leisure	Improve paths at Haysden Country Park by September 2025. Shallows Bridge Feasibility and Options Report reported to Cabinet by June 2025.	Leisure Services Manager (Outdoors)/Engineering Manager	Community Services		Quotations received for Haysden Country Park and works to start on 07 July 2025. Initial feasibility study received, with existing bridge to be removed in September 2025 to allow the assessment of the bridge abutments.
4.3	Implement lighting improvements between Town Lock and Vale Road to provide safer access for the public.	Parks and Leisure/Promoting Well-Being	Engage with the different landowners on this complex site by April 2025. Feasibility report to Finance, Regeneration and Property Scrutiny Select Committee in May 2025. Report to Cabinet to agree the scheme design by September 2025.	Director of Street Scene, Leisure and Technical Services	Community Services/Infrastructure and Tonbridge Regeneration		First two milestones completed and scheme design being developed.
4.4	Improve the condition of playing pitches for our sports clubs at Swanmead sportsground.	Parks and Leisure	Improvements to the drainage undertaken by March 2026.	Leisure Services Manager (Outdoors)	Community Services		Quotes received and works planned for September 2025.

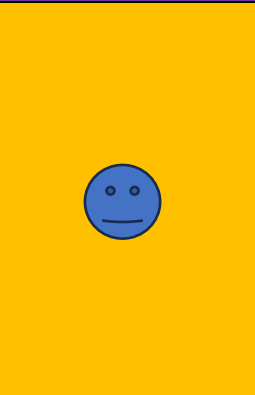
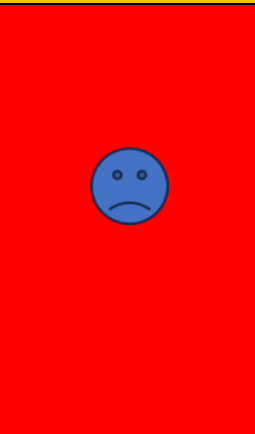
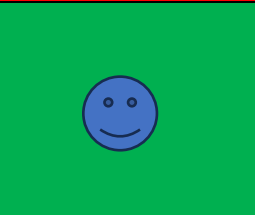
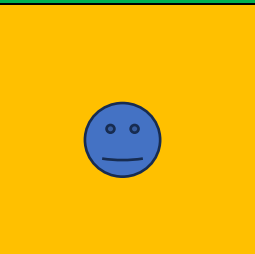

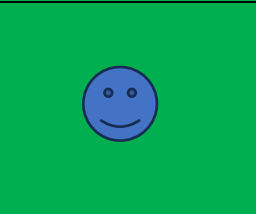
Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
4.5	Increase the number of vaults at Tonbridge Cemetery.	Parks and Leisure	64 new vaults installed by December 2025.	Parks Officer	Community Services		Order placed for vaults to be installed in August 2025.


Caring for the Environment – Performance Targets:

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
001	TMBC Annual Carbon Audit Emissions Data (tCO2e)	Amount of CO2e emitted through council assets and activities.	TBC				2900			Data submitted to CESSC on 16 July 2025 – however, data provided for Tonbridge Swimming Pool was incorrect and will be updated when the new Climate Change Officer is in post.		Climate Change Officer	Housing, Environment and Economy
002	Total Attendance at TMLT Leisure Facilities	Total number of visitors to Larkfield Leisure Centre, Angel Centre, Tonbridge Swimming Pool, and Poulton Wood Golf Course.	371,015				1.5 m	↑		Q1 in 2024/25 was 365,670.		Leisure Services Manager	Community Services
003	Leisure Centre Income	Overall income generated by our Leisure Facilities as a % to profile.	103.4%				Over 100%	↑		Income was £3.105m against a budget of £3.004m in Q1.		Leisure Services Manager	Community Services
004	Leisure Centre Expenditure	Overall expenditure incurred by our Leisure Facilities as a % to profile.	100.4%				Under 100%	↔		Expenditure was £2.719m against a budget of £2.708m in Q1.		Leisure Services Manager	Community Services
005	Improved recycling pages on TMBC website	Number of clicks via social media and other channels during 2025/26.	1,001				2,000	↑				Head of Communication	Finance, Waste and Technical Services
006	% household waste recycled and composted	Calculated comparing the amount of waste sent for recycling, reuse and composting against total waste collected.	TBC				54%			Collation of data from KCC results in details shared one quarter behind. Out-turn for 24/25 was ultimately 48% and as such a target of 50% rather than 54% may be more achievable.	52.2% (TWBC) 49.6% (MBC) 38.2% (SDC) in 2023/24	Street Scene Manager	Finance, Waste and Technical Services
007	% of individual collections missed (waste)	Percentage of 'missed' residential kerbside collections.	0.08%				0.10%	↔				Street Scene Manager	Finance, Waste and Technical Services

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
008	Waste Collection Completions	% completion of scheduled collections.	100%				100%	↑				Street Scene Manager	Finance, Waste and Technical Services
009	Waste Collection Complaints	Number of formal complaints received about the waste collection service.	62				160	↓		Whilst complaints have increased in Q1, they still represent a very small percentage of the total collections made (approximately 0.001%)		Street Scene Manager	Finance, Waste and Technical Services
010	Street Cleansing Complaints	Number of formal complaints received about street cleansing.	5				20	↑				Street Scene Manager	Finance, Waste and Technical Services
011	Air Quality Management Areas (AQMA)	Number of AQMAs where NO2 results exceed the National Air Quality objective for which they are declared.	0				0	↔				Environmental Protection Manager	Housing, Environment and Economy
012	Fly Tipping	Number of reported incidents of fly tipping in the borough	254				975	↑				Street Scene Manager	Finance, Waste and Technical Services
013	Green Flag Status	Number of our parks with a Green Flag Status.	3				3	↔			45 (across Kent – June 2025)	Leisure Services Manager (Outdoors)	Community Services
014	Environmental Fixed Penalty Notices (FPNs)	% of environmental FPNs served that are paid.	N/A				65+%			Collation of data from Contractor results in details shared one quarter behind due to period of time payment is due.		Street Scene Manager	Finance, Waste and Technical Services

Improving Housing and Protecting Areas – Activity:

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
5.1	Implement the 25/26 milestones in the Local Development Scheme to work towards producing a Local Plan that accommodates sustainable growth and protects our important green spaces.	Local Plan and Housing	Community (Reg 18) Consultation materials (including approach to Member Engagement) considered by Housing and Planning Scrutiny Select Committee and approved by Cabinet in December 2025. Successfully undertake community consultation on the Local Plan in Winter 2025.	Planning Policy Manager	Planning		Staff sickness and contract work associated with local plan evidence base, has meant that certain timescales are behind. This is currently being closely monitored and arrangements are being sought to ensure that timescales can be met. Consultation will take place in Autumn/Winter 2025, subject to Members agreeing the Draft Regulation 18 Stage 2 Local Plan consultation document.
5.2	Prepare all system and staffing changes for the implementation of the Building Safety Levy as a key Government action arising out of the Grenfell Inquiry.	Local Plan and Housing	Report to Cabinet in Spring 2026 setting out formal preparations for the introduction of Building Safety Levy implementation in Autumn 2026.	Head of Planning	Infrastructure and Tonbridge Regeneration		The Building Safety Levy, which will impose a charge on developers for new residential buildings to fund building safety improvements, has been delayed by a year. It will now come into effect in Autumn 2026, rather than Autumn 2025, according to the government's technical consultation response. The delay is intended to give developers and local authorities more time to prepare for the levy's implementation.
6.1	Deliver a refreshed approach to Local Lettings Plans for new homes.	Affordable Housing	Local Lettings Plan policy agreed by Cabinet in June 2025. Implementation report to Housing and Planning Scrutiny Select Committee in December 2025.	Head of Housing and Health	Housing, Environment and Economy		Local Lettings Policy approved and adopted by Cabinet in June 2025. The Implementation report is within the work plan.
6.2	Work with the private sector housing market to increase housing solution opportunities for our residents.	Affordable Housing	Report detailing work to date with the Private Sector (including revised Landlord Incentive Scheme) presented to Housing and Planning Scrutiny Select Committee in Autumn 2025. Delivery of a Landlord event in Autumn 2025.	Head of Housing and Health	Housing, Environment and Economy		Will be reported to Housing and Planning Scrutiny Select Committee in December 2025 due to the October meeting being focused on the Local Plan.
7.1	Increase the supply of Temporary Accommodation aligned to significant growth in housing demand.	Housing Support	20 additional units of Temporary Accommodation owned or managed by the Council by March 2026.	Head of Housing and Health	Housing, Environment and Economy		Lease for 19 units at Bridge House now signed. Occupation will begin in August 2025. A tender for the delivery of a scheme at Bluebell Hill is currently live.
7.2	Adopt and implement a Homelessness Strategy to support our most vulnerable residents.	Housing Support	Homelessness Strategy considered by Scrutiny Select Committee by December 2025. Homelessness Strategy adopted by Cabinet by March 2026.	Housing Solutions Manager	Housing, Environment and Economy		These actions are both within the work plan.

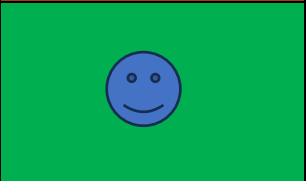
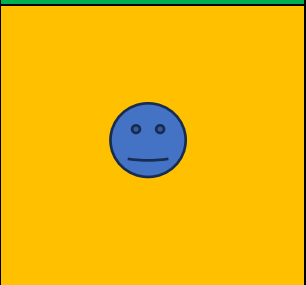
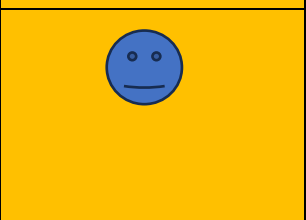
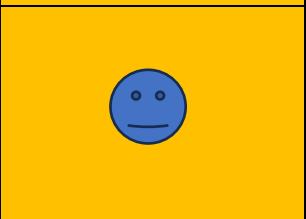
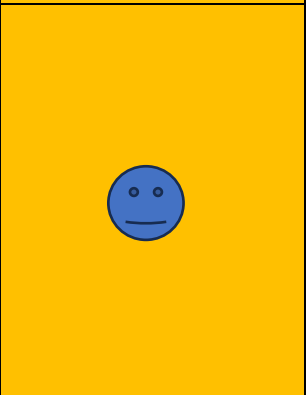
Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
8.1	Give greater protection to people living in rented accommodation.	Rented Accommodation	Report on the Renters (Reform) Act agreed by Cabinet in Summer 2025 (NB Now updated to the Renters Rights Act) Requirements of the Renters Rights Act successfully implemented and managed by March 2026.	Housing Improvement Manager	Housing, Environment and Economy		Legislation and guidance still awaited.








Improving Housing and Protecting Areas – Performance Targets:


Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
015	5-year Housing Land Supply (years)	A calculation of whether there is a deliverable supply of homes to meet the planned housing requirement.	2.89				5 years	↔		Having increased in previous years to 4.36 years, the figure dropped back to 2.89 in Q4 2024/25 following changes in the National Planning Policy Framework.		Head of Planning	Planning
016	Processing of 'Major' Planning Applications (% rate)	Percentage calculated as the number of major applications processed within the 13-week timescale.	75%				91%	↓		Government target is 60% , so still well above this figure in Q1.		Head of Planning	Planning
017	Processing of 'Minor' Planning Applications (% rate)	Percentage calculated as the number of minor applications processed within the 8-week timescale.	69%				76%	↓		Government target is 65% , so still above this figure in Q1		Head of Planning	Planning
018	Processing of 'Other' Planning Applications (% rate)	Percentage calculated as the number of 'other' applications processed within the 8-week timescale.	77%				90%	↓		Government target is 80% so marginally under this figure in Q1.		Head of Planning	Planning
019	Planning Appeals - dismissed	Percentage of appeals dismissed against the Council's refusal of planning permission.	41%				70%	↓				Development Manager	Planning
020	Planning Enforcement	Number of Planning Enforcement Cases left open more than 4 months.	74%				68%	↑				Head of Planning	Planning
021	Tree Preservation Orders	Number of TPO applications in the historic backlog reported to Members in December 2024.	58				0	↑				Head of Planning	Planning
022	Housing Register	Total number of people on the housing register	343				800	↑		Figure is at end of Q1. This figure constantly changes as people get housed and new applications go live.		Head of Housing and Health	Housing, Environment and Economy
023	Affordable Housing	Number of Affordable Homes built out per annum.	N/A				170			Annual figure provided at end of Q4.	193 (MBC) 119 (TWBC)	Head of Housing and Health	Housing, Environment

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
											35 (SDC) in 2023/24		and Economy
024	Private Rented Sector	Number of households made a successful Private Rented Sector Offer.	0				24	↓		Access to private rented sector remains challenging. Resources to support this work are not yet fully in place.		Head of Housing and Health	Housing, Environment and Economy
025	Temporary Accommodation	Average number of all households in temporary accommodation as at end of the quarter.	122				120	↑		Numbers have reduced and were consistently between 120-125 in Q1, so edging closer to the target.	283 (MBC) 75 (TWBC) 70 (SDC) in Q3 of 2024/25	Head of Housing and Health	Housing, Environment and Economy
026	Empty Properties	Number of properties in the borough that have been unfurnished and unlive in for longer than 6 months.	456				375	↓				Head of Housing and Health	Housing, Environment and Economy
027	Improving Housing Conditions	Number of properties where conditions have improved.	24				80	↑				Head of Housing and Health	Housing, Environment and Economy
028	Housing Enforcement Notices	Number of Housing Enforcement Notices Served.	1				3	↑				Head of Housing and Health	Housing, Environment and Economy
029	Disabled Facilities Grants	Number of homes adapted or improved for older and vulnerable residents to promote their independence and keep them safe in the community.	26				80	↑				Head of Housing and Health	Housing, Environment and Economy

Investing in our Borough and Local Economy – Activity:

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
9.1	Drive forward Tonbridge Town Centre Regeneration Plans.	Using Land and Assets Better	Following the completion of the community engagement phase in Spring 2025, Masterplan for the Town Centre adopted by Cabinet by September 2025.	Head of Administration and Property Services	Infrastructure and Tonbridge Regeneration		Due to be reported to Cabinet in October 2025 following public engagement.
9.2	Make solid progress on our plans to improve leisure provision in Tonbridge.	Using Land and Assets Better	Progress plans for replacement Angel Leisure Centre to RIBA Stage 2 (initial concept design) by autumn 2025.	Head of Street Scene and Leisure	Infrastructure and Tonbridge Regeneration		Progress being made in accordance with the agreed timeline.
9.3	Implement early phases of Tonbridge Farm Sportsground masterplan to provide improved, accessible leisure facilities for the whole community.	Using Land and Assets Better	Approval of Tonbridge Farm business plan by Cabinet in Spring 2025. Improve or replace existing facilities (including new pavilion roof and all-weather pitches) in accordance with the masterplan for the site by March 2026.	Head of Street Scene and Leisure	Infrastructure and Tonbridge Regeneration		Masterplan approved. There is a strong likelihood that scheme completion will fall into 2026/27 due to the need to secure external funding.
9.4	Improve Bailey Bridge East car park in Aylesford.	Using Land and Assets Better	Improve car park to provide additional spaces, CCTV and new surface by Spring 2025.	Engineering Manager	Finance, Waste and Technical Services		Project delayed due to staff resource issues in Technical Services. Planning consent will be required along with Biodiversity Net Gain and Flood Risk Assessment consultant reports.
9.5	Stabilise flood mitigation protection at Wouldham River Wall.	Using Land and Assets Better	Complete RIBA Stage 1 (Preparation and Briefing) by Summer 2025. Design and Procurement for the mitigation protection works in Spring 2026.	Head of Technical Services	Infrastructure and Tonbridge Regeneration		Project delayed due to staff resource issues in Technical Services,
10.1	Ensure investment in infrastructure is aligned to population and housing growth.	Economy Bouncing Back	Produce fully costed and dated Infrastructure Delivery Plan and Funding Statement to inform the Local Plan by Summer 2025.	Planning Policy Manager	Planning		Work is progressing on the Infrastructure Delivery Plan (IDP) to support the Local Plan including engagement with infrastructure providers. An Interim IDP will be published alongside the Reg 18 stage 2 Local Plan. The procurement of the transport evidence base including the Active Travel Strategy is currently behind schedule, however, this is being managed/monitored.
10.2	Delivery of the Tonbridge and Malling UK Shared Prosperity Fund (including Rural England Prosperity Fund) to support our businesses and residents.	Economy Bouncing Back	£327,000 of funding spent on projects by March 2026. 100% of Rural England Prosperity Fund allocated to eligible projects by November 2025.	Strategic Economic Regeneration Manager	Housing, Environment and Economy		All projects in the programme underway or in the latter stages of planning. Rural England Prosperity Fund relaunched in June 2025.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
10.3	Establish and implement a new programme to support the local economy using Business Rates Pool funding.	Economy Bouncing Back	Business Rates Pool Programme agreed by Cabinet in September 2025, with implementation from October 2025 onwards.	Strategic Economic Regeneration Manager	Housing, Environment and Economy		Report to Cabinet on 30 June 2025.
10.4	Delivery of People and Skills Grant Scheme that creates training and employment opportunities for our residents.	Economy Bouncing Back	Round 1 Funded projects completed by December 2025, supporting 100 residents. Cabinet Member approval to launch a Round 2 in June 2025.	Strategic Economic Regeneration Manager	Housing, Environment and Economy		All Round 1 projects well-advanced and scheduled to complete in advance of December 2025. Approval for Round 2 given in April 2025. Scheme launched in May 2025 with 13 applications submitted ahead of the 18 June 2025 deadline.
10.5	Implement a new Street Trading policy that supports our businesses, enhances our towns and generates maximum community benefit.	Economy Bouncing Back	Implementation of new policy by September 2025.	Head of Licensing, Community Safety and Customer Services	Housing, Environment and Economy / Community Services		In the process of being reviewed as a result of upcoming staffing changes.
10.6	Support the introduction of a new Banking Hub in Tonbridge that provides face-to-face personal and business banking services.	Economy Bouncing Back	Temporary Banking Hub up and running by Summer 2025. Permanent location for the Banking Hub secured by March 2026.	Strategic Economic Regeneration Manager	Housing, Environment and Economy / Community Services		Temporary Banking Hub opened in June 2025. Cash Access has identified three potential properties for the permanent hub (not been notified of location)
11.1	Help drive visitor numbers to Tonbridge Castle through events and activities.	Profile of Assets	Deliver a Summer marketing campaign during June to September 2025. Implement new activities following loss of the Gateway Service by March 2026.	Head of Communication / Head of Licensing, Community Safety and Customer Services	Community Services		Advertising on events/ marketing started June 2025. Reopening of attractions scheduled for end of July 2025. Working ongoing on new activities.
11.2	Install new Digital Information Boards to help improve real-time communication with our residents.	Profile of Assets	Project approved by Cabinet by Summer 2025. New Digital Information Boards installed at locations across the borough by March 2026.	Head of Communication / Head of Licensing, Community Safety and Customer Services	Community Services		Work ongoing on report for Cabinet. Boards acquired for Castle and Kings Hill (May 2025). Paper to be submitted to Cabinet on September 2025
12.1	Work with strategic partners to bring forward/complete key employment sites.	Strategic Partners	Panattoni Park Aylesford (one of the largest logistics developments in the Southeast) fully built out and occupied by October 2025. Planning application approved for new Science and Innovation Building at East Malling Research (NIAB EMR) by December 2025. RBLI Centenary Village Phase 2 completed and occupied by December 2025.	Head of Planning / Strategic Economic Regeneration Manager	Planning / Housing, Environment and Economy.		Developments at various stages: Panattoni Park Aylesford – Tesco now operational. The final small site is now occupied by Milence, with development scheduled to complete in 2025. NIAB EMR – no new application submitted as of June 2025.

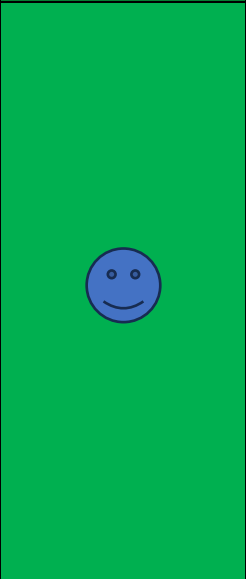
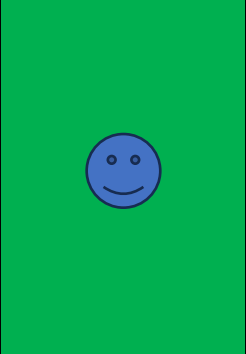
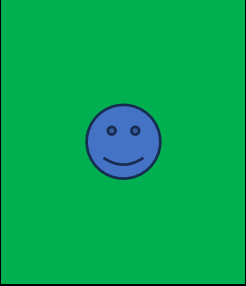
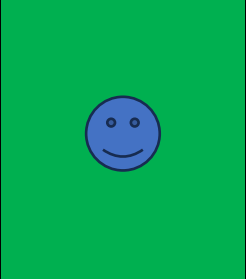

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
			<p>Application for RBLI Factory Development to be determined by summer 2025.</p> <p>London Golf Club planning application determined by spring 2025.</p> <p>Buckmore Park planning application determined by summer 2025 (subject to submission in early 2025).</p>				<p>RBLI Centenary Village – site nearing completion, some units already occupied.</p> <p>RBLI Factory – application submitted in March 2025.</p> <p>London Golf Club – application determined in April 2025.</p> <p>Buckmore Park – application submitted and approved on 30 June 2025.</p>
12.2	Support the Environment Agency with the completion of Leigh Expansion and Hildenborough Embankment Scheme.	Strategic Partners	Completion of scheme and full payment of Council contribution by November 2025.	Strategic Economic Regeneration Manager	Infrastructure and Tonbridge Regeneration		Last gate being installed in Summer 2025. Final instalment of TMBC contribution scheduled for Autumn 2025.

Investing in our Borough and Local Economy – Performance Targets:

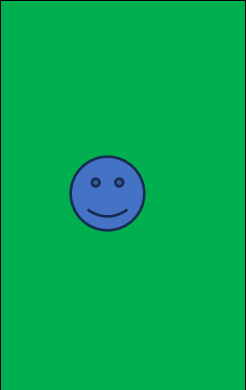


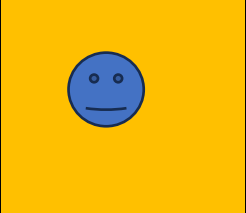
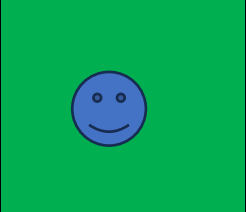
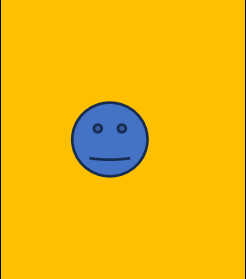
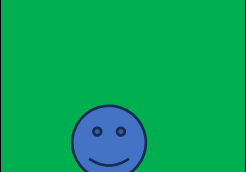
Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
030	Town Centre Vacancy Levels (%)	The number of commercial retail units in our town and village centres that are vacant as a % of the total number.	N/A				5.7%			Survey to be undertaken in August 2025.	13.9% (UK); 14% (TW) in 2024.	Strategic Economic Regeneration Manager	Housing, Environment and Economy
031	Business Births and Deaths	The ratio of business births to business deaths	N/A				1.00			Data will be released in November 2025.	0.78 (MBC); 0.99 (TWBC); 1.05 (SDC) in 2024	Strategic Economic Regeneration Manager	Housing, Environment and Economy
032	Unemployment Rate (%)	The % of the workforce that are claiming unemployment benefits.	2.4%				2.2%	↔		Unemployment rate static in line with county and national picture.	3.4% (Kent) 3.3% (MBC) 2.5% (TWBC) 2.1% (SDC) in Q1 2024/25	Strategic Economic Regeneration Manager	Housing, Environment and Economy
033	Occupation of Rental Properties	The % of council-owned commercial properties that are in occupation	100%				100%	↔				Head of Administration and Property Services	Housing, Environment and Economy
034	Council Events – Income	Total income generated from council run/supported events.	£25,429				£58,000	↑				Head of Licensing, Community Safety and Customer Services	Community Services
035	Property Rentals – Income	Total Income generated from commercial property rentals.	£99,995				£420,000	↑				Head of Administration and Property Services	Housing, Environment and Economy
036	Tonbridge Castle - Income	Total income generated by activities at Tonbridge Castle (Figure includes:	£15,236				£95,000	↓		The closure of the castle attraction has		Head of Licensing, Community Safety	Community Services







Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
		Chamber Hire; Tea/coffee sales; Weddings; Castle Attraction and Artisan Market)								dented income, however this is expected to improve in August when it reopens.		and Customer Services	
037	Tonbridge Castle – Tour Visitor Numbers	Total number of visitors to Tonbridge Castle that take the tour (NB first few months of 25/26 the castle will be closed)	0				3,000	↓		Castle attraction opens on 02 August.		Head of Licensing, Community Safety and Customer Services	Community Services
038	Employment Land	% net change (gain/loss) in employment land	N/A				0%					Planning Policy Manager	Planning
039	People and Skills Fund	Number of local residents benefitting from projects completed through the People and Skills Fund	0				100	↔		Project outputs will start to become available from Q2.		Strategic Economic Regeneration Manager	Housing, Environment and Economy

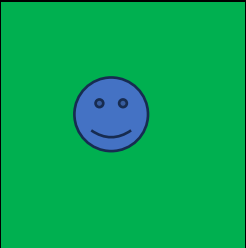


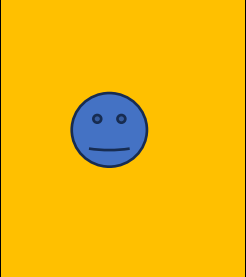
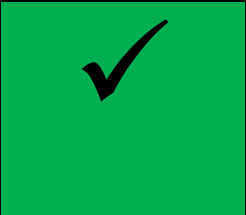
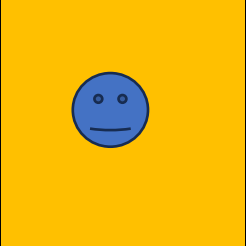
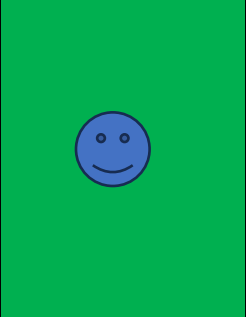
Efficient and Effective Council – Activity:


Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
13.1	Ensure that the Council maximises the opportunities to influence the implementation of the Government’s Devolution/Local Government Reorganisation agenda within Tonbridge and Malling in the interests of local residents and takes action to navigate a path that minimises the inherent risks and uncertainty associated with this type of process.	Innovative and Cost-Effective Services	<p>Actively contribute to the Government’s process for determining the Local Government Reorganisation geography across Kent and Medway by submitting proposals for new Unitary Authorities by November 2025.</p> <p>Establish formal programme management arrangements to ensure the Council is fully engaged in managing the preparation and transition process by Winter 2025.</p> <p>Complete a Community Governance Review for a Town Council in Tonbridge during 2025/26:</p> <ul style="list-style-type: none"> Initial report (including Terms of Reference) to Members in May 2025 Consultation undertaken in Summer 2025 Final recommendations to Council by March 2026. 	Chief Executive	Executive Leader		<p>Consultants appointed to support submission of proposals for new Unitary Authorities (June 2025).</p> <p>Terms of reference approved by Annual Council (May 2025). Consultation started on 02 June 2025, ending on 14 July 2025.</p>
13.2	Bring forward a comprehensive approach to transformation in the Council.	Innovative and Cost-Effective Services	<p>5 Wider Management Team meetings during 2025/26.</p> <p>Reporting to Overview and Scrutiny Committee and Cabinet on Annual Service Delivery Plan 2025/26 (including performance targets) starting in Summer 2025 (Q1).</p> <p>5 awards applications submitted by March 2026 to recognise Council successes.</p>	Chief Executive	Executive Leader		<p>2 Wider Management Team meetings held in Q1 (09 April and 18 June).</p> <p>Q1 reporting process for the Annual Service Delivery Plan started on 20 June 2025.</p>
13.3	Develop a robust Council-wide Project Management approach that drives forward successful delivery.	Innovative and Cost-Effective Services	<p>Develop and Implement new Project Management templates by Spring 2025.</p> <p>Ensure all projects have a manager and sponsor by summer 2025.</p> <p>Project Management training takes place in summer 2025.</p>	Strategic Economic Regeneration Manager / Tonbridge Town Centre Programme Manager	Executive Leader		<p>Completed - New templates published on StaffNet (May 2025).</p> <p>LGiU has been brought on board to deliver Project Management Training in September 2025.</p>
13.4	Refresh and update Medium Term Financial Strategy (MTFS) in light of new Government priorities and the direction for local government funding to be set out in the Spring (2025) Fair Funding Review.	Innovative and Cost-Effective Services	Refresh MTFS in November 2025 with update for Budget Setting in February 2026.	Director of Finance and Transformation / Chief Financial Services Officer	Finance, Waste and Technical Services		Work to update the MTFS will commence in September 2025.
13.5	Undertake a base budget review across all services to identify contributions towards in-year	Innovative and Cost-Effective Services	Initial report on options to save a minimum of £300,000 by summer 2025, to feed into the budget setting process for 2026/27.	Director of Finance and Transformation	Finance, Waste and Technical Services		In progress – report scheduled for Finance, Regeneration and Property Scrutiny Select Committee in September 2025.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
	saving and the Medium-Term Financial Strategy 2026/27.						
13.6	Update the Treasury Management and Investment Strategy, aligning it to the Council's ambitions for property and regeneration investment.	Innovative and Cost-Effective Services	Updated Strategy for recommendation by Audit Committee in January 2026 and adoption by Council in February 2026.	Chief Financial Services Officer / Principal Accountant	Finance, Waste and Technical Services		Work will commence to meet target date.
13.7	Implement Second Homes Premium.	Innovative and Cost-Effective Services	Premium to be included in annual Council Tax bills (as appropriate) from 1 April 2025.	Revenues Manager	Finance, Waste and Technical Services		Implemented.
13.8	Review earmarked reserves with a view to free up funding to assist with delivery of priority capital projects.	Innovative and Cost-Effective Services	Officer review to be undertaken by October 2025 with report to Cabinet by November 2025.	Chief Financial Services Officer / Principal Accountant	Finance, Waste and Technical Services		Work will commence to meet target date.
13.9	Implement Integra Centros Financial ledger system in order to improve efficiency and effectiveness of transactions and reporting.	Innovative and Cost-Effective Services	Implementation of full digital signatures and improved budgetary control reporting by March 2026.	Chief Financial Services Officer / Principal Accountant	Finance, Waste and Technical Services		Work underway to meet target date.
13.10	Strengthen Annual Governance Statement (AGS).	Innovative and Cost-Effective Services	Review Service Assurance Statements which are completed by Statutory Officers and Directors to support the 2024/25 financial statements and the Annual Governance Statement. Annual Governance Statement signed off by Chief Executive and Leader of the Council by May 2025. Annual Governance Statement agreed by Audit Committee by July 2025.	Chief Financial Services Officer / Principal Accountant	Finance, Waste and Technical Services		Annual Governance Statement signed off in May 2025 and scheduled to go to Audit Committee by July 2025.
13.11	Undertake an independent Planning Advisory Service Review and agree Action Plan for improvement.	Innovative and Cost-Effective Services	Complete independent review by September 2025. Action Plan considered by Planning and Housing Scrutiny Select Committee by October 2025. Action Plan agreed by Cabinet by December 2025. Agreed action plan fully delivered by March 2026.	Head of Planning	Planning		The Development Management aspect of the Review is being undertaken on 1st July with the main Peer Challenge scheduled to take place towards the middle of September. This has been delayed due to difficulties with securing an Officer Peer for the challenge.
13.12	Implement a new planning fee structure aligned to expected secondary legislation.	Innovative and Cost-Effective Services	New fee structure considered by Planning & Housing Scrutiny Select Committee by December 2025. New fee structure agreed by Cabinet by February 2026.	Head of Planning	Planning		Secondary legislation has not yet been passed by the Government and as such there will be a delay to the programme timelines




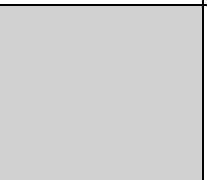




Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
							until such time as the Government lay the required legislation.
13.13	Consolidate Council's accommodation at Kings Hill.	Innovative and Cost-Effective Services	Report tender outcome to Members and award contract for work to Gibson Building East in June 2025. Relocate staff from Gibson Building East to Gibson Building West in June/July 2025. Members to consider Gibson West future by June 2025. Reduction of at least £200,000 in annual operating costs by end of March 2026.	Head of Administration and Property Services	Housing, Environment and Economy		Report submitted to Cabinet on 03 June 2025. Relocation of staff scheduled to commence in July 2025. Cabinet approved the principle of disposing Gibson West on 03 June 2025. Reduction in annual operating costs dependent upon the timescale for disposing of Gibson West.
13.14	Review of Executive Scrutiny Protocol and Associated Governance Arrangements.	Innovative and Cost-Effective Services	Review presented to Cabinet by September 2025.	Director of Central Services	Executive Leader		
13.15	Review of Workforce Strategy to ensure the organisation continues to evolve to deliver high quality services.	Innovative and Cost-Effective Services	Revised strategy, including a new Workforce Monitoring Statement, to be approved by General Purposes Committee by September 2025.	Head of Human Resources and Development	Executive Leader		Strategy approved (May 2025)
13.16	Implementation of Member Development Strategy to promote a positive and inclusive culture of learning, development and continual improvement.	Innovative and Cost-Effective Services	Undertake Member Survey to identify development needs by end of June 2025. Strategy to be approved by General Purposes Committee in October 2025.	Head of Human Resources and Development	Executive Leader		Lead Member to be nominated.
13.17	Deliver new external litter enforcement contract that helps to reduce Anti-Social Behaviour and protect our environment.	Innovative and Cost-Effective Services	New contract to commence in April 2025.	Street Scene Manager	Finance, Waste and Technical Services		Contract commenced.
13.18	Investigate and trial new technologies to improve our car parks and improve the experience of our customers.	Innovative and Cost-Effective Services	Report on the potential of parking machines accepting contactless payments considered by Communities and Environment Scrutiny Select Committee in May 2025 and by Cabinet in July 2025. Automatic Number Plate Recognition introduced and operational at 2 car parks by March 2026.	Engineering Manager / Parking Manager	Finance, Waste and Technical Services		Project delayed due to staff resource issues in Technical Services
13.19	Implement the requirements of the new Procurement Act, and subsequently review the Council's financial procedure rules and	Innovative and Cost-Effective Services	Contracts tendered in accordance with new Procurement Act by April 2025. Updated financial rules and contract procedure rules approved by Council by March 2026.	Director of Street Scene, Leisure and Technical Services /	Finance, Waste and Technical Services		Contracts now tendered in accordance with new Procurement Act.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
	contract procedure rules contained within the constitution.			Director of Finance and Transformation			
13.20	Make it easier for customers to renew their garden waste subscription.	Innovative and Cost-Effective Services	Repeat payment option introduced for subscribers by March 2026.	Chief Financial Services Officer	Finance, Waste and Technical Services		Work will commence to meet target date.
13.21	Identify and implement clear plan to resolve outstanding matters associated with the current Agile Programme	Innovative and Cost-Effective Services	The following teams upgraded to the new system by: Environmental Health by Summer 2025 Housing Services by Summer 2025 Licensing by Summer 2025	Director of Planning, Housing and Environmental Health	Finance, Waste and Technical Services		The Agile implementation has been replaced by the 'return to IDOX' project, which means that these services will remain on the IDOX Uniform platform, which is subject to a series of technical upgrades over summer 2025. Following these, training will be provided to staff on new features.
14.1	Launch an enhanced Community Enforcement Team.	Available Services and Advice	Funding contributions agreed with partner organisations and external funders by April 2025. New team up and running, with Communications Plan in place to raise awareness amongst our communities in April 2025.	Head of Licensing, Community Safety and Customer Services	Community Services		Funding contributions agreed in April 2025 with the new team up and running on 21 May 2025.
14.2	Campaign to increase uptake of E-billing and promote the Citizen Access service for Council Tax.	Available Services and Advice	Complete delivery of the campaign by December 2025 in order to impact on the 2026/27 billing programme.	Revenues Manager	Finance, Waste and Technical Services		Work will commence to meet target.
14.3	Implement key projects as set out in the IT & Digital Strategy 2023-27 roadmap.	Available Services and Advice	Migration of all internal and external eForms from an EBASE to JADU platform and decommission all relevant systems infrastructure by Spring 2025. Adoption of corporate enterprise document management solution including digitization of all paper records across all services within the council by March 2026. Migration of all shared drives across the authority to SharePoint, including training for all staff by March 2026.	Head of IT	Finance, Waste and Technical Services		Migration of all internal and external eforms to Jadu completed. Work will commence to meet other milestones.
14.4	Review National Cyber Security Centre's Cyber Assessment Framework (CAF) with a view to working towards compliance.	Available Services and Advice	Implement recommendations made through the CAF and complete the assessment to ensure compliance by December 2025.	Head of IT	Finance, Waste and Technical Services		Work currently underway to meet target date.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
14.5	Complete the Integration of Services into the Contact Centre to improve customer experience.	Available Services and Advice	Transfer of Waste Services in Spring 2025. Transfer of Planning by Autumn 2025.	Head of Licensing, Community Safety and Customer Services	Community Services		Transfer of waste services took place on 01 May 2025.
14.6	Deliver effective and efficient County Council Elections for our residents	Available Services and Advice	County Council elections delivered successfully in May 2025.	Head of Electoral Services	Executive Leader		Elections successfully delivered in May 2025.
15.1	Distribute 2025/26 Household Support Fund support to our most vulnerable residents.	Promoting Well-Being	100% of funding support provided in accordance with the funding criteria by March 2026.	Benefits and Welfare Manager	Finance, Waste and Technical Services		Work underway to achieve target.
15.2	Produce new Health Action Team (HAT) Action Plan for the One You Service to deliver health & wellbeing impact across the borough.	Promoting Well-Being	Health Action Team Action Plan approved by Cabinet by June 2025. Implementation of Action Plan from June 2025 onwards, including completion of two key actions from each of the three priorities by March 2026.	One You Team Leader	Housing, Environment and Economy		Report going to Communities and Environment Scrutiny Select Committee in September 2025 which will include action plan.
16.1	Work towards securing a Silver Award in the Armed Forces Employer Recognition Scheme to raise awareness of the needs of the Armed Forces Community.	Supporting Residents	Granting Royal British Legion Industries Freedom of the Borough at a ceremony in May 2025. Application approved by Cabinet and submitted to Government in March 2026.	Policy, Scrutiny and Communities Manager	Community Services		Freedom of the Borough granted in May 2025. Application submitted in May 2025 and Silver Award secured in June 2025.
16.2	Deliver a Community Awards Scheme to celebrate individuals and groups making a positive impact and recognising outstanding dedication and service in the borough.	Supporting Residents	Scheme launched in June 2025. Awards presentations to be held by the Mayor by December 2025.	Policy, Scrutiny and Communities Manager	Community Services		Report to be considered by CESSC on 16 July 2025. Scheme will launch in August 2025 with a ceremony in November 2025.
16.3	In recognition of changing demographics in the borough and to respond effectively to local need, develop and deliver equalities and diversity training for all staff, identifying those posts that require enhanced training.	Supporting Residents	Training plan reported to Cabinet by October 2025. Training delivered to all staff by March 2026.	Policy, Scrutiny and Communities Manager	Community Services		Training plan being considered and on track to report to Cabinet in October 2025.

Ref	Description of activity	Priority Action(s)	Milestones	Lead Officer	Cabinet Member	RAG Rating	Commentary
16.4	Improve Council's Safeguarding arrangements and performance.	Supporting Residents	New training plan approved by Cabinet in October 2025, with training delivered to all staff and Members by March 2026. New enhanced safeguarding webpage with links to support agencies and safeguarding advice by March 2026.	Policy, Scrutiny and Communities Manager	Community Services		Phase 1 training completed (Safeguarding Champions received in person training in June 2025). On track to report to Cabinet in October 2025. Webpage launched on StaffNet (May 2025). On track to deliver TMBC webpage by March 2026.

Efficient and Effective Council – Performance Targets:

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
040	Food Safety Inspections	% of due food safety inspections undertaken (Risk Category A-E).	93%				99%	↓				Food and Safety Manager	Housing, Environment and Economy
041	One You Service	The number of residents benefiting from the support of the 'One You' Service.	209				750	↑				One You Team Leader	Housing, Environment and Economy
042	Safeguarding	The number of priority actions arising from the independent safeguarding audit remaining unresolved for more than 6 months.	0				0	↔		No outstanding priority actions from either child or adult safeguarding audits.		Policy, Scrutiny and Communities Manager	Community Services
043	Anti-Social Behaviour (ASB)	Total number of ASB cases in the borough that are reported to the Council.	127				510	↑		Slight reduction on Q1 of 2024/25 which had 130 reports.		Safer and Stronger Communities Manager	Community Services
044	Victim-Based Crime	Total number of reported Victim-based crimes in the borough.	1,667				7,200	↑		On track to meet target.		Safer and Stronger Communities Manager	Community Services
045	My Account registrations	The total number of residents with a My Account.	48,988				47,000	↑		Figure is above target at end of Q1, but will drop in Q3 when a review of My accounts is undertaken.		Head of Communication	Community Services
046	My TMBC app downloads	The number of app downloads over the course of a year.	627				1,500	↑		Estimated averages used for Apr/May due to issues accessing data. Relates to annual increase rather than total number of downloads since launch.		Head of Communication	Community Services

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
047	Public engagement with news from TMBC	The number of clicks on social media content over the course of a year.	4,593				22,000	↑		On track (June 2025)		Head of Communication	Community Services
048	Staff engagement	The proportion of staff who feel positively about working at the Council.	N/A				85%			Awaiting staff survey – timing to be confirmed.		Head of Communication	-
049	Vacant Posts (FTE)	Number of positions within the council that are currently vacant.	12				7	↓		No one issue causing this slight increase.		Head of Human Resources and Development	-
050	Sickness Absence – short term	Average number of working days per employee across the organisation lost to short term sickness absence.	3.23				2.7	↓		No indication that slight increase in sickness absence is workplace related.	5.7 (KCC); 2.9 (MBC) in 2023	Head of Human Resources and Development	-
051	Gender Pay Gap - Mean	The difference between the mean pay of men and women within the council.	22.3%				18%	↔		Measures are being undertaken to try and reduce our Gender Pay Gap - Gender pay gap reporting – Tonbridge and Malling Borough Council	-1.4% (SDC) 3% (MBC) 9.7% (KCC) 11.2% (TWBC) in 2024/25	Head of Human Resources and Development	-
052	Contact Centre – Handled Rate	% of calls answered in the Contact Centre.	84%				94%	↓				Head of Licensing, Community Safety and Customer Services	Community Services
053	Contact Centre - Emails	% of emails responded to within 24 hours.	100%				100%	↔				Head of Licensing, Community Safety and Customer Services	Community Services
054	Contact Centre - Webchat	% of webchats handled by the Contact Centre.	70%				99%	↓		Webchat moved onto a new platform and had teething problems distributing enquiries to advisors. This has now been dealt with.		Head of Licensing, Community Safety and Customer Services	Community Services
055	Licensing	Fees generated from the processing of premises licenses under the Licensing Act 2003.	£18,222				£85,000	↔		The majority of annual fees are in Q3		Head of Licensing, Community Safety and Customer Services	Community Services
056	Council Tax	Percentage calculated as a cumulative year-to-date figure, from the total council tax payments received compared to the total amounts payable in that year.	27.3%				98.1%	↔		Q1 of 24/25 was 27.4%	98.0% (SDC) 97.5% (TWBC) 96.7% (MBC) in 2023/24	Revenues Manager	Finance, Waste and Technical Services

Ref	Indicator	Description	Q1	Q2	Q3	Q4	Target 2025/26	Trend	Status	Commentary	Benchmarking	Lead Officer	Cabinet Member
057	Non-Domestic (Business) Rates	Percentage calculated as a cumulative year-to-date figure, from the total business rates payments received compared to the total amounts payable in that year.	31.2%				99.4%	↑		Q1 of 24/25 was 29.2%	98.7% (TWBC) 98.4% (MBC) 97.3% (SDC) in 2023/24	Revenues Manager	Finance, Waste and Technical Services
058	Salary Monitoring Data	Variation to budget approved by Council in February 2025 and 2026 including the agreed management savings targets.	£63,250 below				£0	↔		Q1 2024/25 - £61,450 below		Chief Financial Services Officer	Finance, Waste and Technical Services
059	Income Monitoring Data	Variation to budget approved by Council in February 2025 and 2026.	£64,673 below				£0	↑		Q1 2024/25 - £155,180 below		Chief Financial Services Officer	Finance, Waste and Technical Services
060	Determination of Housing Benefit claims	Number of days to accurately determine new Housing Benefit claims and changes to existing claims.	28 and 6				26 and 5	↔				Benefits and Welfare Manager	Finance, Waste and Technical Services
061	Determination of Council Tax Reduction Scheme claims	Number of days to accurately determine new Council Tax Reduction Scheme claims (median) and changes to existing claims.	19 and 2				30 and 2	↑				Benefits and Welfare Manager	Finance, Waste and Technical Services
062	Prompt payment of invoices	The percentage of invoices paid with the 30-day deadline.	99.6%				99%	↔		1651 invoices received and 1644 paid within 30 days.	99.6% of invoices paid in 30 days during 2024/25 so trend is neutral.	Exchequer Services and Systems Manager	Finance, Waste and Technical Services

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Overview and Scrutiny Committee

11 September 2025

Part 1 - Public

Recommendation to Cabinet



www.tmbc.gov.uk

Cabinet Member	Cllr Matt Boughton, Leader of the Council
Responsible Officer	Adrian Stanfield, Director of Central Services & Deputy Chief Executive
Report Author	Adrian Stanfield, Director of Central Services & Deputy Chief Executive

Executive/ Scrutiny Protocol

1 Summary and Purpose of Report

- 1.1 The Committee is invited to review the effectiveness of the Executive/ Scrutiny Protocol (attached as Annex 1) to ensure that it remains fit for purpose.

2 Corporate Strategy Priority Area

- 2.1 Efficient services for all our residents, maintaining an effective council.
- 2.2 The proposals in this paper will contribute to the above priority area by ensuring that the scrutiny function is effective in holding the executive to account.

3 Recommendations

- 3.1 Members are requested to **RECOMMEND** to Cabinet that the revised protocol at Annex 1 be approved.

4 Introduction and Background

- 4.1 The Executive/ Scrutiny Protocol was originally introduced in 2022, following a review of the Borough Council's governance arrangements. The Protocol was agreed by Cabinet in September 2022, following earlier consideration by this Committee.
- 4.2 The Protocol was then reviewed by this Committee in September 2023, with some revisions recommended to, and subsequently approved by Cabinet i.e. the formalisation of the process of submitting requests for agenda items to the Chair, and the inclusion within the Protocol of the Local Government Association guidance on the setting of scrutiny work programmes.

4.3 The protocol covers a number of areas, as follows: -

- Core principles
- Development of the scrutiny work programme
- Expectations of the Cabinet
- Expectations of the Overview and Scrutiny Committee
- Call-in
- Compliance with the protocol

4.4 In respect of call-in, Members are asked to note that the protocol predominantly deals with the procedure. Other matters, such as the number of members of the Overview and Scrutiny Committee required to trigger a call-in (5), are dealt with in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution. These Procedure Rules have not been reviewed in the preparation of this report.

4.5 The Chair of the Overview and Scrutiny Committee has been consulted in the preparation of this report. She has requested that the section of the Protocol dealing with the Scrutiny Work Programme be amended to include reference to IT Strategies within the standing items for consideration. The Protocol has therefore been amended to include this reference.

4.6 Members are invited to consider the remaining areas of the protocol and make such recommendations to Cabinet as they see fit.

5 Other Options

5.1 None considered.

6 Financial and Value for Money Considerations

6.1 None arising from this report.

7 Risk Assessment

7.1 The continued adoption of a protocol between the Executive and Scrutiny assists in defining the relationship between the two within our governance structure. This in turn assists in reducing the risks of disagreement and ensures that the scrutiny function is effective in holding the executive to account.

8 Legal Implications

8.1 In May 2019, the Ministry of Housing, Communities and Local Government issued statutory guidance under the Local Government Act 2000 and the Local

Democracy, Economic Development and Construction Act 2009. Local Authorities must have regard to this guidance when exercising their functions.

8.2 At paragraph 11(d), the guidance states

Managing disagreement – effective scrutiny involves looking at issues that can be politically contentious. It is therefore inevitable that, at times, an executive will disagree with the findings or recommendations of a scrutiny committee.

It is the job of both the executive and scrutiny to work together to reduce the risk of this happening, and authorities should take steps to predict, identify and act on disagreement.

One way in which this can be done is via an ‘executive-scrutiny protocol’ (see annex 1) which can help define the relationship between the two and mitigate any differences of opinion before they manifest themselves in unhelpful and unproductive ways. The benefit of this approach is that it provides a framework for disagreement and debate, and a way to manage it when it happens. Often the value of such a protocol lies in the dialogue that underpins its preparation. It is important that these protocols are reviewed on a regular basis.

9 Consultation and Communications

9.1 The Chair of the Overview and Scrutiny Committee has been consulted in the preparation of this report.

10 Implementation

10.1 Any proposals arising from this Committee will be reported to Cabinet in October for approval.

11 Cross Cutting Issues

11.1 Climate Change and Biodiversity

11.1.1 Limited or low impact on emissions and environment.

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.

Background Papers	None
Annex 1	Revised Executive/ Scrutiny Protocol

OVERVIEW & SCRUTINY – CABINET PROTOCOL

1.	Introduction			
1.1	This protocol sets out the relationship between the Council’s Cabinet and its Overview & Scrutiny Committee/ Scrutiny Select Committees. This includes the processes that these bodies will follow, where they will interact with each other, and how they expect the other to conduct itself.			
1.2	The Protocol is in addition to requirements set out in the Council’s Code of Conduct and the Officer/ Councillor Protocol.			
1.3	This Protocol will promote an effective role for Scrutiny and foster a good working relationship between the Overview & Scrutiny Committee and the Cabinet that will ensure the Committee makes a valuable contribution to the effective running of the Council.			
1.4	<p>In seeking agreement to this protocol, it is acknowledged that there are different rights and roles of both Overview and Scrutiny and Cabinet Members but that both are committed to developing an effective relationship.</p> <p>This will involve but not be limited to:</p> <ul style="list-style-type: none"> • Frequent and honest dialogue between Cabinet Members and Overview and Scrutiny Members, either individually or collectively; • Regular discussions regarding Cabinet and Overview and Scrutiny work programmes/activities including establishing joint activities/projects where possible; • Establishing effective and formal reporting structures; and • Respecting the confidential nature of the discussions that may from time to time take place. 			
2.	Principles			
2.1	<p>The following principles set out how the working relationship between the Cabinet and the Overview and Scrutiny Committee should operate:</p> <table border="1" data-bbox="309 1722 1433 1933"> <tr> <td data-bbox="309 1722 459 1933">(a)</td> <td data-bbox="459 1722 1433 1933">The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough;</td> </tr> </table>		(a)	The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough;
(a)	The Cabinet and members of the Overview and Scrutiny Committee recognise that they each have different functions and responsibilities that contribute to securing the best outcomes for the people who live and work in the borough;			

(b)	All participants in the working relationship between Cabinet and the Overview and Scrutiny Committee will do so in a spirit of mutual respect and constructive challenge;	
(c)	Meetings of the Overview and Scrutiny Committee should be conducted in accordance with the statutory guidance (Annex 1);	
(d)	The Cabinet recognises that the Overview and Scrutiny Committee has several rights, for example requiring Portfolio Holders to attend its meetings or calling-in Cabinet decisions which have not yet been implemented should they consider a decision to be reviewed. The Overview and Scrutiny Committee will exercise those rights responsibly;	
(e)	The Agenda for Overview and Scrutiny will include as an early standard item, Non-Key Decisions made by members of Cabinet and officers since the last Overview and Scrutiny Meeting;	
(f)	<p>One of the principal responsibilities of the Overview and Scrutiny Committee is to hold the Cabinet to account. This enables non-Cabinet members to fully scrutinise important decisions made by the Cabinet whilst also allowing routine decision making to take place in a responsive manner. An important method to ensure accountability is through examining performance and decisions taken by the authority.</p> <p>To facilitate this challenge the Overview and Scrutiny Committee may:</p>	
	(i)	Challenge the Cabinet about decisions (whether key or non-key) which have been taken by Cabinet;
	(ii)	Require and consider Key Performance Indicators; and
	(iii)	Query or ask for information about any item on the Notice of forthcoming Key Decisions.
(g)	In addition to their rights as councillors, members of the Overview and Scrutiny Committee and its working groups have additional rights of access to documents as included in the Access to Information rules in the Constitution. This allows the committee access to copies of any documents which are in the possession, or control, of the Cabinet or its committees. There are a few limits on this access, and these are identified in the rules;	

	(h)	Members of the Cabinet cannot be members of the Overview and Scrutiny Committee; and
	(i)	The Overview and Scrutiny Committee will report annually to Full Council to evaluate their work during the previous year and to summarise the programme for the forthcoming year.
3.	Development of the Scrutiny Work Programme	
3.1	Individual Portfolio Holders and Overview and Scrutiny Chairs should consider meeting regularly to identify and plan for policy development work in which all members can participate.	
3.2	The intention should be to programme such work at an early stage in the development of a policy.	
3.3	<p>Each meeting of the Committees will include an opportunity to consider forthcoming key decisions. The relevant committee shall identify any forthcoming key decisions which are:</p> <ul style="list-style-type: none"> (i) relevant to the functions of that committee and; (ii) that it may wish to scrutinise. 	
3.4	The Chair of the relevant committee will inform the Leader or relevant Cabinet portfolio holder and the Chief Executive of the matters which it may wish to scrutinise.	
3.5	The Chief Executive in consultation with Management Team will determine the appropriate lead officers for the matter in question.	
3.6	The relevant Chair, Leader and Chief Executive/ lead officers will discuss the parameters for scoping that matter and any appropriate timescales for the matter to be reported to the Committee, taking into account any key milestones for decision making, including time needed to obtain any advice which is required.	
3.7	<p>The Scrutiny Work Programme will also have the following standing items (Scrutiny Select Committee identified in brackets where relevant):</p> <ul style="list-style-type: none"> • Development of the Annual Budget (Overview and Scrutiny Committee); • Corporate Plan (Overview & Scrutiny Committee); • The Medium-Term Financial Strategy (Finance, Regeneration and Property Scrutiny Select Committee); 	

	<ul style="list-style-type: none"> • Any Treasury/Investment/Capital Strategies (Finance, Regeneration and Property Scrutiny Select Committee); • Any property acquisition and/or Disposal Strategy (Finance, Regeneration and Property Scrutiny Select Committee); • Development of the statutory Development Plan (Housing and Planning Scrutiny Select Committee); • Key Performance Indicators (relevant Scrutiny Select Committee); and • Any IT Strategies (Finance, Regeneration and Property Scrutiny Select Committee)
3.8	In accordance with paragraph 8 of the Overview and Scrutiny Procedure Rules, a request may be made for other agenda items relevant to the functions of the Overview and Scrutiny Committee/ Scrutiny Select Committee(s) to be included on the agenda for the next meeting of the Committee/ Scrutiny Select Committee.
3.9	Any such requests will be considered against the criteria attached to this Protocol at Annex 2 in order to ensure that the scrutiny function is as effective as possible.
4.	Expectations of the Cabinet
4.1	It is expected that Cabinet Portfolio Holders should attend meetings of the Overview and Scrutiny Committee in person, when requested, to present reports relevant to their portfolio and answer any relevant questions. Where a Portfolio Holder is unable to attend on a particular date it is expected that another Portfolio Holder or the Leader will attend on their behalf.
4.2	All Members should promote an atmosphere of openness at Scrutiny Committee Meetings and should strive to ensure that questioning and debate takes place within a climate of mutual respect and trust between Scrutiny Committee Members, the Cabinet Member and other participants.
4.3	In order to notify Scrutiny Members of upcoming business and potential items to be added to the Committee's Work Programme, the Principal Democratic Services Officer will ensure that the Scrutiny Officer is kept updated of all new items that are added to the Cabinet Work Programme.
4.4	If necessary, the Leader will meet with the Scrutiny Officer, Principal Democratic Services Officer and the Chair of the Overview & Scrutiny Committee to consider the best way to deal with any forthcoming items of business.

4.5	Where the Overview and Scrutiny Committee (or Scrutiny Select Committee) has made recommendations to a decision-making body or person, that body or person will provide a written response to those recommendations setting out whether the recommendations are accepted or not, and the reasons for that decision.
4.6	Where the Overview and Scrutiny Committee (or Scrutiny Select Committee) has made recommendations to a decision-making body or person, that body or person will provide a written response to those recommendations setting out whether the recommendations are accepted or not, and the reasons for that decision.
4.7	Overview and Scrutiny Committee and the Scrutiny Select Committees are entitled to such information as is necessary to properly perform their functions. If the Overview and Scrutiny Committee or Scrutiny Select Committee request information from the Cabinet, the Cabinet will respond within 10 working days confirming whether the information requested exists and, if so, provide the committee with access to that information.
5	Expectations of the Overview and Scrutiny Committee
5.1	The Committee will provide constructive ‘critical friend’ challenge to the Cabinet’s proposals and decisions.
5.2	The Committee will remain non-political and be effectively led by Members who take responsibility in their role to drive service improvements.
5.3	The Cabinet’s response to Scrutiny’s recommendations will be published in the agenda of the next scheduled Overview & Scrutiny Committee meeting.
5.4	The Overview & Scrutiny Committee will monitor the effectiveness of services and undertake regular reviews of performance in relation to the Council’s services.
6.	Call-In
6.1	Call-in is the exercise of the Overview & Scrutiny Committee’s statutory power in section 21(3) of the Local Government Act 2000, to review a Cabinet decision that has been made but not yet implemented.
6.2	Once made, Cabinet decisions will ordinarily be published by the Democratic Services Team within two working days of the meeting, with date of publication included. Five clear working days are given before the decision can be implemented, in which time the Call-in must be made.

6.3	Requests for Call-in can be made by any 5 Members of the Overview and Scrutiny Committee.
6.4	Cabinet Members will be expected to attend any meeting of a Scrutiny Committee at which it is intended to consider a call-in request in relation to his/her area of responsibility. Where the relevant Cabinet Member cannot attend a call-in meeting, the Leader of the Council or Deputy Leader should attend in their absence. In the event of both the Leader and Deputy Leader also being unavailable, they should nominate another Cabinet Member to attend and be accountable for the decision.
6.5	<p>The following procedure shall take place at call-in meetings:</p> <ul style="list-style-type: none"> • The Members who called in the decision should speak first; • The Chair will then invite the Cabinet Member (decision maker) to respond; • The Committee can then ask questions of the decision maker who may ask a relevant officer to supply further information if necessary. <p>The Committee will debate the issue and vote on the outcome.</p>
6.6	The Overview & Scrutiny Committee cannot overturn the decision that has been called in. It may either agree with the decision/ decide to make no recommendations to the Decision Maker (in which case it will take immediate effect) or refer it back to the Cabinet/ Leader/ Portfolio Holder (as applicable) for further consideration, including any recommendations from Scrutiny Members.
6.7	It is the aim of the Council that call-ins should only be used as a last resort for resolution, and that other less-confrontational means should always be pursued prior to this option.
7.	Compliance with this Protocol
7.1	The Scrutiny Officer is responsible for overseeing compliance with the protocol and ensuring that it is used to support the wider aim of supporting and promoting a culture of scrutiny.
7.2	Matters relating to the protocol's success will be reported to full Council through the scrutiny annual report.

7.3	The role also includes promoting the role of the authority's scrutiny committee, providing support and guidance to members and officers relating to the functions of the scrutiny committee and providing a link between the Cabinet and the Overview and Scrutiny Committee/ Select Committees.
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Annex 1 – Statutory guidance

Guidance to ensure local and combined authorities are aware of the purpose of overview and scrutiny and how to conduct it effectively:

<https://www.gov.uk/government/publications/overview-and-scrutiny-statutory-guidance-for-councils-and-combined-authorities>

Annex 2 - Criteria for assessing scrutiny requests

Topics are suitable for scrutiny when	Topics are not suitable for scrutiny when
-scrutiny could have an impact and add value	-the issue is already being addressed elsewhere and change is imminent
-the topic is of high local importance and reflects the concerns of local people	-the topic would be better addressed elsewhere (and will be referred there)
-the resources are available that would be required to conduct the review, in terms of manpower and budget	-scrutiny involvement would have limited or no impact upon outcomes
-it avoids work duplication elsewhere	-the topic may be sub-judice or prejudicial to the council's interest
-the issue is one that the committee can realistically influence	-the topic is too broad to make a review realistic
-the issue is related to an area where the council, or one of its partners, is not performing well	-new legislation or guidance relating to the topic is expected within the next year
-the issue is relevant to all or large parts of the local area	-the topic area is currently subject to inspection or has recently undergone substantial change.
-the review would be in the council's interests	

(Amended September 2025/v3)

4 Introduction and Background

- 4.1 Members will be familiar with the legal duties imposed upon the Borough Council by the various statutory regimes covering data protection and information rights. For the assistance of Members, a brief summary is set out below.

Freedom of Information Act 2000

- 4.2 The Freedom of Information Act 2000 (FOI) confers two statutory rights on applicants:
- 1) To be told whether a public authority holds the information requested; and if so,
 - 2) To have that information communicated to them
- 4.3 These rights are subject to a limited range of exemptions.
- 4.4 As a public authority, the Borough Council is ordinarily required to comply with its duties under section 1 of the Freedom of Information Act 2000, whether or not it ultimately discloses the requested information or withholds it, promptly and in any event within 20 working days of receiving a request. In certain circumstances i.e. if a qualified exemption is engaged and the public interest test applies, the period for compliance may be extended to allow the Council to reply in such as is reasonable, although the Information Commissioner considers that an additional 20 working days is the maximum length of time that an authority should reasonably take

Environmental Information Regulations

- 4.5 The Environmental Information Regulations 2004 (EIR) promote the release of environmental information by providing a regime similar to the FOI Act. Its aim is to enable increased public participation in environmental decision-making.
- 4.6 In a similar way to requests for information under FOI, the rights under EIR are subject to a limited range of exceptions.
- 4.7 An equivalent time period to FOI applies in respect of requests for information under EIR i.e. 20 working days from receipt of the request. If the request is complex and voluminous, the deadline can be extended to 40 days.

Data Protection Act 2018/ UK GDPR

- 4.8 Under the DPA, individuals have the right to find out what personal information we hold about them. Requests are known as Subject Access Requests (SAR).
- 4.9 In respect of SARs, the Borough Council must respond within one month of receiving the request. The timescale can be extended by a further two months if the request is complex or the Borough Council has received a number of requests from the individual.

- 4.10 SARs can be complex as they may involve large amounts of sensitive information and may require specialist legal advice on disclosure/ redaction.

Sharing information e.g. with competent authorities

- 4.11 The Borough Council routinely receives a number of requests to share personal information with competent authorities e.g. the Police. Competent authorities can also be any other organisation or person with statutory law enforcement functions, such as local authorities detecting trading standards offences or the Environment Agency when investigating environmental offences.
- 4.12 Sharing information often happens where the Police force in question is investigating a missing person and wishes to know if the Borough Council has any information on their whereabouts. The UK GDPR and the DPA allow for this type of data sharing where it is necessary and proportionate.
- 4.13 Whilst sharing information with law enforcement authorities is not a request for information in the same way as those made under FOI, EIR or via a SAR, it is nevertheless important to advise members of the numbers of requests made by such authorities as these can have an impact on the resource required to manage the release of information.
- 4.14 It is also important to note that the Borough Council is not empowered to impose a charge for sharing information with law enforcement authorities.
- 4.15 Sharing information with other public authorities is also possible under the Digital Economy Act 2017.

Reviews

- 4.16 If individuals are not satisfied with the response to requests, they can request an internal review. This review is undertaken by a senior officer who was not involved in the preparation of the original response. The review seeks to assess the quality of the handling of the request, and the information that has been provided in the response.

Total number of information requests

- 4.17 The number of requests has increased significantly over the past 2 years. For example, during 2024 we received a total of 1223 requests under FOI, EIR, SAR etc. In 2023 the corresponding total was 886 and in 2022 the total was 728.
- 4.18 This trend is expected to continue in 2025, with 704 requests for information having been received by the end of June 2025.

Role of the Information Commissioner

- 4.19 The Information Commissioner has responsibility for promoting and enforcing the UK GDPR, the DPA, FOI and the EIR. The ICO is independent from government

and upholds information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

- 4.20 The Information Commissioner’s expected rate of completion within the statutory timescales for FOI is 90%.

5 Performance

FOI

- 5.1 Performance data for the previous 4 calendar years is set out below.

Year	Number of requests	Response within statutory timescale
2024	882	658 (74.60%)
2023	837	648 (77.42%)
2022	692	556 (80.37%)
2021	692	513 (74.13%)

- 5.2 Members are asked to note that only a small number of requests are made under EIR. For example, in 2024 only 7 requests were made under EIR.

Subject Access Requests (SARs)

- 5.3 Performance data for the previous 4 calendar years is set out below.

Year	Number of valid requests received	Response within statutory timescale
2024	12	10 (83.3%)
2023	6	3 (50%)
2022	6	4 (66.6%)
2021	13	7 (53.8%)

Complaints made to the Information Commissioner

- 5.4 In November 2024, one case involving the disclosure of information under EIR was referred to the Information Commissioner, as a local resident wished to complain about the way in which their request for information had been handled by the Council.
- 5.5 A copy of the decision is attached as Annex 1. The Commissioner’s decision was that the Council correctly handled the request under the EIR. However, at paragraphs 55 to 60 of the decision the Information Commissioner is critical of the

Council's handling of the request and its engagement with the investigation into the complaint.

6 Other Options

6.1 None considered.

7 Financial and Value for Money Considerations

- 7.1 Applicants making a request under the Freedom of Information Act 2000 can be charged if the cost of meeting the request exceeds a certain level (£600 for central government and £450 for local government). This equates to 18 hours of officer time at £25 per hour.
- 7.2 The Borough Council has a discretion to charge an applicant making a request for information under the Environmental Information Regulations. The charge, which must be reasonable, should not exceed the cost of making the information available. The Information Commissioner has issued guidance as to charging under the EIR, advising that the costs may include staff time and disbursements but should not include the costs of allowing an applicant to access any public registers or lists of environmental information held by a public authority, nor for the costs relating to the examination of environmental information at the offices of the Council or some other designated place.
- 7.3 In most cases, the Borough Council cannot charge a fee to comply with a Subject Access Request under the Data Protection Act 2018. However, we can charge a reasonable fee for the administrative costs of complying with a request if it is manifestly unfounded or excessive, or the applicant requests additional copies.
- 7.4 As stated earlier, the Borough Council cannot charge for requests for information made by law enforcement agencies.
- 7.5 The Borough Council does not have a dedicated resource to oversee the management of requests for information. FOI/EIR/ DPA requests are dealt with within existing staff resources and are recorded centrally by Property and Administration Services. Requests are dealt with by the nominated service co-ordinator(s) within the relevant directorate with management of response times also dealt with 'in-service'.
- 7.6 Where a request for information affects more than one directorate a lead directorate is nominated to co-ordinate the response to the request.
- 7.7 Over the past 4 years, the directorates handling the highest number of requests have been Finance & Transformation, and Planning, Housing & Environmental Health. The upwards trend in the number of information requests (see paragraphs 4.17 to 4.18) will likely create further capacity issues for these services. It is common practice within other councils to employ an Information Rights Officer to

oversee compliance with the relevant legislation and to provide advice and assistance to colleagues in handling requests for information.

- 7.8 In order to improve the management of requests, we have recently completed a process mapping exercise with Smarter Digital Services (SDS). This exercise will now lead to the creation of a new workflow for information requests, in turn providing improved (and centralised) management of compliance with the statutory timescales.
- 7.9 Whilst the process mapping exercise will assist in improving our compliance rates, it is considered that a review of resourcing for information governance is now due. We are seeing an increase not only in the volume of requests but also the complexity, so it is timely to review our resourcing of this mandatory function to ensure that we are adequately resourced for the future.
- 7.10 Any additional resourcing would represent growth, so more detailed proposals would need to be considered by the General Purposes Committee (in relation to any changes to the establishment) and by full Council (in relation to any budgetary implications).

8 Risk Assessment

- 8.1 The Information Commissioner has a range of enforcement powers, including fines, reprimands and enforcement notices.
- 8.2 The maximum level of fines under the UK GDPR is £17,500,000 or 4% of the total worldwide annual turnover of the undertaking (not the company), whichever is higher.
- 8.3 In June 2022, the Information Commissioner published an open letter to public sector leaders, where he announced a two-year trial of a revised approach to working more effectively with public authorities across the UK.
- 8.4 This revised approach saw the use of the Commissioner's discretion to reduce the impact of fines on public bodies and instead aimed at improving data protection standards in this sector through guidance and proactive engagement. The approach adopted by the Information Commission was to only issue a fine to a public authority in the most egregious cases, i.e. where the infringements are especially serious.
- 8.5 In December 2024 the Information Commissioner, having reflected on the evidence obtained from the trial, announced that he had decided to continue with the approach.
- 8.6 Whilst the risk of a fine is currently limited to those cases that the Information Commissioner considers to be egregious, the Commissioner has other enforcement tools at his disposal. For example, the Information Commissioner has issued a number of recent reprimands to local authorities for poor

performance in relation to the handling of data subject access requests and for the disclosure of personal information.

9 Legal Implications

9.1 As set out elsewhere in the report.

9.2 Paragraph 8.5 of the Code of Practice issued by the Cabinet Office in 2016 advises that public authorities with over 100 Full Time Equivalent (FTE) employees should, as a matter of best practice, publish details of their performance on handling requests for information under the Freedom of Information Act 2000.

10 Cross Cutting Issues

10.1 Climate Change and Biodiversity

10.1.1 Adaptation and resilience have not been considered.

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

10.2 Equalities and Diversity

10.2.1 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 – Decision of the Information Commissioner dated 24 June 2025

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**Freedom of Information Act 2000 (FOIA)
Environmental Information Regulations 2004 (EIR)**

Decision notice

Date: 24 June 2025

Public Authority: Tonbridge and Malling Borough Council
Address: Gibson Building
Gibson Drive
Kings Hill
West Malling
ME14 4LZ

Decision (including any steps ordered)

1. The complainant requested information relating to the protection of badgers and compensation measures linked to a particular planning application. Tonbridge and Malling Borough Council (the 'Council') initially refused the request in its entirety, citing Regulation 12(4)(d) of the EIR – the exception for material in the course of completion. At internal review, the Council revised its position and provided a URL to some of the requested information on its planning portal. It also said it had provided all the remaining information it held in scope of the request in response to an earlier request made by the complainant. The complainant disputed this position. Finally, the Council stated that no EIR exception should have been cited in response to the request under consideration here as it claimed no information had been created since the complainant's earlier request.
2. During the latter stages of the Commissioner's investigation, the Council disclosed the information it said was held in scope of the current request. This disclosure was in response to a related decision notice which is explained in this notice. The Council confirmed it was not relying on any EIR exception and said it had provided all the information held.
3. The Commissioner's decision is that the Council correctly handled the request under the EIR. He has also determined that further recorded information existed that was not provided by the Council in response to the request, breaching Regulations 5(1) and 5(2) of the EIR. He has

concluded, on the balance of probabilities, that the Council does not hold any further information in scope of the request beyond that provided to the complainant on 7 April 2025.

4. Given the Commissioner's findings, and given that the complainant has since been provided with the requested information, no further steps are required as a result of this notice.

Background

5. The request relates to issues connected with the proposed development of land for up to 52 houses, with access via a particular road. At the time of the request, the planning application submitted was for outline planning permission.
6. According to the Council's online planning portal, the decision was made on 9 April 2025 (ie postdating the request), with planning permission refused.

Request and response

7. On 14 July 2024, the complainant wrote to the Council and requested information in the following terms (emphasis in bold text is as written by the complainant):

'...I would like to submit a request under the Freedom of Information Act 2000 for all information Tonbridge and Malling Borough Council (TMBC) holds with regards to **TMBC's assessment of the adequacy of the badger protection mitigation and compensation measures being proposed by the planning applicant in regards to the above planning application**. This request additionally relates to all protected species and habitats on the development site (not only badgers).

This request covers all forms of written communications to internal and external parties and held council internal records on the requested information. Where the term "TMBC's assessment/consideration" is used below and information is requested on this, the information sought relates to inputs to the council's assessment, records of the decision process made by the council, records of all alternatives considered and the corresponding information outputs recording the decision made and justifications for that decision.

The preference would be for this information to be provided in electronic form if available, please advise what options there are available for delivering this information.

For the avoidance of doubt this request covers all held information on the above matter of ensuring that badgers sett and foraging habitat are being sufficiently protected in line with UK law with regards to planning application **22/01570/OA** and covers any communication with any party on this matter, but specifically the following information is sought:

1. Please provide all recorded information with regards to **TMBC's consideration/assessment** of whether the planning applicant's proposed mitigation and compensation measures are sufficient to address any negative effects on the badgers.
2. Given that the main access road that is proposed by the planning applicant is in such close proximity to the badger sett, is NOT a reserved planning matter and is significantly less than the 30 metre buffer required by Natural England, please provide all information with regards to **TMBC's consideration/assessment** of alternative site layouts to ensure the badger's protection are being met and prevent the need for a licence from Natural England.
3. Please provide copies of ALL ecology reports and badger survey information submitted by the planning applicant to TMBC related to the application.
4. Please provide copies of all communication (including emails and meeting notes) with the planning applicant related to this application on the topic of badgers.
5. Please provide copies of communication with Kent County Council Ecology Advice Service (KCC EAS) and records of communications with this 3rd party. This should include all reports that KCC EAS has provided to TMBC on Ecology and badgers related to this application, emails and other communication records.
6. Please provide all recorded information with regards to **TMBC's assessment/consideration** of the planning applicants 'net-gain calculations' and whether these calculations are an accurate assessment of the impact to biodiversity of this planning proposal'.

8. The Council responded, late, on 4 September 2024 as follows:

“The information that you request is not available under Regulation 12(4)(d) of the Environmental Information Regulations (EIR) 2004 as it relates to material which is still in the course of completion.”
9. The complainant requested an internal review on 5 September 2024, which was reiterated on 27 September 2024.
10. Following its internal review, the Council wrote to the complainant on 11 October 2024 and revised its position. It said that some of the information requested was available via the Council’s planning portal, and provided the URL. The Council also stated it had provided copies of the surveys, submissions and relevant correspondence in response to a previous FOIA request made by the complainant in April 2023. In addition, the Council advised the complainant that an EIR exception should not have been applied when it responded to the current request, as it said there was no new information to add to that previously provided.

Scope of the case

11. The ‘Scope’ section is, by necessity, lengthy; however, the Commissioner has endeavoured to break it up into relevant sections to aid understanding of this case.

Original grounds of complaint

12. The complainant contacted the Commissioner on 21 November 2024 to complain about the way her request for information had been handled.
13. She disputed the Council’s claim (at internal review) that all the information was available on the Council’s planning portal, explaining her view of Natural England’s advice is that protected species information (which includes badgers) should be treated as being confidential and should not be published. In addition, she stated that none of the information requested in the current request had been received by her previously, as claimed by the Council.

Associated earlier FOIA request – April 2023

14. The Commissioner understands that the complainant had also made an earlier related FOIA request in April 2023, which the Council had responded to in May 2023. The complainant said that the Council had not sent her the requested badger survey in response to that earlier request. However, the Commissioner can only consider the current

request and how that has been handled. The complainant is now out of time to raise a complaint about her April 2023 request.

Additional explanations provided by the Council (to the current request) as part of its submissions to the Commissioner

15. As part of its investigation response of 31 March 2025, the Council explained that:

"The case consists of the original e-mail with 5 attachments plus a further 12 emails with attachments requested under questions 3, 4 and 5 [and 6].

At the time of the response back to [the complainant] in September 2024 the request for information under EIR fell under Regulation 12(4)[d of the EIR] as the consideration and assessment that [the complainant] was requesting was still under the course of completion. The request was therefore refused under Regulation 12(4)(d)."

16. The Council also provided some additional explanations for each part of the current request, which the Commissioner subsequently relayed to the complainant:

"Part 1

All consideration/assessment of the planning applicant's proposed mitigation and compensation measures sufficient to address any negative effects on the badgers is recorded in the Council's committee reports. These reports were still being formulated as of response of 4 September 2024 and were therefore not available for [the complainant] at that particular time. The reports are now all public, with the application being reported to committee on 3 occasions. The reports are the consideration/assessment of all issues including the presence of badgers on the site.

The reports can be found here:

Report of 18 September 2024

<https://democracy.tmbc.gov.uk//ieListDocuments.aspx?CIId=148&MIId=5666&Ver=4>

Report of 15 January 2025

<https://democracy.tmbc.gov.uk//ieListDocuments.aspx?CIId=148&MIId=5696&Ver=4>

Report of 19 February 2025

<https://democracy.tmbc.gov.uk//ieListDocuments.aspx?Cid=148&MId=5704&Ver=4>

Part 2

This statement is factually incorrect as the access road itself is a reserved matter, the only area for consideration at this stage is the access from the highway onto the site. It is also incorrect to state that Natural England require a 30m buffer as this is not stated in any published documentation nor in any consultation responses received from either Natural England or KCC Ecology. This is set out in the consideration/assessment in the committee reports. As the application is in outline form only no layout has been considered so it would not be possible to consider alternative layouts at this stage. Layout will be a consideration for the reserved matters stage.

Part 3

Ecology reports and badger survey information from the applicant are provided as an attachment.

Part 4

Communication with applicant re badgers is provided as an attachment.

Part 5

Communication with KCC ecology and responses is provided as an attachment.

Part 6

The application was submitted prior to the need for mandatory biodiversity net gain from planning developments. The information on biodiversity has though been assessed and responses on this point are within the responses to and from KCC Ecology that are provided as an attachment."

17. The Commissioner notes that the Council has explained at **part 1** that the reports were not publicly available at the time of responding to the complainant's request on 4 September 2024, but that they have since been published.
18. The Commissioner has also reviewed all the email attachments sent to him by the Council in response to **parts 3 to 6** of the request. On 31 March 2025 the Council told the Commissioner:

“For clarity, due to the nature of the complainants [sic] EIR request of 14 July 2024 no further correspondence between parties was shared following the original FOI request made in May 2023. There is email correspondence between the Council, Applicant and KCC Ecology which has now been forwarded to the ICO but which has not been shared with [the complainant] as her EIR request only related to **TMBC’s assessment of the adequacy of the badger protection mitigation and compensation measures being proposed by the planning applicant in regards to the above application.**”

The complainant’s response to the additional explanations & the Commissioner’s view

19. The Commissioner sought the complainant’s view of the Council’s further responses (as set out above), which she provided on 27 April 2025. The Commissioner subsequently sought the Council’s position of the complainant’s comments, but it said it had nothing further to add.
20. The Commissioner has not reproduced the complainant’s response in full given all parties have had sight of it. In summary, the complainant’s concerns, and her view, are as follows:

Part 1 – the complainant disputes that the badger related information provided/available online constitutes the full amount of information held by the Council. She recognises that a redacted version of the Proposed Badger Mitigation Strategy was published online in November 2024.

The Commissioner’s response

The Commissioner will consider below whether, on the balance of probabilities, all the information held by the Council was provided to the complainant in response to **part 1** of the request.

Part 2 – the complainant disputes that the proximity of the main access road to the badger sett is a reserved planning matter. She has also said that the proximity should not be less than 30 metres from the sett. The Council has argued that the complainant is incorrect on both points.

The Commissioner’s response

This is not a matter for the Commissioner to determine as it is not one of information rights and therefore falls outside his remit. He has therefore not considered **part 2** of the request any further.

Parts 3, 4, 5 and 6 – the complainant confirmed she had received this information recently and only in response to a decision notice issued against Kent County Council on 12 March 2025 ([Kent County Council | ICO](#)). In that case, the complainant had requested very similar

information from Kent County Council to that being requested in the current case. Kent County Council was ordered to issue a fresh response to the request. The complainant's concern is that she did not receive the information for **parts 3, 4, 5 and 6** in response to her current request made to the Council (ie from Tonbridge and Malling Borough Council) until after this decision notice had been issued.

The Commissioner's response /information disclosed on 7 April 2025

21. Following further enquiries with the Council, the Commissioner understands that, following the Kent County Council decision referenced above, the Council released the information to the complainant on 7 April 2025, in order to comply with the step in that notice. The Council explained that:

"As this information was produced on behalf of the Council, TMBC took the decision to release it.

Information was released to [the complainant] on 7 April 2025 following the receipt from KCC [Kent County Council] of a copy of their letter from the ICO."

22. The complainant has argued that additional information existed at the time she made her current request, which she was not provided with (although she now has it as a result of the outcome of her related Kent County Council request, and subsequent complaint to the Commissioner). As a result of her already having the information, the Commissioner asked the complainant whether she wished to continue with this aspect of her complaint; on 2 June 2025 the complainant confirmed she did.

23. The Commissioner has therefore considered whether the Council has provided the information it held for **parts 3 to 6** of the current request.

Complainant's view of documents held, but not provided, that existed at the time of the current request

24. In response to the Commissioner's enquiry, and in support of her view that additional information existed at the time of the current request which the Council did not provide in response to that request, the complainant produced a list of 13 documents (which included emails, attachments and badger related correspondence), most of which postdated her earlier request of April 2023.

25. The complainant has explained that all of the documents listed in the table were provided to her by the Council on 7 April 2025 as a result of the decision notice referenced above.

26. The Commissioner notes that two entries, namely Aspect Ecology Phase 2 survey results dated October 2022, and Confidential Appendix Badger Survey Results and Assessment – Aspect Ecology (Redacted) existed at the time of the complainant's previous FOIA request of April 2023 which she states were not provided to her by the Council in response to either the earlier or the current request.
27. In addition, the Commissioner notes that the complainant has said that one entry labelled 'Emails from KCC [Kent County Council] Ecologist' "may have been provided" to her in response to her earlier request of April 2023. As the complainant herself is unsure, and as the Council has provided no explanatory response and given the complainant is in now in possession of this document, the Commissioner has excluded this from any further consideration.
28. On 3 June 2025, the Commissioner asked the Council for its comments on the list of 13 documents, a request he reiterated several times. No response was received from the Council. The Commissioner has commented on this, together the protracted nature of the investigation of the current case, under the 'Other matters' section of this notice.
29. Given the disclosures made to the complainant on 7 April 2025, the Council confirmed it was no longer relying on any EIR exception for any part of the current request.

Scope of the Commissioner's investigation

30. The Commissioner has first considered whether the request should have been handled under the EIR.
31. He notes that whilst the Council initially relied on Regulation 12(4)(d) of the EIR – material in the course of completion, to withhold all the requested information, it subsequently revised that position at internal review. At that point (and as set out in paragraph 10) the Council said that some of the information requested was available via its planning portal, and provided the URL. The Council also stated it had provided copies of the surveys, submissions and relevant correspondence in response to the previous FOIA request made by the complainant in April 2023. In addition, the Council advised the complainant that an EIR exception should not have been applied when it responded to the current request, as it said there was no new information to add to that previously provided in May 2023.
32. However, the Commissioner accepts that 12 of the 13 documents listed by the complainant (which were not provided by the Council until 7 April 2025) existed, according to the dates on those documents, at the time of the current request of July 2024. The complainant has stated she did not receive this information until the much more recent disclosure made by the Council on 7 April 2025, in response to the Kent County Council

decision notice. He also notes the complainant's view that this information was purposely withheld from her until the day before the relevant planning meeting.

33. The Commissioner is mindful of both the Council's internal review outcome, and its subsequent investigation response, in which it claimed no further information was held in scope of the current request that had not been already been provided to the complainant (in response to her earlier request of April 2023). The Council also said no further information had been created (in scope of the current request) since it had responded to the earlier request.
34. The Commissioner has therefore considered whether, on the balance of probabilities, the Council held any further information at the time of the request other than had already been provided to the complainant.

Reasons for decision

Is the requested information environmental?

35. Regulation 2(1) of the EIR defines environmental information as being information on:
 - (a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
 - (b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in (a);
 - (c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in (a)...as well as measures or activities designed to protect those elements;
 - (d) reports on the implementation of environmental legislation;
 - (e) cost-benefit and other economic analyses and assumptions used within the framework of the measures and activities referred to in (c); and
 - (f) the state of human health and safety, including the contamination of the food chain, where relevant, conditions of human life,

cultural sites and built structures inasmuch as they are or may be affected by the state of the elements of the environment referred to in (a) or, through those elements, by any of the matters referred to in (b) and (c);

36. As the information relates to a planning application, the Commissioner believes that the requested information is likely to be information on Regulation 2(1)(a) (land, landscapes), the elements of the environment and a measure under Regulation 2(1)(c) of the EIR. This reflects an approach taken by the Commissioner in numerous decision notices relating to information about the planning and application process. For procedural reasons, he agrees that the Council correctly assessed this case under the EIR.
37. The Commissioner will next consider whether any further information is held beyond that already identified as being in scope of the request.
38. The EIR are concerned with transparency of information held by public authorities and give an individual the right to access recorded information (other than their own personal data) held by public authorities. The EIR do not require public authorities to generate information or to answer questions, provide explanations or give opinions, unless this is recorded information that they already hold.

Regulation 5 – Duty to make environmental information available on request

39. Regulation 5(1) states that a public authority that holds environmental information shall make it available on request.
40. Regulation 5(2) requires a public authority to make information it holds under 5(1) above available no later than 20 working days after the date of receipt of the request.
41. The Commissioner is mindful that, when he receives a complaint alleging that a public authority has stated incorrectly that it does not hold any further requested information, it is seldom possible to prove with absolute certainty whether the requested information is held. In such cases, the Commissioner will apply the normal civil standard of proof in determining the case and will decide on the 'balance of probabilities' whether any recorded information is held.
42. The Commissioner will consider the complainant's evidence and arguments. He will also consider the actions taken by the public authority to check whether any further information is held and any other reasons offered by the public authority to explain why no information is held. He will also consider any reason why it is inherently likely or unlikely that the requested information is not held. For clarity, the Commissioner is not expected to prove categorically whether any

information is held; he is only required to make a judgement on whether any information is held on the civil standard of proof of the balance of probabilities.

43. In applying this test the Commissioner will consider the results of the searches undertaken by the public authority and/or other explanations offered as to why no further information is held.
44. In respect of the searches undertaken in order to respond to the request, the Council said it had searched for all emails held on all devices, both personal and networked. The Council advised that information would only be held electronically and that it had used the following search terms: planning application number, site address, the applicants email address, KCC Ecology contact details and Natural England contacts.
45. The Council said no information relevant to the scope of this request had been deleted. It explained that the business purpose for holding the requested information is that of determining planning applications. It has a statutory requirement to maintain a record of planning applications.
46. In terms of its Regulation 9 of the EIR requirement to provide the complainant with appropriate advice and assistance, the Council said:

"Planning applications may contain similar information but it is site specific."
47. In this case, the Commissioner asked the complainant to produce a list of the documents she received from the Council on 7 April 2025, that existed prior to her request of July 2024, that she had not been provided with previously.
48. It is evident from the dates of the documentation provided by the complainant that further information existed at the time of the current request of July 2024 which was not provided to her. Specifically, this concerns the table of 12 of the 13 documents which the complainant helpfully provided (one document has been excluded as set out in the 'Scope' section above).
49. In the absence of any explanation or response by the Council to the table of documents compiled by the complainant, the Commissioner can only conclude that further information existed at the time of the current request that was not provided to her in response to that request.

Conclusion

50. By failing to provide all the information it held in scope in response to that request within 20 working days following receipt, the Council had breached both Regulations 5(1) and 5(2) of the EIR.
51. However, given that the information held was provided to the complainant subsequently on 7 April 2025, the Commissioner has not ordered a step as part of his decision.
52. He is mindful that a further search for the information will have been undertaken by the Council in order to issue the fresh response ordered in the Kent County Council decision notice.
53. Based on the evidence available to him, and in particular the searches undertaken and the other explanations provided by the Council as set out above, the Commissioner finds that, on the civil standard of the balance of probabilities, the Council does not hold any further recorded information relevant to the request beyond that now provided.
54. He has made some further comments in the 'Other matters' section below.

Other matters

Poor handling of the request

55. The Commissioner considers that the Council has handled this request poorly. It is evident that further information existed at the time of the request which was not provided to the complainant. The Council cannot claim that this information was excepted under the EIR given its amended stance at internal review, where it said no EIR exception should have been cited in its substantive response.
56. The complainant has only secured this additional information because she had made a similar request to Kent County Council, which led to Tonbridge and Malling Council disclosing the information to her on 7 April 2025, in very close proximity to the planning meeting the complainant required it for.
57. The Commissioner is unable to definitively determine whether the Council deliberately withheld this additional information until April 2025. However, in the absence of any explanation to the contrary from the Council, he recognises the complainant's suspicions.
58. He has made a record of the Council's poor handling of this request.

Engagement with Commissioner's investigation

59. The Commissioner has been hampered by the Council's lack of engagement with the latter stages of his investigation of this complaint. Whilst the Council initially responded, its replies were often vague and unclear, necessitating further follow-up enquiries. These then went unanswered, despite the Commissioner's reminder emails. Unfortunately, the Council ignored the Commissioner's repeated requests to provide a contact telephone number with a view to talking through the remaining queries.
60. The Commissioner has made a record of the Council's poor engagement in this case. He would remind the Council of the need to respond to his enquiries in a timely and clear manner.

Right of appeal

61. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
General Regulatory Chamber
PO Box 11230
Leicester
LE1 8FQ

Tel: 0203 936 8963
Fax: 0870 739 5836
Email: grc@justice.gov.uk
Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

62. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.

63. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Carol Scott
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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Executive Decisions Record - August 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
D250094MEM	Community Worker - Trench & Community Worker - East Malling/Larkfield	Community Services	08.08.25	12.08.25	19.08.25						20.08.25
D250095MEM	Business Rates Discretionary Relief Awards	Finance, Waste and Technical Services	22.08.25	26.08.25	02.09.25						03.09.25
D250096MEM	Business Rates Discretionary Relief Awards	Finance, Waste and Technical Services	22.08.25	26.08.25	02.09.25						03.09.25
D250097MEM	Application for Section 13A 1(C) Council Tax Discount	Finance, Waste and Technical Services	22.08.25	26.08.25	02.09.25						03.09.25

Decision pending Call in period Key Decision Private Urgent Subject to call in

URG - outside of budget and policy framework
 *Due to Bank Holiday

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

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OVERVIEW AND SCRUTINY SELECT COMMITTEE – UPCOMING MATTERS

2025-26

C=Council; CAB = Cabinet; DEL = Delegated to Committee; INFO = matters for information. Cabinet are responsible for ALL Key Decisions (KD). Some Non-Key Decisions (NKD) can be taken by Cabinet Members outside of the meeting.

Added by DS and date

Added by Scrutiny Officer and date

DECISION (TITLE)	DESCRIPTION	C/CAB/ DEL/INFO	KD/NKD	CAB MEMBER DN Y/N	PART 1 OR 2	MEETING DATE	OFFICER IN PERSON ATTENDANCE Y/N	
TM Leisure Trust – Presentation	TBC	Info				13 November 2025		
West Kent Health Integrated Care Partnership Elected Members Forum	TBC							
Annual Report of OS Committee		Info - Council						
Annual Service Delivery Plan (AP/30.4.25)	Q2	CAB	NKD	N	1			
Matters Arising from Services in between cycles: To be confirmed (if any)								
Record of Executive Decisions	Standing item	Info						
Work Programme	Standing item	Info						

DECISION (TITLE)	DESCRIPTION	C/CAB/ DEL/INFO	KD/NKD	CAB MEMBER DN Y/N	PART 1 OR 2	MEETING DATE	OFFICER IN PERSON ATTENDANCE Y/N	
Revenue Estimates 2026/27	Budget setting	C	-	-	1	22 January 2026		
Capital Plan Review 2025/26	Budget setting	C	-	-	1			
Annual Service Delivery Plan 2026/27	To set out key priorities for the upcoming year.	CAB	NKD	-	1			
Empty Homes Update (Requested by Committee on 26.6.25)	Introduction of Empty Homes Officer and update on work being undertaken	Info						
Matters Arising from Services in between cycles: To be confirmed (if any)								
Record of Executive Decisions	Standing item	Info						
Work Programme	Standing item	Info						
KCC Health Overview & Scrutiny – Presentation (Outside Body)	TBC	Info			1	23 April 2026		
Matters Arising from Services in between cycles: To be confirmed (if any)								
Annual Service Delivery Plan (AP/30.4.25)	Q3	CAB	NKD	N	1			
Record of Executive Decisions Work Programme	Standing items	Info						

Agenda Item 14

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

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Agenda Item 15

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 16

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

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