

TONBRIDGE AND MALLING BOROUGH COUNCIL
COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT
COMMITTEE

MINUTES

Wednesday, 19th July, 2023

Present: Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr R W Dalton (substitute member), Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton and Cllr K S Tunstall

(Note: As Councillor Mrs A S Oakley was unable to attend in person and participated via MS Teams, she was unable to vote on any matters).

In attendance: Councillors R P Betts, P M Hickmott, M A J Hood and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M D Boughton and M A Coffin participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair) and Mrs A S Oakley.

PART 1 - PUBLIC

CE 23/23 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor R Dalton substituted for Councillor S Bell

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

CE 23/24 DECLARATIONS OF INTEREST

Councillor Keith Tunstall declared an Other Significant Interest in Leisure Trust (Agenda Item 7) as he was a Borough Council appointee to the Tonbridge and Malling Leisure Trust. He withdrew from the meeting during consideration of the item and took no part in the discussion and voting.

CE 23/25 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 14 June 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/26 FIXED PENALTY NOTICES FOR WASTE DUTY OF CARE OFFENCES

(Decision Notice D230068MEM)

The report detailed the legal ‘duty of care’ of householders to ensure that they only gave their waste to a licensed waste carrier. Members were also asked to consider the level of Fixed Penalty Notices (FPN) for this offence and whether this should be altered from the current legal default level.

Details of the current FPN levels for other relevant offences adopted by the Borough Council was included at 1.2.3 of the report. A table showing the level of FPN for Household Duty of Care set by a number of other Kent authorities was included at 1.2.4 of the report for context.

Members were advised of the recent Government announcement in respect of the maximum amount that could be applied to FPNs for household waste Duty of Care offences which had been increased to £600 as of 31 July 2023.

Attention was drawn to the works undertaken by the Borough Council in raising householders’ awareness of their Duty of Care responsibilities and potential consequences of failing to take appropriate action when having their waste taken away, with particular reference made to a Duty of Care checklist to be made available for reference of members of the public.

RECOMMENDED*: That

- (1) with effect from 31 July 2023, the Household Duty of Care FPN level be set at the maximum amount of £600 as set by legislation;
- (2) an early payment discounted level for Household Duty of Care FPNs be agreed in principle, and authority delegated to the Cabinet Member for Transformation and Infrastructure, in liaison with the Director of Street Scene, Leisure and Technical Services, to set amounts once details of the new minimum and default levels had been confirmed by Government; and

- (3) following the increases in maximum levels recently released by Government, options for the setting of revised FPN levels for fly tipping and littering offences be provided at a future meeting of the Scrutiny Select Committee.

*** Decision Taken by Cabinet Member**

CE 23/27 LEISURE TRUST

(Decision Notice D230069MEM)

Members were presented with a Quarterly Update Report on the performance of the Tonbridge and Malling Leisure Trust (TMLT) covering the period from January to March 2023, as set out in Annex 1. Member approval was sought on the TMLT Business Plan covering a two-year period from 1 April 2023 to 31 March 2025 and the TMLT Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, set out in Annexes 2 and 3 respectively.

Due to ongoing considerations of the impact of the pandemic, the war in Ukraine, the rise in utility costs and implications for the Angel Centre as part of the town centre review project, a two-year Business Plan was proposed, and it was anticipated that a new five-year Business Plan would be published from 1 April 2025.

Particular reference was made to the Energy Saving/Climate Change strategy as highlighted in the Business Plan and Members noted that the installation of solar panels at Tonbridge Swimming Pool and additional solar panels at Larkfield Leisure Centre were being considered, as well as applying for funding to support installation of heat pumps at both sites.

RECOMMENDED*: That

- (1) the Tonbridge and Malling Leisure Trust Quarterly Update Report covering the period of January to March 2023, attached at Annex 1, be noted;
- (2) the Tonbridge and Malling Leisure Trust Business Plan covering the period of April 2023 to March 2025, attached at Annex 2, be approved, subject to further investigation of climate change measures, including additional solar panels and heat pumps; and
- (3) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, attached at Annex 3, be approved.

*** Decision Taken by Cabinet Member**

**CE 23/28 CLIMATE CHANGE ACTION PLAN YEAR 4 AND CARBON AUDIT
2022-23**

(Decision Notice D230070MEM)

Member approval was sought for the publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23), set out in Annexes 1 and 2 respectively.

There were 44 actions in the draft 2023/24 Action Plan, 68% of which were ongoing from previous years or continuations of next phases or rounds of existing projects. Key actions this year focused on tackling the most significant source (Leisure Centres) as well as helping residents and businesses to tackle emissions and support with the cost-of-living crisis. A full list of actions was set out in Annex 1 and the key actions were summarised in 1.2.3 of the report.

The 2022/23 Carbon Audit showed that good progress had been made on emissions under the Borough Council's direct control, as listed under Scopes 1 and 2. Emissions that were under the Borough Council's indirect control or from the supply chain were listed under Scope 3.

RECOMMENDED*: That

- (1) the Climate Change Action Plan Year 4, as set out in Annex 1, be endorsed; and
- (2) the Carbon Audit (2022/23), as set out in Annex 2, be endorsed.

* **Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

CE 23/29 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/30 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/31 GROUNDS MAINTENANCE CONTRACT - SERVICE DELIVERY REVIEW

(Reasons: LGA 1972 - Sch 12A Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

Careful consideration was given to the future delivery options of the grounds maintenance services, taking into account a review report provided by Waste Consulting LLP (WCL), attached at Annex 1, and a further options analysis report prepared by services, attached at Annex 2.

Service Specification of the current contract, as summarised in Annex 3, provided additional cost information to enable Members to review and identify potential areas of saving, in addition to the areas which had been identified and proposed by services as outlined in 1.5.3 of the report.

With regard to the environmental additions/improvements, a number of possible considerations were highlighted in the consultancy report, including the reduction in cutting frequency, replacing annual planting (bedding) with more sustainable options, reviewing the use of chemicals and additional tree planting. However, Members were reminded that consideration would need to be given to what was operationally achievable and financially deliverable.

There was an in-depth discussion on the additional potential areas of saving and the environmental considerations, with reference being made to preserving natural environment and seeking support from local businesses. Members were invited to put forward further suggestions to services for inclusion in the consideration of formal alterations to the service specification, which were anticipated to be brought to Members for approval at a future meeting of the Scrutiny Select Committee.

Members had due regard to the legal implications, financial and value for money considerations, risk assessment, equality impact assessment and policy considerations.

RECOMMENDED*: That

- (1) with regard to the option for future delivery of grounds maintenance services, an external procurement exercise be progressed, and the work previously undertaken by the external

consultants, WCL, be updated, including the preparation of a Public Sector Comparator;

- (2) the proposed list of potential areas of saving in respect of the service specification of the contract, as outlined in 1.5.3 of the report, be noted, and further consideration be given to additional potential areas of saving; and
- (3) further consideration be given to the current and future options within the contract with regard to the Climate Change agenda.

***Referred to Cabinet**

The meeting ended at 9.22 pm