

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b>  <b>Leader of the Council</b>  <b>(acting on behalf of the Cabinet Member for Finance, Waste and Technical Services.</b>	<b>Decision Number:</b>  <b>D250019MEM</b>
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**Date: 11 February 2026**

<b>Decision(s) and Reason(s)</b>
<b>RESCISSION OF FIXED PENALTY NOTICES FOR BUSINESS DUTY OF CARE – ENVIRONMENTAL PROTECTION ACT 1990</b>
Following consideration of the options and to reflect a lack of awareness amongst local businesses of the requirements of the legislation and to enable a programme of education to be actioned in partnership with Kingdom, the Leader of the Council:  <b>RESOLVED:</b> That  (1) The terms of a mutually acceptable agreement between the Council and the Council's waste enforcement contractor (Kingdom) for the rescission of all Fixed Penalty Notices (FPNs) issued by the Council's waste enforcement contractor (Kingdom) for Business Duty of Care offences during enforcement activity (1 September – 10 November 2025) be approved.
<b>Reasons for decision:</b>  The enforcement process did not fully align with the Council's principles of proportionality and engagement, and it was apparent that most businesses affected claimed not to have sufficient awareness of their statutory responsibilities relating to management of their waste. Rescinding the notices demonstrated transparency and fairness. The decision enables a period of education to be actioned.
<b>Financial Implications:</b>  Negotiations have been entered into with Kingdom and a mutually acceptable financial agreement has been reached. This decision also avoided potential costs associated with defending appeals.
<b>Next Steps:</b> <ul style="list-style-type: none"><li>• Notify affected businesses of their legal duties under the relevant legislation and provide compliance guidance.</li></ul>

- Review and agree future enforcement guidance for the contractor.

Signed Leader:	M Boughton
Signed Chief Executive:	D Roberts
Date of publication:	13 February 2026

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.