



A G E N D A

COMMUNITIES AND ECONOMIC DEVELOPMENT CABINET ADVISORY BOARD

Tuesday 11 January 2022 at 6.00 pm
Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS

Members: Councillor Scott (Chairman), Councillors Fairweather (Vice-Chairman), March, Ms Palmer, Ellis, Rutland, Hill, Pope, Allen, Patterson and Britcher-Allan

Quorum: 3 Members

- 1 Apologies for Absence** (Pages 5 - 6)
To receive any apologies for absence.
- 2 Declarations of Interests** (Pages 7 - 8)
To receive any declarations of interest by members of the Council in items on the agenda. For any advice on declarations of interest, please contact the Monitoring Officer before the meeting.
- 3 Notification of Persons Wishing to Speak** (Pages 9 - 10)
To note any visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Meeting Procedure Rule 18 and 19, and which items they wish to speak on.
- 4 Forward Plan as at 17 December 2021** (Pages 11 - 22)
To note forthcoming items as set out in the Forward Plan.
- 5 Grounds Maintenance Service** (Pages 23 - 36)
To consider and provide a recommendation to Cabinet on the proposals set out in the attached report.
- 6 Urgent Business** (Pages 37 - 38)
To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.
- 7 Date of the Next Meeting** (Pages 39 - 40)
To note that the date of the next scheduled meeting is

Wednesday 26 January 2022 at 6.30pm in the Council Chamber,
Town Hall, Tunbridge Wells.

Exempt Item

EXEMPT ITEM(S)

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following item(s) of business on the grounds that it/they may involve the likely disclosure of exempt information as defined in Part I, Schedule 12A of the Act, by virtue of the particular paragraph(s) shown on the agenda and on the attached report(s).

8 Exempt Appendix to Ground Maintenance Service (Item 5) (Pages 43 - 86)

Democratic Services Team

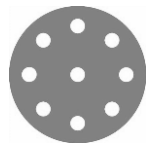
Tel: (01892) 554413

Email: Committee@TunbridgeWells.gov.uk

Town Hall

ROYAL TUNBRIDGE WELLS

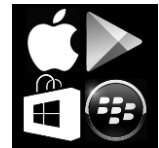
Kent TN1 1RS



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Options that the Cabinet Advisory Board Can Consider

The Cabinet Advisory Board is asked to consider each report and in each case come to a consensus and advise the Cabinet which one of the three options identified below it supports:

1) The Cabinet Advisory Board supports the recommendation(s) in the report.

or

2) The Cabinet Advisory Board supports the recommendation(s) subject to the issues it has identified being taken into account by the Cabinet (any issues identified should be stated and recorded).

or

3) The Cabinet Advisory Board does not support the recommendation(s) on at least one of the following grounds

3.1 Inadequate consultation with stakeholders; and/or

3.2 Inadequate evidence on which to base the decision; and/or

3.3 Insufficient consideration of legal and financial information; and/or

3.4 Another reason, as decided by the meeting of the Cabinet Advisory Board.

In each case the final Cabinet report will be amended to outline the option selected by the Cabinet Advisory Board and explain why this option was selected.

Attending Meetings

Meetings are held in the town hall and are webcast live online.

Any member of the public may attend to watch/listen in person or online live via our website on the relevant committee's meeting page. A recording of the meeting will also be available shortly after the end of the meeting.

All meetings and agenda are open to the public except where confidential information is being discussed. The agenda of the meeting will identify whether any meeting or part of the meeting is not open to the public and explain why.

Speaking at Meetings

Members of the public are encouraged to participate and may speak to the Council directly on any item on the agenda for up to 3 minutes. Members of the public (and any members of the Council who are not members of the committee) will need to register with Democratic Services in advance. Please see the agenda item titled **Notification of Persons Registered to Speak** for more details.

Coming to the Town Hall

All visitors attending a public meeting at the Town Hall should report to Reception via the side entrance in Monson Way no earlier than 15 minutes before the start of the meeting.

Seating will be allocated on a first-come-first-serve basis. The Council may alter the number and location of available seats if necessary on safety or public health grounds.

The public proceedings of this meeting will be recorded and made available for playback on the Tunbridge Wells Borough Council website. Any other third party may also record or film meetings, unless exempt or confidential information is being considered, but are requested as a courtesy to others to give notice of this to the Clerk before the meeting. The Council is not liable for any third party recordings.

Further details are available on the website www.tunbridgewells.gov.uk/meetings or from Democratic Services.

If you require this information in another format,
please contact us, call 01892 526121 or email
committee@tunbridgewells.gov.uk

Apologies for Absence

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11
January 2022

Procedural Item

To receive any apologies for absence.

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Declarations of Interest

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11 January 2022

Procedural Item

To receive any declarations of interest by members in items on the agenda in accordance with the Members' Code of Conduct. For any advice on declarations of interest, please contact the Monitoring Office before the meeting.

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Notification of Persons Registered to Speak

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11 January 2022

Procedural Item

To note any Visiting Members or members of the public wishing to speak, of which due notice has been given in accordance with Council Procedure 18 or 19, and which item(s) they wish to speak on.

Information for members of the public wishing to speak.

Members of the public are encouraged to participate and those wishing to comment on an agenda item will need to register with Democratic Services in advance. Registration opens when the agenda is published and closes at 4pm on the last working day before the meeting.

There may be up to 4 speakers per agenda item and speakers have up to 3 minutes each.

Places are allocated on a first come first serve basis except that if there are several speakers from the same group they may be asked to nominate someone to represent their collective view.

Once registered, speakers will need to attend the meeting in person. Comments should be in the form of a statement giving your opinion on the matter. Members of the committee may not answer questions or get into debate with you.

Full details on speaking at meetings is available on our website at:
tunbridgewells.gov.uk/meetings

Registrations may be sent by email to committee@tunbridgewells.gov.uk during the registration period. The deadline for registering to speak at this meeting is: 4pm on Tuesday 16 November 2021.

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FORWARD PLAN



www.tunbridgewells.gov.uk/forwardplan

Notice of Key Decisions / Notice of Private Meetings

Pursuant to the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

This Plan gives at least 28 days notice if the Cabinet of Tunbridge Wells Borough Council intends to make a key decision¹ or make a decision in private². Other decisions by the executive are also included on the Plan wherever possible.

Relevant documents can be downloaded from the Council's website or are available on request from: Democratic Services, Town Hall, Royal Tunbridge Wells, TN1 1RS or committee@tunbridgewells.gov.uk. Documents may be submitted to the decision maker via Democratic Services.

If it is necessary to hold a meeting in private, the reasons for this are stated alongside the decision. These reasons are prescribed by Schedule 12A of the Local Government Act 1972 (as amended) and summarised at the back of this Plan.

Representations against the intention to make a decision in private can be submitted in writing to Democratic Services no less than ten working days before the meeting date.

If the Council is unable to give 28 days notice, it will publish the reasons for this on its website and at its offices.

A handwritten signature in black ink, appearing to read 'Tom Dawlings', written over a horizontal line.

Councillor Tom Dawlings
Leader of the Council

Publication Date: 17 December 2021
The most recent version of the Plan supersedes all previously issued versions
Guidance notes are provided at the back of this document

Members of the Cabinet and their respective portfolios

Councillor Tom Dawlings Finance and Governance (Leader of the Council)

- Strategic Policy
- Finance
- Property and Estates
- Facilities
- Operational Partnerships (including Mid Kent Services)
- Revenues and Benefits (including Fraud and Debt Recovery)
- Internal Audit
- Legal Services
- ICT / Digital Transformation / Cyber Security
- Project and Programme Management
- Democratic Services
- Human Resources (including Learning and Development)

Councillor David Scott Economic Development (Deputy Leader of the Council)

- Economic Development and Tourism
- Events (excluding the ice rink)
- Business Engagements
- Supporting economic recovery across the Borough
- Supporting the Town Centre
- Community Safety and CCTV
- Lead Member for Royal Tunbridge Wells

Councillor Andy Fairweather Communities and Wellbeing

- Housing (including Private Sector and Housing Needs)
- Health
- Community Centres and Hubs
- Community Partnerships
- Assets of Community Value
- Rural Communities
- Younger and Older People
- Equalities and Equal Access
- Lead Member for Rural Communities

Councillor Jane March Culture and Leisure

- Culture, Leisure and the Arts
- Assembly Hall Theatre and Ice Rink
- The Amelia Scott
- Parks and Grounds Maintenance
- Sports and Leisure Centres
- Community Grants
- Customer Access
- Cemeteries and Crematorium

Councillor Alan McDermott Planning and Transportation

- Planning Policy
- Strategic Sites and Delivery
- Development Management
- Heritage and Conservation
- Planning Enforcement
- Land Charges
- Building Control
- Parking (on and off-street)
- Transportation

Councillor Matthew Bailey Environment

- Recycling and Waste Collection
- Street Cleansing and Littering
- Fly Tipping and Abandoned Vehicles
- Environmental Protection
- Environmental Health
- Food Hygiene and Health & Safety Standards in businesses
- Corporate Health and Safety
- Licensing
- Sustainability

Finance and Governance Portfolio – Councillor Dawlings

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|---------------------------|---|--|--|---|-------------------|-----------------------|
| 13/01/22 Cabinet | | 11/01/22 Finance and Governance Cabinet Advisory Board | Town Hall - Appointment of Co-working Tenderer The report is to set out the compliant process of selection and approval of the proposed Co-working tenderer to take a lease of some 19,800ft ² of the overall office accommodation, wide operational management within the Town Hall building and the external central courtyard. <i>(All Wards)</i> | Cabinet decision in July 2021 approved supplier engagement. Ongoing internal engagement with CCWG and Members. In addition wider engagement during tender process is proposed. The Finance and Governance CAB will be consulted. | Katie Exon, Corporate Property Manager | Yes | Part |
| 10/02/22 Cabinet | | 25/01/22 Finance and Governance Cabinet Advisory Board | Property Transaction Report July to December 2021 This report informs Cabinet of the property transactions completed under delegated authority between 1 July 2021 and 31 December 2021. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | John Antoniades, Estates Manager | No | Part |
| 10/02/22 Cabinet | Full Council 23/2/2022 | 25/01/22 Finance and Governance Cabinet Advisory Board | *Asset Management Plan 2022/23 To recommend to Full Council the revised Asset Management Plan following public consultation. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | John Antoniades, Estates Manager | No | Open |
| 10/02/22 Cabinet | Full Council 23/2/2022 | 25/01/22 Finance and Governance Cabinet Advisory Board | *Budget 2022/23 & Medium Term Financial Strategy To recommend to Full Council the Council's budget and Medium Term Financial Strategy for 2022/23 following public consultation (stage 4 of 4 in setting the forthcoming year's budget). <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Lee Colyer, Director of Finance, Policy and Development (Section 151 Officer) | No | Open |

Finance and Governance Portfolio – Councillor Dawlings

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|---------------------------|--|---|--|--|-------------------|-----------------------|
| 10/02/22 Cabinet | Full Council 23/2/2022 | 25/01/22 Finance and Governance Cabinet Advisory Board | *Treasury Management Policy and Strategy To recommend to Full Council the Treasury Management Policy and Strategy to set the parameters and key information regarding the Council's treasury activity, with specific regards to investments and cash flow. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Clare Hazard, Accountancy Manager | No | Open |
| 10/02/22 Cabinet | Full Council 23/2/2022 | 25/01/22 Finance and Governance Cabinet Advisory Board | *Capital Strategy To recommend to Full Council the Council's Capital Strategy for 2022/23. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Clare Hazard, Accountancy Manager | No | Open |
| 10/02/22 Cabinet | | 25/01/22 Finance and Governance Cabinet Advisory Board | Procurement of Banking and Merchant Services Cabinet approval for the award of the Council's Banking and Merchant Services Contract. <i>(All Wards)</i> | The Finance and Governance CAB will be consulted. | Jane Fineman, Head of Finance and Procurement | Yes | Open |
| 10/02/22 Cabinet | | 25/01/22 Finance and Governance Cabinet Advisory Board | CCTV Monitoring Contract The purpose of the report is to seek approval to award a new CCTV monitoring contract for the supply and management of suitably qualified and trained personnel to monitor, manage and operate CCTV cameras in the CCTV Control Room in the Town Hall. <i>(All Wards)</i> | The Finance and Governance CAB will be consulted. | Denise Haylett, Head of Facilities and Community Hubs | Yes | Part |
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Land Asset Strategy Sites Consideration of Land Asset Strategy Sites within Tunbridge Wells. <i>(Pantiles & St Mark's; Southborough & High Brooms)</i> | Finance and Governance Cabinet Advisory Board will be consulted. | John Antoniades, Estates Manager | Yes | Full |

Finance and Governance Portfolio – Councillor Dawlings

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|--------------|---|--|--|---|-------------------|-----------------------|
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Consideration of a new lease or freehold disposal of land at Tunbridge Wells Rugby Club Tunbridge Wells Rugby Club have requested that the Council grant them a new longer lease or land or consider a freehold disposal of land at the Rugby Club. <i>(St John's)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Max Horgan | No | Full |
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Performance Summary Quarter 3 To consider an outline of the Council's performance against key strategic indicators. Measures prescribed by Central Government through the Single Data List (SDL) and the progress against each of the strategic projects as at end of December 2021. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Jane Clarke, Head of Policy and Governance | No | Open |
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Revenue Management Report Quarter 3 To receive the financial position as at the end of December 2021. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Jane Fineman, Head of Finance and Procurement | No | Open |
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Capital Management Report Quarter 3 To receive the financial position as at the end of December 2021. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Jane Fineman, Head of Finance and Procurement | No | Open |
| 17/03/22 Cabinet | | 01/03/22 Finance and Governance Cabinet Advisory Board | Treasury and Prudential Indicator Management Report Quarter 3 To receive the financial position as at the end of December 2021. <i>(All Wards)</i> | The Finance and Governance Cabinet Advisory Board will be consulted. | Jane Fineman, Head of Finance and Procurement | No | Open |

Economic Development Portfolio – Councillor Scott

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|---------------------------|---|---|--|--|-------------------|-----------------------|
| 14/04/22 Cabinet | Full Council 27/4/2022 | 30/03/22 Communities and Economic Development Cabinet Advisory Board | <p>*Community Safety Partnership Plan 2022/23</p> <p>To recommend to Full Council the annual Community Safety Partnership Plan for approval. The Plan presents data on crime and anti-social behaviour within Tunbridge Wells Borough and provides an update on solutions provided to ensure the safety of residents. <i>(All Wards)</i></p> | The Communities and Economic Development Cabinet Advisory Board will be consulted. | Terry Hughes, Community Safety Manager | No | Open |

Planning and Transportation Portfolio – Councillor McDermott

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|--|--------------|-------------------|---|---|--|-------------------|-----------------------|
| Not before 16/10/20 Portfolio Holder for Planning and Transportation | | | <p>TWBC Response to Ministry of Housing, Communities and Local Government consultation on 'Planning for the Future - White Paper' (August 2020)</p> <p>The Ministry of Housing, Communities and Local Government is consulting on proposed long term changes to the national planning system. This report sets out the Council's response to this consultation. <i>(All Wards)</i></p> | Report to be published before decision is made. | Stephen Baughen, Head of Planning Services | No | Open |

Culture and Leisure Portfolio – Councillor March

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|--------------|---|--|---|--|-------------------|-----------------------|
| 13/01/22 Cabinet | | 11/01/22 Communities and Economic Development Cabinet Advisory Board | Grounds Maintenance Service The report considers the options for the future delivery of the grounds maintenance service for the Council's sports pitches, parks and open spaces from January 2023. <i>(Broadwater; Culverden; Pantiles & St Mark's; Park; Rusthall; Sherwood; St James'; St John's)</i> | Consultation with relevant groups in progress (Oct/Nov 2021). The Communities and Economic Development CAB will be consulted. | Gary Stevenson, Head of Housing, Health and Environment | Yes | Open |

Communities and Wellbeing Portfolio - Councillor Fairweather

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|-------------------------------------|--------------|---|--|---|---|-------------------|-----------------------|
| 17/03/22 Cabinet | | 02/03/22 Communities and Economic Development Cabinet Advisory Board | <p>Housing, Homelessness and Rough Sleeping Strategy 2021-2026</p> <p>The Strategy sets out how we will respond to housing challenges, including preventing homelessness, ending rough sleeping, increasing the supply and choice of affordable homes, and improving housing and meeting need.</p> <p>The Strategy will be reported to Cabinet on 24 June 2021 and agreement for consultation will be requested. Once consultation has been undertaken, the comments and feedback received will be considered and the Strategy will be amended and updated as necessary. Cabinet will be asked to adopt the final Strategy.</p> <p><i>(All Wards)</i></p> | <p>Consultation on the Strategy will take place over a six week period in July/August 2021, with partners and interested parties, prior to this second submission of the Strategy to Cabinet. The Communities and Economic Development CAB will be consulted.</p> | Sue Oliver, Environmental Health Officer | Yes | Open |

Environment Portfolio - Councillor Bailey

| Date of decision/ Decision maker | Full Council | Advisory Board | Report Title, Summary and Ward | Consultation Details | Relevant Officer | Key? ¹ | Private? ² |
|--|--------------|----------------|---|---|--|-------------------|-----------------------|
| Not before 21/10/21 Portfolio Holder for the Environment | | | <p>Release of S106 funding, allocated to support the ongoing expansion of the Car Club</p> <p>The Tunbridge Wells Co-Wheels Car Club currently has 5 cars in it's fleet and is extremely popular, with membership and use of the car club having grown rapidly. To ensure car club members are able to access a car as and when they need it, it is essential to add additional cars to the fleet. The car club is managed as a concessions contract and at no cost to the Council. S106 from developers contribution has been set aside specifically to support the expansion of the car club, as part of a mobility mix alongside public transport, walking, cycling and taxis. With car clubs supporting air quality improvements, carbon reduction and reducing traffic impacts such as congestion and parking pressure.</p> <p><i>(Broadwater; Culverden; Pantiles & St Mark's; Park; Southborough & High Brooms; St James'; St John's)</i></p> | Report to be published before decision is made. | Karin Grey, Sustainability Manager | No | Open |

Note 1: KEY DECISIONS

A “key decision” means a decision which is to be taken by the executive of the Council which is likely to:

- (a) result in the Council incurring expenditure which is, or the making of savings which are over £250,000 as well as otherwise being significant having regard to the Council’s budget for the service or function to which the decision relates; or
- (b) be significant in terms of its effects on communities living or working in an area comprising two or more wards in the Borough of Tunbridge Wells.

Note 2: REASONS A MEETING MAY BE HELD IN PRIVATE

In accordance with section 100A(4) of the Local Government Act 1972 (as amended), the public may be excluded from a meeting on the grounds that it may involve the disclosure of exempt information as defined in Schedule 12A of the Act. The exemption must be by virtue of one or more specified paragraphs which are shown on the meeting agenda (giving 5 days notice) and, in the case of the Cabinet, on the Forward Plan (giving 28 days notice). The exemptions are summarised as follows:

Paragraph (1) - Information relating to any individual.

Paragraph (2) - Information which is likely to reveal the identity of an individual.

Paragraph (3) - Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Paragraph (4) - Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office-holders under, the authority.

Paragraph (5) - Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Paragraph (6) - Information which reveals that the authority proposes –

- (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or
- (b) to make an order or direction under any enactment.

Paragraph (7) - Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

QUALIFICATIONS:

(8) Information falling within paragraph (3) above is not exempt information by virtue of that paragraph if it is required to be registered under –

- (a) the Companies Act 1985;
- (b) the Friendly Societies Act 1974;
- (c) the Friendly Societies Act 1992;
- (d) the Industrial and Provident Societies Acts 1965 to 1978;
- (e) the Building Societies Act 1986; or
- (f) the Charities Act 1993.

(9) Information is not exempt information if it relates to proposed development for which the local planning authority may grant itself planning permission pursuant to regulation 3 of the Town and Country Planning General Regulations 1992.

(10) Information which –

- (a) falls within any of paragraphs 1 to 7 above; and
- (b) is not prevented from being exempt by virtue of paragraph 8 or 9 above,

is exempt information if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Grounds Maintenance Contract

For Cabinet on 13 January 2022

Summary

Lead Member: Councillor Jane March Portfolio Holder for Culture and Leisure

Lead Director: Paul Taylor Director of Change and Communities

Head of Service: Gary Stevenson Head of Housing, Health and Environment

Report Author: Nigel Bolton Interim Service Manager

Classification: Partially Exempt from Disclosure – Appendix A exempt by virtue of paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to the financial or business affairs of any particular person (including the authority holding that information).

Wards Affected: All

| Approval Timetable | Date |
|--------------------|------------------|
| Management Board | 13 December 2021 |
| Portfolio Holder | 13 December 2021 |
| Communities CAB | 11 January 2022 |
| Cabinet | 13 January 2022 |

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That Cabinet give the Head of Housing, Health and Environment delegated authority to enter into a further 2-year contract extension with Tivoli to end 31 December 2024 in consultation with the Council's Monitoring officer and Section 151 Officer.
2. That Cabinet give delegated authority to the Council's Monitoring Officer and S151 Officer to undertake all legal and financial requirements necessary to complete the extension of the Grounds Maintenance Contract.

1. Introduction and Background

- 1.1 The grounds maintenance services for the Council's parks, open spaces, sports grounds, recreation areas and cemetery and crematorium grounds are carried out under the terms of a Grounds Maintenance (GM) contract.
- 1.2 The GM contract was awarded to Sodexo in 2010 and was due to end on 31 December 2021. Sodexo sold their horticultural division to Tivoli Group Ltd and in March 2021 Cabinet decided that the GM contract could be novated to Tivoli and that the contract would be extended to 31 December 2022.
- 1.3 A review has been carried out of the Council's options for delivering the service from 1 January 2023. This review included the engagement of specialist GM consultants through Waste Consulting LLP (WCL) to assess cost impacts of the specification, the current GM market, improving sustainability and outline options for service delivery.
- 1.4 Consideration has been given to establishing if there are additional sports clubs or other interested organisations that would be interested in managing and operating their own facilities. There are some existing arrangements in place where clubs maintain outdoor facilities on Council land. Currently Tunbridge Wells Football Club lease the Culverden Stadium, TW Croquet Club lease land at Calverley Grounds and Tunbridge Wells Tennis Club lease land at the Nevill Ground. There are ongoing discussions with Tunbridge Wells Rugby Club and Foresters Football Club with a view to them managing and operating St. Marks Recreation Ground (the rugby club already own a substantial area of the adjacent land) and Bayham Sports Pitches respectively.
- 1.5 The current contract with Sodexo/Tivoli includes the majority of the service specification. Around 10% of the service specification by value is undertaken by smaller local contractors. These works include arboriculture and some playground and other infrastructure maintenance. The opportunity to explore the feasibility of breaking the service specification into smaller Lots to attract local contractors is explored later in this report.

2. Consultation

- 2.1 All key stakeholders were contacted earlier in the process to review the updated specification and 10 returned comments. In general, the comments from friends groups and sports clubs centred around the current service provision and raising of standards.

- 2.2 In addition 30 sports clubs, friends groups and other interested parties were invited to take part in a consultation exercise which ended on 2 November 2021.
- 2.3 There were 19 responses from organisations. Out of these responses eight confirmed that they would be interested in managing or operating the facility they currently use by having a lease or licence.
- 2.4 A supplier engagement process was held in October 2021 open to organisations of all sizes which resulted in five submissions one of which was from an organisation based in the Borough. The conclusion of this process was that moving to a full tender at this stage would likely see a poor level of response and a high likelihood of significant cost increases for the service.

3 Findings from the WCL Report

- 3.1 WCL have a specialist grounds maintenance team and they were engaged to advise the Council on cost impacts of the specification, the current GM market, improving sustainability and outline options for service delivery.
- 3.2 WCL identified that the original bid of £626k made by Sodexo in 2009 was substantially under-priced. WCL estimate that the value of the work in 2009 was £820k per annum. The Sodexo bid also included an offer of a 1.5 percentage point deduction from RPI annual indexation. Considering the low bid and indexation WCL calculate that the real value of the work if it was tendered in 2022 could be around 48% more than the current cost.
- 3.3 WCL confirmed that the proposed service specification is fit for purpose and would deliver an acceptable level of service. Any further reduction of the specification would rely on changes to management plans and reliance on voluntary labour. Service reduction will need key and contentious decisions balancing statutory obligations against visual or desirable elements (such as sports provision and seasonal bedding) which would impact on what service users have come to expect.
- 3.4 There has been a consolidation of the UK's ground maintenance market since 2013 with the number of contractors reducing from 12 to 7. Local authorities have been extending contracts beyond previous extension dates where costs and budgets are aligned or have been taking services in-house.
- 3.5 WCL concluded that continuing to externalise the service via a contractor would overall be lower cost and have certainty of cost while an in-house provider can provide greater flexibility.
- 3.6 A copy of the WCL report can be found at Exempt Appendix A.

Sustainability and Carbon Reduction

- 3.7 There are some established processes in place within the GM industry that are reflected in the service specification including weed control, use of biofuel, recycling and use of green waste, management of large grass swards and tree planting.
- 3.8 It is possible for contractors to utilise battery handheld and pedestrian equipment but the initial cost is three to four times higher than petrol equivalents.
- 3.9 There is currently little or no availability of large non fossil fuelled plant, grass cutting equipment or vans with an adequate towing weight however it is expected that more of this type of equipment will come to market during the next few years.
- 3.10 Any future tender process will require bidders to specify costed plans for reducing carbon emissions and operating in a sustainable manner. The invitation to tender will also require bidders to provide environmental management plans which must include site specific details for the delivery of the service.

4 Options Considered

- 4.1 The following options have been identified together with the advantages and disadvantages of each. This is followed by a comparison of the estimated cost of each option.

Option 1 - Do minimum by extending current contract by a further 2 years

This option would be a continuation of the service currently provided by Tivoli. Discussions have progressed with Tivoli on the option to extend for a further two years (to end 31 December 2024) and this will be in the region of 1.5% plus RPI per annum.

Advantages:

- 1) Locks in the lowest cost option giving financial certainty.
- 2) Creates capacity to allow for discussions with more community partners on the potential to transfer service responsibility.
- 3) Allows time for the Council to establish pandemic, climate and financial impacts on extent and specification of service that will be required in the medium to longer term.
- 4) Certainty over emerging projects from sports strategies and Local Plan would be in place before a longer term contractual arrangement is made.
- 5) Carbon reduction measures could be introduced although they would likely require Council funding.

Disadvantages:

- 1) Flexibility to change specification during the short term life of the extension is limited.

Option 2 - Single contractor to provide the majority of the grounds maintenance service (current model).

This option is the current method that the Council uses to provide its grounds maintenance service. The majority of works are included in one contract but some ad hoc works are carried out by smaller local contractors. These ad hoc works include arboriculture and repairs/maintenance to equipment and infrastructure.

Advantages:

- 1) Economies of scale in the procurement and use of plant and equipment.
- 2) Contractor responsible for variable financial aspects such as staffing, materials and fuel costs.
- 3) Economies of scale in matching workforce to tasks.
- 4) Access to corporate specialist advisors to contribute to horticultural, sports maintenance and administrative functions such as health and safety.
- 5) Council can continue to use small local contractors to carry out some ad hoc works such as arboriculture, specialist maintenance and improvement projects.
- 6) Specification can be increased or decreased during term of the contract through variation orders.
- 7) Contract cost provides certainty for budget management.
- 8) Majority of risks sit with the contractor.

Disadvantages:

- 1) Council must provide a contract management role.
- 2) Performance is only as good as the local manager and staff provided by the contractor.
- 3) If the contractor fails then it affects the majority of the service.
- 4) Cost of variation orders may be disproportionate to the change in service.
- 5) Contract cost will include private sector profit and contribution to overheads.

Option 3 - Single contractor to provide the entire grounds maintenance service.

This would result in some additional ad hoc works being included in the specification that are not included in option 1 above.

Advantages:

- 1) Economies of scale in the procurement and use of plant and equipment.
- 2) Contractor responsible for variable financial aspects such as staffing, materials and fuel costs.
- 3) Economies of scale in matching workforce to tasks.

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- 4) Access to corporate specialist advisors to contribute to horticultural, sports maintenance and administrative functions such as health and safety.
- 5) Specification can be increased or decreased during term of the contract through variation orders.
- 6) Contract cost provides certainty for budget management.
- 7) Majority of risks sit with the contractor.

Disadvantages:

- 1) Council must provide a contract management role.
- 2) Performance is only as good as the local manager and staff provided by the contractor.
- 3) If the contractor fails then it affects the entire service.
- 4) Cost of variation orders may be disproportionate to the change in service.
- 5) Cost of ad hoc works likely to be higher than current due to tenderers uncertainty on volumes.
- 6) Contract cost will include private sector profit and contribution to overheads.
- 7) Additional on-cost if the contractor sub-contracts labour in more specialised areas.

Option 4 - Split contract and engage smaller local contractors

This option relies on the specification being split into tranches to attract smaller and perhaps local contractors to bid.

Advantages:

- 1) Potential for increased support to the local economy.
- 2) If one contractor fails the entire service does not fail.

Disadvantages:

- 1) Increased level of activity and complexity to manage the contracts which would in turn increase the Council's contract management costs.
- 2) Splitting the contract by function would lead to multiple contractors working on the same sites.
- 3) Splitting the contract geographically would result in multiple contractors employing similar specialist staff.
- 4) Uncertainty of the effect on current staff as any TUPE arrangements would be complicated.
- 5) Deployment of plant and machinery would be inefficient as it would not be used over the entire service.
- 6) There would be no economies of scale.
- 7) Ability to redeploy staff to deal with urgent priorities would be limited.
- 8) Small contractors at greater risk of take over by large operators.
- 9) No comparator has been identified where a similar service has been provided using smaller contractors.

- 10) WCL reviewed the market local to Tunbridge Wells and were unable to identify contractors that may be suitable to undertake the work.

Option 5 - Provide the Service In-house (DSO)

This option would require the Council to accept the TUPE transfer of the existing contractors staff, recruit to any vacant posts and purchase or lease plant and equipment.

Advantages:

- 1) There would be no client contract management costs.
- 2) Increased flexibility in making changes to the specification during the contract term.
- 3) Staff would be employed on the Council's terms and conditions.
- 4) Council already owns its depot facilities

Disadvantages:

- 1) Cost of the Council employing staff is higher than the private sector for example pension costs and the difference in weekly working hours (37 hours for Council versus 40 hours for private sector).
- 2) Council would have to budget for capital or lease costs for plant and machinery without the advantage of national purchase agreements.
- 3) Council would be taking higher financial risk on variables such as staffing, fuel and materials.
- 4) Council support services would require additional capacity for instance HR, Payroll, H&S and Finance.
- 5) The Council will need to recruit senior staff who are experienced in setting up and managing DSO's.
- 6) All reputational risk for the delivery of the contract will sit with the Council.
- 7) Timescale not sufficient to develop a business case and mobilise the works.

Option 6 - In-house LATC

This option would require the setting up and management of an arm's length trading company that would employ staff outside of the terms and conditions that apply to current Council staff.

Advantages:

- 1) Council can award services to a LATC through a Teckal exemption saving the need for a procurement process
- 2) Staff conditions (including pensions) remain the same as the previous employer.
- 3) Can generate external income (as long as 80% of activities are with the Council).

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- 4) Council retains control of service activities and therefore changes do not need to be negotiated through a contract.
- 5) A LATC can develop a more commercial culture and approach to HR and Finance.

Disadvantages:

- 1) The Council would have to recruit senior staff to establish, operate and manage the LATC
- 2) Establishment of a company board and governance structure.
- 3) Capital investment would require funding.
- 4) Community and political pressure may require the Council to employ staff on the same terms and conditions as Council Staff (LATC2)
- 5) More complicated than a DSO and not viable from a management and financial aspect due to low value of contract.

Option 7 - In-house LATC2

This option would require the setting up and management of an arm's length trading company that could employ staff on higher terms than the current contractor including using the same terms and conditions as existing Council staff.

Advantages:

- 1) Council can award services to a LATC through a Teckal exemption saving the need for a procurement process
- 2) Can generate external income (as long as 80% of activities are with the Council).
- 3) Council retains control of service activities and therefore changes do not need to be negotiated through a contract.
- 4) A LATC can develop a more commercial culture and approach to HR and Finance.

Disadvantages:

- 1) The Council would have to recruit senior staff to establish, operate and manage the LATC
- 2) Establishment of a company board and governance structure.
- 3) Capital investment would require funding.
- 4) There would be additional staffing costs compared to the LATC in option 5.
- 5) More complicated than a DSO and not viable from a management or financial aspect due to low value of contract.

Option 8 - Partner with another Council to procure a contractor

This option would require the Council to identify a nearby local authority who wanted to provide a similar service within the same timescales.

Advantages:

- 1) Increased value for money/economies of scale.
- 2) Shared overheads.
- 3) Improved resilience.
- 4) Increased negotiating power.
- 5) Shared risk.

Disadvantages:

- 1) Identifying a partner who is geographically close and has the same timescales for procurement.
- 2) Differing aims and objectives and/or political priorities.
- 3) Failure due to lack of shared vision/poor communication/reporting/decision making.

Financial Comparison of Options

4.2 The costs in the table below were either identified in the WCL report or have been estimated using assumptions in the WCL report except for Option 1 which was introduced after their report had been completed.

| Option | Description | Estimated Annual Cost | Add Hoc Works (Based on 2019/20) | Client Cost | Total Cost | Comments |
|--------|--|-----------------------|----------------------------------|-------------|------------|---|
| 1 | Extend current contract | 1,095,000 | 132,000 | 50,000 | 1,277,000 | |
| 2 | Single contractor provides majority of service (as now) | 1,288,000 | 132,000 | 50,000 | 1,470,000 | |
| 3 | Single contractor provides entire service | 1,420,000 | 0 | 50,000 | 1,470,000 | |
| 4 | Service split into smaller lots and awarded to local contractors | 1,633,000 | 0 | 88,000 | 1,721,000 | Estimated cost based on option 3 plus 15% for loss of economies of scale. Client cost increased due to quantity |

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| | | | | | | |
|---|----------------------------------|-----------|---|--------|-----------|---|
| | | | | | | and complexity of monitoring |
| 5 | In house (DSO) | 1,588,000 | 0 | 0 | 1,588,000 | Annual cost includes WCL estimate plus ad hoc works plus £80k additional management cost |
| 6 | LATC | 1,500,000 | 0 | 0 | 1,500,000 | Annual cost includes WCL estimate plus ad hoc works plus £110k additional management and company support |
| 7 | LATC 2 | 1,654,000 | 0 | 0 | 1,654,000 | Annual cost includes WCL estimate plus ad hoc works plus £110k additional management and company support |
| 8 | Partnership with another Council | 1,349,000 | 0 | 50,000 | 1,399,000 | This assumes that the partnership is to procure a contractor and that there is a 5% reduction due to economies of scale |

- 4.3 It has been assumed that the Council would continue to retain income as it does now. The income in the last full year, 2019/20, was £251,897.
- 4.4 The figures that have been used by WCL are high level and actual costs will only be known once the procurement process has been completed.

5 Preferred Option and Reason

- 5.1 The preferred option is Option 1 – extend the current contract with Tivoli for a further two years beyond the one year extension already agreed. This is the

lowest cost option, gives the Council certainty of cost over the next three years, minimises risk for the Council, provides time for the market to settle, allows further discussions to take place regarding sections of the specification being transferred to existing clubs and allows capacity for a further supplier engagement exercise to take place to ascertain the appetite for smaller Lots.

6 Consultation on Options

- 6.1 A project team drawn from officers across the Council have been working on the procurement process and have included representatives from Finance, HR, Legal, Property and Procurement.
- 6.2 An informal briefing was held with Leaders of all groups on 24 November 2021. Group Leaders supported the principle that the Council should extend the contract with Tivoli for a further two years to a) give certainty of cost; b) allow further time to explore disaggregating the contract into smaller lots; c) allow further time for engagement with local clubs and d) allow the market to settle.

Recommendation from Cabinet Advisory Board

The Communities Cabinet Advisory Board were consulted on 11 January 2022 and agreed the following:

| *A verbal update will be given at the meeting.*

7 Implementation

- 7.1 A deed of variation will be issued to extend the current contract until 31 December 2024.

8 Appendices and Background Documents

Appendices:

- Exempt Appendix A: Exempt WCL Report

9 Cross Cutting Issues

A. Legal (including the Human Rights Act)

Once the contract has been novated to Tivoli (the Council has executed the Deed to do this and are awaiting Tivoli's executed documents), the Council can vary the contract to allow an up-to five years extension period.

Lucinda MacKenzie-Ingle. Team leader MKLS 21 December 2021

B. Finance and Other Resources

To follow

C. Staffing

To follow

D. Risk Management

There are no significant risk management issues.

E. Environment and Sustainability

Whilst the reasons for extending the contract for a further two years is acknowledged, it is essential that this extension in time is used to fully explore the opportunities for carbon reduction and how to mitigate the biodiversity emergency. This will need to include engaging early with future providers to advise that as from start of any new provision, starting in January 2025, meeting the Council's ambition to be carbon neutral and reducing the impact of this service provision on the local environment will be a key aim.

The Council's Corporate Carbon Descent Plan and the Laser report identify the grounds maintenance contract as contributing around 2% to the overall carbon emissions of the Council, based on 2018/19 data. Whilst this is a small percentage, given the importance of aiming to reduce as much of the Council's emission as possible it is critical to review and implement reductions in as many areas as possible.

The modelling undertaken as part of developing the carbon descent plan included the emissions for the Grounds Maintenance contract. These were assumed to abate in a linear

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fashion from current levels to net zero over the course of the next contract, with this having been built into the tender specifications at contract renewal in 2021. As this is now not expected to be the case it is important to recognise that a step change in emissions from current levels to nearer net zero carbon will be required at contract renewal in 2025.

The reasons for this are a recognition that as stated in the [IPCC's sixth assessment report](#), released 9th August 2021, which makes clear that rapidly cutting CO2 emissions to net zero, while making major cuts to other greenhouse gases such as methane, is the only way to avert the worst impacts of climate change.

Karin Grey 20 December 2021

F. Community Safety

No community safety issues are expected to arise as a result of this report

Terry Hughes, Community Safety Manager, 28/10/2021

G. Equalities

There is no apparent equality impact on end users resulting from the recommended option set out in the report.

Ingrid Weatherup, Corporate Governance Officer, 22 December 2021

H. Data Protection

There are no data protection considerations resulting from the recommended option set out in the report.

Ingrid Weatherup, Corporate Governance Officer, 22 December 2021

I. Health and Safety

The TWBC Parks team have competent contract monitoring officers who ensure that the contractor is working to legal requirements and do not put persons, or the council at risk through its operations. Potentially the more interaction that TWBC may wish to take in the day-to-day operations if the grounds maintenance operation the more legally and financially liable they may be in the event of any incidents that may occur.

Mike Catling, Corporate health & Safety advisor, 16 December 2021

J. Health and Wellbeing

There are no health and wellbeing implications.

Rebecca Bowers, Health Improvement Team Leader, 1 November 2021

Urgent Business

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11 January 2022

Procedural Item

To consider any other items which the Chairman decides are urgent, for the reasons to be stated, in accordance with Section 100B(4) of the Local Government Act 1972.

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Date of the Next Meeting

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11 January 2022

Procedural Item

To note that the next scheduled meeting is Wednesday 26 January 2022.

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Exempt Items

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11 January 2022

Procedural Item

It is proposed that, pursuant to section 100A(4) of the Local Government Act 1972 and the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following items of business on the grounds that they may involve the disclosure of exempt information as defined in Schedule 12A of the Act, by virtue of the particular paragraphs shown on the agenda and on the attached reports.

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Exempt Appendix to Ground Maintenance Service (Item 5)

For Communities and Economic Development Cabinet Advisory Board on Tuesday 11
January 2022

Procedural Item

The following documents are exempt from disclosure by virtue of:

Paragraph 3 of Schedule 12A of the Local Government Act 1972 (as amended): Information relating to any individual.

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972 (as amended).

Document is Restricted

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