

Summons and Agenda



Town Hall
Royal Tunbridge Wells

Tuesday, 28 March 2023

To the Members of the Tunbridge Wells Borough Council

I request your attendance at a meeting of the Tunbridge Wells Borough Council to be held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, on Wednesday, 5 April 2023, at 6.30 pm, when the following business is proposed to be transacted.

- 1 **Apologies for absence**
To receive any apologies for absence.
- 2 **Minutes of the meeting dated 01 March 2023** (Pages 4 - 21)
To approve the minutes of the meeting held on 01 March 2023 as a correct record. The only issue relating to the minutes that can be discussed is their accuracy.
- 3 **Declarations of Interest**
To receive any declarations of interest by members in items on the agenda. For any advice on declarations of interest; please contact the Monitoring Officer before the meeting.
- 4 **Announcements**
To receive announcements from the Mayor, the Leader of the Council, members of the Cabinet and the Chief Executive.
- 5 **Questions from members of the public**
To receive any questions from members of the public, of which due notice has been given in accordance with Council Procedure Rule 8, to be submitted and answered.
- 6 **Questions from members of the Council**
To receive any questions from members of the Council, of which due notice has been given in accordance with Council Procedure Rule 10, to be submitted and answered.
- 7 **Appointment of the Deputy Mayor** (Pages 22 - 25)
To consider and, if thought fit, to approve the recommendations set out in the associated report
- 8 **Community Safety Report 2023/24** (Pages 26 - 94)
To consider and, if thought fit, to approve the recommendations set out in the associated report
- 9 **Procurement Process and Policy Updates** (Pages 95 - 132)
To consider and, if thought fit, to approve the recommendations set out in the associated report
- 10 **Urgent Business**

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

11 Common Seal of the Council

To authorise the Common Seal of the Council to be affixed to any contract, minute, notice or other document arising out of the minutes, or pursuant to any delegation, authority or power conferred by the Council.

12 Date of next meeting

To note that the date of the next meeting is 5 July 2023.

William Benson
Chief Executive

Democratic Services Team

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Town Hall
ROYAL TUNBRIDGE WELLS
Kent TN1 1RS

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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-served 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 a debate with you.

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TUNBRIDGE WELLS BOROUGH COUNCIL

MINUTES of a meeting of the Tunbridge Wells Borough Council, duly convened and held at the Council Chamber, Royal Tunbridge Wells, Kent TN1 1RS, at 6.30 pm on Wednesday, 1 March 2023

PRESENT:

The Mayor Councillor Godfrey Bland (Chair)

Councillors Allen, Atkins, Atwood, Bailey, Barrass, Barrington-King, Brice, Britcher-Allan, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Funnell, Goodship, Hall, Dr Hall, Hayward, Hickey, Hill, Holden, Knight, Le Page, Lidstone, March, McMillan, Moon, Morton, Ms Palmer, Patterson (Vice-Chair), Poile, Pope, Pound, Rands, Roberts, Rogers, Rutland, Sankey, Wakeman, Warne, White, Willis and Wormington

IN ATTENDANCE:

IN MEMORIAM TO BOB BACKHOUSE

FC17/22 The Council observed a minute silence following the death of former Councillor Bob Backhouse. Bob served as a Councillor for Sherwood from 2010 until May 2022.

APOLOGIES FOR ABSENCE

FC18/22 Apologies were received from Councillors: Johnson, Lewis, and Neville.

MINUTES OF THE 1ST EXTRAORDINARY MEETING DATED 14 DECEMBER 2022

FC19/22 No amendments were proposed.

RESOLVED – That the minutes of the first extraordinary meeting dated 14 December 2022 be approved as a correct record.

MINUTES OF THE 2ND EXTRAORDINARY MEETING DATED 14 DECEMBER 2022

FC20/22 Councillor Christopher Hall has asked for the following amendment:

RESOLVED –

1. That FC52/22 be amended to say 64% respondents which replaces the statement 64% electorates.
2. And the statement £200k savings over 4 year period on all out election be added to the minutes
3. That, subject to the above amendment, the minutes of the meeting dated 14 December 2022 be approved as a correct record.

MINUTES OF THE ORDINARY MEETING DATED 14 DECEMBER 2022

FC21/22 No amendments were proposed.

RESOLVED – That the minutes of the ordinary meeting dated 14 December 2022 be approved as a correct record.

DECLARATIONS OF INTEREST

FC22/22 No declarations of pecuniary or significant other interest were made.

ANNOUNCEMENTS

FC23/22 **The Leader of the Council announced:**

- Councillor Pope would be nominated for Deputy Mayor in 2023/24

The Portfolio Holder for Rural Communities: Councillor Warne

- Reminded all that a £100k fund has been created in response to the cost-of-living crisis, charities and similar organisations were invited to apply for funding.
- To date the following grants have issued as of: (31 January 2023)
 - Charlies Angels Kitchen - £15,000
 - Nourish - £20,000
 - Number One Community Trust - £15,000
 - Tunbridge Wells Volunteer bureau - £10,000
 - Parish Larders - £15,000 (£2,500 for each larder)
 - West Kent Mind - £25,000

The Portfolio Holder for Housing and Planning: Councillor Pound

- SE water draft resources management plan and Southern Water management plan, have set out their long-term plan for ensuring that there are sufficient water supplies for the respective areas over the next 50 years
- Thanks were given to the following officers Sharon Evans and Ellen Gilbert for their work in preparing the councils response.
- The Council acknowledges the challenges faced by both companies. It is explicit that it would be unable to meet the level of service customers expect unless there is investment in new schemes, an increase in supply and or a reduction of demand.
- The council provided the following three responses to South-East Water:
 - TWBC is concerned that the document does not address current needs and deficits particularly within the town of Royal Tunbridge Wells and surrounding areas and will be a deficit of water within Kent region by 2030
 - The Council would query whether this is already an issue where it has been evident that demands exceed supply and there is little resilience within the system to cope under certain circumstances
 - TWBC does find this lack of schemes appropriate, considering the recent situation referred to above in December 2022, and the It is noted that schemes are identified within the borough during the period from 2035 to 2075.
- TWBC would welcome further engagement with SE Water in relation to these projects, so the council will continue to work closely with now things water in developing its water resources management plan

The Portfolio Holder Environment, Sustainability and Carbon Reduction: Councillor Everitt

- I am pleased to say that we are currently going through the processes to allow this Council to join the UK 100.
- Which is a cross-party local network of those who have pledged to work towards a transition to net zero within local government.

- Membership of the UK 100 would not only publicly reaffirm our Council's commitment to reducing carbon emissions and pollution, but also allow us to build upon a wealth of experience and expertise of other existing members of the UK 100.
- Councillor Chapelard, and I met representatives from the UK 100 and we hope to have our request for membership of this sector accepted and an announcement to be made next week.

Announcement by the Chief Executive:

- Confirmed that Dr Philip Whitbourn has accepted his Freedom of the Borough Award
- A Civic Ceremony will be held middle of April, more details to follow.

QUESTIONS FROM MEMBERS OF THE PUBLIC

FC24/22 The Mayor advised that four questions from members of the public had been received under Council Procedure Rule 8.

1. Question from Robert Banks

“The Household Recycling and Waste Collection Service provider (Urbaser) has asked this Council to contribute a maximum of £150,00 towards the early lease termination costs associated with a number of the existing fleet, in order to lease circa forty-four vehicles new vehicles on an 8-year lease which will extend beyond the end of the existing service contract. If this proposal is accepted, what will the Council's additional annual financial liability be for the initial 4 years, the subsequent 4 years after the existing contract has expired and the estimated cost of converting the vehicles to use biofuel rather than diesel”

Answer from Councillor Everitt

This one-off payment, will allow for the re-rounding and re-fleeting which will enable a more efficient use of resources to meet the changing demands on the service, reducing travel distances, carbon emissions and vehicle down time and improving the stability of the service. I know members in this room will greet that news favourably and our residents equally, given that they have expressed the importance they place on this service in the recent budget response. This payment is one off and there are no additional annual financial liabilities attached to the proposal.

I am also happy to say that forty-four vehicles to be leased would require no further conversion costs to use HVO fuel as opposed from diesel.

Once again thank you for your question.

Supplementary question from Robert Banks

So, I did not catch show of the amount of changing into biofuel, and also I was under the impression that at the present rate we will not be carbon neutral by 2030 and other measures were going to have to be taken.

Supplementary Response from Councillor Everitt

To clarify your question of other vehicles there were no costs and no costs for

those new vehicles on the new lease to use HVO in relation to reaching our 2030 commitment to be carbon neutral in the work the Council does we haven't produced a new carbon reduction pathway to 2030 but certainly reaching the 2030 commitment I hold and everyone in the Chamber holds, but to reach that goal, we have to produce a new carbon reduction pathway and that will have to take account of any decisions we make, thank you.

2. Question from Charlie Keeling

“How much will the preparation of 'Suggested Changes' to the local plan cost – could that be itemised by consultant/other 3rd party, and this is against the backdrop that all Councils currently appear to be very cash-strapped?”

Answer from Councillor Pound

Thank you Mr Keeling for your question.

There are some specific pieces of work are being undertaken such as on the Stage 3 Greenbelt study which is being done by consultants LUC and will be at a cost to the Council of £57,496.00.

Further work is being undertaken on Master planning, Transport and Flood Risk, which is evolving, and the final cost will depend on the complexity of this work so no final figure is available at this stage.

Nevertheless, the Council has prudently set up a Local Plan Reserve which has £851,000 available to ensure the adoption of a sound Local Plan and future work associated with it.

Supplementary question from Charlie Keeling

Thank you Councillor Pound.

Bearing in mind that so far, all the local plan has cost Tunbridge Wells Borough Council £1.27million as I understand from the minutes you approved this evening.

to get to a position yeah yet more of the council's under-pressure budget is being allocated if you'll pardon the expression to flog a dead horse, will the council now removed Tudley Village from the local plan, as clearly preferred by the Inspector, if not, what is the further additional cost of providing further evidence in pursuing Tudley Village. Including a fourth Green Belt study and revisions to the transport modelling, especially in regard to journeys to and from Tonbridge, and the justification for the 5 Oak Green bypass.

Supplementary response from Councillor Pound

I have to admit Mr. Keeling, I probably did not capture all of the points that you were asking about and I will ensure that you get a written reply to that supplementary in full, I would, however. challenge that the local plan, as it is currently under examination and is in the submission stage, is not flogging a dead horse, it is a Plan that everybody in this Chamber, or almost everybody in this Chamber, wishes to see being adopted by the council because it will provide us with housing and infrastructure for the future of the whole borough, but I will provide a fuller answer to all of the points you have made.

3.Question from Sarah Hamilton (read out by Caroline Britt)

"I am KCC Member for Tunbridge Wells Rural Division, Chairman of Heritage Paddock Wood and Member of Paddock Wood Town Council.

In line with my letter to the Times of Tunbridge Wells, and presentation to Cabinet I express grave concern about the Wesley Centre in Paddock Wood

It is surprising the Wesley Centre faces the risk of potential disposal in the current times, and many are rightly very concerned. It is protected in the Towns Neighbourhood Plan which the Borough Council has not challenged.

Paddock Wood Town Council supports the Wesley Centre is retained. The Paddock Wood Neighbourhood Plan supports it is retained and so do all four of the Borough Cllrs for Paddock Wood.

There is no heritage-based facility in an area with a substantial amount of housing development. Needs are evolving. The value of green space for emotional health & wellbeing becomes even more important. Heritage and the arts deliver on that for social value.

Now the Amelia can serve as inspiration and direction will this Council be open to constructive discussions about the potential of this valuable facility.

Are you willing to remove the Wesley Centre from any risk of disposal at this time, or the near future. Using some words from your documents will you 'explore develop and exploit opportunities for collaborative working with bodies such as KCC and partner agencies' to build on existing relationships and facilitate a viable opportunity.

To be outgoing and enabling in line with your own aspirations and the strategic direction of both authorities.

Response from Councillor Hall

I believe my answer may be somewhat shorter than the question.

The Wesley Centre has been deemed a surplus asset for a number of years, as you will be aware.

I will consider all the comments and representations made to Cabinet on 9th February and during the consultation. I believe there were one hundred or so responses and comments on this particular site. I would be open to proposals to continue to utilise the site as a community building and for other parties to take it over from Tunbridge Wells Borough Council, and would welcome it transferring to the local community, provided a suitable valuation can be met.

However, I would not be willing to remove it from the Asset Management Plan and would prefer instead to maintain our current schedule of assets so that it can be reviewed on its merits along with other assets owned by the Council, in the best interests of residents.

4.Question from Robert Banks

Has this council consulted other Councils, who have contracted Urbaser for House Recycling and Waste Collection Services, to ascertain their level of

satisfaction with this provider and whether they have received similar requests for further funding?

Approached other providers of council refuse services, to determine whether any of them could provide a similar or improved service without the requirement for this Council to be obligated to provide further funding to assist in assessing new vehicles?"

Answer to question From Councillor Everitt

Thank you for your question Mr Banks.

Firstly, just to clarify, in your question just to be clear that as a council we are not obligated in this matter, and it is a proposal that has been put forward to us.

After careful consideration with Tonbridge and Malling Borough Council, our partner in this contract, we have collectively agreed to a proposal put forward by our service provider to undertake changes to the current food, recycling and refuse collection rounds and introduce of a new fleet of collection vehicles.

Having consulted with Tonbridge and Malling we have pooling the expertise of both Officer teams who have excellent knowledge of the refuse provider market and what else is practical and available in that market. Given this concrete understanding of the current refuse collection market both partners have agreed that this proposal is an opportunity to bring about a number of benefits that our residents should expect.

I would add that in tune with our commitment to transparency that we are committed to this decision has gone through various meetings that place this squarely within the public realm. But in a further positive step we will be publishing a VEAT (Voluntary Ex-Ante Transparency Notice) notice, or a form of procurement notice that will, given how small the market in waste collection is, inevitably inform other providers of the details of this proposal.

Given that we are in an agreed existing contact and the nature of local government procurement it would not be best practise to approach other service providers asking them if they can provide our service.

Supplementary from Robert Banks

You have not approached the councils at the moment because of your negotiations have I got that correct?

Supplementary response from Councillor Everitt

In terms of approaching other councils, we have certainly approached Tonbridge and Malling who are our partners, but in terms of a formal approach to other councils to discuss this proposal, that's not been part of the process, thank you.

QUESTIONS FROM MEMBERS OF THE COUNCIL

FC25/22 The Mayor advised that there were three questions from members of the Council had been received under Council Procedure Rule 10.

1. Question from Councillor McMillan

Please can an explanation be given that a Local Plan that was four years in the making, agreed and permitted the traffic consultant SWACO to submit approximately 40 documents relating to traffic mitigation at Kipping's Cross to the Inspector during his review without any opportunity for residents and parish councils to review or comment? Is it because the recommendation of narrowing the B2160 to mitigate all the extra traffic from building large estates in Paddock Wood, Horsmonden and Matfield is so clearly flawed that it would mean the local plan has to and should be properly reviewed?"

Answer from Councillor pound

The Local Plan is a project that has been in production for a number of years and has evolved during this time and was **not** incomplete at the time of submission to the Secretary of State for Examination.

The Vision of the local plan is to deliver growth in new homes, jobs, and supporting infrastructure that will be achieved over the plan period in a manner that respects the distinctive qualities of the entire borough.

The examination of the local plan is supported with a wide-ranging evidence base some of which is prepared in an iterative way, like transport evidence, which has come forward at different stages of the plan's preparation.

The indicative mitigation scheme for Kipping's Cross was brought forward by the council's consultants Sweco following lengthy discussions and agreement with National Highways and Kent County Council as Highways Authority.

The specific Sweco report you make reference to is supplemental to the most recent Statement of Common Ground between TWBC and National Highways which was submitted at the same time.

It is not uncommon for local authorities to progress their local plans in these ways.

I'll just quote from the Submission Local Plan' s supporting Infrastructure Development Plan

2.44 Status of the Infrastructure Development Plan

"As the work progresses on the Local Plan, further discussions will take place with the various infrastructure providers to firm up the requirements, timescales, associated costs, etc. and will be updated if necessary alongside the Examination of the Local Plan during 2021/2022. For the above reasons, this Infrastructure Delivery Plan is termed a 'Live Document' as by its nature it requires to be regularly updated to ensure it has the most up to date information and requirements in it to support the growth proposed in the Local Plan."

At 3.8 the plan states "NH has acknowledged the peak hour congestion issues at the A21/B2160 junction at Kipping's Cross and also at Flimwell, which impacts back into the borough beyond the junction with the B2079."

The detail of the Sweco report relating to Kipping's Cross was put forward to the Inspector and the Council acknowledged that there had not been time to consult on the detail. This is now with the Inspector for review, and he identified at the Hearing on 12th July 2022 that he would consider how and when to consult the public on the content of the report.

However, it is clear from the Kipping Cross report that further detailed work will be required to refine the mitigation scheme as future development comes forward and that options other than the narrowing of the B2160 may well prove more appropriate.

Supplementary question from Councillor McMillan

Given the previous Tory administration responsible for the direction of the Local Plan and the previous head of planning Steve Baughen who's now with a major developer was responsible and for the production and reporting to the chief executive on that issue. I'm slightly at a loss to understand how, a £4 million pound plan in four years in development, with traffic and infrastructure, clearly being the key issues for any major developments that we're talking about can have this ongoing issue around traffic now, Councillor Pound you know I have asked your

multiple occasions to meet with you and SWECO and the TWC offices so I and other Councillors, could understand how this submission happened. and why it happens so late.

However, you have refused on multiple occasions for us to meet with SWECO and therefore I sought further advice and help, and I'm going to read back from a letter here from the Greg Clark MP,

(The Mayor interjected and asked Councillor McMillan to keep the supplementary in line with the answer provided by Councillor Pound).

Councillor McMillan continued with – This submission contained a proposal to narrow the B2160 at its Junction A21 at Kipping's Cross to one lane from 2, it was put forward very late to the day at nearly the end of the examination in public in order to mitigate the impact on the A21 or traffic arising from proposed new housing development contained in the plan to be candid, I am astonished that the Borough Council should have submitted such a plan.

(The Mayor stopped the supplementary on the grounds the response has become a speech)

Councillor McMillan continued – The question is when this was submitted can I ask who was the person who authorised the late submission of these documents, was it the cabinet was it Councillor Pound, was it Steve Baughen, or was it Mr William Benson, or was it any, and all of you?

Supplementary answer from Councillor Pound

I try and untangle one or two bits, first of all, just to be clear, the direction of the local plan was not solely the responsibility of the previous administration. The planning policy working group has been working as a cross-party group

for many more years and I have been a member and the Local Plan, and its adoption has been, or the proposed adoption has been supported by members of all parties, so it is not right to assume that all of the direction of the local plan has resided elsewhere in relation to the previous head of planning and to whom he reported and that relationship that is not for me to comment on if you wish to discuss that you can talk to the Head of Paid Service. In relation to the fundamental question about who authorised the submission of the SWECO report, I return to the point which is very clearly stated in the infrastructure development plan, which is that it is a live document and I recognise that there is frustration that as yet that document has not yet been consulted on but the Inspector has recognised that it needs to be so and as a live document it is not unreasonable as part of the development of the Local Plan that documents are regularly updated to ensure that the most up-to-date information is available to the inspector, and on that basis I think I've tried to answer the question, thank you.

2 Question from Councillor Wormington

Much of this year's budget is targeted towards addressing the inherited deficit. Can you please explain the deficit it's origin and why it's important to tackle it?"

Answer from Councillor Hall.

Thank you for your question, Councillor Wormington..

I'm sure members have drawn their own conclusions from Lee Colyer budget briefings, but this is my own take on it. I believe the budget deficit has risen because of several factors.

Firstly, the impact of the coronavirus pandemic, the closure of whole sectors of our economy, and employees being moved to working from home has so cruelly exposed the council's reliance on parking income and an office worker commuting into Tunbridge Wells to work and shop in the town centre. That in itself created a new structural problem. As a world returned to more hybrid ways of working offices and businesses, business units remained underutilised and unlet and parking income recovered steadily and slowly.

Second, this country is over-centralised and at a local level, under-resourced, so that, unlike many other countries in Europe, the government does not delegate the necessary financial means for local authorities to properly plan and forecast income and expenditure, the revenue support grant was reduced to zero in 2018 and councils have continued to be denied, either the resources or the scope for raising their spending power to keep up revenue handouts from central government. that are kept under wraps until they're announced in December are no way to support the financial position of local authorities like ours. add double-digit inflation to the mix and you have a multi layered problem that we're now needing to confront failure to tackle this issue could lead to grave consequences for this Council. Running our reserves down to lower and lower levels means more severe cuts to services further down the road, our capital assets beginning to fall,

apart with insufficient funds to maintain them. and pushing the council into a stall quashing our capacity for growth and development, failure to meet a clean bill of health with our auditors would be bad enough, but the worst case scenario would mean spending on all, but essential services would have to cease, that is, of course the very worst case scenario which I'm sure every Member of the Council would be keen to avoid at any cost.

3.Question from Councillor McMillan

Greg Clark MP, Paddock Wood Town Council, Brenchley and Matfield PC, Horsmonden PC, The Pembury Rat Run Group and many others have all commented that SWACO 's recommendation is unworkable. KCC Highways have no solution and National Highways have stated it is not their problem. Can the Council now commit to reviewing ALL planning applications taking clear note that there is no plan for traffic mitigation!

Answer from Councillor Pound

Thank you Councillor McMillan, for your question, as has been made public, I think

we all are now aware the Council is undertaking a review of evidence supporting the local plan to respond to the Inspector's initial findings letter. This review will look at the matters raised by him, including, amongst other things, highway mitigation delivery across the road network associated with these strategic housing sites. The Local Plan is supported by a high-level evidence base and then, as development comes forward, more refined work on mitigations is undertaken in a much more detailed way at the application stage.

Transport assessments are necessary, which look at impact or more precise mitigation planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise, planning applications are considered having regard to relevant material planning considerations, including the highways impact from a scheme.

This is how officers make recommendations to the Planning Committee of which I have over, which I have no influence, and they will continue to do so.

Supplementary Question from Councillor McMillan

As we've seen with the recently from the Local Plan that the Right Now developers are seeing that the local plan is in some sort of. trouble, I believe, trouble, and they're starting to independently put through their new applications without waiting for the local plan. Given that Greg Clark has asked national highways to undertake no further work, to implement the this proposal and has written to the Planning Inspector asking him to disregard this risk but does risk up this regard, the proposed from Tunbridge Wells Borough Council, which has avoided democratic scrutiny, he's also written to the secretary of state to ask him to disregard any recommendation from the inspector if it continues to rely on this proposal from Tunbridge Wells Borough Council. I struggle to understand how we as a council cannot restart to review

in a more dynamic, more dynamic way the local plan, taking into account these issues around traffic

Supplementary answer from Councillor Pound

I'm unsure that there was a question, and I certainly am not in a position to respond on behalf of all local MP, Greg Clark. thank you.

TUNBRIDGE WELLS BOROUGH COUNCIL'S PLAN

FC26/22 Councillor Chapelard moved, and Councillor Warne seconded, the recommendation set out in the associated report.

Councillor Chapelard advised:

- The Plan will carry the administration into 2022/24
- The plan makes clear the administrations priorities – Focus on Five
- Advised the name of the plan has been changed to reflect input from Councillors and will now be known as The Tunbridge Wells Borough Council's Plan.
- Confirmed that further detail would be made available via web site following consultation and will feed into the Strategic Plan.

Debate included:

- The report is nothing strategic it is nothing more than a political pamphlet
- What has been proposed was built around the previous administration and the borough partnership has nothing new to add
- The coalition rejected cost saving of £200,000 by rejecting all out elections and ignored what the local Parishes wanted.
- Doubling the size of the Cabinet will not please some residents
- Building vibrant and safer towns, by putting up a few cameras in car parks does nothing for public safety.
- The BP are just duplicating other people's efforts.
- The Plan needs to have more recognition to the Heritage which is found in the borough
- Tunbridge Wells and much of the rural areas have many grade one listed buildings as well as many protected landscapes and this needs to be adopted within the plan.
- It was highlighted that the report was intended to be a short to medium term report
- Although Heritage is recognised in many areas of the report it perhaps needs one specific area to be made clearer.
- The administration had hoped other parties would provide positive feedback to feed into the report rather than just provide negative statements.

- The lack of detail will be addressed and applied within the 2023 plan

The Mayor took a recorded vote.

Members who voted for the Motion: Councillors Atkins, Britcher-Allen, Barras, Brice, Chapelard, Ellis, Everitt, Fitzsimmons, Funnel, Hayward, (Christopher) Hall, (Linda) Hall, Hickey Hill, Knight, Le Page, Lidstone, McMillan, Moon, Morton, Patterson, Pope, Poile, Pound, Rands, Rogers, Rutland, Sankey, Wakeman, Warne, Wormington, Willis.(32)

Members who voted against the Motion: Councillors: Allen, Attwood, Barrington-King, Bland, Dawlings, Fairweather, Goodship, Holden, March, (Ms) Palmer, Roberts, White (12)

Members who abstained from voting: Councillor Bailey (1)

Councillor Holden requested a recorded vote:

BUDGET 2023/24 AND MEDIUM TERM FINANCIAL STRATEGY

FC27/22 The Mayor exercised his discretion under Council Procedures Rule 13.4.4 to allow leaders of each political party more than 10 minutes to speak.

Councillor Hall moved, and Councillor Hayward seconded, the recommendations set out in the report.

Mr Robert Banks had registered to speak, which included the following comments:

- The draft Budget consultation was presented to the finance and governance CAB earlier this year, Mr Colyer gave a verbal summary of the result, there is no record in the minutes of any discussion relating to this consultation
- The results were formally presented at subsequent Cabinet meeting, the three main areas where the responded wish to reduce the budget on 11 discretionary services
- Band D council, Amelia Scott property and development and the Assembly Hall and reallocate the increased funding to recreational and climate change initiatives. Ranked the 3 most important not surprisingly was Rubbish, Recycling and Street Cleaning
- Public should be used to inform the significant changes to the range of services that can be afforded

Debate on the motion included the following comments:

- Thanks were given to officers who had provided input into the 2023/24 Budget report (Candlin, Colyer, Fineman)
- Thanks, was also shown to Councillor Hickey for laying the groundwork which provided the starting point of the report.
- 2023/24 Budget has been set during turbulent times.
- Income and expenditure are no longer safe and predictable, and new ways of managing finances must be called upon.
- The war in Ukraine, and the immediate impact on energy costs, rampant inflation of over 10%, labour market shortage and erratic and

unpredictable revenue support from central government have made the task of running a business challenging.

- Financial year 2022/23 called upon £944k from reserves to bridge the funding gap from the previous administration.
- Previously stated the predicted losses in the Mid Term Financial strategy are concerning and appear to have no viable associated mitigation plan.
- The Borough Partnership made, Safeguarding the Councils Finances is one of the Focus on Five priorities, choosing not to 'Wait and See.'
- Raising fees and charges including car parking fees, since 2017, was a necessary measure to address the deficit and protect the councils' services.
- Council delivered a Community Support Fund of £100K of grants to help the neediest, which was delivered in time for winter.
- Additional revenues from car parking charges will raise more revenues in the coming financial year
- Other Council fees and charges for services were uplifted by an average of 5.9% in November.
- After some excellent treasury management by the Finance Team our expected return on Council's investment led to an additional £750,000 in income.
- Despite this, impact of inflation in the economy has wiped out most of these gains with energy costs to the Council doubling over the financial year to £300k
- Costs to the council of contract indexation and additional payments to maintain statutory services, driven by inflation have equated to £1.29m.
- Revenue support from central government remains sporadic, uncertain, and overly centralised.
- The New Home Bonus is unclear, our contribution was significantly reduced with a one-off minimum support grant to ensure councils have a 3% increase in spending power.
- 50% of the public consultation support the approach to increase Council Tax by 2.95% from April 2023.
- Key priorities are 1) Exploring new revenue streams and raising extra revenue where possible 2) Finding efficiencies within the budget and delivering a saving plan 3) extracting more value from our assets and rationalising those that are no longer in the interest of the public or the Council.
- Since the coalition took power in May the projected budget deficit for 2023/24 stood at £2.64m, was down to £1.4m in December, and now stands at £943k to be drawn from reserves.
- Safeguarding the Council's Finances are on track, but given the situation inherited it will take longer than a 1 year in budget cycle.

The Mayor took a recorded vote on the motion in accordance with Council Procedure Rule 15.7.

Members who voted for the Motion: Councillors Atkins, Britcher-Allen, Barras, Brice, Chapelard, Ellis, Everitt, Fitzsimmons, Funnel, Hayward, (Christopher) Hall, (Linda) Hall, Hickey Hill, Knight, Le Page, Lidstone, McMillan, Moon, Morton, Patterson, Pope, Poile, Pound, Rands, Rogers, Rutland, Sankey, Wakeman, Warne, Wormington, Willis.(32)

Members who voted against the Motion: Councillors: Allen, Attwood, Barrington-King, Bland, Dawlings, Fairweather, Goodship, March, (Ms) Palmer, Roberts, White (11)

Members who abstained from voting: Councillor Bailey (1)

RESOLVED

1. That Council considers the changes to the base budget along with the assumptions and approach detailed throughout the report.
2. That Council considers the responses to the budget consultation.
3. That Council approves the use of £943,000 from reserves to balance the revenue budget.
4. That Council approves the rolling forward of the capital programme including additional gross funding of £620,000 for new schemes listed within the report
5. That Council approves an increase in the 'Basic Amount' of Council Tax of £5.71 (2.95 per cent) for 2023/24 for a Band D property.
6. That Council approves the Pay Policy Statement 2023/24 set out in Appendix E; and
7. That Council approves the implementation of 100 per cent Council Tax premium on second homes from 1 April 2024 and to approve the application of 100 per cent Council Tax premium on properties that have been empty for at least 1 year (currently 2 years) from 1 April 2024, should the Levelling-Up and Regeneration Bill receive Royal assent.

COUNCIL TAX 2023/24

FC28/22 Councillor Hall moved, and Councillor Chapelard seconded, the recommendations set out in the report.

The report was taken as read.

The Mayor took a recorded vote on the motion in accordance with Council Procedure Rule 15.7.

Members who voted for the Motion: Councillors Allen, Attwood, Atkins, Barrington-King, Bailey, Britcher-Allen, Barras, Bland Brice, Chapelard, Dawlings, Ellis, Everitt, Fairweather, Fitzsimmons, Funnel, Goodship, Hayward, (Christopher) Hall, Hickey Hill, Knight, Le Page, Lidstone, March, McMillan, Moon, Morton, (Ms) Palmer, Patterson, Pope, Poile, Pound, Rands, Roberts, Rogers, Rutland, Sankey, Wakeman, Warne, White, Wormington, Willis.(43)

Members who abstained from voting: Councillor (Linda) Hall

Members who voted against the Motion: (0)

RESOLVED –

That the Council Tax for 2023/24 as set out at Appendix A to the report be approved.

ASSET MANAGEMENT PLAN 2023/24

FC29/22 Councillor Hall moved, and Councillor Chapelard seconded, the recommendations set out in the report.

Mr Jeremy Thompson had registered to speak, which included the following comments:

- Concern was raised over the fact that the Wesley Centre has been included within TWBC Asset Surplus.
- Objection was raised at a council meeting on the 9 Feb 2023.
- Wesley Centre along with its gardens need to be removed from the list this proposal is supported by the Paddock Wood Town Council and four borough councillors and a County Councillor.
- The Wesley centre is afforded protection through the Paddock Wood Neighbourhood Plan and the local Plan
- With the proposed new housing planned for Paddock Wood it does not make sense to dispose of the asset.
- A consultation of over one hundred responses all supported retaining the Wesley Centre
- A request was made to the Leader of the Council and the Council to commit to the removal of the Wesley Centre from the Asst list.

Debate included:

- Wesley Centre is an important part of Paddock Wood (PW) heritage and is used extensively by various community groups
- The Wesley centre is one of two community spaces run by TWBC
- Given the planned growth of the town it was surprising to see this property on the asset disposal list
- Paddock Wood already losing a large percentage of green space with the proposed new houses and increase in traffic PW are feeling like they are getting a rough deal from TWBC
- Not only are community centres planned for disposal, but the administration is also planning to sell of five town centre car parks which is a drastic move.
- No strategy has been given to the disposal of car parks, surely a car parking strategy should be developed before any thought is given to disposal of them
- Concern was raised over the fact that Parish or Town Councils would be informed of rather than consulted on any decision.
- If the report this evening in its current form is approved you are giving the green light for up to eleven assets to be sold therefore support cannot be given.
- Full Council needs to see details of the parking strategy and we need to see details of the short and long-term financial implications of any proposed asset sale

Councillor Bailey moved a revised recommendation to read as follows: Full Council approves and adopts the Asset Management Plan for 2023/24 excluding the list of assets deemed surplus in Appendix 4, which was seconded by Councillor Goodship.

Debate on proposed amendment to Appendix 4.

- Councillor Pound disagreed with the amended on the grounds that the asset management plan is a means of identify assets where the benefits of those assets and the benefits that they accrue from their utilisation need to outweigh the ongoing insignificant costs of maintaining them.
- Or they are they are just no longer useful to the council in the provision of its services. It does not necessarily mean that they are being sold, it means that they are being disposed of by the Council.
- If there are alternative methods of disposals, then they will be explored. Putting an asset on the asset management plan means that officers have the opportunity to work through a process to identify whether assets are still of value to the Council or not
- The five car parks that have been identified and as of, yet the outcome is not known until the strategy review has taken place.
- Concern was raised over the lack of a Car Parking Strategy being in placed before being listed on the Asset Disposals list.
- Disappointment was raised that the Wesley Centre had been added to the Asset list as it did not meet the selection criteria
- The Community Storehouse (Food Bank) and the PW Children's Centre heavily use the Wesley Centre use the centre two times per week demonstrating the Wesley Centre is not a surplus asset.
- It was acknowledged that there could be some lessons learned with wording within the report could be improved and comments will be noted for the next report submission.

A recorded vote was requested by Councillor Chapelard

Members who voted for the Motion: Councillors Allen, Atwood, Atkins, Bailey Barrington-King, Dawlings, Fairweather, Goodship, (Linda) Hall, March, Moon, (Ms) Palmer, Patterson, Roberts, Wakeman, White (16)

Members who voted against the Motion: Councillors Britcher-Allen, Barras, Bland, Brice, Chapelard, Ellis, Everitt, Fitzsimmons, Funnel, Hayward, (Christopher) Hall, Hickey Hill, Knight, Le Page, Lidstone, McMillan, Morton, Pope, Poile, Pound, Rands, Rogers, Rutland, Sankey, Warne, Wormington, Willis. (28)

Members who voted against the Motion: Councillors: Allen, Attwood, Barrington-King, Bland, Dawlings, Fairweather, Goodship, March, (Ms) Palmer, Roberts, White (11)

Members who abstained from voting: (0)

AMMENDED NOT CARRIED

The debate proceeded on original motion

Debate

- It was raised that the lack of maintenance from the previous administration had led to the neglect and cost increases of the assets.
- Concern was expressed that the PAOP now only represented by members of the Cabinet, this is an oversight, and a very bad call should it continue in this way.
- It was clarified that each individual asset will be reviewed, and this is a process officers will undertake to determine whether the asset is surplus or not
- It was reiterated that the review of assets was required to safeguard the finances of the Council
- It was raised that PW were asked some 10 years ago to produce a plan for the Wesley Centre and as of, yet nothing has materialised, TWBC are open for conversation.

Councillor Chapelard requested a recorded vote

Members who voted for the Motion: Councillors Britcher-Allen, Barras, Brice, Chapelard, Ellis, Everitt, Fitzsimmons, Funnel, Hayward, (Christopher) Hall, Hickey Hill, Knight, Le Page, Lidstone, McMillan, Morton, Patterson, Pope, Poile, Pound, Rands, Rogers, Rutland, Sankey, Warne, Wormington, Willis. (28)

Members who voted against the Motion: Councillors: Atkins, Bailey, Fairweather, Goodship, (Linda) Hall, March, Moon, (Ms) Palmer, Roberts, White Wakeman (11)

Members who abstained from voting Councillors: Allen, Attwood, Barrington-King, Dawlings, Bland (5)

RESOLVED - That Full Council approves and adopts the Asset Management Plan for 2023/24.

CAPITAL STRATEGY 2023/24

FC30/22 Councillor Hall moved, and Councillor Chapelard seconded, the recommendations set out in the report.

The report was taken as read

The Mayor took a vote on the motion by affirmation

RESOLVED – That the Capital Strategy 2023/24, as set out in Appendix A to the report, be adopted.

TREASURY MANAGEMENT POLICY AND STRATEGY 2023/24

FC31/22 Councillor Hall moved, and Councillor Chapelard seconded, the

recommendations set out in the report.

The report was taken as read

The Mayor took a vote on the motion by affirmation

RESOLVED - That the Treasury Management Policy and Strategy 2023/24, as set out in Appendix A to the report, be adopted

URGENT BUSINESS

FC32/22 There was no urgent business

COMMON SEAL OF THE COUNCIL

FC33/22 **RESOLVED** – That the Common Seal of the Council be affixed to any contract, minute, notice or other document arising out of the minutes or pursuant to any delegation, authority or power conferred by the Council.

DATE OF NEXT MEETING

FC34/22 The next scheduled meeting was Wednesday 5 April 2023

NOTES:

The meeting concluded at 10pm

An audio recording of this meeting is available on the Tunbridge Wells Borough Council website

NOTES:

The meeting concluded at Time Not Specified.

Appointment of the Deputy Mayor 2023-24

For Full Council on 5 April 2023

Summary

Lead Member(s): All Group Leaders

Lead Director: Lee Colyer – Director of Finance, Policy and Development

Report Author: Renee Dillon – Democratic and Executive Support Manager

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Full Council	5 April 2023

Recommendations

Recommendation as supported by the Group Leaders:

- That Councillor Nicholas Pope be appointed Deputy Mayor for the municipal year 2023/24.

1. Introduction and Background

- 1.1 This report sets out a recommendation in respect of the appointment of a Deputy Mayor for 2023/24.
- 1.2 The Council is required each year to appoint a Deputy Mayor for the following municipal year.
- 1.3 The Deputy Mayor must be able to deputise for the Mayor and, as necessary, fulfil the following responsibilities as set out in the Constitution:

Extract from Article 5 of the Constitution –

- to uphold and promote the purposes of the Constitution, and to interpret the Constitution when necessary.
 - to preside over meetings of Full Council so that its business can be carried out efficiently and with regard to the rights of councillors and the interests of the community.
 - to ensure that Full Council meeting is a forum for the debate of matters of concern to the local community and the place at which members who are not on the Cabinet are able to hold the Cabinet to account.
 - to promote public involvement in the Council's activities.
 - to be the conscience of the Council.
 - to attend or be represented at such civic and ceremonial functions as the Council and he determines appropriate.
 - to determine any matter referred to him under the urgency provisions of the Access to Information Procedure Rules or the Budget and Policy Framework Procedure Rules in Part 4 of the Constitution; and
 - to be consulted on any matter to which consultation with the Mayor of the Council is required under this Constitution.
- 1.5 It is customary that the Deputy Mayor subsequently serve as Mayor in the following year.

2. Options Considered

- 2.1 Section 5 of the Local Government Act 1972 specifies:
 - The Council shall appoint a member of the Council as the Vice Chairman of the Council (in the case of a borough this is the Deputy Mayor).
 - Members of the executive of the council (i.e., Cabinet Member) may not be appointed as the Deputy Mayor.

- The Deputy Mayor shall hold office immediately after the election of the Mayor at the next Annual Meeting.

3. Options

- 3.1 Councillor Nicholas Pope has been nominated by the Leaders of the political groups of the Council.
- 3.2 Other nominations may be moved at the meeting. Prior notification to Democratic Services of the intention to move a nomination would be appreciated.

4. Consultation on Options

- 4.1 As the nominee must be a member of the Council who serves at the discretion of the Council it is not usual for the process to include public or formal consultation.

5. Implementation

- 5.1 The decision will be recorded in the minutes of the meeting.
- 5.2 Following this decision, the Deputy Mayor-Elect will formally take up the position of Deputy Mayor during the Annual Meeting of the Council on 24 May 2023.

6. Appendices and Background Documents

Appendices:

- None

Exempt appendices (if any):

- None

Background Papers:

- None

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The requirement to appoint a Deputy Mayor from amongst the membership of the Council is set out under Section 5 of the Local Government Act 1972, and within the Council's Constitution.

Claudette Valmond – Head of Legal Partnership

B. Other Implications (Staffing, Risk Management, Environment and Sustainability, Community Safety, Equalities, Data Protection, Health and Safety, Health and Wellbeing.)

There are no specific cross-cutting implications as a direct result of the options in this report.

Renee Dillon – Democratic Services and Executive Support Manager, 10 March 2023

Tunbridge Wells Community Safety Partnership Plan 2023-24

For Full Council on 5 April 2023

Summary

Lead Member: Cllr Nancy Warne
Lead Director: Paul Taylor
Head of Service: Denise Haylett
Report Author: Terry Hughes, Community Safety Manager
Classification: Public document (non-exempt)
Wards Affected: All

Approval Timetable	Date
Community Safety Partnership	26 January 2023
Portfolio Holder	13 February 2023
Management Board	16 February 2023
Communities CAB	08 March 2023
Cabinet	23 March 2023
Full Council	05 April 2023

Recommendations

Officer / Committee recommendations as supported by the Portfolio Holder:

1. That the Community Safety Partnership Plan 2023-24 be approved.

1. Introduction and Background

- 1.1 Tunbridge Wells is amongst the safest places in the county. Despite a 1.8% increase in 'all crime' we experienced the lowest overall crime rate in Kent during calendar 2022. It's worth noting that margins across many crime types are small with respect to our West Kent neighbours, but Tunbridge Wells has a busy night-time economy.
- 1.2 The Crime and Disorder Act 1998 imposed a statutory duty on partners, referred to as 'responsible authorities', to work closely together to reduce crime and anti-social behaviour, and the fear of crime. Partnerships were formalised as a Crime and Disorder Reduction Partnership (CDRP), now referred to as a Community Safety Partnership (CSP).
- 1.3 The partners referred to in the Act as 'responsible authorities' are Tunbridge Wells Borough Council, Kent County Council, Kent Police, Kent Fire and Rescue Service, Probation Service, Kent and Medway Integrated Care Partnership.
- 1.4 The CSP also has many non-statutory partners including registered social landlords and other local housing providers, a business crime partnership (Safe Town Partnership), CCTV Operations and voluntary and community organisations.
- 1.5 The CSP meets quarterly to discuss strategic aims and is chaired by the Borough Council's Head of Facilities & Community Hubs.
- 1.6 Partners meet on Teams two mornings every week to discuss matters of crime and anti-social behaviour, monthly to discuss vulnerable adults, young people, open spaces, organised crime and domestic abuse.
- 1.7 In addition to the day-to-day work partners undertake to keep Tunbridge Wells safe the Community Safety Partnership sets local priorities for themes that are important to residents and require a high level of partnership working.
- 1.8 Based on intelligence from an annual assessment of crime and anti-social behaviour data, a Partnership Plan is developed in consultation with a range of community safety partners. The Strategic Assessment, and the identified priorities and activities for 2023/24, were discussed at a meeting of the Community Safety Partnership on 26 January 2023.
- 1.9 The plan complements and supports the delivery of "Making Kent Safer 2022-25", published by the Kent Police and Crime Commissioner, and the Kent Community Safety Agreement published by the KCC Community Safety Unit.
- 1.10 Priorities identified by the Strategic Assessment process were discussed at a CSP meeting on 26 January 2023, and the following were agreed upon:
 - Domestic Abuse
 - Substance Misuse and Supply, and Alcohol-related Behaviour

- Anti-social Behaviour
- Road Safety
- Violent Behaviour (incl. Violence Against Women and Girls, NTE)

- 1.11 While issues of violence were integrated previously into two other CSP priorities a stronger focus on violence against women led to a fifth priority being added for Q4. This was agreed with the relevant portfolio holder and members of the Community Safety Partnership at the quarterly meeting in January 2023. We suggest extending the priority to cover all forms of violent behaviour for 2023/24.
- 1.12 Full details of the plan and the data used in the assessment are attached as appendices. The plan will be monitored quarterly at strategic CSP meetings.

2. Options Considered

- 2.1 Under the Tunbridge Wells Borough Council Constitution and the Local Government (Functions and Responsibilities) (England) Regulations 2000, this plan must be brought in front of Full Council for formal adoption.

3. Preferred Option and Reason

- 3.1 This report is designed to inform members of the multi-agency activity which TWBC and partners have committed to undertake to reduce crime and disorder. The preferred option is for the plan to be considered and approved.

4. Consultation on Options

- 4.1 The CSP ratified the identified priorities at the meeting on 26 January 2023, with the Portfolio Holder in attendance.

Recommendation from Cabinet Advisory Board

- 4.2 Communities CAB will be consulted on 8 March 2023.

5. Implementation

- 5.1 The plan will be made available on the Council's website.
- 5.2 Partner commitments to the plan will be monitored quarterly at CSP meetings.
- 5.3 Monitoring information is sent twice yearly to the Office of the Police and Crime Commissioner for those priorities or actions funded by his annual Crime Reduction Grant.

6. Appendices and Background Documents

Appendices:

- Appendix A: Community Safety Partnership Strategic Assessment 2022-23
- Appendix B: Community Safety Partnership Plan 2023-24 and Summary Strategic Assessment 2022-23

7. Cross Cutting Issues

A. Legal (including the Human Rights Act)

As detailed in the body of the report the Partnership Plan is formulated as required by the Crime and Disorder Act 1998.

Regulation 4 and Schedule 3 of the Local Government (Functions and Responsibilities) (England) Regulations 2000 require Full Council to adopt the Partnership Plan.

At this stage there are no direct consequences arising from the recommendation that adversely affect an individual's rights and freedoms as set out in the Human Rights Act 1998. Potentially, consequences could arise in the future implementation of the plan that would need to be evaluated at the time.

Claudette Valmond, Head of Legal Partnership, 20/02/2023

B. Finance and Other Resources

No implications

Jane Fineman, Head of Finance & Procurement, 15/02/2023

C. Staffing

No direct implications

[Name, title and date of HR officer who signed off the report]

D. Risk Management

No direct risks arise from this report.

[Name, title and date of report author]

E. Environment and Sustainability

No direct implications.

Section 40, National Environment and Rural Communities Act 2006

40(1) Every public authority must, in exercising its functions have regard so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Section 85, Countryside and Rights of Way Act 2000

85(1) In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.

Karin Grey, Sustainability Manager, 15/02/2023

F. Community Safety

The activities contained within this plan are designed to build safer communities by tackling the CSP's priorities of:

Reducing crime and anti-social behaviour associated with alcohol and substance misuse, addressing domestic abuse, tackling youth anti-social behaviour in public spaces, addressing violent behaviour, in particular violence against women and girls, tackling young street groups, and contributing to better road safety where possible.

Section 17, Crime and Disorder Act 1998

17(1) Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

Terry Hughes, Community Safety Manager, 22/02/2023

G. Equalities

Decision-makers are reminded of the requirement under the Public Sector Equality Duty (s149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people from different groups, and (iii) foster good relations between people from different groups. The decisions recommended through this paper could directly impact on end users.

The priorities identified support the aim of the public sector equality duty to eliminate unlawful discrimination, harassment or victimisation by:

- Providing support services for women and men who experience domestic abuse.
- Delivering an action plan to address violence against women and girls.

Section 149, Equality Act 2010

149(1) A public authority must, in the exercise of its functions, have due regard to the need to –

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Sarah Lavallie, Corporate Governance Officer, 17/02/2023

H. Data Protection

The proposals in this report do not present any changes to how personal data is processed by the Community Safety Partnership. The Council has appropriate safeguards in place to keep data secure, including when working with our partners.

Article 5, General Data Protection Regulation 2016

1. Personal data shall be:

(a) processed lawfully, fairly and in a transparent manner in relation to the data subject;

(b) collected for specific, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;

(c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;

(d) accurate and, where necessary, kept up to date;

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

Sarah Lavallie, Corporate Governance Officer, 17/02/2023

I. Health and Safety

The plan should help to have an overall increase in safety within the Borough. This would have a positive impact on the safety of staff of TWBC as well as showing that the council are taking their responsibilities seriously with regards to reducing anti-social behaviour. Making the communities safer and more secure to work and live for all.

Mike Catling, Corporate Health and Safety Advisor, 22/03/2022

J. Health and Wellbeing

The actions contained within the plan should contribute to increased wellbeing, and the work to reduce the harm caused by alcohol and substance misuse should have a positive impact on the health of those affected.

- 1. Areas of deprivation: Will the proposal have an impact (positive or negative) on those living in areas of deprivation within the borough (40% most deprived in the country). These are Sherwood, Southborough and High Brooms, Broadwater and Rusthall.*
- 2. Healthier lifestyle opportunities: Will residents be more or less able to make healthier lifestyle choices such as physical activity (e.g. active travel, access to green spaces or access to leisure facilities), healthy eating (e.g. proximity or access to take away shops, allotments, food stores) and being smokefree*
- 3. Social and Community networks: Will the proposal make it easier for people to interact with one another e.g. encouraging community engagement*
- 4. Living and Working Conditions: does the proposal improve work or home environments, increase job, education or training opportunities, improve access to health services or housing*
- 5. General Socioeconomic, cultural and environmental conditions: Are there any other factors that may impact the above*

Rebecca Bowers, Health Improvement Team Leader, 16/02/2023

Tunbridge Wells Borough Council

Community Safety Partnership Strategic Assessment 2022-23

Produced by Terry Hughes, Community Safety Manager

Please contact terry.hughes@tunbridgewells.gov.uk



Introduction

The Strategic Assessment produced for the Tunbridge Wells Community Safety Partnership (CSP) helps establish priority themes for the 2023/24 Partnership Plan.

Legislation

The Crime and Disorder Act 1998 gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities. Under this, and subsequent legislation, Community Safety Partnerships are required to carry out annual audits and to implement crime reduction strategies.

The Police and Justice Act 2006 introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing several amendments to the 1998 Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the CSP strategies. Reducing reoffending was subsequently added by the Policing and Crime Act 2009. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 set out further revisions to the 1998 Act.

The aim of the Strategic Assessment

The analysis of data provided by partners enables the partnership to set clear priorities for the coming year.

Part 1 analyses police and partner data for last year's priorities covering the period January to December 2022, unless otherwise specified.

Funding for these priorities is provided, in large part, by the Kent Police and Crime Commissioner in accordance with the priorities set out in his plan for *Making Kent Safer 2022-25*.

Part 2 draws some conclusions from the data and recommends the priorities for the partnership for the forthcoming financial year.

It should be noted that some of the data provided in this document is provisional and may undergo further revision.

Part 1 – Analysis

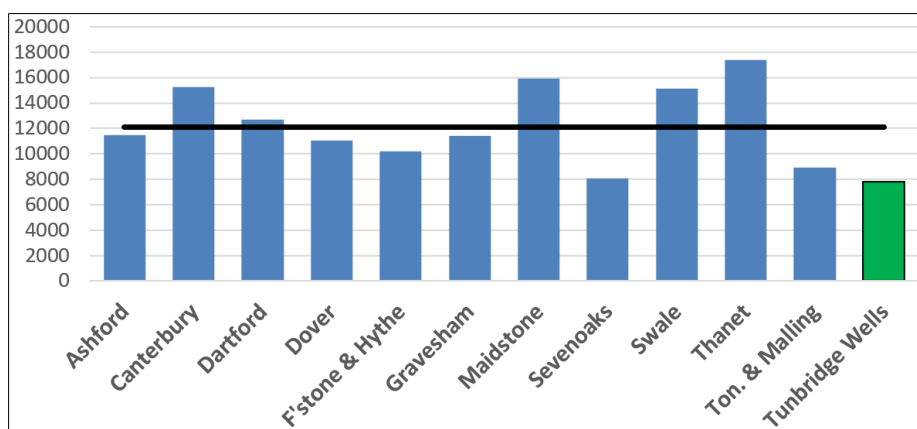
All recorded crime

Current figures for the 12-month period January 2022 – December 2022, unless stated.

Level of Crime: 7,815 (previous period 7,679)

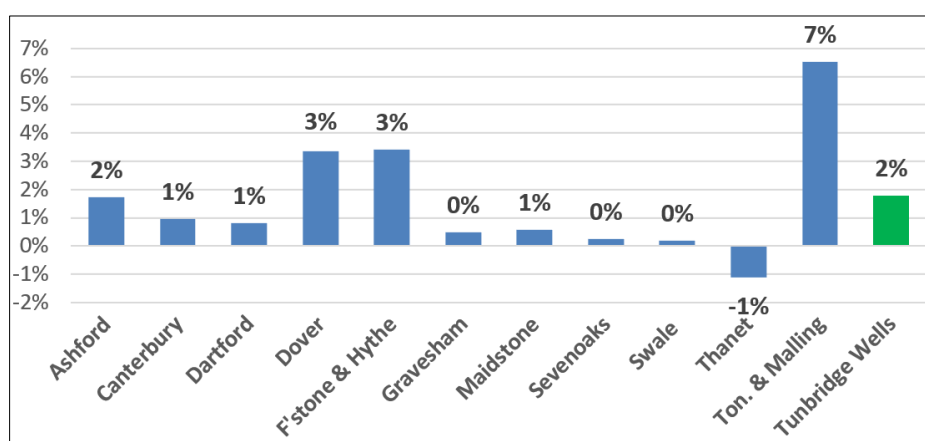
Peer Comparison: Best out of 12 Kent areas by population and volume

Annual Change: An increase of 136 crimes (+1.8%)



Kent comparison, 2022

Despite a 1.8% increase in 'all crime' Tunbridge Wells had the lowest overall crime rate in Kent during 2022.



Percentage change in crime rates, 2021-2022

While the margins are often small, from the metric of 'all crime' Tunbridge Wells is the safest local authority area in Kent.

Appendix A

The table below shows a breakdown of reported incidents, the increase or decrease since the last reporting period, and our county position for years 2021 and 2022. Subsequent pages provide further details on key crime types and a ward breakdown.

Crime Type	This Year	Last Year	% Change	Number change	2021	2022
All crime	7815	7679	1.8%	136	1	1
Victim-based crime	6736	6558	2.7%	178	1	1
Violence Against the Person	3277	3498	-6.3%	-221	2	2
Sexual offences	293	326	-10.1%	-33	2	2
Hate Crime	253	226	11.9%	27	5	6
ASB Incidents	1138	1554	-26.8%	-416	1	2
Burglary Residential	277	293	-5.5%	-16	4	4
Criminal damage	861	919	-6.3%	-58	1	1
Domestic abuse incidents	1460	1712	-14.7%	252	1	1
Drug offences	236	211	11.8%	25	4	3
(Drug Trafficking)	105	52	101.9%	53	5	7
(Drug Possession)	131	159	-17.6%	-28	3	3
Robbery	40	26	53.8%	14	1	2
Shoplifting	690	414	66.7%	276	5	6
Theft from a motor vehicle	202	179	12.8%	23	2	1
Theft of motor vehicle	173	134	29.1%	39	3	3

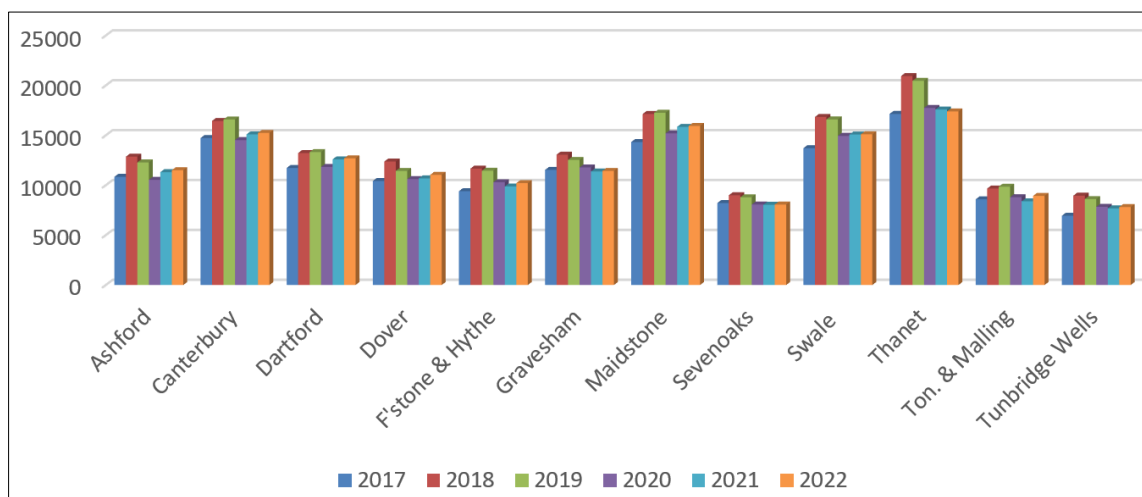
Noticeable in this data:

- A modest rise in overall crime rates maintaining our number one county position
- An expected post-covid era reduction in reports of anti-social behaviour
- A big jump in shoplifting offences and rises in vehicle related crime

Reports of anti-social behaviour saw a steep decline in 2022. Much of this reduction can be attributed to the lifting of COVID-19 regulations, the breaching of which was recorded under ASB. Violence Against the Person offences fell by over 6% meaning 221 fewer incidents. Drug trafficking offences doubled from 52 incident in 2021 to 105 incidents in 2022. There's more on this later in the report.

Elsewhere, despite a five percent reduction in residential burglaries we are still fourth countywide. There's a further breakdown in the ward data, below. Hate crime jumped by 12% but as with other crime types, double-figure percentage increases don't always mean a big rise in offences. There's more on Hate Crime later in the report.

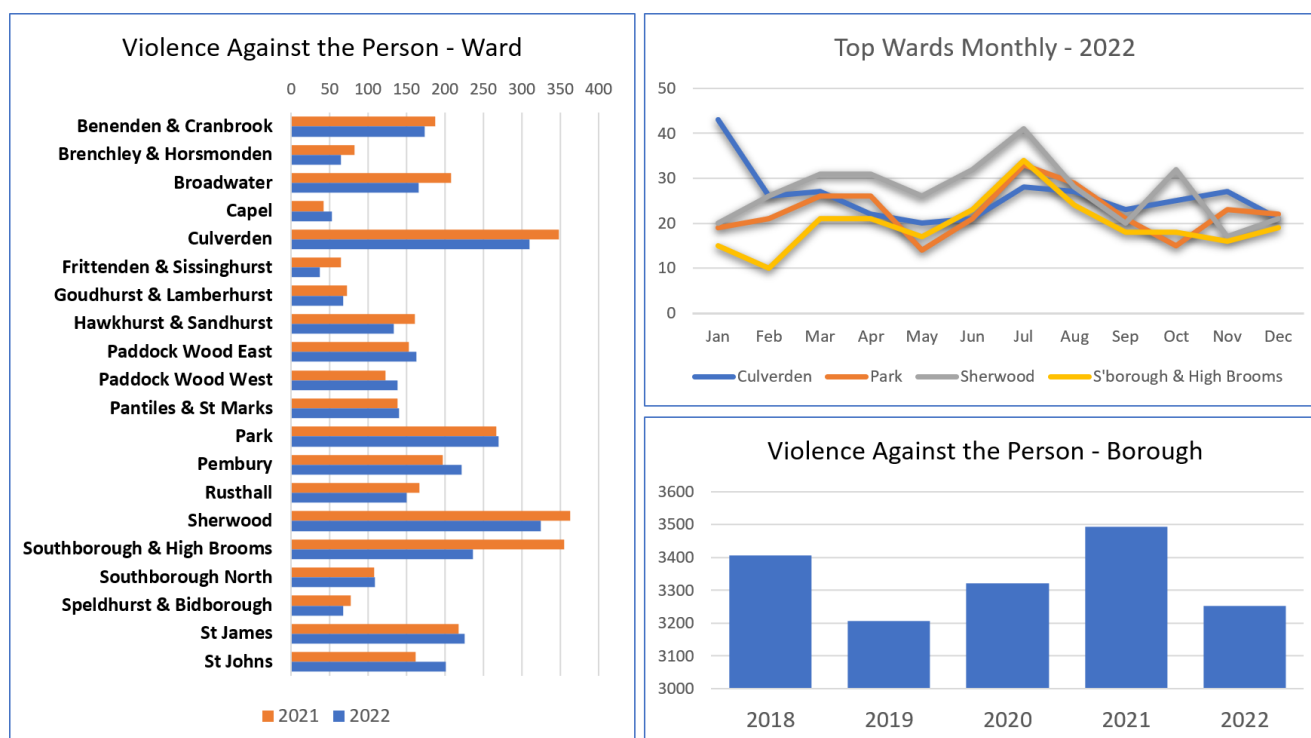
Given the unusual conditions we experienced in 2020 and 2021, I thought it might be helpful to present, where possible, data from 2019 alongside borough and ward data for our key crime types.



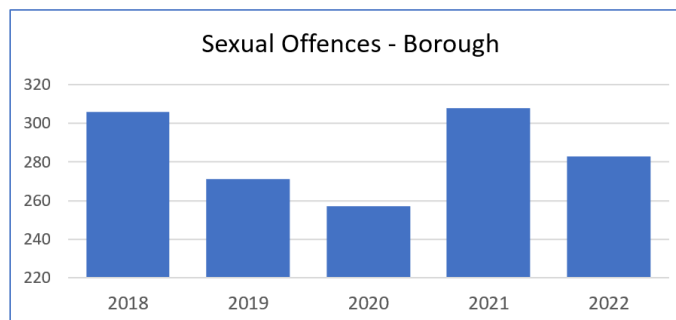
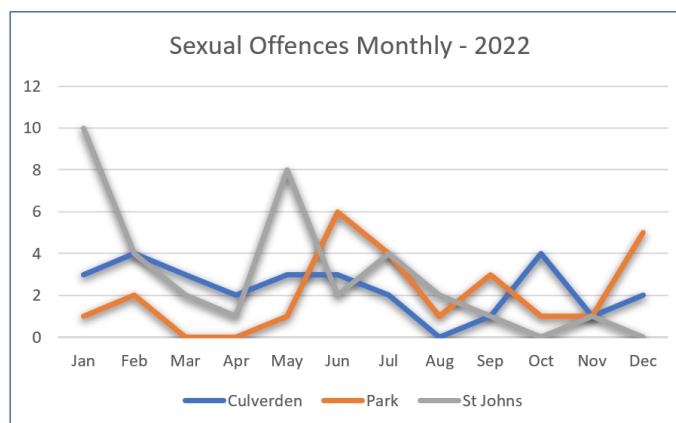
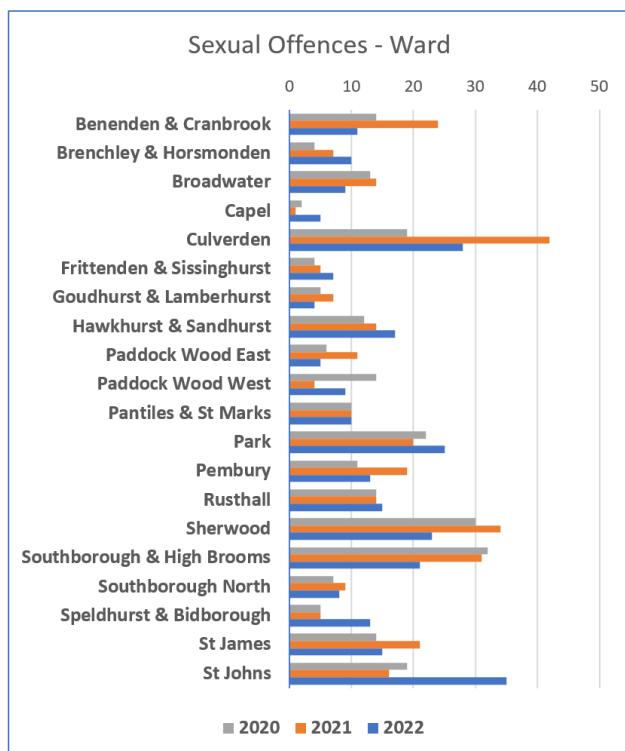
Six-year trend showing pre- and post-Covid recorded crime rates

The above chart shows all crime reporting across Kent over a six-year period. The red and green columns (2018 and 2019) are the two years prior to the pandemic. The dark blue column of 2017 is not necessarily comparable as some crime recording changes came into effect in 2018. There's a clear reduction in 2022 over 2018 and 2019 crime rates and we may hope that 2022 has set a new baseline.

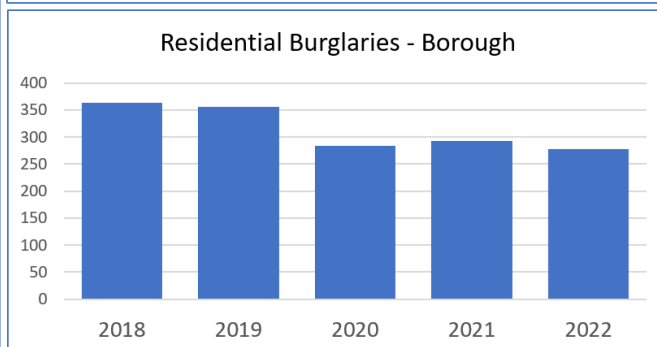
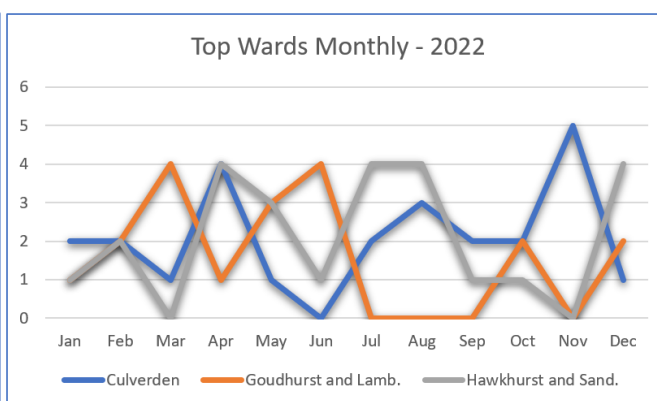
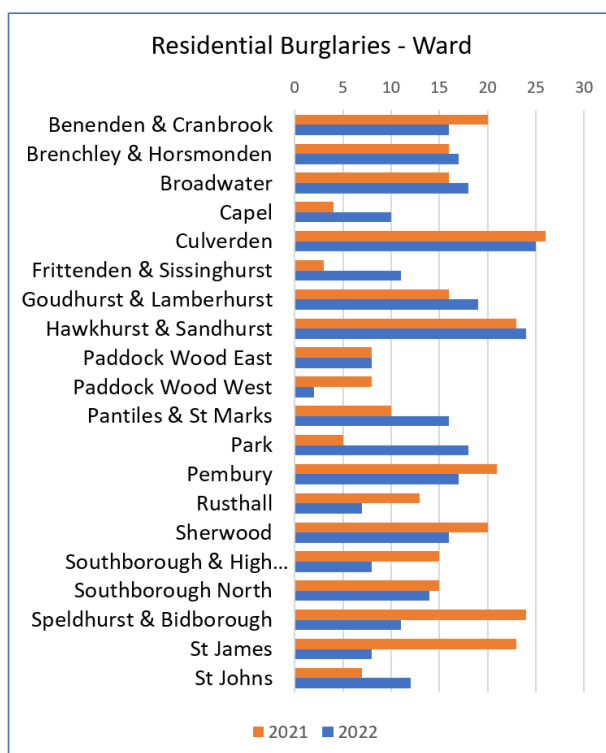
Movements in **Violence Against the Person** offences saw 11 wards experiencing an increase in incidents over 2021. Incidents in most wards peaked during the summer. It's worth noting that VAP includes common assault with no injury.



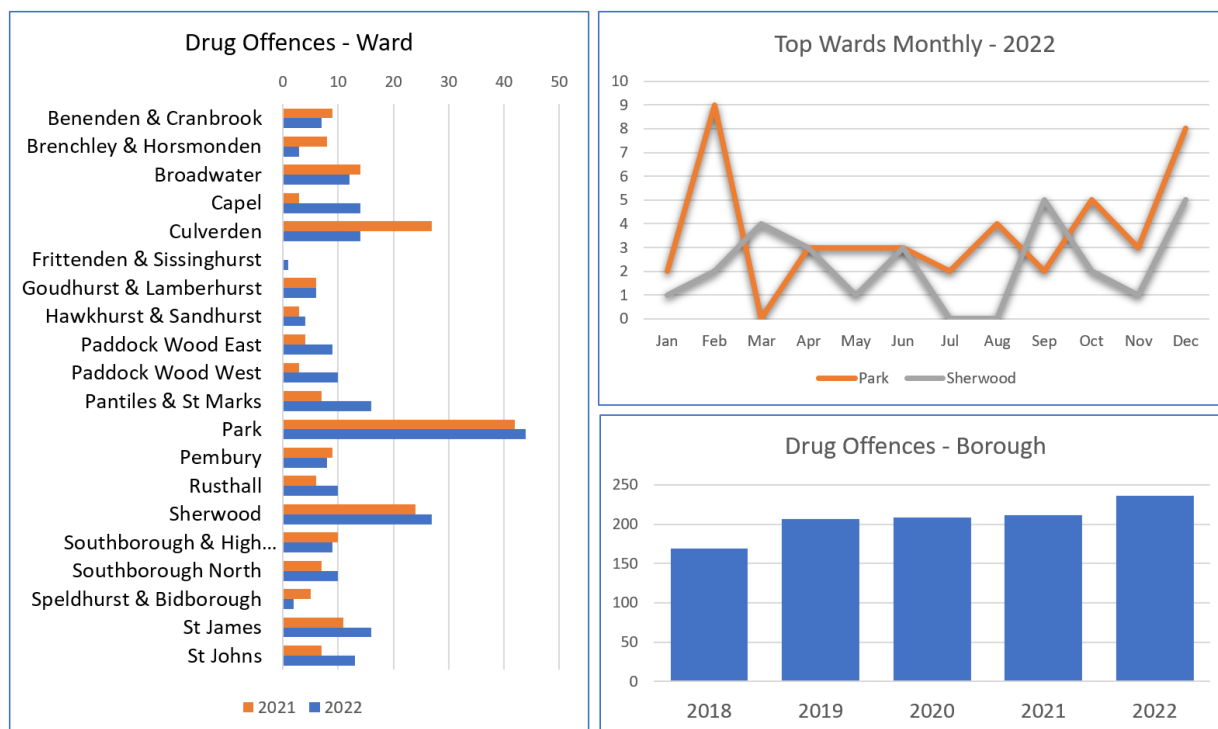
There were 33 fewer **Sexual Offences** in the borough in 2022 over 2021. Culverden and Benenden and Cranbrook accounted for much of the reduction while St John's saw an unusual spike in January.



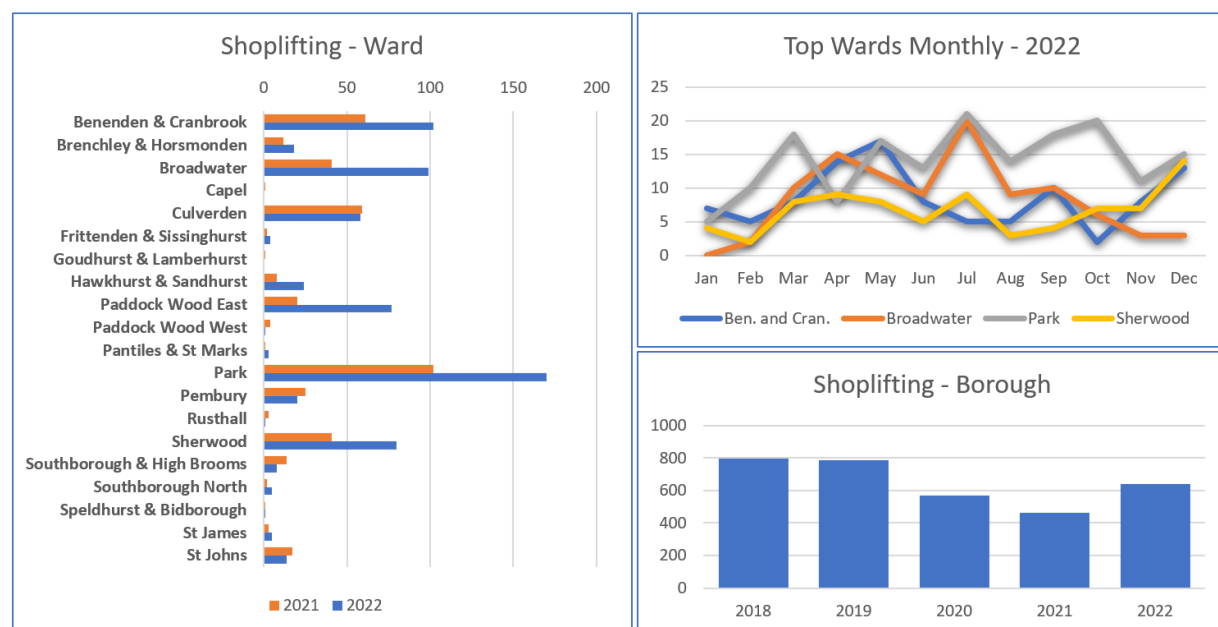
Rural areas continue to attract house-breaking criminals with **Residential Burglaries** in 2022 reduced over 2021, but still high.



Drug Offences, which includes *possession* and *possession with intent to supply* have continued to steadily increase across the borough and across the county but seemed to level off during the pandemic.

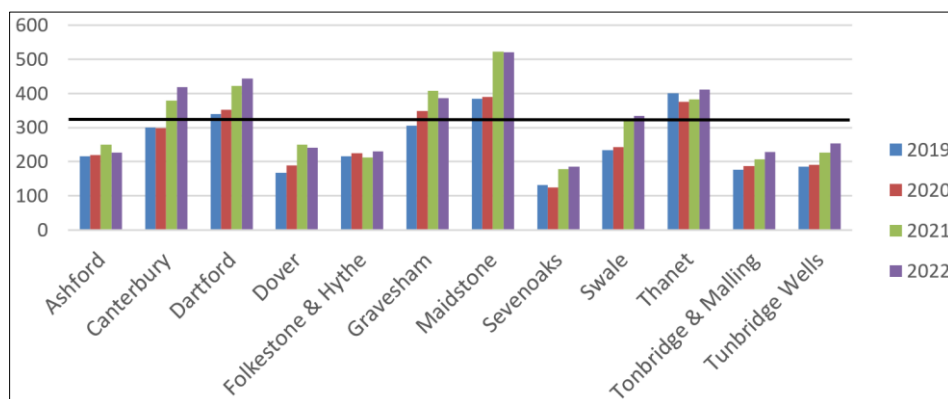


Shoplifting offences increased substantially over the pandemic years but is currently below 2018 and 2019 rates. Members of the Safe Town Partnership are signposting offenders who shoplift small value items and are suspected of stealing for reasons of subsistence.



Hate Crime

The chart below shows the level of hate crime reporting countywide across four calendar years. The black horizontal line is the county average for 2022.

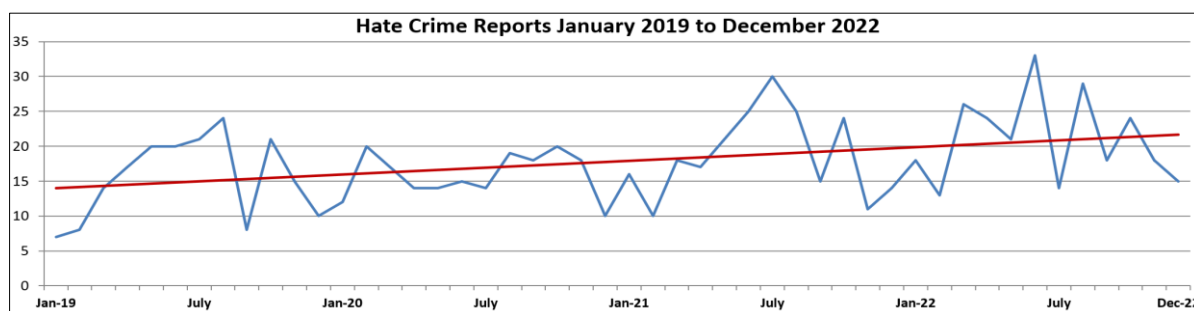


The table below breaks down hate crime offences into its various strands. Race remains predominant factor in hate crime reports. Disability and sexual orientation are also significant factors, followed by religion/faith. In addition to the characteristics shown below a smaller number of reports involve multiple motivations.

Calendar Year	Race	Disability	Religion/faith/belief	Transgender	Gender	Sexual orientation
2018	132	24	12	0	9	26
2019	128	32	10	1	0	29
2020	140	35	12	1	0	35
2021	170	39	14	2	5	38
2022	196	42	8	8	0	34

Hate crimes are reviewed by Kent Police's Community Liaison Officer (CLO), who is part of the CSU team. The CLO makes contact with victims to offer suitable interventions, signposting and safeguarding plans to prevent further occurrence.

In respect of the transgender incidents, which increased significantly. Three reports were generated in response to a single incident and two others relate to one victim. All incidents involved school-aged children, both victim and perpetrator, but happened outside of the school setting on the way to and from school. There are four named suspects.



Amongst issues local to Tunbridge Wells, the CLO continues to engage with resettled Afghan families as well as more recent arrivals from Ukraine.

Other local issues, such as the cost of living crisis, high energy prices, high-profile immigration news reports, and community views on British policing – the cause and effect of which can increase community tensions – are also raised and discussed at morning briefings.

The Hong Kong diaspora is also on the CLO's radar. She has a community contact in Southborough who will feed back any issues of note.

International and nationally significant incidents were tracked locally to ensure we were prepared for any knock-on effects. Some examples below:

January

State of emergency declared in Kazakhstan.
Worldwide Covid cases exceed 300 million.

February

ISIS leader Abu Ibrahim Al-Hashimi Al-Qurashi is killed by US forces in Syria.
Putin begins full scale invasion of Ukraine.
European Nations ban Russian flights in their airspace.
FIFA & UEFA suspend Russian clubs and National teams from all competitions.
Export controls and an assets freeze imposed on Russia by South Korea, Switzerland, Monaco and Singapore.

March

World Athletics ban both Russia and Belarus from competing in championships.
Refugees flee from Ukraine to other countries.
Six million covid deaths is surpassed.
United Kingdom and United States bans on Russian oil.

April

Global food prices increase to highest levels since 1990 following the Ukraine invasion.
Worldwide Covid cases exceed 500 million.

May

Hosts England win the UEFA European Women's Championship.
European heatwaves cause major wildfires (including Dartford Heath), travel disruption and deaths.
The European Central bank raises its key interest rate for first time in more than 11 years.
Monkeypox infections start to be reported worldwide.

August

Israel launches airstrike in Gaza strip killing Islamic Jihad military leader.
Pakistan floods – world's deadliest since 2017.

September

G7 economies agree to impose a price cap on Russian petroleum exports.

Liz Truss is appointed PM.

Queen Elizabeth II death and funeral.

October

Rishi Sunak becomes PM.

November

The month-long FIFA World Cup Championship is held in Qatar raising concern over LGBTQ+ issues.

December

G7 and Australia join the EU in imposing a cap on Russian oil prices.

China eases its covid restrictions after substantial internal protests against their zero covid policies.

While most of these incidents had little local impact, they would have increased tensions within certain communities. Partners are kept informed of these issues can feed into relevant community impact assessments.

In respect of local reports, a good proportion have been offences against shop workers and neighbours. There's also a noticeable increase in youths being victims and offenders of hate crime.

During the two years of the pandemic much support to victims of Hate Crime was provided by telephone and video conferencing. Opportunities for face-to-face engagements have now returned, and we secured some funding in February from the PCC for more public engagements in Tunbridge Wells (and T&M). The convenience of voice and video calls remains an option for quick and effective interventions for victims.

Hate crime is a standing agenda item at the monthly multi-agency Vulnerability Board meeting and some incidents are discussed at twice-weekly morning briefings.

Priority 1: Domestic Abuse

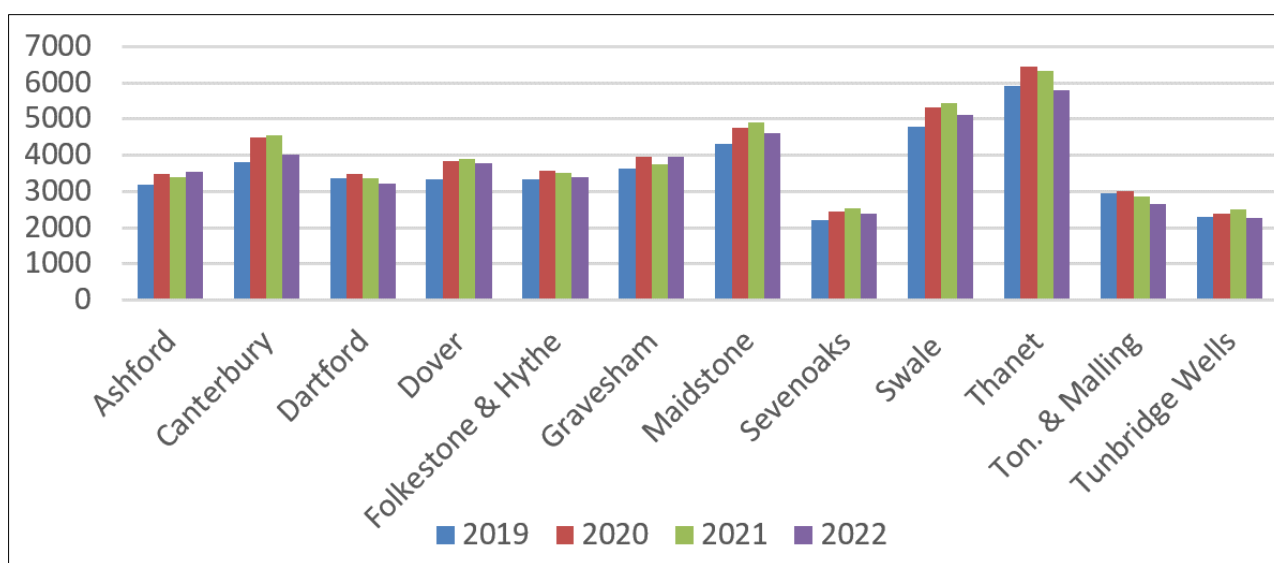
Current figures refer to the 12-month period from January 2022 – December 2022

Level of Crime: 2,263 crimes (last year 2,504)

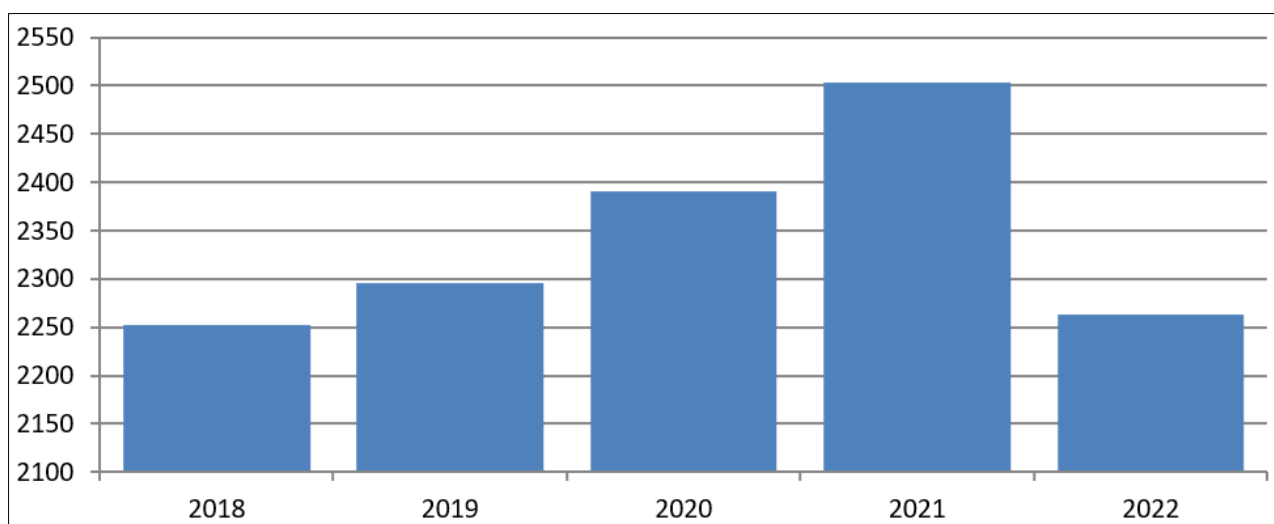
Peer Comparison: Second Lowest in 12 Kent areas

Annual Change: Decrease of 241 reported incidents (-9.6%)

During the year 2,263 incidents of domestic abuse in Tunbridge Wells were reported to Kent Police. This was a reduction of 241 incidents over the twelve months and the first decrease since 2018 when recording changes were implemented that make earlier comparisons less reliable. Reductions here are mirrored across other areas of Kent.



Kent Comparison 2019-2022



Tunbridge Wells, 2018-2022

Domestic abuse reports to Kent Police returned to the lower levels of 2019 after three successive annual increases. DAVSS also experienced a reduction in referrals but continue to receive complex cases requiring crisis intervention safety planning.

The proportion of DA reports to Kent Police that are repeat victims was 22.1% in 2022 against 24.1% in 2021 and 22.2% in 2020.

The repeat victimisation rate for DAVSS clients in West Kent was 5.5% across 2022, against the 7.25% of the two previous years.

The low repeat rate reported by DAVSS reinforces the known benefits of long-term wraparound support for clients and their children.

Outcomes

Provider: Domestic Abuse Volunteers and Support Service (DAVSS)

Funding: £18,000 (PCC, TWBC)

Service: Provide domestic abuse support services to men and women at all levels of risk. Encourage early reporting by promoting the helpline and available services. Provide workshops and training to raise awareness and promote prevention.

Outcomes:

Q1

Referrals to DAVSS remained high during Q1 but with partner support they continued to provide high quality wraparound support for clients at all levels of risk including those with multiple complex needs.

Their accredited training course for volunteer Domestic Abuse Advisors concluded with six new volunteers ready to commence their mentoring period having already shadowed colleagues on the helpline and at face-to-face meetings.

Personal development and refresher training is ongoing and made available to all volunteers.

Well-being Surveys carried out before and after volunteer support show that 93% of clients report feeling safer, 84% more empowered and informed, 91 % an improved quality of life for them and their children, and 91% improved mental health.

The following West Kent programmes were run in the first quarter:

Children Freedom: 12 attendees

Adult Freedom: 8 attendees

Presentations: DA Youth sessions delivered to two schools in West Kent with 415 attendees.

Q2

Referrals to DAVSS decreased slightly (50 fewer clients) in the second quarter but there continues to be a significant number of complex cases requiring crisis intervention and immediate tailored safety plans.

Clients presented with issues stemming from the current cost of living crisis which may also have exacerbated the domestic abuse in some cases. The need for long-term support for clients and their children continues to be a vital tool in aiding their recovery and improving their overall quality of life.

DAVSS Transforming Lives project continues to be a success with the provision of long-term wraparound support for as long as needed. The peer support group is ongoing and well received by clients. DAVSS survivor recovery courses (Freedom, Own my Life, Adverse Childhood Experiences Recovery Tool Kit, and are all ongoing and well attended; with the addition of the DAY (Domestic Abuse Youth) Programme being run at schools.

The following West Kent programmes were run in the second quarter:

ACE Recovery Toolkit: 14 attendees (5 adults, 9 children)

Adult Freedom: 11 attendees

Own My Life: 11 attendees

Q3

Referrals to DAVSS decreased again in the third quarter but there was an increase in Support To Court assistance. Non-molestation orders, civil court support (McKenzie Friend) and pro bono solicitor referrals being highest since 2021.

DAVSS continues to provide extended helpline hours (10am - 4pm Monday to Friday) which was doubled from three to six hours during the early days of the pandemic.

The following West Kent programmes were run in the third quarter:

ACE Recovery Toolkit: 3 attendees

Adult Freedom: 11 attendees

Own My Life: 11 attendees

Support to Court figures (West Kent, Q1-Q3):

Support Type	Q1	Q2	Q3	Q4	Totals
Legal options advice (hrs)	540	415			955
Pro bono Solicitor appointments	15	15	22		52
Civil court cases	13	22	31		66
Criminal court cases	1	2	3		6
McKenzie Friend Support			26		26
Non-Molestation Orders	20	20	32		72
Prohibitive Steps Order	3	2	1		6
Occupation Order			1		1
Child Arrangement Orders	5	22	0		27
Restraining Orders	1	5	4		10
Witness Care Contacts			14		14
Other punitive measures	1	8			9

Client quote: *“DAVSS has been amazing, helping me sort out my economic, housing problem, guiding me through charities that can help me arrange my life in the right direction. My case worker is such an amazing and supportive advisor, who makes me feel warm and safe. She has been next to me through the darkest moments in my life and helped me stand on my feet. I will always be grateful for everything DAVSS has helped me and how it has empowered me”*

Client Quote: *“I now feel confident and have started working part-time and enrolled in a course. I also feel it is important to build friendships and make more friends as I have been feeling isolated for quite some time. I feel I have been empowered to make changes to my life and feel a lot happier”*

Well-being Surveys carried out before and after volunteer support show that 88% of clients report feeling safer, 92% more empowered and informed, 89% an improved quality of life for them and their children, and 85% improved mental health.

Volunteers

DAVSS currently had around 38 volunteers at the end of Q3. Across the three quarters DAVSS volunteers contributed around 23,870 hours of service at a value of £361,869 (Kent average earning rate). A volunteer drive will take place in 2023.

Provider: Community Domestic Abuse Programme (CDAP)

Funding: £3,000 (PCC)

Service: Provide support to male perpetrators of domestic abuse to change their behaviour through the Community Domestic Abuse Programme (CDAP)

Outcomes:

Q1: Ten men were active on the programme (3 Sevenoaks, 0 T&M, 1 Tunbridge Wells) and six 'out of area' (five self-funded and one funded by Ashford BC). Of the 10, seven joined during this quarter, (two of whom left the programme, and one went to prison). One male completed the programme and one remained on programme from the previous year.

Three men who completed the programme in the previous quarter, returned to take part in a drop-in session where their progress is reviewed and experiences of life beyond the weekly sessions are shared with the group.

Q2: Ten men remained active in the programme (2 Sevenoaks, 2 T&M, 1 Tunbridge Wells) and five 'out of area' (four self-funded and one funded by Ashford BC). Of the 10, three joined, two completed the course, two remained on it and three dropped out.

Q3: Six men remained active on the programme (1 Sevenoaks, 2 T&M, 1 Tunbridge Wells) and two self-funded from Erith and Bexhill).

CDAP's main platform continues via Zoom for four of the group, however a further two are attending 1:1 face-to-face sessions. One male who completed the CDAP programme

attended the West Kent DA Conference on White Ribbon Day 2022, to courageously share with the audience what CDAP has done for him, his wife and their children. It was a compelling session.

Peter Williams, a CDAP facilitator, flew the White Ribbon flag at the FIFA World Cup in Qatar, proudly supporting the goal to end to violence against women and girls.

CDAP's two-hour weekly group sessions continue via Zoom or via face-to-face.

CDAP and Interventions Alliance, a service provider funded directly by the PCC, have begun quarterly meetings to ensure clients receive the best advice and are directed to the most appropriate perpetrators course.

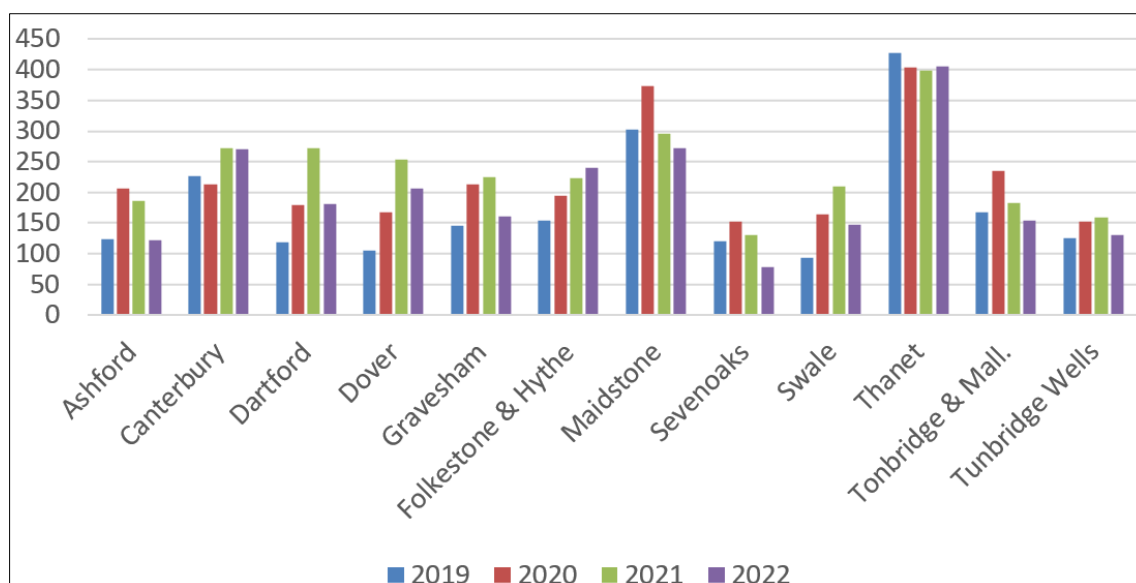
Priority 2: Substance Misuse and Alcohol Abuse

Current figures refer to the 12-month period from January 2022 – December 2022

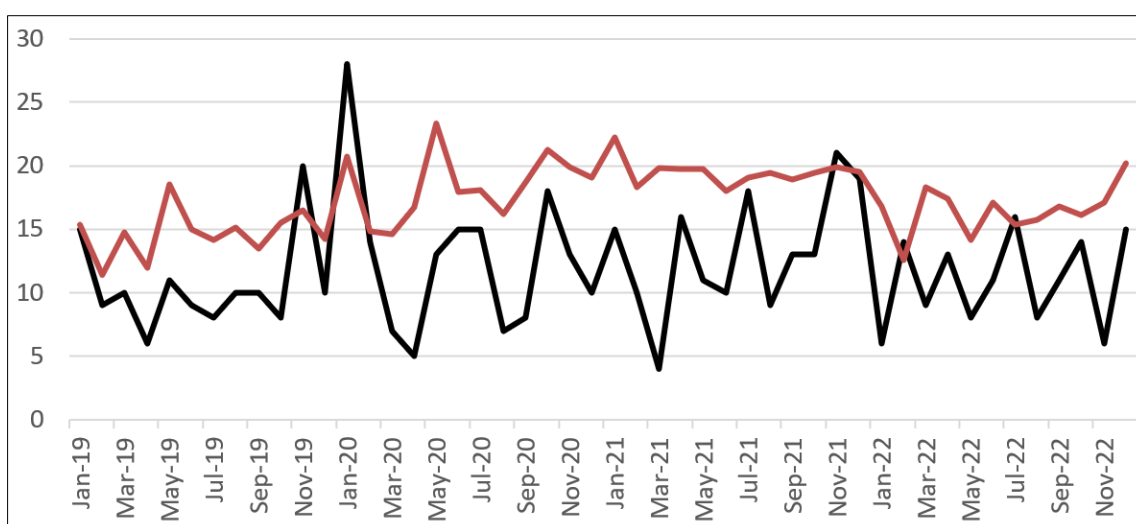
Drug Possession: 131 incidents (last year 159)

Peer Comparison: Third (by volume), same as 2021

Annual Change: Down 28 (18%)



Four-year trend – Possession offences

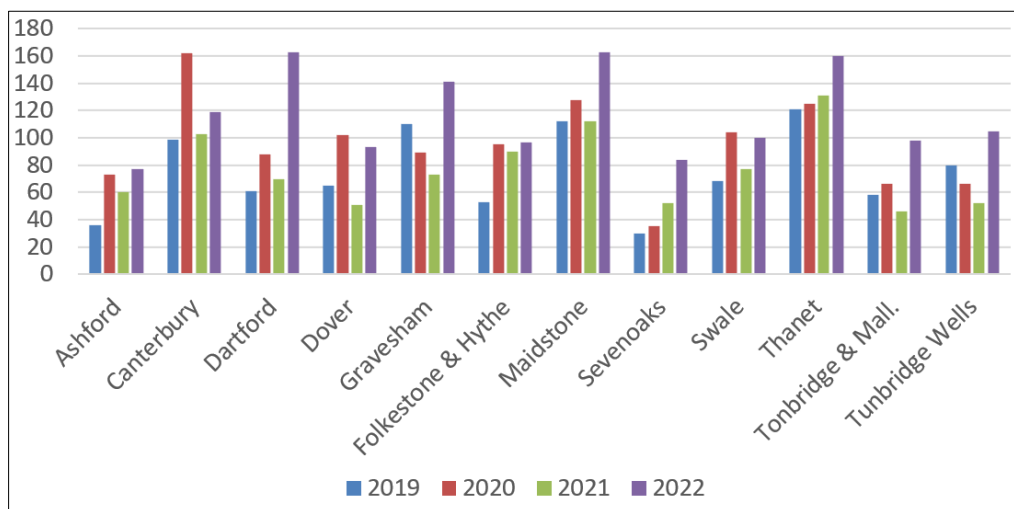


Tunbridge Wells, four-year monthly trend – Red line county average

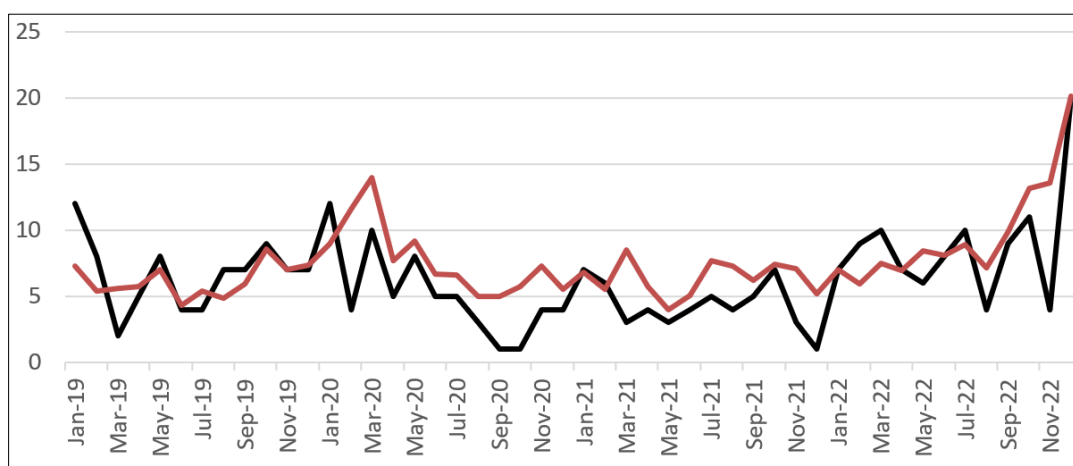
Drug Trafficking: 105 incidents (last year 52)

Peer Comparison: Seventh by volume, fifth in 2021

Annual Change: Up 52 (102%)



Four-year trend – Trafficking offences



Four-year monthly comparison, red line county average

Between January 2022 and December 2022, there were 2.0 recorded drug offences (combined possession and trafficking offences) per 1,000 population in Tunbridge Wells (up from 1.8), placing us joint second lowest in Kent. The Kent district average for the same period is 2.4 (no change from 2020 and 2021).

Our Community Policing Team continues to target local drug dealers and growers, and county lines suppliers bringing cannabis, cocaine and heroin into the district.

Some successes of note

March 2022

Police seized £50,000 and designer clothes and shoes worth thousands of pounds at a property in the Knights Wood area.

Two people were arrested following the seizure which was part of an investigation linked to money laundering offences.

Plain clothes officers from the Tunbridge Wells Community Policing Team approached a suspicious vehicle parked in the Knights Wood area. The 20-year-old driver was detained and searched which led to the seizure of some cannabis and two mobile phones.

A nearby address linked to the man was then searched and multiple bags of cash were discovered and seized along with several pairs of designer trainers and coats.

A 22-year-old woman was later arrested and both suspects were taken into custody in connection with the supply of drugs and money laundering.

July 2022

Plain clothes officers in Tunbridge Wells seized almost 30 grams of cocaine after spotting suspicious activity near the town centre.

The officers were travelling in an unmarked police car when their attention was drawn to a stationary vehicle in Warwick Park. A man who approached the car was then seen walking away and into a nearby business premises.

The Tunbridge Wells Community Policing Team officers followed him and carried out a search of the building. They located a block of white powder in a toilet area, as well as several suspected deal bags.

The 25-year-old male, known for offences in Tunbridge Wells and Tonbridge was arrested and charged with possession with intent to supply cocaine. He appeared before Medway Magistrates' Court on and was remanded in custody.

His next hearing will be at Maidstone Crown Court, at a later date.

July 2022

Cash and class A drugs were seized by plain clothes officers during a proactive operation in Tunbridge Wells. Constables from the town's Community Safety Team were on patrol when they saw a man acting suspiciously near an alleyway in Grosvenor Road. The officers approached and detained the male for a drug search. A mobile phone, 25 wraps of cocaine and £500 were seized.

The 21-year-old male, of no fixed abode, was arrested and later charged with possession of cocaine with intent to supply.

December 2022

In January 2022, officers stopped a vehicle suspected of being used during a previous drug deal. The 31-year-old driver claimed it was his first visit to the town and that he was trying to find somewhere to stay.

He was searched under the Misuse of Drugs Act and officers found a bag containing cocaine in his pocket as well as a door card for a nearby hotel. The male was arrested and his room was searched. A further 58 bags of cocaine were seized from a sock inside a suitcase.

The cocaine was estimated to have a street value of £2,280 and the male, from Newcastle, was charged with possessing class A drugs with intent to supply.

He pleaded guilty at Maidstone Crown Court and was sentenced to two years and six months' imprisonment.

December 2022

A 19-year-old Tunbridge Wells man who used a Range Rover to ram a police vehicle and damage two others during a failed escape, was jailed.

The male had been wanted in connection with several drugs supply offences, after his DNA was matched to packages of cannabis and cocaine seized in Tunbridge Wells. He was initially arrested in September 2021, when a phone was also seized which showed evidence of a criminal network.

The teenager, wanted in connection with a number of offences, was bailed as officers sought to build a successful case. However, he went on to breach bail conditions.

In December, information linked him to an location in Flimwell, Sussex where a Range Rover was parked. The male was at the wheel when he saw patrols approach and he tried to escape, causing damage to three police cars and causing a bystander to run to safety after being narrowly missed.

The male pleaded guilty at Maidstone Crown Court to two counts of being concerned in the supply of drugs (cocaine and cannabis), as well as a further four charges for possession with intent to supply drugs.

He also admitted dangerous driving, three counts of assault on emergency workers, three counts of criminal damage, and possessing a knife in a public place.

He was sentenced to three years and six months' imprisonment at a young offender institution.

December 2022

A drug dealer appeared in court after giving a false name to avoid arrest after police pulled over a vehicle on Longfield Road, Tunbridge Wells.

Officers grew suspicious of the driver when he tried to give a false name and was soon detained for a drug search. A total of eight wraps of cocaine were found inside as well as £95 cash and a phone - all of which were seized.

The phone was later found to contain text messages arranging the sale of drugs.

The male, of Barnetts Close, Tunbridge Wells was arrested and later charged with possession of cocaine with intent to supply, possession of criminal property and driving without insurance. He appeared before Medway Magistrates' Court where he pleaded guilty to all the charges.

The 20-year-old was remanded in custody and will be sentenced at Maidstone Crown Court on a later date.

January 2023

A drug dealer from Sandhurst Road who attempted in 2021 to set fire to a house in Liptraps Lane, Tunbridge Wells was sentenced to three years and seven months' and made subject of a five-year restraining order.

Investigations by officers included enquiries into a previous incident when the male was a passenger in a car stopped by patrols from the Tunbridge Wells Community Policing Team.

The vehicle had been linked to drugs offences and when the male was searched quantities of heroin and crack cocaine were discovered, as well as a customer 'tick list'.

The male appeared before Maidstone Crown Court in January 2023 and pleaded guilty to a charge of arson with intent to endanger life as well as two counts of possessing Class A drugs with intent to supply.

January 2023

A drug dealer living on Grosvenor Road, Tunbridge Wells pleaded guilty to counts of possessing cocaine with intent to supply and possession of criminal property (cash) at Maidstone Crown Court and was sentenced to two years and eleven months' imprisonment.

The male was stopped by police while driving in Tonbridge in 2022. Police searched the vehicle after suspecting the 24-year-old was involved in the supply of drugs. They found a magnetic box under the driver's side door which had nine bags of cocaine in it. When searching his home, police found another bag of cocaine.

The male was arrested in April 2022 and officers seized £320 in cash and two mobile phones, which contained text messages relating to drug deals in Tunbridge Wells and Tonbridge.

Outcomes

Provider: Kenward Trust

Funding: £7,020 (PCC)

Service: To deploy substance misuse workers to hotspots within the borough to carry out 1:1 and group work with adults and young people.

Outcomes: Kenward Trust continues to engage with young people in open spaces delivering positive life-choice messages and information on substances misuse. During Q2 their outreach team undertook 269 engagements with young people in open spaces in and around Tunbridge Wells. In addition, 24 young people were engaged on 1:1 basis for more structured support.

In addition to St John's Park, Outreach Workers also spend time in Calverley Grounds and Grosvenor & Hilbert Park, where issues of anti-social behaviour and cannabis use have also been reported. Paddock Wood received additional focus in Q3 following reports of persistent ASB and harassment from a small group of youths.

In support of Early Help Youth Work, Kenward's Andy Watson delivered some intervention workshops at Bewl Water for a group of 19 young people from Tunbridge Wells.

The Outreach Team reported high levels of "negative behaviour" in the young people they engage with, including a group in the age range of 12-14, whose general disaffection is "really evident". There's a suspicion amongst some stakeholders that, given their age, issues related to transitioning from primary to secondary school during covid may be a factor.

There's also an older group (15 to early 20s) who vape, smoke cannabis and consume nitrous oxide. These three substances are seen more and more amongst young people, alongside caffeine (cigarettes), energy drinks and alcohol. Young people are becoming bolder in the belief – which is often stated – that there will be no consequences if caught. This is also often expressed during school sessions.

Vaping has become a big issue among young people with devices sold on the black market made adaptable for other substances. Nitrous oxide use seems to be prevalent amongst late teens to early 20s who often drive to a remote location to take it and dump dozens of canisters there, or back in the car park if they return.

Kenward are out and about between 3:30pm and 8:30pm, varying their times as often as they can. They link in with KCC Early Help Youth Workers to ensure they are getting the best coverage for the issues reported.

The Kenward team have been stretched during 2022 but they are engaging with a lot of young people to reinforce messages on substance misuse, positive choices and consequences. Kenward, who work also in Sevenoaks and Tonbridge state the types of persistent and concerning anti-social behaviour from small groups of youths, such as that seen in St John's Park, is a trend in areas across all three districts and beyond.

Provider: Tunbridge Wells Churches Together Street Pastors

Funding: £2,500 (PCC)

Service: Provide a positive presence in the night-time economy.

Outcomes: The Tunbridge Wells Churches Together Street Pastors provide a late-night presence in the NTE in support of CSP priorities focused on providing a safe environment for residents and visitors enjoying town centre restaurants, pubs and clubs. They are also a useful link to emergency services and carry a Safe Town Partnership radio to maintain contact with CCTV Operators and premises door staff.

Pastors committed over 300 volunteer hours to the first three quarters of 2022 engaging with 240+ men and 190+ women. There were no calls for police or medical assistance during this period but they did engage with CCTV operators on half a dozen occasions while safeguarding individuals assessed as vulnerable.

Other outcomes: **We Are With You**, a charity providing free and confidential support to young people experiencing issues with drugs, alcohol or mental health issues continues to deliver specialist treatment to Tunbridge Wells residents. As reported last year, alcohol,

cocaine and ecstasy use among young people in Kent remains higher than the national average, but the service continues to achieve positive outcomes for their clients.

Adult drug and alcohol treatment service **Change. Grow. Live. (CGL)** has returning to normal service having steadily increased face-to-face interventions and groupwork throughout the early part of 2022.

Tunbridge Wells has seen a 144% rise in referrals from last year and an increase in treatment starts for all drug groups (alcohol, alcohol & non-opiate, opiate and non-opiate).

There has been a rise in the number of people accessing treatment in Tunbridge Wells during the last 12 months (rolling) from 620 (the previous year) to 674.

New referrals and numbers in treatment increased across all areas of West Kent over the past year.

All appointments are provided face-to-face including medical assessments, one-to-one key working and groupwork interventions. The service is working toward providing better accessibility through more outreach surgeries as well as using telephone appointments to offer a hybrid approach that offers people who use the service more flexibility than was available pre-pandemic.

The service continues to liaise with partner agencies and other professionals and holds multi-disciplinary team meetings to ensure all aspects of a client's recovery are supported while they are in treatment. As with many other services, hybrid delivery now helps provide a more robust provision and is implemented according to service users' needs or preferences.

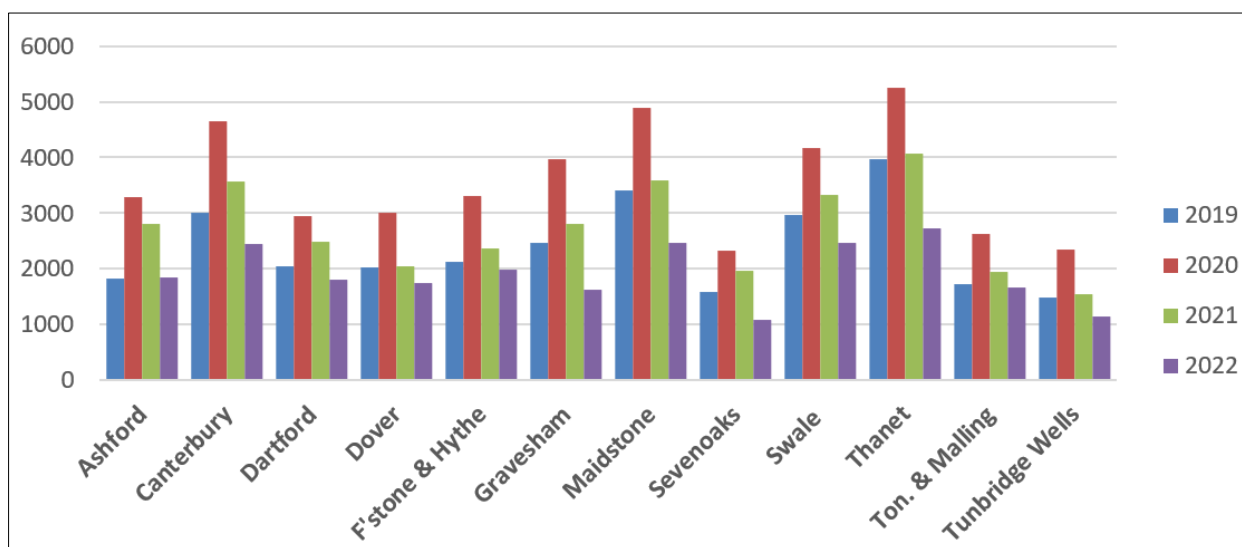
Priority 3: Anti-social Behaviour

Current figures refer to the 12-month period from January 2022 – December 2022

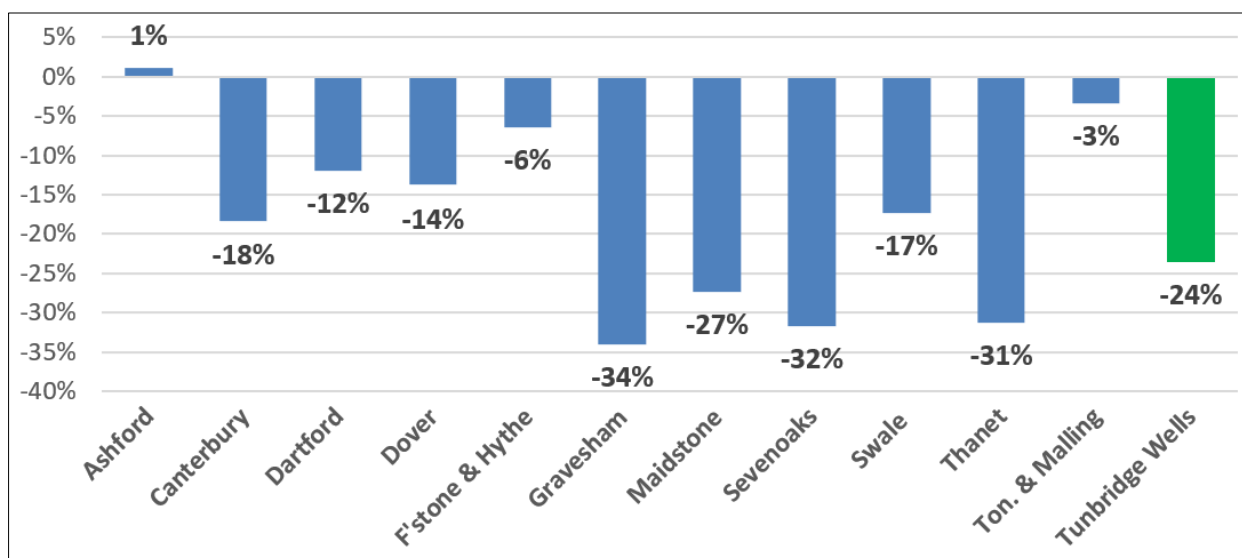
Reporting levels: 1,138 (previous period 1,554)

Peer comparison: Second out of 12 Kent areas

Annual change: Decrease of 416 reports (-27%)



All ASB graded incidents 2019-2022



Percentage change 2019 to 2022 calendar year

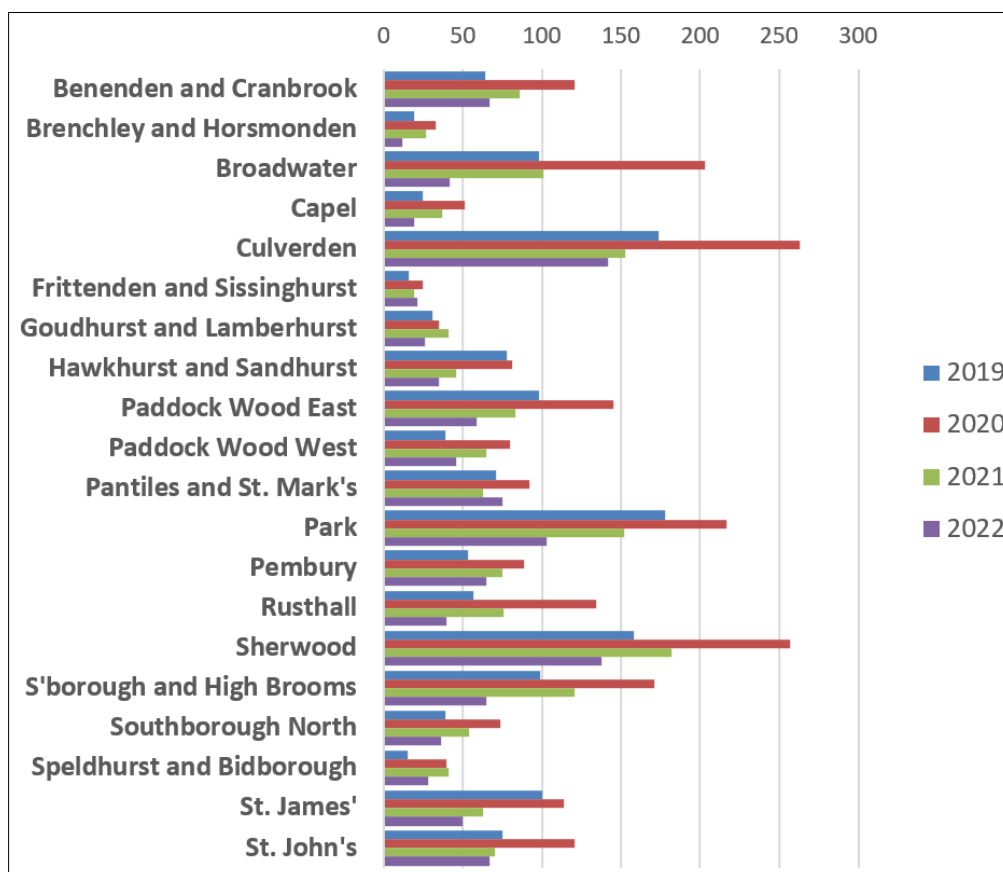
In 2022, Tunbridge Wells welcomed a 27% reduction in reports of anti-social behaviour over 2021, and a 24% reduction over 2019, the last pre-covid calendar year.

Most other Kent local authority areas also reporting double-figure reductions over 2019 rates.

Ward reports

ASB covers a broad range of behaviours from nuisance neighbours and noisy parties to nuisance parking and noisy vehicles.

This is how the overall category is broken down by ward:

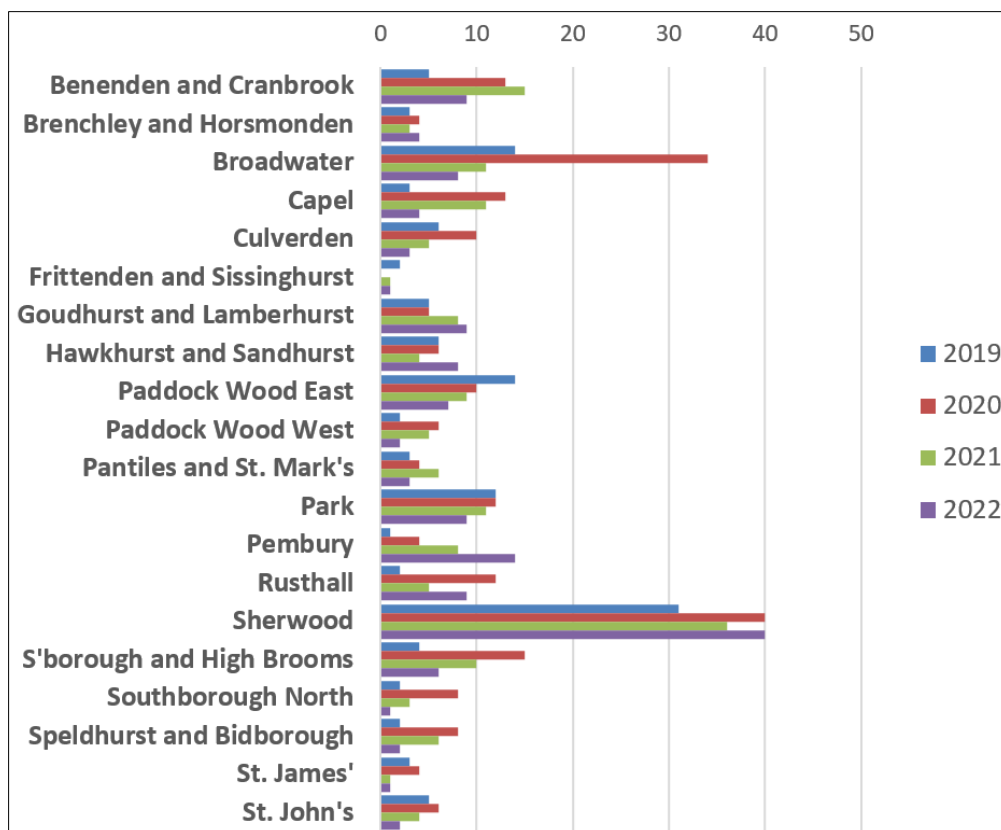


Ward comparison - calendar year breakdown

There is an obvious spike in 2020 as residents reported breaches of covid regulations in open spaces and other settings, such as pubs and residential gardens and properties. This continued into 2021 during various lockdowns, though to a much lesser degree in most places.

A significant number of reports related to **nuisance/noisy vehicles** were “covid-tagged” in 2020 and 2021 with residents seemingly meeting up in public car parks and other open spaces. Reports were down in 2022 in many neighbourhoods, lower even than 2019 levels, but there has been an increase in some wards.

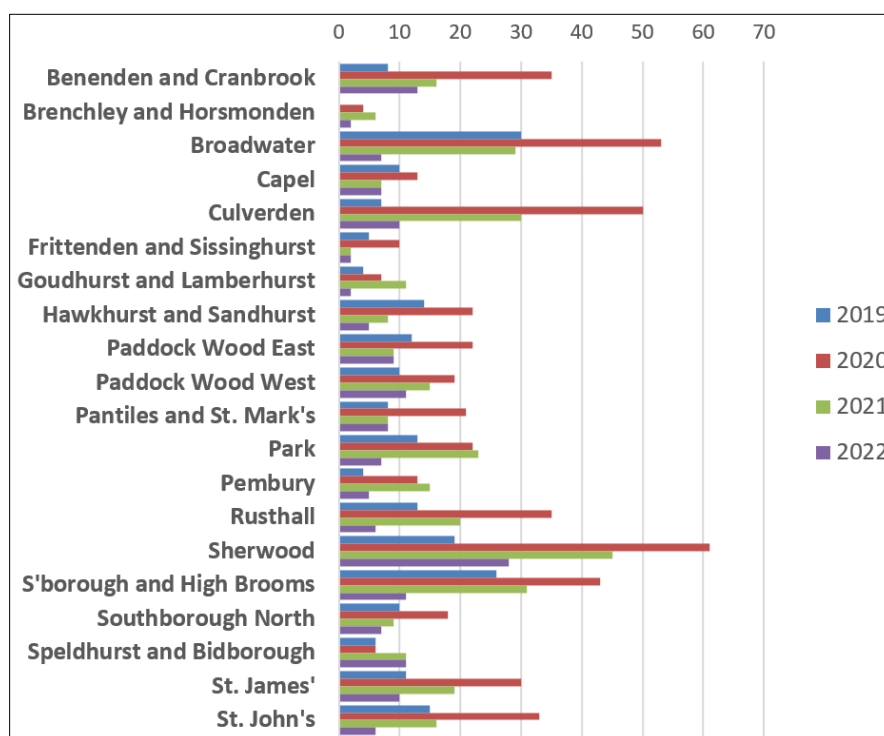
The chart below shows the bulk of reporting coming from the Sherwood ward across all four years. Sherwood includes North Farm and Knights Park. Issues of vehicle nuisance appear to have reduced at Fountains retail park and Knights Park but there is still an issue of young drivers using the A21 to race their modified vehicles and they do still pull into the North Farm area causing disturbances to residents .



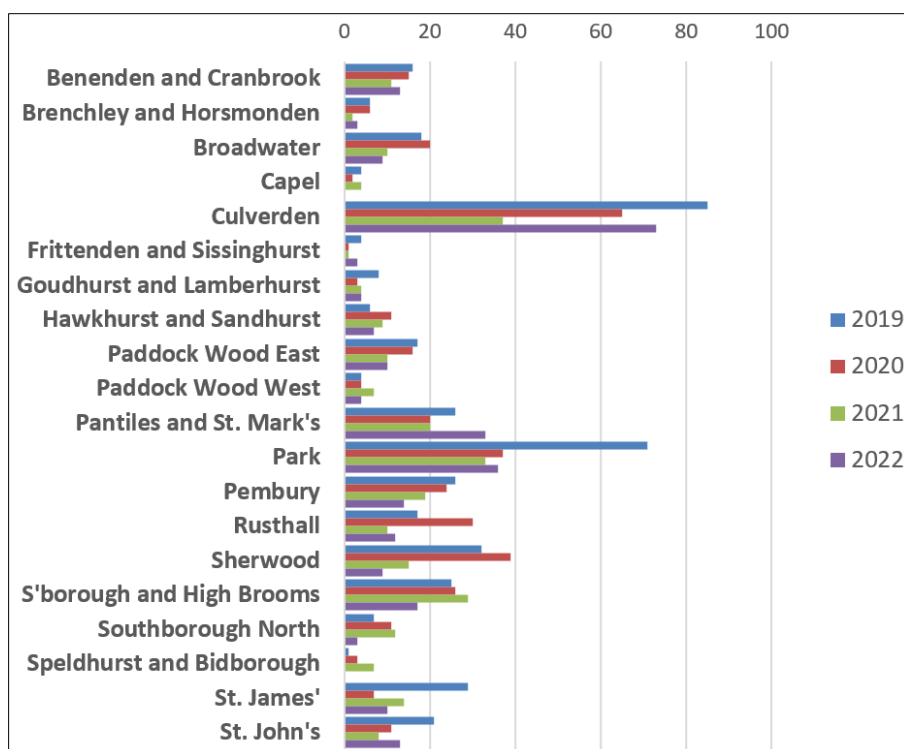
Motor vehicle nuisance on road, including noise

The **neighbour nuisance** chart below shows just how many residents were affected by issues related to lockdowns and limits on gatherings during the pandemic years of 2020-21.

Also below, **drunken or rowdy behaviour**, which offers a much more mixed picture, though in some key locations numbers are down against 2019 levels.

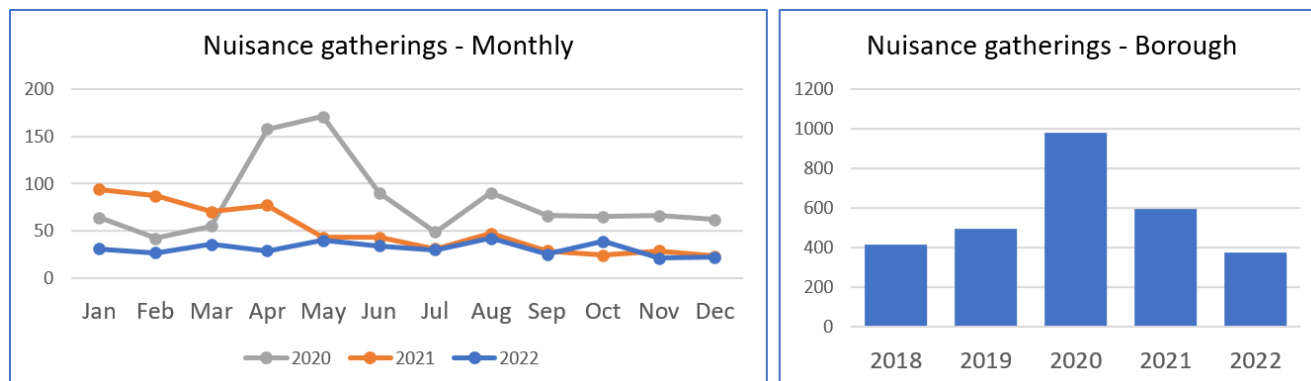


Neighbours - disputes / nuisance incl. noise (not noisy parties)



Drunken or rowdy behaviour

Clearly, there was a huge increase in reports of **rowdy or nuisance gatherings in public** in 2020, with a high proportion of calls related to breaches of COVID-19 rules, less so in 2021. The chart below shows a welcome reduction in 2022 against 2019 levels.



Other actions and activities of note undertaken during the year:

- Served seven Community Protection Warnings (CPW), several Acceptable Behaviour Agreement for issues related to anti-social behaviour or neighbour nuisance, principally cannabis fumes penetrating a neighbouring property.
- Some coordinated patrols were undertaken during half-term holidays, exam results weeks and during other annual events.
- Additional outreach and police patrols were directed towards the Southborough (hub), Paddock Wood and Cranbrook to tackle persistent anti-social behaviour.
- Safe Town Partnership ran a self-funded Christmas operation to deter shoplifters and to support efforts to tackle town centre anti-social behaviour. They also ran a World Cup operation partly funded by the PCC.
- Installed a deployable CCTV camera to resolve issues related to anti-social behaviour on a railway footbridge close to residential properties in Paddock Wood. Police attended on several occasions and seized a small amount of cannabis. The issue seems now to be resolved.
- Managed four unauthorised encampments between April and September. Lower than average but two encampments caused significant and costly damage, despite the locations being substantially defended against incursions. There is just no legislating for brazenness.
- The Council's Community Safety Officer shared locking up duties in St John's Park with local residents and councillors to address late night anti-social behaviour.
- Kenward Trust outreach workers were directed to areas associated with substance related anti-social behaviour through the District Contextual Safeguarding meeting.

Priority 4: Road Safety

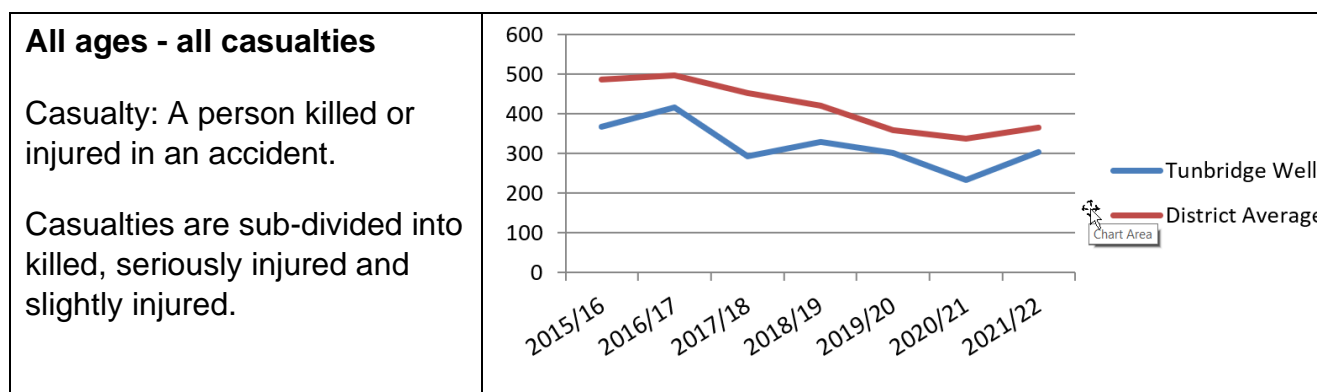
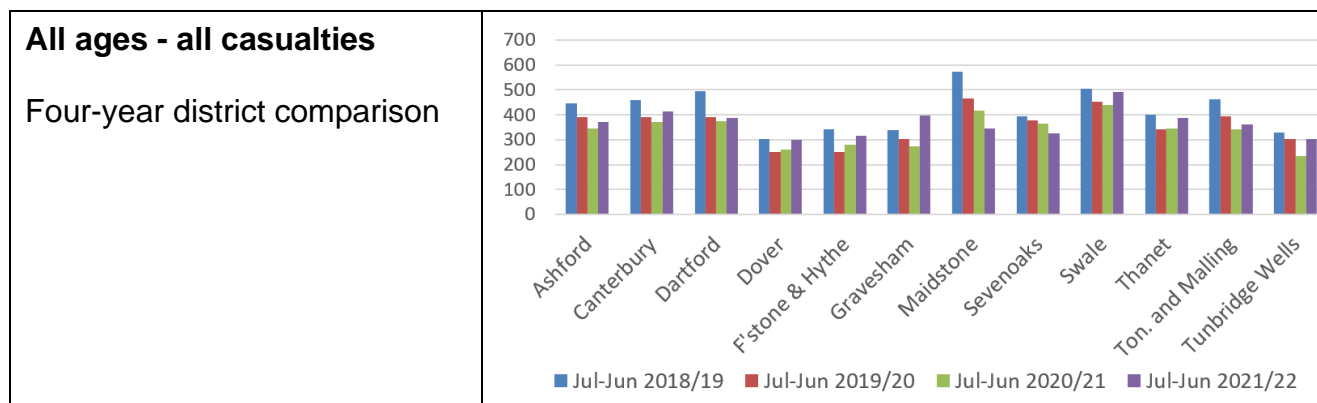
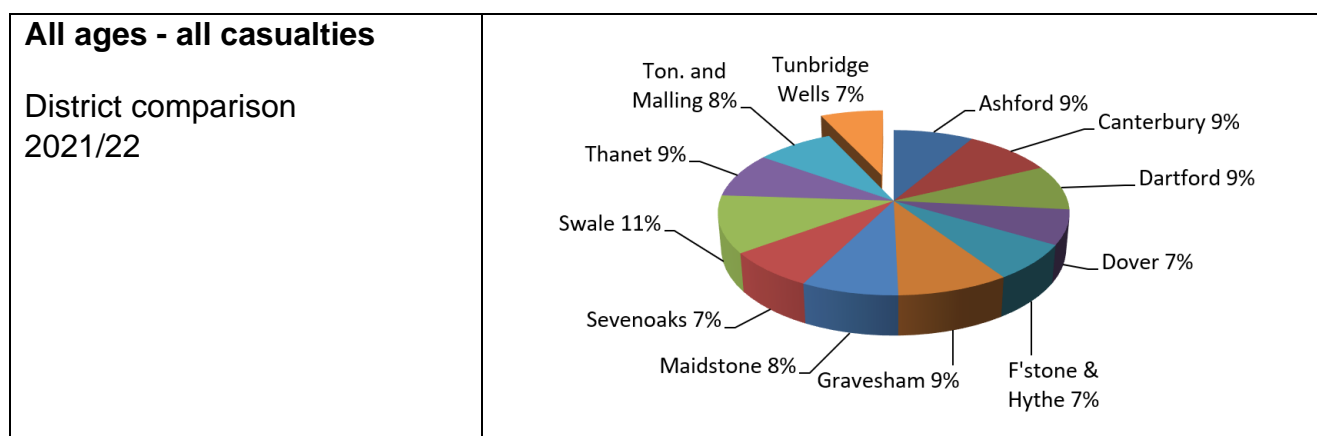
Current figures refer to the 12-month period from July 2021 – June 2022 unless stated.

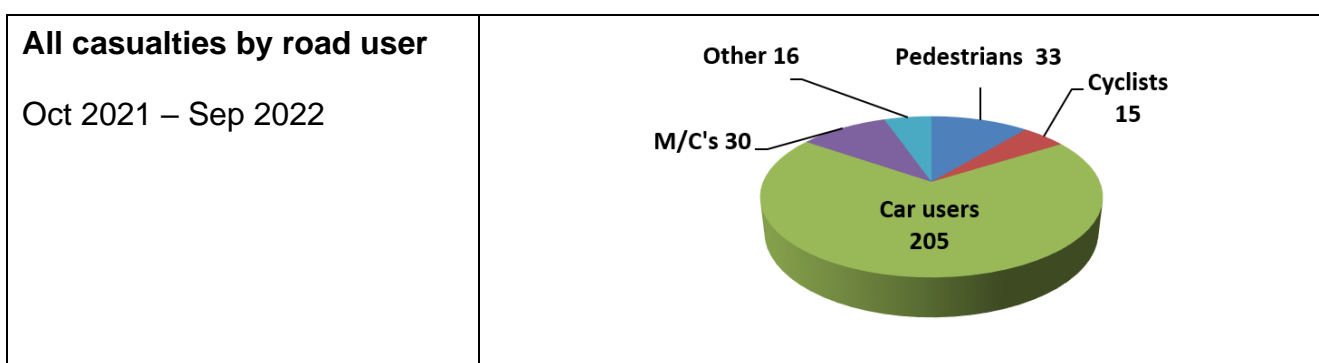
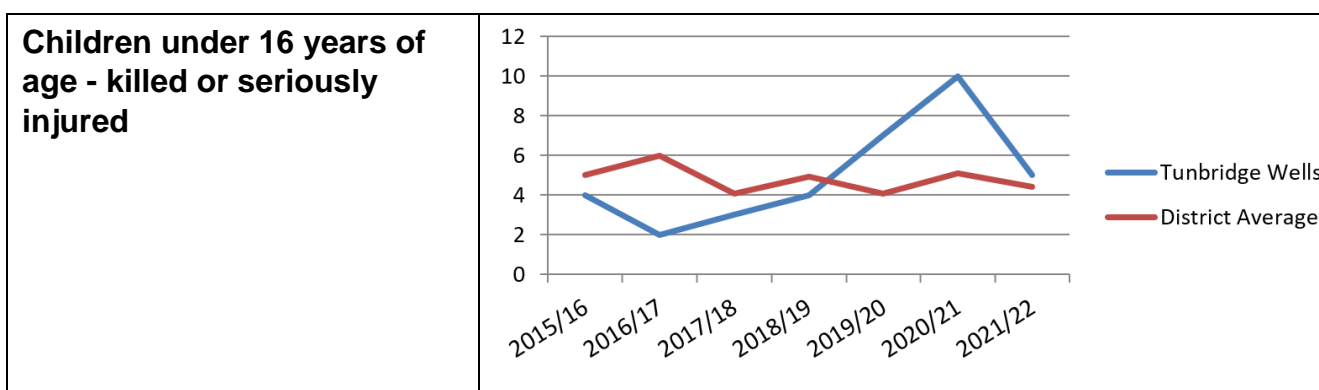
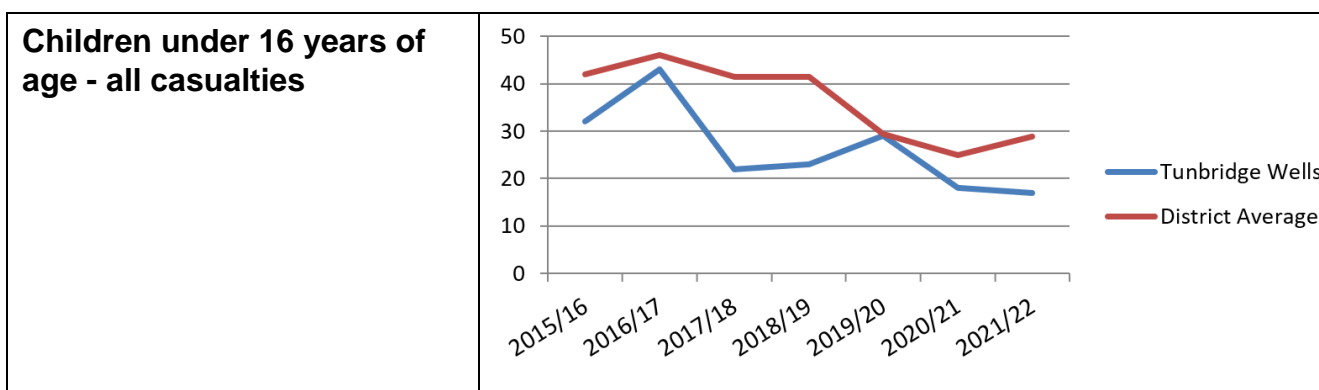
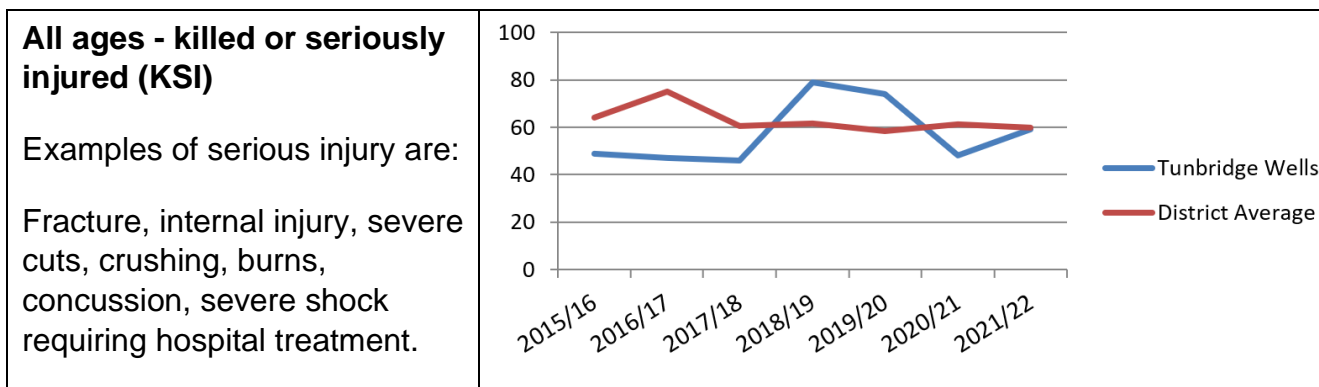
Level of Concern: 301 Casualties (previous period 232)

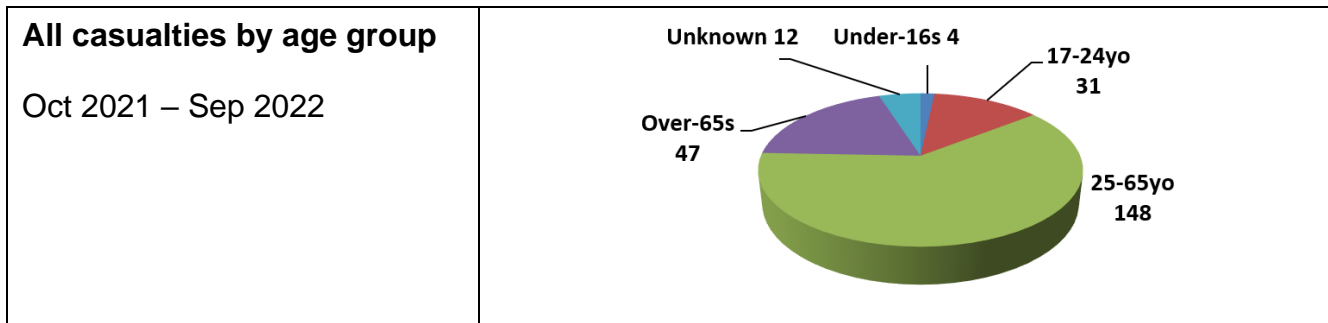
Peer Comparison: Best in Kent (same as 2020-21)

Annual Change: 69 more casualties (30%)

When calculated against population Tunbridge Wells saw 2.01 casualties per 1000 residents. The Kent average is 2.56.







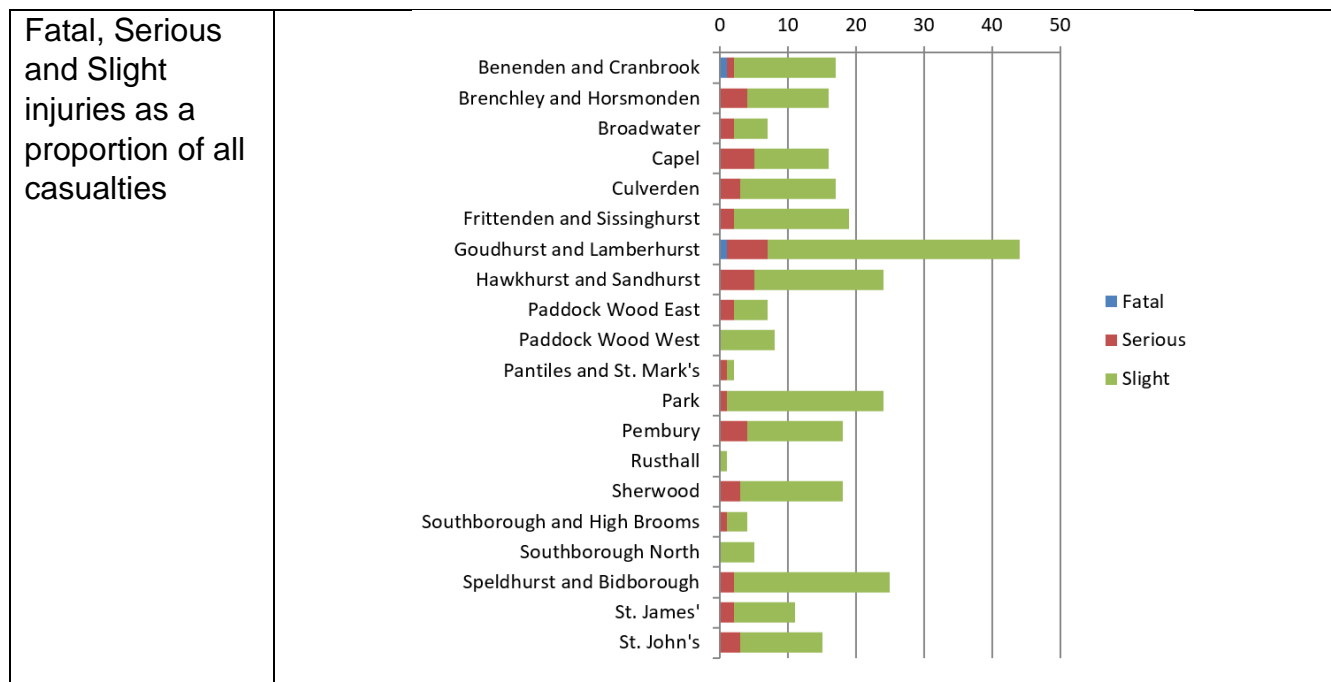
Despite a 30% increase in casualties over the previous period (July-June) Tunbridge Wells still had fewer incidents per 1000 residents than any other area in Kent, with only two local authority areas experiencing a reduction in casualties this period. Likely this was helped by a reduction of 23% last year, which was by far the biggest reduction in Kent.

One noticeable reduction is in the u16 KSI grouping. During the previous period (2021) there were 11 casualties, which was later reduced to 10, upon review, by the KCC Crash Team.

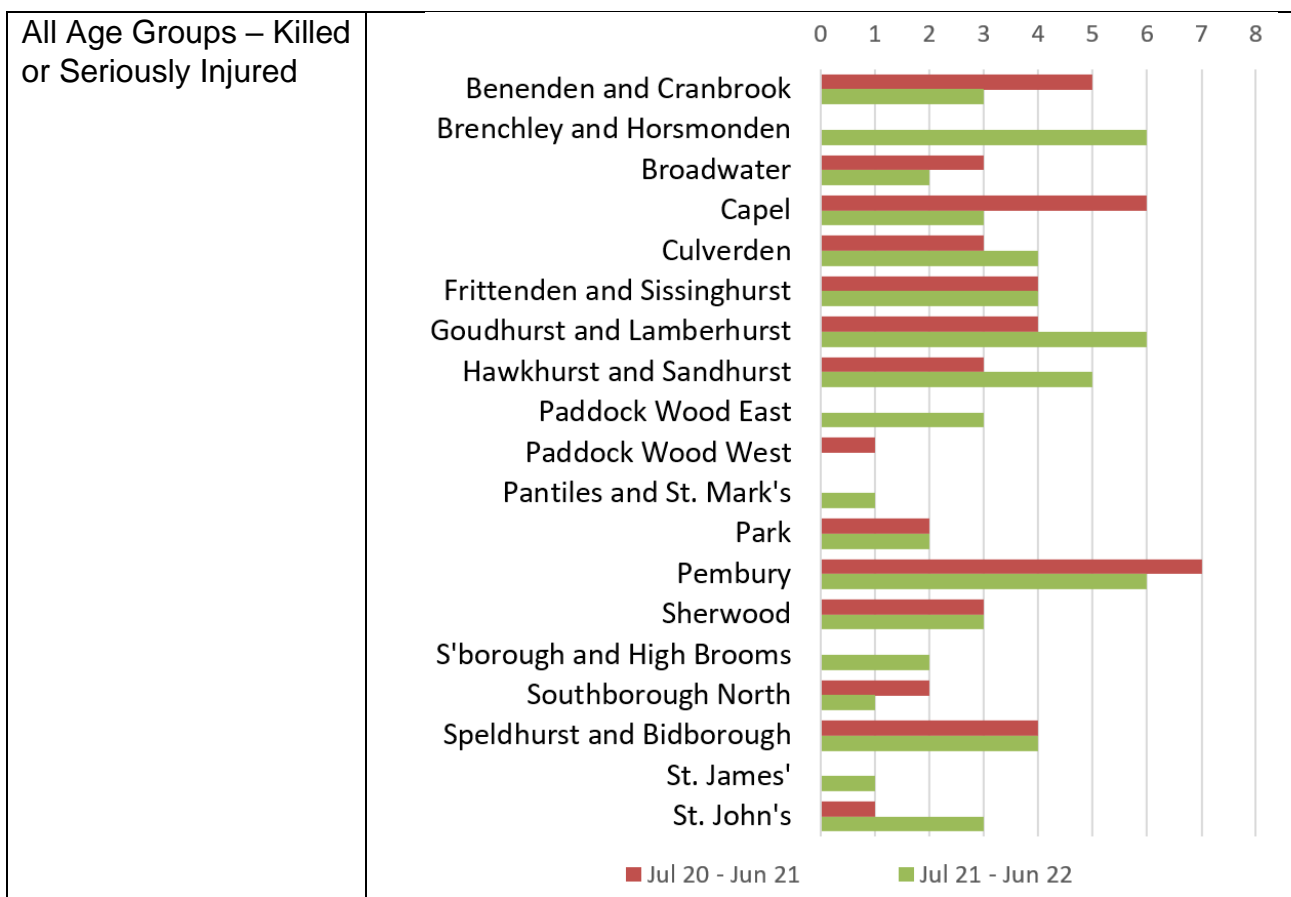
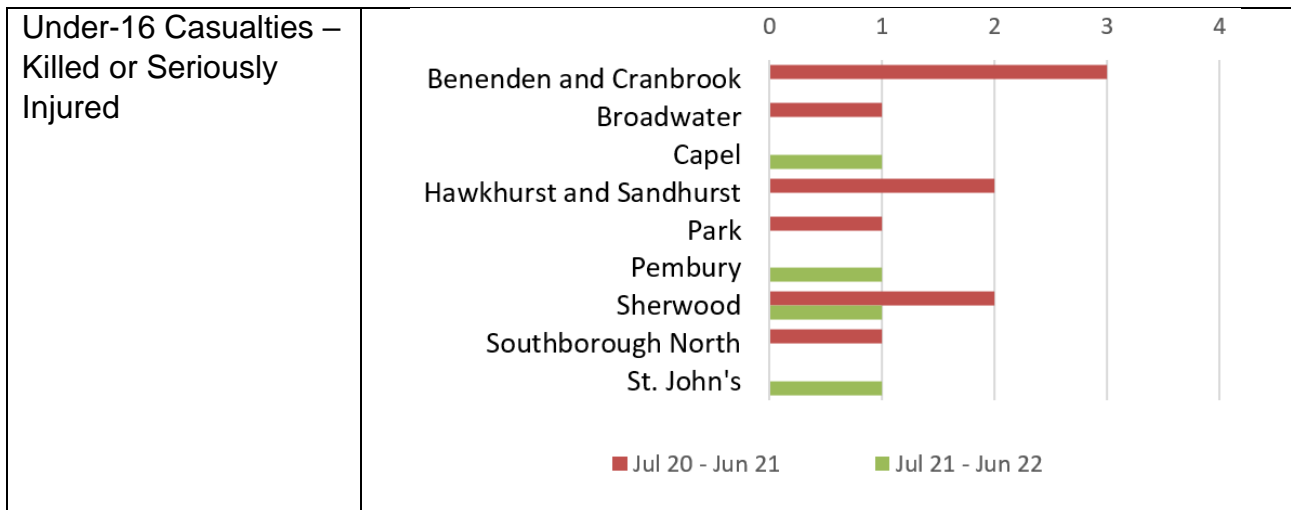
On the back of a request by relevant ward councillors the KCC Crash Team looked into the 10 incidents but found no pattern of behaviour of note, aside from a lack of attention, and no repeat location to focus on. Thankfully none of the incidents were fatal but details were passed to the KFRS team tasked with visiting schools to deliver road safety input. Some details were also shared with Safety in Action, which the CSP funds to deliver information to children transitioning from primary to secondary school.

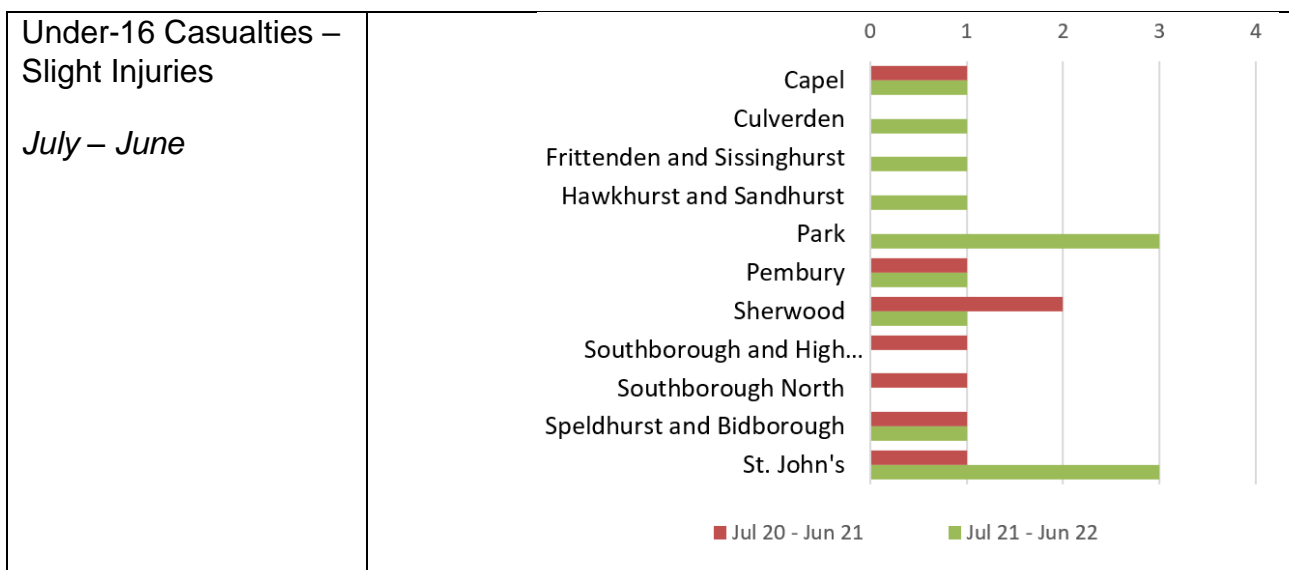
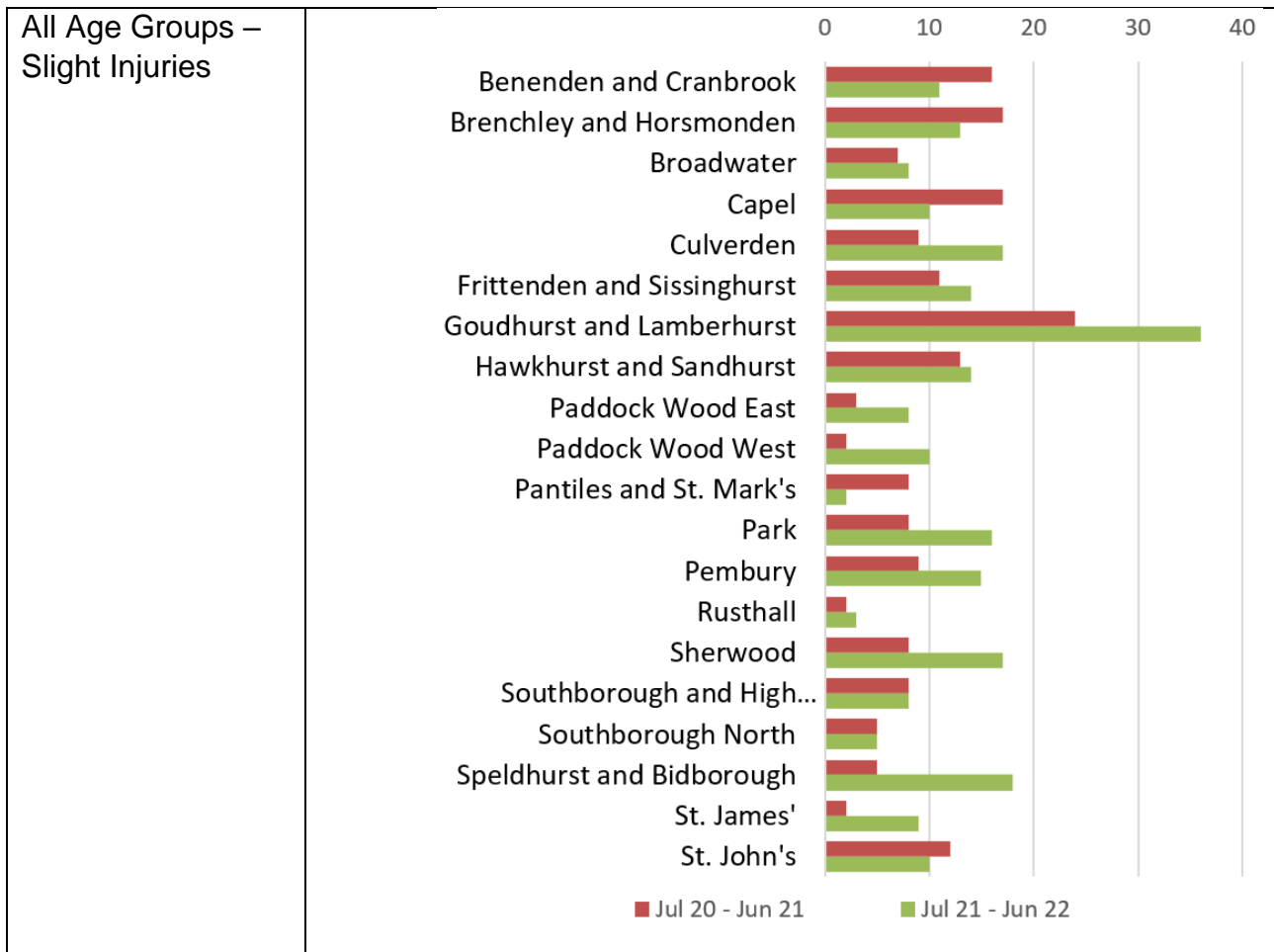
Ward reports

The charts below show the proportion of Fatal, Killed or Seriously Injured, and Slight Injuries across the borough in 2021-22.



Appendix A





Outcomes

In April, officers attended Warrington Road, Paddock Wood on several occasions following complaints of speeding. Some local residents were spoken to and they provided officers with other locations where speeding occurs. The humps on Warrington Road are quite shallow and a 4x4 or SUV can travel over them at speed with limited chance of damage but “normal cars” would still risk damage to the front of the vehicle. Speed checks on the actual humps showed an average speed of about 13 mph but it was clear to officers that vehicles slow for the humps then speed up and repeat.

In October, speed checks were carried out on the A229 at Cranbrook and Sissinghurst. A number of vehicles were stopped and the drivers given words of advice. A Special Constable’s probationer issuing two TOR’s (Traffic Offence Reports) for speeding.

The Kent Community Warden Service supports PCSOs in local speed watch initiatives in rural communities, and Wardens look for opportunities to offer road safety advice to community groups and schools, and to individuals if necessary while patrolling their communities.

In November, officers returned to Warrington Road to investigate lorries breaching width restrictions following complaints from at least four frustrated residents. The officer contacted the Town Council to take the lead and contact the General Manager of the nearby development to reinforce the message that wide loads need to use an alternative route. Appropriate signs were supposedly in place but one complainant stated some signs had been taken down. The attending primary officer scheduled return visits and no further complaints were received.

Salus’s Safety in Action event took place in April 2022 at Fosse Bank School, Hildenborough. In total 530 Year 6 students attended from 15 Tunbridge Wells schools for inputs on a variety of subjects key to students transitioning to secondary school.

Violence Against Women and Girls

Below I have extracted some data from the Home's office's Tackling Violence Against Women and Girls report of July 2021. This report contains meaningful national data captured by a number of surveys, including the Crime Survey for England and Wales (CSEW).

Local data on offences that comprise VAWG are also presented below.

The Crime Survey for England and Wales (CSEW) provides the best available estimate of prevalence for a number of violence against women and girls crimes, namely: domestic abuse, stalking, rape, indecent exposure and unwanted touching. Data shows that the prevalence of these crimes has remained broadly the same since 2008/09.

Police data provides us with some understanding of these wider crime types. However, it only captures crimes which have been reported and recorded and so does not give us a measure of prevalence. The police have made significant improvements to the way they record crimes, and we are encouraged that more victims and survivors have had the confidence to come forward.

Rape and sexual violence

Sexual assaults measured by the CSEW combine rape (including attempts), assault by penetration (including attempts), indecent exposure and unwanted sexual touching experienced by people aged over 16. 1.8% of adults aged 16 to 74 (equivalent to 773,000 people) had been a victim of sexual assault in the last year; 2.9% of women and 0.7% of men. In the same year, there were 139,000 victims of rape (including attempts), 132,000 of whom were women. This is equivalent to a prevalence rate of 0.5% of adults aged 16 to 74 (0.8% of women and 0.01% of men). Over the past 15 years, the prevalence of sexual assault in the last year among the adult population aged 16 to 59 years has fluctuated between 1.5% and 3.0%, with a decrease in the latest year, however, the prevalence of rape or assault by penetration has remained stable over this time.

Police recorded crime includes a broader range of sexual offences than measured in the CSEW and includes offences against both adults and children. In 2020, the police recorded 151,059 sexual offences, of which 55,632 were rape offences. Sexual offences recorded by the police have seen substantial increases since 2011/12 with numbers of offences recorded tripling.

Despite prevalence estimates remaining stable and police recorded crime numbers increasing in recent years, some stakeholders perceive sexual violence to still be vastly underreported, in particular amongst men, older victims and victims from different ethnic backgrounds, with many victims fearing disbelief.

Sexual and other forms of harassment

There is no reliable national data on the specific context, location or type of harassment that occurs. A nationally representative survey commissioned by the Government Equalities Office found that in the last 12 months 20% of women had experienced unwanted sexual comments. Furthermore, 6% had experienced being followed or threatened, and 14% had experienced unwanted non-sexual touching.

Respondents to all aspects of the Home Office's Call for Evidence believed that physical and sexual, verbal, emotional and online harassment were particularly prevalent, with 44% of respondents thinking it was more common now than five years ago (35% thought it was about the same). Some participants in the focus groups said they felt sexual harassment needs to be taken more seriously.

Stalking

Data from the CSEW shows that 4% of adults aged 16-59 experienced stalking in the last year – equivalent to 1.3 million victims - 892,000 women and 443,000 men. Prevalence of stalking has increased slightly in recent years; however, it is significantly lower than in 2004/05 when an estimated 7.8% of adults aged 16 to 59 (equivalent to 2.4 million victims) had experienced stalking in the last year.

In 2020, 81,955 stalking offences were recorded by the police. Unlike some other forms of violence against women and girls, the number of defendants prosecuted and convicted for stalking offences has increased in recent years.

Focus group participants thought there was a lack of understanding of stalking behaviours amongst victims and police resulting in an underestimation of its real prevalence. Online forms of stalking were perceived to be increasing, especially during the COVID-19 pandemic.

'Honour'-based abuse, female genital mutilation, and forced marriage

Understanding the prevalence of 'honour'-based abuse, including female genital mutilation (FGM) and forced marriage, is challenging as there is limited information. However, a 2009 Government-commissioned study estimated the national prevalence of reported cases of forced marriage in England to be between 5,000 and 8,000 cases. Other Home Office-funded research conducted in 2015 estimated 137,000 women and girls with FGM, born in countries where it is practised, were permanently resident in England and Wales in 2011.

People working on violence against women and girls issues who participated in the focus groups thought there had been no significant changes in the prevalence of these offences in the last five years.

Domestic abuse

The CSEW shows that 5.5% of adults aged 16-74 had been victims of domestic abuse in the last year (equivalent to 2.3 million victims). This equates to 7.3% of women and 3.6% of men. While there has been a decline in the prevalence of domestic abuse since 2011/12, this crime remains highly prevalent when compared to the prevalence of other crimes.

There were 758,941 domestic-abuse-related crimes recorded by the police in 2019/20, equating to 15% of all crimes recorded by the police that year. The vast majority (79%) of these offences were violence against the person-related crimes. The number of domestic-abuse-related crimes recorded by the police has increased year on year since 2015/16.

Public Places

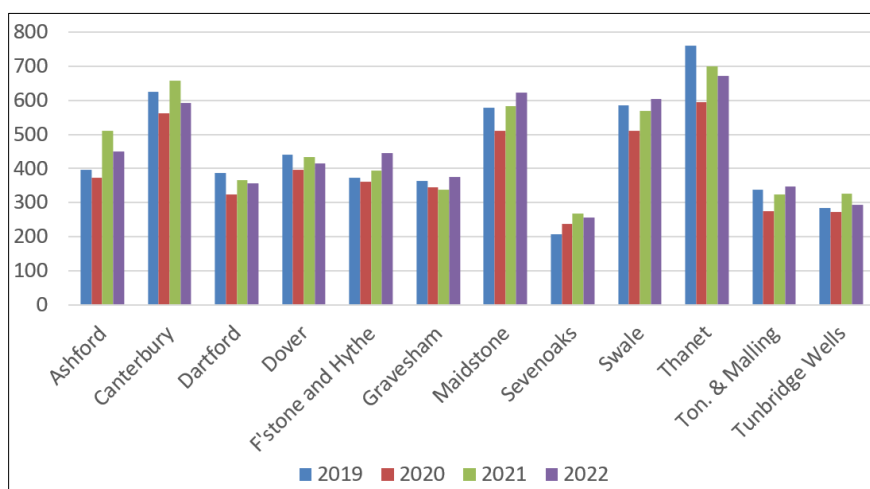
A large proportion of VAWG offences happen within the victim's or offender's home, in particular domestic abuse and rape. However, many victims also experience violence against

women and girls in public spaces - for example, 37% of rape offences were reported to be outside the victim or offender's home.

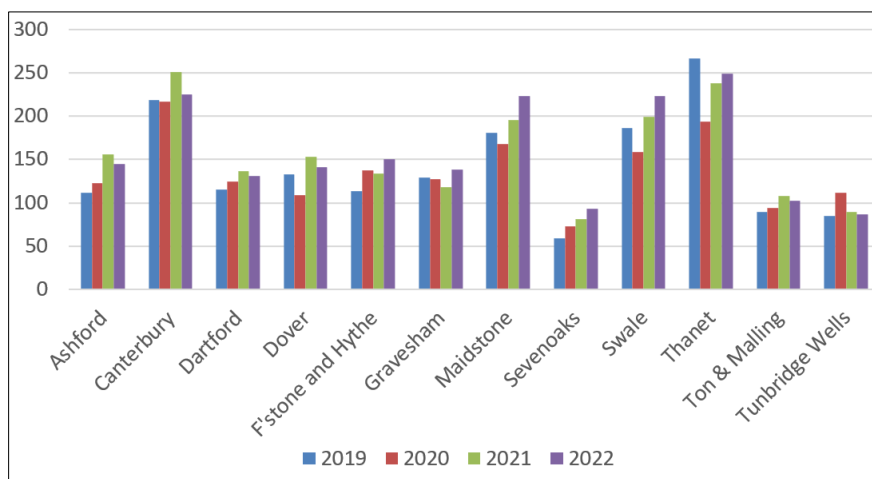
Responses to the Home Office survey highlighted concerns about women and girls' safety in public places in relation to public forms of harassment. Other evidence supports this. For example, a 2018 survey showed that as many as 38% of girls aged 14 to 21 have experienced verbal harassment, including sexual comments in public places, at least once a month. CSEW data shows that 31% of women felt unsafe walking alone after dark (in comparison to 13% of men).

The CSEW also shows that young people are more likely to experience serious sexual assault in a park or public space compared to their older counterparts.

Sexual offences across a four-year period, Kent:



Rape offences over a four-year period, Kent:



Other domestic abuse sub-categories and stalking:

Tunbridge Wells	2022	2021	% Change	No. Change
Coercion & Control	142	217	-34.6%	-75
Harassment	415	452	-8.2%	-37
Malicious Communications	357	376	-5.1%	-19
Stalking	190	247	-23.1%	-57

Outcomes

The Tunbridge Wells Safe Town Partnership (STP) excludes individuals from members' premises upon conviction of violence offences. In Q2 of 2022 one exclusion was rescinded and one new exclusion was issued for possession of a bladed article. By the end of Q3 six exclusions were in force, four of which are for violent crime.

Radio use between Pubwatch members, door supervisors and CCTV Operators is of a high standard and much intelligence-sharing takes place between all parties, as well as local police (when on duty) and the Street Pastors. These calls often take place in order to share details of ejected persons or those refused entry for various reasons (such as proof of age anomalies). Door staff are also sighted on suspicious activity on or near their premises given the added importance of safeguarding females in light of the reports of sticking and spiking that became prevalent in 2021.

Kent Police secured funding for additional patrols in the NTE in December, with special constables also taking part. By way of example, on New Year's Eve a van with several officers was designated for Tunbridge Wells town centre. The officers had a Safe Town radio and were able to listen to communications between door staff and CCTV Operators. This enabled officers to attend venues to deal with an *issue* before it became an *incident*. Door staff noted and welcomed police visibility, as well as their engagement on the Safe Town radio system which they felt helped keep the evening trouble free. The last call of any importance came from a NTE venue at 23.30pm on 31 December. No fights or any other incidents were reported after that time.

In the first three quarters of 2022/23 CCTV Operators assisted in monitoring 85 assaults and 160+ alcohol related incidents. These can't be logged with victim gender as this is rarely clear at the time. Operators also logged 110 occasions when suspicious persons were monitored - time of day is not recorded on monthly monitoring data but details of some incidents are noted when footage is seized by police.

No staff training was undertaken in 2022 in respect of licensed premises responsibilities when serving/refusing alcohol and dealing with aggressive customers. However, training related to these issues was provided as part of the Best Bar None scheme which seven NTE venues have taken up. This project was very well organised by the Kent Police Licensing Officer with strong engagement from other partners (e.g. STP and TWBC Licensing). The training was funded by the Kent Police and Crime Commissioner, who also attended the launch event.

VAWG engagement evenings (Op Heart)

VAWG engagement evenings were held on Friday, 14 October at Pitcher and Piano; Saturday, 22 October at Aura; and Saturday, 29 October at The Opera House. Evenings ran from 9pm – 1am. As well as undertaking the survey, safety aids such as personal alarms, *Spikeys*, *StopTops* and *Stay Safe cards* were given out. All were very well received, and several females asked that crime prevention nights be held more often. As well as completing surveys and issuing crime prevention aids, it was an opportunity to discuss feelings of safety and in some cases talking about crimes experienced by them.

72 surveys were completed, which is only a very small proportion of the average nightly footfall and is by no means a scientific analysis.

Age range:

18-21	33
22-25	22
25-35	10
Over 35	07

Five identified as students, while 61 were in employment.

As expected, the majority of respondents (54%) lived in Tunbridge Wells while 20 individuals came from other areas of Kent. Ten came in from Sussex.

How safe do you feel in Tunbridge Wells town centre at night?

Very Safe	19
Fairly Safe	33
A Bit Unsafe	09
Very Unsafe	11

Of those that reported feeling a bit unsafe or very unsafe, 12 had been a victim of crime and nearly all had seen an incident or a crime in the NTE. Sixteen felt door supervisors made them feel safer and 14 said they felt very safe in licensed premises.

On a positive note, many of the females said a lot of men now intervene and help them if they are being harassed or receiving unwanted attention both in premises and on the street. These men are often strangers who occasionally apologise for other men's behaviour even though they are strangers to them too.

Thirty-nine respondents were familiar with the Street Pastor service making comments such as "brilliant", "they help drunk or vulnerable people" and "I love the flip flops".

The Ask for Angela scheme (a request for assistance) is being promoted in pubs across the town and by partners further afield, including the Community Wardens. During the Safe Town Partnership's Q3 engagement nights 70% of women spoken to were aware of the scheme, while others were familiar with 'Angel Shots' which is the name of a (fake) drink that carries the same message to bar staff.

The Community Wardens are minded to carry positive violence-reduction messaging in places of learning & community settings.

Part 2 - Conclusions

While it's disappointing to experience a rise in crime following two years of reductions totalling around 1100 incidents, the modest increase is perhaps in line with the rates of pre-covid years.

This strategic assessment sets out the priorities that the Community Safety Partnership should focus on in 2023/24 and helps us to determine what services should be funded.

Crime figures are, as always, presented with a number of caveats, particularly with respect to long-term trends, and especially so for data related to 2020 and to a lesser degree 2021.

However, we are fortunate to live in an area where rates of crime and anti-social behaviour are relatively low and we're pleased the data shows Tunbridge Wells to be the safest place in Kent; albeit by small margins over our West Kent neighbours.

Domestic Abuse

While we experienced a reduction of incidents reported to police in 2022, over the three previous calendar years, domestic abuse remains a priority, in part due to the high and wide-ranging harm caused by offences and the associated costs to the public purse.

During the pandemic DAVSS saw a big increase in cases graded as 'high need' when complex cases were made more dangerous by the various lockdown conditions. These levels have also dropped but helpline calls have remained high. DAVSS have retained the longer helpline hours put in place during the pandemic.

The Domestic Abuse Act 2021 places a new burden on local authorities to provide better support and safe accommodation for victims. For this, local authorities have received DLUHC funding which we have pooled with Tonbridge and Malling BC to employ a DA Co-ordinator.

The Borough Council and the Police and Crime Commissioner are committed to ensuring victims of domestic abuse receive the support they need when they need it. We're also committed to addressing the behaviour of perpetrators and promoting healthy relationships at all ages, especially in relation to violence and abuse directed towards women and girls.

We recommend Domestic Abuse is retained as a priority for 2023/24

Drugs and Alcohol

A modest reduction in possession offences this year but slightly up on 2019 rates. Trafficking offences saw a steep rise, which more than doubled the offences of 2021. This appears to have been repeated across the county with some areas seeing substantial increases over the pandemic years and 2019.

We continued to deploy Kenward Trust outreach workers to engage with youths and young adults in areas of concern raised at the monthly District Contextual Safeguarding Meeting or through twice-weekly morning briefings. The goal here is to address anti-social behaviour associated with these locations but also to protect the young people, with the Crime Survey for England and Wales suggesting at least one in eight drug users purchase illicit drugs from strangers or dealers they don't know directly. Kenward also work in schools and deliver one-to-one sessions on alcohol and substance misuse.

During pandemic lockdowns we experienced an increase in reports of cannabis use at home, with fumes more frequently infiltrating neighbouring properties and garden. This continued into 2022. With police and council officers now able to undertake home visits once again, many were arranged for the gathering of further intelligence, to offer words of advice or to serve Community Protection Warnings.

Change. Grow. Live. (CGL) and We Are With You (formerly Addaction) are commissioned centrally to address alcohol and substance addiction with local adults and young people, most of whom do not come to the attention of the CSU.

Kent Public Health Observatory's Strategic Assessment reports substance misuse hospital admissions increased in 2021/22 to the highest number in five years. Emergency hospital admissions for alcohol also increased over the same period.

Groups of young people are still misusing open spaces in and around the town centre and some surrounding towns or villages with paraphernalia related to cannabis use, alcohol, vaping and Nox left in place. Outreach workers continue to report back to other partners, and areas of concern are discussed at the monthly District Contextual Safeguarding Meeting.

There's also a concern for the safety of the young people using our open spaces. There's a plausible risk from county lines operatives or Class A dealers, though the risk is made smaller by the work done by Kenward and the CPT.

We continue to support a busy night-time economy and we're committed to making the town centre safe for everyone to enjoy.

We recommend Substance Misuse and Supply, and Alcohol-related Behaviour is made a priority for 2023/24

Anti-social Behaviour

Anti-social behaviour decreased substantially with respect to 2022 (-27%) and 2019 (-24%). As welcome as these figures are they will not align with high levels of persistent anti-social behaviour experienced in a number of areas across the borough.

During the year Southborough, Paddock Wood, Cranbrook and areas around Tunbridge Wells town centre suffered significant and persistent disorder as between 12 and 20 young people had started to coalesce into what appear to be 'young street groups' but may not always meet the official definition. CSU police officers, the Council's Community Safety Officer and KCC Early Help Outreach Workers targeted numerous individuals instigating anti-

social behaviour with (on occasion) threats of violence, and with links to several areas across the borough.

In addition to the types of harmful anti-social behaviour we are all familiar with, we are also concerned by the proliferation of low-level disrespectful behaviour which seems to set the tone for these groups of youngsters and which can quickly escalate to verbal abuse of passers-by, wanton criminal damage, and thankfully less frequently, physical abuse.

While we're encouraged by the overall reduction in reporting of anti-social behaviour when compared to 2019, there are often a number of other factors at play, such as the ease or difficulty in reporting incidents.

We recommend Anti-social Behaviour is retained as a priority for 2023/24

Road Safety

Tunbridge Wells has the lowest level of casualties across Kent and many of the subcategories are on a downward trend or appreciably lower than the county average.

The under-16 'Seriously Injured' category doubled to 10 in 2020-21 but this had reduced by half during the most recent data. Thankfully, of the 10 KSIs that occurred from July 2020 to June 2021 none were fatalities.

Two fatalities occurred during the period Oct 2021 to Sept 2022. One was an elderly motorcyclist and the other a car driver between the ages of 17-24.

The near-miss reporting tool on the Council's website continues to receive submissions. Reports made during the first year of operation were collated and summarised and sent to KCC Highways who very generously spent some time overlaying the reports with their crash map. The results of this exercise were returned to us in November and will be analysed for further attention over the next 12-months.

We recommend Road Safety is retained as a priority for 2023/24

Violence Against Women and Girls

Partners have done much to improve the safety of women and girls in the night-time economy. In addition to the work outlined in the VAWG section of the full Strategic Assessment document we have collated outcomes from the PCC's VAWG survey and the Home Office's StreetSafe Reporting Tool. The locations have been mapped and the CSU (principally, Kent Police, TWBC and STP) have committed to undertake visual audits of these locations to see what can be done to make them feel safer for residents. The Soroptimists have kindly offered to assist with this project.

There's still more to be done in terms of making people feel more safe more often, and we remain focused on the night-time economy as a source of violent or abusive behaviour towards women.

Further, specific authorities have been directed to work together to meet the requirements of the Serious Violence Duty set out in part 2 of the Police, Crime, Sentencing and Courts Act 2022. Guidance was released in December of 2022 and is currently being worked through. The Kent & Medway Violence Reduction Unit are running workshops to assist with the creation of a needs assessment and partnership arrangements under which work to tackle or prevent serious violence can take place.

While local authority areas in the west typically have lower rates of serious violence than other parts of the county, Tunbridge Wells has a thriving night-time economy, which does drive some of this business. There are also small numbers of youths and young adults who carry weapons and use violence or the fear of violence to control public spaces.

At this time, young people gathering in locations around Tunbridge Wells don't meet the definition of a "young street group" but this can change quickly and repeat violence amongst some key individuals offers the opportunity for a focussed deterrence which, if effective, can break up a group of young people by removing the key player or players.

We recommend Violent Behaviour (incl. Violence Against Women and Girls, NTE, knife crime) is made a priority for 2023/24

Recommended Priorities for 2023/24

1. Domestic Abuse
2. Substance Misuse and Supply, and Alcohol-related Behaviour
3. Anti-social Behaviour
4. Road Safety
5. Violent Behaviour (incl. Violence Against Women and Girls, NTE, knife crime)

Tunbridge Wells Borough Council

Community Safety Partnership Plan 2023-24 and Summary Strategic Assessment 2022-23

Produced by Terry Hughes, Community Safety Manager

Please contact terry.hughes@tunbridgewells.gov.uk

Community Safety Partnership sign-off: 26 January 2023



Introduction

The Strategic Assessment produced for the Tunbridge Wells Community Safety Partnership (CSP) helps establish priority themes for the 2023/24 Partnership Plan.

Legislation

The Crime and Disorder Act 1998 gave statutory responsibility to local authorities, the police, and key partners to reduce crime and disorder in their communities. Under this, and subsequent legislation, Community Safety Partnerships are required to carry out annual audits and to implement crime reduction strategies.

The Police and Justice Act 2006 introduced scrutiny arrangements in the form of the Crime and Disorder Scrutiny Committee, as well as introducing several amendments to the 1998 Act including the addition of anti-social behaviour (ASB) and substance misuse within the remit of the CSP strategies. Reducing reoffending was subsequently added by the Policing and Crime Act 2009. The Crime and Disorder (Formulation and Implementation of Strategy) Regulations 2007 set out further revisions to the 1998 Act.

The aim of the Strategic Assessment

The analysis of data provided by partners enables the partnership to set clear priorities for the coming year.

Part 1 analyses police and partner data for last year's priorities covering the period January to December 2022, unless otherwise specified.

Part 2 draws some conclusions from the data and recommends the priorities for the partnership for the forthcoming financial year.

Part 3 is the action plan. Funding for addressing CSP priorities is provided, in large part, by the Kent Police and Crime Commissioner in accordance with the priorities set out in his plan for *Making Kent Safer 2022-25*.

It should be noted that some of the data provided in this document is provisional and may undergo further revision.

Part 1: Analysis

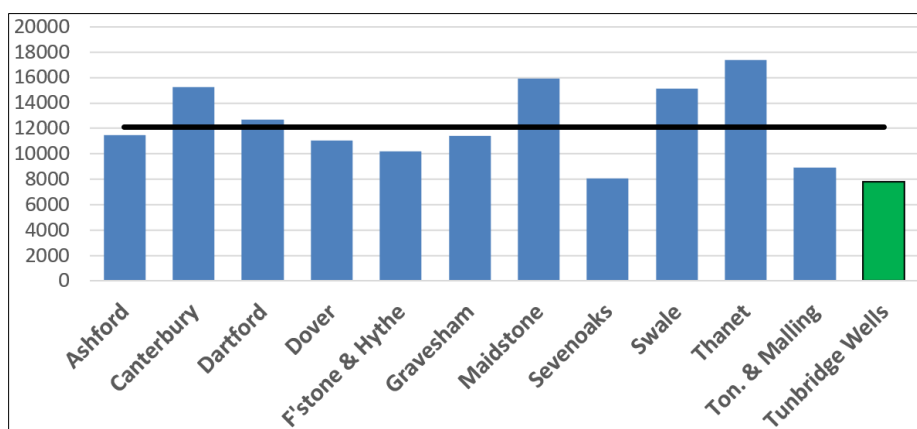
All recorded crime

Current figures for the 12-month period January 2022 – December 2022, unless stated.

Level of Crime: 7,815 (previous period 7,679)

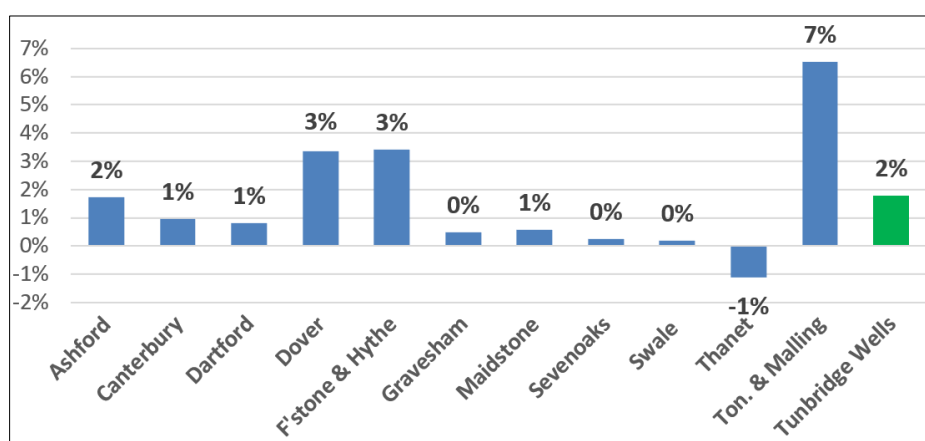
Peer Comparison: Best out of 12 Kent areas by population and volume

Annual Change: An increase of 136 crimes (+1.8%)



Kent comparison, 2022

Despite a 1.8% increase in 'all crime' Tunbridge Wells had the lowest overall crime rate in Kent during 2022.



Percentage change in crime rates, 2021-2022

While the margins are often small, from the metric of 'all crime' Tunbridge Wells is the safest local authority area in Kent.

Appendix B

The table below shows a breakdown of reported incidents, the increase or decrease since the last reporting period, and our county position for years 2021 and 2022. Subsequent pages provide further details on key crime types and a ward breakdown.

Crime Type	This Year	Last Year	% Change	Number change	2021	2022
All crime	7815	7679	1.8%	136	1	1
Victim-based crime	6736	6558	2.7%	178	1	1
Violence Against the Person	3277	3498	-6.3%	-221	2	2
Sexual offences	293	326	-10.1%	-33	2	2
Hate Crime	253	226	11.9%	27	5	6
ASB Incidents	1138	1554	-26.8%	-416	1	2
Burglary Residential	277	293	-5.5%	-16	4	4
Criminal damage	861	919	-6.3%	-58	1	1
Domestic abuse incidents	1460	1712	-14.7%	252	1	1
Drug offences	236	211	11.8%	25	4	3
(Drug Trafficking)	105	52	101.9%	53	5	7
(Drug Possession)	131	159	-17.6%	-28	3	3
Robbery	40	26	53.8%	14	1	2
Shoplifting	690	414	66.7%	276	5	6
Theft from a motor vehicle	202	179	12.8%	23	2	1
Theft of motor vehicle	173	134	29.1%	39	3	3

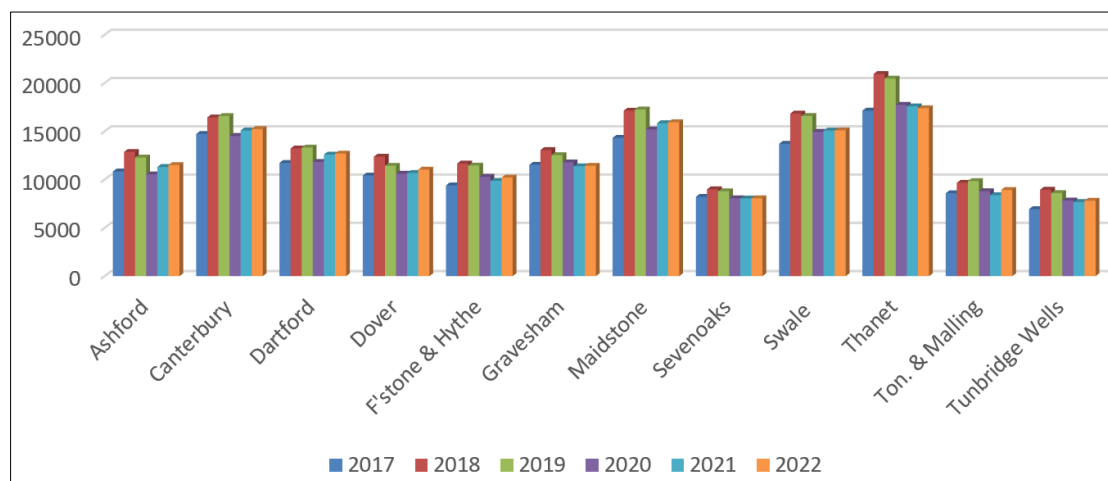
Noticeable in this data:

- A modest rise in overall crime rates maintaining our number one county position
- An expected post-covid era reduction in reports of anti-social behaviour
- A big jump in shoplifting offences and rises in vehicle related crime

Reports of anti-social behaviour saw a steep decline in 2022. Much of this reduction can be attributed to the lifting of COVID-19 regulations, the breaching of which was recorded under ASB. Violence Against the Person offences fell by over 6% meaning 221 fewer incidents. Drug trafficking offences doubled from 52 incident in 2021 to 105 incidents in 2022. There's more on this later in the report.

Elsewhere, despite a five percent reduction in residential burglaries we are still fourth countywide. There's a further breakdown in the ward data, below. Hate crime jumped by 12% but as with other crime types, double-figure percentage increases don't always mean a big rise in offences. There's more on Hate Crime later in the report.

Given the unusual conditions we experienced in 2020 and 2021, I thought it might be helpful to present, where possible, data from 2019 alongside borough and ward data for our key crime types.



Six-year trend showing pre- and post-Covid recorded crime rates

The above chart shows all crime reporting across Kent over a six-year period. The red and green columns (2018 and 2019) are the two years prior to the pandemic. The dark blue column of 2017 is not necessarily comparable as some crime recording changes came into effect in 2018. There's a clear reduction in 2022 over 2018 and 2019 crime rates and we may hope that 2022 has set a new baseline.

Part 2: Conclusions

While it's disappointing to experience a rise in crime following two years of reductions totalling around 1100 incidents, the modest increase is perhaps in line with the rates of pre-covid years.

This strategic assessment sets out the priorities that the Community Safety Partnership should focus on in 2023/24 and helps us to determine what services should be funded.

Crime figures are, as always, presented with a number of caveats, particularly with respect to long-term trends, and especially so for data related to 2020 and to a lesser degree 2021.

However, we are fortunate to live in an area where rates of crime and anti-social behaviour are relatively low and we're pleased the data shows Tunbridge Wells to be the safest place in Kent; albeit by small margins over our West Kent neighbours.

The full Strategic Assessment document provides more detail.

Domestic Abuse

While we experienced a reduction of incidents reported to police in 2022, over the three previous calendar years, domestic abuse remains a priority, in part due to the high and wide-ranging harm caused by offences and the associated costs to the public purse.

During the pandemic DAVSS saw a big increase in cases graded as 'high need' when complex cases were made more dangerous by the various lockdown conditions. These levels have also dropped but helpline calls have remained high. DAVSS have retained the longer helpline hours put in place during the pandemic.

The Domestic Abuse Act 2021 places a new burden on local authorities to provide better support and safe accommodation for victims. For this, local authorities have received DLUHC funding which we have pooled with Tonbridge and Malling BC to employ a DA Co-ordinator.

The Borough Council and the Police and Crime Commissioner are committed to ensuring victims of domestic abuse receive the support they need when they need it. We're also committed to addressing the behaviour of perpetrators and promoting healthy relationships at all ages, especially in relation to violence and abuse directed towards women and girls.

We recommend Domestic Abuse is retained as a priority for 2023/24

Drugs and Alcohol

A modest reduction in possession offences this year but slightly up on 2019 rates. Trafficking offences saw a steep rise, which more than doubled the offences of 2021. This appears to have been repeated across the county with some areas seeing substantial increases over the pandemic years and 2019.

We continued to deploy Kenward Trust outreach workers to engage with youths and young adults in areas of concern raised at the monthly District Contextual Safeguarding Meeting or through twice-weekly morning briefings. The goal here is to address anti-social behaviour associated with these locations but also to protect the young people, with the Crime Survey for England and Wales suggesting at least one in eight drug users purchase illicit drugs from strangers or dealers they don't know directly. Kenward also work in schools and deliver one-to-one sessions on alcohol and substance misuse.

During pandemic lockdowns we experienced an increase in reports of cannabis use at home, with fumes more frequently infiltrating neighbouring properties and garden. This continued into 2022. With police and council officers now able to undertake home visits once again, many were arranged for the gathering of further intelligence, to offer words of advice or to service Community Protection Warnings.

Change. Grow. Live. (CGL) and We Are With You (formerly Addaction) are commissioned centrally to address alcohol and substance addiction with local adults and young people, most of whom do not come to the attention of the CSU.

Kent Public Health Observatory's Strategic Assessment reports substance misuse hospital admissions increased in 2021/22 to the highest number in five years. Emergency hospital admissions for alcohol also increased over the same period.

Groups of young people are still misusing open spaces in and around the town centre and some surrounding towns or villages with paraphernalia related to cannabis use, alcohol,

vaping and Nox left in place. Outreach workers continue to report back to other partners, and areas of concern are discussed at the monthly District Contextual Safeguarding Meeting.

There's also a concern for the safety of the young people using our open spaces. There's a plausible risk from county lines operatives or Class A dealers, though the risk is made smaller by the work done by Kenward and the CPT.

We continue to support a busy night-time economy and we're committed to making the town centre safe for everyone to enjoy.

We recommend Substance Misuse and Supply, and Alcohol-related Behaviour is made a priority for 2023/24

Anti-social Behaviour

Anti-social behaviour decreased substantially with respect to 2022 (-27%) and 2019 (-24%). As welcome as these figures are they will not align with high levels of persistent anti-social behaviour experienced in a number of areas across the borough.

During the year Southborough, Paddock Wood, Cranbrook and areas around Tunbridge Wells town centre suffered significant and persistent disorder as between 12 and 20 young people had started to coalesce into what appear to be 'young street groups' but may not always meet the official definition. CSU police officers, the Council's Community Safety Officer and KCC Early Help Outreach Workers targeted numerous individuals instigating anti-social behaviour, with threats of violence, and with links to several areas across the borough in order

In addition to the types of harmful anti-social behaviour we are all familiar with, we are also concerned by the proliferation of low-level disrespectful behaviour which seems to set the tone for these groups of youngsters and which can quickly escalate to verbal abuse of passers-by, wanton criminal damage, and thankfully less frequently, physical abuse.

While we're encouraged by the overall reduction in reporting of anti-social behaviour when compared to 2019, there are often a number of other factors at play, such as the ease or difficulty in reporting incidents.

We recommend Anti-social Behaviour is retained as a priority for 2023/24

Road Safety

Tunbridge Wells has the lowest level of casualties across Kent and many of the subcategories are on a downward trend or appreciably lower than the county average.

The under-16 'Seriously Injured' category doubled to 10 in 2020-21 but this had reduced by half during the most recent data. Thankfully, of the 10 KSIs that occurred from July 2020 to June 2021 none were fatalities.

Two fatalities occurred during the period Oct 2021 to Sept 2022. One was an elderly motorcyclist and the other a car driver between the ages of 17-24.

The near-miss reporting tool on the Council's website continues to receive submissions. Reports made during the first year of operation were collated and summarised and sent to KCC Highways who very generously spent some time overlaying the reports with their crash map. The results of this exercise were returned to us in November and will be analysed for further attention over the next 12-months.

We recommend Road Safety is retained as a priority for 2023/24

Violence Against Women and Girls

Partners have done much to improve the safety of women and girls in the night-time economy. In addition to the work outlined in the VAWG section of the full Strategic Assessment document we have collated outcomes from the PCC's VAWG survey and the Home Office's StreetSafe Reporting Tool. The locations have been mapped and the CSU (principally, Kent Police, TWBC and STP) have committed to undertake visual audits of these locations to see what can be done to make them feel safer for residents. The Soroptimists have kindly offered to assist with this project.

There's still more to be done in terms of making people feel more safe more often, and we remain focused on the night-time economy as a source of violent or abusive behaviour towards women.

Further, specific authorities have been directed to work together to meet the requirements of the Serious Violence Duty set out in part 2 of the Police, Crime, Sentencing and Courts Act 2022. Guidance was released in December of 2022 and is currently being worked through. The Kent & Medway Violence Reduction Unit are running workshops to assist with the creation of a needs assessment and partnership arrangements under which work to tackle or prevent serious violence can take place.

While local authority areas in the west typically have lower rates of serious violence than other parts of the county, Tunbridge Wells has a thriving night-time economy, which does drive some of this business. There are also small numbers of youths and young adults who carry weapons and use violence or the fear of violence to control public spaces.

At this time, young people gathering in locations around Tunbridge Wells don't meet the definition of a "young street group" but this can change quickly and repeat violence amongst some key individuals offers the opportunity for a focussed deterrence which, if effective, can break up a group of young people by removing the key player or players.

We recommend Violent Behaviour (incl. Violence Against Women and Girls, NTE) is made a priority for 2023/24

Recommended Priorities for 2023/24

1. Domestic Abuse
2. Substance Misuse and Supply, and Alcohol-related Behaviour
3. Anti-social Behaviour
4. Road Safety
5. Violent Behaviour (incl. Violence Against Women and Girls, NTE, knife crime)

Part 3: Action Plan 2023/24

Priority 1: Domestic Abuse

	Priority 1	Priority 2	Priority 3	Priority 4
	Provide support for all victims of DA at all risk levels across Tunbridge Wells borough	Run preventative 'healthy relationships' programmes in schools and other community settings	Ensure accessible programmes are made available to perpetrators living in Tunbridge Wells borough	Provide training for DA professional and other agencies working in the domestic abuse space
	Action	Lead	Measure	Outcome
1.1	Implement the safe accommodation requirements of the Domestic Abuse Act 2021.	DA Co-ordinator, Housing Options.	Requirements of the Act met by those agencies with DA accommodation responsibilities.	
1.2	Continue to work with shared services across West Kent.	WK DA Forum, DAVSS and KCC commissioned services	Measured through quarterly WK DA Forums and the DA action plan.	
1.3	Provide the sanctuary scheme to victims of DA, securing properties to allow them to remain in their own home.	TWBC Housing, Look Ahead	Number of properties secured.	
1.4	Maintain attendance at the Tonbridge and Cranbrook One Stop Shops.	Look Ahead, Kent Police	Service availability and accessed by residents.	
1.5	Run a suite of survivor programmes for female and male survivors, including: "Own My Life" and "Hope 2 Recovery".	Look Ahead	Number of programmes run and number of attendees from Tunbridge Wells.	

1.6	Provide emergency funding for items such as furniture, white goods, food and travel to high-risk victims in the community.	Look Ahead	Tunbridge Wells hi-risk victims accessing the funding as necessary.	
1.7	Seek to ensure the twice monthly cyber-stalking clinic is kept running.	Look Ahead, PAS	Funding/staffing secured and continued provision of the clinic.	
1.8	Commission PAS (Protection Against Stalking) to deliver a stalking workshop.	Look Ahead	Workshop delivered and attended by Tunbridge Wells based clients.	
1.9	Ensure DA services identify stalking and refer/signpost to PAS where appropriate.	PAS, DA service providers	PAS receiving referrals or confident that they will receive them.	
1.10	Provide training and awareness raising sessions for partners and local businesses.	DA Service providers, DA Co-ordinator, PAS	Sessions delivered and good partner and business attendance.	

Priority 2: Substance Misuse and Supply, and Alcohol-related Behaviour

	Priority 1	Priority 2	Priority 3	Priority 4
	To deploy substance misuse workers to hotspots within the borough	Provide a night-time economy that is safe for everyone	Identify and tackle Organised Criminal Gangs (OCGs)	Provide training for DA professional and other relevant agencies
	Action	Lead	Measure	Outcome
2.1	Task outreach workers to visit locations where ASB is linked to substance misuse.	Kenward Trust	Total number of outreach sessions delivered.	
2.2	Provide a positive presence in the night-time economy.	Street Pastors	Number of people engaged, service provided and hours on duty.	
2.3	Run operations that provide for additional resources in the NTE during key times of the year.	CSU Team	Key times and locations are identified and appropriately resourced.	
2.4	Carry out targeted work for those seeking help or others identified through substance-related offending	CGL	Individuals engaged thru group and 1:1 work.	
2.5	Provide drug and alcohol misuse services for 10 to 17-year olds including 1:1 and group work.	We Are With You	Number of young people worked with.	
2.6	Ensure links between local regular shoplifters and substance/alcohol abuse are identified and appropriately addressed.	Kent Police, STP	Links identified and referrals made or signposting offered.	
2.7	Tackle Organised Criminal Gangs (OCGs) that target Tunbridge Wells residents.	Kent Police	Gangs identified and perpetrators arrested. Monitored at the monthly OCG meeting.	

Priority 3: Anti-social Behaviour

	Priority 1	Priority 2	Priority 3	Priority 4
	To respond promptly to residents' concerns and complaints of anti-social behaviour and neighbourhood nuisance	To work in partnership to create safe spaces for everyone to enjoy	To safeguard vulnerable adults and young people in public spaces	To deploy partnership resources to hotspots within the borough in a timely manner
	Action	Lead	Measure	Outcome
3.1	Liaise with partners to share knowledge and awareness of young people and the open spaces they use. Deploy outreach to areas where risk is identified.	TWBC Community Safety Team (CST), KCC Early Help, Kent Police and outreach partners	Actions identified at monthly District Contextual Safeguarding Meetings (DCSM), Vulnerability Board meetings, and morning briefings.	
3.2	Use or promote the Probation Service's Community Payback Scheme to improve open or community spaces.	CST, Community Payback	Projects, such as graffiti cleaning, foliage clearing or smartening up public places completed.	
3.3	Establish regular stakeholder updates and meetings where non-confidential conversations can take place with community representatives.	Community Safety Manager, CSU Inspector	Face-to-face, Teams or email updates as required or requested.	
3.4	Encourage speedier removal of graffiti on public and private property and graffiti cleaning kits to businesses and residents (as appropriate).	CST, Street Scene, developers, property owners	Tags in high profile locations identified and landowners encouraged to remove them quickly. Kits taken up by those in need.	
3.5	Targeted engagement with schools and other educators on risky behaviour and similar themes.	CST, DCSM, KCC Early Help, Kent Police, Kenward Trust	Number of schools engaged on topics such as alcohol, drugs, gangs, CSE, and associated anti-social behaviour.	

3.6	Use deployable CCTV to assist with the prevention/detection of crime and ASB.	TWBC, Kent Police	Locations identified and supported.	
3.7	Target specific anti-social individuals in Tunbridge Wells, Southborough, Cranbrook and Paddock Wood.	TWBC Community Safety Officer, Kent Police ASB Officers	Appropriate Warnings, Notices and Orders served and complied with.	
3.8	Ensure the new West Kent Child Centred Policing Team is linked in with relevant partners to address persistent anti-social behaviour.	Kent Police and TWBC Community Safety Team	Child Centred team sighted on young people causing harm to local communities.	
3.9	Use the Neighbourhood Task Force (1 sergeant, 4 PCs, 4 PCSOs) for bespoke problem solving.	Kent Police, CST	The ability to more quickly address complex anti-social or crime issues related to places and people.	
3.9	Develop multi-agency action plans to ensure appropriate levels of frontline staffing in the public realm during summer months and key dates.	CSU Officers (TWBC, KCC, Kent Police, STP and other partners	Agency attendance and engagement. Reduction in reports of anti-social behaviour.	
3.10	Consider partnership ops to address shoplifting and town centre anti-social behaviour thru STP and PCC funding.	Safe Town Partnership (STP), TWBC (CSU), BID	Number of ops run and noticeable outcomes achieved.	
3.11	Ensure Crimestoppers and Fearless contact details are widely promoted as a safe reporting mechanism.	All relevant agencies	Crimestoppers/Fearless logos and contact details included in relevant engagement materials.	
3.12	Work with Street Scene to bring a limited number of fly-tipping actions into this action plan	Officers from Depot and CSU to liaise	Actions added and measure identified	

Priority 4: Road Safety

	Priority 1	Priority 2	Priority 3	Priority 4
	Run police-led enforcement operations and in partnership with Community Speed Watch	Analyse the local near-miss database for opportunities for safer neighbourhoods	Address issues raised near schools during drop off and pick up times	To deliver road safety messages to all age groups and communities
	Action	Lead (and others)	Measure	Outcomes
4.1	Bid into the Central (County) Road Safety Team for operations in the borough, in particular the A21 and North Farm.	Community Safety Manager, CSU Inspector	Number of bids made and operations taking place in the borough.	
4.2	Engagement with schools offering road safety talks.	KCC Warden Service	Number of engagements in deployment communities.	
	Engagement with older residents, offering 1:1 safety advice and via community groups.	KCC Warden Service	Number of engagement opportunities.	
4.3	Work with KCC and KFRS to promote messages locally and link in with national and local campaigns including Road Safety Week.	TWBC Comms & Community Safety Team (CST)	Number of campaigns supported.	
4.4	During Road Safety Week: Look for funded opportunities to deliver road safety information to KS1 and KS2.	CST	Number of presentations/activities.	
4.5	Direct KCC Warden public engagement opportunities on road safety topics, particularly around schools (resource dependent).	CSU, KCC Wardens	Number and type of engagements, attendee numbers.	
4.6	Contribute funding for Safety in Action event for Yr 6 students transitioning to high school.	CSU, Project Salus	Number of Tunbridge Wells students attending.	

4.7	Use the Near Miss Register and KCC Highways resource to map incident type and analyse repeat locations or issue.	CST	Identification of repeat or vulnerable locations and options available.	
4.8	Direct TWBC Parking Enforcement team to attend schools or other locations when parking-related complaints are received.	CSU and TWBC Parking	Attendance at key locations.	
4.9	Engage with the Community Speed Watch Co-ordinator and local Speed Watch Groups.	Kent Police, TWBC CST	To gain a fuller picture of this road safety provision and their concerns for further joint working.	
4.10	'On spec' enforcement operations by local Community Policing Team or CSU Constables.	Kent Police	Number and location of operations undertaken.	

Priority 5: Violent Behaviour (Incl. Violence Against Women and Girls, NTE)

	Priority 1	Priority 2	Priority 3	Priority 4
	Provide a positive experience in the night-time economy and a safe space for women and girls to live, work and socialise	Undertake an analysis of current and long-term issues relating to serious violence and those most vulnerable to involvement	Analyse Soroptimist, PCC, and Home Office databases for opportunities to improve feelings of safety	Ensure awareness of exploitation and abuse is at the heart of any partnership or licensing work
	Action	Lead (and others)	Measure	Outcomes
5.1	Define a high-level plan outlining a multi-agency response to prevent and reduce serious violence in specified local areas.	Kent Police, TWBC, Early Help	Ability for partners to respond quickly to areas where persistent violence is having a negative community impact	
5.2	Provide a late-night presence in Tunbridge Wells town centre paying particular attention to lone females (and males) showing clear signs of vulnerability.	Churches Together Street Pastors	Number of people engaged and any actions taken to assess or reduce risk.	
5.3	Consider time-limited patrols along Sgt John's Road at schools ends.	Street Pastors	Assess and continue engagements if seen as helpful.	
5.4	Exclude individuals convicted of violence offences from Pubwatch members' licensed premises.	Safe Town Partnership (STP), CCTV, Kent Police	Number of exclusions in force.	
5.5	Undertake Visual Audits of locations identified in recent reports and surveys, particularly in relation to VAWG.	Kent Police, Community Safety Team, The Community	EVAs completed and reports produced and shared with relevant partners	
5.6	Work with the VRU to target repeat violent offenders.	Kent Police, VRU	Specific individuals identified and targeted or supported by partners	

5.7	Work with the DCSM to identify locations frequented by individuals known for violent behaviour.	Community Safety Team, KCC, Kent Police	Locations identified and risks mitigated.	
5.8	Assess the needs for knife amnesty events at key locations across the borough.	Community Policing Team, TWBC CST	Need identified and events organised.	
5.9	Use Safe Town radios to prevent and detect violent crime, by sharing intelligence between licensees, retailers, CCTV Operators, Street Pastors and local police.	STP, TWBC CCTV, Kent Police	Pubwatch instigated incidents monitored by CCTV.	
5.10	Use static CCTV to assist with the prevention and detection of violent crime in the town centre.	TWBC, CCTV, Kent Police	Violent offences actively monitored as a preparation for potential seizure of evidence.	
5.11	Use deployable CCTV to assist with preventing and detecting violent crime.	Kent Police, Community Safety Team and partners	Deployment of CCTV cameras to key areas where vulnerabilities have been identified (funding dependent).	
5.12	Provide training to licensed premises around responsibilities when serving/refusing alcohol and dealing with aggressive customers.	Kent Police, STP	Number of training sessions offered.	.
5.13	Regular check-ins with Best Bar None venues to evaluate compliance and issues.	STP, TWBC and KP Licensing	Issues fed back to licence holder and shared with relevant organisations.	
5.14	Work with partners to address disorder at NTE venues that are a frequent source of disorder but may not breach licence conditions.	CST, Kent Police, Safe Town Partnership, TWBC Licensing	A reduction in the no. of reports or an improved perception of safety at NTE venues.	
5.15	Promote "Ask for Angela" initiative.	STP and partners	NTE venue take-up and public awareness of the initiative.	

5.16	Pre-Christmas, Hallowe'en and exam night operations	All partners	Undertake NTE and public safety engagements and opportunities.	
5.17	Implement a local reporting tool for residents to report public spaces where they feel unsafe or vulnerable.	Community Safety Team, Digital Team	Availability of reporting tool and commitment to assess reports and take appropriate actions.	
5.18	Investigate, with a view to implementing, a version of Ashford's Safe Space scheme	STP (with BID), CST	Implementation or alternatives considered - dependent on funding and available resources.	
5.19	Consider funding requests from partners engaged in violence reduction activities	PAS, Community Safety Team, KP	Funding secured, kits put together, and distributed as required.	

Procurement Process and Policy Updates

For Audit and Governance Committee on Wednesday 5 April 2023

Summary

Lead Member: Christopher Hall, Cabinet Member for Finance and Performance

Lead Director: Lee Colyer, Director of Finance, Policy and Development

Head of Service: Jane Fineman, Head of Finance, Procurement and Parking

Report Author: Dan Hutchins, Procurement Manager

Classification: Public document (non-exempt)

Wards Affected: All

Approval Timetable	Date
Management Board	23 rd November 2022
Constitution Review Working Party	7 th December 2022
Audit & Governance Committee	14 th March 2023
Full Council	5 th April 2023

Recommendations

Officer / Committee recommendations as supported by the Cabinet Member:

1. That the Audit and Governance Committee approve the proposed changes to the Constitution in relation to the Contract Standing Orders.
2. That the Audit and Governance Committee approve that the Head of Legal Partnership and Monitoring Officer be authorised to make the necessary amendment to the Constitution to give effect to the recommendation at paragraph 1 above.
3. That the Audit and Governance Committee recommends that the proposed changes to the constitution be approved by Full Council at the meeting scheduled for 5th April 2023.

1. Introduction and Background

- 1.1 The current Contract Standing Orders (CSOs) in the Constitution were last updated in July 2017, and since then we have seen legislative changes in procurement due to Brexit – with more substantial changes to legislation to be introduced in 2023 or possibly 2024 (The Procurement Bill 2022 is currently going through Parliament).
- 1.2 We have therefore undertaken a review of the current CSOs and are seeking the approval of the Audit and Governance committee for our proposed changes in order to bring them up to date.
- 1.3 We are required to advertise any contract with a value of or above £213,477 (supply and service contracts), and £5,336,937 (public works contracts) in accordance with Find a Tender Service (FTS) regulations. The FTS regulations replaced the Official Journal of the European Union (OJEU) regulations following the UK's exit from the European Union.
- 1.4 All contracts above FTS thresholds must follow a prescribed process as laid out by the Public Contracts Regulations 2015. Public sector bodies can set their own constitutional procurement strategies for below threshold contracts providing they still advertise their opportunities to enable sufficient competition.
- 1.5 Whilst reviewing the legislative position to ensure that our Constitution is compliant and up to date, we have taken the opportunity to review the operational effectiveness of our current thresholds in order to ensure that our processes are as efficient as possible for officers. In undertaking this review we have considered the current processes and needs of both TWBC, and our partner authority Maidstone Borough Council (MBC), in order to provide a well balanced approach to our Procurement operations.

2. Current Thresholds

- 2.1 The current contract thresholds and wording in the constitution are as follows:

Contract Value (total lifecycle cost)*	Procedure
Less than £15k	2 quotations required, one of which should be from a suitable local company (if feasible)
£15k - £99,999	4 quotations required, at least one of which should be from a local company (if feasible)
£100k – OJEU**	Full tendering activity with advertising on Contracts Finder & Kent Business Portal
On or above OJEU** threshold	Fully compliant OJEU** process

*The total lifecycle cost of the contract **MUST** include any extension period offered, regardless of whether it is taken up or not.

**** OJEU has since been replaced by FTS**

Proposed Changes

- 2.2 The proposed changes to the contract thresholds and wording in the Constitution are as follows:

Contract Value (total lifecycle cost)	Procedure
Less than £5k	1 quotation requested and received, which MUST be from a suitable local company. If a local company is not used, the procuring officer must provide evidence as to a lack of suitable companies locally, or why best value could not be achieved by using a local supplier.
£5k - £9,999	2 quotations requested and at least one received which should be from a local company (if feasible)
£10k – £24,999	3 quotations requested and at least one received which should be from a local company (if feasible)
£25k - £99,999	3 quotations requested and at least one received which should be from a local company (if feasible). Mandatory consultation with Procurement to agree sourcing plan.
£100k – FTS threshold	Full tender process. Mandatory consultation with Procurement to agree sourcing plan.
On or above FTS threshold	Fully compliant FTS process Mandatory consultation with Procurement to agree sourcing plan.

3. Other Proposed Changes

- 3.1 As well as the proposed changes to contract thresholds, there are a number of updates to wording within the CSOs.
- 3.2 A full draft of the proposed changes is provided as Appendix A to this report, and an executive summary of the proposed changes is provided as Appendix B.

4. Options Considered

- 4.1 The options considered are as follows:
- 4.2 **Option 1: Amend the Constitution and revise contract thresholds** - Amend the Constitution with the required legislative updates, and change the thresholds for procurement processes to the levels recommended in section 2.2 of this report.

- 4.3 **Option 2: Legislative updates only** - Amend the Constitution with the required legislative updates, and retain the current thresholds for procurement processes.
- 4.4 **Option 3: Do nothing** - Retain the current CSOs in their entirety.

5. Preferred Option and Reason

- 5.1 Our preference is to adopt Option 1 as outlined in section 4.2 of this report.
- 5.2 Adoption of this option, coupled with a new approvals process to be rolled out as soon as IT/Digital resolve some resourcing issues, would offer a robust and compliant set of processes - whilst making it more dynamic and less costly to the organisation to procure goods and services below £5k.
- 5.3 We would still ensure fair competition and procedural control (in fact enhancing procedural control due to the new approvals process) and minimise the risk of challenge to the Council. This option also mandates local business involvement below £5k, as well as ensuring that we continue to engage local businesses whenever feasible above this threshold.
- 5.4 Option 2 would ensure that the Constitution is compliant but would not allow for the new thresholds to be implemented. The new thresholds, as stated above, will provide a level of 'futureproofing' to our processes and have been designed with the future changes to legislation in mind.
- 5.5 Option 3 is not viable as the Constitution is already out of step with current legislation - so we have to ensure that we make changes to comply.

6. Consultation on Options

- 6.1 Consultation on the proposed changes has taken place with the following internal stakeholders: Lee Colyer, Director of Finance, Policy and Development (S151 Officer); Jane Fineman, Head of Finance, Procurement and Parking (Deputy S151 Officer); Claudette Valmond, Head of Legal Services (Monitoring Officer); Lucinda MacKenzie-Ingle, Practice Area Team Leader – Contracts and Commissioning.
- 6.2 Management Board reviewed the proposed changes at their meeting on Wednesday 23rd November 2022, and gave approval for the proposed changes to move through the political approvals cycle.
- 6.3 Constitution Review Working Party reviewed the proposed changes at their meeting on Wednesday 7th December 2022, and gave approval for the changes to move on to Audit and Governance Committee.

7. Implementation

- 7.1 Implementation of the proposed changes will take effect from 6th April 2023, subject to approval at Full Council on 5th April 2023.

8. Appendices and Background Documents

Appendices:

- Appendix A: Draft revisions and wording for Contract Standing Orders
- Appendix B: Executive summary of proposed changes

Background Documents:

- Management Board Meeting report – 23rd November 2022
- Constitution Review Working Party report - 7th December 2022

9. Cross Cutting Issues

A. Legal (including the Human Rights Act)

The Legal team have been heavily involved in this process and the proposed changes bring the Council's Constitution into line with the legislative changes that have been made to procurement processes. There are no consequences arising from the recommendation that adversely affect or interfere with individuals' rights and freedoms as set out in the Human Rights Act 1998.

Lucinda MacKenzie-Ingle, Team Leader Contracts and Commissioning MKLS 24 February 2023

B. Finance and Other Resources

The changes will allow the Procurement department to continue working cross functionally with the other departments in the organisation, as well as delivering a more efficient service to our partner authority (Maidstone BC), without increasing the burden of administration.

Dan Hutchins, Procurement Manager 24 February 2023

C. Staffing

There are no specific implications

Nicky Carter, Head of HR, Customer Service and Culture, 24 February 2023

D. Risk Management

The changes will improve the current procurement risks to the council by mandating consultation with the procurement team for any contract with a value of £25k or above. This will ensure compliance with all necessary processes and procedures.

Dan Hutchins, Procurement Manager 24 February 2023

E. Environment (inc. Biodiversity) and Sustainability

There are no specific implications for the changes to Contract Standing Orders. However, Sustainability have been heavily involved in the production of a new sustainable procurement policy, which was approved for adoption by Cabinet in February 2023.

Dan Hutchins, Procurement Manager 24 February 2023, consulted with sustainability on 24 February 2023.

F. Community Safety

There are no specific implications

Terry Hughes, Community Safety Manager, 24 February 2023

G. Equalities

Procurement processes need to take account of the diverse needs of service users. Discussions have been held with Procurement and it is recommended that an Equalities Impact Assessment is completed for any procurement process exceeding £100k in value, or any process below this threshold in which potential equalities considerations are identified. We will also review our procurement processes to ensure that equalities considerations can be captured as appropriate to the value of the contract.

Sarah Lavallie, Corporate Governance Officer, 24 February 2023

H. Data Protection

Whilst company data does not fall under the data protection act, the personal data of individuals, such as sole traders, would be protected. The Council abides by UK data protection law, and whilst all tender documents can potentially be made public under FOIA requests, the Council would consider each on a case by case basis, to balance the rights of privacy of the individual with the public's right to know.

Dan Hutchins, Procurement Manager 24 February 2023

Previously consulted with Jane Clarke, Head of Policy & Governance, 24 November 2022

I. Health and Safety

There are no specific implications

Mike Catling, Health & Safety Advisor, 24 February 2023

J. Health and Wellbeing

There are no specific implications

Rebecca Bowers, Health Improvement Team Leader, 24 February 2023

STANDING ORDERS ON PROCUREMENT AND CONTRACTS

Section 1: Authority to Contract and Responsibilities of Key Officers

1. Scope of Standing Orders

- 1.1 These Standing Orders apply to all spend with external suppliers regardless of the source of funding (for example, revenue, capital, grants, ring-fenced government money and/or any third party funding). They apply to contracts let by the Council on its own behalf and when it is acting as a purchasing authority on behalf of others.
- 1.2 The purpose of these Standing Orders and the supporting Guide to Standing Orders is to set out and explain the Council's minimum requirements when contracting for goods, services and works. They are designed to:
- (a) make sure we spend public money **legally** and avoid undue criticism or allegation of wrongdoing;
 - (b) secure Best Value;
 - (c) generate market competition through transparent, fair and consistent ways of working; and
 - (d) support supplier diversity, sustainability objectives, and equality of treatment.
- 1.3 These Standing Orders do not apply to the following instances, which are managed by separate policies and guidelines:
- (a) contracts for the acquisition or lease of land and/or real estate;
 - (b) contracts for permanent or fixed term employment (but note rules on consultants contracts);
 - (c) works or orders placed with utility companies (for example, re-routing gas pipe work);
 - (d) services to be delivered by a local authority's in-house service;
 - (e) direct payments to customers following care assessment, for example, payments provided under Self Directed Support or individual budgets; and
 - (f) non-trade payments to third parties, such as insurance claims, pension payments, statutory payments to public bodies.
- 1.4 Where the proposed contract falls within the Public Contracts Regulations 2015 (PCR 2015), those regulations apply in addition to these Standing Orders. In the event of a conflict, Legal Services shall determine which takes precedence. More detailed information on how officers can comply with Standing Orders in relation to contracts whose value exceeds the relevant PCR 2015 thresholds and therefore fall within the PCR 2015, and those whose value is below the relevant PCR thresholds is contained in the Guide to Standing Orders.

2. Principles of contracting

2.1 The Council and its officers must adhere to the following principles in carrying out all procurement activity:

- (a) procurement procedures shall be fair, transparent, and properly planned;
- (b) all bidders and prospective bidders shall be treated equally;
- (c) the objective of all procurement shall be to achieve Best Value;
- (d) officers shall seek and comply with any advice from Legal Services and Procurement Services; and
- (e) officers shall keep appropriate records of all decisions taken and communications between the Council and bidders or prospective bidders.

2.2 It is a disciplinary offence to fail to adhere to these Standing Orders.

3. Authority to contract

3.1 All Chief Officers are responsible for ensuring these Standing Orders are applied and understood across their directorates.

3.2 Chief Officers must not commence or permit the commencement of a procurement process without specific delegated authority to act under the scheme of delegation. Where a tender process is likely to exceed the FTS thresholds, the relevant Cabinet Member must be informed and approve the tender prior to publication through a published decision or other authorised decision in accordance with the Council's Constitution.

4. Key responsibilities

4.1 Chief Officers shall:

- (a) be responsible and provide strategic direction for all procurement undertaken in their directorate;
- (b) ensure all procurement and delegated decision-making adheres to the Scheme of Delegation;
- (c) obtain Cabinet Member approval where required to do so by the Council's scheme of delegation before undertaking any procurement activity;
- (d) comply with the Financial Procedure rules, especially with regard to the adoption of vendors and creation of a valid purchase order;
- (e) notify and engage with Procurement, and where appropriate Legal Services, for all proposed contracts with an estimated total value of £25,000 or more (annual value x number of years including extensions) by completing the necessary approvals processes prior to tender;
- (f) nominate appropriately skilled and qualified Officers to undertake procurement activity;

- (g) ensure all sourcing decisions represent Best Value and are within approved budgetary limits;
- (h) provide for appropriate and effective contract and supplier relationship management for all contracts under their responsibility; and
- (i) ensure sufficient funds are available/approved for relevant procurement and contracting activity and allocate appropriate funds in their budget.

4.2 **Officers** shall:

- (a) manage the procurement process in compliance with these Standing Orders, the PCR 2015 and the Council's internal systems and processes for commissioning and procurement;
- (b) ensure they have adequate information to support and justify all commissioning and procurement activity;
- (c) seek appropriate advice and support from their Chief Officer, Procurement and Legal Services and Financial Services;
- (d) Conduct all tendering activity in a fair, transparent and non-discriminatory manner;
- (e) devise a procurement plan that is efficient and suitable for the purchase and the market concerned, taking into account any other relevant sourcing options, such as the use of existing contracts and frameworks; and
- (f) maintain a full record and audit trail of all procurement activity (the 'Procurement File'), including decisions made and communication with suppliers.

4.3 The **Officer** shall take advice from **Procurement and Legal Services** on the following aspects of public procurement:

Strategic sourcing

- (a) help in shaping commissioning outcomes and decisions, whether or not these result in procurement activities;
- (b) Departmental management principles and strategic sourcing;

Supplier relationship management

- (a) spend and supplier intelligence;
- (b) contract assurance and performance quality assurance services of strategic contracts (but not operational contract management); and
- (c) development and management of opportunities for innovation in supply chain;

Procurement operations

- (a) transactional, operational and administrative procurement activity; and
- (b) the use and operation of an electronic tendering system.

4.4 **The Officer** shall take advice from Legal Services:

- (a) on all legal, regulatory and constitutional aspects of the procurement process; and
- (b) concerning the content and form of any contract before it is made available to bidders and/or to be entered into on behalf of the Council.

Section 2: Pre-procurement Activity

5. Options appraisal

5.1 The Officer shall ensure that the appropriate sourcing approach is adopted in each case taking into account the budget allocation, the needs of the Council and its services users and residents, the nature of the market and other commercial considerations.

5.2 In considering a sourcing approach for services contracts, the Officer shall consider and record on the Procurement File how this might improve the economic, social and environmental well-being of the Borough of Tunbridge Wells.

5.3 The Officer shall ensure a report on the sourcing decision is included in the Procurement File and clearly referenced in any decision to approve commencement of the procurement.

6. Market testing and engagement

6.1 The Officer shall determine the sourcing approach based on:

- (a) any available views from service users and other stakeholders;
- (b) consultation or testing with the relevant market;
- (c) current performance and future objectives for the product or service; (d) budgetary limits; and
- (e) the existence of other public contracts and Framework Agreements which might be suitable for the Council to use.

6.2 The Council's Procurement and Legal Services Teams shall provide professional support in carrying out all market engagement exercises and the Officer shall comply at all times with such guidance.

6.3 Where the nature of the services could equate to a Concession arrangement, please consult Procurement or Legal Services for additional advice on the most appropriate

process to follow.

Section 3: Procurement Procedures, Advertising, Publication of Award Notices

7. Summary of requirements as to advertising, use of procedures and award notices

7.1 The procedures which must be used to award specific types of contract are set out below.

Definitions

FTS Find a Tender Service

KBP Kent Business Portal

	Goods, services contracts and works contracts valued at or above the FTS Threshold* (Section 4, rule 8 & 9 below)	Goods, services contracts and works contracts between £100,000 and the FTS Threshold* (Section 5, Rule 13)	Goods, services and works contracts valued between £25,000 and £99,999 (Section 5, Rule 14)	Goods, services and works contracts valued between £10,000 and £24,999	Goods, services and works contracts valued between £5,000 and £9,999	Contracts valued at or above £5,000 (Rule 15)
Advertising	Mandatory - on FTS, Contracts Finder and the KBP	Publish on Contracts Finder and the KBP .	If the Council has advertised the contract on the KBP , it must also be advertised on Contracts Finder.	n/a unless the KBP used	n/a unless the KBP used	n/a unless the KBP used
Award notice	Mandatory - on FTS and Contracts Finder	Mandatory – on Contracts Finder	Mandatory - on Contracts Finder	n/a unless the KBP used	n/a unless the KBP used	n/a unless the KBP used

Procedures	<p>One of the procedures mandated by PCR 2015; or use a framework agreement</p> <p>Mandatory consultation with Procurement to agree sourcing plan.</p>	<p>FTS; or Contracts Finder; or use a framework agreement</p> <p>Mandatory consultation with Procurement to agree sourcing plan.</p>	<p>Three quotations required, one of which should be from a suitable local company, where feasible; or use a framework agreement, if suitable.</p> <p>If a suitable number of quotations have been sought but the number of quotations received falls below the requirement, officers may proceed with evaluation, and award a contract if appropriate.</p> <p>Mandatory consultation with Procurement to agree sourcing plan.</p>	<p>Three quotations required, one of which should be from a suitable local company, where feasible; or use a framework agreement, if suitable.</p> <p>If a suitable number of quotations have been sought but the number of quotations received falls below the requirement, officers may proceed with evaluation, and award a contract if appropriate.</p>	<p>Two quotations required, one of which should be from a suitable local company, where feasible; or use a framework agreement, if suitable.</p> <p>If a suitable number of quotations have been sought but the number of quotations received falls below the requirement, officers may proceed with evaluation, and award a contract if appropriate.</p>	<p>One quotation required, one of which MUST be from a suitable local company, where feasible; or use a framework agreement, if suitable.</p> <p>If a suitable number of quotations have been sought but the number of quotations received falls below the requirement, officers may proceed with evaluation, and award a contract if appropriate.</p>
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*Thresholds are amended every two years. Current thresholds are available from Procurement, Legal Services or found in the Guide to Standing Orders

- 7.2 If during the course of a procurement an issue arises upon which these Standing Orders are silent or incomplete, the Officer shall refer the matter to Legal and Procurement Services.

Section 4: Procurements at or above the FTS Thresholds*

8. Requirement to advertise

- 8.1 Contracts which exceed the FTS Thresholds set out in the PCR 2015 must be advertised on the FTS by publishing a Contract Notice or, where advised, a Prior Information Notice (PIN) as a call for competition.
- 8.2 The Officer must take advice from Procurement and Legal Services before publishing any document on FTS.
- 8.3 All contracts which are advertised on FTS must also be advertised on Contracts Finder
- 8.4 All Procurement Documents must be available from the time the Contract Notice is published on FTS. Therefore, no advertisement should be placed until the Procurement Documents is complete. The Officer must ensure the Contract Notice includes a specified location where interested parties can electronically access all Procurement Documents .
- 8.5 The Council may use a Prior Information Notice (PIN) as a call for competition when using the restricted or competitive procedure with negotiation (see Guide to Standing Orders).
- 8.6 The Officer is responsible for ensuring all Contract Notices and publications on Contracts Finder are published in accordance with these rules.

9. Procurement procedures

- 9.1 For public contracts equal to or greater than the FTS threshold, the Council shall:
- (a) advertise the contract on FTS using one of the procurement routes mandated by the PCR 2015; or
 - (b) where appropriate and lawful, use an existing contract or Framework Agreement which was procured in compliance with the PCR 2015.

10. Contracts subject to the 'light touch regime'

Social care, education services and other services which are listed in Schedule 3 to the PCR 2015 are subject to the general rules of the PCR 2015. However, the Council is not obliged to use one of the procedures listed in the PCR 2015 to award these contracts. Instead, the procurement procedure must comply with the principles of regulation 76 of the PCR 2015 (commonly referred to as the 'light touch regime' – see Guide to Standing Orders). The Officer shall take advice from Procurement and Legal Services on the most appropriate approach.

11. Contracts reserved for VCSEs, SMEs or by Geographic Location (Local Companies)

11.1 The Officer may reserve participation in procurement processes for limited types of services contracts to certain qualifying organisations classified as VCSE or SME (under 250 employees). There is also provision under PPN 11/20 for contracts to be reserved by Geographic Location – which can either be national (UK) or by County (metropolitan or non-metropolitan).

11.2 The Officer must obtain written approval from Legal Services before commencing a procurement in reliance on this Standing Order.

12. Use of negotiated procedure without prior publication of an FTS notice for above FTS threshold contracts

In the limited circumstances listed in regulation 32 of the PCR 2015 (see Guide to Standing Orders), the Council may dispense with a Contract Notice and engage in negotiations with a single supplier under the negotiated procedure. The Officer must receive written authorisation from the Legal Services before using this procedure.

*Thresholds are amended approximately every two years. Current thresholds are available from Procurement, Legal Services or can be found in the Guide to Standing Order.

Section 5: Contracts below the FTS Thresholds

13. Contracts valued between £100,000 and FTS thresholds

13.1 The Responsible Officer shall use one of the following procurement routes to award a contract valued between £100,000 and the appropriate FTS threshold:

- (a) competitive procurement process advertised on FTS and Contracts Finder, and the Kent Business Portal;
- (b) competitive procurement process advertised on Contracts Finder and the Kent Business Portal; or
- (c) use of contract or Framework Agreement procured by another contracting authority.

13.2 The Responsible Officer must devise a fair and transparent sourcing route based on sound commercial principles and designed to achieve Best Value, and must engage with both Procurement and, where appropriate, Legal Services when developing their procurement plan. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the Procurement File (see Guide to Standing Orders).

13.3 The Responsible Officer must consult Procurement to agree the sourcing plan, as outlined in 7.1 of Section 3 of this document.

14. Contracts with a value between £25,000 and £99,999

14.1 When awarding a contract valued between £25,000 and £99,999 the Officer must:

- (a) use one of the procurement routes set out in Standing Order 13; or
- (b) with the prior written approval to tender of the relevant Chief Officer, request 3 written tenders or quotes and receive at least one from reputable suppliers where the Officer can demonstrate sufficient knowledge of the market to be reasonably certain that such an approach would elicit submissions representing Best Value. At least one of these submissions should be from a local supplier where feasible.

14.2 The Officer must devise fair and transparent sourcing route based on sound commercial principles and designed to achieve Best Value, and must engage with both Procurement and, where appropriate, Legal Services when developing their procurement plan. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the Procurement File (see Guide to Standing Orders).

14.3 The Responsible Officer must consult Procurement to agree the sourcing plan, as outlined in 7.1 of Section 3 of this document.

15. Contracts with a value between £10,000 and £24,999

15.1 When awarding a contract valued between £10,000 and £24,999 the Officer must:

- (a) use one of the procurement routes set out in Standing Order 13; or
- (b) with the prior written approval to tender of the relevant Chief Officer, request 3 written tenders or quotes and receive at least one from reputable suppliers where the Officer can demonstrate sufficient knowledge of the market to be reasonably certain that such an approach would elicit submissions representing Best Value. At least one of these submissions should be from a local supplier where feasible.

15.2 The Officer must devise fair and transparent sourcing route based on sound commercial principles and designed to achieve Best Value, taking advice from Procurement and Legal Services where appropriate. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the Procurement File (see Guide to Standing Orders).

15.3 A copy of the contract must be provided to Procurement in order for the details to be added to the Council's contracts register.

16. Contracts with a value between £5,000 and £9,999

16.1 When awarding a contract valued between £5,000 and £9,999 the

Officer must:

- (a) use one of the procurement routes set out in Standing Order 13; or
- (b) with the prior written approval to tender of the relevant Chief Officer, request 2 written tenders or quotes and receive at least one from reputable suppliers where the Officer can demonstrate sufficient knowledge of the market to be reasonably certain that such an approach would elicit submissions representing Best Value. At least one of these submissions should be from a local supplier where feasible.

16.2 The Officer must devise fair and transparent sourcing route based on sound commercial principles and designed to achieve Best Value, taking advice from Procurement and Legal Services where appropriate. The Responsible Officer shall ensure that any decision relating to the sourcing route for a particular contract or service shall include an assessment of risk attaching to that decision and that analysis shall be recorded in writing and stored on the Procurement File (see Guide to Standing Orders).

16.3 A copy of the contract must be provided to Procurement in order for the details to be added to the Council's contracts register.

Section 6: Contracts with a value of less than £5,000

17. Contracts with a value of less than £5,000

When awarding a contract with a value of less than £5,000 the Officer must:

- (a) use one of the procurement routes set out in Standing Order 13; or
- (b) with the prior written approval to tender of the relevant Chief Officer, obtain 1 written tender or quotation from a reputable Local Supplier where the Officer can demonstrate sufficient knowledge of the market to be reasonably certain that such an approach would elicit submissions representing Best Value. The quotation **MUST** be from a local supplier unless there are mitigating circumstances. If a local supplier is not used, the officer must provide evidence as to the lack of availability of a suitable supplier locally to carry out the requirements of the contract, or demonstrate how use of the local supplier would not offer Best Value to the Council.

Section 7: Consultancy Contracts, Framework Agreements and Assessing Value

18. Consultancy contracts

18.1 Before engaging a Consultant or for other specialist professional, the Officer must refer to, and ensure compliance with, the Council's Procurement Policy on Buying Consultancy Services and the related documents: Guide to Buying

Consultancy and the HR Policy on the Use of Self-Employed Consultants.

- 18.2 All such engagements of an aggregate value of £100,000 or more must be competitively tendered. Where any corporate contract or arrangement is approved and established for the buying of consultancy or specialist professional services, these must be used for sourcing all such contracts whatever the aggregate value of the contract.
- 18.3 Contracts for all other interim staff covering existing staff positions and all temporary or agency staff must be sourced through the Council's corporate temporary staffing contract, unless permitted otherwise in writing by the Head of Human Resources.

19. Framework agreements

- 19.1 All Framework Agreements for contracts with a value above relevant thresholds set out in the PCR 2015 shall be awarded in accordance with the PCR 2015.
- 19.2 Framework agreements valued at below the relevant FTS Threshold shall be awarded in accordance with these Standing Orders.
- 19.3 Officers shall consult Procurement and Legal Services before using a framework agreement set up by another contracting authority and the validity of the framework and its contractual terms must be approved by Legal Services.

20. Assessing value for the purpose of these rules

- 20.1 The value or estimated value of all contracts to be procured must be properly assessed to determine whether or not they meet particular thresholds set out in these Standing Orders and under the PCR 2015.
- 20.2 The value of all contracts which may have a value which meets or exceeds the relevant FTS Threshold shall be assessed in accordance with the PCR 2015 (see Guide to Standing Orders for details).
- 20.3 The value of all other contracts shall be the value:
 - 20.3.1 inclusive of VAT at the prevailing rate;
 - 20.3.2 including the maximum possible extensions and renewals;
 - 20.3.3 in the case of a framework agreement, the maximum estimated value of all the contracts to be awarded during the term; and
 - 20.3.4 inclusive of any potential spend through the contract concerned by other contracting authorities.

21. Lots

- 21.1 For every procurement relating to a contract which exceeds the FTS Threshold, the Responsible Officer must:

- 21.1.1 consider whether the contract should be sub-divided into and procured in lots;
- 21.1.2 provide reasons for any decision not to subdivide into lots, which shall be included in the Procurement Report; and
- 21.1.3 comply with the PCR 2015 in the manner in which it requires tenderers to bid for lots (see Guide to Standing Orders for full details).

Section 8: Standing to Contract and Award Criteria

22. Use of Selection Questionnaires (SQ)

- 22.1 The Officer shall apply minimum standards of experience, reputation and economic standing to suppliers to test their suitability to bid for a Council contract. For contracts above FTS thresholds suitability is usually tested by means of a SQ.
- 22.2 All the methods and criteria used for assessing the suitability of suppliers shall be transparent, objective and non-discriminatory.
- 22.3 The Officer must use the SQ provided by the Government and adhere to its statutory guidance for all procurements of contracts above the relevant FTS Threshold.
- 22.4 The Officer shall not use the SQ provided by the Government for contracts with a value less than the FTS threshold.
- 22.5 The following table provides a summary of the rules on the use of SQs:

Contract type and value	Rules on use of SQs
Contracts valued between £25,000 and the FTS Goods and Services Threshold whether for goods, services or works	Use of SQ provided by the Government is prohibited. The Council may only ask Candidates suitability assessment questions which are relevant to the subject- matter of the procurement and proportionate having regard to any guidance issued by the Cabinet Office
Contracts at or above the FTS goods and services Threshold for goods and services, or the FTS Threshold for works	The Council must adhere to the guidance issued by the Cabinet Office on qualitative selection (see Guide to Standing Orders). The Council shall adopt the standard SQ without deviation

Contracts above the FTS Threshold for goods and services but: For works contracts, below the FTS Threshold for works contracts	Officers shall either use the Standard SQ or an alternative means of assessing tenderers' suitability which has been agreed by Procurement & Legal Services
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23. Eligibility to bid

- 23.1 Suppliers who fail to meet all of the Council's minimum standards of reputation, technical ability, experience or economic and financial standing as specified in the SQ and accompanying documents shall be excluded from the procurement process.
- 23.2 Where the supplier is being excluded because one of the exclusion grounds in regulation 57 of the PCR 2015 applies (see Guide to Standing Orders), but provides evidence in support of its reliability despite the existence of a relevant ground of exclusion, the Officer must consider that evidence and determine whether to exclude that supplier.
- 23.3 The Officer shall consult with Legal Services before reaching any decision under Standing Order 21.2.

24. Assessing past experience and financial standing

- 24.1 The Officer shall ensure suppliers' past experience and technical ability are assessed, for all contracts.
- 24.2 When assessing the suppliers' financial standing, the Officer shall not require prospective tenderers to have an annual turnover of more than twice the estimated contract value, unless otherwise agreed with Legal Services.
- 24.3 Only those suppliers who meet the Council's minimum requirements of economic and financial standing and technical and professional ability shall be invited to participate in a tender process or awarded the contract.
- 24.4 All assessment of supplier's financial standing must be conducted by the Council's Finance team (or such other service unit designated from time to time to undertake this activity).

25. Award criteria

- 25.1 The Officer shall adopt award criteria which are fair, transparent, proportionate and appropriate to the subject matter of the contract (see Guide to Standing Orders).
- 25.2 The Officer shall award the contract to the most economically advantageous tender, being the tender that represents Best Value applying the award criteria.

- 25.3 The Officer shall adopt evaluation methodologies that are robust, have been tested to ensure they are appropriate for the procurement in question, and transparent (see Guide to Standing Orders).

Section 9: Tendering Procedure

26. Opening tenders

- 26.1 All tenders undertaken must be conducted through the Council's mandated e-tendering portal except as permitted in these Standing Orders or with the prior written approval of the Head of Finance & Procurement and Legal Services.
- 26.2 Officers must not permit the receipt of tenders outside the Council's mandated e-tendering portal unless agreed by Procurement and Legal Services. Tenders must still be received by electronic means (e.g. email), and the Officer must ensure that all the tenders received are opened after the deadline for submission has passed.
- 26.3 For tenders above the FTS threshold, a Legal Services representative must be present at the opening of the tenders alongside a senior member of Procurement. For below threshold tenders, a senior member of Procurement is permitted to open the tenders received.

27. Contract award

- 27.1 All contracts shall be awarded in accordance with the criteria set out in the Procurement Documents.
- 27.2 For contracts with a value at or above the FTS Thresholds, the Officer shall adhere to the contract award procedures set out in the PCR 2015 and observe a standstill period before entering into the contract. The standstill period will normally end at midnight at the end of the tenth day after the date the Council sends notice to the tenderers, electronically, that it has made an award decision (see Guide to Standing Orders).

28. Correction of errors and late tenders

- 28.1 All tenders must comply with the conditions set out in the Procurement Documents. Tenderers should be advised that any failure to adhere to the specific rules applicable to the tender in question could result in their tender being rejected.
- 28.2 The Officer may reserve the right in the Procurement Documents to accept late submissions or documents forming part of the tender at the Council's discretion, for example, where:
- 28.2.1 the delay was caused by a mistake or failure of the Council; or
- 28.2.2 the submission in question is affected by external factors which could not have been foreseen or avoided.

28.3 The Council's Tender Response Policy should be adhered to for the avoidance of doubt in these circumstances.

28.4 In all cases, the Officer shall adhere to the rules established in the Procurement Documents and document any decision to permit a late or corrected tender. Officers should seek advice from Procurement and Legal Services in respect of this Clause 28.

29. Clarifications raised by suppliers

29.1 The Officer shall maintain a Clarification Log containing a list of questions raised by suppliers during the course of a procurement process, with the Council's responses, to which all Candidates or Tenderers shall have unrestricted access. Where Procurement and Legal Services are involved with the conduct of a particular procurement process, they may maintain the Clarification Log and will notify the Officer of that approach.

29.2 Where a clarification raises an issue which leads to the amendment of one of the Procurement Documents, the Council shall consider whether the deadline for submission of responses should be extended, or the procurement process otherwise revised to ensure equal treatment of suppliers, and take action accordingly.

30. Evaluation

30.1 The Chief Officer shall appoint evaluators who have the necessary skills and experience to undertake the role.

30.2 Procurement and Legal Services shall provide appropriate guidance, advice and support on all aspects of tender evaluation and the Officer shall have regard to all such guidance.

31. Conflicts of interest

31.1 All Chief Officers shall ensure that officers involved in procurement processes in their directorates are familiar with the Guidance on Propriety and Official Conduct for Officers

31.2 Any officer involved in a procurement shall:

31.1.2 comply with all relevant policies and codes of conduct provided by the Council for Officers; and

31.2.2 disclose in writing to their Chief Officer or Legal Services any direct or indirect, financial, economic or other personal interest which might be perceived to compromise their impartiality and independence in the context of a procurement procedure.

31.3 Where an officer discloses such a conflict of interest the Chief Officer shall, in consultation with Legal Services make arrangements to allocate the role to another person and shall consider whether any changes to the procurement process should be made to address any issues arising from the conflict.

- 31.4 Any officer involved in a procurement shall take appropriate measures to ensure competition is not distorted where a Candidate or Tenderer, or an undertaking related to that Candidate or Tenderer, has advised the Council on the procurement in question or been involved in the preparation of the procurement.

Section 10: Form of Contract, Mandatory Clauses and Formalities

32. Form of contract

- 32.1 For contracts valued at £5,000 or less, the relevant Chief Officer can choose to accept the supplier's standard terms, provided that such terms are fair and reasonable in the circumstances and provide Best Value. The form of contract must be recorded in its final agreed form and shall contain, as a minimum the items required by Standing Order 31.1.
- 32.2 Legal Services are responsible for providing or approving all forms of contract with a value exceeding £5,000, unless agreed in writing by the relevant Chief Officer.
- 32.3 All contracts with a value exceeding £5,000 must be written or in an electronic form capable of providing a permanent record of the intentions of the parties to the contract.
- 32.4 Where contract terms are to be published by the Council in connection with any competitive tender or single tender process, the Officer must ensure that the proposed form of contract has been approved by Legal Services before it is made accessible to Tenderers or any other external interested party.
- 32.5 The Officer shall ensure that an electronic copy of every concluded contract shall be provided to Procurement and Legal Services for entry onto the Council's Contract Register. Hard copy original contract documents should be sent to Legal Services for safe storage.
- 32.6 The Council may require the completion of a performance bond or parent company guarantee for any contracts as may be specified by Legal Services in relation to a particular procurement.

33. Specifications

- 33.1 The Officer shall ensure the specification for the contract:
- 33.1.1 clearly and effectively sets out the obligations on the supplier to deliver to the Council's requirements;
 - 33.1.2 complies with the requirements of the PCR 2015 in respect of technical specifications; and
 - 33.1.3 is legally enforceable, taking advice from Legal Services where necessary.

34. Mandatory clauses

The Officer or Legal Services, as the case may be, shall be responsible for ensuring that every contract awarded by the Council with a value over £5,000 includes the mandatory requirements set out in this section 10.

35. General clauses

35.1 Every contract must clearly specify:

- 35.1.1 the services, goods or works to be provided together with applicable standards and performance level;
- 35.1.2 the price to be paid, with a statement of discounts and other deductions, including any Value Added Tax payable and any provisions for price variations, whether by indexation or other means;
- 35.1.3 the duration of the contract including any specific dates by which any aspects are to be performed, together with any possible extensions of the contract term. Contracts should not normally exceed five years, or seven years with extensions, but contracts may be set for longer periods where the relevant industry practice, or partnership arrangements to be entered into, make it in the interests of the Council to do so. The Head of Procurement and Legal Services must be consulted on any business case for proposing a contract term longer than 7 years and the reasons for doing so must be recorded in the Procurement Documents; and
- 35.1.4 in the case of all building and engineering contracts exceeding £100,000 in value, liquidated damages to be paid by the contractor if the contract is not completed on a specified date must be considered. A provision for liquidated damages may be included in contracts valued at £100,000 or less.

36. Insurance levels

36.1 Every contract must clearly specify that the supplier shall hold and maintain for the duration of the term of the contract where the relevant type of cover is applicable the following levels of insurance cover for each single incident:

Type of insurance cover	Minimum insured for each
Public liability	£10 million
Employer's liability	£5 million
Product liability	£2 million
Professional indemnity	£2 million

- 36.2 The Head of Finance may specify higher levels of insurance cover as they deem fit for particular contracts or types of contracts and may also agree to lower levels of insurance cover provided the Officer provides an account of the reasons for the lower level of cover and includes an assessment of risks associated with the contract.

37. Prevention of bribery and exclusion grounds arising during the term of the contract

- 37.1 Every contract shall include provision for termination if the supplier, their employees or anyone acting on the supplier's behalf:

37.1.1 corruptly offers, gives or agrees to give anyone an inducement or reward in respect of any contract with the Council;

37.1.2 commits an offence under the Bribery Act 2010; or

37.1.3 commits any of the offences listed in regulation 57(1) of the PCR 2015.

38. Termination for breach of regulation 73

- 38.1 For contracts above the FTS Threshold, the contract shall provide that the Council shall have the right to terminate the contract if any of the provisions of regulation 73(1) of the PCR 2015 apply. These are where:

38.1.1 the contract has been subject to a substantial modification which required a new procurement procedure to be started;

38.1.2 at the time of contract award, one of the mandatory exclusion criteria in regulation 57 applied and the supplier should therefore have been excluded from the procurement procedure; or

38.1.3 the Supreme Court or any competent court has held that the contract should not have been awarded to the contractor in view of a serious infringement of the obligations under the PCR 2015.

39. Prevent

The contract shall make appropriate provision for information sharing between the supplier and the Council, and/or such other measures as are appropriate, such as staff training, to support the Council in meeting its duty under section 26 of the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism (see the Council's applicable policy, where relevant).

40. Payment terms

- 40.1 Every contract shall provide that the Council shall pay its supplier 30 days from receipt of an undisputed invoice.

- 40.2 The contract shall also provide that the Council's suppliers shall pay their sub-contractors within a maximum of 30 days of receipt of an undisputed invoice.

- 40.3 The Officer must obtain the agreement of the Head of Finance for any deviation from the 30 day standard payment terms set out in this paragraph 38, such agreement to be recorded in writing as a Payment Exception.

41. Execution of the contract

- 41.1 All contracts shall be signed but not sealed unless they must be signed under seal in accordance with this Standing Order 41.
- 41.2 The following contracts shall be signed under seal:
- 39.2.1 certain contracts involving land transactions; and
 - 39.2.2 construction contracts with a value of £75,000 or more. and
 - 39.2.3 any contract exceeding the PCR 2015 thresholds; and
 - 39.2.4 any grant agreement; and
 - 39.2.5 any contract that, in the opinion of the Monitoring Officer, requires sealing in exceptional circumstances
- 41.3 The relevant Chief Officer shall be permitted to sign all contracts not required to be sealed. There is a presumption that Officers with the proper authority shall sign contracts, rather than Legal Services.
- 41.4 Legal Services shall execute all contracts which are required to be executed by the Council as a deed under seal and may execute all simple contracts not required to be sealed in line with Clause 41.3 above.

42. Electronic Signing and Document Sealing

- 42.1 Electronic signatures may be used by both the Council and the Supplier in accordance with the Electronic Signature Regulations 2002 provided the sufficiency of security arrangements has been approved by the Head of Legal Partnership. The Council shall use suitable, free software, such as Adobe, to create electronic signatures.
- 42.2 Electronic signatures will, in accordance with the Electronic Communication Act 2000, be accepted as a fair representation of a willingness to enter into a contract by and with the Council, insofar as the e-signature is a true representation of the authorised person's written signature and (a) and (b) below apply (to the supplier) in which case an e-signature and a signature will be referred to as the same.
- (a) the Contract will be entered into in relation to being either under seal or under hand; and
 - (b) is supported with a contemporaneous document of authenticity and authorisation from the Supplier.

43. Certification of the contract

Legal Services shall be responsible for determining whether any contract should be certified under the Local Government (Contracts) Act 1997. This Act empowers local authorities to agree terms that will survive the main contract being set aside in the event of a finding that the Council has exceeded its statutory powers in entering into the contract. In these circumstances, the certification process ensures that the private sector party is compensated. All such certificates shall be in a form approved by and executed by Legal Services.

44. Contract and supplier relationship management

44.1 The Chief Officer shall ensure that there are in place arrangements that will monitor and actively address any concerns with:

44.1.1 the performance of the contract against the specification and any key performance indicators or other performance monitoring regime;

44.1.2 costs and Best Value;
and

44.1.3 service user or end user satisfaction.

44.2 Where a contract is to be extended or re-tendered, the Chief Officer shall ensure that a report on the performance of the contract is prepared to inform any decision regarding the extension or lessons learnt for re-tendering.

44.3 The Chief Officer shall ensure Officers comply with guidance updated by the Council from time to time on effective contract and supplier relationship management.

Section 11: Varying and Extending Contracts

45. Variations to contracts

Legal Services shall advise any Officer as to whether a particular variation is subject to the PCR 2015 and can be entered into.

46. Authority to vary a contract

Subject to Standing Order 44, all contract variations must be approved in accordance with Standing Order 3 (Authority to Contract).

47. Extensions and renewals

47.1 Contracts subject to the PCR 2015 can only be extended where expressly provided for in their terms, or as otherwise permitted by the PCR 2015.

47.2 Contracts with a value below the FTS Threshold can be extended only where expressly provided for in their terms.

47.3 All contract extensions or renewals must be approved as follows:

47.3.1 if the value of the extension is less than £100,000, by the Executive Director; or

47.3.2 if the value of the extension is £100,000 or more, by Legal Services and the Director of Finance.

47.4 In determining how a contract extension or renewal shall be approved in accordance with paragraph 47.3, the Officer shall not disaggregate or otherwise sub-divide any known spend during the period of any such extension or renewal with a view to avoiding obtaining the approvals referred to in paragraph 47.3.2.

47.5 The Council's Extension of Contracts Policy should be adhered to for the avoidance of doubt in these circumstances.

Section 12: Disclosure, Transparency and Record Keeping

48. Electronic availability of documents

The Officer shall ensure that all Procurement Documents for contracts that are at or above the FTS Thresholds are available online free of charge without restriction from the time the FTS Notice is published (or an ITCI is sent when a PIN is used as a call for competition).

49. Duty of confidentiality owed to suppliers

The Officer shall not disclose information which has been forwarded by a supplier and designated by that supplier as confidential or commercially sensitive, including technical or trade secrets and the confidential aspects of tenders, without express authorisation from Legal Services who shall balance the duty of confidentiality owed to suppliers against the Council's obligations under FOIA and any other disclosure obligations. The Procurement Documents should inform interested parties of the Council's duties of disclosure and invite tenderers to designate information as confidential or commercially sensitive. However, the Council cannot guarantee that all information so designated will be withheld.

50. Publication of contract award notices in on Find a Tender Service

The Officer shall ensure that a Contract Award Notice is published on FTS for all procurements subject to the PCR 2015 in accordance with those regulations.

51. Publication of contract award notices on Contracts Finder

The Officer shall ensure that a Contract Award Notice is published on Contracts Finder for all contracts with a value of £25,000 or more. This Standing Order 48 applies to all contracts including contracts let under Framework Agreements, whether or not that Framework Agreement was itself advertised on Contracts Finder or anywhere else.

52. Debriefing tenderers

For contracts valued at or above the FTS Threshold, the Officer shall ensure that all Tenderers are offered debrief information during the procurement process, in accordance

with regulation 55 of the PCR 2015, and at contract award, in accordance with regulation 86 of those regulations.

53. Procurement Report

53.1 The Officer shall keep a copy of all Procurement Documents in accordance with the Council's records retention policy.

53.2 The Officer shall prepare a written report in relation to each procurement with a value at or above the relevant FTS Threshold containing the following information (unless such information is contained in the Contract Award Notice):

53.2.1 the subject-matter and value of the contract, Framework Agreement or dynamic purchasing system;

53.2.2 where applicable, the results of the qualitative selection and reduction of numbers under regulations 65 and 66, namely:

- (a) the names of the selected Tenderers and the reasons for their selection;
- (b) the names of the rejected Tenderers and the reasons for their rejection;
- (c) the reasons for the rejection of tenders found to be abnormally low;
- (d) the name of the successful tenderer and the reasons why its tender was selected and, where known the share (if any) of the contract or Framework Agreement which the successful tenderer intends to subcontract to third parties, and the names of the main contractor's subcontractors (if any);
- (e) for competitive procedures with negotiation and competitive dialogues, the circumstances as laid down in regulation 26 which justify the use of those procedures;
- (f) for negotiated procedures without prior publication, the circumstances referred to in regulation 32 which justify the use of this procedure;
- (g) where applicable, the reasons why the contracting authority has decided not to award a contract or Framework Agreement or to establish a dynamic purchasing system;
- (h) where applicable, the reasons why means of communication other than electronic means have been used for the submission of tenders; and
- (i) where applicable, conflicts of interests detected and subsequent measures taken.

53.3 The Officer shall maintain an electronic Procurement File containing sufficient

information to justify decisions taken at all stages of the procurement such as documentation on:

53.3.1 communications with suppliers and internal deliberations;

53.3.2 preparation of the Procurement Documents;

53.3.3 dialogue or negotiations, if any; and

53.3.4 selection and award of the contract.

53.4 The Procurement File shall be kept for a period of at least six years from the expiry date of the contract (12 years if the contract is sealed).

53.5 The Officer shall prepare a report containing such information as the Cabinet Office may request in respect of procurements at or above the relevant FTS Threshold.

Section 13: Waiver of Standing Orders

54. Authority to waive Standing Orders

54.1 Procurement and Legal Services shall, jointly, be informed of, and invited to comment upon, any request to waive these Standing Orders. The Section 151 Officer (or Deputy Section 151 Officer during periods of absence) shall be responsible for determining and approving the validity of any such request, with oversight from the Monitoring Officer where necessary.

54.2 Any request to waive Standing Orders shall be set out in writing with clear reasons why the waiver is necessary and proportionate.

54.3 No waiver of Standing Orders can be made if it would contravene the PCR 2015 or any other applicable legislation.

54.4 No waiver can be granted retrospectively.

54.5 All waivers to these Standing Orders must be reported in writing to Procurement and Legal Services for logging in the register maintained for this purpose. This register will be reported upon quarterly as Non-Conformance Events, owing to the fact that no procurement process has been undertaken.

54.6 For contracts valued at less than the relevant FTS Threshold, the procuring officer may obtain a tender from a single contractor:

54.6.1 where the reasons provided to the Section 151 Officer, Procurement and Legal Services explain why the services, goods or works can only, or most satisfactorily be provided by that contractor; or

54.6.2 where a statutory undertaker has an exclusive statutory right to provide the relevant goods, services or works.

54.7 The procuring Officer must ensure that any contractors invited to submit a tender meet the Council's minimum requirements under Standing Order 24.

- 1.8 Officers may apply for a waiver but internal acceptance of a waiver does not guarantee the Council protection from successful challenge. Evidence of market testing should always form part of the written request.

Annex A: Glossary

Chief Officer	Defined in Article 6 of the Constitution of Tunbridge Wells Borough Council. Please refer to paragraph 6.1.2 of Article 6.
Consultant	An individual or company commissioned to do a short term, and clearly defined piece of specialised work, with clear outcomes where the work is project based, outside business as usual and there is a defined end point for the Consultant's involvement.
Contract Award Notice	A notice containing the information set out in regulation 86 of the PCR 2015, for above FTS Threshold contracts, and regulation 112 for below FTS Threshold contracts.
Contract Notice	A notice advertising a public contract on FTS.
Contracts Finder	A Government website on which all public contracts over a minimum threshold must be advertised.
ERDF	Means the European Regional Development Fund.
Framework Agreement	An agreement between one or more contracting authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded in a given period, in particular with regard to price and, where appropriate, the quality envisaged (regulation 33(2), PCR 2015).
FOIA	The Freedom of Information Act 2000.
ITCI	Invitation to confirm interest.

Appendix A

Key Decision	An executive decision, which is likely: <input type="checkbox"/> to result in the Council incurring expenditure which is greater than £250,000 or which is otherwise significant having regard to the Council's budget for the service or function to which the decision relates; or <input type="checkbox"/> to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in Tunbridge Wells Borough.
FTS	Find a Tender Service, where all public contracts which exceed the UK Thresholds must be advertised.
PCR 2015	Means the Public Contract Regulations 2015 as amended and in force from time to time.
PQQ	Means a pre-qualification questionnaire.
Procurement Documents	Any document produced or referred to by the Council to describe or determine elements of the procurement or the procedure, including the: <input type="checkbox"/> Contract Notice (or PIN where it has been used as a call for competition) <input type="checkbox"/> Technical specifications <input type="checkbox"/> Descriptive document <input type="checkbox"/> Proposed conditions of contract <input type="checkbox"/> Formats for the presentation of documents by candidates and tenderers <input type="checkbox"/> Information on generally applicable obligations <input type="checkbox"/> Any additional documents.
Procurement File	The record of each procurement that the Council must maintain in accordance with regulation 84(7)-(9) of the PCR 2015.
Procurement Report	The report that the Council is obliged to maintain in respect of each procurement of a contract valued at or above the relevant FTS Threshold under regulation 84(1) of the PCR 2015 (see Standing Order 13.5).
Officer	The person or persons charged by the Chief Officer to conduct a procurement process, or to participate in or lead a team of officers assembled for that purpose or dealing with a variation to a contract as the context requires.
Scheme of Delegation	The Council's formal written scheme of delegation in force and as amended from time to time.

Best Value	<p>The optimal use of resources to achieve the intended outcomes taking into account:</p> <ul style="list-style-type: none">(a) Economy: minimising the cost of resources used or required (inputs), i.e. spending less;(b) Efficiency: the relationship between the output from goods or services and the resources to produce them, i.e. spending well; and(c) Effectiveness: the relationship between the intended and actual results of public spending (outcomes), i.e. spending wisely.
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Appendix A – Executive Summary

Changes to TWBC Contract Standing Orders

General updates:

- All references to the Official journal of the European Union (OJEU) have been replaced with Find a Tender Service (FTS) – **Legislative change**
- References to 'Value for Money' have been updated to 'Best Value' – **Best practice, as VFM can be misinterpreted as 'cheapest'**
- Various minor wording amendments and corrections – **Suggested by Legal and accepted**
- Updated wording on VAT – **Contract values must be calculated inclusive of VAT, as per the update in 2022 (Legislative change)**

Specific updates:

Section 1 – 3: Authority to contract.

- Changed wording to state relevant Cabinet member must be informed and approve the release of tenders likely to exceed FTS thresholds – **Efficiency, as previous wording called for the Cabinet to approve the release of tenders which would potentially slow the process.**

Section 3 – 7: Thresholds

- Table updated to reflect the proposed changes to TWBC thresholds. Wording has also been included to ensure that RFQ processes can proceed to contract as long as a sufficient number of quotations has been sought: **'If a suitable number of quotations have been sought but the number of quotations received falls below the requirement, officers may proceed with evaluation, and award a contract if appropriate'**

Sections 4 to 6: Procedures

- All updated to reflect the revised thresholds.
- Mandated use of local suppliers for contracts under £5k – **Evidence must be provided if a local supplier is not feasible**
- Updated wording on reserved contracts – **Reference to correct PPN**
- Mandated consultation with Procurement for processes exceeding £25k to agree sourcing plan – **Best practice, ensures compliance and enables us to challenge on evaluation criteria and contract management plans**

Section 8: Use of Selection Questionnaires (SQ)

- Wording updated

Section 9 – Tender Opening Procedure

- Wording updated to allow Procurement to open tenders up to FTS level – **Legal will still be required to open all tenders undertaken via an FTS level process**

Section 10 – Execution of contracts

- Wording updated to allow authorised officers to sign contracts rather than Legal
- Sealing limits revised

Section 13 – Waiver of standing orders

- Wording updated to identify a waiver as a non-conformance event for the purposes of reporting – **This has been in place since late 2017 but not reflected in the constitution**

Delegated Authority Matrix

To be confirmed – **draft submitted for review in Appendix B**