

## Kent High Weald Partnership Review

<b>Final Decision-Maker</b>	Cabinet
<b>Portfolio Holder(s)</b>	Councillor Alan McDermott – Portfolio Holder for Planning and Transportation
<b>Lead Director</b>	Lee Colyer – Director of Finance, Policy and Development
<b>Head of Service</b>	Stephen Baughen – Head of Planning
<b>Lead Officer/Author</b>	David Scully – Landscape and Biodiversity Officer
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

**This report makes the following recommendations to the final decision-maker:**

1. That the funding for the Kent High Weald Partnership ("KHWP") be reduced by 10% to £69.5k for the period of a new Service Level Agreement (SLA) to run from April 2019 until March 2022.
2. That the new SLA (to be agreed by Portfolio Holder and Head of Planning) includes a requirement to consider means of reducing its dependence on Council funding through investigating:
  - i. alternative structures for the KHWP such as Charitable or Trust status.
  - ii. new sources of grants to replace Council funding.
  - iii. opportunities associated with housing growth in the Borough and management of Council owned sites to provide further sources of revenue.
  - iv. A new basis for Council funding on agreed requirements for site management and specific outcomes such as number of volunteer events on Council owned sites.
3. That the KHWP be instructed as part of the SLA to prepare a new business plan that responds to the requirements above and assumes continued management of Council Green Spaces for a fee to be agreed commencing in March 2021 and to cover the period 2022 to 2025 with a vision for the period 2025 to 2028.
4. That the Portfolio Holder and Head of Planning be delegated the responsibility of agreeing and signing a new Memorandum of Understanding (MoU) with KCC that aligns with the purpose and period for the SLA.

## Explain how this report relates to the Corporate Priorities in the Five Year Plan:

### Our Borough

- To support a **well** borough – *Through supporting active use of Council Green Spaces and Health and Well being initiatives and projects.*
- To support an **inclusive** borough – *Through working with vulnerable and disadvantaged groups*

### Our Services

1. To provide **responsive** services – *responding positively to concerns about green space management*

### Providing Value

- To ensure **innovation** in our services – *looking at new ways of providing and funding green spaces and community activity*
- To ensure effective **partnership** working – *maintaining and creating new partnerships*

Timetable	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Management Board	19 December 2018
Discussion with Portfolio Holder and Planning Policy Working Group	22 January 2019
Planning and Transportation Cabinet Advisory Board	11 February 2019
Cabinet	7 March 2019

Tunbridge Wells Committee Report, version: May 2018

# Kent High Weald Partnership Review

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 The purpose of this report is to provide a recommendation to Members on the future funding of the Kent high Weald Partnership (KHWP) as part of the required renewal of a Service Level Agreement (SLA).
  - 1.2 It follows a financial and outcomes review of the Partnership instructed by Management Board as part of a wider review of funding and grants required by the current period of austerity in Local Government. The requirement for detailed review was in recognition of the special long standing status of the KHWP and the positive contribution it makes to Council owned sites and communities.
  - 1.3 The conclusion of the review supported by Management Board was that the Council should continue to fund the KHWP in the short and medium term but with some reduction in funding and that the basis of the SLA be reviewed and measures to reduce dependence on Council funding in the longer term be investigated.
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The KHWP is a countryside management team jointly funded by KCC and Tunbridge Wells Borough Council with additional support from the High Weald AONB Unit, the Forestry Commission and Natural England.
- 2.2 The KHWP works only in Tunbridge Wells Borough, it delivers Council policy for places and people on the ground, works in partnership with the Council's Parks Team and Parish and Town Councils to manage sites and engage with local communities; works across the Council, including supporting Health and Wellbeing programmes, Bloom activities and Planning Services; it engages with developers to assist with S106 requirements; is semi independent and therefore trusted by local communities and is able to respond to policy changes at the Council.
- 2.3 A summary of the inputs and outcomes for 2016/17 is set out below:

2016/17	
Inputs/Commitments	Outcomes
SLA between TWBC and KHWP MoU between TWBC and KCC	Additional Income generated from grants, KCC & other Council sources £351,000

SLA Funding: £77,000	Management of Council owned parks and open spaces savings	£47,000
KCC Funding: £35,900	Volunteer hours (worth £84k)	13,054
Officer time: oversight only – no line management.	Children attending programmes	1,745
	Public events	210
	Attendees at Men's Shed	44
	Community Groups Engaged	23
Geography : Tunbridge Wells Borough only	Schools worked with	22
	Troubled families worked with	6
Resources: Seven staff, two vehicles, Tools and equipment Accommodation: Rented office and store Support: Line management and audit by KCC Governance: Officers from partner organisations and Steering Group		

2.4 The KHWP was established in **1991** for countryside management activities across the Borough involving management of Local Nature Reserves, conservation work, public engagement/volunteering and environmental education. It is one of seven such organisations across Kent but uniquely out of those only works in a single Borough. Details of events and activities are set out in seasonal publications and on the Partnership website <https://khwp.org.uk/>.

2.5 Its operation is covered by a Service Level Agreement (SLA) between the Council and the KHWP and a Memorandum of Understanding (MoU) between the Council and KCC both for the period **2014 to 2019**. These agreements are not intended to be legally binding and are therefore unlikely to be enforceable in the courts. They should however be considered as a public statement of how the Council would wish to proceed under normal circumstances.

2.6 TWBC funding is currently set at a fixed level of **£77,000** pa (a reduction of 5.8% from 2013) for the period of the current SLA. Funding has historically been split into:

<b>Core funding</b>	£48k
<b>Green Action</b>	£6k
<b>Volunteering</b>	£10K
<b>Local Nature Reserves</b>	£6.5k
<b>Landscape &amp; Nature Conservation</b>	£6.5k

2.7 Today these historical categories have a limited relationship to actual projects and activities of the Partnership which often cut across these areas with core funding sometimes being used to match fund grant bids due to the Partnership constantly adapting to opportunities and available funding streams. This makes the categorising of receipt and spend difficult. In addition site work is often cyclical so that spend and activities on individual sites will vary considerably from year to year.

2.8 Owing to the ongoing pressure on Council finances and the need to renew the SLA Management Board instructed that the funding for the KHWP be reviewed.

The particular circumstances of the Partnership, (involvement in Council projects and land management, council commitments to staff employed by the Partnership and agreements with partner organisations) require that such a review considers a wide range of issues and fully considers the likely impacts of any reduction in funding.

2.9 Therefore in order to undertake this work a panel was established comprising of officers from within the Council from Finance, Planning, Healthier Lifestyles, Parks and Economic Development. The panel was supported by Paul Taylor, Director of Change and Communities input was also provided by officers of the KHWP.

2.10 The panel undertook three tasks in order to inform the review; an analysis of the existing situation; consultation with key stakeholders; and modelling of a series of scenarios for a reduction in funding. The scenarios considered were:

**Do nothing** – a stand still budget for the period of the SLA

**Soft Option** – stop minor programmes of work and focus activity on Council owned sites.

**Medium Option** – look at stopping all projects not on TWBC land including major projects and work streams.

**Hard Option** – withdrawal of all funding and cessation of any site management works. This might be over a long or short period of time or immediately.

2.11 The review concluded that the organisation provides good value for money, is responsive to Council priorities and draws in considerable additional funding. Were it not to exist the Council would need to employ contractors to carry out work on Council owned sites to the value of almost £50k who may not provide the added value that the KHWP currently brings to the Borough.

2.12 The organisation can adapt to be less reliant on Council funding through:

- Organisational changes
- Seeking new sources of funding
- Taking advantage of future opportunities associated with growth in the borough

2.13 Changes in the organisation and adjustments to reduced funding would however be best carried out over time, rather than being implemented immediately, to ensure the continuing proper functioning of the Partnership and to allow monitoring of changes.

2.14 The review considered that there was considerable advantage in retaining the services of the KHWP for the management of Council owned sites but this element of work needs to be better understood and more clearly specified. At present this would require the retention of funding of around £50k pa and the specification for this work could form the basis of a new SLA. This would

amount to a reduction of around 35% in the current grant but again having time to adjust to the reduced amount rather than the cut being immediate would increase the chances of a sustainable outcome and is likely to result in a greater commitment by the staff.

- 2.15 It is considered that a 10% cut can be sustained at this time without a significant loss in service. If this level of funding is sustained over three years it would enable the Partnership to focus on the changes required to sustain further cuts through changes in structure and finding new sources of funding.
  - 2.16 The review therefore recommended that the preferred approach was for a new SLA for the period 2019 to 2022 which includes a 10% reduction in funding fixed for three years but that this is tied to the measures outlined above with a view to a more significant planned reduction during the subsequent SLA period 2022 to 2025 retaining funding only for work on agreed Council owned sites where it is cost effective to do so.
  - 2.17 Importantly, it is considered that this approach has the potential to be supported by staff, volunteers and partners/supporters, as well the continued support of KCC and KCC funding.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1 – Retain current level of funding. Under current financial pressures this is not a viable option. All Council spending is under review on an annual basis with reductions in spending required in order to achieve a balanced budget. Some level of reduction is clearly necessary.
  - 3.2 Option 2 – Removal of all funding. Whilst this would result in immediate and considerable savings it may also require considerable expense on the Council's behalf if the organisation had to be significantly reduced or wound up entirely. It would also require the appointment of contractors to fulfil existing long term commitments and legal obligations for Council owned sites and possibly result in reputational damage with partner organisations and the public.
  - 3.3 Option 3 – A small immediate reduction in funding and a longer term significant reduction in funding. This is the most sustainable option and can be justified by services provided to the Council. This is the option that is being recommended and is explained in more detail below.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 3 follows the recommendations of a detailed review commissioned and agreed by Management Board. It provides for savings that are realistic and achievable whilst enabling the Partnership to continue on a stable footing. It also gives a clear steer towards a more significant reduction in future funding and sets out a more transparent and sustainable basis for agreeing and monitoring future agreements.

- 4.2 The proposal will enable the Council to meet existing commitments to projects and Council owned sites and minimises the risk to reputational damage and allow the partnership to continue.
- 4.3 This option has the support of the Partnership Manager and is likely to be supported by partners.
- 4.4 The recommended option will result in short and longer term savings to the Council consistent with the financial constraints facing the Council and its current spending plans.
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## **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 The recommendations in this report come from the review which included consultation with key stakeholders.

### **RECOMMENDATION FROM PLANNING POLICY WORKING GROUP**

- 5.2 The Planning Policy Working Group was consulted on this decision on 22 January 2019 and supported the recommendations in this report.

### **RECOMMENDATION FROM CABINET ADVISORY BOARD**

- 5.3 The Planning and Transportation Cabinet Advisory Board was consulted on this decision on 11 February 2019 and agreed the following:

That the recommendations set out in the report be supported.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 The decision will be communicated directly to the Partnership Manager and our Key Partners who have been involved throughout the process. TWBC staff will jointly brief Partnership staff with the Partnership Manager who will then communicate the decision to partner organisations as and when necessary.
- 6.2 Once the decision has been made the formal SLA will be drawn up and signed as set out in the recommendation.
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## **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Legal</b> including Human Rights Act	The Service Level Agreement and Memorandum of Understanding mentioned in this report are not intended to be legally binding and are unlikely to be enforceable in the courts. They should be considered as a	Jo Smith Planning Lawyer 28/01/2019

	<p>public statement of how the parties would like to proceed in normal circumstances.</p> <p>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</p>	
<b>Finance</b> and other resources	The work has had the input of an officer from Finance. The reduction in 10% for the period 2019 to 2022 has already been assumed in current budgets. Finance have reviewed the financial implications of this report and consider this option both affordable and good value for money for the Council	Jane Fineman, Head of Finance & Procurement 01/02/2019
<b>Staffing establishment</b>	This does not affect staff employed by TWBC	David Scully Landscape and Biodiversity Officer 08/01/2019
<b>Risk management</b>	There is a risk that KCC may also reduce or remove funding or indeed that other external factors affect the operation of the KHWP. These risks have been minimised by having a SLA and giving a clear steer to future agreements well in advance.	David Scully Landscape and Biodiversity Officer 08/01/2019
<b>Data Protection</b>	No implications for data protection	David Scully Landscape and Biodiversity Officer 08/01/2019
<b>Environment and sustainability</b>	<p>The work of the KHWP makes a significant and positive contribution to our commitment and responsibilities to the natural environment with particular regard to <u>Section 40, National Environment and Rural Communities Act 2006</u>:</p> <p>"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."</p> <p>And;:</p> <p><u>Section 85, Countryside and Rights of Way Act 2000</u></p> <p>"85(1) In exercising or performing any functions in relation to, or so as to affect,</p>	David Scully Landscape and Biodiversity Officer 08/01/2019



	<p>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.”</p> <p>Our natural environment and natural assets are essential for the health and wellbeing of our Borough. The UK Climate Change Risk Assessment 2017 Synthesis Report<sup>1</sup> identifies that more action is needed to reduce existing pressures, improve conditions and size of habitats, restore degraded ecosystems and deliver coherent ecological networks. With more action required to factor the changing climate into conservation planning and site management. Therefore, the support and work of the KHWP remains critical to this Borough.</p>	<p>Karin Grey Sustainability Manager 09/01/2019</p>
<b>Community safety</b>	<p>The KHWP operates under strict safeguarding policies as it works with children, young people and vulnerable adults. It also supports services that deal with anti-social behaviour on Council owned sites. This work will not be affected by the changes that result from this report.</p>	<p>David Scully Landscape and Biodiversity Officer 08/01/2019</p>
<b>Health and Safety</b>	<p>No health and safety issues identified by this report.</p>	<p>David Scully Landscape and Biodiversity Officer 08/01/2019</p>
<b>Health and wellbeing</b>	<p>The KHWP has a strong focus on health and well being and measure health outcomes as part of their work. KHWP provide volunteering opportunities that have a physical activity element that our One You advisors can signpost clients to. This work will continue although there may be a risk in the longer term of some reductions in outcomes in this area.</p>	<p>Stuart Smith Health Team Leader 09/01/2019</p>
<b>Equalities</b>	<p>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</p>	<p>Sarah Lavallie Corporate Governance Officer 16/01/2019</p>

<sup>1</sup> <https://www.theccc.org.uk/tackling-climate-change/preparing-for-climate-change/uk-climate-change-risk-assessment-2017/>

	<p>opportunity between people from different groups, and (iii) foster good relations between people from different groups.</p> <p>The work of the Kent High Weald Partnership is relevant to the aims of the Public Sector Equality Duty. With regards to advancing equality of opportunity, some of their projects may help to minimise disadvantage suffered by people with protected characteristics. With regards to fostering good relations it is possible that their volunteering activities may include people with protected characteristics. Whilst Option 3 includes a reduction of 10% in funding for KHWP between 2019-2022 we do not consider that this will significantly affect the services provided by KHWP and any activities that affect people with protected characteristics could continue. Further consideration will be given to the impact on people with protected characteristics at the time any proposals are put forward regarding the period 2022-2025.</p>	
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## 8. REPORT APPENDICES

The following documents are to be published with and form part of the report:

- None

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## 9. BACKGROUND PAPERS

- Kent High Weald Partnership web page: <https://khwp.org.uk/>