

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS

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NOTE: In the case of items containing exempt information, the report must remain confidential but details of the decisions need not remain confidential.

As part of the Council's environmental strategy, all Committee agenda, reports and minutes are produced with recycled paper and are available to view on line.

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 30th June, 2016

Present: Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith and Cllr F G Tombolis

Apologies for absence were received from Councillors Ms J A Atkinson, B T M Elks, M R Rhodes and Ms S V Spence

PART 1 - PUBLIC

AP1 16/14 DECLARATIONS OF INTEREST

Councillor T Edmondston-Low declared an Other Significant Interest in Application TM/16/00957/FL as he knew the architect for the scheme in a personal capacity. He withdrew from the meeting during consideration of this application.

AP1 16/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 7 April 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP1 16/16 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP1 16/17 TM/16/01498/FL - 16 ROYAL AVENUE, TONBRIDGE

Extension and change of use from single dwelling house to 7 bed HMO at 16 Royal Avenue, Tonbridge.

RESOLVED: That planning permission be REFUSED for the reasons stated in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Mr A Khlemanov, Mr R Whitelock, Mr C Churchman, Mrs J Hewitt, Mr S Jenkins, Mr L Cooper and Mr E Warren – members of the public; and Mr C Anderson – Agent to the Applicant]

AP1 16/18 TM/16/00957/FL - 1 RODNEY AVENUE, TONBRIDGE

Proposed two storey chalet style detached dwelling with associated parking and garden areas at 1 Rodney Avenue, Tonbridge.

RESOLVED: That planning permission be REFUSED for the following reason

1. The proposed new dwellinghouse, by virtue of its overall size and specific siting combined with the constrained nature of the plot, would result in a dominant and obtrusive form of development which would be out of character with and harmful to the street scene and surrounding locality. The proposed development is therefore contrary to policy CP24 of the Tonbridge and Malling Core Strategy 2007, policy SQ1 of the Managing Development and the Environment Development Plan Document 2010 and the core principles of the National Planning Policy Framework (paragraphs 17, 58 and 64).

[Speakers: Mr R Gray, Mr Brett, Mr C Fretwell, Mrs K Fretwell and Mrs G Featherstone – members of the public]

AP1 16/19 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 6th July, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors O C Baldock and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AP2 16/35 DECLARATIONS OF INTEREST

Councillor Mrs Luck declared an Other Significant Interest in the item regarding the Alleged Unauthorised Development at 65 High Street, West Malling on the grounds that she was an adjoining neighbour to the site. She withdrew from the meeting during consideration of this item.

For reasons of transparency, Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council.

AP2 16/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 25 May 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 16/37 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under

the relevant planning application shown below.

AP2 16/38 TM/16/00413/FL - LAND PARCEL 2, LILLIEBURN, LEYBOURNE

Outside Adult Gym comprising a building of a wet pore surface, surrounding low fence and installation of gym equipment at Land Parcel 2, Lillieburn, Leybourne.

RESOLVED: That Planning permission be REFUSED for the following reason:-

1. The proposal is a visually intrusive and urbanising form of development sited on a natural open space and is thus detrimental to the landscape and amenity value of a designated Amenity Green Space. It is thus contrary to paragraph 109 of the Tonbridge and Malling Borough Core Strategy 2007 and Policies OS1 and SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012.

[Speakers: Mr M Tamplin, Mrs J Tamplin and Mr M Cail – members of the public; Mr R Ulph on behalf of Leybourne Parish Council – Applicant]

AP2 16/39 TM/16/00505/FL - AREA 63, BEACON AVENUE, KINGS HILL

Erection of a residential development comprising 44 no. dwellings (Use Class C3) with associated access, parking, landscaping and infrastructure at Area 63, Beacon Avenue, Kings Hill.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health and subject to the applicant entering into a Section 106 agreement covering a contribution towards meeting healthcare needs from the development and to the amendment of Condition 9 to read:-

9. Prior to the commencement of development, constructional details of the roadways and footways and any associated external lighting shall be submitted to and approved by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of safety and amenity.

[Speakers: Mr A Board – Kings Hill Parish Council and Mr J Suckley – Agent]

AP2 16/40 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE

Proposed conversion of existing stable and hay barn into dwellinghouse (including new roof and walling to hay barn) with associated creation of domestic curtilage, access and parking facilities at Great Oaks House, Puttenden Road, Shipbourne.

APPLICATION WITHDRAWN FROM THE AGENDA

AP2 16/41 TM/16/00235/FL - FAIRSEAT FARM HOUSE, VIGO ROAD, FAIRSEAT

Construction of flint stone and brick wall along north west side boundary at Fairseat Farm House, Vigo Road, Fairseat.

RESOLVED: That planning permission be REFUSED for the following reason:-

1. The proposed wall by reason of its height, siting and materials is visually harmful to the character and appearance of a Conservation Area. It is thus contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 126 and 131 of the National Planning Policy Framework 2012, Policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy SQ1 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2012.

AP2 16/42 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00002/COM – 65 HIGH STREET, WEST MALLING

Alleged Unauthorised Development at 65 High Street, West Malling.

RESOLVED: That, subject to further negotiations taking place with regard to the submission of retrospective planning and listed building applications, a Listed Building Enforcement Notice be ISSUED to seek the removal of the unauthorised air conditioning unit and the new flue and air intake unit to the rear of the Grade I listed building along with a suitable scheme of restoration of the building following the removal of the equipment, the detailed wording of which to be agreed with the Director of Central Services following further liaison with relevant Officers.

AP2 16/43 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.19 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 12th July, 2016

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 12th July, 2016

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr D J Cure, Cllr D A S Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Ms J A Atkinson, M A C Balfour, Mrs S M Barker, M A Coffin, M O Davis, Mrs T Dean and R D Lancaster

PART 1 - PUBLIC

C 16/49 MINUTE'S SILENCE

Before the start of the meeting the Mayor invited the Council to observe a minute's silence in memory of Jo Cox MP who had been murdered while undertaking public office.

C 16/50 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

C 16/51 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 17 May 2016 be approved as a correct record and signed by the Mayor.

C 16/52 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting he had made visits to school fetes, plays and award ceremonies. Other memorable events included the Royal Garden Party, Tonbridge Lions It's a Knockout and the BBC Antiques Roadshow at Ightham Mote. He also commented on the successful Tonbridge and Snodland Carnivals, the Battle of Britain Memorial event and a visit with the Deputy Mayor to Porchlight in New Wharf Road, Tonbridge.

Members were reminded of the Mayor's forthcoming Garden Party at Hadlow College on 13 July and the Civic Service on 24 July. It was noted that the date of the Mayor's Quiz would need to change from 8 October and further details would follow in due course.

C 16/53 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 16/54 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 16/55 LEADER'S ANNOUNCEMENTS

The Leader referred to the election for the Police and Crime Commissioner and the Referendum on the UK's membership of the European Union which had taken place since the last Council meeting. Both required a significant resource during the months of preparation, on the day itself and at the counts, involving 90 per cent of staff. He invited Members to join him in thanking the Chief Executive and those staff who worked on either or both exercises and, especially, to express appreciation to Richard Beesley. In the case of the referendum, if ensuring the smooth running of polling stations and the count was not enough, the severe weather warning received two days prior was an added complication. The Leader thanked Andy Edwards for taking charge of the Council's response to the significant weather situation and staff not on polling duty for ensuring as much business as usual was maintained.

The Leader commented that there was now certainty as to the name of the new Prime Minister and he wished Mrs May well as she took the helm. However, he reflected on the current time of political uncertainty and suggested that local government was best placed to maintain a degree of stability amongst the chaos of national government, being closest to the people and direct deliverers of services to them.

On the previous Friday the Leader had invited Chris Brodie, the Chairman of the South East Local Enterprise Council, to the Borough. Their tour had included a meeting at the East Malling Research Station and a walkabout of Tonbridge High Street. He was pleased to advise that the Council's bids to the third round of the Local Growth Fund were for improvements to the Leigh Flood Storage Area and the East Malling Research Station.

The Leader was grateful for the minute's silence for Jo Cox observed at the start of the meeting. He indicated that this authority had joined others in flying flags at half-mast over its buildings during the weekend after her brutal murder. He commented on living in a tolerant, diverse and accepting community and hoped that it might long remain so.

Members were reminded of the ongoing discussions with the County Council about seeking devolved powers across the County and in respect of a more joined up approach to delivering services across West Kent in partnership with Sevenoaks District Council and Tunbridge Wells Borough Council. The Leader reported that at a recent meeting of the Kent Council Leaders, there had been unanimous agreement that now was not the appropriate time for Kent and Medway to submit a devolution bid to the Government. Whilst a transfer of powers and freedoms from central to local government was considered highly desirable and might eventually bring great benefits to local residents, the current pressures on Government, not least from the need to focus upon EU exit negotiations, meant that devolution was unlikely to be a priority in the medium term. However, efforts would continue to build on the joint working and trusted relationships that had developed whilst working on the devolution agenda. In particular, joint working between clusters of authorities – for example in West Kent – would continue without any formal devolution agreement and would particularly focus on improving the efficiency and effectiveness of existing services.

The Leader then reflected on the numerous summer related activities throughout the Borough including school fetes, carnivals at Snodland and Tonbridge and, most recently, the very successful weekend of Music and Fireworks organised by the Tonbridge Arts Committee and particularly Andy Brett.

Finally, Members were informed that Councillor Martin Coffin, who had given his apologies for absence from the meeting, was celebrating his 30th wedding anniversary and the Leader was pleased to send congratulations to him and his wife Gillian.

C 16/56 EQUALITY POLICY STATEMENT AND OBJECTIVES

Item OS 16/13 referred from Overview and Scrutiny Committee minutes of 14 June 2016

RESOLVED: That the recommendations at Minute OS 16/13 be approved.

C 16/57 HUMAN RESOURCES STRATEGY UPDATE

Item GP 16/12 referred from General Purposes Committee minutes of 27 June 2016

RESOLVED: That the recommendations at Minute GP 16/12 be approved.

C 16/58 RISK MANAGEMENT STRATEGY

Item CB 16/48 referred from Cabinet minutes of 29 June 2016

RESOLVED: That the recommendations at Minute CB 16/48 be approved.

C 16/59 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2015/16

Item CB 16/49 referred from Cabinet minutes of 29 June 2016

RESOLVED: That the recommendations at Minute CB 16/49 be approved.

C 16/60 MULTI-YEAR SETTLEMENT AND ASSOCIATED EFFICIENCY PLAN AND FLEXIBLE USE OF CAPITAL RECEIPTS STRATEGY

Item CB 16/50 referred from Cabinet minutes of 29 June 2016

RESOLVED: That the recommendations at Minute CB 16/50 be approved.

C 16/61 SEALING OF DOCUMENTS

RESOLVED: That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 7.47 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 14th July, 2016

Present: Cllr M Parry-Waller (Chairman), Cllr Mrs S M Hall (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr D Markham, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

Councillor H S Rogers was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs A S Oakley and B W Walker

PART 1 - PUBLIC

AP3 16/27 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP3 16/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 2 June 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 16/29 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 16/30 TM/16/00797/AO - TADDINGTON WOOD, NORTH OF ROBIN HOOD LANE, BLUE BELL HILL

Outline Application: erection of x 5 dwelling houses and x 5 detached garages with associated access parking and turning areas and landscaping at Taddington Wood, North of Robin Hood Lane, Blue Bell Hill.

RESOLVED: That outline planning permission be REFUSED for the following reasons:

- (1) The site lies within the designated countryside outside the confines of the urban and rural settlements identified in policies CP11, CP12 and CP13 of the Tonbridge and Malling Borough Core Strategy 2007. The proposal comprises residential development in the countryside, being contrary to policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007. The Local Planning Authority therefore considers that there is an overriding principle objection to the proposed development and that no other material considerations exist in this case that overrides the policy objection.
- (2) The development, by reason of its proposed location would fail to integrate with or respect the prevailing pattern of development in the locality. The proposed development would, therefore, fail to respect the character and distinctiveness of the local area, contrary to the requirements set out in policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and policy SQ1 of the Managing Development and the Environmental Development Plan Document 2010.

PART 2 - PRIVATE**AP3 16/31 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 18th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and
Cllr H S Rogers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/55 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/56 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE
CONSTITUTION**

**LA 16/57 DUAL HACKNEY CARRIAGE AND PRIVATE HIRE LICENCE
(CASE NO 013/2016)**

**(Reason: LGA 1972 Sch 12A Paragraph 1 - Information relating to
an individual)**

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding a formal complaint received from a member of the public about the holder of a Dual Hackney Carriage and Private Hire Licence (15/00234/DUALDL) following an incident during a journey from Waterloo Road (Station taxi rank) to the home address of the complainant. The complainant alleged that the Driver had shouted and become very aggressive when asked to provide a receipt and had driven the complainant back to Waterloo Road while the latter was talking to a 999 Police Operator on his mobile 'phone.

The Panel listened carefully to the information provided by the Licence Holder, who was supported by his legal adviser at the Hearing. A

representative of Kent Police also attended in order to present details of a 999 police operator call made at the time of the incident which was alleged to have taken place on Tuesday 5 July at approximately 23.45 hours. The Panel had regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy and made the following findings:-

1. The Panel made reference to the key pieces of evidence, read through the transcript of the formal interview undertaken with the Licensed Driver, heard a contemporaneous recording of a 999 call made by the passenger in the taxi (the complainant) and heard in person from the Licensed Driver.
2. The Panel was very concerned at the behaviour of the licence holder in his role as a licensed taxi driver.
3. It was clear from the 999 call that the Driver had been asked to stop to allow the passenger out, which he then refused to do. It was also clear that the passenger perceived that the Driver drove too fast and it was apparent from his subsequent email to Licensing Services that he had been frightened by the experience and was concerned for his own safety.
4. It was apparent from the Driver's evidence before the Panel that he did not believe that he was at fault and he had not sought to apologise for his behaviour. Furthermore, it was apparent that the Driver, despite being asked four times to show identification, had refused to provide this to the passenger. The Driver confirmed that he was not wearing his badge, which was a legal requirement.
5. The Panel was unconvinced by the evidence given by the Driver during the Hearing.

For these reasons the Panel therefore

RESOLVED: That the Dual Hackney Carriage and Private Hire Driver's Licence (numbered 15/00234/DUALDL) be revoked.

The meeting ended at 11.05 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 27th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/58 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/59 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/60 APPLICATION FOR PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 11/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 - Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Driver and Vehicle Licensing Authority (DVLA) regarding the use of a mobile 'phone while driving and of exceeding the statutory speed limit on a public road.

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and to

the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. The Panel noted the relevant provisions of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel considered the Policy, and in particular to paragraph 12.7.2 which stated that where an applicant had more than one conviction for this type of offence within the last 6 months, an application would normally be refused.
3. The Panel noted that the most recent offence was over 6 months old. However, the Panel remained concerned at the frequency of similar offences with a short period.
4. Additionally, in relation to the mobile 'phone offence, whilst the Panel accepted the explanation given, it remained concerned that the circumstances demonstrated a lack of due attention which would be essential for a professional driver.

For these reasons the Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence be REFUSED.

The meeting ended at 10.10 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 27th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/61 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/62 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/63 APPLICATION FOR PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 14/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 - Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS).

The Panel noted that the Applicant had requested an adjournment of the consideration of his application as he was on holiday. The Panel noted that the application was for a probationary licence and that there would be no risk to the public's safety by adjourning the hearing to allow the Applicant to attend another hearing and put forward his case.

For these reasons the Panel therefore

RESOLVED: That the Applicant's request for an adjournment be AGREED.

The meeting ended at 10.31 am
having commenced at 10.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 27th July, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr R V Roud

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/64 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/65 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/66 APPLICATION FOR DUAL HACKNEY CARRIAGE AND PRIVATE HIRE DRIVING LICENCE (CASE NO 15/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 - Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Dual Hackney Carriage and Private Hire Driver's Licence following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. The Panel noted the relevant provisions of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Licensing Policy.
2. The Panel considered this as a serious offence for which the Applicant was convicted just over three years ago to a five year custodial sentence.
3. The Panel considered the Policy and, in particular, the reference to offences involving dishonesty. It noted that, under the Policy (paragraphs 12.2.3 and 12.2.4 of Appendix D), an application submitted within 4 years of conviction for such an offence would normally result in a refusal. Where an application is submitted between 4 and 5 years after conviction, more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

For these reasons the Panel therefore

RESOLVED: The application for a Dual Hackney Carriage and Private Hire Driver's Licence be REFUSED.

The meeting ended at 12.15 pm
having commenced at 11.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 28th July, 2016

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, M A C Balfour, P F Bolt, D J Cure, B J Luker, P J Montague, M Parry-Waller, M R Rhodes and R V Roud were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 16/59 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 16/60 CONSULTATIONS: FAIRER CHARGING IN TONBRIDGE AND MALLING; AND CESSATION OF COUNCIL TAX REDUCTION SCHEME GRANT TO PARISH COUNCILS

The report of the Management Team gave details of the responses received in respect of the two consultations launched on 9 May 2016 for a six week period (Decision No D160037CAB). One consultation was with parish councils regarding the potential cessation of the Council Tax Reduction Scheme (CTRS) grant arrangements from 2017/18. The other involved the wider public in relation to "Fairer Charging", the potential introduction of a Special Expenses Scheme in place of the (section 136) Financial Arrangements with Parish Councils Scheme, also with effect from 2017/18. The Director of Finance and Transformation introduced the report and made a presentation on the responses to each consultation and the suggested way forward.

It was noted in respect of the CTRS consultation that responses were limited in number and were generally accepting of the Borough Council's financial position and the "discretionary" nature of the grants currently awarded. It was therefore recommended that such grants be withdrawn from April 2017, achieving a saving of £175,000.

Detailed consideration was given to the issues emerging from the Fairer Charging/ Local Charge consultation, the majority of parish councils supporting the approach, albeit with caveats, while the responses from residents were mixed with those from Tonbridge generally not in favour and those from parished areas generally supportive. Members debated

the potential service areas to be included in any Special Expenses Scheme in the light of the responses, attention being drawn to a detailed representation received in respect of Tonbridge cemetery, the position concerning open churchyards and a suggested review of Christmas lighting grants by the Overview and Scrutiny Committee. It was noted that if the Council were to adopt a Special Expenses Scheme, savings of around £226,000 per annum could be achieved, subject to a decision on future support for open churchyards.

The report highlighted the outcome of an Equality Impact Assessment of both cessation of CTRS grants to parish councils and the implementation of a Special Expenses Scheme which indicated that there were no disproportionate effects needing to be addressed.

Finally, the Cabinet recorded thanks to the Director of Finance and Transformation and the cross-service officer team involved in preparation for and analysis of responses to the consultations.

RECOMMENDED: That

- (1) the responses received in respect of the consultation with parish councils regarding the cessation of CTRS grants and any potential equality impacts be noted and the grants be withdrawn from 1 April 2017 and parish councils notified accordingly;
- (2) the responses received in respect of the consultation regarding the potential introduction of Special Expenses and any potential equality impacts be noted and the introduction of such a Scheme from 1 April 2017 be commended to the Council;
- (3) on the basis that a Special Expenses Scheme is to be introduced, the following concurrent services should be incorporated within the Scheme:-
 - Closed churchyards
 - Open spaces, parks and play areas maintained by TMBC in parished areas; excluding Leybourne Lakes Country Park (strategic site)
 - Open spaces, play areas, parks and sportsgrounds in Tonbridge; excluding Castle Grounds and Haysden Country Park (strategic sites)
 - Support given to Local Events
 - Allotments;

and, in accordance with the agreed project timetable, the Overview and Scrutiny Committee review the Scheme, once it is drawn up, at its next meeting;

- (4) information be sought from the church authorities on the capacity status of open churchyards throughout the Borough to enable further consideration of whether grants (under section 214 of the Local Government Act 1972) should continue to be offered to support their maintenance in furtherance of the previous policy in this regard;
- (5) a review be undertaken by the Overview and Scrutiny Committee into the future funding of Christmas Lighting and High Street flower displays in readiness for 2017/18; and
- (6) on the basis that a Special Expenses Scheme is to be introduced, the Scheme of Financial Arrangements cease with effect from 1 April 2017 and parish councils be notified accordingly.

***Referred to Council**

CB 16/61 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.46 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 17th August, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers and Cllr T B Shaw

Councillors O C Baldock, N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S R J Jessel (Vice-Chairman), M A C Balfour, M A Coffin, Miss J L Sergison and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 16/44 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct.

AP2 16/45 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 6 July 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 16/46 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP2 16/47 TM/15/03051/FL - ST GEORGES COURT, WEST STREET, WROTHAM

Demolition of the existing housing to be replaced with new residential flats and houses, with associated ancillary buildings, parking and amenity space: 5 apartment blocks 2-3 storeys in height consisting of 9 X 1 bed and 43 X 2 bed units; 6 X 2 bed houses and 2 X 3 bed houses with private garden amenity space at St Georges Court, West Street, Wrotham.

RESOLVED: That a Members' Site Inspection be arranged to fully explore and assess issues regarding the:

- Relationship with Courtyard Gardens to the East
- Relationship with Childs Way to the North
- Relationship with Goodworth Road/Mountain Close to the West
- Relationship with West Street
- Parking issues in West Street
- Context of the form and materials within the AONB and setting of the Conservation Area
- Trees
- Junction of West Street and High Street
- Location of Primary School
- Location relative to the local services

In addition, Members requested that a list of those concerns raised and highlighted by consultees and the public speakers be available at the Site Inspection for information.

[Speakers: Mr P Gillin on behalf of CPRE; Mrs C Savill, member of the public; Mr B Bell on behalf of the Courtyard Gardens Residents; and Wrotham Parish Council (Mr H Rayner)]

AP2 16/48 TM/16/01231/FL - OAKDENE CAFE, LONDON ROAD, WROTHAM

Demolition of existing single storey structure and associated outhouses (A3 and C3 uses) and creation of new part 2, part 3 storey mixed use complex (A3 restaurant and C1 business hotel) plus basement and surface parking spaces across 3077sqm of the site. 5360sqm to the rear of the site will be planted with native species trees as an improved nature reserve at Oakdene Café, London Road, Wrotham.

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

- (1) Referral to the National Planning Caseworker Unit as a departure from the Development Plan

(2) An updated Plans List being noted

(3) Amended Condition:

10. Prior to the first occupation of any part of the building hereby approved, the vehicular access arrangements, including changes to markings on London Road shall be fully implemented in accordance with 8120R/902 Rev B dated 17.06.16 or any approved variation thereof. Unless otherwise agreed in writing, the works shall include a ghosted right turn lane and be subject to additional signing, lining, lighting and surfacing works in accordance with Section 278 Agreement and they shall be retained as approved.

Reason: The protection of highway safety.

14. No drainage systems for the infiltration of surface water drainage into the ground are permitted from the modular attenuation tank or the underground parking drainage system, other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.

Reason: To protect pollution of controlled waters and comply with National Planning Policy Framework 2012.

(4) Additional Condition(s):

22. No development shall take place until details and results of the site specific borehole investigation have been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the underground car park does not affect ground water contamination.

23. (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed without increase to on site or off site flood risk. Any discharge to the public surface water sewer shall be agreed in advance in writing with the Local Planning Authority and Southern Water.

(ii) No building hereby permitted shall be occupied until details of the implementation; maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by

the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- A timetable for its implementation
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

[Speakers: Ms J Fleming, agent]

AP2 16/49 TM/16/01245/FL - 4 WROTHAM ROAD, BOROUGH GREEN

Section 73 Application to vary condition 13 of TM/14/03560/FL (as varied by non-material amendment TM/16/00688/NMA) to remove the chamfer from the rear of the building, relocation of escape door, insertion of additional escape door, retention of existing covered porch, amendment to main entrance door, reduction in width and relocation of new access stairs, revised position of two car parking spaces at 4 Wrotham Road, Borough Green.

RESOLVED: That the application be DEFERRED to allow further negotiations with the applicant to take place.

[Speaker: Mr G Morris – applicant]

AP2 16/50 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00112/USEH - STUBBLESDOWN, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised change of use of land from residential to a mixed use of residential and commercial car sales at a site to the south of the A20 London Road.

It was reported that the use of the site for car sales was clearly visible from the A20 when approaching the village of Addington and was considered to have an adverse impact on the appearance of the site. Accordingly, the development was harmful to the character and visual amenity of the area and, therefore, contrary to policies CP24 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That, following the outcome of the application seeking a Lawful Development Certificate, an Enforcement Notice BE ISSUED, to

seek the cessation of the unauthorised use, the detailed wording of which to be agreed with the Director of Central Services.

AP2 16/51 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00388/WORKM - LAND REAR OF 19-29 STATION ROAD, BOROUGH GREEN

This item was WITHDRAWN from the agenda as the developers had made changes to the fence since the enforcement case was opened which meant it was no longer expedient to take action on visual amenity grounds.

Members were advised that Officers continued to investigate any breaches of planning control of the garden levels with regard to other amenity issues that might arise.

AP2 16/52 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00299/WORKH - THE OLD BAKERY, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised creation of a large area of hardstanding to the south of the property.

It was reported that the site was in the Green Belt and, therefore, Section 9 of the NPPF applied. The significant amount of engineered hard surfacing constructed and the large amounts of furniture and other products likely to be stored on this area would have a harmful effect on the openness of the site and would not preserve the openness of the Green Belt. Therefore, this was considered inappropriate development and was harmful to the character and visual amenity of the area and was contrary to policies CP2 of the TMBCS and policy SQ1 of the MDE DPD.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised hardstanding and the land restored to its former condition, the detailed wording of which to be agreed with the Director of Central Services.

AP2 16/53 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 25th August, 2016

Present: Cllr M Parry-Waller (Chairman), Cllr Mrs S M Hall (Vice-Chairman), Cllr M C Base, Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr S M Hammond, Cllr D Keeley, Cllr S M King, Cllr D Lettington, Cllr D Markham, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

An apology for absence was received from Councillor Mrs T Dean

PART 1 - PUBLIC

AP3 16/32 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP3 16/33 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 14 July 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP3 16/34 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP3 16/35 TM/16/00955/FL - COBDOWN SPORTS AND SOCIAL CLUB,
STATION ROAD, DITTON**

1. An extension and refurbishment to the existing clubhouse building to provide for a higher standard of social and function space and 2 teaching rooms;
2. An extension and refurbishment of the existing squash and gym building to provide a further 3 squash courts and wet and dry changing rooms as well and a gym space and dance studio;
3. A new build changing room block to provide changing facilities for 4 teams and associated officials. As well as spectator toilets and a kitchen space with serving hatch; and
4. Provision of 2 3G pitches on the existing sports field all at Cobdown Sports and Social Club, Station Road, Ditton

RESOLVED: That the application be APPROVED in accordance with the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Amended condition(s):

17. The lighting hereby approved shall be used only when necessary to do so and only when the pitches are in use and then only between the hours of 1530 and 2200, and, apart from maintenance, shall remain switched off at all other times unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of visual and residential amenity.

20. There shall be no land raising in connection with the construction of the sorts pitches hereby approved unless formally approved in advance by the Local Planning Authority.

Reason: To ensure the development does not increase flood risk elsewhere

(2) Additional condition(s):

28. There shall be no land raising or bunds created across the site until such time as full details of such works have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a scheme for compensatory storage measures across the site and any such scheme approved shall be implemented concurrently with the development and maintained and retained at all times thereafter.

Reason: To ensure the development does not increase flood risk elsewhere

(3) Amended informative(s):

5. The applicant is advised that the following should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:

- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods;
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated;
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table; and
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.

9. In order to satisfy the requirements of Conditions 20 and 28, the applicant is advised of the following:

- Site levels for the proposed sports pitches should be set no higher than the lowest point of the ground where they are proposed;
- The requirement for compensatory flood storage should be kept to a minimum in the overall site design;
- The creation of spectator bunds and extension of building footprints should be kept to an absolute minimum; and
- Where compensatory flood storage is required to offset any minor land raising/bunds, this should be direct or 'level to level flood' compensation.

(4) Additional informative:

11. The applicant is reminded that no Public Right of Way should be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

[Speakers: Ms K Capaldi and Mr Murdoch – members of the public; and Mr A Dennington – agent]

AP3 16/36 TM/15/01239/FL - HOLTWOOD FARM SHOP, 365 LONDON ROAD, AYLESFORD

Installation of mobile fish van in car park (retrospective). Section 73 application for the removal of condition 1 (Temporary use) of planning permission TM/13/03491/FL (installation of a mobile fish van in car park (retrospective) to enable the permanent retention of the fish van at Holtwood Farm Shop, 365 London Road, Aylesford.

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to

(1) Additional informative(s):

1. The applicant is strongly encouraged to ensure that the business hereby approved operates in a way that respects the nearest neighbouring properties at all times, particularly by seeking to ensure that no music is played from the van itself and by seeking to ensure that all customers behave in a respectful manner by not remaining in the car park once goods have been purchased and by not eating goods on site.

PART 2 - PRIVATE

AP3 16/37 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/67 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/68 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/69 APPLICATION FOR A PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 14/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. While the Panel noted that the Applicant had disclosed the receipt of a Caution for Common Assault on 25 July 2013 on his application it was concerned that the Applicant had resorted to physical means to resolve a conflict rather than waiting for the Police to attend.
2. The Panel was impressed by the level of support and guidance given by the Applicant's father, the fact that the Applicant had been successful in procurement of employment which involved driving a company vehicle and that the Applicant had not come to the attention of the authorities for any other reason.

For these reasons the Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence under s.51 of the Local Government (Miscellaneous Provisions) Act 1976 be GRANTED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 10.30 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/70 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/71 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/72 APPLICATION FOR A PROBATIONARY PRIVATE HIRE LICENCE (CASE NO 17/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had received a conviction on 19 September 2013 for Battery.

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and made the following findings:-

1. The Panel noted that the Applicant had made a conscious decision to declare on his questionnaire that he had no convictions for assault or any other offence.
2. The Applicant had a conviction dated 19 September 2013 for Battery under s.39 of the Criminal Justice Act 1988.
3. The Panel considered the Policy, and in particular to paragraph 12.3.1 which stated that where the Applicant has a conviction for assault within the last 4 years, an application would normally be refused.
4. The Panel did not hear any mitigating circumstances from the Applicant or any reasons to encourage them to deviate from the Policy.

For these reasons the Panel therefore

RESOLVED: That the application for a Probationary Private Hire Driver's Licence under s 51 of the Local Government (Miscellaneous Provisions) Act 1976 be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 11.25 am
having commenced at 10.45 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/73 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/74 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/75 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE (CASE NO 18/2016)

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

The Panel was asked to consider whether an application for the renewal of a Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS). The Applicant was contacted via mobile 'phone as he had failed to arrive prior to the start of the meeting and he confirmed that he had received the agenda papers but had forgotten about the Hearing. The Panel listened very carefully to the Driver's request that the Hearing be adjourned to allow him to attend and his confirmation that he was happy for the application to be considered in his absence.

The Hearing took place in the Driver's absence and the Panel had regard to the report of the Director of Central Services and Monitoring Officer. The Panel made the following findings:-

1. The Panel refused the request for an adjournment as it was not convinced by the reason given by the Applicant.
2. The applicant had failed to declare on his renewal application form the conviction in 2014 under the Theft Act 1968 s.1(1) for Theft (By Employee) on 11 November 2013.
3. The Panel considered the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and the provision which stated that an application would normally be refused following a conviction for dishonesty.

For these reasons the Panel therefore

RESOLVED: That the application for the renewal of a Private Hire Driver's Licence under s.61(1)(a)(i) of the Local Government (Miscellaneous Provisions) Act 1976 be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 12.00 pm
having commenced at 11.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 26th August, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates and Cllr O C Baldock

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 16/76 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/77 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/78 APPLICATION FOR A PROBATIONARY PRIVATE HIRE LICENCE - CASE NO 19/2016

(Reason: LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Consideration was given to the report of the Director of Central Services and Monitoring Officer regarding an application for a Probationary Private Hire Driver's Licence following receipt of information from the Disclosure and Barring Service (DBS).

The Panel listened carefully to the information provided by the Applicant, had due regard to the report of the Director of Central Services and Monitoring Officer and made the following findings:-

1. The Panel noted that the Applicant was waiting for his Residence Card to be sent through from the Home Office. The Panel was shown a letter dated 5 December 2015 which indicated that this process normally took six months.

For these reasons the Panel therefore

RESOLVED: That the Hearing be postponed until the Applicant has received his Residence Card.

The meeting ended at 12.55 pm
having commenced at 12.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 5th September, 2016

Present: Cllr V M C Branson (Chairman), Cllr M C Base (Vice-Chairman), Cllr T Bishop, Cllr S R J Jessel, Cllr Mrs F A Kemp and Cllr S C Perry

Grant Thornton, External Auditors: Ms S Ironmonger (Engagement Lead) and Mr T Greenlee (Audit Manager)

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Edmondston-Low, B T M Elks and B W Walker

PART 1 - PUBLIC

AU 16/40 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AU 16/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 20 June 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 16/42 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2016/17

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to July of the current financial year and included a mid-year review of the current financial year's Annual Investment Strategy. Members were reminded of the parameters which aimed to limit the Council's exposure to investment risks and invited to note the review of the Council's long term cash balances.

Reference was made to the recent reduction in Bank Rate to 0.25% and the likely impact on investment income in the current financial year and over the medium term. Attention was drawn to the possible use of property and similar funds to mitigate some of that impact and their potential use for 'new money' derived from the sale of surplus assets.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for the period April to July 2016 be endorsed;
- (2) the existing parameters intended to limit the Council's exposure to investment risks be retained; and
- (3) the review of the Council's long term cash balances and the use of property funds for subsequent consideration by the Audit Committee in January 2017 be noted.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AU 16/43 EXTERNAL AUDITORS REPORT ON THE OUTCOME OF THE AUDIT OF THE STATEMENT OF ACCOUNTS 2015/16

The report of the Director of Finance and Transformation presented the External Auditors' report on the outcome of the Audit of the Statement of Accounts 2015/16. Members were reminded that, under the Council's constitutional arrangements, the outcome of the audit of the Accounts had to be considered and approved by the Audit Committee before the Accounts were signed off by the Engagement Lead. The officers provided an update on a number of procedural matters which had not been finalised prior to publication of the agenda and the external auditors confirmed that they intended to issue an unqualified audit opinion on the financial statements and value for money conclusions contained in their report.

RESOLVED: That

- (1) the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2015/16, as set out at Annex 1 to the report, together with the associated action plan set out at paragraph 1.3.1 of the report, be approved;
- (2) the Chairman of the Audit Committee and the Director of Finance and Transformation be granted delegated authority to countersign the Letter of Representation, as set out at Annex 2 to the report and subject to the inclusion of the amendments outlined at the meeting, when the External Auditors are ready to issue their opinion; and
- (3) the Chairman be authorised to sign the Accounts in the appropriate place.

MATTERS SUBMITTED FOR INFORMATION**AU 16/44 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

The report of the Chief Audit Executive provided an update on the work undertaken by the Internal Audit and Counter Fraud functions during the period April to July 2016.

RESOLVED: That the report be received and noted

AU 16/45 EXTERNAL QUALITY ASSESSMENT

The report of the Chief Audit Executive outlined the draft results of the External Quality Assessment (EQA) of the Internal Audit services which had been undertaken in May 2016.

RESOLVED: That the report be received and noted.

AU 16/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE**AU 16/47 INSURANCE CLAIMS HISTORY: APRIL - JULY 2016**

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

The report of the Director of Finance and Transformation provided details of the nature and volume of liability and property damage insurance claims submitted during the period April to July 2016.

RESOLVED: That the report be received and noted.

The meeting ended at 8.21 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 6th September, 2016

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr D Lettington and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, Mrs S M Barker, P F Bolt, D J Cure, Mrs T Dean, Mrs S L Luck, D Markham, P J Montague, M Parry-Waller, S C Perry, M R Rhodes, A K Sullivan and M Taylor were also present pursuant to Access to Information Rule No 22.

Apologies for absence were received from Councillors Mrs M F Heslop and H S Rogers

PART 1 - PUBLIC

CB 16/62 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

CB 16/63 MATTERS REFERRED FROM PLANNING AND TRANSPORTATION ADVISORY BOARD OF 5 JULY 2016

The notes of the meeting of the Planning and Transportation Advisory Board held on 5 July 2016 were received and taken into account during consideration of the subsequent item on the Local Plan – The Way Forward.

RESOLVED: That the report be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 16/64 FLOODING UPDATE: TONBRIDGE, HILDENBOROUGH AND EAST PECKHAM

Further to Decision No D140135MEM, the report of the Management Team provided an update on the flood mitigation project relating to the areas of the Borough on the River Medway most vulnerable to flooding. Details were given of the programme and funding of the mitigation schemes and it was noted that a bid had been submitted for funding from the Local Growth Fund by the Borough Council with participation from Kent County Council and the Environment Agency.

Consideration was given to a “fast-tracked” evaluation of the Leigh Flood Storage Area, Hildenborough flood protection bund and East Peckham

flood mitigation scheme with a recommendation for a maximum capital grant of £500,000 in 2020/21 as a partnership contribution. Members were advised that public exhibitions of the proposed schemes would be held including one at the Angel Centre, Tonbridge on 20 – 22 October 2016.

RECOMMENDED: That

- (1) the “fast-tracked” evaluation of the flood mitigation schemes for Leigh, Hildenborough and East Peckham, as evidenced at Annex 2 to the report, be supported; and
- (2) the Council approve the updating of the existing Capital Plan to reflect a capital grant, as a partnership contribution, towards the project of £500,000 (maximum) in 2020/21.

***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,
PART 3 OF THE CONSTITUTION**

CB 16/65 LOCAL PLAN - THE WAY FORWARD

Decision Notice D160061CAB

CB 16/66 WEST MALLING PARISH NEIGHBOURHOOD AREA

Decision Notice D160062CAB

**CB 16/67 BUSINESS RATES RETENTION CONSULTATION AND FAIR
FUNDING REVIEW**

Decision Notice D160063CAB

CB 16/68 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.09 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet
Decision No: D160061CAB
Date: 06 September 2016**

Decision(s) and Reason(s)

Local Plan - The Way Forward

(Report of Director of Planning, Housing and Environmental Health)

The report addressed the key points raised at the meeting of the Planning and Transportation Advisory Board on 5 July 2016 and updated documents and arrangements that would form the basis of the Local Plan public consultation due to commence later in September. In particular, a succinct summary of The Way Forward had been prepared to raise awareness of the Local Plan process and point the reader to the main consultation documents which had also been edited to reflect Members' comments.

The revised Way Forward document, including a new executive summary and larger scale map of the potential development strategy, together with an "infographic" summarising the key points were presented for approval. A supplementary report highlighted some further amendments to The Way Forward document. These documents, together with the Sustainability Appraisal Scoping report and Habitat Regulations Assessment report (considered by the Advisory Board in July), would form the basis of the consultations.

It was agreed that a number of matters raised during discussion be incorporated in the final consultation document including an explanation of Planning by Appeal in section 2.4; a review of the wording of Plan Objective 2 in section 4.5; and provision of an indication of size of potential developable areas in section 5.9.

The Cabinet recorded thanks to the Director of Planning, Housing and Environmental Health, the Planning Policy Manager and his team for all their work on the Local Plan.

The Cabinet resolved that:

- (1) the documents appended to the report form the basis of the Local Plan Regulation 18 public consultations as described in section 1.3 of the report; and**

(2) the amendments appended to the supplementary report be incorporated into “The Way Forward” document together with the adjustments outlined above and any other minor editing alterations identified by the Director of Planning, Housing and Environmental Health to further improve clarity.

Reasons: As set out in the report and supplementary report of the Director of Planning, Housing and Environmental Health.

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

Decision Taken By: Cabinet
Decision No: D160062CAB
Date: 06 September 2016

Decision(s) and Reason(s)

West Malling Parish Neighbourhood Area

(Report of Director of Planning, Housing and Environmental Health)

The report advised that West Malling Parish Council had made an application to designate the whole of the parished area as a Neighbourhood Area in accordance with the Localism Act. Details were given of the process for considering the application and a supplementary schedule was presented providing a summary of responses to the public consultation exercise.

The Cabinet resolved that:

The designation of the West Malling Parish Neighbourhood Area shown at Appendix 1 to the report be approved.

Reasons: As set out in the report of the Director of Planning, Housing and Environmental Health.

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

Decision Taken By: Cabinet
Decision No: D160063CAB
Date: 06 September 2016

Decision(s) and Reason(s)

Business Rates Retention Consultation and Fair Funding Review

(Report of Director of Finance and Transformation)

The report provided an overview of and proposed response to two Department for Communities and Local Government consultation papers entitled “Self-sufficient Local Government: 100% Business Rates Retention Consultation Document” and “Fair Funding Review: Call for Evidence on Needs and Redistribution”.

The responses reflected the Council’s experience in respect of Aylesford Newsprint and it was suggested that a covering letter be prepared explaining its position and the support of the local MPs be canvassed.

The Cabinet resolved that:

- (1) the proposed response to the Self-sufficient Local Government: 100% Business Rates Retention Consultation, as set out at Annex 1 to the report, be approved;
- (2) the proposed response to the paper Fair Funding Review: Call for Evidence on Needs and Redistribution, as set out at Annex 2 to the report, be approved; and
- (3) a covering letter be prepared to set the responses in context, with copies to the two local Members of Parliament.

Reasons: As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 13th September, 2016

Present: Cllr A K Sullivan (Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr S R J Jessel, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr P J Montague, Cllr M Taylor, Cllr F G Tombolis, Mr P J Drury and Mr D Still (Co-opted Members)

Councillors O C Baldock, N J Heslop, D Lettington and M R Rhodes were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Ms J A Atkinson and Mrs S M Hall

PART 1 - PUBLIC

OS 16/18 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, Councillor M Rhodes referred to the fact that he was the current Mayor.

OS 16/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 14 June 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 16/20 DRAFT CORPORATE STRATEGY

The report of the Chief Executive advised that the Cabinet had approved an initial draft of the new Corporate Strategy subject to a number of minor textual amendments at its meeting on 29 June 2016. Consideration was given to the revised draft which, it was noted, differed from the previous highly detailed corporate performance plan in comprising a wider vision of the Council's focus over the three year period, supported by some adopted "key values". The strategy indicated how it was intended to meet the challenges being faced by the Council, its commitment to partnership working and some key measures of success. The Committee welcomed the more succinct approach.

RECOMMENDED: That the draft Corporate Strategy set out at Appendix A to the report be commended to the Cabinet for formal adoption by the Council.

OS 16/21 SPECIAL EXPENSES SCHEME POLICY (FAIRER CHARGING)

The report of the Management Team referred to the consultations undertaken in respect of the potential introduction of a Special Expenses Scheme and the outcome of the detailed consideration and debate by the Cabinet at its extraordinary meeting on 28 July 2016 (Minute CB 16/60). In accordance with the recommendations, a draft policy was presented for review by the Committee prior to any final decisions being taken by the Council on 1 November 2016.

The Committee noted that during the consultation, a number of parish councils had suggested that small pockets of Borough Council owned land might be more cost effectively maintained by the parish council in the future rather than being charged as a special expense. Consideration was being given to these suggestions.

In addition to the recommendations specific to the Special Expenses Scheme policy, the Cabinet had also requested the Overview and Scrutiny Committee to undertake a review into the future funding of Christmas Lighting and High Street flower displays in readiness for 2017/18 (reference at subsequent Minute OS 16/23).

RECOMMENDED: That the draft Special Expenses Scheme policy set out at Annex 1 to the report be approved for adoption by the Council.

OS 16/22 REVIEW OF MAYORALTY FUNCTION

Further to Minute OS 16/15, the report of the Director of Central Services presented a comprehensive review of the Mayoralty function which considered the role of the Mayor, Mayoral engagements and fund raising, the role of the Macebearer, Mayoral transport, budget and allowances and, finally, religious involvement in the Mayoralty including appointment of the Mayor's chaplain and the saying of prayers before Council meetings. An Annex containing exempt information relating to costs associated with the Macebearer and chauffeur was included in the private part of the agenda.

The Committee decided to proceed with the review without inviting other stakeholders to participate but written representations from the current Macebearer were read out and a number of Members who were past Mayors contributed to the meeting. Considerable discussion ensued during which the value of the Mayor in raising the profile of the Borough and the appreciation of schools, charitable organisations and other recipients of visits by the Mayor was acknowledged. Whilst it was considered that the majority of engagements should take place within or adjacent to the Borough, Members did not favour a prescriptive approach or linking the Mayoral programme with corporate objectives. The knowledge and experience of the current Macebearer were also recognised.

In considering a number of options in respect of the future of Mayoral transport and allowances, the Committee concluded that flexibility should be maintained to enable a chauffeur to be engaged in appropriate circumstances but competitive quotations should be obtained for the service.

Members debated whether there should be religious involvement in the Mayoralty in future and considered that it should remain at the discretion of the incumbent Mayor, subject to clarification of the options open to them. No change was recommended to the current arrangements for saying prayers before full Council meetings although provision should be made for any Member to join the meeting immediately thereafter if they so wished.

RECOMMENDED: That

- (1) no changes be made to the role of the Mayor as set out in the Constitution;
- (2) no change be made to the current approach to Mayoral engagements;
- (3) the Mayor should continue to undertake a fund raising role for one or two chosen charities as at present;
- (4) the role of the Macebearer be retained as at present;
- (5) the current arrangements for Mayoral transport be retained but competitive quotations be sought from three providers to ensure value for money and the budget be limited to £10,000;
- (6) the Joint Independent Remuneration Panel be invited to review the allowances payable to the Mayor and Deputy Mayor;
- (7) the incoming Mayor be given the freedom to decide if they wish to appoint as Chaplain a person from any religion for the purpose of providing spiritual counsel or, alternatively, to make no appointment; and
- (8) no changes be made to the current arrangements for the saying of prayers immediately before Council meetings provided that any Member may choose to join the meeting thereafter if they so wish.

DECISIONS TAKEN BY THE COMMITTEE

OS 16/23 PROPOSED SCRUTINY REVIEW PROGRAMME

The report of the Chief Executive set out further topics for review by the Committee. The first related to a review of Christmas lighting provision

and High Street flower displays arising from the Cabinet's consideration of the introduction of a Special Expenses Scheme (Minute OS 16/21 refers). The other involved a review of the future of the Gibson Building as part of the Savings and Transformation Strategy.

It was proposed that two separate informal panels drawn from the membership of the Overview and Scrutiny Committee be established to progress the reviews. A suggested composition was set out in the report although this was subject to discussion with the Chief Corporate Policy Officer. The following dates had been set for the panel meetings: Christmas Lighting/Flower Displays on 6 October and Gibson Building on 2 November 2016.

Members suggested that prior to the first meeting, officers liaise with the various parish councils and traders' organisations within the parished areas to ascertain their views of the current grant scheme. In addition it was felt that advance liaison with the Town Team and Tonbridge traders would be helpful in order to formulate ideas for future arrangements in Tonbridge.

RESOLVED: That the arrangements for the reviews of Christmas Lighting/High Street Floral Displays and the future of the Gibson Building, as set out in the report, be endorsed.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 16/24 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

PART 2 - PRIVATE

OS 16/25 REVIEW OF MAYORALTY FUNCTION - ANNEX 1

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person

LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)

Annex containing exempt information in respect of item at Minute OS 16/22.

The meeting ended at 10.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 26th September, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Councillor Mrs S M Barker was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority, Mr H Boorman (Applicant) and Mrs J M Boorman, Ms P Dyson and Ms D Rice (Interested Parties)

PART 1 - PUBLIC

LA 16/79 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/80 APPLICATION FOR NEW PREMISES LICENCE FOR RED HILL FARM, 337 RED HILL, WATERINGBURY

The Panel gave consideration to an application for a Premises Licence under section 17 of the Licensing Act 2003 in respect of premises called Redhill Farm Estates, Red Hill Farm, 337 Red Hill, Wateringbury. The application related to the Provision of Late Night Refreshment and the Supply of Alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report, the representations received from statutory consultees and the written representation received from an interested party during the statutory consultation period (as set out at Annex 4 to the report). The Panel noted that neither Kent Police nor the Environmental Health service had raised any objections to the application.

The Panel listened carefully to the representations made by the Applicant, Mr H Boorman, the objections raised by Mrs J M Boorman on the grounds of public nuisance and from Ms P Dyson who was supporting Mrs Boorman. The Panel felt it was particularly significant that there had been no representations received for the responsible

authority for Environmental Health regarding any potential noise nuisance or from the Police regarding crime and disorder.

The Panel took into account the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003, particularly Chapter 2 on the licensing objectives, and its own Statement of Licensing Policy. In these circumstances the Panel was not satisfied that there would be any public nuisance and felt that it could promote the licensing objectives by granting the application subject to conditions.

Having regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence be granted subject to the mandatory conditions set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule accompanying the application, to events being restricted to Friday, Saturday and Sunday (as offered by the Applicant) and to the following further conditions:-

Section I	Provision of late night refreshment – Friday, Saturday and Sunday 23:00 hours until 00:00 hours (Midnight)
Section J	Supply of alcohol – Monday to Sunday from 09:00 hours until 23:00 hours New Year's Eve and Christmas Eve: from 09:00 hours until 00:00 hours

Conditions:

1. All images captured by CCTV must be of a continuous nature and be retained and stored securely for a minimum of 30 days.
2. All staff will be trained to recognise the signs of alcohol abuse and training records will be kept.
3. All staff to be Challenge 25 trained and training records will be kept.
4. Patrons will be encouraged to leave the premises quietly.
5. Online age verification checks will be carried out to ensure all customers are over 18 years of age.
6. Events may only be held on Fridays, Saturdays and Sundays.

LA 16/81 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.15 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 28th September, 2016

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr R P Betts, Cllr M A Coffin, Cllr B J Luker, Cllr P J Montague, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr T B Shaw and Cllr Miss S O Shrubsole

Councillors M Taylor and O C Baldock were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, Mrs S L Luck and Miss J L Sergison

PART 1 - PUBLIC

AP2 16/54 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

AP2 16/55 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 17 August 2016 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

AP2 16/56 DEVELOPMENT CONTROL

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP2 16/57 TM/12/01892/FL - EAST ACRES, BRANBRIDGES ROAD,
EAST PECKHAM**

Retention of change of use of land to use as a residential caravan site for one gypsy family, including the laying of a hard standing, erection of fencing, detached amenity building and steps and decked areas to mobile home. Land raised by 300 mm hardcore/pavers at East Acres, Branbridges Road, East Peckham.

RESOLVED: That:

- (1) Planning permission be REFUSED for the following reasons:
 1. The site lies within the Metropolitan Green Belt where there is a strong presumption against permitting inappropriate development, as defined in paragraphs 89-91 of the National Planning Policy Framework 2012 and paragraph 16 of the Planning Policy for Traveller Sites 2015 and Policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007. The development constitutes inappropriate development which is harmful to the Green Belt by definition. Furthermore, the development by virtue of its specific nature, siting and scale causes material harm to the open function and character of the Metropolitan Green Belt and gives rise to an encroachment of built development into the countryside, contrary to the requirements of paragraph 79 of the National Planning Policy Framework 2012. There are no very special circumstances which outweigh the degree of harm caused to the Green Belt by inappropriateness and harm to openness. The development is therefore contrary to the requirements set out in Section 9 of the National Planning Policy Framework 2012, the Planning Policy for Travellers Sites 2015 and policies CP3 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 2. The development, by virtue of its appearance, nature, siting and scale detracts from the character of the rural locality and causes harm to the rural amenity of the countryside and is therefore contrary to Policies CP14 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.
 3. The site lies within flood zone 3b, which is designated as functional floodplain and as having a very high probability of flooding where the risk to life and/or property from fluvial inundation would be unacceptable. The development is considered to be highly vulnerable to flooding and therefore unsuitable for this site and contrary to the requirements of paragraph 13 of the Planning Policy for Travellers Sites 2015 and policies CP10 and CP20 of the Tonbridge and Malling Borough Core Strategy 2007.

- (2) Enforcement Action concerning the continued non-compliance with the Enforcement Notice upheld by the Planning Inspector be instigated.

[Speakers: East Peckham Parish Council (Ms P Graham)]

AP2 16/58 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT

This item was WITHDRAWN from the agenda to enable sufficient time for those who had previously made representations to attend and/or address the Committee.

AP2 16/59 TM/16/00776/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH

Part demolition and re-use of existing riding arena building as a dwelling with associated external alterations to the building, engineering works, access, parking and residential curtilage at Barnfield Cottage, Stone Street Road, Ivy Hatch

Members asked that clarity and guidance regarding the differences between rural and agricultural buildings and the associated policies and rules that applied be circulated out of meeting for information and future reference.

RESOLVED: That planning permission be REFUSED for the following reason:

- (1) The proposed development would involve significant rebuilding of an existing building and a change of use of a private sand school to residential garden and as such amounts to inappropriate development in the Metropolitan Green Belt, which is harmful by definition and for which no very special circumstances exist. The proposal is therefore contrary to paragraphs 87-90 (inclusive) of the National Planning Policy Framework 2012 and policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.

[Speakers: Ightham Parish Council (Mr R Chartres); Mr Champion – Member of the Public and Mr J McElroy – applicant]

AP2 16/60 TM/16/02105/FL - RAILWAY COTTAGE, MAIDSTONE ROAD, WROTHAM HEATH

Section 73 application to vary condition 12 of planning permission TM/15/00453/FL (As varied by non-material amendment TM/16/01843/NMA) to provide design changes to the dwellings at Railway Cottage, Maidstone Road, Wrotham Heath

RESOLVED: That planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health.

[Speakers: Platt Parish Council – Mrs P Darby]

**AP2 16/61 TM/16/01600/FL - THE OLD STABLE BUILDING,
OLD PARSONAGE COURT, WEST MALLING**

Two storey side extension at The Old Stable Building, Old Parsonage Court, West Malling

RESOLVED: That the application be DEFERRED for a Members' Site Inspection so that the Committee had a better understanding of any potential impact on residential amenity.

[Speaker: West Malling Parish Council – Mr R Selkirk; Mr T Duncan on behalf of Mr and Mrs Cook, and Mrs J Wilkinson – members of the public; and Mrs S Taylor – applicant]

**AP2 16/62 16/00016/USEM - LAND SOUTH WEST OF CLAYGATE HOUSE,
WINFIELD LANE, BOROUGH GREEN**

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with the development on land south west of Claygate House, Winfield Lane, Borough Green.

It was reported that enforcement investigations concerning various activities had concluded that a number of uses had ensued and operational development had taken place without the benefit of planning permission. An Enforcement Notice had been served on 9 September 2016 and would become effective on 11 October if no appeal was lodged by the developer. The period of compliance in each case was 11 January 2017.

Members expressed their appreciation for the work undertaken in addressing this site.

AP2 16/63 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Monday, 10th October, 2016

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr Mrs S M Barker, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr S M King, Cllr H S Rogers and Cllr A K Sullivan

Apologies for absence were received from Councillors O C Baldock, M C Base, Mrs F A Kemp, R V Roud and M Taylor

PART 1 - PUBLIC

LA 16/82 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

LA 16/83 MINUTES

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee held on 16 March and 25 April 2016 be approved as a correct record and signed by the Chairman.

LA 16/84 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 15 March, 6 April, 9 June, 10 June, 18 July, 27 July, 26 August and 26 September 2016 be received and noted.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 3, PART 3 OF THE CONSTITUTION

LA 16/85 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017-2020

The report of the Director of Central Services and Monitoring Officer set out details of the process and timescale for consultation on the Council's proposed policy for the Licensing of Sex Establishments and Sexual Entertainment Venues from 2017.

RESOLVED: That

- (1) the draft policy, as set out at Annex A to the report, and the model pool of conditions set out in Annex B be approved for consultation as set out at paragraph 1.2.6 of the report; and

- (2) the existing version of the policy, approved for three years in 2013, be re-adopted until the new policy comes into force in April 2017.

MATTERS SUBMITTED FOR INFORMATION

LA 16/86 UPDATE ON LOCAL AUTHORITY LOTTERY - VERBAL PRESENTATION

The Committee received a verbal presentation on the Council's recently launched Local Authority Lottery, HIVE.

LA 16/87 OVERVIEW OF LICENSING 2015-16 - VERBAL PRESENTATION

The Committee received a verbal presentation on licensing activity for 2015-16. Comparison was made between national statistical reports and licensing activity within Tonbridge and Malling with particular reference to the private hire and hackney carriage trade.

LA 16/88 CHAIRMAN'S ANNOUNCEMENT

The Chairman referred to the recent death of Councillor Jean Atkinson and invited Members to observe a minute's silence in her memory.

MATTERS FOR CONSIDERATION IN PRIVATE

PART 2 - PRIVATE

LA 16/89 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 12th October, 2016

Present: Cllr N J Heslop (Chairman), Cllr M A Coffin, Cllr Mrs M F Heslop, Cllr D Lettington, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillors Mrs J A Anderson, M A C Balfour, P F Bolt, D J Cure, P J Montague, M Parry-Waller, S C Perry, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 16/69 CHAIRMAN'S ANNOUNCEMENT

The Chairman referred to the recent deaths of Councillor Jean Atkinson and Honorary Alderman Anne Moloney and invited Members to observe a minute's silence in their memory.

CB 16/70 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

CB 16/71 MINUTES - 29 JUNE 2016

RESOLVED: That the Minutes of the meeting of the Cabinet held on 29 June 2016 be approved as a correct record and signed by the Chairman.

CB 16/72 MINUTES - 28 JULY 2016

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 28 July 2016 be approved as a correct record and signed by the Chairman.

CB 16/73 MINUTES - 6 SEPTEMBER 2016

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 6 September 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**CB 16/74 CORPORATE STRATEGY**

Further to Decision No D160044CAB, the report of the Chief Executive indicated that a revised draft Corporate Strategy had been considered by the Overview and Scrutiny Committee at its meeting on 13 September 2016 and commended for adoption by the Council.

RECOMMENDED: That the draft Corporate Strategy set out at Annex 1 to the report be commended to the Council for formal adoption.

***Referred to Council**

CB 16/75 SPECIAL EXPENSES SCHEME POLICY ('FAIRER CHARGING') AND UPDATED FINANCIAL DATA

Further to Minute CB 16/60 of the extraordinary meeting of the Cabinet on 28 July 2016, the report of the Management Team provided an update on progress with the "Fairer Charging" project. It was noted that the recommendations from that meeting would be submitted to the Council on 1 November. In the meantime a Special Expenses Policy, which had been reviewed and commended by the Overview and Scrutiny Committee at its meeting on 13 September, was presented for consideration.

RECOMMENDED: That the draft Special Expenses Policy set out at Annex 1 to the report be approved by the Council.

***Referred to Council**

CB 16/76 REVIEW OF THE COUNCIL'S LOCAL COUNCIL TAX REDUCTION SCHEME

Further to Decision No D160038CAB, the report of the Director of Finance and Transformation provided detailed results arising from the recent council tax reduction scheme (CTRS) consultation process together with the findings of the second stage equality impact assessment (EQIA). Members were reminded of the two main objectives of the review relating firstly to the cost of the scheme in the context of reducing government grants and secondly to targeting support to those most in need. Reference was made to potential arrangements for an exceptional hardship policy and, following Members' agreement of the recommendations, the outcome of discussions by the Kent Finance Officers' group regarding contributions by the major precepting authorities towards the administrative costs of the CTRS.

A more detailed EQIA was circulated before the meeting setting out potential impacts of the various options within the consultation on people with protected characteristics and mitigating actions required in each case. These were taken into account during the careful consideration given to each option and the responses received in the consultation,

including those of the statutory consultee, Kent County Council. It was confirmed that the options aligning the scheme to Housing Benefit regulations also included additional protection for certain claimants with protected characteristics. These covered some of the mitigations within the EQIA and additional protection would be provided by the introduction of an exceptional hardship scheme in the revised CTRS.

The Cabinet recorded appreciation of the work of the Director of Finance and Transformation for her work in leading the Kent Finance Officers' group and, along with colleagues, in bringing forward with clarity the outcome of a very challenging review.

Members were advised that the full CTRS together with the exceptional hardship scheme would be presented to the Full Council on 1 November.

RECOMMENDED: That

- (1) the potential impacts on people with disabilities, carers, women and working age groups be noted together with the following measures to mitigate them:
 - (i) continuing to treat people with disabilities and carers more favourably by disregarding some incomes, thereby giving them a higher entitlement to council tax support;
 - (ii) continuing to make allowances for childcare costs in line with the national scheme;
 - (iii) a further review of the scheme within three years from 1 April 2017 to identify any longer term measures needed to mitigate any ongoing impacts;
- (2) having considered the above, the full consultation results (including the response from the statutory consultee, Kent County Council) and having had due regard to the matters under the Public Sector Equality Duty (as set out in the Equality Impact Assessment), the following options be included in the Council's Council Tax Reduction Scheme from 1 April 2017

Option 1a – reduction of the maximum level of support to 80%;

Option 2 – removal of the Family Premium for all new working age claims (to align with housing benefit rules);

Option 3 – reduction of the period a claim can be backdated to one month (to align with housing benefit rules);

Option 5 – reduction of the period a person can be absent from Great Britain to four weeks to align with housing benefit rules

which provide exceptions when receiving medical treatment or being posted overseas as a member of HM Forces or having fled home through fear of violence;

Option 7 – introduction of standard levels of non-dependant deductions of £0.00 and £10 based on the current rules for housing benefit claimants, maintaining the classifications for the £0.00 deduction rate to protect claimants with disabilities and/or care needs;

Option 11 – removal of Second Adult Reduction;

Option 12 – removal of the Work Related Activity Component in the calculation for new Employment and Support Allowance applicants to align with housing benefit rules proposed for April 2017. This would only be introduced if the change goes ahead in the housing benefit scheme;

Option 13 – limit on number of children taken into account on a claim to two to align with changes to housing benefit rules proposed for April 2017. This would only be introduced if the change goes ahead in the housing benefit scheme;

Option 14 – introduction of a targeted protection scheme based on Exceptional Hardship to mitigate the impact of the changes to the 2017/18 CTRS and assist claimants facing exceptional hardship.

***Referred to Council**

CB 16/77 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2016/17

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to July 2016/17. It also included a mid-year review of the Annual Investment Strategy and risk parameters. Members were invited to endorse the action taken by officers in respect of treasury management activity to date, to retain the current risk parameters and note the review of the Council's long term cash balances.

The report had also been considered by the Audit Committee at its meeting on 5 September and the action commended for endorsement.

RECOMMENDED: That the following be commended to the Council: 

- (1) the action taken by officers in respect of treasury management activity for the period April to July 2016 be endorsed;
- (2) the existing parameters intended to limit the Council's exposure to investment risks be retained; and

- (3) the review of the Council's long term cash balances and the use of property funds for subsequent consideration by the Audit Committee in January 2017 be noted.

***Referred to Council**

CB 16/78 REVIEW OF HOUSING ASSISTANCE POLICY

Item CH 16/13 referred from Communities and Housing Advisory Board of 25 July 2016

The Cabinet received the recommendations of the Communities and Housing Advisory Board at its meeting of 25 July 2016 in relation to a review of the Housing Assistance Policy to ensure that it met corporate priorities and reflected current budgetary pressures.

RECOMMENDED: That

- (1) the proposed amendments to the Housing Assistance Policy and associated budget adjustments be approved;
- (2) the proposed amendments to the Disabled Facilities Grants Policy and associated budget adjustments be approved; and
- (3) a budgetary provision of up to £10,000 be set aside in each of the next three years, fully funded from the Housing Assistance Reserve, in order to modernise the Housing Service.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4, PART 3 OF THE CONSTITUTION

CB 16/79 REVIEW OF MAYORALTY FUNCTION - RECOMMENDATIONS OF OVERVIEW AND SCRUTINY COMMITTEE

Decision Notice D160079CAB

CB 16/80 TECHNICAL CONSULTATION PAPER ON 2017/18 LOCAL GOVERNMENT FINANCE SETTLEMENT

Decision Notice D160080CAB

CB 16/81 MEDIUM TERM FINANCIAL STRATEGY UPDATE AND BUSINESS RATES POOLING

Decision Notice D160081CAB

MATTERS SUBMITTED FOR INFORMATION**CB 16/82 MATTERS REFERRED FROM ADVISORY BOARDS**

The notes of the meetings of the following Advisory Boards were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Street Scene and Environment Services Advisory Board of 18 July 2016
Finance, Innovation and Property Advisory Board of 20 July 2016
Communities and Housing Advisory Board of 25 July 2016
Planning and Transportation Advisory Board of 26 July 2016
Economic Regeneration Advisory Board of 7 September 2016
Finance, Innovation and Property Advisory Board of 21 September 2016

RESOLVED: That the report be received and noted.

CB 16/83 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

The Minutes of the meetings of the following Advisory Panels and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

Parish Partnership Panel of 8 September 2016
Tonbridge Forum of 12 September 2016
Joint Transportation Board of 26 September 2016

RESOLVED: That the report be received and noted.

CB 16/84 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Street Scene
and Environment Services**

**Decision No:
D160049MEM**

Date: 18 July 2016

Decision(s) and Reason(s)

Environmental Health Performance 2015/16

(Report of Director of Planning, Housing and Environmental Health)

The report summarised the operational activities in relation to the Council's statutory Environmental Health functions undertaken by the Environmental Protection Team and Food and Safety Team during 2015/16. Details were also given of proposed service improvements for 2016/17.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The performance information relating to activities associated with food and safety and environmental protection functions in 2015/16 be noted and the service improvements for 2016/17 set out in paragraphs 1.4.1 and 1.4.2 of the report be endorsed.

As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 18 July 2016.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

Decision Taken By: Cabinet Member for Street Scene and Environment Services

**Decision No:
D160050MEM**

Date: 18 July 2016

Decision(s) and Reason(s)

Waste and Street Scene Services - Contract Performance 2015/16

(Report of Director of Street Scene, Leisure and Technical Services)

The report provided performance information across a range of Waste and Street Scene Service functions and contracts during 2015/16.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

The performance of the Waste and Street Scene Service contracts in 2015/16 be noted and the approach and range of performance indicators detailed in the report be endorsed.

As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 18 July 2016.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

Date: 18 July 2016

Decision(s) and Reason(s)

Contaminated Land Strategy 2016

(Report of Director of Planning, Housing and Environmental Health)

The report referred to the Council's first Contaminated Land Strategy which had been produced in 2001. An updated draft Strategy was presented reflecting changes introduced following the review of the relevant technical guidance and incorporating comments received from statutory consultees. During consideration of this item concern was raised regarding the process for ensuring remediation works were undertaken prior to the re-development of contaminated land.

Following consideration by the Street Scene and Environment Services Advisory Board, the Cabinet Member for Street Scene and Environment Services resolved that:

- (1) the revised Contaminated Land Inspection Strategy set out in the Annex to the report be endorsed and formally adopted as Council policy; and
- (2) the Director of Planning, Housing and Environmental Health be asked to submit an information report to a future meeting of the Street Scene and Environment Services Advisory Board outlining the current process and procedures for the remediation of contaminated land.

As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 18 July 2016.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160052MEM**

Date: 20 July 2016

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

Further to Decision No D160039MEM (1), the report gave details of a renewal application for discretionary rural rate relief in respect of Hadlow Post Office which had been deferred to enable more information to be obtained concerning the closure and relocation of the post office. It was noted that the property had been vacated on 27 May 2016 so the award of relief could be considered for the period 1 April 2015 to 26 May 2016.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The renewal application for discretionary relief be determined as follows:

Hadlow Post Office, Commercial House, High Street, Hadlow - 30% discretionary rural rate relief be awarded for the period 1 April 2015 to 26 May 2016.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160053MEM**

Date: 20 July 2016

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income. It also gave an update on the variations agreed in relation to the revenue budget and areas identified through revenue budget monitoring, summarised to provide an indicative overall budget position for the year which showed a net favourable variance of £380,150.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016.

Signed Cabinet Member for
Finance, Innovation and
Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160054MEM**

Date: 20 July 2016

Decision(s) and Reason(s)

Capital Programme: Post Implementation Reviews Monitoring Report and Two Reviews

(Report of Director of Finance and Transformation)

The report identified post implementation reviews carried out since July 2015 and the capital schemes for which reviews were due. Reviews in respect of Tablet Devices for Members and Senior Officers and Corporate Document Management System Expansion were also presented.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The post implementation reviews for the capital schemes detailed in the report be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160055MEM**

Date: 20 July 2016

Decision(s) and Reason(s)

Contract Renewals 2017 - (1) Insurance and (2) Cash Collection

(Report of Director of Finance and Transformation)

The report advised that the Council's existing contracts for the provision of cash collection and insurance arrangements were due to expire in January and June 2017 respectively. It was noted that the cash collection contract was a county wide procurement exercise led by Maidstone Borough Council. However, details were given of the appointment of a broker in accordance with the Financial Procedure Rules to assist with the administration of the insurance tender process and identify where savings might be achieved.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The current situation regarding renewal of the cash collection contract be noted and the appointment of a broker to administer renewal of the Council's insurance arrangements be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

Date: 20 July 2016

Decision(s) and Reason(s)

Debts for Write Off

(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information about an individual)

(Report of Director of Finance and Transformation)

Approval of the writing-off of debts considered to be irrecoverable. Details were also given of debts under £1,000 which had been written-off in accordance with Financial Procedure Rule 17.2 together with cumulative totals of debts in the current and previous financial years and information on budgeted bad debt provision.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The 25 items shown in the schedule of amounts over £1,000, totalling £125,050.78 be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160057MEM**

Date: 20 July 2016

Decision(s) and Reason(s)

Housing Stock Transfer Agreement - Request for Variation of Existing Terms

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

Consideration was given to a request for variation of the existing rules of Russet Homes Limited (included within the original stock transfer agreement with the former Tonbridge and Malling Housing Association) as part of an intended transfer to Circle Thirty Three Housing Trust Limited.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The Stock Transfer Agreement dated 15 January 1991 be varied by removing the covenant "...not to change the rules of the Association insofar as they relate to its objects and to Board Membership without the Council's consent, which is not to be unreasonably withheld" which is set out in paragraph 8 of the Schedule to the Sixth Schedule on page 118 of the Agreement.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 July 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 July 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Community Services

**Decision No:
D160058MEM**

Date: 25 July 2016

Decision(s) and Reason(s)

Capital Plan - Post Implementation Reviews

(Report of Director of Street Scene, Leisure and Technical Services)

Capital Plan Post Implementation Reviews were brought forward for consideration in respect of Tonbridge Swimming Pool – Changing Village Floor; Leisure Centres – Energy Saving Measures Phase 3; Tonbridge Racecourse Sportsground – Floodlighting and Haysden Country Park – Improvements. It was noted that all of the schemes had been within or below budget.

Following consideration by the Communities and Housing Advisory Board, the Cabinet Member for Community Services resolved that:

The Post Implementation Reviews outlined in the report be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 25 July 2016.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 July 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure

**Decision No:
D160059MEM**

Date: 26 July 2016

Decision(s) and Reason(s)

Local Validation Requirements List

(Report of Director of Planning, Housing and Environmental Health)

The report summarised the Borough Council's obligations in respect of the validation of planning applications, together with associated submissions, and made recommendations for local requirements to provide clarity on what information should be submitted to make an application valid.

The adoption of a Local Validation Requirement List (LVRL) would enable the Council to seek the provision of information over and above the submission of application forms, certificates of ownership and plans. A LVRL, drafted in accordance with national guidance and comprising a matrix setting out validation requirements, was attached as Annex 1 to the report for consideration.

Concern was expressed that the average homeowner could find the validation requirements complicated. It was proposed that an Executive Summary setting out the basic steps be prepared to simplify the process for inexperienced applicants.

It was also suggested that a general disclaimer 'reserving the right to request additional information' be included to enable Planning Officers to pursue extra material outside of the validation requirements.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

The Local Validation Requirement List, attached as Annex 1 to the report, be adopted with effect from 14 September 2016; subject to minor amendments regarding an Executive Summary and general disclaimer statement as set out above.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 26 July 2016

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 July 2016

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

Date: 26 July 2016

Decision(s) and Reason(s)

Planning Enforcement Plan

(Report of Director of Planning, Housing and Environmental Health)

The report gave an overview of a proposed Planning Enforcement Plan intended to provide a clear and transparent structure for dealing with planning enforcement matters. Particular reference was made to how complaints would be managed and prioritised.

The proposed approach to enforcement, including timescales for action, details of responses to suspected breaches of planning control and prioritisation of planning enforcement resources were set out in the Plan, attached as Annex 1 to the report.

After careful consideration of the Plan, concern was expressed about the consistency of the terminology used and whether there could be confusion around the meaning of expedient and 'serious harm'. Officers recognised the importance of consistency and suggested that paragraph 2.6 of the Plan be amended to reflect that the test for expediency was 'serious' harm and not just 'general' harm.

In addition, it was suggested that the Enforcement Plan be reviewed in 6 months to check and monitor progress.

Following consideration by the Planning and Transportation Advisory Board, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

The Planning Enforcement Plan, set out in Annex 1 to the report, be adopted, subject to the amendment to paragraph 2.6 as set out above.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 26 July 2016.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 July 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Economic
Regeneration**

**Decision No:
D160064MEM**

Date: 07 September 2016

Decision(s) and Reason(s)

Work Readiness and Careers Advice

(Report of Chief Executive)

The report provided additional background to support the presentation given by Mike Rayner, Participation and Progression Manager for West Kent at Kent County Council, regarding the provision of careers advice, the key challenges faced and current initiatives to improve the work readiness of school leavers and job seekers. A draft Skills Action Plan, set out at Annex 1 to the report, provided details of a number of initiatives to support efforts to improve work readiness.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

A Working Group of Members of the Council be established to assess the size and scope of the work readiness and skills issues, explore opportunities for working in partnership to improve communication between business and schools to create sustainable employment streams and to report its findings to a future meeting of the Economic Regeneration Advisory Board.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 7 September 2016.

Signed Cabinet Member for
Economic Regeneration
and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D160065MEM**

Date: 07 September 2016

Decision(s) and Reason(s)

Support for Village Stores Initiative

(Report of Chief Executive)

The report summarised the progress to date of the District and Local Centres Initiatives which had provided a variety of environmental improvements in retail areas to create a positive and supportive environment for local traders. The report provided an overview of a proposed 12 month scheme to support Village Stores within the Borough which would include the provision of 1-to-1 guidance and support from a specialist retail advisor through Action with Communities in Rural Kent's Rural Retail Service.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the progress to date on the District and Local Retail Centres be noted;
- (2) if there is no evidence of tangible progress on either of the initiatives in Snodland and West Malling by the end of September 2016 at the latest, the proposal to withdraw funding for the current projects be approved; and
- (3) the Village Shops Initiative, as detailed in paragraph 1.3.2 of the report, be approved.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 7 September 2016

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

**Decision Taken By: Cabinet Member for Economic
Regeneration**

**Decision No:
D160066MEM**

Date: 07 September 2016

Decision(s) and Reason(s)

Business Incubator Proposal

(Report of Chief Executive)

The report set out details of a proposal for the creation of a business facility to support the development of ‘fledgling’ businesses within vacant office space at Gibson Building, Kings Hill, as part of the Council’s Economic Regeneration Strategy to facilitate economic growth within the Borough.

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that:

- (1) the proposed Gibson Building Business Facility be supported in principle;
- (2) the engagement with key partners by the Economic Regeneration Officer be supported in order to help promote take up of the new facility by local businesses; and
- (3) a report regarding proposed financial arrangements related to the new facility be submitted to the Finance, Innovation and Property Advisory Board.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 7 September 2016.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 9 September 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160067MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income. It also gave an update on the variations agreed in relation to the revenue budget and areas identified through revenue budget monitoring, summarised to provide an indicative overall budget position for the year which showed a net favourable variance of £473,050.

An update was also given on capital expenditure and variations agreed in relation to the capital plan.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160068MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Application for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of a new application for discretionary rate relief which was considered in accordance with the previously agreed criteria for determining such applications.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The new application for discretionary relief be determined as follows:

The Air-Britain Trust Ltd, Unit 1A Munday Works, Morley Road, Tonbridge - no discretionary relief be awarded.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160069MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list should be retained unaltered for the financial year 2017/18.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The current rural settlement list remain in force for the year 2017/18.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160070MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Council Tax Recovery Policy

(Report of Director of Finance and Transformation)

The report sought approval of an update to the Council Tax Recovery Policy in the light of the introduction of the Local Council Tax Reduction Scheme and to refer to the ability to make deductions from a person's Universal Credit entitlement. The importance of addressing numerous small debts was recognised and the proposed changes to the policy provided an option to use enforcement agents if necessary.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The amended Corporate Debt Recovery Policy set out at Annex 1 to the report be approved.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160071MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Reforming Business Rates Appeals

(Report of Director of Finance and Transformation)

The report referred to a further Department for Communities and Local Government consultation on proposals for reforming the business rates appeals process. It was intended that the reformed system would apply when the new rating list came into effect in April 2017. A suggested response was presented for submission by the 11 October deadline and advocated proportionate fees to discourage speculative appeals.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The proposed response to the latest consultation on reforming the business rates appeals process, as set out at Annex 1 to the report, be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160072MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Tonbridge Castle Gatehouse Charges

(Joint report of Director of Central Services and Director of Finance and Transformation)

The report recommended revised charges for the Tonbridge Castle Gatehouse attraction for implementation from 1 April 2017. The proposals took into account prevailing inflation figures, competitor charges and local market conditions.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) the proposed charges for Tonbridge Castle Gatehouse, as set out in the report, be approved for implementation from 1 April 2017; and
- (2) the charges be reflected in the appropriate tourism marketing material.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160073MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Debts for Write Off

**(LGA 1972 Sch 12A Paragraph 2 – Information likely to reveal information
about an individual)**

(Report of Director of Finance and Transformation)

**The report sought approval of the writing-off of debts considered to be
irrecoverable. Details were also given of debts under £1,000 which had been
written-off in accordance with Financial Procedure Rule 17.2 together with
cumulative totals of debts in the current and previous financial years and
information on budgeted bad debt provision.**

Following consideration by the Finance, Innovation and Property Advisory Board, the
Cabinet Member for Finance, Innovation and Property resolved that:

The 32 items shown in the schedule of amounts over £1,000, totalling £103,038.44
be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property
Advisory Board of 21 September 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and
Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

Date: 21 September 2016

Decision(s) and Reason(s)

Tonbridge and Malling Leisure Trust IT Infrastructure and Support Arrangements

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Finance and Transformation)

The report set out the case for a change in responsibility for IT infrastructure and support arrangements to Tonbridge and Malling Leisure Trust. It was concluded that on both financial and operational grounds ownership and replacement of IT equipment, together with IT support, should be the responsibility of the Trust. A capital plan evaluation was presented in support of the proposal.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) the proposed change to the IT infrastructure and support arrangements with Tonbridge and Malling Leisure Trust be approved;
- (2) the “lump sum” payment be met from the Invest to Save Reserve; and
- (3) the Capital Plan and Management Agreement be updated accordingly.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160075MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Proposed Disposal of Amenity Land at Roman Close, Chatham

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

The report gave details of an application to purchase an area of amenity land at Roman Close submitted by adjoining property owners together with proposed terms and conditions for such a disposal.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

Approval be given for the disposal of the amenity land on the basis of the conditions outlined in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160076MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Proposal for Castle Lodge, Tonbridge

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

The report gave details of a proposal to refurbish Castle Lodge to create a modern self-contained office unit for marketing at a commercial rent. It was noted that the cost of refurbishment could be met from the Council's Building Repairs Expenditure Plan.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

The refurbishment of Castle Lodge be approved and a commercial lease be negotiated with specific terms agreed by the Director of Central Services in consultation with the Cabinet Member for Finance, Innovation and Property.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160077MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

New Lease to Tonbridge Indoor Bowls Club

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

The report gave details of a request from Tonbridge Angels Indoor Bowls Club for a new long lease of their site on similar terms and conditions to the current lease.

It was considered that all options should be explored concerning the future lease term and further advice obtained on valuation issues around the land, building and repairing obligations.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

Further consideration of the matter be deferred pending advice on future options and clarification of valuation issues.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016 and to enable further advice to be obtained (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D160078MEM**

Date: 21 September 2016

Decision(s) and Reason(s)

Request by Six in One Club, Tonbridge for New Long Lease

(LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)

(Report of Director of Central Services)

Further to Decision No D160013MEM approving a new 10 year lease to the Six in One Club, the report gave details of a subsequent request by the Club for a new lease of a term of 25 years. An update was given at the meeting following receipt of representations from a local Member.

Following consideration by the Finance, Innovation and Property Advisory Board, the Cabinet Member for Finance, Innovation and Property resolved that:

A new lease of 25 years be refused but if, as reported, the replacement windows have been contractually commissioned, then a contribution be made towards these previously agreed works applicable under the 10 year lease, up to the Council's budgeted amount and subject to their satisfactory completion.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 September 2016 (contains exempt information).

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 September 2016

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D160079CAB

Date: 12 October 2016

Decision(s) and Reason(s)

Review of Mayoralty Function - Recommendations of Overview and Scrutiny Committee

(Report of Chief Executive)

Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 13 September 2016 on the outcome of a review of the Mayoralty function.

The Cabinet resolved that:

The recommendations of the Overview and Scrutiny Committee be endorsed as follows:

- (1) no changes be made to the role of the Mayor as set out in the Constitution;
- (2) no change be made to the current approach to Mayoral engagements;
- (3) the Mayor should continue to undertake a fund raising role for one or two chosen charities as at present;
- (4) the role of the existing Macebearer be retained as at present;
- (5) the current arrangements for Mayoral transport be retained but competitive quotations be sought from three providers to ensure value for money and the budget be limited to £10,000;
- (6) the Joint Independent Remuneration Panel be invited to review the allowances payable to the Mayor and Deputy Mayor;
- (7) the incoming Mayor be given the freedom to decide if he/she wishes to appoint as Chaplain a person from any religion for the purpose of providing spiritual counsel or, alternatively, to make no appointment; and
- (8) no changes be made to the current arrangements for the saying of prayers immediately before Council meetings provided that any Member may choose to join the meeting thereafter if they so wish.

Reasons:

As set out in the reports of the Chief Executive to Cabinet and Director of Central Services to Overview and Scrutiny Committee.

Signed Chief Executive: J Beilby

Date of publication: 14 October 2016

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

Decision Taken By: Cabinet
Decision No: D160080CAB
Date: 12 October 2016

Decision(s) and Reason(s)

Technical Consultation Paper on 2017/18 Local Government Finance Settlement

(Report of Director of Finance and Transformation)

The report provided an overview of a Department for Communities and Local Government consultation paper on a range of technical issues concerning the 2017/18 local government finance settlement together with a proposed response. The key points included reconfirmation of the Government's multi-year settlement offer, proposed council tax referendum principles and the approach to business rates revaluation adjustment.

The Cabinet resolved that

The proposed response to the Technical Consultation Paper on the 2017/18 Local Government Finance Settlement, as set out at Annex 1 to the report, be endorsed and approved.

Reasons:

As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 14 October 2016

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

Decision Taken By: Cabinet
Decision No: D160081CAB
Date: 12 October 2016

Decision(s) and Reason(s)

Medium Term Financial Strategy Update and Business Rates Pooling

(Report of Director of Finance and Transformation)

The report provided an update on the Medium Term Financial Strategy (MTFS), the projected funding gap and associated savings targets. Although it was expected that the current year's target of £625,000 would be achieved, it was noted that the remaining two tranches would have to be brought forward from 2021/22 to 2019/20 largely as a result of the recent cut in the bank rate and its consequent impact on investment income over the period of the MTFS.

An update was also given on the Kent Business Rates Pool and approval sought to confirm the Council's continued membership of the Pool for 2017/18.

The Cabinet resolved that:

- (1) the good progress made in meeting the savings target for 2016/17 be noted and appreciation recorded whilst recognising that there is a significant financial challenge remaining to be addressed over the medium term; and
- (2) the Council's continued membership of the Kent Business Rates Pool in 2017/18 be confirmed.

Reasons:

As set out in the report of the Director of Finance and Transformation.

Signed Chief Executive: J Beilby

Date of publication: 14 October 2016

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

- General Purposes Committee of 20 October 2016 are *to follow*

