

**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.

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## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 27th October, 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 F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr T Edmondston-Low, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers and Cllr C P Smith

Apologies for absence were received from Councillors M O Davis, B T M Elks, Miss J L Sergison, Ms S V Spence and F G Tombolis

#### **PART 1 - PUBLIC**

##### **AP1 16/20 DECLARATIONS OF INTEREST**

For reasons of transparency, and on the advice of the Monitoring Officer, Councillor C Smith declared a potential pre-determination and bias regarding application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough). After hearing the views of the members of the public he addressed the Committee before withdrawing from the meeting and took no part in the debate or vote.

##### **AP1 16/21 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 30 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**

##### **AP1 16/22 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 16/23 TM/16/01169/FL - CAFE 1809, 152-154 TONBRIDGE ROAD, HILDENBOROUGH**

Variation of conditions 6 and 7 of planning permission TM/13/02727/FL to allow the cafe to be open between the hours of 07:30 to 20:00 Monday-Saturday, to allow for the use of outside space by customers between the hours of 07:30 to 20:00 Monday-Saturday between the months of May- September; (inclusive), and to allow for the use of the premises for private functions all year round (up to a maximum of 5 events per month) on Tuesday-Saturday up until 23:30 hours at Café 1809, 152 -154 Tonbridge Road, Hildenborough.

**RESOLVED:** That temporary planning permission of 12 months 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) Amended Conditions:

2. With the exception of pre-booked events and functions, the premises shall be operated fully in accordance with plan number 13/1779/100 C and Supporting Statement prepared by MKA Architects received on 08 November 2013 approved under planning reference TM/13/02727/FL unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and highway safety

5. With the exception of pre-booked events and functions, no activities in connection with the business shall be carried on outside the hours of 0730 to 2000 Monday to Saturday and 1000 to 1600 on Sunday unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

12. No waste shall be emptied from the premises into external bins outside the hours of 0800 and 1800 on any day.

Reason: To protect the aural environment of nearby dwellings and in the interests of residential amenity.

17. The applicant shall notify the Local Planning Authority in writing 5 calendar days prior to all pre-booked events taking place as to the nature, type, date and duration of any pre-booked private function event, unless otherwise agreed by the Local Planning Authority.

Reason: To allow the monitoring of pre-booked events and functions in order to safeguard the amenities of neighbouring occupiers.

(2) Amended Informative:

2. When taking bookings for private function events, the applicant is asked to provide parking information to booking customers specifying that no dedicated parking is available at the premises, and setting out local parking facilities nearby, including the public car parks located in Riding Lane – this should accord with the Travel Plan details to be approved under Condition 9.

(3) Additional Informative:

3. The applicant is strongly encouraged to explore alternative options for car parking for staff and customers within the locality during the 12 month trial period hereby permitted.

[Speakers: Hildenborough Parish Council – Mrs Margaret Coles; Mrs Emma Keenan, Mr Andrew Page, Kelly Wheble (written statement read out by Mr Andrew Page), Mrs Sylvia Beevis and Mr Cox – members of the public; and Mr Tom Ogden- agent]

**AP1 16/24 (A) TM/16/00819/FL; (B) TM/16/00821/FL; (C) TM/16/00822/FL;  
(D) TM/16/00820/FL AND (E) TM/16/00818/FL - B&Q, CANNON  
LANE, TONBRIDGE**

(A) External alterations and alterations to forecourt to provide pedestrian route to Cannon Lane; (B) Extension to rear of building; (C) Insertion of Mezzanine Floors; (D) New unit to accommodate an A3 occupier; and (E) Variation of condition 1 of planning permission TM/98/01517/FL to extend the range of the goods that can be sold from the unit at B and Q, Cannon Lane, Tonbridge.

**RESOLVED:** That application (A) (TM/16/00819/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

**RESOLVED:** That application (B) (TM/16/00821/FL) be GRANTED planning permission 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 Condition:

6. The deliveries in the retail units shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity.

**RESOLVED:** That application (C) (TM/16/00822/FL) be GRANTED planning permission in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health

**RESOLVED:** That application (D) (TM/16/00820/FL) be GRANTED planning permission 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 Conditions:

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. No external lighting shall be installed on the building hereby permitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential and visual amenity.

**RESOLVED:** That application (E) (TM/16/00818/FL) be GRANTED planning permission 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) Amended Conditions:

1. The use of the retail warehousing hereby approved shall be limited to the retail sales of DIY home and garden products, hardware, self-assembly or pre-assembled furniture, household furnishings, floor coverings, electrical goods, motor accessories and motor vehicles, office equipment and supplies, bicycles, pets, pet food and drink and pet products, camping equipment and computer equipment.

Unit 1C shown edged green on plan shall additionally be permitted to be used for the sale of tents, camping and caravanning equipment and accessories, outdoor pursuit equipment and accessories and an associated ancillary outdoor clothing and footwear range equating to not more than 20 % of the net retail floorspace of Unit 1C.

Unit 1D shown edged purple on plan shall additionally be permitted to be used for variety retailing including the retail sale of food and drink goods from an area not exceeding 30% of the net retail floorspace of Unit 1D, and otherwise shall be used for the sale of non-food comparison goods.



It shall not be used for the principal purpose of the sale and display of clothing and footwear.

Reason: The site is located outside an area where general retailing would be permitted

4. No development shall take place until details of a site management plan, setting out arrangements for delivery management, the co-ordination of deliveries to and the removal of waste from all the new retail units, have been submitted to and approved by the Local Planning Authority, and the approved plan shall be adhered to by all occupiers of the building in perpetuity. The site management plan shall also include specific details of which party(s) is/are responsible for opening and closing the barrier at the entrance of the site and what times of the day it is to be opened and closed to facilitate the effective management of deliveries and waste removal from the site.

Reason: In the interests of residential amenity and highway safety.

(2) Additional Conditions:

6. No public address systems shall be installed or operated outside the building, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

7. No external lighting shall be installed on the building or within the service yard or car park, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of residential amenity

8. The deliveries on the retail unit shall only be undertaken in accordance with the details shown on the plan no.T236\_03.DWG appended to the Transport Assessment prepared by Exigo Project Solutions, unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and residential amenity

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) no mezzanine floors shall be installed within the building other than those approved under ref. TM/16/00822/FL unless planning permission has been granted on the application relating thereto.

Reason: The site is located outside an area where general retailing would normally be permitted.

10. The building shall not be subdivided to provide individual units of less than 500 square metres in area.

Reason: The site is located outside an area where general retailing would normally be permitted.

11. Prior to the first occupation of the retail store selling the wider range of goods permitted as part of condition 1, details of a shopping trolley management plan shall be submitted to and approved by the Local Planning Authority, and thereafter the approved plan shall be adhered to by all occupiers of the building in perpetuity. The shopping trolley management plan shall include measures aimed at ensuring that shopping trolleys remain within the retail site for customers.

Reason: In the interests of residential and visual amenity.

In accordance with Council Procedure Rule No. 8.6 (Part 4 of the Constitution) Councillor V Branson requested that it be recorded that she voted against the recommendation for approval.

[Speakers: Mr O Fahmy, Mr Mark Ansell, Mr David Warwick and Mrs Hillary Dubrow – members of the public; and Mr Julian Stephenson – agent]

**AP1 16/25 TM/16/02521/FL - 36-36A DRY HILL PARK ROAD, TONBRIDGE**

Change of use from C3 to D1 to provide classrooms and new staff facilities at 36 - 36A Dry Hill Park Road, Tonbridge.

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

- (1) The proposed change of use of the residential dwellings and their associated curtilages to a D1 use in connection with a school would result in unacceptable increase in the levels of noise and disturbance in close proximity to neighbouring residential properties, harming residential amenity contrary to paragraph 123 of the NPPF, Policies CP1 and 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 2010.

[Speakers: Mrs Lisa Gibbard, Mr Steven Johnston, Petra Sluka, Mr Ian Gibbard, Mrs Cheryl Farrar, Mrs Tessa Shepherd, Mr Mark Farrar and Mr David Mote – members of the public]

**AP1 16/26 ALLEGED UNAUTHORISED DEVELOPMENT 16/00151/WORKM -  
44C DRY HILL PARK ROAD, TONBRIDGE**

The Director of Planning, Housing and Environmental Health reported an unauthorised siting of a large metal storage container to the front of 44 Dry Hill Park Road, Tonbridge.

As the container was neither of an appropriate design nor of appropriate materials given the site's location within the Tonbridge Conservation Area it was considered to be detrimental to the character and appearance of the locality. It was therefore contrary to Policy CP24 of the TMBCS and Policy SQ1 of the MDE DPD.

**RESOLVED:** That an Enforcement Notice BE ISSUED to seek the removal of the authorised storage container, the detailed wording of which to be agreed with the Director of Central Services.

**AP1 16/27 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 11.00 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COUNCIL MEETING

Tuesday, 1st November, 2016

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 1st November, 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 A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, 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 M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs S M Hall, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, 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 Mrs P A Bates, S M Hammond, S R J Jessel and S M King

### PART 1 - PUBLIC

#### **C 16/62 MINUTE SILENCE**

The Council observed a minute's silence in memory of Councillor Jean Atkinson and Honorary Alderman Anne Moloney who had died earlier in October.

#### **C 16/63 DECLARATIONS OF INTEREST**

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

#### **C 16/64 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 12 July 2016 be approved as a correct record and signed by the Mayor.

**C 16/65 MAYOR'S ANNOUNCEMENTS**

The Mayor was presented with a copy of the Bible by Mr Peter Turner of Gideons International.

The Council was advised of a range of events attended by the Mayor since the last meeting. Particular reference was made to the Tigers Acrobatic Gymnastics Display at Hillview School and the team's subsequent winning of the national competition; Kings Hill Rotary Club's Ciderfest and visit to the Air Station Control Tower; the Heart of Kent Hospice's opening of the new Monckton Education Centre; and the Young Cricket Leaders presentation at Lords Cricket Ground. The Mayor had also visited Royal British Legion Industries, attended charity concerts and judged competitions. He referred to his Garden Party, Civic Service, tour of Tonbridge Castle and afternoon tea at the Bakehouse and successful Quiz. He indicated that some further events for his charities were being organised.

**C 16/66 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 16/67 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 16/68 LEADER'S ANNOUNCEMENTS**

The Leader began by paying tribute to Jean Atkinson and Anne Moloney who had died within the space of two days earlier in October having fought long term illness. He said that both were great friends of many Members past and present including himself. Both were real champions for the communities they served, hardworking and dedicated to helping all who sought their assistance. They would be sorely missed by all.

The Leader referred to the Savings and Transformation Strategy which sat alongside the Medium Term Financial Strategy. Its purpose was to provide structure, focus and direction in addressing the significant financial challenge lying ahead and, in so doing, recognised that there was no one simple solution and the Council would need to adopt a number of ways to deliver the savings within an agreed timetable. Members were reminded that when the budget was set in February 2016 the projected funding gap was £1.825m with a savings target in 2016/17 of £625,000. The Leader indicated that the Council was making good progress towards meeting the savings target for this year. He was also pleased to advise that the latest audit letter from Grant Thornton was

extremely complimentary about the financial approach of the authority. Two key passages worthy of note were:

In respect of value for money, as they had in many previous years, the auditors were “satisfied that the Council put in place proper arrangements to ensure economy, efficiency and effectiveness in its use of resources”; and commenting on the savings challenge, they observed “the Council continues to address this gap in a structured way.”

Maintaining the financial theme, the Leader said that the Chancellor’s Autumn Statement on 23 November promised to be a significant one for the future of public finances. It would also confirm the outcome of the bids made to the Local Growth Fund from across the country. Significant for the authority and its communities were two bids, one for improvements to the Leigh Flood Storage Area and a second at East Malling Research. Working closely with the Environment Agency and Kent County Council, the Borough Council had taken the lead in developing a strong bid for the Leigh Flood Storage Area (including Hildenborough) and an East Peckham Flood Alleviation Scheme. Just over £4.5m had been requested from this fund to increase the capacity of the flood defences, not only protecting existing homes and businesses, but also unlocking new sites for new homes and jobs.

The Council had also supported NIAB East Malling Research in a £6m submission for the creation of a biotech hub at East Malling. The Leader commented that the need for R&D and new product development continued to accelerate. Downward pressure on margins from retailers, increased costs of labour, withdrawal of chemical defences and international competition all required improved productivity together with an increased focus on food security and health. The potential for fresh fruit, bio-tech and engineering products to contribute to GVA and export growth represented a very real opportunity. In all these areas NIAB East Malling Research was the key catalyst and provided capability for the industry to seize the opportunity for significant economic growth through product and market innovation. The Leader expressed pride in having such innovation in the Borough.

He was also pleased to report that from the 41 projects put forward by SELEP for Local Growth Fund 3 funding across Kent, Essex and East Sussex, the Leigh Flood Storage Area improvements were ranked 9th. Whilst investment in NIAB/EMR had been ranked 33rd, lobbying of Ministers via the local MPs was continuing in recognition that the economic benefits of further investment at East Malling would be felt both within Kent and well beyond.

The Leader referred to the Council becoming the first authority in Kent, and only the second in the country, to launch an online lottery for good causes in September. This innovative project (operating under the name of Hive Lotto) allowed supporters of charities and other community organisations to play the lottery in support of their favourite good causes with 50 pence of every £1 ticket going directly to their chosen cause.

The Leader was delighted with the response to the launch of Hive, with over 25 good causes now approved as members of the Hive community. These included a number of sporting clubs, schools and organisations providing mental health, disability and homelessness support services. He encouraged all good causes to join in this exciting new venture.

Referring to the Council's current public consultation on the new Local Plan, which would influence important decisions to be made about planning across the Borough for the next 15 years and beyond, the Leader indicated that it was not surprising that this had caused many communities to be concerned. It was inevitable that with the pressures on the Council in addressing the need for new homes and jobs and the challenges of securing new infrastructure, the choices would be difficult ones.

The Council's approach to its Local Plan sought to find a way through this situation and in so doing the Leader was pleased that it had been possible to include many in the consultation process which had been promoted widely in all forms of media, through local exhibitions and with the assistance of Parish Councils. The closing date for comment was 25 November and local residents and business were encouraged to make known their views. The Leader complimented Ian Bailey, Planning Policy Manager, and his team for the effort and skill they had shown in their work and in their endeavours to explain what could be a complicated process.

The Leader drew attention to the Quest quality scheme for the sport and leisure industry. Over 650 UK leisure facilities were currently registered with the scheme which was owned and endorsed by Sport England. He indicated that the facilities owned by TMBC had been engaged in Quest since the late 1990s and had a proud record of recognition and 'Excellent' ratings under the scheme. A relatively new product, Quest Stretch, offered facilities already deemed Excellent the opportunity to be rated 'Outstanding' and the Leader was delighted to announce that the team at Larkfield Leisure Centre had been successful in securing the rating of Outstanding. In the context of the 650 plus sites registered, only 12 had achieved this accolade and Larkfield Leisure Centre joined Tonbridge Swimming Pool as part of this small group of Outstanding ranked sites in the UK. This success was validation of the commitment of the Council, and leadership of the Cabinet Member for Community Services and senior officers, to leisure and the ongoing partnership with the Tonbridge & Malling Leisure Trust.

Members were advised that for the fifth year running, the Borough Council had been awarded the Community Animal Welfare Footprints Gold Award for Stray Dog Services from the Royal Society for the Protection of Animals. The Gold Award placed the Council in the top 15% of local authorities nationally for achieving high standards when dealing with stray dogs. The award not only reflected the Council's commitment to dog welfare over and above the statutory requirements,



but also recognised the personal and professional commitment and dedication of the dog Warden, Lorraine Baseden, and the Leader offered congratulations and thanks to her.

As Remembrance Sunday approached, the Leader indicated that the Borough Council would be represented at a number of Remembrance services throughout the Borough, the Mayor attending those at Tonbridge and West Malling, the Deputy Mayor at Kings Hill and Councillor Lettington at Snodland. The Chief Executive and Leader would be at Tonbridge and both were attending a service at the Garden of Honour at the RBLI Village in the afternoon and also on Armistice Day itself.

**C 16/69      CONSULTATIONS: FAIRER CHARGING IN TONBRIDGE AND MALLING; AND CESSATION OF COUNCIL TAX REDUCTION SCHEME GRANT TO PARISH COUNCILS**

Item CB 16/60 referred from extraordinary Cabinet minutes of 28 July 2016

**RESOLVED:** That the recommendations at Minute CB 16/60 be approved.

[In accordance with Council and Committee Procedure Rule 8.6, Councillors J Botten and B Elks requested that their vote against the motion be recorded.]

**C 16/70      FLOODING UPDATE: TONBRIDGE, HILDENBOROUGH AND EAST PECKHAM**

Item CB 16/64 referred from extraordinary Cabinet minutes of 6 September 2016

**RESOLVED:** That the recommendations at Minute CB 16/64 be approved.

**C 16/71      CORPORATE STRATEGY**

Item CB 16/74 referred from Cabinet minutes of 12 October 2016

**RESOLVED:** That the recommendations at Minute CB 16/74 be approved.

**C 16/72      SPECIAL EXPENSES SCHEME POLICY ('FAIRER CHARGING') AND UPDATED FINANCIAL DATA**

Item CB 16/75 referred from Cabinet minutes of 12 October 2016

**RESOLVED:** That the recommendations at Minute CB 16/75 be approved.

**C 16/73 REVIEW OF THE COUNCIL'S LOCAL COUNCIL TAX REDUCTION SCHEME**

Item CB 16/76 referred from Cabinet minutes of 12 October 2016

Copies of the full Council Tax Reduction Scheme and Exceptional Hardship Policy were circulated in advance of the meeting.

**RESOLVED:** That the recommendations at Minute CB 16/76, the full Council Tax Reduction Scheme and Exceptional Hardship Policy be approved.

**C 16/74 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2016/17**

Item CB 16/77 referred from Cabinet minutes of 12 October 2016

**RESOLVED:** That the recommendations at Minute CB 16/77 be approved.

**C 16/75 REVIEW OF HOUSING ASSISTANCE POLICY**

Item CB 16/78 referred from Cabinet minutes of 12 October 2016

**RESOLVED:** That the recommendations at Minute CB 16/78 be approved.

**C 16/76 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 7.56 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 2 PLANNING COMMITTEE**

**Wednesday, 9th November, 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 Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, 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, N J Heslop and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker and L J O'Toole

### **PART 1 - PUBLIC**

#### **AP2 16/64 DECLARATIONS OF INTEREST**

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

For reasons of transparency Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.

#### **AP2 16/65 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 28 September 2016 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION**

#### **AP2 16/66 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 16/67 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 planning permission be REFUSED for the following reasons:

- (1) The proposed redevelopment within a rural settlement does not comply with policy CP13 of the Tonbridge and Malling Borough Core Strategy 2007 and there are insufficient material considerations to justify the setting aside of that policy.
- (2) The proposed footprint, scale, bulk and massing of the new building results in an overbearing appearance which is also out of character with the street scene. The proposal is therefore contrary to Policy CP24 of the Tonbridge and Malling Managing Development and the Environment Development Plan Document 2010.

[Speakers: Wrotham Parish Council (Mr H Rayner); Mr P Gillin (on behalf of CPRE), Mr P Parkinson; Mr B Bell (on behalf of Courtyard Gardens residents) and Mr P Hicks – agent]

**AP2 16/68 TM/16/01600/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING**

The application was WITHDRAWN from the agenda pending arrangements for a Members' Site Inspection.

**AP2 16/69 TM/16/02153/FL - PLOWENDERS CLOSE, ADDINGTON**

The application for 6 bungalows was WITHDRAWN.

Planning permission had subsequently been granted for a scheme for 5 bungalows under application TM/16/02153/FL, which was determined under delegated powers by the Director of Planning, Housing and Environmental Health

**AP2 16/70 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE**

The application was WITHDRAWN from the agenda at the start of the meeting due to a technical error, which had resulted in all information that would help the Committee reach an informed decision not being available.

**AP2 16/71 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH**

Members were advised that due to a technical error those who had made representations during the course of this application were not notified that it was to be reported to this Planning Committee. As a result sufficient time would not have been afforded to those wanting to attend or address the Committee.

The application was WITHDRAWN from the agenda

**AP2 16/72 TM/15/03084/FL - PHASE 4, PLATT INDUSTRIAL ESTATE, MAIDSTONE ROAD, PLATT**

Erection of an industrial building comprising 3 no. light industrial units, with associated vehicle access and parking at Phase 4, Platt Industrial Estate, Maidstone Road, Platt.

**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) Additional Condition:

27. Prior to the commencement of development, a strategy and timetable for all measures to improve both the safety and the environmental conditions of the access road shall be submitted to and approved by the Local Planning Authority. The strategy shall be implemented as approved.

Reason: In the interest of safety and amenity pursuant to policies CP1 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007.

(2) Additional Informative:

11. The strategy pursuant to condition 27 will need to be drawn up in liaison with Kent County Council (Highways and Transportation) and the Environmental Protection Team of Tonbridge and Malling Borough Council and will be expected to have examined issues such as (i) traffic visibility mirror on the junction; (ii) acoustic fencing; (iii) clearing of roadways (iv) HGVs idling within the site.

[Speakers: Platt Parish Council (Mrs P Darby); Mr R Hook; Ms K Craigie;  
Ms P Dakin – members of public]

**AP2 16/73 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.30 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### LICENSING AND APPEALS COMMITTEE

Tuesday, 29th November, 2016

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr S M King, Cllr H S Rogers, Cllr R V Roud, Cllr A K Sullivan and Cllr F G Tombolis

Councillor N J Heslop was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, B T M Elks, Mrs F A Kemp and M Taylor

#### PART 1 - PUBLIC

##### **LA 16/90 DECLARATIONS OF INTEREST**

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

##### **LA 16/91 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 10 October 2016 be approved as a correct record and signed by the Chairman.

#### MATTERS FOR RECOMMENDATION TO THE COUNCIL

##### **LA 16/92 DELEGATION OF FILM CLASSIFICATION**


The Committee was reminded that all films for public exhibition on licensed premises must be classified by either the British Board of Film Classification (BBFC) or the Licensing Authority under powers contained in the Licensing Act 2003 and the report set out details of a proposal to delegate authority for the classification of films from the Licensing Committee to the Director of Central Services and Monitoring Officer.

**RECOMMENDED:** That the Director of Central Services be granted the authority to classify films. ◀

##### **LA 16/93 POLICY STATEMENT - DISCLOSURE AND BARRING SERVICE**

The report of the Director of Central Services and Monitoring Officer set out details of the arrangements required for the secure storage, handling, use, retention and disposal of Disclosures and Disclosure Information received from the Disclosure and Barring Service (DBS) in

respect of applications for Hackney Carriage, Private Hire and Dual Driver's Licences.

**RECOMMENDED:** That the Licensing DBS Policy Statement for Tonbridge and Malling Borough Council in respect to Secure Storage, Handling, Use, Retention and Disposal of Disclosures and Disclosure Information, as set out at Annex 1 to the report, be approved by the Council. 

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

**LA 16/94 REVIEW OF FEES AND CHARGES 2017/18 - LICENSING FEES**

The report of the Director of Central Services and Monitoring Officer set out details of the proposed scale of fees and charges for 2017/18 in respect of Hackney Carriage and Private Hire Licences, Pleasure Boats and Boatmen, Scrap Metal Dealers, Animal Welfare Licences, Street Trading Consents, Sex Establishments, Acupuncture, Tattooing, Ear Piercing and Electrolysis and Hypnotism.

**RESOLVED:** That the proposed scale of fees for licences, consents and registrations, as set out in Annex 1 to the report, be adopted with effect from 1 April 2017.

**MATTERS SUBMITTED FOR INFORMATION**

**LA 16/95 LICENSING OVERVIEW**

The Licensing and Community Safety Manager provided a verbal update on recent activity within the Licensing and Community Safety services which included the outcome of a recent Appeal to the Magistrates Court against the revocation of private hire driver's licence; the consultation process to be undertaken following the receipt of a request for a fare increase and the production of a Consolidated Order for the Regulation of Taxi Stands in Tonbridge. The Committee congratulated Mr Terry Hill of Castle Cars on winning two national awards.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PART 2 - PRIVATE**

**LA 16/96 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.26 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 1st December, 2016**

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr P F Bolt, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith and Cllr Ms S V Spence

Apologies for absence were received from Councillors Mrs P A Bates, J L Botten, D J Cure, Mrs M F Heslop, N J Heslop and F G Tombolis

### **PART 1 - PUBLIC**

#### **AP1 16/28 DECLARATIONS OF INTEREST**

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

#### **AP1 16/29 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 27 October 2016 be approved as a correct record and signed by the Chairman subject to the inclusion of a note under Minute AP1 16/23 in relation to application TM/16/01169/FL (Café 1809, 152-154 Tonbridge Road, Hildenborough) that Kent Highway Services had advised that a 'Parking Beat' survey could be undertaken to assess the levels of parking stress in the locality, both during a typical non-private function event and a permitted private function event, and this was acknowledged as a useful tool in providing an accurate assessment of the levels of public parking availability in the locality during a typical evening and during private function events.

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

#### **AP1 16/30 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.

**AP1 16/31 TM/16/02306/FL - 13 CROMER STREET, TONBRIDGE**

Ground floor extension to existing rear two storey out-building and internal refurbishment works to storage, garage and workshop/studio spaces at 13 Cromer Street, Tonbridge.

**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) Amendment to Conditions:

3. The extended outbuilding shall not be used for any other purpose than the accommodation of private vehicles or for a purpose incidental to the enjoyment of the related dwelling house and no trade or business shall be carried on therefrom.

Reason: To safeguard the amenities and interests of the occupants of other property in this residential area.

5. The use of the extended outbuilding hereby permitted shall be occupied and used only in connection with the original dwelling house known as 13 Cromer Street, Tonbridge and shall not be used, let or sold at any time as a separate unit of living accommodation or used for any commercial purpose.

Reason: To safeguard the character and amenities of the locality.

[Speaker: Mr John McCormack – member of the public and Mr Ewan Taylor - applicant]

**AP1 16/32 TM/16/03008/FL - 49 BRINDLES FIELD, TONBRIDGE**

Proposed two storey side extension with integral garage, canopy porch, and internal alterations at 49 Brindles Field, Tonbridge.

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

(1) The proposed two storey side extension, by virtue of its size, bulk and proximity to the northern boundary when combined with the constrained nature of the plot and limited size of the neighbouring gardens, would result in a dominant and overbearing form of development which would in turn be harmful to the residential amenities of the occupiers of 10 and 12 West Rise, Tonbridge. 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 2012 (paragraphs 17, 58 and 64).

[Speakers: Mr Paul Rogers and Mr Gary Gammer – members of the public]

**AP1 16/33 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AREA 2 PLANNING COMMITTEE

Wednesday, 14th December, 2016

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr Mrs J A Anderson, M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr Mrs S L Luck, Cllr B J Luker, Cllr L J O'Toole, Cllr S C Perry, Cllr H S Rogers and Cllr Miss S O Shrubsole

Councillor M Taylor was 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 Coffin, P J Montague, Miss J L Sergison and T B Shaw

### PART 1 - PUBLIC

#### **AP2 16/74 DECLARATIONS OF INTEREST**

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

However, for reasons of transparency and to avoid the appearance of pre-determination and bias in the Committee's decision making the Chairman advised that after making a short statement she would withdraw from the meeting for application TM/16/00990/FL (Downsview, 8 Green Lane, Trottscliffe) and would take no part in the discussion.

In the absence of the Vice-Chairman (Councillor S Jessel), who had submitted apologies, the Chairman proposed that Councillor H Rogers act as Chairman during this debate. This was seconded by Councillor Mrs Anderson and it was

**RESOLVED:** That Councillor H Rogers be Acting Chairman for application number TM/16/00990/FL

For reasons of transparency:

- Councillor Balfour reminded the Committee that he was the Cabinet Member for Environment and Transport at Kent County Council. As this did not represent either an Other Significant Interest or Disclosable Pecuniary Interest there was no requirement to leave the meeting.
- Councillor S Perry advised the Committee that the applicant of TM/15/03865/FL (Great Oaks House, Puttenden Road,

Shipbourne) was known to him in their role of parish councillor. The relationship was not close enough to constitute an Other Significant Interest.

[Subsequent to this agenda item and during the discussion for application TM/16/02518 (Development site between 10 and 70 Churchill Square, Kings Hill) Councillor Balfour became aware of a potential interest on the grounds that Kent County Council co-owned the site. Although this was not deemed significant enough to constitute an Other Significant Interest or Disclosable Pecuniary Interest, Councillor Balfour did not participate in the debate or vote on the application. However, he remained in the meeting to hear the discussion]

## **AP2 16/75 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 9 November 2016 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION**

## **AP2 16/76 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.

## **AP2 16/77 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 planning permission be REFUSED for the following reason:

- (1) The proposed extension by reasons of its bulk and siting will be overbearing to neighbouring property and thus detrimental to residential amenities. It is thereby contrary to Policy CP24 of the

Tonbridge and Malling Borough Core Strategy 2007 and saved policy P4/12 of the Tonbridge and Malling Borough Local Plan 1998.

[Speakers: West Malling Parish Council (Mr R Selkirk); Mr N Candlish (on behalf of Ms N Cook) and Ms P Wilkinson – members of the public and Mrs S Taylor – applicant]

**AP2 16/78 TM/15/03865/FL - GREAT OAKS HOUSE, PUTTENDEN ROAD, SHIPBOURNE**

Demolition of existing stable block and hay barn buildings and construction of a 3 bedroom dwelling house at Great Oaks House, Puttenden Road, Shipbourne

Members were asked to disregard paragraph 4.11 of the report as this had been included in error and conflicted with information set out in paragraph 4.10.

After careful consideration of the material planning considerations and the policy position in respect of the open countryside it was

**RESOLVED:** That planning permission be REFUSED for the reasons set out in the report of the Director of Planning, Housing and Environmental Health and repeated below:

- (1) The development proposes rebuilding the existing stable block and hay barn. The proposal is not the form of development that is normally permitted in the countryside as listed in Policy CP14 of the Tonbridge and Malling Borough Core Strategy 2007 and Policy DC2 of the Managing Development and Environment DPD 2010, and no material considerations exist that justify setting aside that provision.

[Speakers: Mr N Ward; Ms V Packer, Ms K Symonds – members of the public and Mrs E Cohen – applicant]

**AP2 16/79 TM/16/01859/FL - LONG POND WORKS, WROTHAM ROAD, BOROUGH GREEN**

Demolition of four industrial buildings and construction of a replacement industrial unit and a flexible change of use within Use Classes B1, B2 and B8 as well as use by Robert Body Haulage for parking and maintenance of vehicles and office use as an administrative base at Long Pond Works, Wrotham Road, Borough Green

**RESOLVED:** That planning permission be DEFERRED for Officers to advise on possible Very Special Circumstances and suggested conditions in the event that Members were minded to permit the application.

[Speaker: Mr J Collins – agent]

**AP2 16/80 TM/16/02512/FL - BRIONNE, THE STREET, RYARSH**

Demolition of existing dwelling and erection of three detached bungalows; creation of new vehicular access and provision of access drive, landscaping and other ancillary works at Brionne, The Street, Ryarsh

**RESOLVED:** That planning permission be REFUSED for the following reason(s):

- (1) The proposal by reason of the scale and bulk is over development and detrimental to the character and appearance of the adjacent Conservation Area and the visual amenities of the locality. It is thereby contrary to s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraphs 17, 57, 58, 61, 131, 132 and 133 of the National Planning Policy Framework 2012, policies CP1, CP13, 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

[Speakers: Mrs N Stouppa-Moss, Mr J Steel, Mr Highstead – members of the public and Mr J Chapman – agent]

**AP2 16/81 TM/16/00990/FL - LAND ADJACENT TO DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE, WEST MALLING**

Erect a new detached dwelling house at land adjacent to Downsview, 8 Green Lane, Trottiscliffe

**RESOLVED:** That planning permission be DEFERRED for verification of the accuracy of the submitted plan/documents, clarification on proposed drainage runs near to the protected trees and further consultation with the Parish Council thereafter.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman); Mrs P Wallis – member of the public and Mr K Wise – agent]

**AP2 16/82 TM/16/02518/FL - DEVELOPMENT SITE BETWEEN 10 AND 70 CHURCHILL SQUARE, KINGS HILL**

Two storey new office building with single storey reception pavilion and associated car parking and landscaping works and ancillary manager's flat at the Development site between 10 and 70 Churchill Square, Kings Hill

**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) Amended Condition:

3. No development shall take place until details of any joinery, eaves detailing and rainwater goods to be used have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the setting of the adjacent listed buildings or the visual amenity of the locality.

(2) Additional Condition:

3. No development shall take place until a plan showing the finished floor and eaves levels of the building and finished ground levels within the site in relation to existing ground levels has been submitted to and approved by the Local Planning Authority. The works shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development does not harm the character of the area or visual amenity of the locality.

[Speakers: Mrs S Davis – on behalf of Liberty Trust and Mr P Bowen – applicant]

**AP2 16/83 ALLEGED UNAUTHORISED DEVELOPMENT - 15/00381/WORKM - OAK TREE STABLE, VIGO ROAD, FAIRSEAT**

The Director of Planning, Housing and Environmental Health reported the unauthorised engineering operation to create an area of hardstanding on site without the necessary planning permission.

It was reported that the site was in the Green Belt and the proposed operation would not preserve the openness of the area and therefore amounted to inappropriate development. The case for 'very special circumstances' sufficient to outweigh the harm to the Green Belt had also not been demonstrated. Finally, the development was harmful to the character and visual amenity of the area and therefore was contrary to policies CP24 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 16/84 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 10.25 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud  
Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/97 DECLARATIONS OF INTEREST**

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

**LA 16/98 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 16/99 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 25/2016**

**(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 Caution under S.1(2)(A)-S.2 of the Fraud Act 2006 on 17 January 2014 for making a False Representation on 4 September 2013.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Caution on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.2.4 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Fraud if the conviction was less than 4 years prior to the date of the application;
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to previous convictions and cautions and that the Applicant had accepted a Caution for Dishonesty, which was an admission of guilt. While the Panel had listened carefully to the Applicant's explanation of the circumstances surrounding the Caution it saw no reason to depart from the Council's Policy and therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 10.17 am  
having commenced at 9.30 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud  
Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/100 DECLARATIONS OF INTEREST**

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

**LA 16/101 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 16/102 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 21/2016**

**(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 under S.3 of the Sexual Offences Act 2003 on 3 July 2013 for Sexual Assault on 8 February 2013 and that an Appeal against the Conviction had been dismissed on 23 January 2014.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Conviction on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.5.1 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Sexual Assault if the conviction was less than 10 years prior to the date of the application; and
- (4) with regard to Indecency Offences, Paragraph 12.5.1 of the Policy stated that as Drivers of hackney carriage and private hire vehicles often carry unaccompanied passengers, applicants with convictions for soliciting, importuning, indecent exposure or any sexual offence would normally be refused a licence until they can show a substantial period (usually between 5 and 10 years) free from any such conviction.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to previous convictions and that the Applicant had been convicted of Sexual Assault on 3 July 2013, which was within the five year period. While the Panel had listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction it could not discount the fact that the conviction by a Magistrates Court was confirmed at the Crown Court. In addition the Panel had regard to the Speeding offences and disqualification in July 2013 and found that, in these circumstances, the Council's Policy required a period of 2 years from restoration of a Driving Licence before an application was likely to be successful. The Panel noted that, while this period had passed, the fact of the disqualification was still relevant to the determination of the Application. The Panel, therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 11.03 am  
having commenced at 10.23 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives from the Licensing Authority and the Licensed Driver

**PART 1 - PUBLIC**

**LA 16/103 DECLARATIONS OF INTEREST**

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

**LA 16/104 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 16/105 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE – CASE NO 24/2016**

**(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 review of a Hackney Carriage Driver's Licence (Badge No 1521) following complaints by three drivers concerning an incident at the taxi stand, Waterloo Road, Tonbridge on the evening of 28 October 2016. The Panel was asked to determine whether the licence holder should still be considered a fit and proper person to hold a licence in light of the complaints received by the Licensing Authority. Copies of the Statements were set out in Annexes 2 to 5 of the report and an additional Written Statement by the licence holder was submitted to the hearing.

The Panel had regard to the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy and in particular to section 17.2.1(C) which required drivers to behave in a civil, orderly and responsible manner at all times; section 17.3(A) which required drivers to ensure that they were courteous at all times when talking to anyone, especially customers and section 17.5(B) which stated that the hackney carriage at the top of the rank would take the customer to any destination within the Borough regardless of how short the journey may be.

The Panel listened carefully to the information provided by the licence holder and concluded that there was a history of unacceptable behaviour between the Driver and a number of other drivers on the taxi rank. The Panel noted that, while it had received contradictory evidence from a number of people, it was apparent from the Driver's evidence that he had been involved in altercations and that this was a Breach of the Hackney Carriage and Private Hire Drivers' Code of Conduct. In light of the evidence heard by the Panel it

**RESOLVED:** That Hackney Carriage Driver (Badge No 1521) be issued with a written warning reminding him of the Code of Conduct and advising that this would remain on his file and may be taken into account in any future disciplinary action.

The meeting ended at 12.06 pm  
having commenced at 11.18 am



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud  
Together with the representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/106 DECLARATIONS OF INTEREST**

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

**LA 16/107 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 16/108 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 22/2016**

**(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 Vehicle and Licensing Agency (DVLA) regarding points received for motoring offences. The Panel noted that the Applicant had declared only one of the offences listed on the DVLA report on the questionnaire which accompanied his application.

The Panel listened carefully to the information provided by the Applicant and accepted his explanation in relation to an allegation of ABH against him which he had disclosed on the questionnaire which accompanied the application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits; and
- (3) that Paragraph 12.7.2 of the Policy regarding DVLA Penalty Points stated that an application would normally be refused where the applicant had 6 or more penalty points on his DVLA licence.

The Panel found that Tonbridge and Malling Borough Council had a clear policy in relation to points accrued on Driving Licences and, in general, would require a period of 6 months after those points had expired before a licence would be granted. However, the Panel had regard to the fact that the period would expire at the end of December 2016 and that, while the convictions were recent, the offences had happened a number of years ago. The Panel, therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be APPROVED subject to the following conditions:-

- (1) the Driver provide the Licensing Team with an up to date Disclosure and Barring Service (DBS) check within one month of the date of this Hearing; and
- (2) that the Driver attend meetings with the Licensing Team every two months during the probationary period.

The meeting ended at 1.23 pm  
having commenced at 12.25 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives from the Licensing Authority and the applicant.

**PART 1 - PUBLIC**

**LA 16/109 DECLARATIONS OF INTEREST**

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

**LA 16/110 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 16/111 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 26/2016**

**(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 was reminded that the Applicant had been convicted of an offence on 2 May 2011 under Common Law in respect of the perversion of the course of Public Justice and that a previous application for a Probationary Private Hire Driver's licence had been refused at a Hearing held on 6 April 2016.

The Panel listened carefully to the information provided by the Applicant's representative, had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that where an application for a licence had been refused (either a new application or a renewal), or revoked, a further application from the applicant/licence holder would not be considered for a period of two years from the date of refusal or revocation as the case may be (Paragraph 11.8.7);
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel found that the starting point for its consideration was the Licensing Policy currently in force and that that Policy ordinarily suggested that repeat applications within a period of two years should be refused. In relation to Offences of Dishonesty, the Policy required that greater weight be given to the circumstances of the offence and evidence of good character after a period of 4 years. Having heard the submission made at the Hearing the Panel was satisfied that the Applicant was a fit and proper person to hold a probationary licence and, therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be GRANTED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 2.32 pm  
having commenced at 1.49 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud  
Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/112 DECLARATIONS OF INTEREST**

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

**LA 16/113 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 16/114 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 27/2016**

**(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 under S.6(1) of the Bail Act 1976 on 5 May 2016 for Failing to Surrender to Custody at Appointed Time on 6 April 2016 for which he had a custodial sentence of two months.

The Panel listened carefully to the information provided by the Applicant regarding the reason why he had failed to surrender himself to custody and noted that he had not declared the conviction on the questionnaire which accompanied his application. The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence; and
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction and stressed that failure to surrender to bail was an extremely serious matter. The Panel noted the extenuating circumstances put forward by the Applicant and took into account his long history as a taxi driver with no other convictions or cautions. The Panel, therefore

**RESOLVED:** That the Applicant be GRANTED a Probationary Private Hire Driver's Licence.

The meeting ended at 3.35 pm  
having commenced at 2.43 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/115 DECLARATIONS OF INTEREST**

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

**LA 16/116 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 16/117 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 28/2016**

**(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 been Convicted under the Fraud Act 2006 on 24 June 2014 for offences committed on 22 October 2010, 10 July 2012 and 23 July 2012 for which he had received a custodial sentence of 12 weeks.

The Panel listened carefully to the information provided by the Applicant and noted that he had declared the Conviction on the questionnaire which accompanied his application. The Panel was reminded that the Applicant had attended a Hearing Panel on 18 February 2015 where his application for a Probationary Private Hire Driver's Licence had been refused.

The Panel had due regard to the report of the Director of Central Services and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Paragraph 12.2.4 of the Policy regarding the relevance of previous convictions stated that an application would normally be refused where an applicant had a conviction for an offence of Fraud if the conviction was less than 4 years prior to the date of the application. 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;
- (4) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (5) with regard to Offences of Dishonesty, Paragraph 12.2.2 of the Policy stated that members of the public entrusted themselves to the care of the drivers.

The Panel listened carefully to the Applicant's submission and had regard to the fact that it was 22 months since the previous application had been refused. The Panel found that the Council's Policy with regard to offences involving dishonesty, and specifically Benefit Fraud, required a period of 4 years from the date of conviction before an application was likely to be considered favourably. The Panel also noted that, in relation to repeat applications, an application would not normally be entertained until a period of 2 years had elapsed. The Panel had particular regard to the fact that the Applicant was able to continue to work for his employer under a People Carrying Vehicle (PCV) Licence and that this involved contact with the public and handling fares. However, the Panel took a particularly dim view of offences which defrauded the Public Purse, especially when they were sufficiently serious to attract custodial sentences. In all these circumstances the Panel, therefore

**RESOLVED:** That the application for a Probationary Private Hire Driver's Licence be REFUSED on the basis that the Applicant was not a fit and proper person to hold the licence.

The meeting ended at 4.37 pm  
having commenced at 3.53 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Thursday, 15th December, 2016**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr H S Rogers and Cllr R V Roud.

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 16/118 DECLARATIONS OF INTEREST**

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

**LA 16/119 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 16/120 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 23/2016**

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

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be approved following receipt of information from the Driver and Vehicle Licence Agency (DVLA) and the Disclosure and Barring Service (DBS) that the Applicant had received a 14 day disqualification and fine following a Conviction on 20 October 2014 for being in charge of a motor vehicle while alcohol level was above limit on 27 December 2013.

The Panel was advised that the Applicant had failed to arrive prior to the start of the meeting or to respond to any attempts to contact him.

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 and to the following:-

- (1) that Paragraph 1.5.4 of the Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Paragraph 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) with regard to Offences of Dishonesty, Paragraph 12.2.1 of the Policy stated that Drivers of hackney carriage and private hire vehicles were expected to be persons of trust; and
- (4) that Paragraph 12.11.1 stated that a serious view would be taken of convictions of driving or being in charge of a vehicle while under the influence of drink. Where a disqualification had occurred as a result of a drink-driving offence, at least 5 years free from conviction should elapse after the restoration of the DVLA licence before an applicant was granted a licence.

The Panel had particular regard to the Policy regarding excess alcohol and that, in the absence of the Applicant, no circumstances had been put forward in writing to attempt to explain or mitigate the offence. The Panel, therefore

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

The meeting ended at 4.59 pm  
having commenced at 4.50 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 3 PLANNING COMMITTEE**

**Thursday, 5th January, 2017**

**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 T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr D Keeley, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan, Cllr B W Walker and Cllr T C Walker

Councillors N J Heslop and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs B A Brown, S M King and D Markham

#### **PART 1 - PUBLIC**

##### **AP3 17/1 DECLARATIONS OF INTEREST**

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

##### **AP3 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 25 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**

##### **AP3 17/3 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 17/4 TM/16/02919/FL - 53 NEW HYTHE LANE, LARKFIELD**

Demolition of existing garages and erection of a pair of semi-detached bungalows, with associated parking at 53 New Hythe Lane, Larkfield

**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 Conditions

10. No building shall be occupied until the area shown on drawing number 0301-01 00-101 as turning area has been provided, surfaced and drained. Thereafter it shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.

11. The bin storage areas shown on drawing number 0301-01 00-101 shall be provided prior to the first occupation of the dwellings hereby approved and shall be maintained and retained at all times thereafter.

Reason: In the interests of visual amenity and to ensure adequate turning facilities are retained within the site.

**AP3 17/5 TM/16/03184/FL - 17 GORSE CRESCENT, DITTON**

Extensions to create a first floor including front and rear dormer windows and associated works at 17 Gorse Crescent, Ditton

**RESOLVED:** That the application be REFUSED for the following reason:-

1. The proposed extensions, by virtue of their overall size, scale, bulk and massing, would result in a development that would appear overbearing and obtrusive, interrupting the scale and rhythm of the bungalows which form a visual group at this point along Gorse Crescent. As a result, the development would be harmful to the prevailing character of the street scene and visual amenities of the locality, 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 2012 (paragraphs 17, 58 and 64)

[Speakers: Mr J Smith, Mr J Court, Mr C Fiddian and Mr P Huggett – members of the public; and Mr A Dawling – Applicant]

**PART 2 - PRIVATE**

**AP3 17/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.56 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### JOINT STANDARDS COMMITTEE

Monday, 16th January, 2017

**Present:** Cllr Miss J L Sergison (Chairman), Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr Mrs T Dean, Cllr P J Montague, Cllr C P Smith, Mrs P Darby (Platt), Mrs T Dawson (Borough Green), Mr D Elvy (Aylesford), Mrs P Garrett (Addington), Ms J Newman (Hadlow), Mr R Selkirk (West Malling) and Mr W E Stead (Burham)

Councillors Mrs J A Anderson, O C Baldock, Mrs S M Barker, P F Bolt, N J Heslop, B J Luker, D Markham, M Parry-Waller, S C Perry, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D J Cure, Mrs S Bell and R P Betts; and from Ms D Alford-Smith (Snodland), Mr M Carboni (Plaxtol) and Mr P Crawford (East Peckham)

#### PART 1 - PUBLIC

##### **ST 17/1 DECLARATIONS OF INTEREST**

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

##### **ST 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Joint Standards Committee held on 15 June 2016 be approved as a correct record and signed by the Chairman.

#### MATTERS SUBMITTED FOR INFORMATION

##### **ST 17/3 UPDATE - CODE OF CONDUCT COMPLAINTS**

The report of the Monitoring Officer provided an update on complaints received since June 2016.

**RESOLVED:** That the report be received and noted.

##### **ST 17/4 CODE OF CONDUCT - REFRESHER TRAINING**

The Committee received a presentation from the Director of Central Services and Monitoring Officer, which updated the training presented in July 2015 on the work of the Joint Standards Committee. An outline was

given of the standards regime, the requirements of the Code of Conduct and, in particular, the rules governing Disclosable Pecuniary Interests. Details were discussed of arrangements for the investigation of allegations within Tonbridge and Malling, the role of the Joint Standards Committee and operation of the Hearings Panel.

The Director of Central Services answered a number of questions raised at the meeting.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **ST 17/5 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.45 pm



## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 19th January, 2017**

**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 F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs M F Heslop, N J Heslop and Miss G E Thomas

#### **PART 1 - PUBLIC**

##### **AP1 17/1 DECLARATIONS OF INTEREST**

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

##### **AP1 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 1 December 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 17/3 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 17/4 TM/15/03345/FL - RAPHAEL MEDICAL CENTRE, COLDHARBOUR LANE, HILDENBOROUGH**

Demolition of former school buildings (part of which are occupied by the Raphael Medical Centre for Class C2 care use and part of which are vacant) and redevelopment with a two storey building and basement to provide a 28 bedroom specialist care facility with landscaping and car parking at Raphael Medical Centre, Coldharbour Lane, Hildenborough.

The Chairman referred to the need for the applicant to advance a robust case of 'very special circumstances' to demonstrate a clearly evidenced case of need for the proposed new facility. Unfortunately, little additional information had been forthcoming and it was now necessary to determine the application based on the material submitted. The report of the Director of Planning, Housing and Environmental Health concluded that the proposal constituted inappropriate development within the Green Belt and that 'very special circumstances' had not been sufficiently advanced to support actual need.

**RESOLVED:** That 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 and 90 of the National Planning Policy Framework 2012. The proposed development comprises inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, the materially larger scale of the proposed building (in terms of its increased height, floorspace and footprint) would cause substantial harm to the open characteristics of the site and the openness of the Green Belt in this location. No very special circumstances exist which would be sufficient to outweigh the degree of harm caused to the Metropolitan Green Belt. As such, the proposed development is contrary to the requirements of Section 9 of the National Planning Policy Framework 2012 and Policy CP3 of the Tonbridge and Malling Borough Core Strategy 2007.
- (2) The site lies in open countryside, outside the rural settlement confines of Hildenborough where Tonbridge and Malling Borough Core Strategy 2007 Policy CP14 seeks to restrict new development to a limited number of instances. The proposed development does not meet any of these defined exceptions and therefore represents an inappropriate form of major development in the countryside, contrary to the requirements of this policy. There are no overriding material planning considerations which indicate that the provisions of Tonbridge and Malling Borough Core Strategy 2007 Policy CP14 should be set aside in this instance.

[Speakers: Rev Woodley-Jones – Hildenborough Parish Council; Mr P Osborne, Mr C Stimpson, Mr A Stephens and Mrs M Carlile – members of the public and Mr N Pople – on behalf of the applicant]

**AP1 17/5 TM/16/02987/0A - LAND ADJOINING 11 URIDGE CRESCENT, TONBRIDGE**

Outline Application: Detached 3 bedroom dwelling house (all matters reserved) at land adjoining 11 Uridge Crescent, Tonbridge.

**RESOLVED:** That outlined 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.

**AP1 17/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.20 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### AUDIT COMMITTEE

Monday, 23rd January, 2017

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

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

Councillors O C Baldock, M A Coffin, D Markham, M R Rhodes and H S Rogers 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, Mrs F A Kemp and B W Walker

### PART 1 - PUBLIC

#### **AU 17/1 DECLARATIONS OF INTEREST**

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

#### **AU 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Audit Committee held on 5 September 2016 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE CABINET

#### **AU 17/3 APPOINTMENT OF EXTERNAL AUDITORS**

The report of the Director of Finance and Transformation referred to the decision of the Committee at Minute AU 16/18 to identify the opt-in to a sector led body as the preferred option for the appointment of external auditors when the transitional arrangements came to an end on 31 March 2018. Members were advised that the formal invitation to opt-in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) was received on 27 October 2016 with a closing date of 9 March 2017. A copy of the PSAA prospectus and FAQs were annexed to the report.

**RECOMMENDED:** That the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

**AU 17/4 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2017/18**

The report of the Director of Finance and Transformation provided details of investments undertaken and returns achieved in the first nine months of the current financial year together with an introduction to the Treasury Management and Annual Investment Strategy for 2017/18.

It was noted that investment income at the end of December was £22,900 above budget for the same period and was largely attributable to higher than expected cash flow and core balances at the start of the financial year and the opportunity this presented to place more investment in higher yielding term deposits. The pattern of income generation had changed significantly following the August Bank Rate cut which resulted in lower returns going forward. Nevertheless it was expected that income for the year as a whole would still be in line with the original budget.

Reference was made to a review of investment duration and additional flexibility, subject to appropriate safeguards, was sought. The report explored the use of property funds for long term investment and recommended their inclusion in the 2017/18 Annual Investment Strategy. Members gave careful consideration to the use of property funds and asked questions on various aspects of their operation and their income and capital performance.

**RECOMMENDED:** That

- (1) the treasury management position as at 31 December 2016 be noted;
- (2) the use of property funds for long term investment be endorsed;
- (3) subject to the caveats identified in paragraph 1.3.14 of the report, the Council allow up to six months to be added to Capita's suggested duration for UK institutions, subject to overall duration not exceeding 12 months; and
- (4) the Annual Investment Strategy for 2017/18, as set out at Annex 4 to the report, be adopted.

**AU 17/5 RISK MANAGEMENT STRATEGY**

The joint report of the Chief Executive and Director of Finance and Transformation presented an updated Risk Management Strategy which had been fully reviewed together with the Risk Management Guidance. Details were given of the main changes to the risk management process which involved identified risks falling in the "red zone" being subject to

“escalation” to the relevant service management team, corporate Management Team and subsequently Members as appropriate.

An informal briefing on the revised process would be held for members of the Audit Committee before the April meeting when an updated Corporate Risk Register, aligned with the recently approved Corporate Strategy, would be presented.

**RECOMMENDED:** That

- (1) the proposed change to the risk management process detailed at paragraph 1.2.2 of the report be endorsed; and
- (2) the Risk Management Strategy set out at Annex 1 to the report be commended for adoption by the Council.

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

**AU 17/6 ANNUAL REVIEW OF ANTI-FRAUD POLICIES AND WHISTLEBLOWING POLICY**

The report of the Director of Finance and Transformation gave details of the outcome of the annual review of the Council’s Anti-Fraud Policies and Whistleblowing Policy. It was noted that in each case no substantive changes were proposed. Members considered the policies presented in the annexes to the report and suggested that in the case of the Whistleblowing Policy, relevant contact details be included in section 8 for taking a matter further to organisations outside the Council.

**RESOLVED:** That

- (1) the Anti-Fraud Policies set out at Annexes 1, 2 and 3 to the report be approved; and
- (2) the Whistleblowing Policy set out at Annex 4 to the report, as amended with relevant contact details, be commended to the General Purposes Committee for endorsement.

**AU 17/7 INTERNAL AUDIT CHARTER**

The report of the Chief Audit Executive informed the Committee of the outcome of the review of the Internal Audit Charter and highlighted one minor amendment and that the document reflected the shared service arrangement with Kent County Council.

**RESOLVED:** That the Internal Audit Charter set out at Annex 1 to the report be noted and approved.

**AU 17/8 ACCOUNTING POLICIES**

Consideration was given to the report of the Director of Finance and Transformation which presented the Accounting Policies proposed for the 2016/17 Financial Statements. The report highlighted a proposed change to clarify the basis on which revenue was recognised in the financial statements as recommended by the external auditors following the audit of the 2015/16 Accounts.

**RESOLVED:** That the Accounting Policies set out at Annex 1 to the report be endorsed for use in the preparation of the 2016/17 Financial Statements.

**AU 17/9 PROPOSED WORK PROGRAMME AND SCALES OF FEES 2017/18**

The report of the Director of Finance and Transformation introduced the Work Programme and Scales of Fees for 2017/18 proposed by Public Sector Appointments Limited (PSAA) in respect of work undertaken by the Council's external auditors. It was noted that PSAA did not plan to make any changes to the overall work programme and proposed that the 2017/18 scale audit fees be set at the same level as those applicable in 2016/17. The indicative fee for certification work would be based on the final 2015/16 fee.

**RESOLVED:** That the 2017/18 Proposed Work Programme and Scales of Fees be noted and endorsed.

**AU 17/10 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

The report of the Chief Audit Executive gave an update on the work of the Internal Audit and Counter Fraud functions for the period April to December 2016. The Committee was advised of progress against the 2016/17 Internal Audit and Counter Fraud Plan. Concern was expressed about progress of the work of the Empty Homes Working Group identified in the audit of Empty Properties and a report back requested.

**RESOLVED:** That the report be received and noted subject to an update to the Communities and Housing Advisory Board by the lead service on Empty Properties as appropriate and a report on the outcome to the Audit Committee.

**MATTERS SUBMITTED FOR INFORMATION****AU 17/11 LOCAL CODE OF CORPORATE GOVERNANCE**

The joint report of the Chief Executive and Director of Central Services provided an update on the changes required to the Local Code of Corporate Governance in accordance with the "Delivering Good Governance in Local Government Framework 2016". An internal



analysis had highlighted a number of areas where the current Code did not meet the requirements of the 2016 Framework, some of which related to the Council's Constitution which was proposed for review by the Overview and Scrutiny Committee. It was anticipated that a draft revised Local Code would be presented to the Audit Committee in April 2017.

**RESOLVED:** That the report be received and noted.

#### **AU 17/12 GRANT THORNTON PAPER - ADVANCING CLOSURE**

The report of the Director of Finance and Transformation referred to Regulations bringing forward the dates for local authority accounts to be ready for audit and the publication of audited accounts to 31 May and 31 July respectively with effect from the 2017/18 financial year. Details were given of a paper prepared by Grant Thornton to assist local authorities in improving their accounts closure procedures to comply with the new deadlines together with a good practice checklist. The report set out the implications of the earlier closure and publication for officers, auditors and the Audit Committee.

**RESOLVED:** That the report be received and noted.

#### **AU 17/13 ANNUAL AUDIT LETTER**

The report of the Director of Finance and Transformation advised the Committee of the receipt of the Annual Audit Letter summarising the main outcomes from the work carried out by the external auditors for the year ended 31 March 2016. The letter repeated the headline messages in the Audit Findings Report presented to the Committee in September 2016. These were that the Council's accounts were produced to a high standard, there continued to be a robust financial planning framework with a structured approach to addressing financial pressures and delivering planned savings.

Members welcomed the letter and congratulated all staff involved.

**RESOLVED:** That the report be received and noted.

#### **AU 17/14 GRANT THORNTON - AUDIT COMMITTEE UPDATE**

The report of the Director of Finance and Transformation introduced Grant Thornton's report on progress in delivering their responsibilities as the Council's external auditors and summarising a number of relevant national issues and developments.

Ms Ironmonger advised that this was Trevor Greenlee's last meeting as the Council's Audit Manager as he was moving to another authority in accordance with ethical standards. Mr Greenlee thanked members of the Committee and the Finance team for the positive relationship with

the Council. The Chairman expressed appreciation of Mr Greenlee's contribution over the years of her chairmanship and wished him well for the future.

**RESOLVED:** That the report be received and noted.

**AU 17/15 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.34 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **OVERVIEW AND SCRUTINY COMMITTEE**

**Tuesday, 24th January, 2017**

**Present:** Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr T I B Cannon, Cllr R W Dalton, Cllr Mrs S M Hall, Cllr Mrs S L Luck, Cllr P J Montague, Cllr M Taylor, Cllr T C Walker and Mr D Still (Co-opted Member)

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

Apologies for absence were received from Councillors P F Bolt, J L Botten, S R J Jessel, Mrs F A Kemp, F G Tombolis and Mr P J Drury (Co-opted Member)

#### **PART 1 - PUBLIC**

##### **OS 17/1 DECLARATIONS OF INTEREST**

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

##### **OS 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Overview and Scrutiny Committee held on 13 September 2016 be approved as a correct record and signed by the Chairman.

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

##### **OS 17/3 REVENUE ESTIMATES 2017/18**

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Committee in assisting the Cabinet and the Council in preparation of the Budget.

Careful consideration was given to both the Revised Estimates for 2016/17 and the Estimates for 2017/18 within the context of the Medium Term Financial Strategy and the Council's priorities.

Attention was drawn to the key messages arising from the provisional local government settlement for 2017/18 announced by the Secretary of State for the Department for Communities and Local Government on 15 December 2016 and to the outcome of the consultation on New Homes Bonus (NHB). The report provided illustrative figures for the Government's projected allocation of grant under the New Homes Bonus scheme and it was noted that this represented a cash decrease of £1,291,456 or 33.6% by 2019/20 when compared to £3,847,880 in 2016/17. It was reported that the Total Grant Funding in 2019/20 was projected to be £3,855,735 which represented a cash decrease of £2,888,541 or 42.8% when compared to the equivalent figure of £6,744,276 in 2016/17.

**RECOMMENDED:** That

- (1) the draft Revenue Estimates contained in the Booklet be endorsed and commended to Cabinet; and
- (2) the Savings and Transformation Strategy be updated to reflect the latest projected 'funding gap' as part of the budget setting process.

**OS 17/4 CAPITAL PLAN REVIEW 2016/17**

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2016/17 Capital Plan Review.

**RECOMMENDED:** That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board held on 4 January 2017 be endorsed; and
- (2) the Capital Plan Strategy, as set out at Annex 5 to the report, be endorsed for adoption and publication on the Council's website.

**OS 17/5 CHRISTMAS LIGHTS AND HANGING BASKETS -  
RECOMMENDATIONS OF SCRUTINY PANEL**

Members considered the recommendations arising from the Scrutiny Panel review of the Borough Council's current level of support for Christmas lighting displays in some parished areas and how Christmas lighting displays and High Street Flower displays were currently provided and funded in Tonbridge. The Review Panel had been advised of the instruction from Cabinet arising from the 'Fairer Charging' consultation to consider whether opportunities existed to secure alternative external funding when it had met on 22 November 2016 and it was noted that a representative on Tonbridge Town Team had attended that meeting.

The Committee supported the opinion of the Panel that no changes should be made to the support provided in the parished areas and that alternative funding options should be explored for provision of Christmas Lights and hanging baskets in Tonbridge.

**RECOMMENDED:** That

- (1) no change be made to the current arrangements for Christmas lighting grant support in the parished areas but these be reviewed again when necessary;
- (2) alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, Council, as a last resort, be recommended to review the listed functions within the Council's adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19;
- (3) a range of potential funding options be explored, including seeking direct support from local traders and achieving additional income generation from new events, markets, advertising and street trading concessions. This funding to be additional to any existing income already generated or planned for in the town centre;
- (4) the target income figure for 2017/18 be set at £17,000, being 50% of the annual costs of both the Christmas lights and hanging baskets; and
- (5) a review of the progress achieved with the above initiatives be undertaken in the third quarter of 2017/18.

**MATTERS SUBMITTED FOR INFORMATION**

**OS 17/6 SCRUTINY REVIEW PROGRAMME UPDATE**

The report of the Chief Executive set out proposals for future reviews to be undertaken by the Overview and Scrutiny Committee, together with details of the membership of the review groups. It was noted that Councillors Base and Bolt would be invited to serve, respectively, on the Review of the Gibson Building and the Review of the Constitution and that the Vice-Chairmen of the Committee could attend the meetings of the Panel to which they had not been appointed.

**RESOLVED:** That the review topics and panel membership be noted.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**OS 17/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.31 pm

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 2 PLANNING COMMITTEE**

**Wednesday, 25th January, 2017**

**Present:** Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, 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, Cllr Miss J L Sergison and Cllr T B Shaw

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

Apologies for absence were received from Councillors M A C Balfour and Miss S O Shrubsole

### **PART 1 - PUBLIC**

#### **AP2 17/1 DECLARATIONS OF INTEREST**

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

#### **AP2 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 14 December 2016 be approved as a correct record and signed by the Chairman.

### **DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PARAGRAPH 1, PART 3 OF THE CONSTITUTION**

#### **AP2 17/3 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 17/4 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 planning permission be GRANTED in accordance with the submitted details, conditions, reasons and informatives set out in the main report of the Director of Planning, Housing and Environmental Health; subject to

- (1) Substitution of the plan/document list at paragraph 7.1 of the main report with that set out in the supplementary report and repeated below:

Proposed Plans H104 C received 23.01.2017, Email received 16.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK09 received 17.11.2016, Drawing SSLBOROUGHGREEN(LOCAL).1 TK07 received 17.11.2016, Environmental Assessment PHASE1 AND II received 17.11.2016, Letter received 17.11.2016, Site Plan received 04.05.2016, Elevations P-121603-201 A received 18.04.2016, Drawing TK10 car entering plan received 18.04.2016, Drawing TK11 car exit plan received 18.04.2016, Elevations P-1211603-203 B received 18.04.2016, Elevations P-1211603-204 B received 18.04.2016, Floor Plan P-121603-102 D received 18.04.2016, Floor Plan P-121603-111 A received 18.04.2016, Parking Layout P-121603-115 C received 18.04.2016, Elevations P-121603-202 A received 18.04.2016, Drawing P-121603-300 MECHANICAL LAYOUT received 18.04.2016, Letter received 18.04.2016, subject to the conditions set out in the main report;

- (2) Amended Condition:

6. The loading area and the area shown within the tracking plots on drawing numbers SSLBOROUGHGREEN(LOCAL).1/TK09 and SSLBOROUGHGREEN(LOCAL).1/TK07 as tracing for the 18t Rigid Vehicle for entering and exiting the loading area in forward gears shall be kept available for such use, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order) shall be carried out on the land so shown or in such a position to preclude vehicular access to this reserved loading bay and turning area.

Reason: Development without provision of adequate turning facilities is likely to give rise to hazardous conditions in the public highway.



(3) Additional Informative:

4. The applicant is reminded that Condition 9 has been discharged on the basis of no external storage of waste being required and all waste being stored internally other than on a collection day (weekly). As such, should an external bin be required at a later day then a scheme will be required to be submitted to the Council for approval pursuant to this condition.

[Speaker: Mr G Morris – agent]

**AP2 17/5 TM/16/01766/FL - PHASE 3 PLATT INDUSTRIAL ESTATE,  
MAIDSTONE ROAD, PLATT**

Erection of 3 Industrial buildings for mix of B2 (General Industry) and B8 (Storage/Distribution) use, and associated vehicle access and parking at Phase 3, Platt Industrial Estate, Maidstone Road, Platt.

**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 Services; subject to

(1) Substitution of the plan/document list at paragraph 7.1 of the main report with that set out in the supplementary report and repeated below:

Proposed Elevations 4863-006 C received 06.12.2016, Proposed Floor Plans 4863-011 B received 06.12.2016, Proposed Floor Plans 4863-014 B received 06.12.2016, Roof Plan 4863-015 A received 06.12.2016, Site Plan 4863-003 G received 08.12.2016, Transport Assessment 614034 REPORT 932 V1.0 received 07.11.2016, Other AADT DATA received 07.11.2016, Arboricultural Survey 161008 V2 ADDENDUM received 29.11.2016, Other DRAINAGE CALCULATIONS received 24.11.2016, Letter received 22.11.2016, Sustainable drainage scheme 201 A received 11.01.2016, Proposed Floor Plans 4863-009 C received 11.01.2016, Proposed Floor Plans 4863-010 C received 11.01.2016, Proposed Floor Plans 4863-012 C received 11.01.2016, Proposed Floor Plans 4863-013 C received 11.01.2016, Proposed Elevations 4863-007 C received 11.01.2016, Proposed Elevations 4863-008 C received 11.01.2016, Sections 4863-005 D received 11.01.2016, Location Plan 4863-001 received 06.06.2016, Survey J20112 REPTILE received 01.07.2016, Tree Report 131102 V2 received 01.07.2016, Desk Study Assessment 90507 Phase 1a \_ 1b received 01.07.2016, Habitat Survey Report LM-P1BBG-2009 received 01.07.2016, Planning, Design And Access Statement received 10.06.2016, Topographical Survey 4863-016 received 16.08.2016, Unilateral

Undertaking received 24.01.2017, subject to the conditions set out in the main report;

(2) Additional Condition:

27. This permission shall be an alternative to outline planning permission TM/11/03020/0A granted on 21.07.2015 and shall not be exercised in addition thereto or in combination therewith.

Reason: The exercise of more than one permission is likely to harm the character and appearance of the site.

(3) Amended Condition:

23. Prior to the commencement of development, details of the junction alterations and a strategy and timetable for measures to improve both the safety and the environmental conditions of the access roads for vehicles and pedestrians around the A25/Platt Industrial Estate junction shall be submitted to and approved by the Local Planning Authority. The junction alterations and strategy shall be implemented as approved.

Reason: In the interest of public safety and amenity.

(4) Additional Informative:

11. The junction alterations and strategy pursuant to condition 23 will need to be drawn up in liaison with KCC (Highways and Transportation) and the Environmental Protection Team of TMBC and will be expected to have examined issues such as (i) traffic visibility at the junction; (ii) safety of the pedestrians at the new junction; (iii) cleaning of roadways; (iv) HGVs idling within the site; (v) waiting restrictions and (vi) acoustic fencing.

[Speakers: Platt Parish Council – Mr T Bonser]

**AP2 17/6 TM/16/02936/FL - 68 WESTERN ROAD, BOROUGH GREEN**

Change of use from Class A1 (shop) to Class A5 (hot food takeaway) and external alterations - including the installation of extraction and ventilation equipment at 68 Western Road, Borough Green.

**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) Amended Condition:

4. Notwithstanding the provisions of Class B of Part 3 of the Town and Country Planning (General Permitted Development) Order 2015 or any

order amending, revoking or re-enacting that Order, no change of use from the use hereby approved to Use Class A3 (as specified in the Town and Country Planning (Use Classes Order) 1987) shall take place without a grant of planning permission from the Local Planning Authority.

Reason: To control the nature of the use in the interest of residential amenity.

[Speaker: Mr Karatay – member of the public and Mr Roberts - agent]

**AP2 17/7 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.00 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### CABINET

Tuesday, 31st January, 2017

**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, O C Baldock, M A C Balfour, P F Bolt, D J Cure, S M Hammond, D Markham, Mrs A S Oakley, M Parry-Waller, R V Roud, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

### PART 1 - PUBLIC

#### **CB 17/1 DECLARATIONS OF INTEREST**

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

#### **CB 17/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 12 October 2016 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 17/3 APPOINTMENT OF EXTERNAL AUDITORS**

The report of the Director of Finance and Transformation referred to the identification of the opt-in to a sector led body as the preferred option for the appointment of external auditors when the transitional arrangements came to an end on 31 March 2018 (Minute AU 16/18). Members were advised that the formal invitation to opt-in to the appointing person arrangements made by Public Sector Audit Appointments Limited (PSAA) was received on 27 October 2016 with a closing date of 9 March 2017. A copy of the PSAA prospectus and FAQs were annexed to the report and it was noted that the Audit Committee at its meeting on 23 January 2016 had recommended that the Council opt in to the arrangements.

**RECOMMENDED:** That the Council opts in to the appointing person arrangements made by Public Sector Audit Appointments for the appointment of external auditors.

**\*Referred to Council**

**CB 17/4 RISK MANAGEMENT STRATEGY**

The joint report of the Chief Executive and Director of Finance and Transformation presented an updated Risk Management Strategy which had been fully reviewed together with the Risk Management Guidance. Details were given of the main changes to the risk management process which involved identified risks falling in the “red zone” being subject to “escalation” to the relevant service management team, corporate Management Team and subsequently Members as appropriate.

It was noted that the Corporate Risk Register was being updated to align with the recently approved Corporate Strategy and would be presented in due course. The updated Risk Management Strategy had been considered by the Audit Committee at its meeting on 23 January 2017 and commended for adoption.

**RECOMMENDED:** That

- (1) the proposed change to the risk management process detailed at paragraph 1.2.2 of the report be endorsed; and
- (2) the Risk Management Strategy set out at Annex 1 to the report be adopted by the Council.  
**\*Referred to Council**

**CB 17/5 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2017/18**

The report of the Director of Finance and Transformation provided details of investments undertaken and returns achieved in the first nine months of the current financial year together with an introduction to the Treasury Management and Annual Investment Strategy for 2017/18.

It was noted that investment income at the end of December was £22,900 above budget for the same period although the pattern of income generation had changed significantly following the August Bank Rate cut which resulted in lower returns going forward. Nevertheless it was expected that income for the year as a whole would still be in line with the original budget.

Reference was made to a review of investment duration and additional flexibility, subject to appropriate safeguards, was sought. The report explored the use of property funds for long term investment and recommended their inclusion in the 2017/18 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 23 January 2017 and commended the Strategy for adoption.

**RECOMMENDED:** That 

- (1) the treasury management position as at 31 December 2016 be noted;
- (2) the use of property funds for long term investment be endorsed;
- (3) subject to the caveats identified in paragraph 1.3.14 of the report, the Council allow up to six months to be added to Capita's suggested duration for UK institutions, subject to overall duration not exceeding 12 months; and
- (4) the Annual Investment Strategy for 2017/18, as set out at Annex 4 to the report, be adopted.  
**\*Referred to Council**

**CB 17/6 SATURDAY HOUSEHOLD BULKY AND WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT (WEEE) SERVICE REVIEW**

Item SSE 16/12 referred from Street Scene and Environment Services Advisory Board minutes of 7 November 2016

The Cabinet received the recommendations of the Street Scene and Environment Services Advisory Board at its meeting on 7 November 2016 in relation to the review of the Council's bulky refuse collection and WEEE recycling service undertaken in partnership with Veolia.

**RECOMMENDED:** That 

- (1) the revised schedule for the collection of bulky refuse and waste electrical and electronic equipment (WEEE) from locations across the Borough be approved;
- (2) the revised arrangements commence in February 2017 for a period of two years; and
- (3) the bulky refuse and WEEE service be reviewed further as part of the retender of the Council's Refuse and Street Cleansing Contract.  
**\*Referred to Council**

**CB 17/7 REVENUE ESTIMATES 2017/18**

Item FIP 17/3 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the formulation of initial draft proposals in respect of the Budget. All

budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

**CB 17/8 CAPITAL PLAN REVIEW 2016/17**

Item FIP 17/4 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 4 January 2017 in relation to the initial stage of the Capital Plan review process. All budgetary matters were referred for consideration in detail at the subsequent Budget meeting of the Cabinet.

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

**CB 17/9 OPEN CHURCHYARDS**

Decision Notice D170006CAB

**CB 17/10 OVERVIEW AND SCRUTINY REVIEW - CHRISTMAS LIGHTING AND HANGING BASKET DISPLAYS**

Decision Notice D170007CAB

**CB 17/11 HIVE LOTTO - COMMERCIALISATION OF BRAND**

Decision Notice D170008CAB

**CB 17/12 PUBLIC OPEN SPACES PROTECTION ORDER**

Decision Notice D170009CAB

**MATTERS SUBMITTED FOR INFORMATION**

**CB 17/13 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. A number of recommendations in respect of budgetary matters and fees and charges were referred to the subsequent Budget meeting of the Cabinet.

Street Scene and Environment Services Advisory Board of 7 November 2016

Communities and Housing Advisory Board of 14 November 2016

Planning and Transportation Advisory Board of 15 November 2016

Finance, Innovation and Property Advisory Board of 4 January 2017



**RESOLVED:** That the report be received and noted.

**CB 17/14 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 17 November 2016

**RESOLVED:** That the report be received and noted.

**CB 17/15 TONBRIDGE POOL ROOF REPAIRS: WAIVER UNDER CONTRACTS PROCEDURE RULE 13**

The report of the Director of Central Services gave details of the circumstances in which a waiver under Contracts Procedure Rule 13 had been approved in respect of unexpected costs arising following the commencement of roof repairs at Tonbridge Swimming Pool.

**RESOLVED:** That the report be received and noted.

**CB 17/16 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**

**CB 17/17 HIVE LOTTO - COMMERCIALISATION OF BRAND**

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

Annex 3 containing exempt information in respect of item at Decision Notice D170008CAB.

The meeting ended at 8.26 pm



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

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

**Decision No:  
D160082MEM**

**Date: 07 November 2016**

**Decision(s) and Reason(s)**

**The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016**

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

**The report gave details of the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which allowed fly tipping offences to be dealt with by means of a Fixed Penalty Notice (FPN) and aimed to provide an efficient tool for tackling smaller scale and/or lower impact fly tipping incidents.**

**Details were given of the proposed penalty and the circumstances in which the FPN would be issued, together with a review of the current FPN process.**

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

- (1) delegated authority be granted to the Director of Street Scene, Leisure and Technical Services under the Environmental Protection Act 1990, as amended by the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, to make appropriate arrangements for the issue of Fixed Penalty Notices for fly tips;
- (2) the penalty charge of £400 for unauthorised deposits of waste be supported with no early payment reduction and no appeal process;
- (3) the removal of early payment reductions for Duty of Care offences often associated with fly tipping be supported; and
- (4) the cessation of the appeal process for all offences where Fixed Penalty Notices are served be supported.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 7 November 2016.

Signed Cabinet Member for Street Scene and Environment Services      D Lettington

Signed Leader:      N Heslop

Signed Chief Executive:      J Beilby

Date of publication:      11 November 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:  
D160083MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Leisure Facilities - Leisure Trust Update**

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

**The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on the review of the existing Service Fee payable by the Council to the Trust until March 2018. The Trust's Chief Executive, Martin Guyton, presented a review of the last year and answered questions on a range of performance issues.**

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

The outcome of negotiations with the Trust on the revised Service Fee and Business Plan for 2018-2023 be considered at a future meeting of the Communities and Housing Advisory Board.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services      M Heslop

Signed Leader:      N Heslop

Signed Chief Executive:      J Beilby

Date of publication:      18 November 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 Community Services**

**Decision No:  
D160084MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Children's Holiday Activities Programme**

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

**The report reviewed the outcome of the revised Holiday Activities Programme following the recommendation from the Overview and Scrutiny Committee to Cabinet on 11 February 2016 that the Council withdraw from direct provision and work in partnership with external providers for the future delivery of these activities.**

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

- (1) the positive financial and service delivery outcomes of the revised holiday activities programme for 2016 be noted; and
- (2) the Leisure Pass subsidy rate for activities provided in 2017 be retained at current levels, with a revised budget of £11,000 being reflected in the 2017/18 draft revenue estimates.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services      M Heslop

Signed Leader:      N Heslop

Signed Chief Executive:      J Beilby

Date of publication:      18 November 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 Community Services**

**Decision No:  
D160085MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Safeguarding Training Update**

**(Report of Chief Executive)**

**The report provided an update on Safeguarding Training and set out details of further enhanced training for appropriate staff.**

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

- (1) the additional training for key staff (those identified as Designated Officers) to complete all sections of the Core Learning within the Kent Safeguarding Children's Board (KSCB) "Safeguarding Training Tree" be endorsed; and
- (2) the additional training for key staff (those identified as Designated Officers) to complete further Adult Safeguarding Training be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services      M Heslop

Signed Leader:      N Heslop

Signed Chief Executive:      J Beilby

Date of publication:      18 November 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 Community Services**

**Decision No:  
D160086MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Devolution of Public Health (Preventative Services)**

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

**The report set out proposed arrangements for an integrated approach towards public health (preventative services) across West Kent between Kent County Council and Tonbridge and Malling, Sevenoaks and Tunbridge Wells district councils.**

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

- (1) the approach, principles and district council's role in the West Kent Public Health Preventative Services devolution model, as set out in the report, be endorsed;
- (2) a partnership agreement between Kent County Council, Tonbridge and Malling Borough Council, Tunbridge Wells Borough Council and Sevenoaks District Council be developed as a basis to work together to deliver the West Kent Public Health Preventative Services devolution model over the three years 2017/18 to 2019/20; and
- (3) the principle of the governance arrangements, as set out in the report, be endorsed and the approval of detailed matters (including a partnership agreement) be delegated to the Leader and the Cabinet Members for Finance, Innovation and Property and Community Services.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Community Services      M Heslop

Signed Leader:      N Heslop

Signed Chief Executive:      J Beilby



Date of publication: 18 November 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 Housing**

**Decision No:  
D160087MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Document Imaging System for Housing Services**

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

**The report sought approval to expand the existing Revenue and Benefits Document Imaging Processing (DIP) Capital Plan scheme to include the Housing Service.**

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

The existing Revenue and Benefits DIP Capital Plan scheme be expanded to include the Housing Service and the expansion be funded by way of a virement from existing Capital Plan schemes, as set out at section 1.3 of the report.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Housing      S Shrubsole

Signed Leader:                                      N Heslop

Signed Chief Executive:                        J Beilby

Date of publication:                              18 November 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 Housing**

**Decision No:  
D160088MEM**

**Date: 14 November 2016**

**Decision(s) and Reason(s)**

**Energy Efficiency Update**

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

**The report sought endorsement of the Kent-wide Fuel Poverty Strategy and provided an update on the Energy Deal collective switching scheme initiative.**

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

- (1) the new Kent Wide Fuel Poverty Strategy be endorsed; and
- (2) the approach being taken to ensure that residents can continue to benefit from the Energy Deal Collective Switching Scheme initiative be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 14 November 2016.

Signed Cabinet Member for Housing      S Shrubsole

Signed Leader:                                      N Heslop

Signed Chief Executive:                        J Beilby

Date of publication:                              18 November 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:  
D160089MEM**

**Date: 15 November 2016**

**Decision(s) and Reason(s)**

**Local Transport Plan for Kent - Consultation**

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

The report sought endorsement of officer level comments returned to Kent County Council (KCC) in respect of the recent consultation on the fourth Local Transport Plan which closed on 30 October. An update was also provided on other relevant transportation items.

Reference was made to the nine strategic priorities within the Plan together with the additional district priorities for Tonbridge and Malling which had been highlighted in the Growth and Infrastructure Framework. Attention was drawn to a number of further priorities which reflected early responses received in relation to the emerging Local Plan. During discussion it was requested that a letter be sent to KCC reinforcing the Borough Council's priorities and emphasising the need for air quality issues to be afforded greater priority in the Plan, for liaison between authorities on improvements to the A20 corridor, and advancement of the Tonbridge High Street traffic signal co-ordination project.

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

The comments in the questionnaire that are supportive of Local Transport Plan 4 and the identified priorities for Tonbridge and Malling, as set out at Annex 1 to the report, be endorsed and a further letter be sent to Kent County Council on the matters outlined above.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 15 November 2016.

Signed Cabinet Member for Strategic Planning and Infrastructure	H Rogers
Signed Leader:	N Heslop
Signed Chief Executive:	J Beilby
Date of publication:	18 November 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:  
D170001MEM**

**Date: 04 January 2017**

**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:

Hillsong Church London, The River Centre, Medway Wharf Road, Tonbridge - no discretionary relief be awarded.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 6 January 2017

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:  
D170002MEM**

**Date: 04 January 2017**

**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 23 items shown in the schedule of amounts over £1,000, totalling £86,351.07 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 4 January 2017 (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:      6 January 2017

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:  
D170003MEM**

**Date: 04 January 2017**

**Decision(s) and Reason(s)**

**Renewal of Cash Collection Contract and Council Banking Contract**

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

**(Report of Director of Finance and Transformation)**

**The report provided an update on the outcome of the countywide tender exercise, carried out on behalf of 12 authorities in Kent, for provision of cash collection services. Due to the timescale for commencement of the new contract, it had been necessary for the result of the tender exercise to be accepted in advance of the meeting following consultation with the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Overview and Scrutiny Committee.**

**Details were also given of action taken in accordance with Contracts Procedure Rules to extend the Council's current banking contract until 31 March 2018.**

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

- (1) the decision of the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Overview and Scrutiny Committee to accept the result of the cash collection tendering exercise and the appointment of Contract Security Services Limited be endorsed; and
- (2) the contract extension in respect of the Council's Bankers be noted.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (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: 6 January 2017

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:  
D170004MEM**

**Date: 04 January 2017**

**Decision(s) and Reason(s)**

**Proposed Disposal of Land Adjacent to Fielding Drive, Larkfield**

**(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 proposed terms and conditions in respect of the disposal of an area of amenity land adjacent to Fielding Drive following a request to purchase by an adjoining property owner.**

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

Disposal of the area of amenity land adjacent to Fielding Drive, Larkfield be approved on the basis of the conditions outlined in the report, subject to planning permission being obtained for a change of use from amenity to domestic garden.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (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:      6 January 2017

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:  
D170005MEM**

**Date: 04 January 2017**

**Decision(s) and Reason(s)**

**Licence Agreement for Use of Land as Permissive Footpath Adjacent to Bailey Bridge, Aylesford**

**(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 proposed licence agreement with Kent County Council for use of land owned by the Borough Council adjacent to the Bailey Bridge car park, Aylesford as a permissive footpath.**

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

Approval be given for a licence to Kent County Council for a permissive footpath as identified in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 4 January 2017 (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:      6 January 2017

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: D170006CAB**  
**Date: 31 January 2017**

**Decision(s) and Reason(s)**

**Open Churchyards**

**(Report of Management Team)**

**Further to the Council's adoption of a Special Expenses Scheme and to Minute CB 16/60 (4) in respect of the open churchyard issue, the report gave details of the outcome of discussions with the Rural Deans. It was recommended that no budgetary provision should be made towards the maintenance costs of open churchyards and that the results of a burial capacity study commissioned in partnership with the Rural Deans should be reported back in due course, initially to the Communities and Housing Advisory Board.**

The Cabinet resolved that:

- (1) it be confirmed that no future budgetary provision should be made in respect of discretionary financial contributions towards the maintenance costs of open churchyards;
- (2) it be noted that a "capacity study" of burial spaces within the Borough of Tonbridge and Malling has commenced in partnership with the Rural Deans;
- (3) the Management Team be requested to present a report on the results of that study to a future meeting; and
- (4) the Rural Deans be thanked for their understanding and assistance in progressing the project.

Reasons: As set out in the report of the Management Team.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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: D170007CAB**  
**Date: 31 January 2017**

**Decision(s) and Reason(s)**

**Overview and Scrutiny Review - Christmas Lighting and Hanging Basket Displays**

**(Report of Chief Executive)**

**Consideration was given to the recommendations of the Overview and Scrutiny Committee at its meeting of 24 January 2016 on the outcome of a review of the future funding of Christmas lighting displays and hanging basket provision in Tonbridge.**

The Cabinet resolved that:

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

- (1) no change be made to the current arrangements for Christmas lighting grant support in the parished areas but these be reviewed again when necessary;
- (2) alternative funding options for Tonbridge Christmas lights and hanging baskets be explored for 2017/18. If these options are found not to be viable, the Council, as a last resort, be recommended to review the listed functions within the Council's adopted Special Expenses Scheme with a view to including the functions within that scheme from 2018/19;
- (3) a range of potential funding options be explored, including seeking direct support from local traders and achieving additional income generation from new events, markets, advertising and street trading concessions; this funding to be additional to any existing income already generated or planned for in the town centre;
- (4) the target income figure for 2017/18 be set at £17,000, being 50% of the annual costs of both the Christmas lights and hanging baskets; and
- (5) a review of the progress achieved with the above initiatives be undertaken in the third quarter of 2017/18.

Reasons: As set out in the report of the Chief Executive to Cabinet and Overview and Scrutiny Committee.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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: D170008CAB**  
**Date: 31 January 2017**

**Decision(s) and Reason(s)**

**Hive Lotto - Commercialisation of Brand**

**(Report of Director of Central Services and Monitoring Officer)**

**The report provided an update on progress since the Council's launch of an online lottery on 2 September 2016 to provide discretionary support to voluntary and community groups. Consideration was given to a proposal for further growth of Hive Lotto through the acceptance of other local authorities into the existing lottery, the proposed terms for which contained exempt information and were set out in the private part of the agenda.**

The Cabinet resolved that:

- (1) the amended criteria at Annex 2 to the report be approved for acceptance of good causes into the lottery;
- (2) the Director of Central Services be authorised to negotiate and agree detailed terms with interested local authorities to join Hive Lotto; and
- (3) the Director of Central Services be authorised to complete all necessary legal documentation to give effect to the recommendation set out at (2) above.

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer (Annex 3 contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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: D170009CAB**  
**Date: 31 January 2017**

**Decision(s) and Reason(s)**

**Public Open Spaces Protection Order**

**(Report of Director of Central Services and Monitoring Officer)**

The report referred to new duties placed upon the Council under the Anti-social Behaviour, Crime and Policing Act 2014 to tackle anti-social behaviour, Public Spaces Protection Orders (PSPOs) being one of a number of tools for dealing with a nuisance or problem in a particular area. Details were given of a proposed PSPO for Tonbridge and Malling including Borough-wide restrictions and those for particular geographical areas, together with consultation arrangements. It was noted that the results of the consultation would be reported to the Cabinet on 21 March 2017.

**It was suggested that the introduction to the consultation document should clarify that the proposed PSPO generally replaced existing enforcement arrangements rather than introducing significant changes.**

The Cabinet resolved that:

The proposed Public Spaces Protection Order, as presented at Annex 1 to the report with the amendment to the introduction to the consultation document, be circulated for consultation.

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer.

Signed Chief Executive: J Beilby

Date of publication: 3 February 2017

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.



- Area 3 Planning Committee of 2 February are *to follow*



- Cabinet of 9 February are *to follow*



- Cabinet Decision Notices are *to follow*

