

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 2nd February, 2017

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

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

Apologies for absence were received from Councillors Base, Mrs Bell and B Walker

PART 1 - PUBLIC

AP3 17/7 DECLARATIONS OF INTEREST

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

AP3 17/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 5 January 2017 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 17/9 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 17/10 TM/16/03452/FL - THE SPORTS PAVILION, 200 BEACON AVENUE, KINGS HILL

Variation of planning condition 8 of TM/11/00445/FL to change operating hours of the existing sports pavilion to 08:00 to 23:00 Mondays to Thursdays, 08:00 to 0:00 Fridays and Saturdays and 08:00 to 20:00 on Sundays and Bank Holidays at The Sports Pavilion, 200 Beacon Avenue, Kings Hill.

The report of the Director of Planning, Housing and Environmental Health recommended that the proposed extended hours be permitted on a temporary basis to enable the impact of these changes to be monitored.

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

[Speakers: Kings Hill Parish Council – Mr A Petty (Chairman); Mr R Sheridan (speaking in his own right and on behalf of Mr L Trageser and Mr D Crooks), Mr A Fox and Mr Stork – members of the public]

PART 2 - PRIVATE**AP3 17/11 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 9th February, 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, Mrs S M Barker, T Bishop, D J Cure, D Markham, Mrs A S Oakley, Ms S V Spence and A K Sullivan were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 17/18 DECLARATIONS OF INTEREST

Councillor N Heslop declared an Other Significant Interest in the item on Review of Fees and Charges in respect of charges for concessionary users of Tonbridge Castle Chamber on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during consideration of this matter and the chair was taken by Councillor Coffin.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/19 SETTING THE BUDGET 2017/18

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2017/18. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee.

The Director of Finance and Transformation explained that the final local government settlement would not be received until after being debated by Parliament on 22 February but was not expected to be significantly different from the provisional settlement. However, this meant that the recommended budget was based on provisional figures and the council tax would also need to be set on that basis. Reference was made to the Council's decision to accept the four year funding settlement offered by the Government and to the referendum threshold for 2017/18 which had been set at the higher of 2% or £5 (subject to ratification of the final settlement). Illustrative allocations up to 2019/20 were presented and a comparison of the Council's Settlement Funding Assessment for the

period 2017/18 to 2019/20 with those of the other Kent district councils demonstrated that Tonbridge and Malling continued to receive one of the lowest, if not the lowest, Assessment both in total and per head.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2017 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2017/18 and calculating the council tax. Consideration was given to the updated MTFs based on a council tax increase of £5 (the upper limit for referendum purposes) for the remainder of the four year settlement period. The Cabinet also deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFs for the next ten year period and setting the council tax for 2017/18. Members were advised of the implications of the special expenses scheme for the way in which the council tax was expressed.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected "funding gap". Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the savings target based on latest projections of £1.6m would be delivered.

RECOMMENDED: That

- (1) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D170010CAB to D170015CAB);
- (2) the Capital Plan be updated as set out in paragraph 1.5.14 to the report as follows and adopted accordingly:
 - (i) the position of the existing Capital Plan (List A) as summarised in Annex 3 to the report be approved;
 - (ii) the schemes as detailed in Annex 4 to the report be added to List C or deleted from List C;
 - (iii) the selection of those schemes listed in Annex 5 to the report for evaluation over the coming year be approved including two for fast-track evaluation;

- (iv) the transfer of the schemes detailed in Annex 6 to the report to List A be approved;
- (v) the updated Capital Plan (List A) as summarised in Annex 7 to the report be approved;
- (3) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 4 January and the Overview and Scrutiny Committee on 24 January 2017 be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.6.5 and 1.6.9 of the report be endorsed and adopted;
- (5) for the financial year 2017/18 the Council's Minimum Revenue Provision, as set out at paragraph 1.6.12 of the report, be noted as nil;
- (6) the high level objectives of the Medium Term Financial Strategy be reaffirmed as set out in paragraph 1.8.4 of the report;
- (7) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, including the proposed scale and timing of each of the savings tranches indicated in paragraph 1.8.9 of the report, be noted and endorsed;
- (8) the Council be recommended to approve a council tax increase of £5 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2017/18;
- (9) the updates made to the Savings and Transformation Strategy be endorsed and adopted by the Council as part of the Budget setting process;
- (10) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed; and
- (11) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed.

***Referred to Council**

CB 17/20 SETTING THE COUNCIL TAX 2017/18

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance,

Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2017/18 by the major precepting authorities.

Consideration was given to a draft resolution identifying the processes to be undertaken in arriving at the levels of council tax applicable to each part of the Borough. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 14 February 2017. The Director of Finance and Transformation explained that there would be a basic level of council tax to which any charges under the special expenses scheme would be added, giving a notional "average" Band D charge for official reporting purposes. An explanatory leaflet regarding the introduction of special expenses would be included with council tax bills together with usual financial information on the website.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a £5 per annum increase in the Borough Council's element of the council tax for 2017/18, representing an annual charge at Band D of £181.61 plus special expenses where applicable (giving a notional "average" charge of £197.51).

***Referred to Council**

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

CB 17/21 REVIEW OF FEES AND CHARGES

Decision Notice D170010CAB

CB 17/22 HOUSES IN MULTIPLE OCCUPATION (HMO) AND CARAVAN SITE LICENSING

Decision Notice D170011CAB

CB 17/23 REVIEW OF CEMETERY CHARGES 2017/18

Decision Notice D170012CAB

CB 17/24 REVIEW OF FEES AND CHARGES 2017/18

Decision Notice D170013CAB

CB 17/25 BUILDING REGULATION FEES

Decision Notice D170014CAB

CB 17/26 REVIEW OF PRE-APPLICATION PLANNING CHARGING REGIME

Decision Notice D170015CAB

CB 17/27 TONBRIDGE TOWN CENTRE - STRATEGIC ASSET REVIEW

Decision Notice D170016CAB

CB 17/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

PART 2 - PRIVATE**CB 17/29 TONBRIDGE TOWN CENTRE - STRATEGIC ASSET REVIEW - ANNEXES**

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

Supplementary report and Annexes 2, 3(i) – (iv), 4, 6 and 7 containing exempt information in respect of item at Decision Notice D170016CAB.

The meeting ended at 9.00 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D170010CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Review of Fees and Charges

(Item SSE 16/11 referred from Street Scene and Environment Services Advisory Board minutes of 7 November 2016)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 7 November 2016.

The Cabinet resolved that:

The recommendations of the Street Scene and Environment Services Advisory Board be approved as follows:

The scale of charges for mandatory condemned food certificates, exported food certificates, contaminated land monitoring, sampling private water supplies, stray dog redemption fees, household bulky refuse and fridge/freezer collection, "missed" refuse collection and car parking charges be approved with effect from 1 April 2017, as detailed in the report to the Advisory Board.

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

Signed Chief Executive: J Beilby

Date of publication: 10 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: D170011CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Houses in Multiple Occupation (HMO) and Caravan Site Licensing

(Item CH 16/21 referred from Communities and Housing Advisory Board minutes of 14 November 2016)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 14 November 2016.

The Cabinet resolved that:

The recommendations of the Communities and Housing Advisory Board be approved as follows:

The existing charges for the licensing of Houses in Multiple Occupation and Caravan Sites, as detailed in the report, remain unchanged and be agreed with effect from 1 April 2017.

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

Signed Chief Executive: J Beilby

Date of publication: 10 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: D170012CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Review of Cemetery Charges 2017/18

(Item CH 16/22 referred from Communities and Housing Advisory Board minutes of 14 November 2016)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 14 November 2016.

The Cabinet resolved that:

The recommendations of the Communities and Housing Advisory Board be approved as follows:

- (1) the proposed charges for Tonbridge Cemetery, as detailed at Annex 2 to the report, be agreed and implemented with effect from 1 April 2017; and
- (2) a review of the future capacity of grave space at the Cemetery be progressed and reported back to 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 Chief Executive: J Beilby

Date of publication: 10 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: D170013CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Review of Fees and Charges 2017/18

(Item FIP 17/5 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 4 January 2017.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

- (1) in respect of the recovery of legal fees payable by third parties, the Council's fees continue to follow the Supreme Court guideline hourly rates as set out at paragraph 1.2.1 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out in the report be adopted with effect from 1 April 2017, noting that property search fees are to be subject to VAT as shown in the table at Annex 1 to the report from 1 January 2017 unless HMRC confirms that any element shown as Vatable should not be subject to VAT;
- (3) the current photocopying charges of 10p (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;
- (4) the proposed charges for Tonbridge Castle Chamber as set out in Annex 4 to the report be approved for implementation from 1 April 2017;
- (5) the proposed charges for weddings at Tonbridge Castle as outlined in paragraph 1.6.3 of the report be approved for implementation from 1 April 2018;
- (6) the fees schedule for street naming and numbering set out in section 1.8 of the report be adopted with effect from 1 April 2017; and
- (7) the amount of council tax and business rate Court costs recharged remain as set out at paragraph 1.9.2 of the report for the 2017/18 financial year.

[Councillor N Heslop declared an Other Significant Interest in item (4) on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during its consideration and Councillor Coffin took the chair.]

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

Signed Chief Executive: J Beilby

Date of publication: 10 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: D170014CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Building Regulation Fees

(Item FIP 17/6 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 4 January 2017.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

The revised Building Control Charges, as detailed in Annex 1 to the report, be approved and adopted from 1 April 2017.

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

Signed Chief Executive: J Beilby

Date of publication: 10 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: D170015CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Review of Pre-Application Planning Charging Regime

(Item FIP 17/7 referred from Finance, Innovation and Property Advisory Board minutes of 4 January 2017)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 4 January 2017.

The Cabinet resolved that:

The recommendations of the Finance, Innovation and Property Advisory Board be approved as follows:

- (1) the updated protocol for providing Pre-Application and Other Technical Planning Advice, as set out at Annex 1 to the report, be adopted; and
- (2) the Pre-Application Charging Schedule for 2017/18, as set out at Annex 2 to the report, be adopted.

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

Signed Chief Executive: J Beilby

Date of publication: 10 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: D170016CAB
Date: 09 February 2017

Decision(s) and Reason(s)

Tonbridge Town Centre - Strategic Asset Review

(Report of Management Team)

Further to Decision No D150033CAB, the report provided an update on a strategic review of the Council's principal property assets to the west of Tonbridge High Street, the aim of which was to utilise the assets to help add vitality to the town centre whilst optimising their use in terms of service delivery, community benefit and financial return. Approval was sought to proceed with proposals to regenerate the area through (1) the sale of land and buildings within the River Lawn area for the purposes of creating a new medical centre and residential accommodation and (2) the sale of vacant offices/land at River Walk.

(Due to the commercial nature of the proposals, details of the financial considerations and terms of any proposed agreements were set out in private annexes under Schedule 12A to the Local Government Act 1972.)

The Cabinet resolved that:

The Director of Central Services be authorised to

- (1) complete the contract for the sale of freehold land with Assura on terms substantially as set out at Annex 3 to the report, together with all other necessary agreements in order to implement the proposals, including the Car Parking Lease and the Compound Lease, any amendments to the documents at Annex 3 to be agreed in consultation with the Leader and Deputy Leader;
- (2) advertise the intention of the Borough Council to dispose of the River Lawn Land;
- (3) subject to the completion of the agreement(s) with Assura under (1) above and the receipt of no objections in response to (2) above, proceed with the disposal of the River Lawn Land (shown edged in red and marked '3' on the plan at Annex 1 to the report) as set out in paragraph 1.7 of the report, such authority to include (but not be limited to) advertisement of the land, negotiation of terms and completion of any necessary legal agreements; and
- (4) proceed with the disposal of land at River Walk (shown edged in red on the plan at Annex 5 to the report) as set out in paragraph 1.8 of the report, such

authority to include (but not be limited to) advertisement of the land,
negotiation of terms and completion of any necessary legal agreements.

Reasons: As set out in the report of the Management Team (supplementary report and Annexes 2, 3(i) – (iv), 4, 6 and 7 contain exempt information – LGA 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person).

Signed Chief Executive: J Beilby

Date of publication: 10 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.

