

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

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 11th April, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th April, 2017

Present: His Worship the Mayor (Councillor M R Rhodes), the Deputy Mayor (Councillor R W Dalton), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs P A Bates, 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 T Edmondston-Low, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr D Lettington, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors Mrs J A Anderson, M C Base, Mrs S Bell, Mrs T Dean, R D Lancaster, R V Roud, C P Smith, M Taylor and B W Walker

PART 1 - PUBLIC

C 17/19 DECLARATIONS OF INTEREST

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

C 17/20 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 14 February 2017 be approved as a correct record and signed by the Mayor.

C 17/21 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the last meeting he had attended a number of events throughout the Borough, including the Tonbridge Lions Dinner Dance, Tonbridge School's Combined Cadet Force Event, the Annual Concert of 17th Tonbridge Scout and Guide Band and the LAMPS Book Launch reception and show at Tonbridge School.

More recently he had opened a new subway at Tonbridge Station, attended lunches at Tonbridge Rotary and Age UK and taken a trip around Tenterden town.

The Mayor also shared his experience of participating in a local Pancake Race and he was pleased to announce the receipt of a medal for successfully completing the course.

C 17/22 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 17/23 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 17/24 LEADER'S ANNOUNCEMENTS

Reflecting upon the dreadful events in Westminster on 22 March 2017 where a police officer and four members of the public were killed and many more were injured, the Leader paid particular tribute to the Police but also recognised those other organisations which strived to maintain security and protect citizens.

The Leader was pleased that the Borough Council had marked its own respect to PC Keith Palmer in flying the flag at half-mast and in doing so reflected the bravery and dedication of individual police officers. The Leader advised that Tonbridge and Malling not only maintained close liaison with the police in many routine matters but there were occasions when this was done at a strategic level and in the days following the London attack the Chief Executive represented the Borough Council in a county wide multi-agency response.

Referring to other items, the Leader announced that through the West Kent Partnership the Borough Council had recently hosted a jobs and training fair at the Angel Centre. This had proved popular with twenty-nine employers attending and more than three hundred job seekers of all ages visiting.

The Borough Council's track record in collecting both Council Tax and Business Rates was amongst the highest in the county. The Director of Finance and Transformation had advised that the collection rates for the year 2016/17 were 99.03% for Council Tax and 99.19% for Business Rates.

The Leader made particular reference to the Litter Strategy for England, published by Government on Monday 10 April 2017, and was pleased to advise that a programme within Tonbridge and Malling was highlighted as an example of best practice. The main theme running through the Strategy was how many authorities, businesses and volunteers were using innovative new approaches to manage litter resources, educate and enforce to reduce littering.

The Larkfield Voluntary Litter Code was identified as an example of high street businesses working together to make their own high street more welcoming, thereby increasing footfall and creating vibrant shopping areas. The Leader congratulated all involved and was pleased that the code was now being taken up by other High Street businesses and areas within the Borough.

Finally, the Leader was delighted that improvements to River Walk in Tonbridge were completed and linked the High Street at one end and the Memorial Garden at the other. This project of externally funded investment into the town was greatly welcomed and was entirely supported from the Government's Local Growth Fund. The Leader also added that it was also an excellent example of joint working between the County and Borough Councils.

C 17/25 MEMBERS' ALLOWANCES

Item GP 17/4 referred from General Purposes Committee minutes of 6 March 2017.

In presenting the recommendation for approval, the Chairman of the Committee (Councillor Baldock) proposed the following amendment, which was seconded by Councillor Coffin:

- That the Special Responsibility Allowances for Vice-Chairmen of Committees, as set out in the first column of Annex 1 to GP 17/4 be replicated into the columns representing allowances effective after the Borough Council elections in 2019

Members voted in favour of this motion.

RESOLVED: That the recommendations at Minute GP 17/4 be approved, subject to the amendment proposed, seconded and agreed to continue Special Responsibility Allowances for Vice-Chairmen of Committees after 2019 (summarised in the schedule of Members' Allowances attached to the Minutes)

C 17/26 LOCALISM ACT - PAY POLICY

Item GP 17/5 referred from General Purposes Committee minutes of 6 March 2017.

RESOLVED: That the recommendations at Minute GP 17/5 be approved.

C 17/27 SEX ESTABLISHMENTS AND SEXUAL ENTERTAINMENT VENUES - POLICY FOR 2017-2020

Item LA 17/4 referred from Licensing and Appeals Committee minutes of 14 March 2017.

RESOLVED: That the recommendations at Minute LA 17/4 be approved.

C 17/28 PUBLIC SPACE PROTECTION ORDER - CONSULTATION RESPONSES

Item CB 17/33 referred from Cabinet minutes of 21 March 2017.

RESOLVED: That the recommendations at Minute CB 17/33 be approved.

C 17/29 AUDIT COMMITTEE ANNUAL REPORT

Item AU 17/18 referred from Audit Committee minutes of 3 April 2017.

RESOLVED: That the recommendations at Minute AU 17/18 be approved.

C 17/30 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 17/19 referred from Audit Committee minutes of 3 April 2017.

RESOLVED: That the recommendations at Minute AU 17/19 be approved.

C 17/31 PROGRAMME OF MEETINGS 2017-18

The Director of Central Services presented a draft proposed programme of meetings for 2017/18. Details of arrangements for the remainder of this year, for 2018 and to the commencement of the municipal year 2018/19 were set out in the annex to the report.

RESOLVED: That the programme of meetings be endorsed, subject to any amendments following further considerations and submitted to Annual Council for final confirmation.

C 17/32 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 8.00 pm

Members' Allowances

Recommendation of GP Committee meeting of 6 March 2017			Proposal made to Full Council meeting of 11 April 2017	
Effective: From AC 2017 until until BC Elections 2019	Effective: After BC Elections 2019	Allowance	Effective: From AC 2017 until BC Elections 2019	Effective: After BC Elections 2019
£	£		£	£
5,283	5,000	Basic Allowance	5,283	5,000
		Special Responsibility (SRA):-		
18,384	20,000	Leader	18,384	20,000
14,000	15,000	Deputy Leader	14,000	15,000
2,250	2,250	Opposition Group Leader	2,250	2,250
	#			#
8,400	8,500	Cabinet	8,400	8,500
		Chair		
2,500	2,500	Overview & Scrutiny	2,500	2,500
2,500	2,500	Standards	2,500	2,500
2,500	2,500	Licensing & Appeals	2,500	2,500
1,300	1,600	General Purposes	1,300	1,600
2,500	2,500	Audit	2,500	2,500
2,500	1,665	Area Planning x 3	2,500	1,665
1,300	1,600	Programmed Advisory Board	1,300	1,600
		Vice Chair		
625	0	Overview & Scrutiny x 2	625	625
625	0	Standards x 2	625	625
625	0	Licensing & Appeals	625	625
325	0	General Purposes	325	325
625	0	Audit	625	625
325	333	Area Planning x 3	325	325
0	0	Programmed Advisory Board	0	0

Note: Opposition Group Leader Allowance made up of £1,250 lump sum plus £250 per member of group. For illustrative purposes, figures above assume group composition remains the same.

- 1 Childcare and Dependent Carers Allowances be set as recommended by the JIRP
- 2 Mileage Allowances and Subsistence Allowances be set as recommended by the JIRP
- 3 Principle of annual indexation of allowances in line with the staff pay award be retained. However, during the 'interim' period (Annual Council 2017 to Borough Council elections 2019) indexation should not apply
- 4 Individual members should not receive more than one SRA (excluding group leaders)

SAVINGS AGAINST BUDGET: (assuming no changes to Committee and Board Structure)

- a. Full Savings accruing based on adoption of JIRP recommendations = £29,450 (immediate)
- b. Savings based on GP Committee Recommendations are:
 - Interim Period (May 17 to May 19) = £12,400
 - growing to: Post BC Election (after May 2019) = £29,450
- c. Savings based on new Proposals to Full Council are:
 - Interim Period (May 17 to May 19) = £12,400
 - growing to: Post BC Election (after May 2019) = £25,400

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 12th April, 2017

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 L J O'Toole, Cllr S C Perry, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr T B Shaw

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

Apologies for absence were received from Councillors Mrs S M Barker and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 17/17 DECLARATIONS OF INTEREST

There were no formal declarations of interest made 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 she would withdraw from the meeting for application TM/16/00990/FL (Land adjacent to Downsview, 8 Green Lane, Trottiscliffe) and would take no part in the discussion. The Vice-Chairman, Councillor S Jessel, chaired the meeting for this item.

In addition, for reasons of transparency, Councillor M 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 a Disclosable Pecuniary Interest there was no requirement to withdraw from the meeting.

AP2 17/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 1 March 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**

AP2 17/19 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. There were no supplementary reports 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 17/20 TM/16/00990/FL - LAND ADJACENT TO DOWNSVIEW, 8 GREEN LANE, TROTTISCLIFFE

Erection of a two-storey detached house at land adjacent to Downsview, 8 Green Lane, Trottiscliffe.

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 the addition of Informative

5. The applicant is reminded that the development must take place fully in accordance with the tree protection plan incorporated into approved drawing 16.1240.01 Rev.B.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman)]

AP2 17/21 TM/16/01753/FL - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Permanent retention of a static mobile home as accommodation for an agricultural worker ancillary to the nursery business and retention of 2 no. dog kennels and pens at The Nursery, Taylors Lane, Trottiscliffe.

RESOLVED: That consideration of the application be DEFERRED to allow Officers to obtain further evidence from the applicant and subsequently to seek further specialist advice on that evidence.

[Speakers: Trottiscliffe Parish Council (Mr R Wallis – Chairman)]

**AP2 17/22 TM/16/03581/FL - CHURCH HOUSE, STUMBLE HILL,
SHIPBOURNE**

Demolition of existing dwelling and construction of new two storey dwelling and detached double garage (Resubmission of TM/16/02494/FL) at Church House, Stumble Hill, Shipbourne.

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

[Speakers: Mr H Sheraton – member of the public; Mrs L Heraty – Applicant]

AP2 17/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.42 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/18 DECLARATIONS OF INTEREST

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

LA 17/19 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 17/20 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 06/2017

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

The Panel delayed the start of the meeting to allow the Applicant to attend but he failed to arrive. In the absence of the Applicant the Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be approved following the presentation of evidence that he had driven a licensed hackney carriage vehicle to the Council's offices at Kings Hill on 9 November 2016.

The Panel was advised that the Applicant had contravened s47 and s52 of the Town Police Clauses Act 1847 by driving a hackney carriage without a hackney carriage driver's licence and for failing to display a hackney carriage plate. Additionally, the Applicant had breached the Council's Policy Requirements by driving with no insurance or inadequate insurance for the vehicle.

The Panel had due regard to the report of the Director of Central Services but, in the absence of the Applicant, was unable to take into account any explanation or extenuating circumstances regarding his actions. 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 10.43 am
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/21 DECLARATIONS OF INTEREST

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

LA 17/22 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 17/23 RENEWAL OF DUAL DRIVER'S LICENCE - CASE NO 04/2017

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

The Panel was asked to consider whether the holder of Dual Licence (Badge No 1244) should be allowed to renew his Driver's licence following his failure to produce the Disclosure and Barring Services Certificate to the Licensing Team within the prescribed timescale. The Panel was advised that the certificate had been supplied by the Applicant after publication of the agenda and had been checked by the Licensing Team. The Director of Central Services confirmed that there was no need for the Applicant to appear before the Licensing and Appeals Committee.

The Panel, therefore:

RESOLVED: That the application for the renewal of Dual Hackney Carriage and Private Hire Driver's Licence (Dual Badge No 1244) be

APPROVED on the basis that the Applicant was a fit and proper person to hold the licence.

The meeting ended at 11.34 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 26th April, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr M C Base and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr D Healy and Mr N Levantes (Joint Owners) and Mr D Benavent (Designated Premises Supervisor) and Mr R Byatt (Interested party)

PART 1 - PUBLIC

LA 17/24 DECLARATIONS OF INTEREST

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

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

LA 17/25 APPLICATION FOR A NEW PREMISES LICENCE FOR AMANO LTD, 47 SWAN STREET, WEST MALLING

The Panel gave consideration to an application for a Premises Licence made by Amano Limited under Section 17 of the Licensing Act 2003 in respect of premises known as 'Amano' at 47 Swan Street, West Malling. The application related to the provision of late night refreshment and the supply of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representation received during the statutory consultation period (as set out at Annex 4 to the report). The Panel was advised that, with the exception of Planning Services, no representations had been received from the statutory consultees. Details of the concerns raised by Planning Services on 8 March 2017 were set out in paragraph 1.4.3 of the report.

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Mr D Healy, and to the objections raised by Mr R Byatt on the grounds of public nuisance. The Panel felt it was particularly significant that there had been no representations received from the responsible authority for Environmental Health regarding potential noise nuisance or from the Police regarding crime and disorder.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003, which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. The Panel had particular regard to the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act. Having had regard to the representations, both written and oral, and in accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the Premises Licence be granted subject to the mandatory conditions as set out in the Licensing Act 2003, such conditions as are consistent with the operating schedule and to the following further conditions:-

Section i)	<p>Late Night Refreshment –</p> <p>Monday until Sunday from 23:00 hours until 24:00 hours Non Standard times – New Year’s Eve – 23:00 hours on New Year’s Eve until 05:00 hours on New Year’s Day.</p>
Section j)	<p>Supply of alcohol –</p> <p>Monday until Saturday from 10:00 hours until 24:00 hours: Sunday 10:00 hours until 23:00 hours for consumption both on and off the premises.</p>

Conditions:

1. On Fridays and Saturdays after 22:30 hours and until closing time the premises licence holder shall allocate a member of staff to monitor customers leaving the premises on foot or by taxi to ensure that any associated noise is kept to a minimum and any public nuisance is thereby prevented. It is accepted that such a person does not require SIA registration;
2. Signage to be installed requesting that customers respect the residential nature of the premises and that they leave in a quiet manner;
3. All windows adjacent to Police Station Road to be closed after 21:00 hours and all doors to remain closed except to provide access; and
4. No recycling of bottles be undertaken after 18:00 hours to prevent noise nuisance.

LA 17/26 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.50 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 9th May, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs P A Bates (Vice-Chairman), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr B T M Elks, Cllr Mrs F A Kemp, Cllr H S Rogers, Cllr A K Sullivan and Cllr F G Tombolis

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

An apology for absence was received from Councillor S M King

PART 1 - PUBLIC

LA 17/27 DECLARATIONS OF INTEREST

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

LA 17/28 MINUTES

RESOLVED: That the minutes of the meeting of the Licensing and Appeals Committee held on 14 March 2017 be approved as a correct record and signed by the Chairman.

LA 17/29 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 16 March and 26 April 2017 be received and noted.

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

LA 17/30 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 14 MARCH 2017

The report of the Director of Central Services and Monitoring Officer set out details of objections received to the proposed increase of Hackney Carriage Fares agreed at the meeting of the Licensing and Appeals Committee held on 14 March 2017 (Minute LA 17/6 refers). The Committee noted that the petition received from 84 Hackney Carriage Proprietors, set out at Annex 3 to the report, contained personal information which could only be considered in private.

The report set out details of the increase in flag fare proposed by the objectors together with an assessment of the impact this would have on yardage and cost. A number of Members expressed concern that the objectors had not understood the consequences of their proposal or the impact this may have on taxi users. The Director of Central Services advised that consultation with drivers on the Council's Hackney Carriage and Private Hire Licensing Policy was ongoing and would be reported to the next meeting of the Committee.

RESOLVED: That the increase in maximum fares, as agreed on 14 March 2017, be approved with effect from 19 May 2017.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 17/31 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

LA 17/32 OBJECTION TO HACKNEY CARRIAGE FARES SET ON 14 MARCH 2017 - ANNEX 3

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

Annex 3 to the report of the Director of Central Services and Monitoring Officer contained details of the petition received in objection to the proposed increase in Hackney Carriage Fares (Minute LA 17/30 refers).

RESOLVED: That Annex 3 to the report of the Director of Central Services and Monitoring Officer be received and noted.

The meeting ended at 7.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 16th May, 2017

At the Statutory Annual Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 16th May, 2017

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 P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr 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 S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr H S Rogers, Cllr R V Roud, Cllr T B Shaw, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs F A Kemp, Miss J L Sergison and Miss S O Shrubsole

PART 1 - PUBLIC

C 17/33 ELECTION OF MAYOR

It was proposed by Councillor D Davis, seconded by Councillor N Heslop and

RESOLVED: That Councillor R W Dalton be elected Mayor for the ensuing municipal year.

The Mayor, having made and subscribed the statutory declaration of acceptance of office, was invested with the Badge and Chain of Office, assumed the Chair and thanked Members for his election.

C 17/34 VOTE OF THANKS TO RETIRING MAYOR

It was proposed by Councillor O Baldock, seconded by Councillor N Heslop and

RESOLVED: That the Council's sincere appreciation be recorded of the excellent manner in which the retiring Mayor, Councillor M R Rhodes, had performed his duties both in the Council Chamber and throughout the Borough during the preceding year.

C 17/35 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor N Heslop, seconded by Councillor Miss G Thomas and

RESOLVED: That Councillor Mrs P A Bates be appointed Deputy Mayor for the ensuing municipal year.

The Deputy Mayor made and subscribed the statutory declaration of acceptance of office and thanked Members for her appointment.

C 17/36 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 11 April 2017 be approved as a correct record and signed by the Mayor.

C 17/37 MAYOR'S ANNOUNCEMENTS

The Mayor announced that he had appointed the Reverend Mike Hayes as his Chaplain and the Civic Service would be held at All Saints Church, Wouldham on Sunday 25 June. His nominated charities were Age UK Malling - Dementia Day Care Centre and Ellenor which supported families with terminally ill children and young people in their own homes.

The Mayor indicated that his Garden Party would be held at Hadlow College on 27 July and details would be advised in due course of further fundraising events.

C 17/38 ELECTION OF MEMBER FOR AYLESFORD NORTH AND WALDESLADE WARD

The Chief Executive as Returning Officer submitted the certificate of the result of the election held on 4 May 2017 to fill the vacancy for the Aylesford North and Walderslade Ward. Members were advised that Mr Des Keers (Conservative) had been duly elected as a Councillor to hold office until 2019.

C 17/39 POLITICAL BALANCE ARRANGEMENTS

The report of the Director of Central Services and Monitoring Officer set out details of the political balance arrangements required to be applied to the Council's committees, sub-committees, advisory boards and panels.

RESOLVED: That the composition of all committees, sub-committees, advisory boards and panels be approved in accordance with the table set out at paragraph 1.1.4 of the report and the Monitoring Officer make any consequential amendments to the Council's constitution in respect of political balance.

C 17/40 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

RESOLVED: That it be noted that the Cabinet will comprise five Members (in addition to the Leader) with the responsibilities indicated:

Councillor M Coffin - Finance, Innovation and Property and Deputy Executive Leader

Councillor Mrs M Heslop – Community Services

Councillor D Lettington – Street Scene and Environment Services

Councillor H Rogers – Strategic Planning and Infrastructure

Councillor Miss S Shrubsole - Housing

The Economic Regeneration portfolio to be held by the Leader

C 17/41 APPOINTMENT OF COMMITTEES

RESOLVED: That appointments to the Committees of the Council for the ensuing municipal year be made as follows:-

Overview and Scrutiny Committee

Councillor Mrs J Anderson

Councillor M Base

Councillor P Bolt

Councillor J Botten

Councillor T Cannon

Councillor S Jessel

Councillor D Keers

Councillor Mrs F Kemp

Councillor Mrs S Luck

Councillor P Montague

Councillor Mrs A Oakley

Councillor M Rhodes

Councillor Ms S Spence

Councillor A Sullivan

Councillor M Taylor

Councillor Miss G Thomas

Councillor F Tombolis

Councillor T Walker

Licensing and Appeals Committee

Councillor Mrs J Anderson

Councillor O Baldock

Councillor Mrs S Barker

Councillor M Base

Councillor Mrs P Bates

Councillor Mrs B Brown

Councillor M Coffin

Councillor B Elks

Councillor D Keers

Councillor Mrs F Kemp

Councillor S King

Councillor H Rogers

Councillor R Roud

Councillor M Taylor

Councillor F Tombolis

General Purposes Committee

Councillor O Baldock	Councillor D Markham
Councillor M Balfour	Councillor L O'Toole
Councillor Mrs S Bell	Councillor S Perry
Councillor P Bolt	Councillor R Roud
Councillor M Coffin	Councillor C Smith
Councillor Mrs M Heslop	Councillor Ms S Spence
Councillor B Luker	Councillor M Taylor

Audit Committee

Councillor M Base	Councillor S Jessel
Councillor T Bishop	Councillor Mrs F Kemp
Councillor V Branson	Councillor S Perry
Councillor T Edmondston-Low	Councillor B Walker
Councillor B Elks	

Joint Standards Committee

Councillor Mrs P Bates	(Parish members to be appointed from a pool of nominated representatives)
Councillor Mrs S Bell	
Councillor R Betts	
Councillor Mrs B Brown	
Councillor D Cure	
Councillor D Davis	
Councillor Mrs T Dean	
Councillor T Edmondston-Low	
Councillor D Lettington	
Councillor P Montague	
Councillor Miss J Sergison	
Councillor C Smith	
Councillor Miss G Thomas	

A Hearing Panel will be appointed from members of the Joint Standards Committee as necessary.

Area 1 Planning Committee

Councillor Mrs J Anderson	Councillor Mrs M Heslop
Councillor O Baldock	Councillor N Heslop
Councillor Mrs P Bates	Councillor R Lancaster
Councillor P Bolt	Councillor M Rhodes
Councillor J Botten	Councillor H Rogers
Councillor V Branson	Councillor Miss J Sergison
Councillor D Cure	Councillor C Smith
Councillor M Davis	Councillor Ms S Spence
Councillor T Edmondston-Low	Councillor Miss G Thomas
Councillor B Elks	Councillor F Tombolis

(For the Wards of Cage Green; Castle; that part of the Hadlow and East Peckham Ward within the parish of Hadlow; Higham; Hildenborough; Judd; Medway; Trench; and Vauxhall)

Area 2 Planning Committee

Councillor Mrs J Anderson	Councillor P Montague
Councillor M Balfour	Councillor L O'Toole
Councillor Mrs S Barker	Councillor S Perry
Councillor R Betts	Councillor H Rogers
Councillor M Coffin	Councillor Miss J Sergison
Councillor S Jessel	Councillor T Shaw
Councillor Mrs F Kemp	Councillor Miss S Shrubsole
Councillor Mrs S Luck	Councillor M Taylor
Councillor B Luker	

(For the Wards of Borough Green and Long Mill; Downs and Mereworth; that part of the Hadlow and East Peckham Ward outside the parish of Hadlow; Kings Hill; Wateringbury; West Malling and Leybourne; and Wrotham, Ightham and Stansted)

Area 3 Planning Committee

Councillor M Base	Councillor D Keers
Councillor Mrs S Bell	Councillor S King
Councillor T Bishop	Councillor D Lettington
Councillor Mrs B Brown	Councillor D Markham
Councillor T Cannon	Councillor Mrs A Oakley
Councillor R Dalton	Councillor M Parry-Waller
Councillor D Davis	Councillor R Roud
Councillor Mrs T Dean	Councillor A Sullivan
Councillor S Hammond	Councillor B Walker
Councillor D Keeley	Councillor T Walker

(For the Wards of Aylesford North and Walderslade; Aylesford South; Burham and Wouldham; Ditton; East Malling; Larkfield North; Larkfield South; Snodland East and Ham Hill; and Snodland West and Holborough Lakes)

C 17/42 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

RESOLVED: That appointment of the Chairman and Vice-Chairman of each Committee, Board, Panel and Group for the ensuing municipal year be made as follows:-

<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>VICE-CHAIRMAN</u>
Overview and Scrutiny Committee	Councillor A Sullivan	Councillor Mrs A Oakley Councillor Ms S Spence

Licensing and Appeals Committee	Councillor Mrs J Anderson	Councillor Mrs S Barker
General Purposes Committee	Councillor O Baldock	Councillor L O'Toole
Audit Committee	Councillor V Branson	Councillor M Base
Joint Standards Committee	Councillor Miss J Sergison	Councillor D Cure Councillor D Davis
Area 1 Planning Committee	Councillor R Lancaster	Councillor V Branson
Area 2 Planning Committee	Councillor Mrs F Kemp	Councillor S Jessel
Area 3 Planning Committee	Councillor M Parry Waller	Councillor D Markham
Parish Partnership Panel	Councillor N Heslop	Councillor M Coffin
Tonbridge Forum	Councillor N Heslop	Councillor C Smith
Communities and Housing Advisory Board	Councillor P Montague	Councillor Mrs B Brown
Economic Regeneration Advisory Board	Councillor B Luker	Councillor F Tombolis
Finance, Innovation and Property Advisory Board	Councillor S King	Councillor B Walker
Planning and Transportation Advisory Board	Councillor D Davis	Councillor T Edmondston-Low
Street Scene and Environment Services Advisory Board	Councillor M Davis	Councillor D Keeley
Electoral Review Working Group	Councillor N Heslop	Councillor M Balfour

Housing Associations Liaison Panel	Councillor Miss S Shrubsole	
Joint Employee Consultative Committee	Councillor M Coffin	Councillor M Balfour
Joint Transportation Board	Councillor H Rogers	Vice-chairmanship with KCC

**C 17/43 APPOINTMENT OF ADVISORY PANELS AND BOARDS AND
OTHER MEMBER GROUPS**

RESOLVED: That appointments to the Advisory Panels, Boards and other Member Groups of the Council for the ensuing municipal year be made as follows:-

PANEL/BOARD

MEMBERS

Parish Partnership Panel

Councillor Mrs J Anderson
Councillor Mrs S Barker
Councillor R Betts
Councillor T Cannon
Councillor M Coffin *
Councillor R Dalton
Councillor N Heslop **
Councillor D Lettington
Councillor B Luker
Councillor D Markham
Councillor R Roud
Councillor T Shaw
Councillor B Walker

Tonbridge Forum

Councillor Mrs J Anderson
Councillor O Baldock
Councillor Mrs P Bates
Councillor P Bolt
Councillor V Branson
Councillor D Cure
Councillor Mrs M Heslop
Councillor N Heslop **
Councillor R Lancaster
Councillor M Rhodes
Councillor C Smith*
Councillor Miss G Thomas
Councillor F Tombolis

Communities and Housing
Advisory Board

Councillor Mrs J Anderson
Councillor Mrs S Barker
Councillor Mrs S Bell
Councillor V Branson
Councillor Mrs B Brown*
Councillor D Cure
Councillor R Dalton
Councillor S Hammond
Councillor D Keeley
Councillor Mrs S Luck
Councillor P Montague**
Councillor Mrs A Oakley
Councillor L O'Toole
Councillor M Parry-Waller
Councillor T Shaw
Councillor Ms S Spence

Economic Regeneration
Advisory Board

Councillor M Base
Councillor R Betts
Councillor T Bishop
Councillor J Botten
Councillor T Cannon
Councillor S Jessel
Councillor S King
Councillor R Lancaster
Councillor Mrs S Luck
Councillor B Luker**
Councillor L O'Toole
Councillor Miss J Sergison
Councillor C Smith
Councillor F Tombolis*
Councillor B Walker
Councillor T Walker

Finance, Innovation and
Property Advisory Board

Councillor Mrs S Bell
Councillor R Betts
Councillor T Bishop
Councillor J Botten
Councillor V Branson
Councillor Mrs B Brown
Councillor T Cannon
Councillor D Cure
Councillor M Davis
Councillor S Jessel
Councillor S King**
Councillor R Lancaster
Councillor Miss J Sergison
Councillor A Sullivan
Councillor F Tombolis
Councillor B Walker*

Planning and
Transportation Advisory
Board

Councillor M Balfour
Councillor Mrs S Barker
Councillor P Bolt
Councillor V Branson
Councillor D Davis**
Councillor M Davis
Councillor T Edmondston-Low*
Councillor B Elks
Councillor D Keers
Councillor Mrs F Kemp
Councillor R Lancaster
Councillor M Parry-Waller
Councillor S Perry
Councillor R Roud
Councillor A Sullivan
Councillor M Taylor

Street Scene and
Environment Services
Advisory Board

Councillor Mrs J Anderson
Councillor O Baldock
Councillor M Balfour
Councillor M Davis **
Councillor Mrs T Dean
Councillor S Hammond
Councillor D Keeley*
Councillor D Keers
Councillor D Markham
Councillor L O'Toole
Councillor S Perry
Councillor M Rhodes
Councillor T Shaw
Councillor Ms S Spence
Councillor Miss G Thomas
Councillor T Walker

Electoral Review Working
Group

Councillor O Baldock
Councillor M Balfour*
Councillor M Coffin
Councillor Mrs T Dean
Councillor N Heslop **
Councillor D Lettington
Councillor D Markham
Councillor P Montague
Councillor A Sullivan

Housing Associations
Liaison Panel

Councillor Mrs J Anderson
Councillor M Davis
Councillor D Keeley
Councillor Mrs A Oakley
Councillor Miss S Shrubsole**

Joint Employee Consultative Committee	Councillor O Baldock Councillor M Balfour * Councillor R Betts Councillor T Bishop Councillor P Bolt Councillor Mrs B Brown Councillor M Coffin ** Councillor D Keers Councillor B Luker
Joint Transportation Board	Councillor D Davis Councillor Mrs F Kemp Councillor R Lancaster Councillor D Lettington Councillor M Parry-Waller Councillor H Rogers** Councillor M Taylor
Chairmanship with TMBC, Vice-Chairmanship with KCC in 2017/18	
** Denotes Chairman * Denotes Vice-Chairman	

C 17/44 APPOINTMENT TO OUTSIDE BODIES

RESOLVED: That appointments to serve on outside bodies for the ensuing municipal year be made as follows:-

<u>NAME OF BODY</u>	<u>REPRESENTATIVE(S)</u>
Kent County Playing Fields Association	Councillor Mrs M Heslop
Age UK Sevenoaks and Tonbridge	Councillor D Cure Councillor Ms S Spence
Age Concern (Malling)	Councillor B Luker
Citizens Advice in North and West Kent	Mrs S Murray
Maidstone and District Care Committee for Chest, Heart and Stroke	Councillor S Hammond
West Kent Relate	Councillor Ms S Spence
Action with Communities in Rural Kent	Councillor R Dalton Councillor Miss J Sergison
Maidstone Mediation Scheme	Councillor Mrs B Brown

Tourism South East / Visit Kent	Councillor Mrs M Heslop
Education Area Briefings	Councillor Mrs M Heslop
Kent Downs AONB Joint Advisory Committee	Councillor H Rogers
Basted Mill Public Open Space Joint Committee	Councillor R Betts Councillor S Perry
Snodland Partnership	Councillor Mrs S Bell Councillor D Keeley Councillor D Lettington
South East England Councils (Leaders' Forum)	Councillor N Heslop (Substitute: Councillor M Coffin)
Youth and Community Centres/Project Management Committees	Councillor Mrs M Heslop
LGA General Assembly	Councillor N Heslop (Substitute: Councillor M Coffin)
West Kent Partnership	Councillor B Luker
Parking and Traffic Regulations Outside London Adjudication Joint Committee	Councillor D Davis (Deputy: Councillor T Edmondston-Low)
Rochester Airport Consultative Committee	Councillor A Sullivan
Maidstone and Tunbridge Wells NHS Trust Community Involvement Group	Councillor Mrs M Heslop
Kent and Medway Police and Crime Panel	Councillor N Heslop
Kent Flood Risk Management Board	Councillor H Rogers
Tonbridge and Malling Leisure Trust	Councillor R Betts Councillor M Davis
Upper Medway Internal Drainage Board	Councillor H Rogers Mr D Aikman Mr J Cannon Mr M Dobson

Lower Medway Internal Drainage Board
(1 rep from TMBC plus 1 nominee from TMBC or Medway Council to be agreed by all councils)

Councillor D Davis
Mr J Gore (second nominee)

Haysden Country Park User Panel
(3 year appointment 2016/17 – 18/19)

Councillor P Bolt
Councillor D Cure

Leybourne Lakes Country Park User Panel
(3 year appointment 2016/17 – 18/19)

Councillor T Bishop
Councillor B Luker

C 17/45 SCHEME OF DELEGATIONS

Members were invited to confirm the Scheme of Delegations in compliance with the Constitution.

RESOLVED: That

- (1) those parts of the Scheme of Delegations set out in Part 3 of the Constitution which are for the Council to approve be confirmed;
- (2) the Leader's recommendations for decision making by individual executive Members set out in Part 3 of the Constitution be adopted; and
- (3) the current scheme of delegation to officers in respect of executive functions set out in Part 3 of the Constitution be re-adopted.

C 17/46 PROGRAMME OF MEETINGS 2017/18

The programme of Council, Cabinet, Committee and Advisory Board and Panel meetings for the ensuing year and to May 2019 was presented for approval.

RESOLVED: That the programme of meetings be approved.

C 17/47 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 8.08 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 24th May, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), 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 T B Shaw and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs J A Anderson, Mrs S M Barker, L J O'Toole and Miss J L Sergison

PART 1 - PUBLIC

AP2 17/24 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, for reasons of transparency Councillor M 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 a Disclosable Pecuniary Interest there was no requirement to withdraw from the meeting.

AP2 17/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 12 April 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

AP2 17/26 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 17/27 TM/16/03763/FL - QUARRY HOUSE, 81 QUARRY HILL ROAD, BOROUGH GREEN

Demolition of existing office building and the erection of 10 residential dwellings. Access from existing Quarry Hill Roundabout, provision of public open space, works associated with de-culverting and diversion of the watercourse, sustainable urban drainage systems; associated landscaping, infrastructure and earthworks at Quarry House, 81 Quarry Hill Road, Borough Green.

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

- (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 insofar as it relates to Plots 9 and 10 comprises inappropriate development which is by definition harmful to the Metropolitan Green Belt. In addition, these dwellings which are proposed on an open, undeveloped part of the site would cause clear material harm to the open nature and function of the Green Belt. No very special circumstances exist which would be sufficient to clearly 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.

[Speakers: Dr M Simons (on behalf of Borough Green Medical Centre), Mrs T Dawson (Member of the Public) and Mr H Edwards (on behalf of the applicant)]

AP2 17/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 26th June, 2017

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr P F Bolt, Cllr M A Coffin, Cllr D Markham, Cllr S C Perry, Cllr R V Roud, Cllr C P Smith, Cllr Ms S V Spence and Cllr M Taylor

Councillors Mrs J A Anderson, N J Heslop, D Lettington, Mrs A S Oakley, M R Rhodes, H S Rogers and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A C Balfour, Mrs S Bell and Mrs M F Heslop

PART 1 - PUBLIC

GP 17/11 DECLARATIONS OF INTEREST

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

GP 17/12 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 6 March 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/13 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services presented an updated Human Resources Strategy which provided an overview of the Council's approach to managing its employees. Details were given of progress in achieving the improvement priorities in the Strategy for 2016/17 together with actions to be implemented in the period April 2017 – March 2018 (the Workforce Development Plan). The updated strategy also contained the statutory equality monitoring required by the Equality Act 2010.

RECOMMENDED: That the outcomes of the equality monitoring reported in Section 4 of the Human Resources Strategy, as set out in Annex 1 to the report, be noted and the actions listed in Section 5 thereof be commended to the Council.

*** Referred to Council**

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

GP 17/14 AMENDMENTS TO THE FLEXIBLE RETIREMENT POLICY

The report of the Director of Central Services presented a revised Flexible Retirement Policy containing a number of amendments in the light of recent experience of operating the policy, particularly in circumstances where an employee elected to defer payment of all or part of their pension entitlement.

RESOLVED: That the amendments to the Flexible Retirement Policy, set out in the revised Policy at the Annex to the report, be approved.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 17/15 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

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/16 REVENUES AND BENEFITS - SHARED SERVICE

(LGA 1972 Sch 12A Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Further to Decision No D170030CAB, the report of the Management Team advised the Committee of progress with the implementation of the Shared Service for Revenues and Benefits. Details were given of the outcome of discussions of the Project Board, comprising key staff from both Tonbridge and Malling and Gravesham Borough Councils, regarding the hosting of the Service. Reference was also made to representations received from staff and Unison. This resulted in a recommendation that the Service should be located at Kings Hill with Tonbridge and Malling designated as the lead authority. Members were advised that, pending the formulation of the Legal Agreement between the two authorities, there was a working assumption that TUPE would apply for the service model proposed.

It was noted that the Finance, Innovation and Property Advisory Board had recently considered a report focusing on issues relating to IT and digital services.

RECOMMENDED: That

- (1) the location of the Service at the Tonbridge and Malling Borough Council offices at Kings Hill be agreed, noting that existing Gravesham Borough Council revenues and benefits staff will relocate to Kings Hill;
- (2) it be agreed that Tonbridge and Malling Borough Council (TMBC) will become the lead authority and, subject to the written confirmation requested from Gravesham Borough Council (GBC), noted that it is GBC's intention to delegate the revenues and benefits function to TMBC which will become the service provider to GBC;
- (3) subject to final confirmation, it be acknowledged that TUPE will apply for the service model that is proposed;
- (4) it be noted that the Legal Agreement between TMBC and GBC for this service will be progressed over the coming months; and
- (5) thanks be recorded to all involved in the considerable amount of work in progressing the Shared Service during the time of dealing with the snap General Election.

***Referred to Council**

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

GP 17/17 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services presented for approval a number of establishment changes arising from the on-going operational management of the Council's services.

A supplementary report by the Director of Planning, Housing and Environmental Health, circulated in advance of the meeting, gave details of a proposed new structure within the Health Team arising from the establishment of the West Kent Preventative Health Partnership between the West Kent district councils and Kent County Council.

RESOLVED: That the proposals and establishment adjustments set out in the report be endorsed as follows:

- (1) the post of DC Admin Support Team Leader (DJ0124), 30 hours per week, grade M8 and the post of DC Admin Support Deputy Team Leader (DJ0125), 37 hours per week, scale 5/6 be re-designated Technical Manager and Senior Technical Officer respectively with effect from 3 July 2017;
- (2) the posts of Planning Technicians, Appeals & Enforcement Officer and Planning Clerks (DJ0114, DJ0116, DJ0117, DJ0119, DJ0121, DJ0128, DJ0129, DJ0139, DJ0142, DJ0143) be deleted with effect from 2 July 2017;
- (3) ten new posts be created of Planning Technical Officer, six at 37 hours per week, one at 33.5 hours per week, one at 27 hours per week, one at 24 hours per week and one at 22 hours per week, with effect from 3 July 2017;
- (4) the post of Planning Clerk (DJ0141), 22 hours per week, be deleted with effect from 2 July 2017, on that date the employment contract of Samantha Cox be terminated on the grounds of redundancy and her redundancy payment be calculated in accordance with the Council's Reorganisation, Redundancy and Redeployment Procedure;
- (5) the hours of the post of Housing Technical Officer (DV0904) be reduced from 37 to 22.2 per week with effect from 1 June 2017;
- (6) a sum of £16,392 accruing from the reduction in hours of post DV0904 be ring-fenced pending a review of the Housing Team;
- (7) the hours of the post of Head of Waste and Street Scene (DG0006) be reduced from 37 to 22.2 per week with effect from 1 June 2017;
- (8) the post of Street Scene Manager (DG2001), 37 hours per week, be re-graded from M8 to M7 with effect from 1 June 2017;
- (9) the posts of Health Improvement Manager (DV0201), Health Improvement Co-ordinator (DV0202), Health Improvement Assistant (DV0203) and Health Improvement Administrative Assistant (DV0299) be deleted from the establishment with effect from 30 September 2017 and new posts of Health Team Leader (grade Senior Officer), and One You Advisors (Scale 5) (x 2) be established with effect from 1 October 2017; and
- (10) any further amendments arising from staff consultation on the proposals at (9) above and the evaluation of the Partnership Administrator post be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the

Director of Central Services, the final structure of the future Health Team to be reported to the next meeting of the General Purposes Committee for information.

The meeting ended at 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 28th June, 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, P F Bolt, Mrs A S Oakley, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 17/44 DECLARATIONS OF INTEREST

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

CB 17/45 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 21 March 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/46 REVENUES AND BENEFITS - SHARED SERVICE

Item FIP 17/17 referred from Finance, Innovation and Property Advisory Board minutes of 21 June 2017

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting on 21 June 2017 concerning IT and digital provision in relation to the implementation of the Shared Service for Revenues and Benefits between the Council and Gravesham Borough Council.

RECOMMENDED: That

- (1) the evaluation (assuming costs for a third party phase 2 option) set out at Annex 1 to the report be approved;
- (2) the Capital Plan and Revenue Budget be updated accordingly; and
- (3) the capital and one-off revenue costs be met from the Transformation Reserve.

***Referred to Council**

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

CB 17/47 REVENUE AND CAPITAL OUTTURN 2016/17

Decision Notice D170044CAB

CB 17/48 DELEGATED AUTHORITY - COMPLAINTS

Decision Notice D170045CAB

**CB 17/49 INTRODUCTION OF CHARGES FOR FOOD HYGIENE RATING
SCHEME RE-INSPECTION REQUESTS ON A COST RECOVERY
BASIS**

Decision Notice D170046CAB

MATTERS SUBMITTED FOR INFORMATION

CB 17/50 MATTERS REFERRED FROM ADVISORY BOARDS

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

Street Scene and Environment Services Advisory Board of 20 June 2017

Finance, Innovation and Property Advisory Board of 21 June 2017

RESOLVED: That the report be received and noted.

CB 17/51 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.23 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D170037MEM**

Date: 20 June 2017

Decision(s) and Reason(s)

Waste Services Contract Retender

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

The report indicated that the current waste services contract for refuse, recycling and street cleansing was due to expire in February 2019. Details were given of the proposed retendering process, opportunities for partnership working with other local authorities and the potential for service improvements, efficiencies and savings.

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

- (1) the Nominal Optimal Method (NOM) of collection, including the separate fortnightly collection of garden waste as outlined in section be approved as the preferred option for retender of the Waste Services Contract to be reflected in the drafting of the Service specification;
- (2) the principle of introducing a charge for the separate collection of garden waste on an "opt in" basis be noted, with further details being reported to a future meeting of the Advisory Board;
- (3) the Memorandum of Understanding attached at Annex 2 to the report be endorsed and it be noted that this forms the basis of a more detailed Inter Authority Agreement (IAA), to be considered by the Advisory Board later this year;
- (4) the proposed "Open Tender Procedure" with pre-procurement contractor engagement be approved; and
- (5) it be noted that further details on proposed standards and levels of service for inclusion within the Contract Specification will be reported to a future

meeting of the Advisory Board for consideration.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 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 Street Scene and Environment Services

**Decision No:
D170038MEM**

Date: 20 June 2017

Decision(s) and Reason(s)

Environmental Health Performance 2016/17

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

The report summarised the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food Safety Team for 2016/17.

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

The performance information relating to activities associated with the food safety and environmental protection functions in 2016/17 be noted and the service improvements for 2017/18, as detailed in paragraphs 1.4.1 and 1.4.2 of the report, be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 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 Street Scene and Environment Services

Decision No: D170039MEM

Date: 20 June 2017

Decision(s) and Reason(s)

Food and Safety Service Plan 2017-2020

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

The report referred to the requirement for the Council to produce a Food and Safety Service Plan against which it would be monitored and audited by the Food Standards Agency. A revised draft of the Plan was set out for consideration and comment.

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

- (1) the revised Food and Safety Service Plan (2017 – 20) set out at Annex 1 to the report be noted; and
- (2) the views of the Overview and Scrutiny Committee be sought in accordance with the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 2013

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:
D170040MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of new and renewal applications for discretionary rate relief and discretionary rural rate relief which were 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:

- (1) in respect of the re-applications, discretionary rate relief and discretionary rural rate relief be awarded as set out at Annexes 3 and 4 to the report respectively, with effect from 1 April 2017 (except in the case of Tonbridge Juddians RFC where relief be awarded from 6 April 2016) and time limited to 31 March 2018; and
- (2) the new application for discretionary rate relief be determined as follows:

Mereworth Village Hall Committee, Mereworth Village Hall, 149 Butchers Lane, Mereworth – no discretionary rate relief be awarded.

[Councillor N Heslop declared an Other Significant Interest as a member of the Board of the Bridge Trust and withdrew from the meeting during consideration of item (1)]

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 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:
D170041MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income for the year ended 31 March 2017. It also gave details of the variations agreed in relation to the revenue budget, summarised to provide an overall budget outturn position for 2016/17 which showed a net favourable variance of £43,153.

Details were provided of variations identified through budget monitoring in respect of 2017/18 which showed a net favourable variance of £145,300. Reference was also made to the progress made towards meeting this year's savings target of £650,000 and the challenge that this presented over the coming months. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

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

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 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:
D170042MEM**

Date: 21 June 2017

Decision(s) and Reason(s)

Business Rates Relief Scheme

(Report of Director of Finance and Transformation)

The report provided an overview of the Department for Communities and Local Government consultation paper regarding proposals on the design and implementation of the locally administered Business Rates Relief Scheme. A copy of the response agreed with the Cabinet Member for Finance, Innovation and Property and Chairman of the Advisory Board for submission by the consultation deadline of 7 April 2017 was set out in an annex to the report. It was noted that clarification had been sought as to whether the administration of the scheme would be covered under the New Burdens Doctrine.

An outline was given of the approach to be taken in administering and designing the local scheme and delegated authority was sought to agree the scheme to be adopted.

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

Authority be delegated to the Director of Finance and Transformation, in conjunction with the Leader, Cabinet Member for Finance, Innovation and Property and Chairman of the Advisory Board, to agree the locally administered business rates relief scheme to be adopted by the Council.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 21 June 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 23 June 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:
D170043MEM**

Date: 21 June 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)

**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 31 items shown in the schedule of amounts over £1,000, totalling £312,700.75
be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property
Advisory Board of 21 June 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: 23 June 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: D170044CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Revenue and Capital Outturn 2016/17

(Joint report of Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property)

In accordance with the Council's Financial Procedure Rules, a report and accompanying information was presented showing actual Revenue and Capital Outturn for the year ended 31 March 2017 together with subsequent adjustments to the Accounts in the light of the outturn position.

It was noted that compared with the revised estimates, the overall outturn showed a favourable variance of £43,153 the principal reasons for which were explained. These included management savings on the salary bill and better than budgeted performance in the major income streams, offset by the contribution to two specific earmarked reserves.

In the context of the outturn, Cabinet was apprised of current progress with the Council's Savings and Transformation Strategy, including those areas where risk in meeting targets was apparent. Officers also pointed to areas of potential budget pressure arising from legislative change and unavoidable growth in service demands. It was clear that a focus on efficiency and innovation needed to be sustained in all areas of service provision and income generation.

The report also contained an annual Treasury Management and Investment Strategy review for 2016/17 as required by the adopted CIPFA Code of Practice.

The Cabinet resolved that:

- (1) the Revenue and Capital Outturn for the year 2016/17 be noted and endorsed;
- (2) the action taken following a review of specific earmarked reserves, as set out at paragraph 1.2.3 of the report, be noted and endorsed; and
- (3) the Treasury Management and Investment Strategy Review 2016/17, as set out at Annex 3 to the report, be noted and endorsed.

Reasons: As set out in the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property.

Signed Chief Executive: J Beilby

Date of publication: 30 June 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: D170045CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Delegated Authority - Complaints

(Report of Director of Central Services and Monitoring Officer)

Following a recent audit review of the complaints procedure, the report recommended changes to the Constitution to ensure that officers were able to effectively discharge the duties and powers of the Council in relation to authorisation of compensation payments or other measures recommended by the Local Government Ombudsman.

The Cabinet resolved that:

The Monitoring Officer be authorised to amend the Constitution to give effect to the changes outlined in the report.

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

Signed Chief Executive: J Beilby

Date of publication: 30 June 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: D170046CAB
Date: 28 June 2017

Decision(s) and Reason(s)

Introduction of Charges for Food Hygiene Rating Scheme Re-inspection Requests on a Cost Recovery Basis

(Item SSE 17/5 referred from Street Scene and Environment Services Advisory Board minutes of 20 June 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 20 June 2017.

The Cabinet resolved that:

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

The introduction of a charge of £160 for a Food Hygiene Rating Scheme re-inspection be approved.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 20 June 2017.

Signed Chief Executive: J Beilby

Date of publication: 30 June 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.

- Minutes of the Area 1 Planning Committee held on 29 June are *'to follow'*

- Minutes of the Audit Committee held on 3 July are *'to follow'*

- Minutes of the Area 2 Planning Committee held on 5 July are *'to follow'*

