

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 11th July, 2017

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

Present: His Worship the Mayor (Councillor R W Dalton), the Deputy Mayor (Councillor Mrs P A Bates), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr S M Hammond, Cllr N J Heslop, Cllr D Keeley, Cllr D Keers, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr C P Smith, 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 M A C Balfour, T I B Cannon, M O Davis, Mrs M F Heslop, S R J Jessel, Mrs F A Kemp, S M King, B J Luker, Miss S O Shrubsole and Ms S V Spence

PART 1 - PUBLIC

C 17/48 DECLARATIONS OF INTEREST

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

C 17/49 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 16 May 2017 be approved as a correct record and signed by the Mayor.

C 17/50 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting he or the Deputy Mayor had attended around 65 engagements including school fetes, plays and award presentations. He commented on the amount of talent within the Borough and highlighted an outstanding performance of "Beauty and the Beast" by the students of Hillview School who had

offered to put on a smaller event for Age UK Dementia Day Care Centre near Christmas.

The Mayor mentioned a range of memorable events, in particular the Royal Garden Party, the Tonbridge Lions and Snodland Carnivals, the opening of the Tree of Hope charity in Tonbridge, the Primary Schools Kwik Cricket Festival and the Heusenstamm Friendship School Reception. He also thanked those who had attended his Civic Service and reminded Members of the forthcoming Garden Party at Hadlow College on 27 July. The Mayor's Quiz would be hosted at the Guy Salmon Jaguar dealership at Aylesford on a date to be confirmed.

C 17/51 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 17/52 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

Councillor M Taylor asked the following question pursuant to Council Procedure Rule No 5.5:

“Addressed to Chief Executive

- (1) If the outcome of the Parish Standards Panel Hearing 12/13 June is a recommendation back to the Standards Committee, or more properly the Parish Council involved, why has the draft "Formal Letter to Councillor Taylor" already been released into the Public Domain, long before BGPC had the opportunity to ratify and adopt the recommendation on 3 July? Specifically Kent Online report 29 June 2017 (copy attached).
- (2) Why did the Monitoring Officer brief TMBC's Barrister to the Panel about a hypothetical future Standards Complaint, no such complaint having been lodged or advised to date?"

To which the Chief Executive replied as follows:

“At the Panel hearing on 12 and 13 June 2017, the Standards Hearing Panel found that Cllr Taylor had breached the Borough Green Parish Council Code of Conduct. It resolved as follows:

- (1) The Panel's findings be reported to Borough Green Parish Council and the Parish Council be invited to issue Cllr Taylor with a formal censure for obstructing the Headmaster.
- (2) A formal letter be sent to Cllr Taylor on behalf of the Hearing Panel.

- (3) The Panel's findings be published by publication on the TMBC website, by email to the local press, the clerk to Borough Green Parish Council and members of Borough Green Parish Council.

The first of these is a recommendation to Borough Green PC, so therefore requires ratification by the Parish Council. The second and third elements of the sanctions are not recommendations to the Parish Council, nor do they require approval by either the Joint Standards Committee or the full Council of Tonbridge & Malling Borough Council. In accordance with paragraphs 4.1(j) and (l) of the Hearing Panel Procedure, they are sanctions that may be imposed by the Hearing Panel itself.

Under the Hearing Panel Procedure, once a Hearing Panel has made a decision, a summary of the panel's decision and recommendations, and the reasons for those decisions and recommendations, is published on the Council's website within 10 days.

Furthermore, the Borough Council is under a duty to make available to the public agendas, decisions and documents relating to proceedings of all of its committees and sub-committees, including the hearing panel, to the extent they do not disclose exempt information.

The Monitoring Officer did not brief the Council's barrister about a 'hypothetical future Standards Complaint'. Rather, the barrister was advised of an existing complaint against Cllr Taylor, in which the complainant has requested that their identity remain confidential. Whilst details of the complaint have not currently been disclosed to Cllr Taylor, I am aware that the Monitoring Officer explained to Cllr Taylor after the hearing that this position would be reviewed in the event that the complaint were to proceed to investigation."

C 17/53 PETITION - KEEP RIVER LAWN GREEN

The report of the Management Team gave details of a petition submitted on behalf of the "Keep River Lawn Green" organisation in relation to intended disposals of land owned by the Council at River Lawn Road and 1 – 4 River Walk, Tonbridge. At the time of the initial submission the petition had 1,576 signatories and satisfied the requirement under the adopted Petition Scheme that petitions containing more than 1,500 signatures should be debated by the Full Council. By the date of publication of the Council agenda the Barden Residents Association submitted an electronic copy of the petition on behalf of Keep River Lawn Green with 1,617 signatories together with a separate paper petition containing a further 1,601 signatures. The petition called upon the Council to "stop their plans to sell off River Lawn and old CAB building in River Walk until a proper public consultation has been held".

Mr M Hood, as the organiser of the petition, addressed the Council and in accordance with Council Procedure Rule No 5.17.4, Ms L Athey was also permitted to speak. Members then discussed the matter, a motion to suspend the 15 minute time limit for debate specified in the Petition Scheme having been defeated. It was noted that as the issue raised in the petition was one on which the Cabinet was required to make the final decision, the role of the Council was to consider whether to make any recommendations to inform that decision.

It was proposed by Councillor R Lancaster, seconded by Councillor B Elks and

RESOLVED: That the Council invites Cabinet to note the petition in respect of the open space at River Lawn when considering responses to the consultation on the disposal of the larger area of open space on this site. Council is mindful that a decision to proceed with the disposal of 1 – 4 River Walk was taken by Cabinet on 9 February 2017. Having carefully considered the matters raised in the petition, no recommendations are made to Cabinet on this disposal.

C 17/54 LEADER'S ANNOUNCEMENTS

Incidents

The Leader referred to the appalling events of the Manchester bombing, the attacks on London Bridge and surrounding area and at Finsbury mosque and then the Grenfell Tower fire, each of which had ended innocent lives, wrecked families and individuals and left affected communities in shock. He advised that in respect of the terrorist attacks, the Chief Executive ensured that the Council took part in Kent wide strategic briefings led by the Police and was guided by them in reviewing the safety of events, the Council's own service delivery and community issues within the Borough area.

Turning to the awful fire at Grenfell Tower, the Leader wanted to assure Members that the Director of Planning, Housing and Environmental Health had also ensured that the Council worked with partners across Kent, both in the social rented sector and also with private landlords. He had advised there were no similar tower blocks to Grenfell within the Borough. Whilst the Borough Council was not a housing stock-holding authority and had no direct responsibility in that regard, contact had been made with all Housing Association (HA) partners to ensure they were following due diligence in their role as 'responsible person' in ensuring that fire safety duties under the relevant regulations were fulfilled. The Leader was pleased to report that the feedback received from the Housing Associations thus far was that they were undertaking various reviews of their buildings and fire risk assessments and most were carrying out direct contact with their tenants. Liaison with each HA would be maintained and practical assistance offered where appropriate and possible.

Members were also informed that the Council was working in liaison with Kent Fire and Rescue Service (KFRS). In particular, an exercise had been undertaken to identify all residential buildings in the Borough of four storeys and over to assist with the overall assessment of risk by KFRS and also by landlords. Most of these buildings were in private ownership although there were some owned or managed by the Housing Associations.

The Council Private Sector Housing team was also working with KFRS to undertake joint visits where necessary as part of their high rise reassurance campaign. Whilst the Council's focus had been primarily on buildings in residential use, other key buildings had also featured in the consideration, such as West Kent College where there was contact with the College's property department. The next task was to identify any use of insulated cladding systems on those buildings although the Leader pointed out that it was not entirely straight forward because the Borough Council may not have been the Building Control Authority for all the buildings under consideration. Members were advised that staff were fielding multiple requests for information from a number of agencies which was keeping the Building Control team busy.

In addition the Council was reviewing its own fire risk measures and would formally review the strategic fire risk assessments in buildings which it occupied or those which were used by partners, such as the Leisure Trust, once further findings from the Grenfell enquiry were available. The Leader indicated that this might lead to some changes to practice and in some cases some small works. If anything more significant emerged it would be considered very carefully for attention.

Elections

Since the last full Council, the Kent County Council elections took place and then there was the General Election. The Leader commented on the challenge that both had presented to staff across the whole Borough Council and he thanked the Chief Executive and the staff for the smooth running of both elections.

Savings and Transformation Strategy

The Leader referred to the recognition that there was no one simple solution to addressing the very significant financial challenges faced by the Council. The Savings and Transformation Strategy, adopted by the full Council, provided a structure, a clear focus and a direction in addressing the significant challenges ahead. Members were aware that there was an identified target to deliver savings and/or generate new income streams within a relatively short timetable. When the budget was set by the Council in February 2017 the projected funding gap was £1.6M and the initial savings target set at £650,000 to be achieved and delivered by 1 April 2018.

The Finance, Innovation and Property Advisory Board had recently learnt that progress continued to be made towards meeting the savings target for this year, for example by the renegotiation of the services fee to Tonbridge and Malling Leisure Trust. However, the Leader highlighted the stark reality that there was still some way to go in identifying further savings that would contribute to meeting this year's target – let alone the remainder of the funding gap of £950,000. He said that the risk was that failure to identify and deliver those savings would put the Council on the edge of a financial precipice; somewhere it had never been and would not wish to go.

The Leader stated that it was important to recognise that the funding gap and thus the savings targets now faced were despite the fact that the Council had delivered over £3M in savings over the last four to five years. That in itself was an enormous achievement by for example: the creation of the Leisure Trust; review of the summer playscheme; the introduction of Special Expenses and the associated cessation of grants to parish councils; plus a wide scale reduction in the Council's establishments. However, it was not possible to stop there. The Leader was sure that Members did not need reminding that the Council was now totally reliant on council tax, its share of business rates, new homes bonus, fees and charges and investment income for delivering local services.

The future of funding for Local Government Services was unclear, the Council's financial arrangements with Government for the next three year were predicated on the future move to the full business rates retention scheme and the absence of any commitment to this in the recent Queen's Speech had created a void of uncertainty.

C 17/55 HUMAN RESOURCES STRATEGY UPDATE

Item GP 17/13 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/13 be approved.

C 17/56 REVENUES AND BENEFITS - SHARED SERVICE

Item CB 17/46 referred from Cabinet minutes of 28 June 2017

RESOLVED: That the recommendations at Minute CB 17/46 be approved.

C 17/57 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2016/17

Item AU 17/31 referred from Audit Committee minutes of 3 July 2017

RESOLVED: That the recommendations at Minute AU 17/31 be approved.

C 17/58 LOCALISM ACT 2011 - APPOINTMENT OF INDEPENDENT PERSONS

The report of the Monitoring Officer outlined the provisions of the Localism Act 2011 regarding the appointment of Independent Persons and arrangements for recruitment following the expiry of the terms of office of the current Independent Persons who were not seeking reappointment. A supplementary report gave details of the outcome of the recruitment process including the two applicants to whom it was proposed to offer the position.

RESOLVED: That

- (1) Mr Clive Grenyer and Mr David Mercier be appointed as Independent Persons under section 28 of the Localism Act 2011 for a term expiring on 30 June 2022; and
- (2) thanks be recorded to Mr David Ashton and Mr John Gledhill for their years of service as Independent Persons.

C 17/59 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Mrs D Huntingford as a nominative trustee of the Tonbridge United Charity for a further four year term for the period November 2016 to November 2020.

In a supplementary report circulated in advance of the meeting details were given of an invitation to consider the reappointment of Councillor Mrs P Bates as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour, Tonbridge.

RESOLVED: That

- (1) Mrs D Huntingford be reappointed as a trustee of the Tonbridge United Charity for a further four year term;
- (2) Councillor Mrs P Bates be reappointed as a local trustee of Sir Thomas Smythe's Charity for the parish of St Peter and St Paul with St Saviour for a further four year term; and

- (3) appreciation be recorded of the contribution of councillors and members of the public serving on outside bodies.

C 17/60 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.

PART 2 - PRIVATE

C 17/61 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)

Item GP 17/16 referred from General Purposes Committee minutes of 26 June 2017

RESOLVED: That the recommendations at Minute GP 17/16 be approved.

C 17/62 PETITION - RESTRICTED ANNEXES

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

Restricted annexes to Cabinet report of 9 February 2017 for information.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 13th July, 2017

Present: Cllr M Parry-Waller (Chairman), Cllr D Markham (Vice-Chairman), Cllr M C Base, 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 D Keers, Cllr S M King, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

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

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

PART 1 - PUBLIC

AP3 17/17 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Roud queried whether, as a member of the East Malling Conservation Group, there was a need to declare an interest in application TM/16/0368/FL (Orchard Farm, Well Street, East Malling). As this was not seen as either a Disclosable Pecuniary or Other Significant Interest and Councillor Roud had not predetermined his position there was no requirement to withdraw from the meeting.

AP3 17/18 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 16 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

AP3 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. 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 17/20 TM/16/03680/FL - ORCHARD FARM, WELL STREET, EAST MALLING

Change of use to holiday site incorporating 5 mobile homes at Orchard Farm, Well Street, East Malling.

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

(1) Amended Condition 4:

- (i) The static caravans shall be occupied for holiday purposes only and no trade or business shall be carried on from the site;
- (ii) The static caravans shall not be occupied as a person's sole or main place of residence;
- (iii) The static caravans shall not be occupied by the same person for a continuous period in excess of 3 months and no person shall return to occupy a caravan within 6 weeks of departure;
- (iv) The caravan site licence holder or his/her nominated person shall maintain an up-to-date register of the names of all owners/occupiers of individual static caravans on the site, their arrival and departure dates and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The occupation of static caravans for permanent residential occupation would constitute an inappropriate land use in the countryside.

(2) Additional condition:

12. There shall be no motorhomes on site at any time unless it is in association with the occupancy of one of the static caravans.

Reason: The accommodation of such vehicles would lead to an over intensification of the use of the site which would potentially have an adverse impact upon the wider character of the countryside.

(3) Additional Informative:

6. The applicant is reminded that the site does not benefit from permitted development rights and therefore the construction of outbuildings or the placing of any other domestic paraphernalia on the site would require the benefit of planning permission.

[Speaker: Mr R Crandon – agent]

[In accordance with Council and Committee Procedure Rule 8.6 of the Constitution, Councillor Roud asked that his vote against the recommendation to grant planning permission be recorded.]

AP3 17/21 TM/16/03048/FL - 89 CORK STREET, ECCLES

Retrospective application for retention of balcony area at 89 Cork Street, Eccles.

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.

PART 2 - PRIVATE

AP3 17/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

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

Councillors Mrs S M Barker and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/33 DECLARATIONS OF INTEREST

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

LA 17/34 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 17/35 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 07/2017

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

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had failed to declare a Caution for Common Assault dated 16 December 2011 and a Caution for Battery dated 29 December 2011.

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

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (4) that Section 12.3 of the Policy stated that an application would normally be refused when it had been made within 8 years of receipt of a Caution for Common Assault.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Cautions and to the comments made by the proposed Mentor regarding the Applicant's employment. In the circumstances, however, the Panel was unconvinced that the explanations given were sufficient to overturn the position as set out in the Council's Policy. Having considered all of the circumstances the Panel was not satisfied that the Applicant was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 10.41 am
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

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

Councillors Mrs S M Barker and D Keers were also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/36 DECLARATIONS OF INTEREST

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

LA 17/37 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 17/38 APPLICATION FOR A HACKNEY CARRIAGE DRIVER LICENCE - CASE NO 08/2017

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

The Panel was asked to consider whether an application for a Hackney Carriage Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was reminded that the Applicant had previously applied for a licence and had appeared before a Licensing and Appeals Panel on 24 September 2014, where his application had been refused.

The Panel had regard to the report of the Director of Central Services and to the Disclosure and Barring Service Certificate dated 11 April 2017

which disclosed that the Applicant had been convicted on 9 November 2012 for the offence of Wounding/Inflicting Grievous Bodily Harm on 4 May 2011 and had been sentenced to imprisonment for three years and given a restraining order – Protection from Harassment which would stay in force until 9 November 2022. The Panel also had regard to the following:-

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its own merits;
- (3) that a Disclosure and Barring Service check on a driver was seen as an essential safety measure in assessing whether or not an applicant is suitable to hold a licence;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.3 of the Policy stated that an application would normally be refused when it had been made within 8 years of the date of conviction for an offence of Grievous Bodily Harm.

The Panel listened carefully to the Applicant's explanation. Whilst the Applicant had sought to convince the Panel that he was a 'changed man' and requested a 'second chance', the Panel found that there was no compelling evidence or explanation provided which gave the Panel a reason to set aside the usual policy considerations in this case.

For these reasons the Panel, therefore

RESOLVED: That the application for a Hackney Carriage Driver's Licence be REFUSED.

The meeting ended at 11.20 am
having commenced at 11.05 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 28th July, 2017

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

Councillor D Keers was also present pursuant to Council Procedure Rule No 15.21.

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 17/39 DECLARATIONS OF INTEREST

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

LA 17/40 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 17/41 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 09/2017

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

The Panel was to consider whether any action should be taken in respect of the holder of a Dual Driver's Licence for Hackney Carriage and Private Hire (Badge number 1699) following the receipt of information from Kent County Council Transport Integration (School Contracts Team) that the Driver had failed to comply with the terms of the contract and had used an unlicensed vehicle.

The Panel had regard to the report of the Director of Central Services, listened carefully to the Driver's explanation of the circumstances of the events which occurred on 28 April 2017 and accepted his explanation

that he had undertaken the journey in a private capacity. In addition the Panel had regard to the advice provided to the Licensing Officer by KCC's Transport Intergration Manager by telephone regarding the invoicing procedure for School Run contracts. The Panel took the opportunity to remind the Driver that journeys for hire or reward must be carried out in a licensed vehicle. The Panel, therefore

RESOLVED: That no action be taken against the holder of Dual Driver's Licence (Badge number 1699) as he had acted in a private capacity and not as a licensed Hackney Carriage or Private Hire Driver.

The meeting ended at 1.05 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 4th August, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr D Keers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/42 DECLARATIONS OF INTEREST

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

LA 17/43 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 17/44 REVIEW OF A DUAL DRIVER'S LICENCE FOR HACKNEY CARRIAGE AND PRIVATE HIRE - CASE NO 10/2017

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

The Panel was asked to consider what action should be taken in respect of the Holder of a Dual Driver's Licence for Hackney Carriage and Private Hire (Badge No 118) following the receipt of information and CCTV footage from a licensed driver in Medway that the Dual Licence Driver had accepted a fare without a booking outside the Borough of Tonbridge and Malling on 25 February 2017.

The Panel had regard to the report of the Director of Central Services, the complaint received and the CCTV footage shown at the Hearing. In addition, the Panel had regard to the following elements of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy:-

- a. **Penalty for plying for hire without a licence** If the proprietor or part proprietor of any carriage, or any person so concerned as aforesaid, permits the same to be used as a hackney carriage plying for hire within the prescribed distance without having obtained a licence as aforesaid for such carriage, or during the time that such licence is suspended as hereinafter provided, or if any person be found driving, standing, or plying for hire with any carriage within the prescribed distance for which such licence as aforesaid has not previously obtained, or without having the number of such carriage corresponding with the number of the licence openly displayed on such carriage, every such person so offending shall for such offence be liable to a penalty not exceeding [level 4 on the standard scale].
- b. **'Hackney Carriage'** means a vehicle licensed under the Town Police Clauses Act 1847 to ply for hire throughout the district controlled by the Council.
- c. Hackney Carriage drivers may only ply for hire in a district where they are licensed. However they may undertake pre-booked work in any district.

The Panel listened carefully to evidence presented by the Driver and gave significant weight to the manner in which he had been treated by the other licensed drivers in this case. However, the Panel emphasised the seriousness of licensed drivers undertaking work that they were not entitled or licensed to do. The Panel also took into account a number of inconsistencies in the statement made by the Driver. For these reasons the Panel, therefore

RESOLVED: That the Dual Driver's licence for Hackney Carriage and Private Hire (15/01342/DUALDL) be suspended for a period of four weeks.

The meeting ended at 10.40 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 4th August, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker and Cllr D Keers

Together with representatives of the Licensing Authority.

PART 1 - PUBLIC

LA 17/45 DECLARATIONS OF INTEREST

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

LA 17/46 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

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

LA 17/47 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 11/2017

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

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS) that the Applicant had three convictions under the Social Security Administration Act 1992 S.111A and one conviction under the Fraud Act 2006 S.1(2)(B)+S.3 all dated 30 September 2014.

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

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that Public Safety was paramount when processing a prospective candidate

to ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances;
- (4) that, with regard to Dishonesty, Drivers of Hackney Carriage and Private Hire vehicles were expected to be persons of trust. Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. Passengers may comprise especially vulnerable people.
- (5) that Section 12.2.4 of the Policy stated that an application would normally be refused when it had been made within 4 years of receipt of a Conviction for Dishonesty.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Convictions. The Panel stated that Private Hire drivers were entrusted to deal fairly and honestly with a broad section of the general public and that, in light of the previous convictions, it had no confidence that the Applicant would be able to do so.

The Panel was not convinced that the explanations given were sufficient to overturn the position set out in the Council's Policy and, having considered all the circumstances, the Panel was not satisfied that the Applicant was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 11.40 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 16th August, 2017

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

Councillor O C Baldock was also present pursuant to Council Procedure Rule No 15.21.

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

PART 1 - PUBLIC

AP2 17/36 DECLARATIONS OF INTEREST

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

AP2 17/37 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 5 July 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 17/38 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 17/39 TM/16/03630/OA - NEPICAR SAND QUARRY, MAIDSTONE ROAD, PLATT

Outline Application including details of access: New access road from the East side of Platt Industrial Estate, through Nepicar sandpit to join the A25 Maidstone Road at Nepicar Sand Quarry, Maidstone Road, Platt.

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

[Speakers: Mr R Hook and Mrs P Dakin, members of the public and Mr T Bonser, Platt Parish Council – applicant]

[Councillor Taylor abstained from voting to reduce the risk of potential challenge on any perceived pre-determination and/or bias on the grounds of his involvement and support of the application. However, it was noted that no undue influence was present during the discussion.]

AP2 17/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 24th August, 2017

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

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

Apologies for absence were received from Councillors S M Hammond, D Lettington, Mrs A S Oakley and R V Roud

PART 1 - PUBLIC

AP3 17/23 DECLARATIONS OF INTEREST

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

AP3 17/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 13 July 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 17/25 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 17/26 TM/17/01135/FL - 459 MAIDSTONE ROAD, CHATHAM

Retention of six apartments and three houses with associated landscaping and formation of new access road to dwellings. Revised scheme to that approved under TM/15/00494/FL Demolition of existing workshop and erection of 6 apartments and 3 houses with associated landscaping and formation of new access road to dwellings at Former Bridgewood Service Station and Workshop, 459 Maidstone Road, Chatham.

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.

[Speaker: Mr D De Vere – Applicant]

AP3 17/27 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00375/USEH - WHITE LODGE, 70 CHATHAM ROAD, AYLESFORD

The report of the Director of Planning, Housing and Environmental Health set out details of the unauthorised change of use of land and buildings to storage and business use.

RESOLVED: That an Enforcement Notice be issued to seek the cessation of the use and the removal of all external material stored on the land, the detailed wording of which to be agreed with the Director of Central Services.

AP3 17/28 ALLEGED UNAUTHORISED WORKS - 17/00181/WORKH – 10 BRADBOURNE LANE, DITTON

The joint report of the Director of Planning, Housing and Environmental Health and the Director of Central Services provided an update on enforcement action taken using emergency powers in connection with unauthorised development at the Ditton Tandoori Restaurant, Bradbourne Lane, Ditton.

RESOLVED: That the report be received and noted.

PART 2 - PRIVATE**AP3 17/29 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 4th September, 2017

Present: Cllr V M C Branson (Chairman), Cllr M C Base (Vice-Chairman), Cllr T Bishop, Cllr B T M Elks, Cllr Mrs F A Kemp and Cllr B W Walker

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

Councillors Mrs J A Anderson, O C Baldock, M A Coffin, N J Heslop, D Lettington, M R Rhodes, H S Rogers and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors T Edmondston-Low, S R J Jessel and S C Perry

PART 1 - PUBLIC

AU 17/40 DECLARATIONS OF INTEREST

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

AU 17/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 3 July 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 17/42 STRATEGIC RISK REGISTER

The report of the Management Team presented the 'final' version of the Strategic Risk Register which had been reviewed and updated to align with the new Corporate Strategy. Members were reminded that, as the register was considered to be a live document, it would be updated as and when required with periodic reporting to the Audit Committee together with the more formal annual review.

RECOMMENDED: That the Strategic Risk Register be commended to the Council.

AU 17/43 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to July

of the current financial year. A mid-year review of the Treasury Management and Annual Investment Strategy for 2017/18 was also presented.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for April to July 2017 be endorsed;
- (2) the progress made in respect of property fund investments be noted; and
- (3) the existing parameters intended to limit the Council's exposure to investment risks be retained.

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

AU 17/44 EXTERNAL AUDITORS REPORT ON OUTCOME OF AUDIT OF STATEMENT OF ACCOUNTS 2016/17

The report of the Director of Finance and Transformation presented the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2016/17. The Engagement Lead for the Council's external auditor (Grant Thornton UK LLP) advised that she intended to issue an unqualified audit opinion on the financial statements and value for money conclusion and commended the Council for a good set of accounts.

RESOLVED: That

- (1) the Audit Findings Report on the outcome of the audit of the Statement of Accounts for 2016/17, as set out at Annex 1 to the report, be approved;
- (2) the Chairman of the Audit Committee and the Director of Finance and Transformation be granted delegated authority to countersign the Letter of Representation, as set out at Annex 2 to the report, when Grant Thornton are ready to issue their opinion; and
- (3) the Chairman be requested to sign the Accounts in the appropriate place.

AU 17/45 CONSULTATION ON AUDITOR APPOINTMENT FROM 2018/19

The report of the Director of Finance and Transformation set out details of the consultation by Public Sector Audit Appointments Limited on the appointment of Grant Thornton (UK) LLP to audit the accounts for five years from 2018/19.

RESOLVED: That the appointment of Grant Thornton (UK) LLP to audit the accounts for five years from 2018/19 be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 17/46 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work undertaken by the Internal Audit and the Counter Fraud functions for the period April to August 2017.

RESOLVED: That the report be received and noted.

AU 17/47 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 SUBMITTED FOR INFORMATION

AU 17/48 INSURANCE CLAIMS HISTORY: APRIL - JULY 2017

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

The report of the Director of Finance and Transformation provided details of the nature and volume of liability and property damage insurance claims submitted during the period April 2017 to July 2017.

RESOLVED: That the report be received and noted.

The meeting ended at 8.27 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 27th September, 2017

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

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

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

PART 1 - PUBLIC

AP2 17/41 DECLARATIONS OF INTEREST

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

AP2 17/42 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 16 August 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 17/43 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 this 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 17/44 TM/17/01289/FL - DEWPOND, PLATT COMMON, PLATT

Construction of a detached 2 storey 4 bedroomed dwelling with ancillary parking and access at Dewpond, Platt Common, Platt.

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

(1) Amended Conditions:

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that order), no development shall be carried out within Class A, B or E of Part 1 Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

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

5. The dwelling shall not be occupied until there has been submitted to and approved by the Local Planning Authority a scheme of soft and hard landscaping and boundary treatment that includes additional tree plantings along the northwest (rear) and northeast (side) boundaries of the site and full details of materials to be used in areas of hard surfacing of the access driveway. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species. The boundary treatments shall be provided prior to occupation of the new dwelling.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality and in the interests of appropriate surface water drainage.

[Speakers: Wendy Palmer, Platt Parish Council, Mr R Hook, member of the public and Ms J Tasker, agent]

AP2 17/45 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.

AP2 17/46 UPDATE ON ENFORCEMENT ACTIONS

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

The report of the Director of Planning, Housing and Environmental Health informed of recent enforcement action taken in connection with development at land to the west of Wrotham Heath Place, London Road, Wrotham Heath, known as 'The Spinney'.

Members were pleased to note that a Temporary Stop Notice had been issued on 4 August, an emergency (interim) injunction to prevent any further operational development served on 25 August and permitted development rights related to means of enclosure, temporary buildings and use of land had been removed. It was reported that the latter course of action was subject to a consultation process and the Planning Committee would be updated in due course.

The Committee expressed appreciation of the action being taken to address the situation.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Thursday, 28th September, 2017

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

Councillor A K Sullivan was also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, M A Coffin, D Keers and M Taylor

PART 1 - PUBLIC

LA 17/48 DECLARATIONS OF INTEREST

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

LA 17/49 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 9 May 2017 be approved as a correct record and signed by the Chairman.

LA 17/50 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 28 July and 4 August 2017 be received and noted.

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

LA 17/51 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The Director of Central Services and Monitoring Officer presented a review of the Hackney Carriage and Private Hire Policy 2018-2023. The report highlighted the main changes from the current policy adopted on 1 May 2013 and outlined the timescale for the consultation to be undertaken between 1 October and 31 December 2017. Particular reference was made to the proposed changes set out at paragraph 1.3 of the Draft Policy, attached as Annex 1 to the report and, following consideration by the Committee, the inclusion of guidance on tinted rear

passenger windows, 'cross-boundary' plating of vehicles, voluntary sector transport and the production of original documents. The report outlined the arrangements for public consultation on the policy including further taxi drivers' liaison meetings which Members were welcome to attend.

RESOLVED: That the draft Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be approved for public consultation.

MATTERS FOR CONSIDERATION IN PRIVATE

LA 17/52 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.35 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/53 DECLARATIONS OF INTEREST

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

LA 17/54 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 17/55 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 13/2017

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

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had disclosed a Caution for Possessing a Controlled Drug – Class B – Cannabis/Cannabis Resin dated 5 September 2013.

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

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;
- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.4 of the Policy stated that an application would normally be refused when it has been made within 5 years of the date of conviction for a drug-related offence.

The Panel listened carefully to the Applicant's full and candid explanation of the circumstances of the offence and took into account her qualifications and experience as a care worker and the endorsement provided by her Mentor. The Panel concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For these reasons the Panel, therefore

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

The meeting ended at 10.31 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/56 DECLARATIONS OF INTEREST

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

LA 17/57 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 17/58 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 14/2017

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

The Panel was asked to consider whether an application for a Probationary Private Hire Driver's Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in completing the questionnaire which accompanied the application, had failed to declare a Conviction for Common Assault dated 28 November 2011.

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

- (1) that Section 1.5.4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that public safety

was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence;

- (2) that Section 5.6.6 of the Policy stated that a licence was conditional on there being no adverse information revealed on the DBS disclosure which would render the applicant as not 'Fit and Proper';
- (3) that Section 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (4) that, with regard to previous convictions, the overriding consideration was the safety of the public who entrusted themselves to the care of a driver both for their own safety and for fair dealing; and
- (5) that Section 12.3.1 of the Policy stated that, in general, a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably. In addition, an application would normally be refused when it has been made within 4 years of the date of conviction for an offence of common assault.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Conviction. However, the Panel was not convinced that the explanations given were sufficient to overturn the position set out in the Council's Policy which required an 8 year period to have passed following a Conviction for Common Assault and, having considered all the circumstances, was not satisfied that the Applicant was a 'Fit and Proper' person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 11.41 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 4th October, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr Mrs P A Bates and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/59 DECLARATIONS OF INTEREST

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

LA 17/60 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 17/61 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 15/2017

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

The Director of Central Services and Monitoring Officer advised the Panel that, following the publication of the agenda, the applicant had advised that she was unable to attend the Hearing. The Panel therefore

RESOLVED: That consideration of Case No 15/2017 in respect of an application for a Probationary Private Hire Driver's Licence be DEFERRED to the next meeting of the Licensing and Appeals Panel scheduled to be held on Thursday 26 October 2017.

The meeting ended at 12.02 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 11th October, 2017

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

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, M C Base, Mrs P A Bates, R P Betts, P F Bolt, V M C Branson, D J Cure, R W Dalton, D A S Davis, Mrs T Dean, T Edmondston-Low, B T M Elks, R D Lancaster, Mrs S L Luck, P J Montague, L J O'Toole, M Parry-Waller, S C Perry, M R Rhodes, C P Smith, Ms S V Spence, A K Sullivan, M Taylor, Miss G E Thomas, F G Tombolis, B W Walker and T C Walker were also present pursuant to Access to Information Rule No 22.

An apology for absence was received from Councillor Miss S O Shrubsole

PART 1 - PUBLIC

CB 17/52 DECLARATIONS OF INTEREST

Councillor R Betts declared an Other Significant Interest in the item on Leisure Trust – Review of Service Fee/Business Plan on the grounds that he was a member of the Tonbridge and Malling Leisure Trust board. He withdrew from the meeting during its consideration.

CB 17/53 MINUTES


RESOLVED: That the Minutes of the meeting of the Cabinet held on 28 June 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 17/54 STRATEGIC RISK REGISTER

The report of the Management Team presented the updated Strategic Risk Register which had been considered and endorsed by the Audit Committee on 4 September 2017. It was noted that the revised Register had been aligned with the new Corporate Strategy.

The Leader commended the actions of officers during the weekend of the Holborough flats fire and requested that thanks be conveyed to all involved.

RECOMMENDED: That the updated Strategic Risk Register set out at Annex 1 to the report be adopted by the Council. 

***Referred to Council**

CB 17/55 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to July 2017. It also included an update on progress in securing property fund investment and a mid-year review of the Annual Investment Strategy and risk parameters. Members were invited to endorse the action taken by officers in respect of treasury management activity to date, note the progress in respect of property fund investment and retain the current risk parameters.

The report had also been considered by the Audit Committee at its meeting on 4 September 2017 and the action commended for endorsement.

RECOMMENDED: That the following be commended to the Council: 

- (1) the action taken by officers in respect of treasury management activity for the period April to July 2017 be endorsed;
- (2) the progress made in respect of property fund investments be noted; and
- (3) the existing parameters intended to limit the Council's exposure to investment risks be retained.

***Referred to Council**

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

CB 17/56 TO CONSIDER OBJECTIONS TO STATUTORY NOTICE IN RESPECT OF DISPOSAL OF OPEN SPACE LAND AT RIVER LAWN ROAD, TONBRIDGE

Decision Notice D170066CAB

CB 17/57 WASTE SERVICES CONTRACT RETENDER

(Item SSE 17/11 referred from Street Scene and Environment Services Advisory Board of 9 October 2017)

Decision Notice D170067CAB

CB 17/58 THE 2018-19 LOCAL GOVERNMENT FINANCE SETTLEMENT - TECHNICAL CONSULTATION PAPER

Decision Notice D170068CAB

CB 17/59 100% BUSINESS RATES RETENTION PILOTS

Decision Notice D170069CAB

CB 17/60 PARISH CHARTER

(Item PPP 17/12 referred from Parish Partnership Panel minutes of 7 September 2017)

Decision Notice D170070CAB

MATTERS SUBMITTED FOR INFORMATION**CB 17/61 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.

Economic Regeneration Advisory Board of 6 July 2017
Communities and Housing Advisory Board of 24 July 2017
Planning and Transportation Advisory Board of 25 July 2017
Economic Regeneration Advisory Board of 6 September 2017
Finance, Innovation and Property Advisory Board of 20 September 2017
Street Scene and Environment Services Advisory Board of 9 October 2017

RESOLVED: That the report be received and noted.

CB 17/62 MATTERS REFERRED FROM ADVISORY PANELS AND OTHER GROUPS

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

Parish Partnership Panel of 7 September 2017
Joint Transportation Board of 25 September 2017

RESOLVED: That the report be received and noted.

CB 17/63 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.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**CB 17/64 LEISURE TRUST - REVIEW OF SERVICE FEE/BUSINESS PLAN**

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

(Item CH 17/26 referred from Communities and Housing Advisory Board minutes of 24 July 2017)

The Cabinet received the recommendations of the Communities and Housing Advisory Board at its meeting on 24 July 2017 concerning a new five year Leisure Trust Business Plan and Service Fee from 1 April 2018.

RECOMMENDED: That

- (1) the Tonbridge and Malling Leisure Trust's proposed Business Plan for 2017/2022 be approved;
- (2) the Tonbridge and Malling Leisure Trust's proposed Management Fee of zero from 1 April 2018 be agreed; and
- (3) the proposed variations to the existing Management Agreement, set out within the report, be approved and implemented from 1 April 2018.

***Referred to Council**

The meeting ended at 9.21 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Economic Regeneration

**Decision No:
D170047MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

North Kent Enterprise Zone

(Report of Chief Executive)

The report provided an update on the progress being made on the North Kent Enterprise Zone initiative, which included a site at Rochester Airfield. Members were also asked to approve the next steps in the delivery of the project.

It was reported that the Accountable Body for the North Kent Enterprise Zone was Maidstone Borough Council and a formal request for contributions towards the cost of this role had recently been received from that authority. It was proposed that a 15% contribution towards legal, financial and administrative costs be made. This equated to £600 per annum and could be met through existing economic development budgets.

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

- (1) the updated information set out in the report be noted;
- (2) the support given to the North Kent Enterprise Zone to date be endorsed; and
- (3) the proposal to contribute £600 per annum towards the Accountable Body function be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 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 Economic
Regeneration**

**Decision No:
D170048MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

Service Level Agreements with Visit Kent and Tourism South East

(Report of Chief Executive)

The report provided information on the Service Level Agreements that the Borough Council currently had with two tourism bodies – Visit Kent and Tourism South East – and set out proposals for 2017/18.

It was proposed that the Borough Council did not enter into a new annual agreement with Tourism South East as there was more scope for Tonbridge and Malling to have a higher profile with Visit Kent at a county rather than regional level.

In addition, it was proposed that the Service Level Agreement (SLA) with Visit Kent was retained but at a reduced level of up to a maximum of £3,500 for 2017/18. However, the SLA would look to retain the activities set out in paragraph 1.4.3 of the report as a minimum.

These proposals offered potential additional savings on existing budgets and represented better value for money.

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

- (1) the proposal to not renew the Service Level Agreement with Tourism South East in 2017/18 be agreed;
- (2) the proposal to reduce the Service Level Agreement with Visit Kent in 2017/18 to a maximum of £3,500 be agreed; and
- (3) the inclusion of activities set out in paragraph 1.4.3 of the report be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and
Leader
N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 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 Economic Regeneration

**Decision No:
D170049MEM**

Date: 06 July 2017

Decision(s) and Reason(s)

'Building Our Industrial Strategy' Green Paper Consultation

(Report of Chief Executive)

The report set out the Borough Councils response to the 'Building our Industrial Strategy' Green Paper consultation, which was submitted in advance of the deadline of 17 April 2017.

A summary of the main points made were set out in paragraph 1.2.2 of the report, with the full consultation response attached as Annex 1.

Members welcomed the Green Paper and supported the aims and objectives of the strategy in stimulating economic growth and prosperity. However, concern was expressed regarding the requirement for a national infrastructure policy that properly addressed the challenges arising from growth, the delivery of a credible skills and training agenda and the need for clarity regarding the role of the local partnerships and South East Local Enterprise Partnership in implementing the strategy.

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

The consultation response to the 'Building our Industrial Strategy' green paper, set out in full in Annex 1 of the report, be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 July 2017.

Signed Cabinet Member for Economic Regeneration; and Leader N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 July 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 Member for Housing

Decision No:

D170050MEM

Date: 24 July 2017

Decision(s) and Reason(s)

Update on West Kent Hospital Discharge Pilot and Disabled Facilities Grant

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

The report provided an update on the various initiatives being piloted using Disabled Facilities Grant funding and sought approval to extend the West Kent Hospital Discharge and Handyperson Scheme until March 2019.

It was also reported that the current arrangement of seconding Occupational Therapists from Kent County Council worked extremely well, as it enabled a more streamlined and responsive service to be offered.

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

The continuation of the West Kent Hospital and Handypersons Scheme and secondment of Occupational Therapists be approved until March 2019.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Housing

S Shrubsole

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

28 July 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 Community Services

**Decision No:
D170051MEM**

Date: 24 July 2017

Decision(s) and Reason(s)

Leisure Facilities - Leisure Trust Update

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

The report reviewed the recent performance of the Tonbridge and Malling Leisure Trust and provided an update on two key issues; the re-tender of fitness equipment and the proposed extension of the gym at Larkfield Leisure Centre.

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

- (1) the Trust's performance over the fourth quarter of the Annual Service Delivery Plan (attached as Annex 1 to the report) be noted;
- (2) the procurement process for the fitness equipment be progressed as outlined in paragraph 1.4 of the report; and
- (3) the proposed works to the gym extension at Larkfield Leisure Centre be supported and progressed as outlined in paragraph 1.5 of the report.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services

M Heslop

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

28 July 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.

Date: 24 July 2017

Decision(s) and Reason(s)

Capital Plan Projects

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

The report updated progress on a number of key projects contained in the Borough Council's Capital Plan. In addition, three Post Implementation Reviews were brought forward for consideration and approval.

Particular reference was made to measures to increase parking provision at Leybourne Lakes Country Park. It was noted that this project was currently on List A. In addition, temporary measures were in place to increase car parking at Haysden Country Park. These measures would be monitored over the coming months and the findings reflected in the Capital Plan Evaluation to be considered by Members at a future meeting of the Finance, Innovation and Property Advisory Board.

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

- (1) the updates on the current Capital Plan, as set out in Annex 1 of the report, be noted;
- (2) the Post Implementation Review for Larkfield Recreation Ground Play Improvements, as set out in Annex 2 of the report, be approved;
- (3) the Post Implementation Review for Tonbridge Racecourse Sportsground Bridge Renewal/Repair, as set out in Annex 3 of the report, be approved; and
- (4) the Post Implementation Review for DDA Audit Recommendations – Phase 3, as set out in Annex 4 of the report, be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services

M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 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 Community Services

**Decision No:
D170053MEM**

Date: 24 July 2017

Decision(s) and Reason(s)

Community Safety Partnership Plan 2017-18

(Report of Director of Central Services)

The Community Safety Partnership Plan 2017/18 was presented for consideration. The Plan provided details of the initiatives carried out during the previous year and set out priorities for the forthcoming year.

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

The Community Safety Partnership Plan 2017/18, set out in Annex 1 of the report, be supported and endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 24 July 2017.

Signed Cabinet Member for
Community Services

M Heslop

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

28 July 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 Member for Street Scene
and Environment Services**

**Decision No:
D170054MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Local Plan Update - Regulation 18 Consultation Response

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

Further to Decision No D170029MEM, the report provided an update following the consultation exercise carried out between 30 September and 25 November 2016 on the emerging Local Plan. A summary was given of the main issues raised in the responses to the consultation together with suggestions on how they might be taken into account.

The report also updated progress in respect of the Local Plan evidence base and set out the next stages of the process. A revised timetable, necessitated by the calling of the General Election in June, was presented and proposed arrangements for Member workshops during the early autumn discussed. It was noted that adjustment of the dates of the September and November meetings of the Advisory Board might be required. An undertaking was given to advise Members when the position statement on the website was updated as further evidence became available.

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

The content of the report be noted and the revised Local Plan timetable set out at Annex 3 to the report be approved.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 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:
D170055MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Duty to Co-operate

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

The report gave an update on progress in exercising the Duty to Co-operate with neighbouring local authorities and other relevant bodies on strategic cross boundary matters in the context of Local Plan preparation. Endorsement was sought of officer level comments submitted by the 12 June deadline in respect of the recent Regulation 18 public consultations for the emerging Tunbridge Wells Local Plan.

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

The update on the Duty to Co-operate be noted and the officer level comments in respect of the Issues and Options consultations for the emerging Tunbridge Wells Local Plan, as set out at Annex 1 to the report, be endorsed.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 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:
D170056MEM**

Date: 25 July 2017

Decision(s) and Reason(s)

Transportation Issues

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

The report provided an update on a number of transportation issues relevant to the Borough, focusing on the South Eastern Rail Franchise consultation, proposals for a Lower Thames Crossing, planned improvements to Tonbridge Station forecourt and highway improvements to the A20/Hermitage Lane. Endorsement was sought of the officer level response submitted in respect of the Rail Franchise consultation by the 30 June deadline.

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

The content of the report be noted and the officer level comments in response to the South Eastern Rail Franchise consultation, as set out at Annex 1 to the report, be endorsed.

[In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules, the Leader nominated the Cabinet Member for Street Scene and Environment Services to take this decision in the absence of the Cabinet portfolio holder (Strategic Planning and Infrastructure).]

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 25 July 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 July 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 Member for Economic
Regeneration**

**Decision No:
D170057MEM**

Date: 06 September 2017

Decision(s) and Reason(s)

Village Stores Initiative

(Report of Chief Executive)

The report set out details of progress made on the Village Stores Initiative over the course of the 12 month pilot project undertaken with Action with Communities in Rural Kent (ACRK). Details of the stores assisted by the business advisor were set out in Part 2 of the agenda at Annex 1 to the report (Minute 17/22 refers). Following the high level of interest in and the success of the initial pilot the report outlined details of the funding arrangements which would allow the initiative to extend into an additional phase to be delivered over a 12 month period from September 2017.

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

An additional phase of the Village Stores Initiative be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 September 2017.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 September 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 Economic Regeneration

**Decision No:
D170058MEM**

Date: 06 September 2017

Decision(s) and Reason(s)

South East Local Enterprise Partnership (SELEP) Strategic Economic Plan - Consultation

(Report of Chief Executive)

The report advised that the South East Local Enterprise Partnership (SELEP) was undertaking a review of the current Strategic Economic Plan (SEP) to ensure that the Plan delivered an investment strategy which addressed the complexities of the current economic environment. The process for producing a new SEP had been commenced in July 2017 and it was anticipated that the final document would be completed by January 2018. The report set out details of the formal consultation process to be undertaken during October 2017 and outlined a number of key points which could be included in the response.

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

The key points to be included in the response to the consultation on the refresh of the Strategic Economic Plan, as set out at section 1.3.1 of the report, be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 6 September 2017.

Signed Cabinet Member for Economic Regeneration and Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 September 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 Member for Finance,
Innovation and Property**

**Decision No:
D170059MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Council Tax Discount - Empty Properties

(Report of Director of Finance and Transformation)

The report gave details of a proposal to change the council tax empty property discount from 1 April 2018. It was noted that most other authorities in Kent had, or were committed to reducing the discount to one month or less. It was requested that the implications of offering no discount period be investigated in consultation with other relevant authorities with a view to considering that option in future.

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

The current period of two months 100% discount for vacant and unfurnished properties be reduced to one month with effect from 1 April 2018 and the experience of other authorities offering no discount period be investigated for report back and consideration of that option in due course.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 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:
D170060MEM**

Date: 20 September 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. It also gave details of the variations agreed in relation to the revenue budget and areas identified through budget monitoring, summarised to provide an overall budget position for 2017/18 which showed a net favourable variance of £433,050.

However, reference was made to the projected funding gap and progress made towards meeting this year's savings target of £650,000. All Councillors were urged to attend the forthcoming finance briefing for Members when the significant financial challenge ahead would be discussed. An update was also given on capital expenditure and variations agreed in relation to the capital plan.

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

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 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:
D170061MEM**

Date: 20 September 2017

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of new applications for discretionary rural rate relief which were considered in accordance with the previously agreed criteria for determining such applications. Reference was made to the Government's expectation that the current award of 50% mandatory relief would be "topped up" to 100% pending the update of primary legislation.

Consideration was also given to a revised Discretionary Relief Policy which aimed to improve understanding for applicants and transparency for decisions taken whilst aligning with Gravesham Borough Council's policies for the future shared service.

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

- (1) the applications for discretionary rural rate relief be awarded as set out at Annex 2 to the report with effect from 1 April 2017 in respect of The Bell Inn, Golden Green and 18 April 2017 in respect of Bourne Produce, East Peckham, and time limited to 31 March 2018; and
- (2) the new Discretionary Relief Policy 2018/19 set out at Annex 4 to the report be adopted from 1 April 2018 subject to deletion of the words "up to" from the headings on the first page.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 20 September 2017.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 22 September 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:
D170062MEM**

Date: 20 September 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 18 items shown in the schedule of amounts over £1,000, totalling £111,216.37
be written-off for the reasons stated within the schedule.

Reasons: As set out in the report submitted to the Finance, Innovation and Property
Advisory Board of 20 September 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: 22 September 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 Member for Street Scene
and Environment Services**

**Decision No:
D170063MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 9

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

The report set out details of the content of Phase 9 of the Parking Action Plan. The report highlighted a proposal to change the current procedure for changes to parking restrictions to follow the process adopted for Traffic Regulation Order consultations. Details of the consultation process for the Phase 9 Parking Action Plan were set out in Annex 1 to the report while Annex 2 contained details of the locations for future phases. Additionally, it was noted that parking reviews in respect of Kings Hill, Hildenborough and Hadlow would be progressed separately to the Phase 9 sites.

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

- (1) the list of locations identified in Annex 1 to the report be taken forward for investigation and informal consultation as Phase 9 of the Parking Action Plan;
- (2) the Parking Action Plan be extended to incorporate the locations included in Annex 2 to the report and funding be sought in the review of the Borough Council's Capital Plan;
- (3) the revised process for considering changes to parking restrictions as outlined in the report be adopted; and
- (4) the Parking Reviews for Kings Hill, Hildenborough and Hadlow be progressed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 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:
D170064MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 8B Tonbridge

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

The report set out details of a proposed change to the D2 permit parking area in the Barden Road area of Tonbridge recently introduced as part of Phase 8 of the Parking Action Plan. Annex 1 to the report set out an analysis of the responses received to the proposed alteration of the permit parking spaces in the D2 area to allow D1 permits while Annex 2 contained details of all those responses. Annex 3 set out details of other comments submitted during the consultation process.

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

- (1) the objections be noted and set aside and the proposed change to the D2 permit parking area be implemented; and
- (2) in line with the above recommendation the changes be made to the draft Amendment 14 to the Borough's on-street Traffic Regulation Order and the Order be sealed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 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:
D170065MEM**

Date: 25 September 2017

Decision(s) and Reason(s)

Parking Action Plan - Phase 8C Leybourne

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

The report related to the introduction of double yellow lines to the north side of Baywell in Leybourne, opposite the junction with Highberry, to complement restrictions on the south side of the junction recently introduced as part of Phase 8 of the Parking Action Plan. The report set out details of the responses received to the formal consultation undertaken between 4 and 29 August 2017.

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

- (1) the objections be noted and set aside and the proposed parking restrictions for Baywell be introduced; and
- (2) in line with the above recommendations the changes be made to the draft Amendment 15 to the Borough's on-street Traffic Regulation order and the Order be sealed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 25 September 2017.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 29 September 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: D170066CAB
Date: 11 October 2017

Decision(s) and Reason(s)

To Consider Objections to Statutory Notice in respect of Disposal of Open Space Land at River Lawn Road, Tonbridge

(Report of Director of Central Services and Monitoring Officer)

Further to Decision No D170016CAB, the report presented the responses received to the notices advertising the intended disposal of open space land at River Lawn Road, Tonbridge. The Cabinet was also invited to consider the petition submitted by “Keep River Lawn Green” in respect of the intended disposal following its presentation at the meeting of the full Council on 11 July 2017 when oral representations from the petition organisers had been heard (Minute C 17/53 refers).

The report summarised and commented upon the responses made to the statutory notices, details of which were set out at Annex 5 to the report. The Cabinet was advised that an application from the Barden Road Residents Association to register the open space land as an Asset of Community Value had been accepted on 21 August 2017. Whilst its inclusion in the register of Assets of Community Value would not preclude the Council from seeking to dispose of the land, the implications of the registration were explained.

Considerable discussion ensued and the Cabinet heard the views of Local Members and other Councillors. Reference was made to the significant financial challenges facing the Council and the need to take difficult decisions to support the continued delivery of services throughout the Borough. It was noted that the proposed sale of the land at River Lawn would contribute to the adopted Savings and Transformation Strategy which sought to consider opportunities to realise capital and/or increase income streams from the Council’s existing asset base.

After careful consideration the Cabinet resolved that:

The disposal of the open space land at River Lawn Road, Tonbridge be agreed subject to any process arising from the inclusion of the land on the register of Assets of Community Value.

[Councillor Mrs M Heslop wished it to be recorded that she had voted against the disposal of the land.]

Reasons: As set out in the report of the Director of Central Services and Monitoring Officer and in order to realise assets to support the continued delivery of services throughout the Borough in accordance with the adopted Savings and Transformation Strategy.

Signed Chief Executive: J Beilby

Date of publication: 13 October 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: D170067CAB
Date: 11 October 2017

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 17/11 referred from Street Scene and Environment Services Advisory Board minutes of 9 October 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 9 October 2017.

The Cabinet resolved that:

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

- (1) the way forward with regard to the Waste Services Contract specification and service levels outlined in the report be agreed;
- (2) a further report on the Inter Authority Agreement, cost analysis and financial arrangements be reported to the November meeting of the Advisory Board;
- (3) the evaluation criteria for the award of the contract be considered at the November 2017 meeting of the Advisory Board;
- (4) a detailed marketing and communications plan be reported to a future meeting of the Advisory Board; and
- (5) opportunities for joint client management across the West Kent Partners be explored.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 9 October 2017.

Signed Chief Executive: J Beilby

Date of publication: 13 October 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: D170068CAB
Date: 11 October 2017

Decision(s) and Reason(s)

The 2018-19 Local Government Finance Settlement - Technical Consultation Paper

(Report of Director of Finance and Transformation)

The report provided an overview of the Government's intended approach for the third year of the multi-year local government finance settlement together with a proposed response to the technical consultation paper published on 14 September 2017. Concern was expressed at the suggested changes to the New Homes Bonus allocation mechanism and the effect of redistribution of funding from district councils to upper tier authorities. It was therefore considered that districts should be removed from the council tax referendum principles or allowed to make increases equal to those of authorities responsible for social care.

The Cabinet resolved that:

The proposed response to the 2018-19 Local Government Finance Settlement Technical Consultation Paper, as set out at Annex 1 to the report, be approved.

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

Signed Chief Executive: J Beilby

Date of publication: 13 October 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: D170069CAB
Date: 11 October 2017

Decision(s) and Reason(s)

100% Business Rates Retention Pilots

(Report of Director of Finance and Transformation)

The report referred to the commitment made by the Government before the 2015 General Election to introduce a 100% Business Rates Retention Scheme. Details were given of an invitation by the Department for Communities and Local Government for authorities to submit bids by 27 October to participate in 100% business rates retention pilots in 2018/19. It was noted that any bid would need to be made in conjunction with other Kent authorities and delegated authority was sought to progress the matter as appropriate.

The Cabinet resolved that:

Delegated authority be granted to the Chief Executive and Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to determine:

- (1) whether the Council should join other Kent authorities in a bid for pilot status under the 100% Business Rates Retention Prospectus; and
- (2) if a bid is submitted from Kent as a whole, the detailed objectives and parameters of the bid.

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

Signed Chief Executive: J Beilby

Date of publication: 13 October 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: D170070CAB
Date: 11 October 2017

Decision(s) and Reason(s)

Parish Charter

(Item PPP 17/12 referred from Parish Partnership Panel minutes of 7 September 2017)

Consideration of recommendations to the Cabinet from the Parish Partnership Panel of 7 September 2017.

The Cabinet resolved that:

The recommendations of the Parish Partnership Panel be approved as follows:

The process of updating the Parish Charter, as outlined in the report, be agreed.

Reasons: As set out in the report submitted to the Parish Partnership Panel of 7 September 2017.

Signed Chief Executive: J Beilby

Date of publication: 13 October 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 26 October are *'to follow'*

