

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

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/62 DECLARATIONS OF INTEREST

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

LA 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.

PART 2 - PRIVATE

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

LA 17/64 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 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 DBS Certificate provided by the Applicant had disclosed a Conviction dated 8 December 2014 for Racially/Religiously aggravated harassment/alarm/distress by words/writing on 26 October 2014 – Crime and Disorder Act 1998 s.31(1)(c).

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that, with regard to Cautions and Endorsable Fixed Penalties, Section 12.12.1 required that formal cautions and endorsable fixed penalties be treated as though they were convictions and must be disclosed; and
- (4) that, with regard to previous convictions, Section 12.1.2 of the Policy stated that an application would normally be refused when it has been made within 4 years of the date of conviction for a racially aggravated s.5 Public Order Act 1986 offence (causing harassment, alarm or distress) under s.31(c) Crime and Disorder Act 1998.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction and took into account that it was a sole offence with no history of similar misconduct. The Panel noted that the Applicant had pleaded guilty to the offence and appeared contrite. Having taken into account the circumstances 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 9.50 am
having commenced at 9.30 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 26th October, 2017

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

Together with representatives of the Licensing Authority, Mr F Prescott (Applicant), Mrs L Lane (Owner of the premises), representatives of Environmental Health and Kent Police (Responsible Authorities) and Councillor M Base (Interested Party)

PART 1 - PUBLIC

LA 17/65 DECLARATIONS OF INTEREST

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

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

LA 17/66 APPLICATION FOR NEW PREMISES LICENCE FOR HENGIST VILLAGE RESTAURANT AND BAR, 7 - 9 HIGH STREET, AYLESFORD

The Panel gave consideration to an application for a Premises Licence made by Mr Francis Walter Prescott under Section 17 of the Licensing Act 2003 in respect of premises known as Hengist Village Restaurant and Bar, 7-9 High Street, Aylesford. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representations received during the statutory consultation period (as set out at Annexes 4, 5, 6 and 7 to the report).

The Panel listened carefully to the representations made by Mr F Prescott, Ms E Shaw on behalf of Kent Police, Mr C Kennard of the Environmental Protection Team and local resident Councillor M Base.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003 which stated that, having regard to the relevant representations, the Licensing Authority must take such of the steps set out in Section 18(4) (if any) as it considers appropriate for the promotion of the licensing objectives. In addition the Panel had particular regard to

the provisions of Chapter 9 of the amended guidance issued under Section 182 of the 2003 Act and to the Council's Statement of Licensing Policy.

The Panel was satisfied that the hours of operation for sale of alcohol and live and recorded music as agreed between the applicant and Kent Police was acceptable. However, the Panel was not satisfied that the Licensing objective of preventing public nuisance would be met were any late night refreshment to be permitted because the provision of this service after 2300 hours would extend the length of time customers would remain on the premises and consequently lead to an increase in noise later into the night. The Panel determined that late night refreshment should be excluded from the licence.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule, those conditions agreed by the applicant with the Responsible Authorities (Kent Police, Kent Trading Standards and Tonbridge and Malling Borough Council Environmental Protection) and the following additional conditions:-

- A condition requiring a log to be kept of all training undertaken by staff, to be made available for inspection by the licensing authority or other responsible authority at all reasonable times;
- An amendment to the agreed condition requiring staff to be trained, to require such training to be carried out only with an accredited body;
- A requirement that the complaints log would be made available for inspection to the licensing authority or other responsible authority at all reasonable times.

The Panel also considered that the following additional conditions were required to further the licensing objective of the prevention of public nuisance:-

- A condition ensuring an appropriate facility for communication between local residents directly to the Designated Premises Supervisor (DPS) would be set up and maintained for the premises in the event of any issues;
- A condition requiring notices to be placed in prominent locations advising patrons to leave the premises quietly;
- A condition requiring all doors and windows to be kept closed at all times save for ingress and egress.

The Panel also made the following observations:-

- The issues surrounding the extractor fan, whilst not a matter for licensing, should be addressed as a matter of urgency;
- Staff should be advised that if they are requested to call taxis for customers, the drivers should be asked that the pick-up takes place in the car park rather than on the High Street.

Having had regard to the above the Licensing and Appeals Committee, sitting as a Panel

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

| | |
|-----------|--|
| Section E | Live music: Monday to Sunday from 12:00 hours until 23:00 hours |
| Section F | Recorded music: Monday to Sunday from 12:00 hours until 23:00 hours |
| Section I | Late Night Refreshment: None |
| Section J | Supply of alcohol: Monday to Sunday from 12:00 hours until 00:00 hours |

Conditions:

1. CCTV to be installed inside covering the bar areas on all floors and the reception area, and outside the premises covering areas including the front, side and rear of the venue including the patio and garden areas.
2. CCTV must be operational at all times that the premises are open to members of the public.
3. CCTV recordings must be securely stored digitally and retained for a minimum of 14 days.
4. CCTV system must be regularly maintained and records of maintenance kept at the premises.
5. Signs to be displayed at all exits and in outside public areas requesting patrons to respect neighbours and leave/use the areas quietly.
6. Staff to oversee outside areas and engage with patrons to ensure noise levels are minimised to prevent nuisance to residents.

7. A log must be maintained on the premises of any incidents or complaints received and action taken and will be available for inspection.
8. All staff shall be trained in the law about the sale of alcohol. Such training will include challenging every individual who appears to be under 25 years of age and to refuse service where individuals cannot produce acceptable means of identification, acceptable forms of ID and using the refusal register. Such training (including refresher training) will be logged and provided not less than every twelve months. The training log will be made available for inspection by the Licensing Authority and responsible authorities at all reasonable times.
9. All staff training will be carried out by an accredited body.
10. The premises licence holder will ensure that there is a facility in place (such as a direct dial telephone number) that allows local residents to communicate directly with the designated premises supervisor in the event of any issues arising.
11. All doors and windows will be kept closed at all times except for ingress and egress.
12. The Challenge 25 proof of age scheme shall be operated at the premises. All customers who appear under the age of 25 will be challenged to prove that they are over 18 when attempting to purchase alcohol. Acceptable forms of ID include a photo driving licence, passport, or Home Office approved identity card bearing the holographic 'PASS' mark. If the person seeking alcohol is unable to produce an acceptable form of identification, no sale or supply of alcohol shall be made to or for that person.
13. A refusals log must be kept at the premises and made immediately available on request to the police or an authorised person. The refusals log is to be inspected on a monthly basis by the Designated Premises Supervisor and noted in the log and a record made in the log of any actions that appear to be needed to protect young people from harm. The log must record all refused sales of alcohol and include the following:
 - the identity of the member of staff who refused the sale
 - the date and time of refusal
 - the alcohol requested and the reason for refusal
 - description of the person refused alcohol

14. Posters of A4 size shall be displayed conspicuously on the premises in the customer facing areas.
 - 'Challenge 25' to advise potential purchasers that suitable proof of age will be required for all purchasers who appear to be under 25
 - 'Proxy purchasing' intended to warn adults not to buy alcohol for those under 18 years of age.

LA 17/67 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.08 pm
having commenced at 10.04 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 31st October, 2017

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 31st October, 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 M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr C P Smith, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors T I B Cannon, Mrs T Dean, S M Hammond, S M King, R D Lancaster, Miss S O Shrubsole and F G Tombolis

PART 1 - PUBLIC

C 17/63 DECLARATIONS OF INTEREST

Councillors R Betts and M Davis declared an Other Significant Interest in the item on Leisure Trust – Review of Service Fee/Business Plan on the grounds that they were members of the Board of the Tonbridge and Malling Leisure Trust. They withdrew from the meeting during its consideration.

C 17/64 MINUTES

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

C 17/65 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since May, he and the Deputy Mayor had attended 120 engagements including school fetes, plays and award presentations. He mentioned a range of events and highlighted the

Young Cricket Leaders Presentation at Lords Cricket Ground, the Disability Sports Day at the Angel Centre and the launch of Music at Malling. Members were advised of the successful Mayor's Garden Party where over £600 had been raised. Future events included a debate for 14 schools across the Borough at the Council Offices on 3 November and the Mayor's Quiz on 4 November. In relation to the latter, the Mayor said that 90 people had indicated that they would be attending and tickets for the raffle would be available after the meeting.

C 17/66 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

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

C 17/67 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

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

C 17/68 LEADER'S ANNOUNCEMENTS

Emergency planning

Further to his report to the last meeting on the Council's involvement in Kent-wide strategic briefings led by the Police following the bombing attacks in Manchester and London and the Grenfell Tower fire, the Leader advised that in recent months the authority had been directly involved in responding to two serious incidents within the Borough and one in London. The first related to a major gas leak in central Tonbridge on 24 August, requiring the evacuation of the local residents, in response to which an incident liaison officer was sent on site to establish any action by the Borough Council.

On Friday 15 September, after a failed terrorist attack at Parsons Green, the Council again found itself taking part in a Kent-wide strategic response. Events of that weekend took a dramatic turn on the Saturday when 24 flats within the Holborough Lakes development caught fire in the early hours of the morning, the Leader becoming aware of the unfolding events at 7.30 am. He advised that again officers were on the scene very rapidly and throughout the day staff from housing services and building control and an Incident Liaison Officer were on site, with staff from other services manning the emergency control centre at Kings Hill. The Council's involvement continued on the Sunday and to date.

The Leader expressed gratitude on behalf of Members to the Chief Executive and Management Team for their direct involvement but also to the staff who demonstrated the highest levels of professional judgement in ensuring the best possible service for the residents affected.

Business Rate Retention

The Leader reported that the Government had invited bids for the piloting of business growth rate retention in the financial year 2018/19, particularly encouraging two tier authorities to work together. In response, Kent Council leaders and Medway Council had joined forces to put forward a bid and the Leader provided the following update to Members.

The totality of the Kent and Medway financial bid at circa £25 million was significant due in part to the sheer size of the area. Were the bid to be successful, the funding would be divided into two streams – one going directly to individual councils to assist with financial sustainability and the second being pooled for economic growth on a ‘cluster’ basis.

The Leader reminded Members that the Borough Council no longer received revenue support grant and, as part of the move towards full business rate retention (part of a four year settlement), the Treasury was clawing back £1 million from the current business rate income. Furthermore, the closure of Aylesford Newsprint (formerly the Council’s largest business ratepayer) had taken the Borough Council below the baseline for business rate retention purposes with the consequence that it would lose out on this potential source of funding but, worse, had to pay its share of the safety net from its own resources under the risk/reward model.

As the bid was in two parts and if awarded in full, Tonbridge and Malling would secure £560k as a windfall sum to assist with financial stability which would be most welcome. In addition, the Kent and Medway bid had a second allocation of funding for each of the three cluster areas. So for the West Kent cluster (Tunbridge Wells, Sevenoaks and Tonbridge and Malling) there was a potential further £1.055 million to support future housing and commercial growth in the region.

Consultation on standardised methodology for assessing housing needs

The Leader referred to the Government’s consultation on a standardised methodology for assessing housing needs, a robust response having been prepared by Ian Bailey (Planning Policy Manager), in consultation with the Cabinet Members for Strategic Planning and Infrastructure and Finance, Innovation and Property and the Leader, and submitted by the consultation deadline of 9 November 2017. A copy would be sent to all Members the following morning and the subject reported to the next meeting of the Planning and Transportation Advisory Board with any further observations made by Members being sent to the department. The response would be shared with the Parish Councils in view of their local interest and reported to the Parish Partnership Panel at its next meeting.

The Leader stated that Tonbridge and Malling had a good track record of housing delivery despite being heavily constrained (77% Metropolitan Green Belt and AoNB designations), consistently delivering over and above the targets set by the former South East Plan to address the housing needs of the Borough and being able to demonstrate a five year housing land supply.

The authority also had a good track record for getting development plans in place, the Tonbridge and Malling Local Development Framework, adopted between 2007 and 2010, being one of the first in the country to comprise a complete set of documents. Preparation of the new Local Plan started soon after the publication of the NPPF in 2012 and much time and resources had been committed to preparing the evidence base, particularly the Strategic Housing Market Assessment, working closely with neighbouring authorities and using the same consultants G L Hearn and Partners. This had been updated regularly to take account of revised sub-national population and household projections and to take on board on-going national planning reforms, providing satisfaction that the methodology used was robust and fit for purpose.

Members were advised that over the last 15 years, a complete economic cycle, the Council had delivered an average of 605 new dwellings per year, the South East Plan housing target being 450 per year. The latest Objectively Assessed Need (OAN) for new homes was 696. The Council had now prepared complementary evidence for new infrastructure and for mitigating the potential impacts of this level of growth and consulted on a proposed development strategy for its new Local Plan that could potentially meet the OAN across two housing market areas, one of which was almost entirely designated as Metropolitan Green Belt.

The Leader drew attention to the current Local Plan timetable which anticipated carrying out a Regulation 19 consultation in respect of a draft Local Plan early in 2018 with submission of the Plan following later in the year, but after 31 March which was the date on which the new methodology was expected to come into force. He indicated that the proposed standardised methodology would result in the OAN increasing from 696 to 859 per year, an increase of 23%. Over the 20 year Local Plan period this equated to an additional 3,260 dwellings. To deliver this level of housing growth would require a growth rate of 1.6%, which had never been achieved in Tonbridge and Malling or indeed by any Local Authority in England over the period 2001-16. It was simply undeliverable unless there were to be intervention in the housing and construction market unprecedented in recent times.

If this level of increase was maintained as proposed in the consultation paper, the Leader stated that it would require the Council to revisit its evidence, revisit the sites already included within the call for sites and re-consult, resulting in an unavoidable delay in preparing the Local Plan at a time when sound progress was being made. He highlighted that if

the standardised OAN was accepted as a given and that there would be unmet need, it would be necessary to turn to the duty to cooperate and negotiate with neighbouring authorities within the two housing market areas to agree where the unmet need could be accommodated. However, it was already known that the Council's neighbours to the west (Sevenoaks and Tunbridge Wells) were unable to meet their current OAN let alone the need generated by the standardised methodology which would see further increases.

Leisure Trust

The Leader indicated that the Council's partnership with the Leisure Trust had entered its fifth year and had enabled the Council to secure a further saving of £150k per annum and reduce the management fee to zero. He advised that the Trust had also commenced a £750k investment scheme in the facilities at Larkfield Leisure Centre without requesting a penny from the Council and commented that just as important was the level of service being delivered to residents.

The Leader was therefore delighted to learn that Tonbridge Swimming Pool had recently been awarded Quest Outstanding for the second time. Further investigation revealed that of the 706 leisure centres in the UK being independently inspected by Quest only 12 had achieved this rating, two of those 12 facilities being Tonbridge Swimming Pool and Larkfield Leisure Centre. This placed the Council's facilities in the top 2%. Members were advised that Quest had now started to include the inspection of golf courses and Poulton Wood Golf Course had already achieved Quest entry level status.

It was noted that in the Quest assessment of Tonbridge Swimming Pool, the inspectors made specific reference to the quality of the engagement by the Borough Council, both by the Cabinet Member and senior officers.

Remembrance Sunday and Poppy carpet

The Leader informed Members that on Friday 27 October hundreds of people gathered on the lawn at Tonbridge Castle as a magnificent carpet of knitted and crocheted poppies and a unique sculpture representing 'Women in War' were revealed to mark the launch of this year's Royal British Legion Poppy Appeal. The poppy carpet was the result of a project launched by the Borough Council with support from the Royal British Legion and Kent County Council which captured the interest of local residents and community groups who produced and donated thousands of knitted and crocheted poppies for the campaign.

The 'Women in War' sculpture was created by pupils at Hillview School for Girls as part of their after-school art club project with the help of local artist Guy Portelli. Hillview teachers Cavan Pledge and Sarah Pledge and Deputy RBL Poppy Appeal Co-ordinator Pam Mills led the project,

which aimed to reflect on the part women had played in war particularly in the approach to the centenary of the end of WW1 next year. The sculpture was dedicated to Margaret Waite, from Postern Farm, who joined the First Aid Nursing Yeomanry and left for France and Belgium to serve her country in 1914. She was awarded the Order of Leopold II for bravery in the field, giving first aid to those on the front line trenches.

The Leader expressed thanks to all those who contributed to these projects. He concluded by passing to the Mayor the framed display of poppies presented to the Council at the launch event by Pilot Officer Tim Bristow (Tonbridge Squadron Royal Air Force Air Cadets) and suggested that it be displayed at Tonbridge Castle.

C 17/69 STRATEGIC RISK REGISTER

Item CB 17/54 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/54 be approved.

C 17/70 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

Item CB 17/55 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/55 be approved.

C 17/71 APPOINTMENT OF CABINET

The Leader presented details of an amendment to the composition of the Cabinet.

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

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

Councillor Mrs M Heslop – Community Services

Councillor D Lettington – Street Scene and Environment Services

Councillor P Montague - Housing

Councillor H Rogers – Strategic Planning and Infrastructure

The Economic Regeneration portfolio to be held by the Leader

C 17/72 APPOINTMENT OF COMMITTEES, ADVISORY PANELS AND BOARDS AND OTHER MEMBER GROUPS

Consideration was given to the report of the Director of Central Services on appointments to a number of committees, advisory boards and panels and other Member groups as a consequence of the change to the composition of the Cabinet.

It was noted that there was no change to political balance and details were given of proposed changes to membership notified by the Conservative Group.

RESOLVED: That the appointments set out at paragraph 1.1.1 of the report be approved as follows:

Councillor Miss S Shrubsole to replace Councillor P Montague on the Overview and Scrutiny Committee, the Joint Standards Committee and the Communities and Housing Advisory Board (in the latter case as Chairman)

Councillor P Montague to replace Councillor Miss S Shrubsole on the Housing Associations Liaison Panel (as Chairman).

C 17/73 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the reappointment of Councillor A Sullivan as a nominated trustee of the Hospital of the Holy Trinity, Aylesford for a further four year term to November 2021.

Details were also given of an invitation from Medway Council for the Borough Council to appoint a representative to the Delivery Board established to progress the development of the Enterprise Zone at Rochester Airport.

RESOLVED: That

- (1) Councillor A Sullivan be reappointed as a trustee of the Hospital of the Holy Trinity, Aylesford for a further four year term; and
- (2) Councillor B Luker, as Chairman of the Economic Regeneration Advisory Board, be appointed as a representative on the Rochester Airport Delivery Board.

C 17/74 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 17/75 LEISURE TRUST - REVIEW OF SERVICE FEE/BUSINESS PLAN**

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

Item CB 17/64 referred from Cabinet minutes of 11 October 2017

RESOLVED: That the recommendations at Minute CB 17/64 be approved.

The meeting ended at 8.02 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 8th November, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr S R J Jessel (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr R P Betts, Cllr M A Coffin, Cllr Mrs S L Luck, Cllr P J Montague, Cllr L J O'Toole, Cllr H S Rogers, Cllr Miss J L Sergison, 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 B J Luker and S C Perry.

PART 1 - PUBLIC

AP2 17/47 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, was the owner of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant or Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

AP2 17/48 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 27 September 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 17/49 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 17/50 TM/16/01753/FL - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

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

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

(1) Amended Conditions:

1. The occupation of the static mobile home shall be limited to:
 - A person solely or mainly employed in the associated Nursery business or a widow (or widower) of such a person;
 - A dependant living within the household of such a person referred to above

Reason: The occupation of the static mobile home by persons not associated with Nursery business would result in a separation of functions and expansion of movements and paraphernalia that could harm the openness of the Green Belt and character and visual amenity of the rural area.

2. The residential use hereby permitted shall cease within 1 month of the date that the horticultural enterprise at The Nursery no longer has an essential requirement for permanent on site presence. The caravan and any structures, materials and equipment brought on to, or erected on the land, or works undertaken to it in connection with the residential use (including the dog pens and kennels) shall be removed and the land restored to its condition before the development took place in accordance with a scheme previously submitted to and approved by the Local Planning Authority.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

3. No replacement caravan shall be stationed on the site except in accordance with details that have been submitted to and approved by the Local Planning Authority in respect of its size and appearance.

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

4. The static mobile home hereby approved shall only be stationed in the position shown on Drawing No. 1786/18A Rev 04/11 hereby approved and no additional caravan shall be stationed on the site at any time. The extent of the garden amenity area shall be limited to the area indicated on Drawing No. 1786/18A Rev 04/11 comprising 14m by 33m

Reason: To preserve the openness of the Green Belt and ensure that the character and visual amenity of the rural locality is not significantly harmed.

[Speaker: Richard Wallis – Trottiscliffe Parish Council]

AP2 17/51 TM/17/01392/RM - AREA 1, KINGS HILL PHASE 3, GIBSON DRIVE, KINGS HILL

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (Outline planning permission for residential development) at Area 1, Kings Hill Phase 3, Gibson Drive, Kings Hill.

RESOLVED: That Reserved Matters be DEFERRED for the following:

- Further clarity on traffic movements generated by the Housing Area
- Further consideration of the location of the play area
- Further consideration of the impacts of having a single access point

Reason: To protect and enhance the appearance and character of the site and locality and in the interests of residential amenity.

[Speakers: Caroline Bridger, Kings Hill Parish Council and Matthew Woodhead, agent]

AP2 17/52 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th November, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr M Taylor

Together with representatives of the Licensing Authority

An apology for absence was received from Councillor D Keers prior to the meeting and Councillor Baldock was appointed to serve on this meeting of the Panel

PART 1 - PUBLIC

LA 17/68 DECLARATIONS OF INTEREST

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

LA 17/69 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 17/70 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 16/2017

(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 Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the DVLA printout attached at Annex 2 to the report had disclosed an offence dated 5 June 2015 of IN14 Causing or permitting offences, using a vehicle uninsured against third party risks and that the Applicant had 6 Penalty Points on his Driving Licence.

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

- (1) that Section 12.7.2 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that an application would normally be refused where an applicant has 6 or more penalty points on his DVLA 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 Section 1.5.4 of the Policy stated that public safety was paramount when processing a prospective candidate to ensure that the applicant was a 'Fit and Proper' person to hold a licence; and
- (4) that, with regard to previous cautions or convictions, a DVLA driver endorsement check was required to ensure that the information held by the DVLA was in accordance with the information submitted by the applicant. It was noted that Offence Code IN14 must stay on a driving licence for four years from the date of offence.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the six point penalty on the DVLA printout and concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For this reason the Panel, therefore

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

The meeting ended at 10.15 am
having commenced at 10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 17th November, 2017

Present: Cllr Mrs F A Kemp (Chairman), Cllr O C Baldock and Cllr M Taylor

Together with representatives of the Licensing Authority

An apology for absence was received from Councillor D Keers prior to the meeting and Councillor Baldock was appointed to serve on this meeting of the Panel

PART 1 - PUBLIC

LA 17/71 DECLARATIONS OF INTEREST

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

LA 17/72 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 17/73 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 17/2017

(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 receipt of information from the Disclosure and Barring Service (DBS).

The Panel was advised that the Applicant, in submitting the application, had consented to the Council receiving a full print out of any previous convictions. The Panel noted that the DBS enhanced disclosure had shown one Caution dated 31 October 2011 administered by Kent Police for the offence of Destroy or Damage Property (Value of Damage £5,000

or less) – Offence against Criminal Damage Act 2011 only on 31 October 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 although some discretion may be appropriate if the offence was isolated and there were mitigating circumstances; and
- (5) that Section 12.3.8 of the Policy stated that more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction where an application was made between 4 and 8 years after the date of conviction.

The Panel listened carefully to the Applicant's explanation of the circumstances of the offence and concluded that the Applicant was a 'Fit and Proper' person to hold a licence. For this reason the Panel, therefore

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

The meeting ended at 11.25 am
having commenced at 11 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 20th November, 2017

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr P F Bolt, Cllr M A Coffin, Cllr B J Luker, Cllr R V Roud, Cllr C P Smith and Cllr M Taylor

Councillors Mrs J A Anderson, D J Cure, N J Heslop and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, Mrs M F Heslop and D Markham

PART 1 - PUBLIC

GP 17/18 DECLARATIONS OF INTEREST

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

GP 17/19 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 26 June 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 17/20 IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL OF THE TRADE UNION ACT 2016

The report of the Director of Central Services set out the actions that the Borough Council was required to take in response to the Trade Union Act 2016. It was recommended that the statutory tables reporting on Trade Union 'Facility Time' be incorporated in future HR Strategy Update reports.

In relation to the public sector, the Act introduced a requirement for unions to make a reasonable payment to employers for deducting union subscriptions from salaries and making them over to unions. This was referred to as DOCAS – deduction of contribution at source – and the Borough Council was currently in negotiation with Unison concerning the level of payment.

The Act also required the Borough Council to publish certain information relating to time taken off by trade union officials employed by the

authority for trade union duties and activities, referred to as 'Facility Time'.

RECOMMENDED: That:

- (1) the implications of the Trade Union Act 2016 be noted; and
- (2) the Facility Time Monitoring Tables be included in the annual HR Strategy Update.

***Referred to Council**

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

GP 17/21 GENERAL DATA PROTECTION REGULATION - IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH COUNCIL

The report of the Director of Central Services and Monitoring Officer provided an update on the General Data Protection Regulation (GDPR), highlighted the changes in data protection law as a result and set out the actions being taken to ensure future compliance.

It was reported that the core rules of data protection remained broadly the same. However, there were new obligations under the GDPR and the requirements of the new regime would be stricter. It was not only important to comply with the GDPR but it would be necessary to demonstrate how the Borough Council complied.

The key changes as a result of the new regulations were set out in paragraph 1.2 of the report. However, particular reference was made to the stricter and more detailed conditions for the use of consent. The Borough Council would need to review how this was sought, obtained, recorded and whether any changes in process were required.

Members were advised that face to face training on the new regime had been provided to senior officers. Online training for all staff would be rolled out in advance of the new legislation coming into force. It was also intended that training would be provided to Members and, given the importance of the regulations and the strict penalties for non-compliance, this would be mandatory.

RESOLVED: That the contents of the report be noted and the following appointments made:

- (1) the Director of Central Services and Monitoring Officer as the Council's Data Protection Officer; and

- (2) the Principal Solicitor and Principal Solicitor (Litigation) as Deputy Data Protection Officers.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 17/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

However, the Committee also agreed that the Unison representative (Mark Hammond) could make a short statement on the Review of the Planning Service.

PART 2 - PRIVATE

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

GP 17/23 ESTABLISHMENT CHANGES

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Borough Council's services.

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

- (1) a new 15.5 hours per week post of Waste & Enforcement Support Officer (scale 4) be established with effect from 1 December 2017;
- (2) post DE0505 Administration Officer scale 2/3 be reduced from 30 to 25 hours per week with effect from 1 December 2017;
- (3) post DG0213 Waste & Enforcement Support Officer scale 4 be reduced from 18.5 to 15 hours per week with effect from 1 December 2017;
- (4) post DG0208 Waste & Enforcement Officer scale 5 be reduced from 37 to 30 hours per week with effect from 1 December 2017;

- (5) post DR0402 be re-designated Head of Licensing, Community Safety and Customer Services grade M5 with effect from 1 December 2017;
- (6) post DR0403 be re-designated Senior Licensing Officer grade Senior Officer with effect from 1 December 2017;
- (7) the hours of post DR0405 (Licensing Administration Officer – grade 3 / 4) be increased from 15 to 25 per week with effect from 1 December 2017;
- (8) the current post of Gateway Manager M8 be deleted and replaced with the post of Gateway Manager M9 with immediate effect;
- (9) the hours of post DB0320 (Customer Services Advisor scale 2 / 3) be reduced from 15 to 11.25 per week with immediate effect;
- (10) the hours of post DB0302 (Customer Services Supervisor scale 4 / 5) be increased from 30 to 37 per week with immediate effect;
- (11) the post of Senior Customer Services Advisor, DB0305 grade 3 be deleted with immediate effect;
- (12) the hours of post DB0308 (Customer Services Advisor scale 2 / 3) be increased from 16.25 to 18 per week with immediate effect;
- (13) the hours of post DB0308 (Customer Services Advisor scale 2 / 3) be increased from 8 to 8.75 per week with immediate effect;
- (14) a new 8 hour per week post of Customer Services Assistant scale 1 / 2 be established with immediate effect;
- (15) the post of Administration Officer DA0217 scale 3 / 4 be deleted with immediate effect;
- (16) the hours of the post of Administration Officer DA0218 be increased from 19.5 to 26.5 per week with immediate effect;
- (17) the hours of post DC0403 (Electoral Services Officer scale 3 / 4) be reduced from 24 to 20 per week with immediate effect;
- (18) the sum of £5,389 arising from the amendments to the establishment in the Electoral Services and Central Services Administration Teams be ring-fenced for 12 months;
- (19) the hours of post DN0101 (Development Manager - grade M6) be confirmed as 15 per week with effect from 1 April 2018;

- (20) the hours of post DN0104 (Senior Analyst Programmer - grade M7) be confirmed as 22.5 per week with effect from 1 January 2018;
- (21) a new full time post of Developer (grade SO/M9) be established with effect from 1 January 2018; and
- (22) a budget of £15,000 for IT consultancy support be confirmed in the estimates for 2018/19 onwards.

GP 17/24 REVIEW OF THE PLANNING SERVICE

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

The report of the Director of Planning, Housing and Environmental Health set out proposals, supported by Management Team, for the redesign of the Development Control and Planning Policy Teams within the Planning Service.

The Committee noted the comments made by the Unison representative and gave this careful consideration as part of their deliberations.

RESOLVED: That:

- (1) the proposals set out in the report be approved; and
- (2) any further amendments arising from staff consultation be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Director of Central Services

GP 17/25 ESTABLISHMENT CHANGES - HOUSING SERVICES

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

The report of the Director of Planning, Housing and Environmental Health addressed some key managerial and operational changes focused primarily on the Housing Service. It covered organisational issues and some specific resource matters arising from new duties for the Borough Council in the Homelessness Reduction Act 2017.

RESOLVED: That

- (1) the following changes to the establishment be approved and to take effect from 1 December 2017:
 - Posts DV0003 and DV0004 (Chief Environmental Health Officer and Head of Housing) be deleted;

- A new post of Head of Housing and Health be created at grade M4;
 - Post DV0724 (Housing Services Improvement Manager) be regraded to M8;
 - Three new posts of Housing Options and Support Officer/Accommodation Office be created at Scale 5/6;
 - Post DV0714 (Housing Options and Support Officer) be reduced to 22.2 hours weekly; and
- (2) the following changes to the establishment be approved and to take effect from 1 January 2018:
- Post DV0901 (Private Sector Housing Manager) be re-designated as Private Sector Housing and Wellbeing Manager, regraded at M7 and become a full time post;
 - Post DV0902 be re-designated as Environmental Health Officer (Housing) at grade M9 as a full time post;
 - Post DV0903 (Private Sector Housing Manager – part time) be deleted.

The meeting ended at 8.49 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 28th November, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock,
Cllr Mrs P A Bates, Cllr Mrs B A Brown, Cllr M A Coffin,
Cllr B T M Elks, Cllr D Keers, Cllr Mrs F A Kemp, Cllr S M King,
Cllr R V Roud and Cllr M Taylor

Councillors N J Heslop and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker (Vice-Chairman), M C Base, H S Rogers and F G Tombolis

PART 1 - PUBLIC

LA 17/74 DECLARATIONS OF INTEREST

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

LA 17/75 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 28 September 2017 be approved as a correct record and signed by the Chairman.

LA 17/76 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 4 October, 26 October and 17 November 2017 be received and noted.

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

LA 17/77 REVIEW OF FEES AND CHARGES 2018/19 - LICENSING FEES

The report of the Director of Central Services and Monitoring Officer set out details of the proposed scale of fees and charges for 2018/19 in respect of Hackney Carriage and Private Hire Licences, Pleasure Boats and Boatmen, Scrap Metal Dealers, Animal Licensing, Street Trading Consents and Sex Establishments.

RESOLVED: That the proposed scale of fees for licences, consents and registrations, as set out in Annex 1 to the report, be adopted with effect from 1 April 2018.

LA 17/78 CONSULTATION ON FIXED ODDS BETTING TERMINALS (FOBTS)

The report of the Director of Central Services and Monitoring Officer gave details of a Government consultation on proposals relating to gaming machines and social responsibility measures. It was noted that the number of licences for betting shops in the Borough had remained stable at 10 for many years and no complaints had been received by the Licensing team.

A summary of the questions posed in the consultation had been circulated to Members and responses received in relation to the maximum stakes and prizes, allocation of gaming machines permitted in licensed premises and social responsibility measures for the whole industry were collated for discussion. The Committee endorsed the comments made and considered the need to regulate repeat betting and the frequency of visits to betting shops. Reference was also made to the possibility of reducing advertising and placing a "health warning" on every machine and increasing the levy on premises outside betting shops which had gaming machines. Members were invited to submit any further comments to enable a final response to be produced in consultation with the Chairman and Vice-Chairman.

RESOLVED: That the report be received and noted and a response be finalised in consultation with the Chairman and Vice-Chairman.

LA 17/79 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 7th December, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/80 DECLARATIONS OF INTEREST

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

LA 17/81 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 17/82 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 18/2017

(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 DBS Certificate dated 14 September 2017 had disclosed that the Applicant had received a Caution dated 26 November 2014 for Destroy or Damage Property (Value of Damage £5,000 or less) – Offence against Criminal Damage Act 1971 only on 25 November 2014.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed; and
- (4) that Section 12.1.2 of the Policy stated that an application would normally be refused where the applicant has a conviction of an offence of Criminal Damage and the conviction is less than 4 years prior to the date of the application.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Caution. However, the Panel remained concerned that, given the nature of the incident giving rise to the Caution, public safety might be compromised by granting a licence within the 4 year period where the Policy indicated that an application would ordinarily be refused. For this reason the Panel was not satisfied that the Applicant would be a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 10.38 am
having commenced at 10.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 7th December, 2017

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers and Cllr R V Roud

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 17/83 DECLARATIONS OF INTEREST

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

LA 17/84 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 17/85 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 19/2017

(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 DBS Certificate dated 22 August 2017 had disclosed that the Applicant had received a Caution dated 7 April 2015 for Battery on 6 April 2015 – Criminal Justice Act 1988 S.39.

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 5.7.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
- (3) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed; and
- (4) that, in respect of previous convictions, the offence of Battery was not specifically listed within Section 12.3 of the Policy. However, the offence was one which involved violence and the Panel was invited to consider the general policy listed at Policy Section 12.3.1 and the shorter 4-8 year period (within Section 12.3.2) for lower-order violent offences as the appropriate guideline when considering the application

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the Caution. However, there was no evidence presented which persuaded the Panel to depart from the general policy requirements. For this reason the Panel was not satisfied that the Applicant would be a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 11.24 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 13th December, 2017

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

PART 1 - PUBLIC

AP2 17/53 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, for reasons of transparency, Councillor Balfour advised the Committee that in respect of application TM/17/01392/RM (Area 1 Kings Hill, Phase 3, Gibson Drive, Kings Hill) Kent County Council, of which he was the Cabinet Member for Planning, Highways, Transport and Waste, owned the freehold of the development site. As he did not have responsibility for financial matters at the County Council this did not represent either an Other Significant Interest or a Disclosable Pecuniary Interest and there was no requirement to leave the meeting.

AP2 17/54 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 8 November 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 17/55 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 17/56 TM/17/01392/RM - AREA 1 KINGS HILL, PHASE 3, GIBSON DRIVE, KINGS HILL

Reserved matters for 132 dwellings in Area 1 (junction of Tower View and Kings Hill Avenue) being details relating to the siting, design and external appearance of the proposed buildings, the means of access, drainage and strategic landscaping involving discharge of conditions 1, 12, 13, 19, 20, 23, 37, 38 and 39 of TM/13/01535/OAEA (outline planning permission for residential development) at Area 1 Kings Hill Phase 3, Gibson Drive, Kings Hill, West Malling.

RESOLVED: That the Reserved Matters detailed in the report of the Director of Planning, Housing and Environmental Health be APPROVED subject to the addition of Informative

7. An alternative surfacing for the raised table is suggested in terms of bonding pattern and texture to ensure it is more distinguishable as a traffic calmed area.

[Speaker: Chris Hawkins – Agent to the applicant]

AP2 17/57 (A) TM/17/01522/FL (B) TM/17/01438/LB - THE PLOUGH INN, TAYLORS LANE, TROTTISCLIFFE

- (A) Change of use from A4 public house/managers flat to C3 two bed residential dwelling and new roof to single storey side building and
- (B) Listed Building Application: New roof to single storey side extension and undertaking internal and external alterations to facilitate proposed change of use from public house to a dwelling house at Plough Inn, Taylors Lane, Trottiscliffe.

RESOLVED: That

(1) Application (A) TM/17/01522/FL be REFUSED for the following reason

1. The proposal is contrary to Policy CP26 of the Tonbridge and Malling Borough Core Strategy 2007 as it would result in the loss of a Public House last used for the benefit of the community and there is no alternative available of at least equivalent quality to meet need and it has not been proved that for the foreseeable future there is no need or inadequate support for the facility.

(2) Application (B) TM/17/01438/LB be REFUSED for the following reason

1. The removal of the bar serving area and the addition of stud partition wall facilitates the loss of a Public House and is therefore harmful to its historic interest and is also contrary to paragraph 17 of the National Planning Policy Framework 2012 which requires conservation of heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. Similarly the proposal is contrary to paragraph 131 of the National Planning Policy Framework 2012 which requires local planning authorities recognise the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality.

[Speakers: Mr D Gaunt – Trottiscliffe Parish Council; Mr P Carty, Mr I Mills, Mrs A Prountzos, Mr D Prountzos, Mrs J Catt, Mr J Comber, Mr O Shaw, Mr J Bennett, Mrs F Bennett, Mr J Copson, Mr J Skinner, Mr D Slattery, Mrs A Gough, Mrs L Pigott and Mr R Wallis – members of the public; and Mrs D Carson – Applicant]

AP2 17/58 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.42 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th January, 2018

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 D Lettington, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

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

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

PART 1 - PUBLIC

AP3 18/1 DECLARATIONS OF INTEREST

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

However, Councillors Base and T Walker advised that they were members of Aylesford Parish Council. As neither of them sat on the parish planning committee this was not considered an Other Significant Interest or Disclosable Pecuniary Interest and there was no reason to withdraw from the discussion.

AP3 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 24 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

AP3 18/3 DEVELOPMENT CONTROL

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

Members of the public addressed the meeting where the required notice

had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

AP3 18/4 TM/17/02248/OA - TADDINGTON WOOD, NORTH OF ROBIN HOOD LANE, BLUE BELL HILL

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

RESOLVED: That planning permission be GRANTED, subject to:

- The applicant entering into a Section 106 Agreement relating to a public open space contribution, in accordance with policy OS3 of the MDE DPD; and
- The submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health, subject to:

(1) Amend Condition 15:

15. Prior to the commencement of the development hereby approved:

(a) A scheme for managing the woodland as identified at Figure 2 of the Reptile Survey dated 20 July 2017 (Reference 2017/04/05), including measures which prevent public access to this area shall be submitted to and approved by the Local Planning Authority. The details approved shall thereafter be implemented.

(b) Following the approval and implementation of the approved management scheme, the mitigation measures set out within the Reptile Survey dated 20 July 2017 (Reference 2017/04/05) shall be undertaken in full.

Reasons: In the interests of nature conservation and biodiversity.

(2) Delete Condition 16

(3) Amend Informative 1:

1. During the demolition and construction phases, the hours of noisy working likely to affect nearby properties (including deliveries) should be restricted to Monday to Friday 0730 hours – 1830 hours, Saturdays 0800-1300 hours with no such work on Sundays or Public Holidays.

[Speakers: Susan Simpkin – agent]

AP3 18/5 TM/17/02838/FL - 1 RUSSETT CLOSE, AYLESFORD

Erection of an outbuilding within the garden to be used as a residential annex and erection of a new section of front fence 2m high at 1 Russett Close, Aylesford.

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 5:

5. The plot as identified by the red line shown on the site location plan received on 10 October 2017 shall not be physically subdivided in any way.

Reason: To safeguard against the subdivision of the existing single residential curtilage that would facilitate independent occupation of the approved development as a separate unit of accommodation.

(2) Delete Condition 7

(3) Additional Informative 2:

2. The applicant is encouraged to provide additional planting within the site as indicated in the supporting statement submitted in connection with the planning application.

[Speakers: Aylesford Parish Council (John Balcombe); Brian Emery, Denise Atkins, John Lockyer, Paula Lewis, Julie Cheah, Andrew Leigh, Brian Collin and Stuart Walker (members of the public) and Mrs Kerner (applicant)]

AP3 18/6 TM/17/03088/FL - 353 WATERINGBURY ROAD, EAST MALLING

Change of use of land to extend existing caravan site for holiday static caravans at land adjoining Hillberry House, 353 Wateringbury Road, 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.

PART 2 - PRIVATE

AP3 18/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 22nd January, 2018

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

Grant Thornton, External Auditors: Ms S Ironmonger (former
Engagement Lead) and Mr C McLaughlin (Engagement Lead)

Councillors P F Bolt, Mrs A S Oakley and H S Rogers were also
present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors B T M Elks,
Mrs F A Kemp and B W Walker

PART 1 - PUBLIC

AU 18/1 DECLARATIONS OF INTEREST

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

AU 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee
held on 4 September 2017 be approved as a correct record and signed
by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 18/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk
Management Strategy which set out the Council's risk management
objectives and detailed the roles and responsibilities of officers,
Members and partners in the identification, evaluation and cost-effective
control of risks. Attention was drawn to the resourcing pressures in
respect of 'Emergency Planning' and the addition of a new strategic risk
in relation to potentially contaminated land.

RECOMMENDED: That

- (1) the updated Risk Management Strategy be commended to
Cabinet for adoption by Council;

- (2) the impact of ongoing resourcing pressures to respond in respect of the identified risk 'Emergency Planning' and the intention to report resourcing requirements to the next meeting of the General Purposes Committee be noted; and
- (3) the emergence of a new strategic risk in respect of the monitoring of potentially contaminated land be noted.

AU 18/4 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to December of the current financial year. The report explored the use of diversified income funds for medium term investment and recommended their inclusion in the 2018/19 Annual Investment Strategy.

RECOMMENDED: That the following be commended to the Council

- (1) the treasury management position as at 31 December 2017 and the higher level of income incorporated in the 2017/18 revised estimates be noted;
- (2) the Council's exposure to property funds in 2018/19 as additional long term funds become available, e.g. from selling property, be increased;
- (3) the limited use of diversified income funds for medium term investment be endorsed; and
- (4) the Annual Investment Strategy for 2018/19, as set out at Annex 4 to the report, be adopted.

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

AU 18/5 ANNUAL REVIEW OF ANTI-FRAUD POLICIES AND WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation set out details of the outcome of the annual review of the Anti-Fraud, Bribery and Corruption Policy, the Housing Benefit Anti-Fraud Policy, the Council Tax Reduction, Discounts and Exemptions Anti-Fraud Policy and the Whistleblowing Policy. Members noted that, following approval, the policies would be circulated to all staff with computer access via Netconsent and would be available on the Council's internal and external websites.

RESOLVED: That

- (1) the Anti-Fraud Policies, as set out at Annexes 1, 2 and 3 to the report, be approved; and
- (2) the General Purposes Committee be invited to approve the Whistleblowing Policy as set out at Annex 4 to the report.

AU 18/6 INTERNAL AUDIT CHARTER

The report of the Chief Audit Executive provided details of the outcome of the review of the Internal Audit Charter.

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

AU 18/7 ANTI-MONEY LAUNDERING POLICY

The report of the Director of Finance and Transformation set out details of a recent review of the Council's Anti-Money Laundering Policy and associated guidance following the introduction of the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 in June of last year. Members were advised that, in anticipation of the planned retirement of the Exchequer Services Manager on 31 March 2018, the designated Money Laundering Reporting Officer would be the Financial Services Manager. Members noted that, following approval, the policy would be circulated to all staff with computer access via Netconsent and would be available on the Council's internal and external websites.

RESOLVED: That the Anti-Money Laundering Policy and associated documentation, as set out at Annexes 1 and 2 to the report, be approved and the change of designated Money Laundering Reporting Officer be noted.

AU 18/8 ACCOUNTING POLICIES

The report of the Director of Finance and Transformation set out details of the proposed Accounting Policies to be used in the preparation of the 2017/18 Financial Statements and made particular reference to a change to be made in respect of componentisation.

RESOLVED: That the Accounting Policies to be used in the preparation of the 2017/18 Financial Statements, as set out at Annex 1 to the report, be approved.

AU 18/9 SCALE OF AUDIT FEES FOR 2018/19

The report of the Director of Finance and Transformation set out details of the proposed scale of audit fees for the work to be undertaken by appointed auditors in respect of the 2018/19 financial statements.

RESOLVED: That the proposed scale of audit fees for 2018/19 be endorsed.

MATTERS SUBMITTED FOR INFORMATION**AU 18/10 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 December 2017.

RESOLVED: That the report be received and noted.

AU 18/11 GRANT THORNTON - AUDIT COMMITTEE UPDATE

The report of the Director of Finance and Transformation provided an update and progress report on work undertaken by the external auditors, Grant Thornton. The committee welcomed the new Engagement Lead, Mr Ciaran McLaughlin, and thanked Sarah Ironmonger for her contribution to the work of the Audit Committee.

RESOLVED: That the report be received and noted.

AU 18/12 GRANT THORNTON CERTIFICATION LETTER FOR 2016/17

The report of the Director of Finance and Transformation summarised the outcomes of certification work undertaken by the Council's external auditors, Grant Thornton, for 2016/17.

RESOLVED: That the report be received and noted.

AU 18/13 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation informed Members of the receipt of the Annual Audit Letter for the year ended 31 March 2017 and set out details of the key messages arising from audit and performance assessment work.

RESOLVED: That the report be received and noted.

AU 18/14 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 23rd January, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr Ms S V Spence (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr T C Walker and Mr D Still

Councillors O C Baldock, V M C Branson, N J Heslop, D Lettington, R V Roud and Miss J L Sergison were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers and M R Rhodes and Mr P Drury

PART 1 - PUBLIC

OS 18/1 DECLARATIONS OF INTEREST

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

OS 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 24 January 2017 be approved as a correct record and signed by the Chairman.

OS 18/3 REVIEW OF THE SCRUTINY FUNCTION

Consideration was given to a report by the Chairman of the Overview and Scrutiny Committee making suggestions as to how the Committee could add value to the delivery of the Council's Savings and Transformation Strategy. Reference was made to the concerns expressed at the recent meeting of the Finance, Innovation and Property Advisory Board about the need for Members to have a more active role in exploring areas of Council expenditure that could be reviewed and assessing opportunities for making the savings/increase in income needed.

For background information, a summary of the Savings and Transformation Strategy was provided including performance over the past three years regarding achievement of the savings targets. The Chairman put forward a suggested approach involving up to six formal meetings of the full Committee (rather than scrutiny panels) over the

coming year, each focusing on one or two potential savings or opportunities for increased income. It had been agreed with officers that the two outstanding reviews of the Gibson Building – Option Appraisal and the Council’s Constitution would be completed via special meetings of the Committee in March/April. A list of initial suggestions for review was set out and Members invited to contribute ideas.

RESOLVED: That the proposals set out in the report be endorsed.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/4 REVENUE ESTIMATES 2018/19

The report of the Director of Finance and Transformation referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the role of the Committee in assisting the Cabinet and the Council in preparation of the Budget for 2018/19 within the context of the Medium Term Financial Strategy (MTFS) and the Council’s priorities.

Details were given of the provisional Local Government Finance Settlement and the position regarding New Homes Bonus funding. Members were advised that the Secretary of State had increased the threshold for triggering a referendum on council tax increase to the higher of 3% or £5.

The report indicated the factors to be taken into account when updating the MTFS and referred to the Savings and Transformation Strategy (STS) which provided a structure and focus for addressing the significant financial challenge facing the Council. Progress was reported on savings achieved and it was noted that the MTFS would continue to be updated as more information became available and the targets and timescales within the STS would be revisited and realigned with the latest projected funding gap during the budget setting process. Reference was also made to the successful outcome of the Kent and Medway authorities’ bid for pilot status in respect of 100% business rates retention.

The report suggested a mechanism for responding to the technical consultation announced by the Secretary of State, entitled “Fair funding review: a review of relative needs and resources” in view of the timescales involved.

RECOMMENDED: That

- (1) the draft Revenue Estimates contained in the Booklet be endorsed and commended to the Cabinet for its meeting on 8 February 2018;

- (2) the Savings and Transformation Strategy be updated to reflect the latest projected 'funding gap' as part of the budget setting process; and
- (3) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property to respond to the technical consultation entitled "Fair funding review: a review of relative needs and resources".

OS 18/5 CAPITAL PLAN REVIEW 2017/18

Consideration was given to the report of the Director of Finance and Transformation which set out progress on the 2017/18 Capital Plan Review and sought endorsement of recommendations to the Cabinet. Particular reference was made to the reduction of £50,000 in the Council's funding of Disabled Facility Grants, arising from a review of spending and associated government grant funding, which would contribute towards the savings target.

RECOMMENDED: That

- (1) the recommendations of the Finance, Innovation and Property Advisory Board held on 3 January 2018, as set out at paragraph 1.3 of the report, be endorsed; and
- (2) the Capital Strategy, as set out at Annex 5 to the report, be endorsed for adoption and publication on the Council's website.

OS 18/6 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

The report of the Chief Executive summarised the Select Committee review of the effectiveness of local authority overview and scrutiny committees and considered the recommendations arising. Reference was made to the Council's approach to the overview and scrutiny function and it was noted that three of the five Select Committee recommendations were already implemented. The remaining recommendations advocated overview and scrutiny matters being reported to full Council rather than the Executive and that service users and the public should be more involved in the scrutiny process.

Members suggested that the circumstances and process for referring recommendations to the Council be considered fully during the review of the Constitution.

RECOMMENDED: That

- (1) the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees be noted; and
- (2) further consideration be given to
 - (i) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to full Council;
 - (ii) where appropriate to the review being undertaken, opportunities to engage service users and the public be explored to assist with that review.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/7 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.31 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 29th January, 2018

Present: Cllr O C Baldock (Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M A Coffin, Cllr B J Luker, Cllr S C Perry, Cllr R V Roud, Cllr C P Smith and Cllr M Taylor

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

Apologies for absence were received from Councillors L J O'Toole (Vice-Chairman), Mrs S Bell and Mrs M F Heslop

PART 1 - PUBLIC

GP 18/1 DECLARATIONS OF INTEREST

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

GP 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 20 November 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 18/3 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services advised that the Localism Act 2011 required local authorities to review their pay policy statements for each financial year. The report summarised the requirements of the Act and presented an updated Pay Policy Statement for 2018/19. It was noted that there had been no changes in the Council's remuneration policy and the substantive content of the updated statement was identical to that adopted by the Council in February 2012.

RECOMMENDED: That the Pay Policy Statement 2018/19 set out in Annex 1 to the report be commended for adoption by the Council.

*** Referred to Council**

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

GP 18/4 PAY AWARD 2018

Consideration was given to the report of the Chief Executive which examined a range of factors relevant to the issue of a pay award for employees in 2018/19. These included prevailing economic conditions, comparative pay settlements, movement in the retail price and consumer price indices and the Council's budget position.

Reference was made to the provision for pay inflation of 2% in the Medium Term Financial Strategy and the need for the Council to maintain the ability to recruit and motivate staff with the appropriate skills to meet the employment challenges ahead. Members were advised that employees had been fully informed of the financial challenges facing the authority through the Joint Employee Consultative Committee and Unison. It was proposed to offer a 2% award for 2018/19 in line with the national offer (upon which agreement had not yet been reached). It was noted that there was nothing to preclude a further report to the Committee should the national pay agreement prove different to the current offer.

RESOLVED: That a 2% pay award from 1 April 2018 be approved.

GP 18/5 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

The report of the Director of Finance and Transformation gave details of the outcome of the annual review of the Council's Whistleblowing Policy and its consideration by the Audit Committee on 22 January 2018. The Committee noted that the Policy, once approved, would be circulated to all staff with computer access and made available on the Council website.

RESOLVED: That the Whistleblowing Policy set out at Annex 1 to the report be approved.

MATTERS SUBMITTED FOR INFORMATION

GP 18/6 GENDER PAY GAP REPORT 2016/17

The report of the Director of Central Services summarised the legislative context for gender pay gap reporting and incorporated the outcomes of the gender pay gap analysis for 2016/17.

RESOLVED: That the outcomes of the gender pay gap analysis, as set out in section 1.2 of the report, be noted.

MATTERS FOR CONSIDERATION IN PRIVATE**GP 18/7 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****GP 18/8 ESTABLISHMENT CHANGES**

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

The report of the Director of Central Services set out for approval a number of establishment changes arising from the ongoing operational management of the Council's services.

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

- (1) the extension of the grades attaching to posts DG0009, DJ0003, and DF0101 (from 3/4 to 3/4/5) from 1 December 2017;
- (2) the establishment of a new Civil Enforcement Officer Supervisor post, scale 4, 37 hours per week with effect from 1 February 2018;
- (3) the hours of the Senior Administration Officer post DE0513 scale 4/5 be reduced from 37 to 22.5 per week with effect from 1 February 2018;
- (4) the hours of the Administration Officer post DE0505 scale 2/3 be reduced from 25 to 22.5 per week with effect from 1 February 2018;
- (5) the establishment of a temporary scale 6 Senior Waste & Enforcement Support Officer 21.5 hours per week with immediate effect until 31 March 2019;
- (6) the increase in the hours of post DG02013 Waste & Enforcement Support Officer scale 4 from 15 to 30.5 hours per week with effect from 1 February 2018;

- (7) the deletion of post DG2014 Waste & Enforcement Support Officer scale 4, 15.5 hours per week with effect from 1 February 2018;
- (8) the establishment of the post of Emergency Planning & Business Continuity Support Officer grade SO, 15 hours a week with effect from 1 February 2018;
- (9) the creation of a budget of £35,000 to fund anticipated enhancements to the Council's staff emergency call out arrangements, and the delegation of authority to Management Team to determine the details of these arrangements;
- (10) the reduction of the hours of post DB0201 Personnel & Development Manager from 37 to 22.5 per week with effect from the commencement of the employment of the new Personnel Adviser;
- (11) the establishment of a post of Personnel Adviser, 37 hours per week, M9 with effect from 1 February 2018;
- (12) the hours of post DA1001 Building & Facilities Manager, M6 be reduced from 37 to 22.5 per week with effect from 1 February 2018;
- (13) the balance of £5,957 remaining from the re-structure within Central Services be ring fenced pending further adjustments to the establishment;
- (14) the reduction in the hours of post DF0528 Overpayment Recovery Assistant scale 3/4 from 37 to 22.5 hours per week with effect from 1 April 2018;
- (15) the deletion of vacant post Clerical Support Officer DF0513 scale 1/2, 20 hours per week with effect from 1 February 2018;
- (16) a new post of Overpayment Recovery Clerk scale 1/2, 37 hours per week be established with effect from 1 February 2018;
- (17) the post of Systems and Support Manager DF0521 SO/M9 be deleted with effect from 1 February 2018;
- (18) a new post of Revenue & Benefits Business Support Manager M8, 37 hours per week be created with effect from 1 February 2018 and the existing incumbent of post DF0521 be re-deployed to this post;

- (19) the post of Revenue & Benefits Liaison Manager DF0907 SO/M9 be deleted with effect from 1 February 2018;
- (20) the savings of £42,284 from the establishment changes outlined in paragraph 1.7 to the report be ring fenced pending a review of the Revenue and Benefits team;
- (21) the post of Exchequer Services Manager DF0403 M8, 22.5 hours per week be deleted with effect from 1 April 2018;
- (22) the post of Payroll Officer DF0406 SO, 28 hours per week be deleted with effect from 1 April 2018;
- (23) a new post of Exchequer Services and Systems Manager M9/M8, 37 hours per week be created with effect from 1 April 2018 and the existing incumbent of post DF0406 be re-deployed to this post;
- (24) the hours of post DF0409 Exchequer Assistant scale 2/3 be reduced from 32 hours to 22.5 hours per week with effect from 1 April 2018; and
- (25) the hours of post DF0412 Exchequer Assistant scale 2/3 be increased from 30 to 37 per week with effect from 1 April 2018.

The meeting ended at 8.18 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 1st February, 2018

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 D Keeley, Cllr S M King, Cllr Mrs A S Oakley, Cllr R V Roud 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 Keers, D Lettington, A K Sullivan and B W Walker

PART 1 - PUBLIC

AP3 18/8 DECLARATIONS OF INTEREST

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

AP3 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 4 January 2018 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 18/10 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 18/11 TM/17/02655/FL - LAND WEST OF ROCHESTER ROAD, ROCHESTER

Hybrid planning application (land west of Rochester Road, Rochester):

- (A) Full planning application for the creation of a new vehicular access to Rochester Road, the erection of buildings with up to 2,226sqm of floor space for storage, distribution use and wholesale trade distribution (Class B8) and/or use for general industry (Class B2) including layout of internal road and hardstanding with the installation of services (Phase 1)
- (B) Outline planning application with all matters except access reserved, for the erection of buildings with up to 2,021sqm of floor space for use with storage, distribution, wholesale trade distribution (Class B8), general industry (Class B2) and/or offices (Class B1) including the change of use of up to 1,470sqm of open land to storage and distribution (Class B8) and the layout of internal roads and hardstanding with the installation of services (Phase 2)

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

(1) Additional Condition:

22. No development in any phase shall commence until a construction management plan for that phase has been submitted to and approved in writing by the Local Planning Authority. The construction of the development of the relevant phase shall thereafter take place in strict accordance with the plan approved for that phase.

Reason: To ensure the safe and free flow of traffic

(2) Amended Conditions:

5. No development of any phase of the development shall take place above ground level, until such time that a scheme of hard and soft landscaping and boundary treatment in that phase including a scheme for the future management of the communal open spaces has been submitted to and approved by the Local Planning Authority. The scheme of soft landscaping shall be designed to enhance the existing boundary screening of the site wherever possible, particularly the northern site boundary. 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 comprised in the relevant phase 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, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

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.

6. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence on site until such time as the design, materials and construction methods to be adopted for the proposed works (hardstanding, drainage, safety and other boundary treatment) in the vicinity of the site boundary with the M2 have been submitted to, and agreed in writing by, the Local Planning Authority. All works shall be compliant with the Design Manual for Roads and Bridges.

Reason: To ensure that the M2 Motorway continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

14. No development in any phase of development, other than that expressly required in compliance with conditions 19 and 22, shall commence until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the proposals documented in the Flood Risk Assessment, prepared by The Civil Engineering Practice, Sept. 2017, and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

19. No development of any phase of the development (or part thereof) shall take place other than as required as part of the cut and fill re-profiling and site, below ground works and investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the particular phase of development (or part thereof) will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the particular phase of development (or part thereof) cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended). The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

(b) prior to the commencement of each phase of the development (or part thereof) the relevant approved remediation scheme shall be carried out as approved. The Local Planning Authority should be given a minimum of two weeks written notification of the commencement of the remediation scheme works.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2012 (paragraph 121).

PART 2 - PRIVATE

AP3 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Monday, 5th February, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority, Mr I Barwick (Applicant), Mr S Thomas (Solicitor to the Applicant), Mr C Beale (Noise Consultant to the Applicant), representatives of Kent Police, Environmental Health Services and Planning Services (Responsible Authorities), Mrs W Williams (on behalf of Offham Parish Council and as a local resident) and Mr T Berman, Mrs C Innes and Mrs V Patrick (local resident/interested party)

PART 1 - PUBLIC

LA 18/1 DECLARATIONS OF INTEREST

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

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

LA 18/2 APPLICATION FOR A NEW PREMISES LICENCE FOR AFRICAN LODGE AND MARQUEE, TOWER HILL, OFFHAM

The Panel gave consideration to an application for a Premises Licence made by Mr Ian Barwick under Section 17 of the Licensing Act 2003 in respect of premises known as African Lodge and Marquee, Kentfield Farm, Tower Hill, Offham. The application related to the Sale of Alcohol, Live Music, Recorded Music and Late Night Refreshment.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 3 to the report and the written representations received during the statutory consultation period (as set out at Annexes 6, 7, 8, 9 and 10 to the report). In addition the Panel had regard to the Noise Consultant's report (set out at Annex 11) and the Applicant's response to the written representations (set out at Annex 12 to the report).

The Panel listened carefully to the representations made by Mr S Thomas on behalf of Mr Barwick, Ms E Shaw on behalf of Kent Police, Mr P Thomason of the Environmental Protection Team, Ms E Keefe of Planning Services, Mrs W Williams on behalf of Offham

Parish Council and as a local resident and local residents, Mr T Berman, Mrs C Innes and Mrs V Patrick.

The Panel was mindful of its obligations under Section 18(3) of the Licensing Act 2003 which stated that, having regard to the relevant representations, the Licensing Authority must take such steps set out in Section 18(4) as it considers appropriate for the promotion of the licensing objectives. The Panel took into consideration the guidance dated April 2017 provided by the Secretary of State under s.182 of the Licensing Act 2003 as well as the Council's own Statement of Licensing Policy.

The Panel attached particular weight to the representations from local residents regarding noise, the report from Mr C Beale of SPL Track Environmental and the response of Mr P Thomason to that report.

The Panel was satisfied that the licensing objectives could properly be furthered with the imposition of mandatory conditions, conditions consistent with the operating schedule and those conditions agreed by the applicant with the Responsible Authorities (Kent Police and Tonbridge and Malling Borough Council Environmental Protection).

Having had regard to the above the Licensing and Appeals Committee, sitting as Panel, concluded that, in order to promote the Licensing Objectives, particularly the prevention of public nuisance, the application could be approved and, therefore,

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

| | |
|-----------|---|
| Section E | Performance of Live Music (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section F | Playing of Recorded Music (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section I | Provision of late night refreshment (indoors only) Monday until Sunday from 23:00 hours until 24:00 hours (midnight) |
| Section J | Supply of alcohol for consumption both on and off the premises Monday to Sunday from 11:00 hours until 24:00 hours (midnight) |

Conditions:

1. There will be no more than 28 functions held at the location in any calendar year.
2. All functions will be pre-booked with number of persons attending and emergency contact details for the person booking recorded.
3. There will be no access to the venue from Tower Hill except in emergency situations.
4. Access routes to the venue will be clearly marked at any time that the venue is operating under this Premises Licence to ensure swift access and egress for all vehicles including private vehicles, taxis and emergency vehicles.
5. Clear instructions on gaining access to the venue will be provided to all persons holding events at the location.
6. Challenge 25 will be in operation and adhered to by all staff. This will be communicated to all persons holding events at the location at the time of booking.
7. Staff training will be provided for the sale of alcohol and safe operation of the venue, training will be recorded and signed by each member of staff.
8. CCTV will be in operation at the location at any time that the premises are being used for licensable activities.
9. Images from any CCTV in operation at the premises will be retained for a minimum of one month from the date of recording.
10. The maximum number of customers will be 200 for any given event.
11. No fireworks will be let off during any pre-booked event where licensable activities occur.
12. Performance loud speaker systems that have any bass component are only to be located in the African Lodge and not in the Marquee.
13. Performance loud speakers and the related performances will be directed to the south across the lake towards the Quarry and not into the Marquee.
14. Whenever entertainment is provided bass baffles will be fitted to the north open aspect of the African Lodge and behind any loudspeaker installation.

15. A noise limiter will be used to ensure that noise levels in the Lodge do not exceed 95dBLAeq(15) as recommended by the Code of Practice.
16. Performances in the Marquee must be restricted to acoustic instruments. Use of amplified equipment is acceptable but must be limited to background music or spoken word only.
17. The type of Performance loud speaker system is to be ascertained and approved by Mr Beale of SPL Track Environmental, on behalf of the applicant, and by a representative of Tonbridge and Malling Borough Council's Environmental Protection Team.
18. All events to be publicised in advance on Kentfield Farm's website. This to include the name and mobile 'phone number to contact in the event of any complaint. This person should be available to contact during the event. This information should also be provided to Offham Parish Council at least fourteen days in advance of an event.

LA 18/3 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 1.58 pm
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Thursday, 8th February, 2018

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

Councillors Mrs J A Anderson, O C Baldock, M C Base, P F Bolt, D J Cure, B J Luker, Mrs A S Oakley, M Parry-Waller, M R Rhodes, A K Sullivan and T C Walker were also present pursuant to Access to Information Rule No 22.

PART 1 - PUBLIC

CB 18/1 DECLARATIONS OF INTEREST

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

CB 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 11 October 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/3 RISK MANAGEMENT STRATEGY

The report of the Management Team invited Members to review the Risk Management Strategy which set out the Council's risk management objectives and detailed the roles and responsibilities of officers, Members and partners in the identification, evaluation and cost-effective control of risks. Attention was drawn to the resourcing pressures in respect of 'Emergency Planning' and the addition of a new strategic risk in relation to potentially contaminated land.

It was noted that the Audit Committee at its meeting on 22 January 2018 had endorsed the updated strategy.

The Director of Finance and Transformation referred to the recent collapse of Carillion which, whilst not directly affecting the Borough Council, highlighted the risk associated with the failure of major partners.

The Strategic Risk Register had been updated to reflect this situation and would be reported back to the Audit Committee in due course.

RECOMMENDED: That 

- (1) the updated Risk Management Strategy be adopted by the Council;
- (2) the impact of ongoing resourcing pressures to respond in respect of the identified risk 'Emergency Planning' and the subsequent report to the 29 January meeting of the General Purposes Committee on resourcing requirements be noted; and
- (3) the emergence of a new strategic risk in respect of the monitoring of potentially contaminated land, which is being added to the Strategic Risk Register, be noted.

***Referred to Council**

CB 18/4 TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY 2018/19

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first nine months of the current financial year. The report explored the use of diversified income funds for medium term investment and recommended their inclusion in the 2018/19 Annual Investment Strategy.

It was noted that the Audit Committee had reviewed the matters covered by the report at its meeting on 22 January 2018 and commended the strategy for adoption.

The Cabinet requested that its appreciation be conveyed to the Principal Accountant for his work in treasury management during the year.

RECOMMENDED: That 

- (1) the treasury management position as at 31 December 2017 and the higher level of income incorporated in the 2017/18 revised estimates be noted;
- (2) the Council's exposure to property funds in 2018/19 be increased as additional long term funds become available, for example from selling property;
- (3) the limited use of diversified income funds for medium term investment be endorsed; and
- (4) the Annual Investment Strategy for 2018/19, as set out at Annex 4 to the report, be adopted.

***Referred to Council**

CB 18/5 SETTING THE BUDGET 2018/19

Further to the reports to the Finance, Innovation and Property Advisory Board and the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2018/19. It also highlighted adjustments made to the Revenue Estimates presented to the Advisory Board and Committee.

The Director of Finance and Transformation explained that the final local government settlement had now been received and did not differ significantly from the provisional settlement so the figures within the report would stand. Reference was made to the Council's previous decision to accept the four year funding settlement to 2019/20 offered by the Government and to the referendum threshold for 2018/19 which had been set at the higher of 3% or £5.

The favourable position regarding New Homes Bonus funding in 2018/19 was explained and reference made to the successful outcome of the Kent and Medway authorities' bid for pilot status in respect of 100% business rates retention. However, illustrative allocations up to 2019/20 were presented and a comparison of the Council's Settlement Funding Assessment for the period 2018/19 to 2019/20 with those of the other Kent district councils demonstrated that Tonbridge and Malling continued to receive the lowest or one of the lowest Assessments both in total and per head.

The report also suggested a mechanism for responding to the technical consultation on the Fair Funding Review and referred to a forthcoming consultation on "Negative RSG" announced by the Secretary of State.

Attention was drawn to recommendations from Advisory Boards and the decision of the Licensing and Appeals Committee regarding the levels of fees and charges to be implemented from 1 April 2018 which had been incorporated in the draft estimates. Members were reminded of the approach to preparation of the Capital Plan, an updated summary of which was set out at Annex 7 to the report.

The report then described the remaining procedure to be followed in setting the budget for 2018/19 and calculating the council tax. For the purposes of updating the MTFS a council tax increase of around 3% in 2018/19 had been assumed, followed by an increase of £5 each year up to 2026/27 and 3% in 2027/28. The Cabinet deliberated on the most appropriate guidance to offer the Council as to the way forward for updating the MTFS for the next ten year period and setting the council tax for 2018/19. Members were advised of details of special expenses

for 2018/19.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales to be revisited and aligned with the latest projected “funding gap”. Finally, the Director of Finance and Transformation explained the basis on which the statement as to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the savings target based on latest projections of £1.0m would be delivered. A revised calculation of the council tax requirement for 2018/19 (Annex 18) was circulated in advance of the meeting.

RECOMMENDED: That

- (1) the fees and charges set out in Annex 2 to the report, as recommended by the appropriate Advisory Boards, be endorsed (see Decision Nos D18007CAB to D180013CAB);
- (2) the Capital Plan be updated as set out in paragraph 1.6.14 to the report as follows and adopted accordingly:
 - (i) the position of the existing Capital Plan (List A) as summarised in Annex 3 to the report be approved and the contribution to the savings target as a result of the reassessment of Disabled Facilities Grant funding be noted;
 - (ii) the schemes as detailed in Annex 4 to the report be added to List C or deleted from List C;
 - (iii) the selection of the scheme at Annex 5 to the report for fast-track evaluation over the coming year be approved;
 - (iv) the transfer of the schemes detailed in Annex 6 to the report to List A be approved;
 - (v) the updated Capital Plan (List A) as summarised in Annex 7 to the report be approved;
- (3) the Capital Strategy as presented to the Finance, Innovation and Property Advisory Board on 3 January and the Overview and Scrutiny Committee on 23 January 2018 be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.7.5 and 1.7.9 of the report be endorsed and adopted;
- (5) for the financial year 2018/19 the Council’s Minimum Revenue Provision, as set out at paragraph 1.7.12 of the report, be noted as nil;


- (6) the high level objectives of the Medium Term Financial Strategy be reaffirmed as set out in paragraph 1.9.4 of the report;
- (7) the updated Medium Term Financial Strategy, as set out at Annex 11a to the report, including the proposed scale and timing of each of the savings tranches indicated in paragraph 1.9.10 of the report, be noted and endorsed;
- (8) the Council be recommended to approve a council tax increase of 2.99% or £5.91 per annum as the best way forward in updating the Medium Term Financial Strategy for the next ten-year period and setting the council tax for 2018/19;
- (9) the updates made to the Savings and Transformation Strategy, as set out at Annex 11c to the report, be endorsed and adopted by the Council as part of the Budget setting process;
- (10) the special expenses calculated in accordance with the Special Expenses Scheme set out in Annex 14b to the report be endorsed;
- (11) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves be noted and endorsed; and
- (12) delegated authority be given to the Director of Finance and Transformation, in liaison with the Leader and Cabinet Member for Finance, Innovation and Property, to respond to the technical consultation entitled "Fair funding review: a review of relative needs and resources".

***Referred to Council**

CB 18/6 SETTING THE COUNCIL TAX 2018/19

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2018/19 by the major precepting authorities.


Consideration was given to a draft resolution identifying the processes to be undertaken in arriving at the levels of council tax applicable to each part of the Borough to which any charges under the special expenses scheme would be added. The resolution and further information regarding the precepts of the other authorities would be reported to the full Council on 20 February 2018.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 2.99% or £5.91 per annum increase in the Borough Council's element of the council tax for 2018/19, representing a notional "average" charge at Band D of £203.42. 

***Referred to Council**

CB 18/7 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19

Consideration was given to the report of the Director of Finance and Transformation regarding the draft Local Council Tax Reduction Scheme for 2018/19. It was noted that several changes had been made to the 2017/18 Scheme following public consultation and the draft Scheme for 2018/19 showed little change from the previous year.

RECOMMENDED: That the draft Scheme for 2018/19 be approved and adopted from 1 April 2018 as the Tonbridge and Malling Borough Council Local Council Tax Reduction Scheme 2018/19. 

***Referred to Council**

CB 18/8 REVENUE ESTIMATES 2018/19

Item FIP 18/3 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the formulation of initial draft proposals in respect of the Budget. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

CB 18/9 CAPITAL PLAN REVIEW 2017/18

Item FIP 18/4 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018

The Cabinet received the recommendations of the Finance, Innovation and Property Advisory Board at its meeting of 3 January 2018 in relation to the initial stage of the Capital Plan review process. All budgetary matters were considered in detail in the substantive item on Setting the Budget 2018/19.

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

CB 18/10 WASTE SERVICES CONTRACT RETENDER

Decision Notice D180007CAB

CB 18/11 REVIEW OF CAR PARKING FEES AND CHARGES

Decision Notice D180008CAB

CB 18/12 REVIEW OF FEES AND CHARGES

Decision Notice D180009CAB

CB 18/13 REVIEW OF CEMETERY CHARGES 2018/19

Decision Notice D180010CAB

CB 18/14 PRE-APPLICATION PLANNING ADVICE CHARGING REGIME AND BUILDING CONTROL APPLICATION FEES

Decision Notice D180011CAB

CB 18/15 REVIEW OF FEES AND CHARGES 2018/2019

Decision Notice D180012CAB

CB 18/16 TONBRIDGE CASTLE - REVIEW OF FEES AND CHARGES

Decision Notice D180013CAB

CB 18/17 SELECT COMMITTEE REVIEW OF EFFECTIVENESS OF LOCAL AUTHORITY OVERVIEW AND SCRUTINY COMMITTEES

Decision Notice D180014CAB

CB 18/18 PARISH CHARTER

Decision Notice D180015CAB

MATTERS SUBMITTED FOR INFORMATION**CB 18/19 MATTERS REFERRED FROM ADVISORY BOARDS**

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

Street Scene and Environment Services Advisory Board of 6 November 2017

Communities and Housing Advisory Board of 13 November 2017

Planning and Transportation Advisory Board of 5 December 2017

Finance, Innovation and Property Advisory Board of 3 January 2018

RESOLVED: That the report be received and noted.

CB 18/20 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 19 November 2017
Joint Transportation Board of 27 November 2017
Tonbridge Forum of 4 December 2017

RESOLVED: That the report be received and noted.

CB 18/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D170071MEM**

Date: 06 November 2017

Decision(s) and Reason(s)

Air Quality Update

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

The report summarised the content of the Government's UK plan for tackling roadside nitrogen dioxide concentrations published on 26 July 2017 and made particular reference to the intention to produce a new Clean Air Strategy in 2018 which would address, amongst others, other nitrogen oxides, particulate matter and sulphur dioxide emissions.

Additionally, the report provided an overview of Tonbridge and Malling Borough Council's 2017 Annual Status report in respect of the Borough's 7 Air Quality Management Areas (AQMA's) recently submitted to DEFRA which demonstrated some improvements in nitrogen dioxide levels and assessed the need to vary the boundaries of the Larkfield and Borough Green AQMA's and identified other factors to be taken into account in preparation of the Council's Air Quality Action Plan.

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

The retention of all current AQMA's be endorsed and a review of the boundaries of the Larkfield and Borough Green AQMA's be reported to a future meeting of the Advisory Board for consideration.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Cabinet Member for D Lettington
Street Scene and
Environment Services

Signed Leader: N Heslop
Signed Chief Executive: J Beilby
Date of publication: 10 November 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 Community Services

**Decision No:
D170072MEM**

Date: 13 November 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 a number of significant capital schemes.

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

The Trust's performance over the first quarter of the Annual Service Delivery Plan and progress with on site capital works be noted.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 17 November 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: 13 November 2017

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Development Opportunities

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

The report outlined the findings of a review of income generation opportunities at Leybourne Lakes Country Park (LLCP) linked to capital investment. The review, undertaken by a specialist consultant, had concluded that the site was strategically and commercially appealing to a range of external partners and recommended that the Council undertake a procurement exercise with a view to developing a potential management partnership in the future.

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

- (1) the option of external management of Leybourne Lakes Country Park (LLCP) linked to capital investment be explored in accordance with the key principles outlined in the report;
- (2) a report on a procurement exercise and timescale, taking into account feedback from consultation, be submitted to the next meeting of the Advisory Board; and
- (3) Oaks Consultancy be approved to assist the Council in preparing for and undertaking a procurement exercise.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 17 November 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:
D170074MEM**

Date: 13 November 2017

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Management Plan

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

The report brought forward details of comments received as part of the public consultation exercise on the draft Leybourne Lakes Country Park Management Plan. A summary of the comments received and proposed amendments to the Management Plan were set out at Annex 3 to the report.

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

The proposed amendments to the draft Management Plan be made and the Management Plan for Leybourne Lakes Country Park be approved.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 17 November 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 Housing

**Decision No:
D170075MEM**

Date: 13 November 2017

Decision(s) and Reason(s)

West Kent Housing and Homelessness Strategy

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

The report provided details of the West Kent Housing and Homelessness Strategy 2016-2021, developed in partnership with Tunbridge Wells Borough Council and Sevenoaks District Council, which set out how the three Authorities would work to meet their statutory duties and responsibilities over the next five years.

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

The West Kent Housing and Homelessness Strategy 2016-21 as set out at Annex 1 to the report be endorsed.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 17 November 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 Strategic Planning and Infrastructure

**Decision No:
D170076MEM**

Date: 27 November 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 comments received in response to the informal consultation undertaken between 21 October and 12 November 2017 in respect of parking restriction proposals for twenty locations contained in Phase 9 of the Parking Action Plan. In addition, section 1.2.7 of the report set out details of seven locations within Phase 9 which would proceed directly to formal consultation.

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

- (1) the locations detailed in section 1.2.7 of the report be taken forward to formal consultation;
- (2) the schemes listed at Annex 1 to the report proceed to formal consultation subject to
 - i. the reduction of the proposals for scheme number 3 (Fairfield Road, Borough Green) by the removal of the double yellow lines in front of 163 Fairfield Road;
 - ii. the abandonment of schemes numbered 4 (Quarry Hill Road, Borough Green); 7 (The Rocks Road, East Malling); and 10 (Coombe Close, Snodland);
 - iii. the investigation of the application of appropriate times of restrictions at scheme number 9 (New Hythe Lane/Laburnum Drive, Larkfield);
 - iv. the amendment of scheme number 20 (School Lane, Burham) to delete the proposed double yellow line to the rear of 218-228 High Street but not to reduce the double yellow lines on the southern side of School Lane;

- v. the amendment of scheme number 24 (High Street/Walter Burke Avenue, Wouldham) to reduce the length of the double yellow lines to keep the footpath end clear;
- vi. the amendment of scheme number 25 (School Lane/Wouldham Road, Wouldham) to delete the Disabled Parking Bay as this was no longer required; and
- vii. the amendment of scheme number 26 (Knowle Road/Cornwall Crescent, Wouldham) to extend the double yellow lines as proposed by Wouldham Parish Council.

Reasons: As set out in the report submitted to the Joint Transportation Board of 27 November 2017

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 December 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 Strategic Planning and Infrastructure

**Decision No:
D170077MEM**

Date: 05 December 2017

Decision(s) and Reason(s)

Planning for the Right Homes in the Right Places - Consultation Response

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

The report sought endorsement of a response to a Department for Communities and Local Government (DCLG) consultation which had been submitted by the 9 November deadline. Details were given of the 19 questions on which views had been invited together with the full response to each.

The proposals raised a number of concerns, particularly in relation to the approach to calculating housing needs and questions were raised regarding the sustainability of the targets, delivery of affordability and consistency of approach across the country. It was noted that the consultation introduced delay and uncertainty to the Local Plan process. In view of the importance and high profile of this subject, the response to the consultation had been sent to all Members and a presentation made to the recent meeting of the Parish Partnership Panel. It was requested that an attempt be made to quantify the additional work involved in re-examining the evidence base as a result of the proposals for transmission to the DCLG.

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

The comments set out at Annex 1 to the report be endorsed as the Council's formal response to the consultation together with a quantification of the additional work involved.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

| | |
|---|-----------------|
| Signed Cabinet Member for Strategic Planning and Infrastructure | H Rogers |
| Signed Leader: | N Heslop |
| Signed Chief Executive: | J Beilby |
| Date of publication: | 8 December 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 Strategic Planning and Infrastructure

**Decision No:
D170078MEM**

Date: 05 December 2017

Decision(s) and Reason(s)

Local Plan: Duty to Co-operate

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

The report sought endorsement of a response to a recent Sevenoaks District Council Local Plan consultation required by Regulation 18 of the Town and Country Planning Regulations. Reference was made to the different approaches to addressing unmet housing need in terms of releases of Green Belt land, together with implications of the Government's proposals on standardised methodology. An update was also given on other matters relating to the Duty to Co-operate including the introduction of Statements of Common Ground.

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

The contents of the report be noted and the response set out at Annex 1 thereto be endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

Signed Cabinet Member for Strategic Planning and Infrastructure H Rogers

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 December 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:
D180001MEM**

Date: 03 January 2018

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 rate relief which were considered in accordance with the previously agreed criteria for determining such applications.

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

The new applications for discretionary rate relief be determined as follows:

- (1) 1st Ditton Scout Group, R/O 18 New Road, Ditton – 20% discretionary rate relief be awarded, back dated to 1 April 2017 and time limited to 31 March 2019;
- (2) Carers First, 146A High Street, Tonbridge – 20% discretionary rate relief be awarded, backdated to 13 May 2017 and time limited to 31 March 2019; and
- (3) St Benedict's Centre, 52 Swan Street, West Malling – no discretionary rate relief be granted.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop
Signed Chief Executive: J Beilby
Date of publication: 5 January 2018

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:
D180002MEM**

Date: 03 January 2018

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list be amended to include a new rural settlement for the financial year 2018/19.

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

The rural settlement list be amended to include a new settlement for Peter's Village, as shown on the map at Annex 1 to the report, and the amended list remain in force for the year 2018/19.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 5 January 2018

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:
D180003MEM**

Date: 03 January 2018

Decision(s) and Reason(s)

Revenue and Benefits Shared Service

(Report of Director of Finance and Transformation)

The report advised that Gravesham Borough Council had decided not to proceed with the Revenue and Benefits Shared Service. However, it was noted that the IT digital and transformation plan for the service would continue to be progressed as set out in the Capital Plan (Minute C 17/56 refers).

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

It be noted that:

- (1) at Gravesham Borough Council's behest the Shared Service for Revenue and Benefits will not be progressed;
- (2) existing secondment agreements for the Revenue and Benefits Manager and Principal Revenues Officer will continue as is the current practice;
- (3) the planned IT and digital transformation initiatives in respect of this service will continue to be progressed; and
- (4) the Capital Plan has been updated accordingly.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 5 January 2018

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:
D180004MEM**

Date: 03 January 2018

Decision(s) and Reason(s)

Procurement Strategy

(Report of Director of Finance and Transformation)

The report presented an updated Procurement Strategy for consideration and endorsement. The Strategy provided a framework to ensure the application of good procurement practice throughout the organisation and delivery of cost effective and efficient services.

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

The updated Procurement Strategy set out at Annex 1 to the report be endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 5 January 2018

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:
D180005MEM**

Date: 03 January 2018

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 20 items shown in the schedule of amounts over £1,000, totalling £66,119.15 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 3 January 2018 (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: 5 January 2018

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:
D180006MEM**

Date: 03 January 2018

Decision(s) and Reason(s)

Banking and Merchant Acquirer Services Contracts

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

(Report of Director of Finance and Transformation)

The report gave details of the approach taken in progressing new Banking and Merchant Acquirer Services contracts.

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

The progress made in renegotiating both the banking and merchant services contracts be noted and authority be delegated to the Director of Finance and Transformation, in liaison with the Cabinet Member for Finance, Innovation and Property, to finalise the negotiations.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018 (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: 5 January 2018

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: D180007CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 17/15 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017.

The Cabinet resolved that:

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

- (1) the core principles for the Inter Authority Agreement between this Council and Kent County Council, as outlined in the report, be agreed;
- (2) a final draft Inter Authority Agreement be reported to a future meeting of the Advisory Board for consideration;
- (3) the financial arrangements relating to the new contract, as outlined in the report, and associated financial implications be noted; and
- (4) the approach to the evaluation of the contract tenders, as outlined in the report, be agreed and incorporated within the tender documentation.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180008CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Car Parking Fees and Charges

(Item SSE 17/16 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017. Reference was made to a report to the Advisory Board's forthcoming meeting on 13 February on the outcome of public consultation on the proposals.

The Cabinet resolved that:

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

The following proposals be approved in principle with effect from 1 April 2018, subject to consideration of the outcome of public consultation by the Street Scene and Environment Services Advisory Board and final approval by Cabinet at its next meeting on 20 March 2018:

- (1) the schedule of charges for short and long stay parking in Tonbridge, shown in Table 1 to the report, be introduced;
- (2) week day short day parking charges to the car parking bays in the Tonbridge Castle grounds, including the purchase of a new car parking ticket machine, be introduced;
- (3) the schedules of Peak and Off-Peak Season ticket charges in Tonbridge, shown in Tables 2 and 3 to the report, be adopted;
- (4) the Ryarsh Lane, West Malling Annual Season ticket charges be increased to £175;
- (5) the schedule of charges for short stay parking in West Malling, shown in Table 5 to the report, be introduced with the new 4 hour tariff amended to £3.20;
- (6) the schedule of charges for Blue Bell Hill car park, shown in Table 6 to the report, be introduced;
- (7) the schedule of charges for Borough Green Western Road car park, shown in Table 7 to the report, be introduced;

- (8) Residents Permits (Residential Preferential Parking Scheme) be retained at £40 per year;
- (9) the schedule of charges for Business Permits and Dispensations, shown in Table 8 to the report, be introduced;
- (10) Visitor Permits be retained at £12 for a book of 10 permits, the current offer of 10 free Visitor Permits be limited to new applicants for a Residents Permit and the offer of 10 free Visitor Permits on renewal of a Residents Permit be discontinued;
- (11) the schedule of charges for Haysden and Leybourne Lakes country parks, shown in Table 9 to the report, be introduced;
- (12) the schedule of charges for On-Street Pay and Display parking in Tonbridge, shown in Table 10 to the report, be introduced; and
- (13) the potential introduction of On-Street Permit and Pay and Display parking in designated areas of North Tonbridge be investigated.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180009CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Fees and Charges

(Item SSE 17/17 referred from Street Scene and Environment Services Advisory Board minutes of 6 November 2017)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 6 November 2017.

The Cabinet resolved that:

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

The scale of charges for household bulky refuse and fridge/freezer collection, "missed" refuse collection, stray dog redemption fees, pest control, condemned food certificates, exported food certificates, contaminated land monitoring and sampling private water supplies be approved with effect from April 2018, as detailed in the report to the Advisory Board.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 6 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180010CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Cemetery Charges 2018/19

(Item CH 17/31 referred from Communities and Housing Advisory Board minutes of 13 November 2017)

Consideration of recommendations to the Cabinet from the Communities and Housing Advisory Board of 13 November 2017.

The Cabinet resolved that:

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

The proposed charges for Tonbridge Cemetery, as detailed at Annex 2 to the report, be agreed and implemented with effect from 1 April 2018.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 13 November 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180011CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Pre-Application Planning Advice Charging Regime and Building Control Application Fees

(Item PE 17/17 referred from Planning and Transportation Advisory Board minutes of 5 December 2017)

Consideration of recommendations to the Cabinet from the Planning and Transportation Advisory Board of 5 December 2017

The Cabinet resolved that:

The recommendations of the Planning and Transportation Advisory Board be approved as follows:

- (1) the updated pre-application charging regime for planning, set out at Annex 1 to the report, be approved; and
- (2) the Director of Planning, Housing and Environmental Health be given delegated authority to set the detailed building control application fee scales within a general guide of a 3% increase.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 December 2017.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180012CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Review of Fees and Charges 2018/2019

(Item FIP 18/5 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 3 January 2018

The Cabinet resolved that:

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

- (1) in respect of the recovery of legal fees payable by third parties, the Council's fees continue to follow the Supreme Court guideline hourly rates as set out at paragraph 1.2.1 of the report;
- (2) the proposed scale of fees for local land charges searches and enquiries set out at Annex 1 to the report be adopted with effect from 1 January 2018;
- (3) the current photocopying charges of 10p (inclusive of VAT) for each page of the same document or additional copies of the same page plus postage as appropriate be retained;
- (4) the fee schedule for street naming and numbering set out in section 1.6 of the report be adopted with effect from 1 April 2018; and
- (5) the amount of council tax and business rate Court costs recharged remain as set out at paragraph 1.7.2 of the report for the 2018/19 financial year.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180013CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Tonbridge Castle - Review of Fees and Charges

(Item FIP 18/6 referred from Finance, Innovation and Property Advisory Board minutes of 3 January 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 3 January 2018

The Cabinet resolved that:

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

- (1) the new pricing model for the Castle Tour at Tonbridge Castle be approved as set out at paragraph 1.4.10 of the report;
- (2) the new pricing model for Schoolchildren Educational Workshops at Tonbridge Castle be approved as set out at paragraph 1.5 of the report;
- (3) the new pricing model for Weddings at Tonbridge Castle be approved as set out at paragraph 1.6.2 of the report;
- (4) authority be delegated to the Director of Central Services and Monitoring Officer for a 12 month trial period to depart from the fixed fee structure at paragraph 1.6.2 of the report where he considers that it is in the financial interests of the Council to do so in a particular case;
- (5) the new pricing model for entries into the Wedding Diary at Tonbridge Castle be approved as set out at paragraph 1.6.6 of the report;
- (6) the list of concessionary users of the Tonbridge Castle Council Chamber set out at Annex 2 to the report and the rate of discount, if any, to be given to any booking by an approved concessionary user be reviewed by the Overview and Scrutiny Committee;
- (7) the new model for hiring out the Council Chamber at Tonbridge Castle be approved as set out at paragraph 1.8.3 of the report;
- (8) the Director of Central Services and Monitoring Officer be authorised to agree Gate House fee charges for special events; and
- (9) authority be delegated to the Director of Central Services and Monitoring Officer to negotiate and agree fees with parties wishing to use Tonbridge

Castle for filming purposes.

[Councillor N Heslop declared an Other Significant Interest in item (6) in respect of concessionary users of the Council Chamber on the grounds of membership of the Board of the Bridge Trust. He withdrew from the meeting during its consideration and the chair was taken by Councillor Coffin.]

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 3 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180014CAB

Date: 08 February 2018

Decision(s) and Reason(s)

Select Committee Review of Effectiveness of Local Authority Overview and Scrutiny Committees

(Item OS 18/6 referred from Overview and Scrutiny Committee minutes of 23 January 2018)

Consideration of recommendations to the Cabinet from the Overview and Scrutiny Committee of 23 January 2018

The Cabinet resolved that:

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

- (1) the recommendations of the Select Committee regarding the effectiveness of Overview and Scrutiny Committees be noted; and
- (2) further consideration be given to
 - (i) the introduction of a process whereby recommendations of the Overview and Scrutiny Committee which are not accepted by Cabinet can then be referred to full Council;
 - (ii) where appropriate to the review being undertaken, opportunities to engage service users and the public be explored to assist with that review.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 23 January 2018.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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: D180015CAB
Date: 08 February 2018

Decision(s) and Reason(s)

Parish Charter

(Report of Chief Executive)

The report advised that following discussions with the Kent Association of Local Councils (KALC) and further consideration via the Parish Partnership Panel, a revised Parish Charter had been drawn up and informally agreed between the parties. KALC had recently resolved to adopt the Charter and its adoption by the Borough Council was now recommended.

The Cabinet resolved that:

The revised Parish Charter set out at Annex 1 to the report be adopted.

Reasons: As set out in the report of the Chief Executive.

Signed Chief Executive: J Beilby

Date of publication: 9 February 2018

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.

