

**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**

**Friday, 16th February, 2018**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and  
Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 18/4 DECLARATIONS OF INTEREST**

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

**LA 18/5 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 18/6 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER  
LICENCE - CASE NO 01/2018**

**(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, submitted with the application, had disclosed that the Applicant had received a conviction dated 17 February 2010 for Common Assault.

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 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty;
- (4) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably; and
- (5) that Section 12.12.1 required that Cautions and Endorsable Fixed Penalties should be treated as though they were convictions and must be disclosed.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account all previous convictions, regardless of the age of those convictions, when assessing whether the Applicant could be considered as a 'Fit and Proper' person to hold a licence. However, the Panel remained concerned that, given the nature of other offences which appeared on the DBS certificate, public safety might be compromised by granting a licence at this time. For this reason the Panel was not satisfied that the Applicant was 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 10.25 am  
having commenced at 10.00 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 16th February, 2018**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and  
Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 18/7 DECLARATIONS OF INTEREST**

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

**LA 18/8 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 18/9 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 02/2018**

**(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, submitted with the application, had disclosed that the Applicant had received 2 convictions dated 30 September 2013 for Resist or Obstruct Constable and Use disorderly behaviour or threatening/abusive/insulting words likely to cause harassment alarm or distress.

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 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and
- (4) that Section 12.3.2 of the Policy stated that, in respect of violent offences, an application would normally be refused if made less than 4 years after the date of conviction. If the application was made between 4 and 8 years after conviction more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account the Council's policy requirement that after four years from the date of conviction greater weight could be given to the evidence of good character provided by the Applicant and his current supervisor. The Panel noted that the Applicant appeared to have learned from his mistakes and had matured. For these reasons the Panel was satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 11.30 am  
having commenced at 11.00 am

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 16th February, 2018**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and  
Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 18/10 DECLARATIONS OF INTEREST**

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

**LA 18/11 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 18/12 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER  
LICENCE - CASE NO 03/2018**

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

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

The Panel was advised that the Applicant had produced a Disclosure and Barring Service (DBS) Certificate which had shown a Conviction dated 22 January 2018 for Harassment – put in fear of violence. The Applicant had failed to declare this on the questionnaire completed with the application.

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

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 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably; and
- (4) that Section 12.3.2 of the Policy stated that if an application was made between 4 and 8 years after the date of conviction more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction.

The Panel listened carefully to the Applicant's explanation of the circumstances surrounding the conviction. The Panel also took into account the Council's policy requirement that after four years from the date of conviction greater weight could be given to the evidence of good character provided by the Applicant and his father, who had accompanied him at the Hearing. The Panel noted that the Applicant appeared to have learned from his mistake and had been able to demonstrate a degree of responsibility as he already worked as a transport assistant escorting children to school each day. For these reasons the Panel was satisfied that the Applicant was a 'Fit and Proper' person to hold a licence and, therefore,

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

The meeting ended at 12.39 pm  
having commenced at 12 noon



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS PANEL**

**Friday, 16th February, 2018**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr O C Baldock and  
Cllr Mrs P A Bates

Together with representatives of the Licensing Authority

**PART 1 - PUBLIC**

**LA 18/13 DECLARATIONS OF INTEREST**

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

**LA 18/14 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 18/15 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER  
LICENCE - CASE NO 04/2018**

**(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) and from the Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the Applicant had failed to declare a conviction dated 10 March 2011 for Battery and a conviction dated 24 April 2012 – Failure to comply with the requirements of a community order.

The Panel was advised that the Applicant had submitted a DVLA data release mandate form to allow the Licensing Team to undertake an online check of his driving licence which had disclosed Offence dated

29 December 2016 for MS90 Failure to give information as to identity of driver etc. Causing or permitting offences. Using a vehicle uninsured against third party risks for which he had received 6 Penalty Points.

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 5.7.5 of the Policy regarding the relevance of previous convictions required that the Council had regard to the following: whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty;
- (4) that Section 12.3.1 of the Policy stated that, in respect of violent offences, a period of 4 to 10 years conviction free was required before an application was considered favourably;
- (5) that Section 12.3.2 of the Policy stated that if an application was made between 4 and 8 years after the date of conviction more weight would be given to the circumstances of the offence and any evidence adduced to show good character since the date of conviction; and
- (6) that Section 12.7.2 of the Policy stated that an application would normally be refused where the Applicant has 6 or more penalty points on his DVLA licence.

The Panel listened carefully to the explanation of the circumstances surrounding the convictions on the DBS certificate and the penalty points issued by the DVLA. The Panel was dissatisfied with the explanation given by the Applicant regarding the DVLA points and was satisfied that the circumstances were of his own making. The Panel was concerned that the Applicant had failed to submit any evidence to indicate good character. In light of this the Panel felt that the full eight year period, as set out in the Policy, should elapse before an application could be considered. For these reasons the Panel was not satisfied that the Applicant was 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 1.38 pm  
having commenced at 1.00 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### COUNCIL MEETING

Tuesday, 20th February, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 20th February, 2018

**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 M C Base, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs S M Barker, M O Davis, B T M Elks, D Keers, Ms S V Spence and Miss G E Thomas

### PART 1 - PUBLIC

#### **C 18/1 DECLARATIONS OF INTEREST**

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

#### **C 18/2 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 31 October 2017 be approved as a correct record and signed by the Mayor.

#### **C 18/3 MAYOR'S ANNOUNCEMENTS**

The Mayor was presented with a copy of the Bible by Mr Michael Lee of Gideons International.

The Mayor reported that since May, he and the Deputy Mayor had attended 174 engagements including charity dinners, Christmas events and services, school services and award presentations. He mentioned a

range of events and highlighted recent visits to a High Hilden resident's 100<sup>th</sup> Birthday Celebration, the success of the local schools debates held in November 2017 and February 2018, the Remembrance Sunday Services and the Mayor's Quiz held on 4 November 2017. He advised that his Mayor's Gala Event would be held at Kings Hill Golf Club on 28 April 2018.

**C 18/4 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 18/5 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 18/6 LEADER'S ANNOUNCEMENTS**

The Leader advised that Councillor Martin Coffin would shortly present the Cabinet's recommendations on the budget to Council and, while not wishing to pre-empt consideration of the budget proposals, he drew attention to the Council's potential business rates income with particular reference to business rates retention. He reminded Members that, last November, the Government had invited bids for the piloting of 100% business growth retention in the financial year 2018/19, particularly encouraging two tier authorities to work together. He was delighted to advise that the bid put forward by the Kent Council Leaders and Medway Council, in totality a financial bid of circa £25 million, was one of ten to be approved. He advised that the bid had the potential, linked to growth, of achieving £560K as a windfall sum for the Borough Council to assist with financial stability. Additionally, he reported that the Kent and Medway bid had a second allocation of funding for each of the three cluster areas and he advised that 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. He indicated that he would be meeting the Leaders of Kent County Council, and the neighbouring west Kent districts to discuss how best to invest that second pot of funding.

The Leader said that Members would be aware that this Authority was one of the first fifteen councils to no longer receive revenue support grant and that, 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. The Government had announced its intention to consult on these funding arrangements and the Leader assured Members that a robust response would be made to this consultation. The Leader reminded Members that the closure of

Aylesford Newsprint (formerly the Council's largest business ratepayer) had taken the Council below the baseline for business rate retention purposes and, consequently, the Council's share of the safety net under the risk/reward model, had been paid from its own resources. On a positive note, the Leader stated that the Director of Finance and Transformation had advised that current projections suggested that the Council was closer to the baseline set and could find itself above baseline at the year-end 2017/18.

The Leader stated that supporting and working closely with business leaders was a key priority and advised that, since the last meeting of Council, he had arranged two business engagement meetings for small businesses from across the Borough. He thanked Councillor Vivian Branson for her support at both meetings and Jeremy Whittaker, the Economic Regeneration Officer. The last meeting provided an opportunity to explain the ever-increasing complexities of the Business Rate system.

The Leader stated that another key priority was maintaining the cleanliness of the Borough. He advised that the Borough Council was responsible for sweeping over 1,750 roads totalling a length of more than 800 kilometres. He reminded Members of the Council's zero tolerance approach and advised that in the year 2017/18 over 160 Fixed Penalty Notices had been issued for litter and fly tipping offences.

The Leader also reported that the Council had a strong record on promotion, education and partnership. He advised that the first weekend in March would see the launch of the Great British Spring Clean. He was pleased to announce that with 35 community clean up events planned for this year, Tonbridge and Malling had more events than any other district in Kent. He expressed his gratitude to the community groups and parishes who took pride in their Borough.

Finally, the Leader referred to the reports in the Daily Mail newspaper about cyber security and took the opportunity to 'set the record straight'. He stated that the Borough Council took the threat of cyber security extremely seriously and advised that its officers monitored and recorded accurately all attempts to attack its IT systems. The data showed that there had been 62 attempted attacks, 60 of which were unsuccessful, with two successful. Neither of these two successful attacks had caused a shut down of systems or any data loss. The other 60 incidents were attempts which were detected and successfully defended against. The Leader stated that the Council had a significant number of defences and monitoring systems in place which detected such threats. He invited Members to join him in thanking the IT team for the professional approach adopted.

**C 18/7      IMPLICATIONS FOR TONBRIDGE AND MALLING BOROUGH  
COUNCIL OF THE TRADE UNION ACT 2016**

Item GP 17/20 referred from General Purposes Committee minutes of 20 November 2017

**RESOLVED:** That the recommendations at Minute GP 17/20 be approved.

**C 18/8      LOCALISM ACT - PAY POLICY**

Item GP 18/3 referred from General Purposes Committee minutes of 29 January 2018

**RESOLVED:** That the recommendations at Minute GP 18/3 be approved.

**C 18/9      RISK MANAGEMENT STRATEGY**

Item CB 18/3 referred from Cabinet minutes of 8 February 2018

**RESOLVED:** That the recommendations at Minute CB 18/3 be approved.

**C 18/10     TREASURY MANAGEMENT AND ANNUAL INVESTMENT  
STRATEGY 2018/19**

Item CB 18/4 referred from Cabinet minutes of 8 February 2018

**RESOLVED:** That the recommendations at Minute CB 18/4 be approved.

**C 18/11     SETTING THE BUDGET 2018/19**

Item CB 18/5 referred from Cabinet minutes of 8 February 2018

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 18/5 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington,



Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, and Cllr T C Walker

Total 45

Members voting against the motion:

Cllr T I B Cannon and Cllr B W Walker

Total 2

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 18/5 be approved.

#### **C 18/12 SETTING THE COUNCIL TAX 2018/19**

Item CB 18/6 referred from Cabinet minutes of 8 February 2018

It was proposed by Councillor Coffin and seconded by Councillor N Heslop that the recommendations at Minute CB 18/5 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr M C Base, Cllr Mrs P A Bates, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr Mrs F A Kemp, Cllr S M King, Cllr R D Lancaster, Cllr D Lettington, Cllr Mrs S L Luck, Cllr B J Luker, Cllr D Markham, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr T B Shaw, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis, and Cllr T C Walker

Total 45

Members voting against the motion:

Cllr T I B Cannon and Cllr B W Walker

Total 2

Members abstaining:

None

**RESOLVED:** That the recommendations at Minute CB 18/6 be approved and the Council Tax Resolution 2018/19, as set out as an Annex to these Minutes, be adopted.

**C 18/13 LOCAL COUNCIL TAX REDUCTION SCHEME 2018/19**

Item CB 18/7 referred from Cabinet minutes of 8 February 2018

**RESOLVED:** That the recommendations at Minute CB 18/7 be approved.

**C 18/14 SEALING OF DOCUMENTS**

**RESOLVED:** That authority be given for the Common Seal of the Council to be affixed to any instrument to give effect to a decision of the Council incorporated into these Minutes and proceedings.

The meeting ended at 8.23 pm

## COUNCIL TAX

### DRAFT RESOLUTION

1. It be noted that on 20th February 2018 the Council calculated:

- (a) the Council Tax Base 2018/19 for the whole Council area as 49,924.51 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,
- (b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	13,531.87
Addington	404.26
Aylesford	4,272.98
Birling	202.38
Borough Green	1,649.69
Burham	454.19
Ditton	1,787.48
East Malling & Larkfield	4,957.54
East Peckham	1,295.73
Hadlow	1,516.67
Hildenborough	2,187.02
Ightham	1,120.09
Kings Hill	3,970.48
Leybourne	1,825.18
Mereworth	437.88
Offham	379.71
Platt	884.07
Plaxtol	592.24
Ryarsh	364.80
Shipbourne	257.52
Snodland	3,624.13
Stansted	266.01
Trottscliffe	270.86
Wateringbury	891.53
West Malling	1,113.20
West Peckham	178.63
Wouldham	597.05
Wrotham	891.32

2. £10,155,641 being the Council Tax requirement for the Council's own purposes for 2018/19 (excluding Parish precepts).

3. That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:

- (a) £89,872,455 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £76,937,177 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £12,935,278 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £259.10 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
- (e) £3,562,807 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £187.73 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <b><u>Part of the Council's area</u></b>	Band D
	£
Tonbridge	238.71
Addington	248.81
Aylesford	244.79
Birling	241.71
Borough Green	291.24
Burham	244.56
Ditton	337.88
East Malling & Larkfield	251.67
East Peckham	296.24
Hadlow	261.17
Hildenborough	218.66
Ightham	297.86
Kings Hill	261.50
Leybourne	286.23
Mereworth	258.87
Offham	241.49
Platt	268.27
Plaxtol	252.28
Ryarsh	240.65
Shipbourne	227.32
Snodland	273.79
Stansted	309.00
Trottscliffe	248.65
Wateringbury	284.76
West Malling	296.60
West Peckham	217.96
Wouldham	259.55
Wrotham	287.31

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items (Special expenses and Parish precepts) relate.

(h)

**Valuation Bands**

<b>Part of the Council's area</b>	<b>A</b> £	<b>B</b> £	<b>C</b> £	<b>D</b> £	<b>E</b> £	<b>F</b> £	<b>G</b> £	<b>H</b> £
Tonbridge	159.14	185.66	212.19	238.71	291.76	344.80	397.85	477.42
Addington	165.87	193.52	221.16	248.81	304.10	359.39	414.68	497.62
Aylesford	163.19	190.39	217.59	244.79	299.19	353.59	407.98	489.58
Birling	161.14	188.00	214.85	241.71	295.42	349.14	402.85	483.42
Borough Green	194.16	226.52	258.88	291.24	355.96	420.68	485.40	582.48
Burham	163.04	190.21	217.39	244.56	298.91	353.25	407.60	489.12
Ditton	225.25	262.80	300.34	337.88	412.96	488.05	563.13	675.76
East Malling & Larkfield	167.78	195.74	223.71	251.67	307.60	363.52	419.45	503.34
East Peckham	197.49	230.41	263.32	296.24	362.07	427.90	493.73	592.48
Hadlow	174.11	203.13	232.15	261.17	319.21	377.25	435.28	522.34
Hildenborough	145.77	170.07	194.36	218.66	267.25	315.84	364.43	437.32
Ightham	198.57	231.67	264.76	297.86	364.05	430.24	496.43	595.72
Kings Hill	174.33	203.39	232.44	261.50	319.61	377.72	435.83	523.00
Leybourne	190.82	222.62	254.43	286.23	349.84	413.44	477.05	572.46
Mereworth	172.58	201.34	230.11	258.87	316.40	373.92	431.45	517.74
Offham	160.99	187.83	214.66	241.49	295.15	348.82	402.48	482.98
Platt	178.85	208.65	238.46	268.27	327.89	387.50	447.12	536.54
Plaxtol	168.19	196.22	224.25	252.28	308.34	364.40	420.47	504.56
Ryarsh	160.43	187.17	213.91	240.65	294.13	347.61	401.08	481.30
Shipbourne	151.55	176.80	202.06	227.32	277.84	328.35	378.87	454.64
Snodland	182.53	212.95	243.37	273.79	334.63	395.47	456.32	547.58
Stansted	206.00	240.33	274.67	309.00	377.67	446.33	515.00	618.00
Trottscliffe	165.77	193.39	221.02	248.65	303.91	359.16	414.42	497.30
Wateringbury	189.84	221.48	253.12	284.76	348.04	411.32	474.60	569.52
West Malling	197.73	230.69	263.64	296.60	362.51	428.42	494.33	593.20
West Peckham	145.31	169.52	193.74	217.96	266.40	314.83	363.27	435.92
Wouldham	173.03	201.87	230.71	259.55	317.23	374.91	432.58	519.10
Wrotham	191.54	223.46	255.39	287.31	351.16	415.00	478.85	574.62

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2018/19 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
The Police & Crime Commissioner for Kent	112.77	131.56	150.36	169.15	206.74	244.33	281.92	338.30
Kent & Medway Fire & Rescue Authority	50.34	58.73	67.12	75.51	92.29	109.07	125.85	151.02
Kent County Council	825.12	962.64	1,100.16	1,237.68	1,512.72	1,787.76	2,062.80	2,475.36

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2018/19, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	1,147.37	1,338.59	1,529.83	1,721.05	2,103.51	2,485.96	2,868.42	3,442.10
Addington	1,154.10	1,346.45	1,538.80	1,731.15	2,115.85	2,500.55	2,885.25	3,462.30
Aylesford	1,151.42	1,343.32	1,535.23	1,727.13	2,110.94	2,494.75	2,878.55	3,454.26
Birling	1,149.37	1,340.93	1,532.49	1,724.05	2,107.17	2,490.30	2,873.42	3,448.10
Borough Green	1,182.39	1,379.45	1,576.52	1,773.58	2,167.71	2,561.84	2,955.97	3,547.16
Burham	1,151.27	1,343.14	1,535.03	1,726.90	2,110.66	2,494.41	2,878.17	3,453.80
Ditton	1,213.48	1,415.73	1,617.98	1,820.22	2,224.71	2,629.21	3,033.70	3,640.44
East Malling & Larkfield	1,156.01	1,348.67	1,541.35	1,734.01	2,119.35	2,504.68	2,890.02	3,468.02
East Peckham	1,185.72	1,383.34	1,580.96	1,778.58	2,173.82	2,569.06	2,964.30	3,557.16
Hadlow	1,162.34	1,356.06	1,549.79	1,743.51	2,130.96	2,518.41	2,905.85	3,487.02
Hildenborough	1,134.00	1,323.00	1,512.00	1,701.00	2,079.00	2,457.00	2,835.00	3,402.00
Ightham	1,186.80	1,384.60	1,582.40	1,780.20	2,175.80	2,571.40	2,967.00	3,560.40
Kings Hill	1,162.56	1,356.32	1,550.08	1,743.84	2,131.36	2,518.88	2,906.40	3,487.68
Leybourne	1,179.05	1,375.55	1,572.07	1,768.57	2,161.59	2,554.60	2,947.62	3,537.14
Mereworth	1,160.81	1,354.27	1,547.75	1,741.21	2,128.15	2,515.08	2,902.02	3,482.42
Offham	1,149.22	1,340.76	1,532.30	1,723.83	2,106.90	2,489.98	2,873.05	3,447.66
Platt	1,167.08	1,361.58	1,556.10	1,750.61	2,139.64	2,528.66	2,917.69	3,501.22
Plaxtol	1,156.42	1,349.15	1,541.89	1,734.62	2,120.09	2,505.56	2,891.04	3,469.24
Ryarsh	1,148.66	1,340.10	1,531.55	1,722.99	2,105.88	2,488.77	2,871.65	3,445.98
Shipbourne	1,139.78	1,329.73	1,519.70	1,709.66	2,089.59	2,469.51	2,849.44	3,419.32
Snodland	1,170.76	1,365.88	1,561.01	1,756.13	2,146.38	2,536.63	2,926.89	3,512.26
Stansted	1,194.23	1,393.26	1,592.31	1,791.34	2,189.42	2,587.49	2,985.57	3,582.68
Trottscliffe	1,154.00	1,346.32	1,538.66	1,730.99	2,115.66	2,500.32	2,884.99	3,461.98
Wateringbury	1,178.07	1,374.41	1,570.76	1,767.10	2,159.79	2,552.48	2,945.17	3,534.20
West Malling	1,185.96	1,383.62	1,581.28	1,778.94	2,174.26	2,569.58	2,964.90	3,557.88
West Peckham	1,133.54	1,322.45	1,511.38	1,700.30	2,078.15	2,455.99	2,833.84	3,400.60
Wouldham	1,161.26	1,354.80	1,548.35	1,741.89	2,128.98	2,516.07	2,903.15	3,483.78
Wrotham	1,179.77	1,376.39	1,573.03	1,769.65	2,162.91	2,556.16	2,949.42	3,539.30

## **TONBRIDGE AND MALLING BOROUGH COUNCIL**

### **AREA 1 PLANNING COMMITTEE**

**Thursday, 22nd February, 2018**

**Present:** Cllr R D Lancaster (Chairman), Cllr V M C Branson (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr Mrs P A Bates, Cllr P F Bolt, Cllr J L Botten, Cllr D J Cure, Cllr M O Davis, Cllr M R Rhodes, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Miss G E Thomas and Cllr F G Tombolis

Apologies for absence were received from Councillors B T M Elks, Mrs M F Heslop, N J Heslop and H S Rogers

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

##### **AP1 18/1 DECLARATIONS OF INTEREST**

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

##### **AP1 18/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 1 Planning Committee held on 26 October 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**

##### **AP1 18/3 DEVELOPMENT CONTROL**

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

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

**AP1 18/4 TM/17/02468/FL - TEEN AND TWENTY CLUB, RIVER LAWN ROAD, TONBRIDGE**

Demolition of existing building and erection of a new 3 storey medical centre incorporating a retail pharmacy, with associated parking and landscaping at Teen and Twenty Club, River Lawn Road, Tonbridge

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

(1) The amendment of Condition

12. The measures for implementation and monitoring arrangements as set out in the Travel Plan (Reference 618753-MLM-ZZ-RP-TP-002, received on 01 February 2018) and Car Park Management Plan (Reference 618573-MLM-ZZ-RP-TP-003, received on 01 September 2017) hereby approved shall be fully adhered to.

After 12 months of the commencement of the use hereby approved, a monitoring report shall be submitted to the Local Planning Authority for approval. This report shall demonstrate to the reasonable satisfaction of the Local Planning Authority how the travel plan and car park management plans have been implemented during the previous 12-month period and shall include:

- Measures introduced and actions taken to promote the travel plan and effective management of the car park;
- A statistical summary of the modal split of employees/residents/users disclosed by the monitoring surveys;
- The progress of the travel plan in achieving targets and identifying any amendments in the event that targets are not achieved;
- A plan for future actions to be implemented and a timescale for such implementation.

Reason: In the interests of the proper management of traffic and highway safety and in order to encourage more sustainable modes of transport to/from the site by staff and visitors.

(2) The addition of Condition

27. If during construction, items or features of archaeological and/or historic importance are discovered, all development shall cease until such time as the applicant, or their agents or successors in title, have submitted a scheme to the Local Planning Authority for approval which



suitably secures the implementation of a watching brief to be undertaken by an archaeologist for the duration of the works as necessary.

Reason: To ensure that features of archaeological interest are properly examined and recorded; and

(3) The addition of Informatives

14. The applicant is advised that in connection with the submission of a flood management and evacuation plan as required by Condition 20, they liaise with the designated Flood Warden for the area.

15. The applicant is reminded that, in undertaking the works hereby approved, due regard should be had to the provisions of the Wildlife and Countryside Act 1981 (as amended) particularly in respect of nesting birds. Should any further information be required in this respect, the applicant should contact Natural England.

[Speakers: Ms S Bevan (on behalf of Tonbridge Civic Society), Mrs E Hood, Ms J Lloyd, Ms E Hood and Mr M Hood (on behalf of Barden Residents Association) – members of the public; and Ms S Gibbs (Agent) and Dr T Palmer (Applicant)]

**AP1 18/5 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00309/WORKM - LAND WEST OF LAXTON FARM, COMMON ROAD, TONBRIDGE**

The report set out details of an alleged breach of planning control regarding the unauthorised use of the land for the storage of a touring caravan and the erection of a building without planning permission.

**RESOLVED:** That Enforcement Notices be issued to seek the cessation of the use of the site for the storage of caravans and a further Notice to seek the removal of the unauthorised building along with any arisings from its demolition and the land restored to its former condition thereafter.

**AP1 18/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.00 pm



## TONBRIDGE AND MALLING BOROUGH COUNCIL

### JOINT STANDARDS COMMITTEE

Monday, 5th March, 2018

**Present:** Cllr Miss J L Sergison (Chairman), Cllr D J Cure (Vice-Chairman), Cllr D A S Davis (Vice-Chairman), Cllr Mrs P A Bates, Cllr R P Betts, Cllr C P Smith, Ms P Garrett (Addington), Mr W E Stead (Burham), Mr D Thornewell (East Malling and Larkfield), Ms H Harratt (East Peckham), Ms J Newman (Hadlow) and Prof M McKinlay (Ryarsh)

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

Apologies for absence were received from Councillors Mrs S Bell, Mrs B A Brown, Mrs T Dean and Miss G E Thomas; and from Mr M Taylor (Borough Green), Mrs P Darby (Platt) and Mr M Carboni (Plaxtol)

#### PART 1 - PUBLIC

##### **ST 18/1 DECLARATIONS OF INTEREST**

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

##### **ST 18/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Joint Standards Committee held on 16 January 2017 be approved as a correct record and signed by the Chairman.

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

##### **ST 18/3 COMMITTEE ON STANDARDS IN PUBLIC LIFE – CONSULTATION PAPER**

The report of the Director of Central Services and Monitoring Officer set out details of a consultation paper published by the Committee on Standards in Public Life on 29 January 2018 calling for evidence about how local councils were supporting good ethical standards in local government. He advised that responses had been sought by 18 May 2018 and the report provided a link via which responses could be made. Annex 1 to the report set out details of the proposed response to be made by the Monitoring Officer on behalf of the Joint Standards Committee and particular attention was drawn to the section on

Sanctions. The Committee considered that the lack of effective sanctions, such as the ability to suspend a member of the Council, should be identified as a fundamental weakness and should be reinstated. The Committee also felt that the costs burden on the Council of dealing with standards complaints should be set out in the response.

**RESOLVED:** That, subject to the inclusion of additional representations relating to the costs burden of dealing with standards complaints, the response to the Consultation, as set out at Annex 1 to the report, be approved.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **ST 18/4 UPDATE - CODE OF CONDUCT COMPLAINTS**

The report of the Monitoring Officer provided an update on complaints received since January 2017.

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

#### **ST 18/5 CODE OF CONDUCT - REFRESHER TRAINING**

The Committee received a presentation from the Director of Central Services and Monitoring Officer which outlined the current standards regime, the requirements of the Code of Conduct and, in particular, the rules governing Disclosable Pecuniary Interests and Other Significant Interests. The Director of Central Services answered a number of questions raised at the meeting.

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

#### **ST 18/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.43 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**Tuesday, 13th March, 2018**

**Present:** Cllr Mrs J A Anderson (Chairman), Cllr Mrs S M Barker (Vice-Chairman), Cllr B T M Elks, Cllr D Keers, Cllr Mrs F A Kemp, Cllr H S Rogers and Cllr R V Roud

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

Apologies for absence were received from Councillors O C Baldock, M C Base, Mrs P A Bates, M A Coffin, S M King, M Taylor and F G Tombolis

**PART 1 - PUBLIC**

**LA 18/16 DECLARATIONS OF INTEREST**

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

**LA 18/17 MINUTES**

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

**LA 18/18 MINUTES OF PANEL**

**RESOLVED:** That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 7 December 2017, 5 February and 16 February 2018 be received and noted.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL**

**LA 18/19 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2018 - 2023**

Further to Minute LA 17/51, the report of the Director of Central Services and Monitoring Officer provided feedback from the consultation on the draft Hackney Carriage and Private Hire Licensing Policy for 2018 - 2023. The report highlighted the proposed changes to the current policy, the responses received to the consultation and officers' comments and recommendations thereon.

**RECOMMENDED:** That the proposed changes to the Hackney Carriage and Private Hire Licensing Policy set out at Annex 1 to the report be



approved together with the recommendations at Annex 3 to the report and, in relation to the comment on Green Electric Cars, reference be made in the Policy to there being no restriction on the number of seats to allow applications for vehicles with room for one passenger to be considered on their merits.

**\*Referred to Council**

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

**LA 18/20 DISCONTINUANCE OF PRIVATE HIRE PROBATIONARY LICENCES**

The report of the Director of Central Services and Monitoring Officer gave details of a review of the time, costs and effectiveness of administering the private hire probationary badge licence programme. It was recommended that Probationary Badges be discontinued on the grounds of time and costs of administration and the potential safeguarding issues identified.

Members discussed the rationale of the probationary licence system when it was introduced and its success when mentors fulfilled their intended role. However, it was noted that Tonbridge and Malling was almost unique in operating such an arrangement and the large number of probationary badges being issued had implications for cross-border working and the ability to target enforcement activity. It was therefore proposed to undertake a period of consultation prior to further consideration by the Committee and all Members of the Council would be encouraged to submit their views.

**RESOLVED:** That the discontinuance of the Probationary Private Hire Licence be subject to consultation and report back as set out in the report.

**LA 18/21 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.17 pm

## TONBRIDGE AND MALLING BOROUGH COUNCIL

### CABINET

Tuesday, 20th March, 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, P F Bolt, V M C Branson, D J Cure, 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 18/22 DECLARATIONS OF INTEREST**

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

#### **CB 18/23 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 8 February 2018 be approved as a correct record and signed by the Chairman.

### MATTERS FOR RECOMMENDATION TO THE COUNCIL

#### **CB 18/24 GENERAL DATA PROTECTION REGULATION SOFTWARE**

The joint report of the Director of Central Services and Director of Finance and Transformation explored the use of software to enable the Council to comply with new data protection legislation due to come into effect in May 2018. The requirements of the General Data Protection Regulation (GDPR) were outlined in terms of accountability, privacy by design and default and the need for protection of personal data to be embedded throughout the organisation. It was noted that the Council was required to demonstrate data governance processes and procedures in order to mitigate the risk of substantial fines by the Information Commissioners Office in the event of a data breach.

Consideration was given to a Capital Plan evaluation which had been conducted for the purchase of an automated software solution which could reduce the risks under the GDPR. Considerable discussion ensued and officers undertook to examine some of the points raised by Members before the Council meeting. Reference was made to the Member training being arranged and all Councillors were urged to attend.

**RECOMMENDED:** That an automated software solution for General Data Protection Regulation purposes be added to the Capital Plan, funded from the Invest to Save reserve.

**\*Referred to Council**

#### **CB 18/25 PURCHASE OF TEMPORARY ACCOMMODATION**

The joint report of the Director of Planning, Housing and Environmental Health and Director of Central Services set out the need for access to additional temporary accommodation in order to address both housing management and cost issues in dealing with applications under homelessness legislation. The report presented a preferred way of moving forward in the short term utilising funds from planning obligations. Consideration was given to a Capital Plan evaluation for the purchase of property for temporary accommodation purposes.

Members welcomed the proposal and expressed the wish that the accommodation should be within the Borough where possible although it was recognised that it might be necessary to look beyond the boundary to obtain best value.

**RECOMMENDED:** That

- (1) the sum of up to £1.6m be added to the Capital Plan for the purchase of property for temporary accommodation purposes funded from section 106 monies; and
- (2) delegated authority be granted to the Director of Planning, Housing and Environmental Health and Director of Central Services, in consultation with the Cabinet Member for Housing and Cabinet Member for Finance, Innovation and Property, to progress the purchase of property for temporary accommodation purposes as set out in the report.

**\*Referred to Council**

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

#### **CB 18/26 WASTE SERVICES CONTRACT RE-TENDER**

Decision Notice D180023CAB

#### **CB 18/27 CAR PARKING FEES AND CHARGES - OUTCOME OF PUBLIC CONSULTATION**

Decision Notice D180024CAB



**CB 18/28 LEYBOURNE LAKES COUNTRY PARK - DEVELOPMENT OPPORTUNITIES**

Decision Notice D180025CAB

**CB 18/29 ON-STREET PARKING FEES AND CHARGES**

Decision Notice D180026CAB

**CB 18/30 PARKING ACTION PLAN - PHASE 9**

Decision Notice D180027CAB

**MATTERS SUBMITTED FOR INFORMATION****CB 18/31 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 13 February 2018

Economic Regeneration Advisory Board of 21 February 2018

Planning and Transportation Advisory Board of 6 March 2018

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

**CB 18/32 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 15 February 2018

Joint Transportation Board of 12 March 2018

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

**CB 18/33 STRATEGIC RISK REGISTER**

The report of the Management Team presented the latest iteration of the Strategic Risk Register which had been reviewed and updated to align with the new Corporate Strategy in the autumn. It was noted that updates had been made in respect of emergency arrangements, contaminated land and the potential demise of a large partner organisation.

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

**CB 18/34 FAIR FUNDING REVIEW**

The report of the Director of Finance and Transformation referred to the publication of a technical consultation paper entitled “Fair funding review: a review of relative needs and resources” alongside the 2018/19 Provisional Local Government Finance Settlement. An overview of the paper was given together with comments and the response submitted by the 12 March 2018 deadline with the agreement of the Leader and Cabinet Member for Finance, Innovation and Property.

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

**CB 18/35 BUSINESS RATES - DISCRETIONARY FUND RELIEF SCHEME POLICY**

The report of the Director of Finance and Transformation gave details of changes made to the Discretionary Fund Relief Scheme Policy to ensure that the amount of relief awarded to eligible businesses was maximised.

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

**CB 18/36 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.

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

**CB 18/37 DEBTS FOR WRITE OFF**

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

Decision Notice D180028CAB

The meeting ended at 8.35 pm

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

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

**Decision No:  
D180016MEM**

**Date: 13 February 2018**

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

**Environmental Health Services Enforcement Policy**

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

**The report presented an updated Environmental Health Services Enforcement Policy, which took into account revisions to the Code for Crown Prosecutors and Regulator's Compliance Code and reflected the need to liaise with the Primary Authority when enforcement action was proposed.**

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

The updated version of the Environmental Health Services Enforcement Policy (attached at Annex 1 to the report), be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Cabinet Member for  
Street Scene and  
Environment Services

D Lettington

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

16 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.

**Date: 13 February 2018**

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

**Former Joco Pit - Landfill Gas Investigation**

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

The report outlined the process being taken to investigate landfill gas levels at the former Joco pit in Borough Green. It was noted that increased gas levels at one borehole, recorded in mid-2017, had not stabilised and further investigation was necessary to identify the level of potential risk.

An external consultant had been commissioned to advise the Borough Council and carry out works, which included the drilling and monitoring of 8 additional boreholes. These would be installed with continuous gas analysers to provide data for 1 month. The site would then be spot monitored weekly for a further 2 months and the data used to produce an up to date and adequate risk assessment for the site.

Members were pleased to note that following positive drop-in sessions with residents a sufficient number of homeowners had volunteered to have boreholes placed on their properties.

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

The approach set out in the report, and summarised above, be endorsed to enable further investigation and risk assessment to be undertaken immediately.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Cabinet Member for  
Street Scene and  
Environment Services

D Lettington

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

16 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.



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet Member for Economic Regeneration**

**Decision No:  
D180018MEM**

**Date: 21 February 2018**

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

**Update on the Borough Economic Regeneration Strategy Action Plan for 2017/18 and Priorities for 2018/19**

**(Report of Chief Executive)**

**A detailed overview of the progress made in delivering the Economic Regeneration Strategy Action Plan during 2017/18 was provided and it was reported that overall good progress was being made across a wide range of initiatives.**

**The proposed priorities for 2018/19 were also set out and these were influenced by progress made in specific areas, as well as the level of future financial resources. Actions key to the effective delivery of the Economic Regeneration Strategy were detailed at 1.3.1 of the report.**

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

- (1) the Economic Regeneration Strategy Action Plan, as set out in Appendix 1 to the report, be endorsed; and
- (2) the priorities for 2018/19, as set out at 1.3.1 of the report, be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for  
Economic Regeneration  
and Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

23 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 Member for Economic Regeneration**

**Decision No:  
D180019MEM**

**Date: 21 February 2018**

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

**Skills and Work Readiness Update**

**(Report of Chief Executive)**

**The report provided an update on added value activities that the Borough Council had been delivering under the 'skills and work readiness' agenda and proposed future activity for 2018/19.**

**Members welcomed the positive outcomes related to the West Kent Enterprise Adviser Network and suggested that a future meeting of the Advisory Board focus on this initiative and consideration be given to inviting the local co-ordinator, employers, the Federation of Small Businesses, West Kent College and users of the course to share their experiences.**

Following consideration by the Economic Regeneration Advisory Board, the Cabinet Member for Economic Regeneration resolved that the proposals for 2018/19, as detailed in paragraph 1.4.1 of the report, be endorsed

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for  
Economic Regeneration  
and Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

23 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 Member for Economic  
Regeneration**

**Decision No:  
D180020MEM**

**Date: 21 February 2018**

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

**Tonbridge Fairtrade Town - Proposal**

**(Report of Chief Executive)**

**The report set out proposals aimed at making Tonbridge a Fairtrade town and the Borough Council's support of the initiative was sought. In addition, a local Fairtrade Steering Group, with a nominated Borough Council representative, was required to ensure continued development and support**

**A draft resolution in support of the Fairtrade town initiative was set out at paragraph 1.4.1 of the report. For clarity, whilst the draft resolution encouraged the supply of Fairtrade products in the Borough Council offices it was noted that the organisation no longer had canteen facilities on site.**

**Members were supportive of the proposals for a Fairtrade Town and strongly encouraged balanced representation of the business community on the Steering Group.**

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

- (1) the resolution set out in paragraph 1.4.1 of the report be supported; and
- (2) a representative from Tonbridge and Malling Borough Council be appointed to the Tonbridge Fairtrade Steering Group

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 21 February 2018.

Signed Cabinet Member for  
Economic Regeneration  
and Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

23 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.



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure**

**Decision No:  
D180021MEM**

**Date: 06 March 2018**

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

**Local Plan**

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

The report set out a revised timetable for preparing the Local Plan following the publication of 'Building the Right Homes in the Right Places' by the Government for consultation in September 2017. In addition, an update in respect of the most recent elements of the Local Plan evidence base that had been finalised or updated was provided.

Subsequent to the preparation of the report, Members were advised that a draft version of the revised National Planning Policy Framework (NPPF) had been published and was out for consultation until 10 May 2018, along with various other documents including one dealing with developer contributions.

Particular reference was made to the transitional arrangements proposed which provided for Local Plans submitted to the Secretary of State within 6 months of the final NPPF being published to be assessed under the current NPPF, rather than the proposed new standardised methodology for calculating housing need which would be a significantly higher figure for many local authorities.

For Tonbridge and Malling this meant that Objectively Assessed Needs of 696 new homes per year and associated evidence already prepared and used to inform 'The Way Forward' regulation 18 consultation document could continue to form the basis for the Borough's Local Plan.

It was proposed that every effort should be made to submit the Borough's Local Plan to the Secretary of State within the 6 month transitional period which was anticipated to be December 2018 at the latest.

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

- (1) the progress on the Local Plan evidence base be noted;
- (2) the revised timetable for preparing the Local Plan, as summarised in the report

and set out in Annex 1 be agreed, subject to:

every effort being made to submit the Local Plan to the Secretary of State by end of December 2018 to take advantage of the transitional arrangements proposed in the draft National Planning Policy Framework; and

- (3) the proposed new Local Plan be brought forward for consideration at the next two meetings of the Advisory Board and subsequently reported to Cabinet and Council in September 2018.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 6 March 2018.

Signed Cabinet Member for  
Strategic Planning and  
Infrastructure                      H Rogers

Signed Leader:                      N Heslop

Signed Chief Executive:              J Beilby

Date of publication:                      9 March 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 Strategic Planning and Infrastructure**

**Decision No:  
D180022MEM**

**Date: 06 March 2018**

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

**New London Plan Consultation**

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

**The report summarised progress and next stages in the preparation of the new London Plan; highlighted some of the key issues for Tonbridge and Malling and the wider south east and sought endorsement of the officer level comments returned by the deadline of 2 March 2018.**

**Concerns raised in the officer level response related to the potential for any unmet housing need putting additional pressure on surrounding local planning authorities and the inability of London Boroughs to release Green Belt land.**

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

- (1) the progress made in respect of preparing the draft London Plan be noted; and
- (2) the officer level responses (set out in Annex 1 to the report) be endorsed.

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 6 March 2018.

Signed Cabinet Member for  
Strategic Planning and Infrastructure      H Rogers

Signed Leader:                                      N Heslop

Signed Chief Executive:                        J Beilby

Date of publication:                              9 March

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: D180023CAB**  
**Date: 20 March 2018**

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

**Waste Services Contract Re-tender**

**(Item SSE 18/3 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018)**

**Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 13 February 2018.**

The Cabinet resolved that:

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

- (1) the withdrawal of Dartford Borough Council from the Waste Contract Partnership be noted and the resultant project timescale approved;
- (2) subject to Member comment on the draft Equality Impact Assessment, a final Equality Impact Assessment be presented to the next meeting of the Advisory Board for consideration;
- (3) the modification to the length of the contract outlined in the report be noted; and
- (4) the approach to resident communication and the development of a marketing plan in liaison with the Council Members be agreed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 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: D180024CAB**  
**Date: 20 March 2018**

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

**Car Parking Fees and Charges - Outcome of Public Consultation**

**(Item SSE 18/5 referred from Street Scene and Environment Services Advisory Board minutes of 13 February 2018)**

**Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 13 February 2018.**

The Cabinet resolved that:

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

Car parking charges should come into effect from 1 April 2018 subject to the following actions being taken in advance of this date:

- (1) the objections to the increase in off-street parking charges, as detailed in the report, be set aside; and
- (2) the appropriate Traffic Regulation Order be made to facilitate the variation of the off-street parking charges.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 13 February 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 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: D180025CAB**  
**Date: 20 March 2018**

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

**Leybourne Lakes Country Park - Development Opportunities**

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

**The report provided an update on proposals for the potential outsourcing of management of Leybourne Lakes Country Park, brought forward Heads of Terms for consideration and approval and advised on the procurement route, timeframe and evaluation criteria.**

The Cabinet resolved that:

- (1) the Heads of Terms, as detailed in Annex 3 to the report, be approved and form the basis of a Management Agreement for the procurement exercise;
- (2) a price/quality split of 40% price and 60% quality for the evaluation of the tenders be approved;
- (3) the detailed evaluation criteria be reported to the next meeting of the Communities and Housing Advisory Board for consideration and approval; and
- (4) the procurement route and timeframe be noted and approved as outlined in the report.

Reasons: As set out in the report of the Director of Street Scene, Leisure and Technical Services.

Signed Chief Executive: J Beilby

Date of publication: 22 March 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: D180026CAB**  
**Date: 20 March 2018**

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

**On-Street Parking Fees and Charges**

**(Item JTB 18/3 referred from Joint Transportation Board minutes of 12 March 2018)**

**Consideration of recommendations to the Cabinet from the Joint Transportation Board of 12 March 2018.**

The Cabinet resolved that:

The recommendations of the Joint Transportation Board be approved as follows:

The proposed charges, as set out at Annex 1 to the report, be implemented with effect from 1 April 2018.

Reasons: As set out in the report submitted to the Joint Transportation Board of 12 March 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 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: D180027CAB**  
**Date: 20 March 2018**

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

**Parking Action Plan - Phase 9**

**(Item JTB 18/4 referred from Joint Transportation Board minutes of 12 March 2018)**

**Consideration of recommendations to the Cabinet from the Joint Transportation Board of 12 March 2018.**

The Cabinet resolved that:

The recommendations of the Joint Transportation Board be approved as follows:

The recommendations set out in Annex 1 to the report be agreed, the Traffic Regulation Order be amended and the proposed changes be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 12 March 2018.

Signed Chief Executive: J Beilby

Date of publication: 22 March 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: D180028CAB**  
**Date: 20 March 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.**

The Cabinet resolved that:

The 24 items shown in the schedule of amounts over £1,000, totalling £79,183.84 be written-off for the reasons stated within the schedule.

Reasons: As set out in the report of the Director of Finance and Transformation (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 22 March 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.

- Minutes of the Audit Committee held on 3 April 2018 are *'to follow'*

