

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

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

Thursday, 5th April, 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 Edmondston-Low, Cllr N J Heslop, Cllr M R Rhodes, Cllr H S Rogers, Cllr Miss J L Sergison, Cllr C P Smith, Cllr Ms S V Spence and Cllr Miss G E Thomas

Apologies for absence were received from Councillors Mrs M F Heslop and F G Tombolis

PART 1 - PUBLIC

AP1 18/7 DECLARATIONS OF INTEREST

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

AP1 18/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 22 February 2018 be approved as a correct record and signed by the Chairman; subject to noting that Councillor Sarah Spence had submitted apologies to the meeting which had not been recorded. The website would be amended to reflect this.

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

AP1 18/9 DEVELOPMENT CONTROL

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

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

AP1 18/10 TM/18/00173/FL - 36 DRY HILL PARK ROAD, TONBRIDGE

Change of use from residential dwelling to caring staff training centre at 36 Dry Hill Park 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) Amended Conditions:

3. The use hereby permitted along with any associated activities connected with that use shall not be carried on outside the hours of 0800 to 1800 Mondays to Fridays, with no working on Saturdays, Sundays or Public and Bank Holidays unless otherwise agreed in writing by the Local Planning Authority.

Reason: To avoid unreasonable disturbance outside the normal working hours to nearby residential properties.

4. This consent shall enure only for the benefit of Consultus Care and Nursing Ltd (the applicant) and it shall not enure for the benefit of the land or any other person, persons, organisation or company for the time being having an interest therein.

Reason: To enable the Local Planning Authority to assess the impact of another user of the land in the interests of amenity.

5. The site identified in red on drawing number 18002/SP01 shall be used for a centre for training carers and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument amending, revoking and re-enacting that Order).

Reason: In order to enable the Local Planning Authority to assess the impacts of alternative uses falling within the same use class upon residential amenity and highway safety.

6. The use shall not commence until details comprising a scheme of acoustic protection and noise insulation measures throughout the building (including but not limited to those along the party wall with 36A Dry Hill Park Road) have been submitted to and approved by the Local Planning Authority. The scheme shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The approved scheme shall be implemented prior to the commencement of the use and be permanently retained thereafter.

Reason: In the interests of residential amenity.

(2) Additional Conditions:

8. The use of the site hereby approved shall not commence until a Travel Plan covering all staff, training attendees and any other visitors to the site has been submitted to and approved by the Local Planning Authority. Thereafter, the Travel Plan shall be implemented in full and monitored to ensure strict compliance with the approved scheme to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of amenity.

9. The use of the site hereby approved shall not commence until details of a site and operational management plan have been submitted to and approved by the Local Planning Authority. The plan shall specify the arrangements for how the use will operate and how the site (inclusive of the building, terrace and garden) will be managed on a day to day basis. The plan shall set out specific details of measures and procedures to be put in place to ensure the use operates in an acceptable manner and should include (but not limited to) the following:

- Procedures for the processing and management of all visitors to the site;
- Measures and guidelines for use of all external spaces by staff and visitors;
- Procedures for liaising with local residents in the event of any issues arising;
- Procedures for the management of emergency events outside the approved hours of operation.

The plan should also detail how it would interact with the travel plan where applicable.

The use shall thereafter be undertaken in strict accordance with the approved plan.

Reason: In the interests of residential amenity.

10. The windows on the rear elevation of the building at first floor level shall be fitted with obscured glass. This work shall be affected before the use of the building commences and shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

(3) Additional Informative(s):

1. The applicant is reminded of the need to fully comply with the requirements of the Building Regulations in respect of fire safety.

[Speakers: John Barr, Kirsten Barr, Petra Sulka, Lisa Gibbard (represented by Petra Sulka), Ian Gibbard (represented by Steven Johnston), Cheryl Farrar, Mark Farrar, David Mote, Rachel Barr, Steven Johnston and Sam Veitch – members of the public; and Peter Seldon – applicant]

AP1 18/11 ALLEGED UNAUTHORISED DEVELOPMENT 17/00361/WORKM - PEAR TREE FARM, MATTHEWS LANE, HADLOW

The report of the Director of Planning, Housing and Environmental Health advised of an alleged unauthorised construction of a new building within the grounds of Pear Tree Farm.

Attempts to resolve the breach through informal means had been explored and plans had been provided indicating alterations the owner would be prepared to make to resolve the situation. However, the plans still allowed for a building larger than approved under planning reference TM/14/03862/FL. In addition, a different use from the building previously approved was indicated.

Members were advised that formal action was now required for the owner to make the necessary changes to the building so that it met the terms of the otherwise implemented planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek all physical alterations to the unauthorised building to conform to the plans approved under planning reference TM/14/03862/FL.

AP1 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/22 DECLARATIONS OF INTEREST

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

LA 18/23 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 18/24 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 5/2018

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

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

RESOLVED: That consideration of Case No 5/2018 in respect of an application for a Probationary Private Hire Driver's Licence be DEFERRED to a future meeting of the Licensing and Appeals Panel.

The meeting ended at 10.05 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/25 DECLARATIONS OF INTEREST

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

LA 18/26 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 18/27 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 6/2018

(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 Kent Police. The Hearing was held in the absence of the Applicant who had failed to attend. The Panel was advised that the DBS Certificate had disclosed that the Applicant had received a Caution dated 27 January 2017 for failure to comply with notification requirements on 19 October 2016, Sexual Offences Act 2003; had a Conviction dated 15 October 2014 for exposure, Sexual Offences Act

2003 and had received a Caution dated 17 June 2013 for committing an act outraging public decency by behaving in an indecent manner, Common Law.

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 in respect of Indecency offences, Section 12.5 of the Policy required a period of 10 years conviction free 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.

After careful consideration of the information placed before it, the Panel reached the conclusion that, due to the serious nature of the offences and to his appearance on the Sex Offenders register, the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence and, therefore,

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

The meeting ended at 11.35 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/28 DECLARATIONS OF INTEREST

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

LA 18/29 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 18/30 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER LICENCE - CASE NO 7/2018

(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 had disclosed that the Applicant had Convictions dated 14 June 2015 for Using a Vehicle while uninsured, Road Traffic Act 1988 S.143(2) and for Drive Motor Vehicle otherwise than in accordance with a Licence, Road Traffic Act 1988

S.87(1). The Panel noted that the Applicant had declared the conviction for driving while uninsured on the questionnaire submitted with his application.

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 in respect of Major traffic offences, Section 12.6.1 of the Policy stated that an isolated conviction, without disqualification, for an offence such as dangerous driving or driving without due care and attention would require careful consideration of the facts and would, at the very least, merit a warning as to future driving and advice on the standard expected of a hackney carriage and private hire driver. However, where the conviction was within 6 months prior to the date of application, the application would normally be refused;
- (5) that Section 12.6.2 of the Policy stated that more than one conviction for this type of offence within 5 years was likely to merit refusal;
- (6) the list of offences under the Road Traffic Act 1988 set out in Section 12.14 of the Policy, to which the above applied, included offences IN 10 (Using a vehicle uninsured against third party risks) and LC 20 (Driving otherwise than in accordance with a licence)
- (7) 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 explanation of the circumstances surrounding the convictions and heard that, at the material time, the Applicant did not hold a valid driving licence and was driving without insurance. From the explanation given by the Applicant it was clear to

the Panel the he had been driving for some time without a valid driving licence or insurance. In the circumstances the Panel concluded that there was no good reason to deviate from the Council's Hackney Carriage and Private Hire Policy, as set out in Sections 12.6.1 and 12.14, as the Applicant was not a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore,

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

The meeting ended at 12.25 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 6th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and Cllr H S Rogers

Together with representatives of the Licensing Authority

Following an apology for absence received from Councillor O C Baldock prior to the meeting Councillor Rogers had been appointed to serve on the Panel

PART 1 - PUBLIC

LA 18/31 DECLARATIONS OF INTEREST

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

LA 18/32 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 18/33 APPLICATION FOR RENEWAL OF A PRIVATE HIRE DRIVER'S LICENCE - CASE NO 08/2018

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

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

The Panel was advised that the DBS Certificate had disclosed three Convictions dated 4 December 2015 for Destroy or damage property (Value of Damage £5000 or less – offence against Criminal Damage Act 1971 Only) on 7 November 2015. Criminal Damage Act 1971 S.1(1).

The Panel noted that the Applicant had declared the conviction on his renewal application.

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, in respect of previous convictions, Section 12.3.1 of the Policy stated that, in general a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably; and
- (4) that Section 12.3.2 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 was less than 4 years prior to the date of application.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the convictions for Criminal Damage and noted that he had held a licence for 10 years without any previous problems. The Panel felt that the Applicant had provided a candid explanation of the incident leading to his convictions and had shown genuine remorse. Additionally, the Panel noted that the incident had nothing to do with his work as a licensed driver. In this case the Panel felt that the Applicant was a fit and proper person to continue to hold a private Hire Driver's Licence. For these reasons, therefore, the Panel

RESOLVED: That the Application for the renewal of the Private Hire Driving Licence be GRANTED.

The meeting ended at 1.52 pm
having commenced at 1.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 10th April, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 10th April, 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 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 T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr M O Davis, Cllr B T M Elks, Cllr S M Hammond, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr D Keers, Cllr Mrs F A Kemp, 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 Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors D A S Davis, Mrs T Dean, S M King and C P Smith

PART 1 - PUBLIC

C 18/15 DECLARATIONS OF INTEREST

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

C 18/16 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 20 February 2018 be approved as a correct record and signed by the Mayor.

C 18/17 MAYOR'S ANNOUNCEMENTS

The Mayor reported that he and the Deputy Mayor had attended 195 engagements since May. He highlighted some memorable events including the Dementia Friendly Business Exchange, the Derwent Day Care Centre's anniversary party and East Malling Partnership's Sports Relief. He also mentioned the Lord Lieutenant of Kent's Civic Service at

Canterbury, a concert by Sevenoaks and Tonbridge Concert Band and the Tonbridge Juddians RFC annual sponsors lunch and match. Members were reminded of the forthcoming Charity Gala evening at Kings Hill Golf Club on 28 April.

C 18/18 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 18/19 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 18/20 LEADER'S ANNOUNCEMENTS

The Leader indicated that he would use his announcements to remind the Council of some of the activity that had been achieved over the past 12 months, highlighting three particular areas.

However, he began by referring to the recent sad passing of David Evans who served on the Borough Council, Kent County Council and as a parish councillor for many years. He was first elected in May 1991 to the Borough Green Ward which subsequently became Borough Green and Long Mill Ward and retired in November 2013 after 22 years' service, having chaired a number of committees, most notably the Area 2 Planning Committee and the then Policy Overview Committee. In March 2016 David was appointed to the position of Honorary Alderman and the Leader expressed condolences on behalf of the Council to Sheila Evans and the family.

The Leader also reflected on the 100th anniversary of the Royal Air Force earlier this month and he indicated that it was in 1918 that RAF West Malling became operational. In recognition, the RAF flag was flying at the Council offices that day.

Review of the year

Looking back over the year, the Leader said Members had worked hard to remain true to the Council's core principles and its record of service, recognising the financial challenges faced by local authorities. The concern must be to protect what was cherished in Tonbridge and Malling, providing the services believed to be important to local people but also being mindful of the wider challenges faced.

The focus on driving value for money had meant that the Borough Council had also delivered savings in excess of £1.8m over the last

three years. But the age of austerity continued for local government and a further £1m in savings had to be found over the next three years. That would require a joint effort between Members and senior officers in driving this forward. Colleagues were asked to note from the programme of meetings which followed on the agenda that the Overview and Scrutiny Committee was beginning a series of regular meetings over the course of the year and the Leader hoped that some of the topics would be able to contribute to that significant target.

Housing

The Leader referred to a recommendation later on the agenda that the Borough Council commit up to £1.6m of development contributions for the purchase of temporary accommodation. This was a positive move which would give the Council more options to assist people to whom it had a duty to house temporarily. It would also reduce the reliance on nightly paid accommodation and consequently help to manage and reduce costs. All round this provided a way of using resources that the Council had properly accrued from development in the Borough to provide suitable homes that were fit for purpose for those requiring help, at the cost of developers rather than the tax payers.

The Leader highlighted that, working with its registered social landlord partners, over 570 affordable homes had been provided throughout the Borough during the past three years and, in the most recent year 2017/18, the Council had secured 315 homes for affordable rent, social rent, shared ownership and extra care accommodation.

Business support

The Leader stated that supporting its businesses remained a key Council priority and he was proud of what had been achieved through the West Kent Partnership. A familiar plea from local employers was the need to improve careers advice and guidance. So he was pleased that this year a dedicated careers advice network was in place, funded both locally and by the national Career and Enterprise Company. The Council had worked with partners in staging Job Fairs throughout the Borough, putting business leaders in direct contact with job seekers.

The Village Stores Initiative over the course of a 12 month pilot project had supported local stores in East Peckham, Wateringbury, Plaxtol and Wouldham and the programme would now continue this year.

The Leader had been pleased to support the county-wide proposal to be a pilot area for the Business Rates retention scheme. This bid having been successful, he was looking forward to seeing the benefits and financial rewards including business investment in West Kent.

Leisure

Working in partnership, the Leader said that the Council could be proud of the leisure facilities offered to its residents. He highlighted the fact that in October last year, Tonbridge Swimming Pool was awarded an industry standard Quest Outstanding for the second time. 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%. It was noted that in the Quest assessment of Tonbridge Swimming Pool, the inspectors made specific reference to the quality of engagement by the Borough Council, both by senior Members and officers.

Reference was made to the successful negotiation of a revised Service Fee with the Leisure Trust resulting in an annual saving of £150,000 with no reduction in service quality. Furthermore, the Trust was investing over £700,000 of their own money in new fitness facilities at Larkfield Leisure Centre, due to open this coming summer.

The Council's outdoor facilities continued to be improved through the success in securing external funding from developer contributions and grant sources. The improvements included path works, play facilities, planting and new wild flower areas at both of its Country Parks. This external investment had been significant and new exciting plans were now being developed for Leybourne Lakes Country Park with the intention of reducing the overall cost of this facility to the Council in the future.

General

The Leader concluded by referring to the period of snow earlier this year and the fact that the Council was open for business throughout. Whilst the snow prevented the collection of bins, there was a strong engagement with residents to keep them informed and a rapid recovery. The Council's offices were open daily as were its telephones and priority services were able to be delivered to those most in need. The Severe Weather Emergency Protocol was in place ensuring those without a place to sleep were given full support. The Council's investment in IT systems meant that its staff could work in a flexible way providing maximum services to the residents.

C 18/21 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2018 - 2023

Item LA 18/19 referred from Licensing and Appeals Committee minutes of 13 March 2018

RESOLVED: That the recommendations at Minute LA 18/19 be approved.

C 18/22 GENERAL DATA PROTECTION REGULATION SOFTWARE

Item CB 18/24 referred from Cabinet minutes of 20 March 2018

RESOLVED: That the recommendations at Minute CB 18/24 be approved.

C 18/23 PURCHASE OF TEMPORARY ACCOMMODATION

Item CB 18/25 referred from Cabinet minutes of 20 March 2018

RESOLVED: That the recommendations at Minute CB 18/25 be approved.

C 18/24 AUDIT COMMITTEE ANNUAL REPORT

Item AU 18/17 referred from Audit Committee minutes of 3 April 2018

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

C 18/25 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 18/18 referred from Audit Committee minutes of 3 April 2018

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

C 18/26 PROGRAMME OF MEETINGS 2018/19

The report of the Director of Central Services presented for consideration a draft proposed programme of meetings for 2018/19. Details of arrangements for the remainder of this year to the commencement of the municipal year 2020 were set out in the annex to the report. Particular attention was drawn to changes to the programme arising from the Waste Services Tender process, the revised Local Plan timetable and the decision to hold additional meetings of the Overview and Scrutiny Committee.

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

C 18/27 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 7.59 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 11th April, 2018

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

PART 1 - PUBLIC

AP2 18/1 DECLARATIONS OF INTEREST

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

AP2 18/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 13 December 2017 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO COUNCIL

AP2 18/3 PROPOSED DIVERSION OF PUBLIC FOOTPATH MR218, STANSTED

Consideration was given to a request by Kent County Council for Tonbridge and Malling Borough Council to make an order under Section 257 of the Town and Country Planning Act 1990 to divert a public right of way (MR218 at Stansted) to enable development to take place.

Details of the length of footpath to be diverted and the proposed new route were illustrated in Appendix A to the report. An extract from the Definitive Map was attached at Appendix B to show the path in context with the rest of the public rights of way network.

Consultation had been carried out as required by the Act and it was reported that local County and Borough Councillors had raised no objection. Kent County Council was satisfied that all the legal tests had been met in that the Borough Council had granted planning permission

under Part III of the Town and Country Planning Act 1990 for development and that this section of MR218 would be adversely affected by the development.

RESOLVED: That an Order to divert public footpath MR218 at Stansted, as shown in Appendix A to the report, be made under Section 257 of the Town and Country Planning Act 1990 in order for development to be carried out.

***Referred to Council**

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

AP2 18/4 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.

AP2 18/5 TM/17/03403/FL - PRUNELLE, CHURCH LANE, TROTTISCLIFFE

Addition to driveway to create a drive on drive off at Prunelle, Church Lane, Trottiscliffe.

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

The development, by virtue of the amount of hardstanding, the materials to be used and the limited opportunity to provide for soft landscaping within the site; combined with the prominence of the site due to land levels would cause visual harm to the appearance of the site and wider locality which is designated as an Area of Outstanding Natural Beauty. The development is therefore contrary to the requirements of CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy 2007, policy SQ1 of the Managing Development and the Environment DPD 2010 and paragraph 115 of the National Planning Policy Framework 2012.

[Speakers: Richard Wallis – Trottiscliffe Parish Council]

AP2 18/6 TM/17/03354/FL - THE OLD STABLE BUILDING, OLD PARSONAGE COURT, WEST MALLING

Single storey extension and roof alterations to porch at The Old Stable Building, Old Parsonage Court, West Malling.

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

(1) Amended Conditions:

2. All materials used externally shall accord with the approved plans, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. No development shall take place until there has been submitted to and approved by the Local Planning Authority an updated arboriculture report that provided a survey of the trees on and adjacent to the site and a construction method statement for the development and tree protection measures in accordance with B.S.5837:2012 'Trees in relation to design, demolition and construction'. The development shall be carried out in strict accordance with the approved report.

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.

(2) Additional Condition:

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking and re-enacting that Order), no further windows of similar openings shall be constructed in any elevation or roof slope of the extension hereby approved.

Reason: To enable the Local Planning Authority to regulate and control any such further development in the interests of amenity and privacy of adjoining property.

(3) Additional Informative:

1. With regard to the construction phase of the development, the applicant is asked to take all reasonable steps to mitigate any impact upon surrounding residents. The applicant is also advised to not undertake construction works outside the hours of 0800 – 1800 Mondays to Fridays, 0800 – 1300 on Saturdays and to not undertake

works on Sundays, Bank or Public holidays. Furthermore, arrangements for the management of construction traffic to and from the site should be carefully considered in the interests of residential amenities.

[Speakers: Pauline Wilkinson and Simon Cook – members of the public and Joe Alderman – agent]

AP2 18/7 ALLEGED UNAUTHORISED DEVELOPMENT - 16/00337/USEH - OFFHAM SERVICE STATION, LONDON ROAD, ADDINGTON

The Director of Planning, Housing and Environmental Health reported the unauthorised use of land as a hand car wash and the associated provision of a portable cabin and portaloos used for staff facilities. This represented a material change of use of land without planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the cessation of the unauthorised use of land and the removal of the associated unauthorised structures, the detailed wording of which to be agreed with the Director of Central Services.

AP2 18/8 ALLEGED UNAUTHORISED DEVELOPMENT - 13/00128/USEM - KELLYS FARM, CROUCH LANE, BOROUGH GREEN

Members were advised of an unauthorised change in use of the site from agricultural to open storage of containers, vehicles and vehicle parts, caravan, building materials and rubble. This represented a change in use of the land without planning permission.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the cessation of the use of the site as open storage and to remove from the land all storage containers, vehicles and vehicle parts, caravans, building materials and rubble.

AP2 18/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 19th April, 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 P F Bolt, Cllr T I B Cannon, Cllr Mrs F A Kemp, Cllr M R Rhodes, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

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

Apologies for absence were received from Councillors M C Base, J L Botten, D Keers and M Taylor, Mr P J Drury and Mr D Still

PART 1 - PUBLIC

OS 18/8 DECLARATIONS OF INTEREST

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

OS 18/9 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 23 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/10 REVIEW OF CONSTITUTION

The Director of Central Services and Monitoring Officer presented the outcome of a detailed review of the operation of the Council's adopted Constitution and outlined a number of proposed revisions which aimed to ensure that all parts of the constitution were up-to-date and 'fit for purpose'. It was noted that the review had provided an opportunity to re-examine the format of the Constitution in order to avoid duplication and to present its contents in a more usable and understandable way. Members' attention was drawn to the revised Parts of the Constitution, set out at Annexes 2 to 7 of the report, and to the summary of key changes to the current constitution. Particular attention was drawn to 'Part 3 – Responsibility for Functions' which had been extensively reviewed and updated to provide greater clarity, avoid duplication and simplify references to generic powers rather than specifying particular sections of legislation. Members noted that further amendments to the

formatting of the document would be required prior to production of the final version.

Members acknowledged that the proposed changes would make the document more accessible to all users and would allow decisions to be made more efficiently. The comprehensive discussion of the report centred on two particular issues, firstly the addition of a provision requiring the agreement of the Chairman of an Area Planning Committee to a request from a Ward member that a Planning Application be 'called in' for consideration by the committee (Part 3: Responsibilities, Section 6 Functions Delegated to Officers, DPHEH 100(iv)(c) refers) and, secondly, the fifteen minute time limit on Member discussions at Council following the receipt of a petition (Part 4: Rules, Section 1 Council and Committee Procedure Rules, 5.17.6). In response to the concerns raised by Members in relation to the call-in of applications to the Area Planning Committee the Director of Central Services confirmed that further information on the rationale for the proposed changes would be included in the supporting papers when this matter was reported to Cabinet.

RECOMMENDED: That

- (1) subject to further consideration of the points raised by Members, Cabinet be invited to approve (and thereafter recommend that Council adopt) the amended constitution as set out at Annexes 2 to 7 of the report; and
- (2) authority be delegated to the Director of Central Services and Monitoring Officer to make any further changes to the formatting of the constitution as considered appropriate.

OS 18/11 SCRUTINY REVIEW WORK PROGRAMME - UPDATE

The report of the Chief Executive set out details of the Review Programme for the remainder of the calendar year. Members were advised that the meeting scheduled for 24 May 2018 would be preceded by a tour of the Gibson Building commencing at 6.30pm in the Civic Reception.

RESOLVED: That the report be received and noted

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.58 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th April, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr Mrs F A Kemp and
Cllr H S Rogers

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/34 DECLARATIONS OF INTEREST

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

LA 18/35 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 18/36 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER
LICENCE - CASE NO 5/2018**

**(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 reminded that the application should have been considered on 6 April 2018 but that the Applicant had been unavailable on that date.

The Panel was advised that the DBS Certificate had disclosed that the Applicant had received a Caution dated 26 January 2010 for Assault occasioning actual bodily harm (s.47 Offences Against the Person Act 1861) which is racially aggravated (s.29(1)(b) Crime and Disorder Act

1998). The Panel noted that the Applicant had declared the Caution on the questionnaire submitted with his application.

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 general, a period of 4 to 10 years free of conviction of offences including violence would be required before an application was likely to be considered favourably; and
- (4) that Section 12.3.2 of the Policy stated that an application would normally be refused where the Applicant has a conviction for an offence of Assault occasioning actual bodily harm and the conviction was less than 4 years prior to the date of application. Between 8 and 10 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 explanation given by the Applicant of the circumstances surrounding the Caution. The Panel felt that the applicant had conducted himself well over the last eight years since the incident giving rise to the Caution had occurred. The applicant's explanation of the incident and his acceptance of the caution was considered credible and there were no other facts to the contrary. The Panel felt that the Applicant had presented himself well at the Hearing and was satisfied that he was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel therefore

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

The meeting ended at 10.47 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 15th May, 2018

At the Statutory Annual Meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 15th May, 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 Mrs B A Brown, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr S M Hammond, 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 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 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 Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors Mrs S M Barker, J L Botten, V M C Branson, L J O'Toole and B W Walker

PART 1 - PUBLIC

C 18/28 ELECTION OF MAYOR

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

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

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

C 18/29 VOTE OF THANKS TO RETIRING MAYOR

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

RESOLVED: That the Council's sincere appreciation be recorded of the excellent manner in which the retiring Mayor, Councillor R W Dalton, had

performed his duties both in the Council Chamber and throughout the Borough during the preceding year.

C 18/30 ELECTION OF DEPUTY MAYOR

It was proposed by Councillor H Rogers, seconded by Councillor N Heslop and

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

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

C 18/31 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 10 April 2018 be approved as a correct record and signed by the Mayor.

C 18/32 MAYOR'S ANNOUNCEMENTS

The Mayor reported that she had appointed the Reverend Neil Durling as her Chaplain and the Civic Service would be held at Tonbridge Baptist Church on Sunday 15 July. Her nominated charity was Tree of Hope which helped the families of children and young people with a disability or illness to raise the funds needed to pay for specialist care.

The Mayor indicated that her first two engagements were opening new offices at Tonbridge and Kings Hill. Her Garden Party would be held at Hadlow College on 19 July and details would be advised in due course of further fundraising events.

C 18/33 POLITICAL BALANCE ARRANGEMENTS

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

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

C 18/34 APPOINTMENT OF CABINET

The Leader presented details of the composition of the Cabinet.

RESOLVED: That it be noted that the Cabinet will comprise five

Members (in addition to the Leader) with the responsibilities indicated:

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

Councillor Mrs M Heslop – Community Services

Councillor D Lettington – Street Scene and Environment Services

Councillor P Montague - Housing

Councillor H Rogers – Strategic Planning and Infrastructure

The Economic Regeneration portfolio to be held by the Leader

C 18/35 APPOINTMENT OF COMMITTEES

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

Overview and Scrutiny Committee

(18 members)

Councillor Mrs J Anderson

Councillor M Base

Councillor P Bolt

Councillor J Botten

Councillor R Dalton

Councillor S Jessel

Councillor D Keers

Councillor Mrs F Kemp

Councillor Mrs S Luck

Councillor Mrs A Oakley

Councillor M Rhodes

Councillor Miss S Shrubsole

Councillor Ms S Spence

Councillor A Sullivan

Councillor M Taylor

Councillor Miss G Thomas

Councillor F Tombolis

Councillor T Walker

Licensing and Appeals Committee

(15 members)

Councillor Mrs J Anderson

Councillor O Baldock

Councillor Mrs S Barker

Councillor M Base

Councillor Mrs P Bates

Councillor Mrs B Brown

Councillor M Coffin

Councillor B Elks

Councillor D Keers

Councillor Mrs F Kemp

Councillor S King

Councillor H Rogers

Councillor R Roud

Councillor M Taylor

Councillor F Tombolis

General Purposes Committee

(14 members)

Councillor O Baldock

Councillor M Balfour

Councillor Mrs S Bell

Councillor P Bolt

Councillor M Coffin

Councillor Mrs M Heslop

Councillor N Heslop

Councillor B Luker

Councillor D Markham

Councillor L O'Toole

Councillor S Perry

Councillor R Roud

Councillor C Smith

Councillor M Taylor

Audit Committee

(9 members)

Councillor O Baldock	Councillor B Elks
Councillor R Betts	Councillor S Jessel
Councillor T Bishop	Councillor Mrs F Kemp
Councillor V Branson	Councillor T Walker
Councillor T Edmondston-Low	

Joint Standards Committee

(13 members + 6 parish members)

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

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

Area 1 Planning Committee

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

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

Area 2 Planning Committee

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

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

Area 3 Planning Committee

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

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

C 18/36 APPOINTMENT OF CHAIRMEN AND VICE-CHAIRMEN

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

<u>COMMITTEE</u>	<u>CHAIRMAN</u>	<u>VICE-CHAIRMAN</u>
Overview and Scrutiny Committee	Councillor A Sullivan	Councillor Mrs A Oakley Councillor F Tombolis
Licensing and Appeals Committee	Councillor Mrs J Anderson	Councillor D Keers

General Purposes Committee	Councillor O Baldock	Councillor L O'Toole
Audit Committee	Councillor V Branson	Councillor R Betts
Joint Standards Committee	Councillor Miss J Sergison	Councillor D Cure Councillor D Davis
Area 1 Planning Committee	Councillor R Lancaster	Councillor V Branson
Area 2 Planning Committee	Councillor Mrs F Kemp	Councillor B Luker
Area 3 Planning Committee	Councillor M Parry Waller	Councillor M Base
Parish Partnership Panel	Councillor N Heslop	Councillor M Coffin
Tonbridge Forum	Councillor N Heslop	Councillor C Smith
Communities and Housing Advisory Board	Councillor M Rhodes	Councillor Miss G Thomas
Economic Regeneration Advisory Board	Councillor B Luker	Councillor R Betts
Finance, Innovation and Property Advisory Board	Councillor M Base	Councillor R Lancaster
Planning and Transportation Advisory Board	Councillor D Davis	Councillor J Botten
Street Scene and Environment Services Advisory Board	Councillor M Davis	Councillor O Baldock
Electoral Review Working Group	Councillor N Heslop	Councillor D Lettington
Housing Associations Liaison Panel	Councillor P Montague	
Joint Employee Consultative Committee	Councillor M Coffin	Councillor B Luker
Joint Transportation Board	Chairmanship with KCC	Councillor H Rogers

C 18/37 APPOINTMENT OF ADVISORY PANELS AND BOARDS AND OTHER MEMBER GROUPS

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

<u>PANEL/BOARD</u>	<u>MEMBERS</u>
Parish Partnership Panel	Councillor Mrs J Anderson Councillor Mrs S Barker Councillor R Betts Councillor T Cannon Councillor M Coffin * Councillor R Dalton Councillor N Heslop ** Councillor D Lettington Councillor B Luker Councillor D Markham Councillor R Roud Councillor T Shaw Councillor B Walker
Tonbridge Forum	Councillor Mrs J Anderson Councillor O Baldock Councillor Mrs P Bates Councillor P Bolt Councillor V Branson Councillor D Cure Councillor Mrs M Heslop Councillor N Heslop ** Councillor R Lancaster Councillor M Rhodes Councillor C Smith* Councillor Miss G Thomas Councillor F Tombolis
Communities and Housing Advisory Board	Councillor Mrs J Anderson Councillor Mrs S Barker Councillor Mrs S Bell Councillor V Branson Councillor Mrs B Brown Councillor D Cure Councillor R Dalton Councillor S Hammond Councillor D Keeley Councillor Mrs S Luck Councillor Mrs A Oakley Councillor L O'Toole Councillor M Parry-Waller

	Councillor M Rhodes** Councillor T Shaw Councillor Miss G Thomas*
Economic Regeneration Advisory Board	Councillor R Betts* Councillor T Bishop Councillor J Botten Councillor T Cannon Councillor R Dalton Councillor S Hammond Councillor R Lancaster Councillor Mrs S Luck Councillor B Luker** Councillor L O'Toole Councillor Miss J Sergison Councillor Miss S Shrubsole Councillor C Smith Councillor F Tombolis Councillor B Walker Councillor T Walker
Finance, Innovation and Property Advisory Board	Councillor M Base** Councillor Mrs S Bell Councillor R Betts Councillor T Bishop Councillor J Botten Councillor V Branson Councillor Mrs B Brown Councillor T Cannon Councillor D Cure Councillor M Davis Councillor S Jessel Councillor S King Councillor R Lancaster* Councillor Miss J Sergison Councillor A Sullivan Councillor F Tombolis
Planning and Transportation Advisory Board	Councillor M Balfour Councillor Mrs S Barker Councillor P Bolt Councillor J Botten* Councillor V Branson Councillor D Davis** Councillor M Davis Councillor T Edmondston-Low Councillor D Keers Councillor Mrs F Kemp Councillor R Lancaster Councillor M Parry-Waller

	Councillor S Perry Councillor R Roud Councillor A Sullivan Councillor M Taylor
Street Scene and Environment Services Advisory Board	Councillor Mrs J Anderson Councillor O Baldock* Councillor M Balfour Councillor M Davis ** Councillor S Hammond Councillor D Keeley Councillor D Keers Councillor D Markham Councillor Mrs A Oakley Councillor L O'Toole Councillor S Perry Councillor M Rhodes Councillor T Shaw Councillor Ms S Spence Councillor Miss G Thomas Councillor T Walker
Electoral Review Working Group	Councillor O Baldock Councillor M Balfour Councillor M Coffin Councillor Mrs T Dean Councillor N Heslop ** Councillor D Lettington* Councillor D Markham Councillor P Montague Councillor A Sullivan
Housing Associations Liaison Panel	Councillor Mrs J Anderson Councillor D Keeley Councillor P Montague** Councillor Mrs A Oakley Councillor Miss G Thomas
Joint Employee Consultative Committee	Councillor O Baldock Councillor M Balfour Councillor R Betts Councillor T Bishop Councillor P Bolt Councillor Mrs B Brown Councillor M Coffin ** Councillor D Keers Councillor B Luker *

Joint Transportation Board

Councillor D Davis
 Councillor Mrs F Kemp
 Councillor R Lancaster
 Councillor D Lettington
 Councillor M Parry-Waller
 Councillor H Rogers*
 Councillor M Taylor

Chairmanship with KCC,
 Vice-Chairmanship with TMBC
 in 2018/19

** Denotes Chairman

* Denotes Vice-Chairman

C 18/38 APPOINTMENT TO OUTSIDE BODIES

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

<u>NAME OF BODY</u>	<u>REPRESENTATIVE(S)</u>
Kent County Playing Fields Association	Councillor Mrs M Heslop
Age UK Sevenoaks and Tonbridge	Councillor D Cure Councillor Ms S Spence
Age Concern (Malling)	Councillor B Luker
Citizens Advice in North and West Kent	Vacancy
Maidstone and District Care Committee for Chest, Heart and Stroke	Councillor S Hammond
West Kent Relate	Councillor Ms S Spence
Action with Communities in Rural Kent	Councillor R Dalton Councillor Miss J Sergison
Maidstone Mediation Scheme	Councillor Mrs B Brown
Kent Downs AONB Joint Advisory Committee	Councillor H Rogers
Basted Mill Public Open Space Joint Committee	Councillor R Betts Councillor S Perry
Snodland Partnership	Councillor Mrs S Bell Councillor D Keeley Councillor D Lettington

South East England Councils (Leaders' Forum)	Councillor N Heslop (Substitute: Councillor M Coffin)
Youth and Community Centres/Project Management Committees	Councillor Mrs M Heslop
LGA General Assembly	Councillor N Heslop (Substitute: Councillor M Coffin)
West Kent Partnership	Councillor B Luker
Parking and Traffic Regulations Outside London Adjudication Joint Committee	Councillor D Davis (Deputy: Councillor J Botten)
Rochester Airport Consultative Committee	Councillor A Sullivan
Rochester Airport Delivery Board	Councillor B Luker
Kent and Medway Police and Crime Panel	Councillor N Heslop
Kent Flood Risk Management Board	Councillor H Rogers
Tonbridge and Malling Leisure Trust	Councillor R Betts Councillor M Davis
Upper Medway Internal Drainage Board	Councillor O Baldock Councillor H Rogers Mr D Aikman Mr J Cannon
Lower Medway Internal Drainage Board	Councillor D Davis
Haysden Country Park User Panel <i>3 year appointment (2016/17-18/19)</i>	Councillor P Bolt Councillor D Cure
Leybourne Lakes Country Park User Panel <i>3 year appointment (2016/17-18/19)</i>	Councillor T Bishop Councillor B Luker
West Kent Health & Wellbeing Elected Members' Forum	Councillor P Montague
Dry Hill Road Disabled Persons Trust	Councillor V Branson

C 18/39 SCHEME OF DELEGATIONS

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

RESOLVED: That

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

C 18/40 PROGRAMME OF MEETINGS 2018/19

The programme of Council, Cabinet, Committee and Advisory Board and Panel meetings for the ensuing year and to May 2020 was presented for approval.

RESOLVED: That the programme of meetings be approved.

C 18/41 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 8.17 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Thursday, 17th May, 2018

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

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mrs N Chaussy (Applicant), Mr J Patel (Operations Manager), Mr M Paget (Designated Premises Supervisor) and Mr D Mitchem and Mr S Richards on behalf of local residents.

PART 1 - PUBLIC

LA 18/37 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 18/38 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE - THE FARMHOUSE, 97 HIGH STREET, WEST MALLING

The Panel gave consideration to an application made by Heritage Taverns Limited for a variation of the Premises Licence under section 34 of the Licensing Act 2003 in respect of the premises known as The Farmhouse, 97 High Street, West Malling. The application related to varying the timings authorised by the current licence for the sale of alcohol.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 2 to the report and the written representations received during the statutory consultation period (as set out at Annex 4 to the report).

The Panel listened carefully to the representations made by Mr S Thomas, Solicitor, on behalf of the applicant, Heritage Taverns Limited, and to Mr D Mitchem and Mr S Richards on behalf of local residents.

The Panel was mindful of its obligations under section 35(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 35(4) as it considers appropriate for the promotion of the

licensing objectives. The Panel took into consideration chapters 2 and 9 of the guidance dated April 2018 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 took into account all of the representations from local residents regarding noise and the potential for increased public nuisance contrary to the licensing objectives. The Panel was also mindful of the applicant’s stated objectives for the increase in hours, namely to increase its food-led business, in particular restaurant meals, and the consequence of this on the prevention of public nuisance objective.

The Panel was satisfied that the licensing objectives, and in particular the prevention of public nuisance, could be promoted by the imposition of conditions only.

RESOLVED: That the application to vary a 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 to the following conditions:-

Section J	<p>Supply of alcohol for consumption both on and off the premises</p> <p>Monday to Thursday from 08:00 hours until 00:00 hours</p> <p>Friday, Saturdays, Sundays preceding a Bank holiday and New Year’s Eve from 08:00 hours until 00:30 hours.</p>
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Conditions:

1. The sale of alcohol after 23:30 hours must be limited to sales associated with the consumption of a substantial meal only.
2. No outside drinking will take place in front of the premises.

LA 18/39 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 2.54 pm
having commenced at 1 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Monday, 21st May, 2018

Present: Cllr Mrs J A Anderson (Chairman), Cllr D Keers (Vice-Chairman),
Cllr O C Baldock, Cllr M C Base, Cllr Mrs P A Bates,
Cllr Mrs B A Brown, Cllr M A Coffin, Cllr Mrs F A Kemp,
Cllr H S Rogers and Cllr M Taylor

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

Apologies for absence were received from Councillors Mrs S M Barker, S M King, R V Roud and F G Tombolis

PART 1 - PUBLIC

LA 18/40 DECLARATIONS OF INTEREST

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

LA 18/41 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 13 March 2018 be approved as a correct record and signed by the Chairman.

LA 18/42 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 6 April and 27 April 2018 be received and noted.

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

LA 18/43 CONSULTATION FEEDBACK INTO DISCONTINUING THE PRIVATE HIRE PROBATIONARY LICENCES

Further to Minute LA 18/20, the report of the Director of Central Services and Monitoring Officer provided feedback from the consultation on the discontinuance of the Probationary Private Hire Licence programme. The report provided information on the current legislative framework, the number of applications for Probationary Badges, the ability of Mentors to train and oversee candidates together with a summary of the responses to the consultation undertaken between 16 March and 27 April 2018. It

was noted that current legislation stated that licenses should, as a general rule, be granted for three years and that there should not be a general policy that certain types of drivers should be granted licences for shorter periods of, say, 6 or 12 months. The legal implications of having such a policy were considered in the private part of the meeting (Minute LA 18/45 refers).

RESOLVED: That the Probationary Private Hire Driver's Licence be discontinued and a further iteration of the Hackney Carriage and Private Hire Policy be developed and reported to a future meeting of the Licensing and Appeals Committee.

LA 18/44 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

LA 18/45 CONSULTATION FEEDBACK INTO DISCONTINUING THE PRIVATE HIRE PROBATIONARY LICENCES

(Reason: LGA 1972 Sch 12A Paragraph 5 – Legal Advice)

The Committee received legal advice on the implications of continuing with the current Probationary Private Hire Driver Licence programme.

RESOLVED: That the advice of the Director of Central Services and Monitoring Officer be noted.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 24th May, 2018

Present: Cllr A K Sullivan (Chairman), Cllr Mrs A S Oakley (Vice-Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr J L Botten, Cllr R W Dalton, Cllr Mrs F A Kemp, Cllr M R Rhodes, Cllr M Taylor, Cllr Miss G E Thomas, Cllr T C Walker and Mr D Still (co-opted Member).

Councillors O C Baldock, Mrs P A Bates, M A Coffin, N J Heslop, D Lettington and P J Montague were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors D Keers, Mrs S L Luck, Miss S O Shrubsole and Mr P J Drury

PART 1 - PUBLIC

OS 18/13 DECLARATIONS OF INTEREST

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

OS 18/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 19 April 2018 be approved as a correct record and signed by the Chairman.

OS 18/15 APPOINTMENT OF CO-OPTED MEMBERS

RESOLVED: That pursuant to Article 6.05 of the Council's Constitution Mr P Drury and Mr D Still be co-opted to the Overview and Scrutiny Committee for the current municipal year.

DECISIONS TO BE TAKEN BY THE COMMITTEE

OS 18/16 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS DEVELOPMENT - SCOPING REPORT

The report of the Chief Executive established the parameters for the forthcoming review of Youth, Sports and Events Development for consideration.

It was reported that the three elements of the proposed review would cover services currently delivered by the Leisure Development Team

and would focus on engagement with young people and supporting leisure opportunities for them; developing, promoting, enabling and delivering sport and physical activities for residents within the Borough and how local and community events were delivered and supported.

Any risks associated with changes to the current service delivery arrangements would be identified in the report to the Overview and Scrutiny Committee in June.

Members welcomed the scope of the review and identified a number of areas to be explored further, with particular emphasis on value for money, duplication of services between organisations and the impact on social health and wellbeing. In addition, it was suggested that Kent Police be invited to comment on potential implications related to the Crime and Disorder Policy.

Finally, it was recognised that the review of these services would be borough wide and that all services provided should be for the benefit of all residents within the Borough.

RESOLVED: That the scope of the review of Youth, Sports and Events Development, as set out in the report, be endorsed.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/17 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

OS 18/18 REVIEW OF GIBSON BUILDING, KINGS HILL

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

The report of the Director of Central Services and Monitoring Officer provided an update on the review of the future use of the Borough Council's offices at Gibson Drive, Kings Hill and presented options for further consideration.

Particular reference was made to a number of restrictions within the Borough Council's freehold title to the property which needed to be discussed further with Kent County Council.

Members recognised the significant challenges represented by all of the potential options identified and supported the need for further in-depth

investigations, especially related to the ability of the Borough Council to deliver efficiency savings given the restrictions on its freehold title.

RESOLVED: That

- (1) officers are authorised to pursue further discussions with Kent County Council with a view to determining the scope for amendment of the land transfer agreement dated 30 March 1990 and how this impacted upon the viability of the various options set out in the report; and
- (2) a further report be submitted to the Overview and Scrutiny Committee in either August or October 2018 on the outcome of the discussions set out in (1) above.

The meeting ended at 8.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 30th May, 2018

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

PART 1 - PUBLIC

AP2 18/10 DECLARATIONS OF INTEREST

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

However, for reasons of transparency the following points were noted:

- Councillor Perry advised that the applicant of 5 Windmill Park, Wrotham Heath (TM/17/03399/FL) was the Chair of governors at his son's school.
- Councillor Taylor advised that he was the Chair of the Tonbridge and Malling branch of CPRE who had been a consultee on the applications at Barnfield Cottage, Stone Street Road (TM/17/01268/FL and TM/18/00396/FL).

As neither of these represented a Disclosable Pecuniary or Other Significant Interest there was no requirement for either Councillor to withdraw from the meeting.

AP2 18/11 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 11 April 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**

AP2 18/12 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 18/13 TM/17/01268/FL - BARNFIELD COTTAGE, STONE STREET ROAD, IVY HATCH

Part demolition and works for the conversion of the existing riding arena building as a dwelling with removal of sand school and associated external alterations to the building, engineering works, access, parking, landscaping and ecological enhancement works (Resubmission of TM/16/00776/FL) at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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) Addition of informative:

10. The applicant is strongly encouraged to design the roof lights in such a way that incorporates internal blinds in order to minimise light spill from the building.

[Speakers: Elizabeth Moore, Gillian Jones, Deborah Champion, Conny Templeman, Janet Appleton, Paula Penn (Members of the Public) and John Collins (agent)]

AP2 18/14 TM/18/00396/FL - BARNFIELD COTTAGE, STONE STREET, ROAD, IVY HATCH

Re-development of the site comprising demolition of existing indoor riding arena, removal of an external sand school and the erection of a new two storey dwelling with associated engineering works, access, parking, landscaping and ecological enhancement works at Barnfield Cottage, Stone Street Road, Ivy Hatch.

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.

[To avoid accusations of pre-determination and bias arising from earlier comments, Councillor Taylor did not participate in the discussion and did not vote on this application]

[Speakers: Elizabeth Moore, Tim Champion, Conny Templeman and Janet Appleton (Members of the Public and John Collins (agent))]

AP2 18/15 TM/17/03399/FL - 5 WINDMILL PARK, WROTHAM HEATH

Proposed repitched roof with raised ridge height incorporating rooms in the roof space, demolition of existing garage, and construction of new extension at 5 Windmill Park, Wrotham Heath.

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

[Speakers: Wendy Palmer (Platt Parish Council); Mr Duff (Member of the Public) and Paul Vallance (applicant)]

AP2 18/16 ALLEGED UNAUTHORISED DEVELOPMENT - 18/00146/WORKM - LAND SOUTH WEST OF CLAYGATE HOUSE, WINFIELD LANE, BOROUGH GREEN

The report of the Director of Planning, Housing and Environmental Health provided details of the construction of a building within the site without planning permission.

Members were advised that the site was within the Metropolitan Green Belt and, in the absence of any evidence that the building was in use for agricultural purposes, the development was inappropriate and by definition harmful to the Green Belt. Its size and position within the site also caused material harm to the openness, along with harm to the rural amenities of the locality. No special circumstances had been identified to outweigh this harm.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/17 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00314/WORKM & 17/00315/WORKM - LITTLEFIELDS, PLAXDALE GREEN ROAD, STANSTED

The Director of Planning, Housing and Environmental Health reported on the unauthorised erection of a summer house building and tree house/raised platform within the residential curtilage of the property.

Members were advised that retrospective planning permission for both the building and structure was refused under planning reference TM/18/00071/FL, under delegated powers on 18 April 2018, on the grounds that the height, size, scale and position would result in a highly visible and intrusive feature within the landscape and was inappropriate development within the Green Belt.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the development in its entirety (the unauthorised summer house and tree house/raised platform), the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/18 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00312/WORKH - THE SEEKERS TRUST, THE CLOSE, ADDINGTON

The Director of Planning, Housing and Environment Health reported the unauthorised construction of a single storey building for the keeping/rearing of fish for commercial purposes.

Retrospective planning permission for the building was refused under planning reference TM/18/0068/FL, under delegated powers on 18 April 2018, on the grounds that it was inappropriate development within the Green Belt and that its substantial size and scale, unsympathetic design and visibility within the Conservation Area would have a demonstrably harmful impact on the appearance and character of the area and visual amenity of the surrounding locality.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised single storey building, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/19 ALLEGED UNAUTHORISED DEVELOPMENT - 17/00077/LBH - FIVE POINTED STAR, 100 HIGH STREET, WEST MALLING

The Director of Planning, Housing and Environmental Health reported on the unauthorised construction of a pergola within the curtilage of a listed building.

Retrospective planning permission for the structure was refused under planning reference TM/17/01693/FL, under delegated powers on 9 May 2018, on the grounds of its excessive size, incongruous design and appearance and the specific siting was out of character with the listed

building to which it was attached. It also caused overt harm to the appearance and setting of the listed building and the Conservation Area.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised structure, the detailed wording of which to be agreed with the Director of Central Services.

AP2 18/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 6th June, 2018

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

Councillors Mrs J A Anderson, O C Baldock, M C Base, R P Betts, D J Cure, Mrs A S Oakley, M R Rhodes, A K Sullivan and M Taylor were also present pursuant to Access to Information Rule No 22.

Apologies for absence were received from Councillor H S Rogers

PART 1 - PUBLIC

CB 18/38 DECLARATIONS OF INTEREST

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

CB 18/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 20 March 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/40 REVIEW OF THE CONSTITUTION

The report of the Director of Central Services and Monitoring Officer provided an update on the review of the Council's Constitution and addressed specific questions raised at the meeting of the Overview and Scrutiny Committee held on 19 April 2018.

Particular reference was made to concerns expressed about arrangements for call-in of planning applications by ward Members. In response, the specific delegation DPHEH 100 had been amended so that the relevant Area Planning Committee Chairman would be a consultee to any determination by the Director of Planning, Housing and Environmental Health as to whether the request for call-in was supported with a reasoned justification on planning grounds. It was also noted that the time limit for making a request for call-in had been amended to 21 days commencing on the date of notification of the application via List B. Members welcomed the changes and the opportunity for dialogue with the planning officers prior to any request for call-in although it was noted that the onus was on Members to trigger such dialogue.

At the meeting of the Overview and Scrutiny Committee the Leader had given an undertaking to allow further consideration of the question of removing the 15 minute time limit on debating petitions at Council meetings and for petitions to be debated in the first instance elsewhere than at full Council. Since the process for receiving and considering petitions was at the discretion of the Council, the draft petition scheme had been amended to allow for petitions with over 1500 signatures to be considered by either Council or Cabinet depending on whether the subject matter was an executive or Council function. Members endorsed this course of action and agreed that there should be no time limit on the overall debate of petitions, subject to a five minute limit on speeches by individual Members and the two petitioners whether at Council or Cabinet, with specific permission for non-executive Members to speak at Cabinet meetings during the debate on petitions.

RECOMMENDED: That

- (1) the overall time limit for debate of petitions be removed, subject to a five minute limit on speeches by individual Members and two petitioners, and specific reference be made to the ability of both executive and non-executive Members to speak at Cabinet meetings when petitions are debated;
- (2) the proposed revisions to the Constitution arising from the questions raised by the Overview and Scrutiny Committee, as set out in section 1.6 of the report, be approved;
- (3) subject to (1) above, the amended Constitution at Annexes 1 to 6 of the report be adopted; and
- (4) authority be delegated to the Director of Central Services and Monitoring Officer to make any further changes to the formatting of the Constitution as he considers appropriate.
***Referred to Council**

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

CB 18/41 REVENUE AND CAPITAL OUTTURN 2017/18

Decision Notice D180042CAB

CB 18/42 CORPORATE ENFORCEMENT POLICY

Decision Notice D180043CAB

MATTERS SUBMITTED FOR INFORMATION**CB 18/43 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.

Finance, Innovation and Property Advisory Board of 23 May 2018
Communities and Housing Advisory Board of 29 May 2018
Economic Regeneration Advisory Board of 4 June 2018

RESOLVED: That the report be received and noted.

CB 18/44 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.

Tonbridge Forum of 16 April 2018

RESOLVED: That the report be received and noted.

CB 18/45 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

**DECISIONS TAKEN IN ACCORDANCE WITH PARAGRAPH 4,
PART 3 OF THE CONSTITUTION****CB 18/46 LAND AT COMMERCIAL ROAD, TONBRIDGE**

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

Decision Notice D180044CAB

The meeting ended at 8.28 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

**Decision Taken By: Cabinet Member for Finance,
Innovation and Property**

**Decision No:
D180029MEM**

Date: 23 May 2018

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of new and renewal applications for discretionary rate relief and discretionary rural rate relief which were considered in accordance with the previously agreed criteria for determining such applications.

The practice of advising organisations that there could be a reduction in the level of relief awarded in the future was endorsed. It was considered that the re-applications from the Tonbridge Juddians RFC and K Sports Management Limited should be deferred to enable a review of their accounts and level of business activity. A requirement for organisations to reapply every two years was generally favoured with the exception of scout/guides groups which were regarded as “de minimis” in terms of the level of relief awarded.

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

- (1) consideration of the re-applications from the Tonbridge Juddians RFC and K Sports Management Limited be deferred pending receipt of their accounts and a review of the level of relief awarded;
- (2) organisations generally be asked to reapply for relief every two years with the exception of scout/guides groups;
- (3) subject to (1) and (2) above, in respect of the re-applications, discretionary rate relief and discretionary rural rate relief be awarded as set out at Annexes 3 and 4 to the report respectively, with effect from 1 April 2018 and time limited to 31 March 2020 (with the exception of scout/guides groups which shall have no time limit); and

(4) the new applications for discretionary rate relief be determined as follows:

Ellenor, Part Unit 1e, Mereworth Business Centre, Danns Lane,
Wateringbury – 20% discretionary rate relief be awarded, backdated to
1 April 2017 and time limited to 31 March 2020;

The Wheels on Debussy, 6 Angel Walk, Tonbridge – 100% discretionary rate
relief be awarded, time limited to 31 March 2020.

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

Reasons: As set out in the report submitted to the Finance, Innovation and Property
Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 25 May 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:
D180030MEM**

Date: 23 May 2018

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report provided information on the Council's key budget areas of salaries, major income streams and investment income for the year ended 31 March 2018. It also gave details of the variations agreed in relation to the revenue budget, summarised to provide an overall provisional budget outturn position for 2017/18 which showed a net favourable variance of £639,735, affording the opportunity to transfer £500,000 to the Property Investment Fund Reserve which would be considered by the Cabinet on 6 June. Regarding the Business Rates Retention Scheme for 2017/18 it was noted that, for the first time since the introduction of the scheme in 2013, the Council was above the baseline set.

Details were provided of variations identified through budget monitoring in respect of the first month of 2018/19 which showed a net favourable variance of £3,424. An update was also given on capital expenditure and variations agreed in relation to the capital plan for the year ended March 2018 and the month of April 2018.

Reference was made to correspondence from the Ministry of Housing, Communities and Local Government in respect of passing on local council tax support funding to parish and town councils together with the response submitted. The Leader updated the position on representations made to the Minister via the local Members of Parliament.

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

The contents of the report be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 25 May 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:
D180031MEM**

Date: 23 May 2018

Decision(s) and Reason(s)

Corporate Debt Recovery Policy

(Report of Director of Finance and Transformation)

The report gave details of the outcome of a review of the Council's Corporate Debt Recovery Policy and presented for approval an updated policy containing minor changes.

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

The revised Corporate Debt Recovery Policy set out at Annex 1 to the report be approved for publication on the Council's website.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 25 May 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:
D180032MEM**

Date: 23 May 2018

Decision(s) and Reason(s)

IT Strategy Update

(Report of Director of Finance and Transformation)

The report presented the draft IT Strategy for 2018 – 2022 setting out aims and ambitions at a high level for this period. It was noted that the new document set out strategic objectives which would be underpinned by projects to deliver those goals. Particular reference was made to the priorities of reviewing the business system, use of mobile devices, improvement of the website, customer service and transformation, and training for staff and Members.

Attention was drawn to a number of minor stylistic amendments made to the document following observations by the Chairman of the Advisory Board.

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

The IT Strategy for the period 2018 to 2022, as set out at Annex 1 to the report, be approved subject to action AP4 being strengthened to include the implementation of improvements in the website development plan.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 25 May 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:
D180033MEM**

Date: 23 May 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 13 items shown in the schedule of amounts over £1,000, totalling £27,481.45 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 23 May 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: 25 May 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 Housing

**Decision No:
D180034MEM**

Date: 29 May 2018

Decision(s) and Reason(s)

Capital Plan Projects

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

The report provided an update on progress with a number of key projects contained in the Borough Council's Capital Plan. Particular reference was made to the increase of parking provision at Leybourne Lakes and Haysden Country Parks, the ventilation and boiler replacement at Larkfield Leisure Centre, the replacement of the sewage system at Haysden Country Park, path works at Tonbridge Cemetery, the refurbishment of the Tonbridge to Penshurst Cycle Route to the rear of Tonbridge Racecourse Sportsground and the installation of an active drainage system to improve the Rugby Pitch Drainage at Tonbridge Racecourse Sportsground. It was noted that a major part of the schemes would be funded through developer contributions, partnership arrangements and external sources.

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

The updates on the current Capital Plan, as set out in Annex 1 to the report, be noted.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop
Signed Chief Executive: J Beilby
Date of publication: 1 June 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 Housing

**Decision No:
D180035MEM**

Date: 29 May 2018

Decision(s) and Reason(s)

Tonbridge and Malling 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 set out details of its proposed Annual Service Delivery Plan for 2018/19.

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

- (1) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan – Cumulative Quarterly Monitoring Report for the period 1 October to 31 December 2017, as set out at Annex 1 to the report, be noted; and
- (2) the Tonbridge and Malling Leisure Trust draft Annual Service Delivery Plan for 2018/19, as shown at Annex 2 to the report, be approved.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 June 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 Housing

**Decision No:
D180036MEM**

Date: 29 May 2018

Decision(s) and Reason(s)

Tonbridge Cemetery Capacity Review

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

The report set out details of the findings of the extensive and comprehensive review of the capacity of Tonbridge Cemetery and future availability of grave spaces. It was noted that, through the utilisation of existing grave spaces, capacity was greater than originally anticipated and that there would be adequate provision until 2087.

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

- (1) the outcome of the Tonbridge Cemetery Capacity Review be noted;
- (2) the Council's IT Service progress the development of software to assist in the future management of the Cemetery and to ensure the continuing updating of capacity information; and
- (3) liaison be undertaken with the Diocese of Rochester and Town and Parish Councils to progress the broader review of burial capacity within the Borough.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 June 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 Housing

Decision No:
D180037MEM

Date: 29 May 2018

Decision(s) and Reason(s)

Community Safety Partnership - Draft Partnership Plan 2018/19

(Report of Director of Central Services)

The Community Safety Partnership Plan 2018/19 was presented for consideration. The Plan provided details of the initiatives carried out during the previous year and set out the priorities for the forthcoming year.

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

The Community Safety Partnership Plan 2018/19, set out at Annex 1 to the report, be supported and endorsed.

In accordance with Paragraph 2 Annex 1 of the Executive Procedure Rules the Leader nominated the Cabinet Member for Housing to take this decision in the absence of the Cabinet portfolio holder (Community Services).

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 29 May 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 1 June 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:
D180038MEM**

Date: 04 June 2018

Decision(s) and Reason(s)

West Kent Priorities for Economic Growth

(Report of Chief Executive)

The report set out a proposed structure and potential areas of focus for the refresh of the existing West Kent Priorities for Economic Growth 2015-2018 strategy document and sought views on future priority areas.

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

The proposed outline structure, objectives and priorities of the refreshed West Kent Priorities for Economic Growth Strategy, as set out in the report, be supported.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

8 June 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:
D180039MEM**

Date: 04 June 2018

Decision(s) and Reason(s)

Visit Kent Service Level Agreement 2018

(Report of Chief Executive)

The report provided information on tourism activity within Tonbridge and Malling in 2017/18 promoted through the annual Service Level Agreement between the Council and Visit Kent. Details of the proposed Agreement for 2018/19 were set out at paragraph 1.4 of the report.

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

- (1) the proposal to continue the Service Level Agreement with Visit Kent in 2018/19 at the same level as 2017/18 (a maximum of £3,500) be agreed; and
- (2) the inclusion of the activities set out at 1.4.2 of the report be agreed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

8 June 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:
D180040MEM**

Date: 04 June 2018

Decision(s) and Reason(s)

Business Rates Retention Pilot - Housing and Commercial Growth Fund

(Report of Chief Executive)

The report set out the background to the Business Rate Retention Pilot for Kent and Medway and highlighted the main components of the scheme. The report focused on local regeneration initiatives which could be funded from the Housing and Commercial Growth Fund element of the scheme.

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

The initial priorities, as set out at 1.2.5 and 1.2.6 of the report, be endorsed and further discussions within the West Kent Cluster Group be undertaken.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 4 June 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

8 June 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 Housing

Decision No:

D180041MEM

Date: 05 June 2018

Decision(s) and Reason(s)

National Planning Policy Consultation Response

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

The key changes proposed in the recent consultations for a revised National Planning Policy Framework were summarised and endorsement of the response returned by the deadline of 10 May 2018 (attached as Annex 1 to the report) was sought.

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

The content of the report be noted and Annex 1 be endorsed as the Borough Council's formal response to the consultation.

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

Reasons: As set out in the report submitted to the Planning and Transportation Advisory Board of 5 June 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 8 June 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: D180042CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Revenue and Capital Outturn 2017/18

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

In accordance with the Council's Financial Procedure Rules, a report and accompanying information was presented showing actual Revenue and Capital Outturn for the year ended 31 March 2018 together with subsequent adjustments to the Accounts in the light of the outturn position.

It was noted that compared with the revised estimates, the overall outturn was within budget to the sum of £639,735, affording the opportunity to transfer £500,000 to the Property Investment Fund Reserve. After taking this into account, there was a favourable variance of £139,735 the principal reasons for which were explained. These included the fact that for the first time since the introduction of the Business Rates Retention Scheme, the Council was above the baseline set; overall housing benefit payments; and management savings on the salary bill, offset by the contribution to the above earmarked reserve and lower than budgeted performance in the major income streams.

In the context of the outturn, reference was made to current progress with the Council's Savings and Transformation Strategy, including the savings target of £1 million which remained unchanged.

The report also contained an annual Treasury Management and Investment Strategy review for 2017/18 as required by the adopted CIPFA Code of Practice.

The Cabinet resolved that:

- (1) the Revenue and Capital Outturn for the year 2017/18 be noted and endorsed;**
- (2) the action taken following a review of specific earmarked reserves, as set out at paragraph 1.2.3 of the report, be noted and endorsed; and**
- (3) the Treasury Management and Investment Strategy Review 2017/18, as set out at Annex 3 to the report, be noted and endorsed.**

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

Signed Chief Executive: J Beilby

Date of publication: 8 June 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: D180043CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Corporate Enforcement Policy

(Report of Director of Central Services and Monitoring Officer)

The report indicated that a recent audit of risk management had identified a need for the Council to adopt a Corporate Enforcement Policy. A draft policy was presented which set out the broad principles to be applied by the Council in carrying out its regulatory activities and the way in which enforcement would be prioritised towards higher risk (or higher community impact) activities.

The Cabinet resolved that:

- (1) the Corporate Enforcement Policy set out at Annex 1 to the report be adopted; and
- (2) any amendments to the policy (to the extent they are necessitated by changes in legislation or national policy) be delegated to the Director of Central Services and Monitoring Officer.

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

Signed Chief Executive: J Beilby

Date of publication: 8 June 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: D180044CAB
Date: 06 June 2018

Decision(s) and Reason(s)

Land at Commercial Road, Tonbridge

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

(Item FIP 18/26 referred from Finance, Innovation and Property Advisory Board minutes of 23 May 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board minutes of 23 May 2018.

The Cabinet resolved that:

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

The land be retained by the Council, the Director of Central Services be authorised to make an outline planning application for residential development and the plot be sold via public auction.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 23 May 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 8 June 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 AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/46 DECLARATIONS OF INTEREST

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

LA 18/47 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

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

LA 18/48 REVIEW OF A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 9/2018

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

The Panel was asked to consider whether the holder of a Probationary Private Hire Driver's Licence should have his licence suspended or revoked for failing to wear his driver's badge so that it was plainly and distinctly visible in contravention of s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street at 02.40 hours on 22 April 2018 when he was found not wearing a driver's badge whilst working as a private hire driver and not in possession of a valid driver's badge.

The Panel found as a matter of fact that the badge holder's probationary private hire driver's licence had been extended for a further six months from 27 March 2018 at the request of his employer. The Panel found

that the driver had failed to collect his new badge from the Council's offices at Gibson Drive and had worked as a private hire driver between 27 March and 23 April 2018 on at least nineteen occasions without a valid driver's badge. The Panel was, therefore, satisfied that the badge holder had contravened s.54(2)(a) of the Local Government (Miscellaneous Provisions) Act 1976.

The driver acknowledged that he had not picked up his badge from the Council's offices. He stated that he was aware that the new badge had been issued but had been unable to collect it because of difficult personal circumstances involving his children.

In its deliberations the Panel took into account Appendix G of the Council's Taxi Licensing and Enforcement Policy and Section 4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy. After careful consideration of the circumstances the Panel

RESOLVED: That

- (1) the Driver be sent a formal warning letter; and
- (2) the Driver be issued with 12 penalty points which will stay on his record for 24 months from the date of this Hearing.

The meeting ended at 10.50 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs F A Kemp and Cllr M Taylor

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/49 DECLARATIONS OF INTEREST

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

LA 18/50 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 18/51 REVIEW OF PRIVATE HIRE DRIVER'S LICENCE – CASE NO 10/2018

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

The Panel was asked to consider whether the holder of a Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(b) of the Local Government (Miscellaneous Provisions) Act 1976 on the ground of any other cause, namely for using a mobile 'phone whilst driving. The licence holder had been reported to the Panel following an enforcement exercise in Maidstone High Street on 22 April 2018 when he was seen driving his private hire vehicle whilst using his mobile phone. The Panel was advised that this was a criminal offence under s.110 of the Road Vehicles (Construction and Use) Regulations 1986, attracting a fine of up to £1,000 and 3 to 6 penalty points.

The driver admitted that he had been using his mobile 'phone whilst driving and said that it was a mistake. He apologised to the Panel and promised not to make the mistake again.

The Panel found as a matter of fact that the driver had been using his mobile 'phone while driving and that he had expressed remorse. Nonetheless, the Panel made it clear to the licence holder that it took this matter extremely seriously and advised him that the Council was committed to ensuring the safety of the public and expected higher standards from its licensed drivers.

In its deliberations the Panel took into account Appendix G of the Council's Taxi Licensing and Enforcement Policy and Section 4 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy. After careful consideration of the circumstances the Panel

RESOLVED: That

- (1) the Private Hire Driver's Licence be suspended for a period of six months; and
- (2) the Driver be issued with 12 penalty points which will stay on his record for 24 months from the date of this Hearing.

The meeting ended at 11.46 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 8th June, 2018

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/52 DECLARATIONS OF INTEREST

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

LA 18/53 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 18/54 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 12/2018

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

The Panel was asked to consider whether the holder of a Dual Hackney Carriage and Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was playing loud music in his vehicle in contravention of the Council's Taxi Licensing and Enforcement Policy and had failed to co-operate with the Council's Senior Licensing Officer during an enforcement exercise in Maidstone High Street in the early hours of the morning of 22 April 2018.

The Director of Central Services and Monitoring Officer advised the Panel that he had received an email from the licence holder on 7 June requesting an adjournment of the Hearing on the ground that he only received the report to the Panel two days previously.

In the circumstances the Panel

RESOLVED: That consideration of Case No 12/2018 in respect of the review of Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be DEFERRED to a meeting of the Licensing and Appeals Panel to be held on 22 June 2018.

The meeting ended at 12.01 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 15th June, 2018

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

Together with representatives of the Licensing Authority, Mr D J House (Applicant), Mr F Prescott (former premises licence holder), Ms E Keefe (Planning Services) and Councillor M Base (Interested Party)

PART 1 - PUBLIC

LA 18/55 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 18/56 APPLICATION FOR THE VARIATION OF A PREMISES LICENCE AT THE HENGIST VILLAGE RESTAURANT AND GARDENS, 7-9 HIGH STREET, AYLESFORD

The Panel gave consideration to an application made by Mr David John House under section 34 of the Licensing Act 2003 in respect of premises known as "Hengist Village Restaurant and Gardens" at 7-9 High Street, Aylesford. The application related to the variation of timings for the sale of alcohol authorised by a current licence.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 2 to the report and the written representations received during the statutory consultation period as set out at Annex 4 (General Representations) and Annex 5 (Responsible Authorities) to the report.

The Panel listened carefully to the representations made by Mr D House and Mr F Prescott in support of the application and by Councillor M Base (representing himself and other local residents who had made General Representations). The Panel also heard from Ms E Keefe, Development Control Manager (Responsible Authority).

The Panel was mindful of its obligations under section 35(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 35(4) as it considers appropriate for the promotion of the licensing objectives. The Panel took into consideration Chapters 2 and 9 of the guidance dated April 2018 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 took into account all of the representations from local residents, both written and oral, regarding noise and the potential for increased public nuisance contrary to the licensing objectives. The Panel was also mindful of the applicant's stated objectives for the increase in hours, namely to increase his business, in particular in relation to events, and of the consequences of this on the prevention of public nuisance objective. The Panel was satisfied that the licensing objectives were met.

The Panel suggested that the premises licence holder bear in mind the original conditions of the licence and planning permissions. The Panel recommended that steps be taken to improve the relationships within the village with residents who live near the Hengist Village Restaurant and Gardens.

In accordance with the objectives contained within the Licensing Policy of Tonbridge and Malling Borough Council, the Licensing and Appeals Committee, sitting as a Panel

RESOLVED: That the application to vary a Premises Licence be granted subject to the mandatory conditions set out in the Licensing Act 2003, the Conditions shown at Annex 3 of the current licence issued on 16 April 2018 and to the following:-

Section J	<p>Supply of alcohol for consumption both on and off the premises –</p> <p>Monday to Friday from 11:00 hours until 24:00 hours. Saturday and Sunday from 10:00 hours until 24:00 hours.</p> <p>New Year's Eve to extend the sale of alcohol until 2am with food.</p>
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LA 18/57 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.06 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 19th June, 2018

Present: Cllr D Keers (Vice-Chairman - in the Chair), Cllr M C Base, Cllr M A Coffin, Cllr B T M Elks, Cllr S M King, Cllr H S Rogers, Cllr M Taylor and Cllr F G Tombolis

Apologies for absence were received from Councillors Mrs J A Anderson (Chairman), O C Baldock, Mrs S M Barker, Mrs P A Bates and Mrs B A Brown

PART 1 - PUBLIC

LA 18/58 DECLARATIONS OF INTEREST

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

LA 18/59 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 21 May 2018 be approved as a correct record and signed by the Chairman.

LA 18/60 MINUTES OF PANEL

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee sitting as a Panel held on 17 May 2018 be received and noted.

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

LA 18/61 GAMBLING ACT 2005 - REVISED STATEMENT OF PRINCIPLES FOR GAMBLING

The report of the Director of Central Services and Monitoring Officer presented a revised Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for the period 31 January 2019 to 30 January 2022. The draft statement had been prepared having regard to guidance from the Gambling Commission and the report highlighted the licensing objectives, the responsible authorities for the Borough and the process for consultation over a twelve week period and adoption of the new policy.

RESOLVED: That the draft policy set out at Annex 1 to the report be approved for consultation.

MATTERS SUBMITTED FOR INFORMATION

LA 18/62 CHANGES TO ANIMAL LICENSING LEGISLATION

The report of the Director of Central Services and Monitoring Officer advised that the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were due to come into force on 1 October 2018. The new legislation would introduce an updated licensing system for five activities involving animals, requiring businesses undertaking such activities to meet modern minimum animal welfare standards. It was noted that a more detailed report would be considered at the next meeting following the issue of government guidance on the new licensing system.

RESOLVED: That the report be received and noted.

LA 18/63 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.51 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 21st June, 2018

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

Councillors O C Baldock, M A Coffin, D J Cure, Mrs M F Heslop, N J Heslop and B W Walker were also present pursuant to Council Procedure Rule No 15.21.

PART 1 - PUBLIC

OS 18/19 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interest of transparency, Councillor Ms Spence advised that she was a member of the Tonbridge Town Team and Councillor Coffin advised that he provided fireworks to events held at Tonbridge Castle.

OS 18/20 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 24 May 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 18/21 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS DEVELOPMENT

The report of the Director of Street Scene, Leisure and Technical Services presented a review of the Council's approach to youth engagement, sports and events development which focused on the costs and benefits of these three discretionary service areas, suggested a number of improvements for future service delivery and identified potential savings which could contribute to the Council's Savings and Transformation Strategy. The Committee was reminded of the scope of the review which had included an assessment of whether the activities funded by allocated revenue budgets continued to provide value for money, explored partnership opportunities and sought assurance that

there was no duplication of service, demonstrated links to the Council's key priorities and examined the potential scope to generate external funding to help support services and reduce overall costs. In order to assist Members in the evaluation of each service area Annexes 1 to 3 of the report outlined the purpose of each service, current delivery arrangements, partnership involvement and the allocation of resources. An assessment of value for money, associated risks, suggested way forward and potential associated savings were also provided. A report from the Town Team on the management of events in Tonbridge, details of event management, youth and play development and sports development expenditure 2017/18, comments received from the Tonbridge and Malling Community Safety Partnership and a list of schools involved in the Youth Forum were circulated at the meeting.

During consideration of the report a number of additional issues were raised and it was suggested that Cabinet be invited to consider the following:-

- (1) that additional income generating opportunities be explored to include the potential to re-charge licensing costs to organisers of commercial events and the potential introduction of an administration fee for community events on Council land dependent on, and related to, the scale;
- (2) that the proposal put forward by the Tonbridge Town Team to establish a joint working group to help co-ordinate and develop events be investigated;
- (3) that a further review of the costs and benefits of marketing and publicity activities across all Council services be undertaken by the Overview and Scrutiny Committee with a view to reducing such costs where possible;
- (4) that wider use of social media to promote youth activities be encouraged;
- (5) that a wider participation of schools across the Borough in the Youth Forum be promoted via the Enterprise Advisor Network; and
- (6) that a report be made to the Communities and Housing Advisory Board in one year's time to update on progress made in relation to the recommendations arising from the Review of Youth Engagement, Sports and Events Development.

The Committee concluded that the services supported the Council's key priorities, offered value for money, attracted investment into the Borough and, in addition to a direct level of income, provided broader economic, health and social benefits. It was, therefore

RECOMMENDED: That

- (1) the contribution made by the Council's delivery of Youth Engagement, Sports and Events Services to the achievement of its strategic objectives be acknowledged;
- (2) the suggested changes to the existing delivery arrangements, as outlined in the report and at Annexes 1 to 3, be agreed; and
- (3) the associated savings of £14,940 to the Council's Annual Revenue Budget be included and reflected in the 2018/19 Revised Revenue Budgets.

DECISIONS TAKEN BY THE COMMITTEE**OS 18/22 PROVISION OF PUBLIC CONVENIENCES - SCOPING REPORT**

The report of the Director of Street Scene, Leisure and Technical Services set out the basis of a review of the Council's provision of public conveniences. It was reported that the review would incorporate a detailed audit of existing provision and examine alternative options to ensure that future service delivery met an identified need and was as cost effective as possible. Members requested that the use of public conveniences by lorry and taxi drivers be included in the factors to be taken into account (as set out at paragraph 1.2.2 of the report) when assessing current usage. With regard to the Options to be included in the review as set out at paragraph 1.4.1 of the report, the Committee supported items (ii) to (vi), subject to the expansion of (v) to include the Leisure Trust and Kent County Council.

RESOLVED: That

- (1) a detailed audit of the Council's current provision of public conveniences be progressed;
- (2) the exclusion of option (i) and inclusion of options (ii) to (vi) as set out in sub-section 1.4 of the report be confirmed;
- (3) a full review of the Council's future provision and delivery of public conveniences be progressed; and
- (4) a report on the outcome of the review be presented to the meeting of the Overview and Scrutiny Committee to be held on 18 October 2018.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority and Kent County Council.

PART 1 - PUBLIC

LA 18/64 DECLARATIONS OF INTEREST

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

LA 18/65 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 18/66 REVIEW OF PRIVATE HIRE OPERATOR'S LICENCE – CASE NO 11/2018

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

The Panel was asked to consider whether any action should be taken against a current Private Hire Operator following the receipt of information from Kent County Council that a driver had been sent to carry out a school run but had been unable to produce a private hire driver's licence when challenged by a KCC School and Client Transport Inspector.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer, the statement made by the KCC School and Client Transport Officer (as set out at Annex 2 to the report) and the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy in respect of private hire operators. The Panel noted that the

Policy required that an Operator should ensure that every driver engaged by him had obtained a private hire driver's licence from the same Licensing Authority which had issued the private hire operator's licence and that the driver wore the badge in a conspicuous place at all times whilst available for bookings.

The Panel listened carefully to the explanation of the circumstances which had led to the Operator allowing an unlicensed driver to carry out a school run. The Operator explained that he believed that his driver did have the appropriate driver's licence but had subsequently realised that he had confused a driver's carer's badge with a driver's badge issued by the Council and had, therefore, made a mistake. The Operator further explained that, due to a family bereavement, the usual office administrator had been absent and that this had contributed to the error.

The Panel was satisfied that the licence holder had operated a vehicle as a private hire vehicle when the driver of that vehicle did not have a current private hire vehicle driver's licence in contravention of s.46(1)(e)(ii) of the Local Government (Miscellaneous Provisions) Act 1976 and, on that basis, found that it was appropriate to suspend his private hire operator's licence. The Panel, therefore

RESOLVED: That Private Hire Operator's Licence Number 171 OPER be suspended for 1 month.

The meeting ended at 11.01 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority and Kent County Council.

PART 1 - PUBLIC

LA 18/67 DECLARATIONS OF INTEREST

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

LA 18/68 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 18/69 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 14/2018

(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 Kent County Council that the Applicant had been driving a private hire vehicle in order to carry out a school contract without a private hire driver's licence.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer, the statement made by the KCC School and Client Transport Inspector (as set out at Annex 2 to the report) and the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy. The Panel gave careful consideration to the representations made by the Applicant and his Mentor in respect of the circumstances

which had led the Applicant to drive a licensed vehicle whilst being unlicensed. The Applicant acknowledged that he had driven a private hire vehicle and admitted that he had made a mistake. He apologised to the Panel for that mistake and informed them that, as soon as he realised that he did not hold the appropriate licence, he had made it clear that he would not carry out any more private hire work. The Panel noted that the Applicant had considerable experience in the motor trade and had worked as a driver for a supermarket chain for a number of years and also drove for a charity. The Panel accepted that the Applicant had a clean record and had shown remorse for his mistake. In the circumstances the Panel was satisfied that the Applicant was a 'fit and proper' person to hold a Probationary Private Hire Driver's Licence. For these reasons, therefore, the Panel

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

The meeting ended at 12.08 pm
having commenced at 11.15 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd June, 2018

Present: Cllr M A Coffin (Chairman), Cllr O C Baldock and Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/70 DECLARATIONS OF INTEREST

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

LA 18/71 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 18/72 REVIEW OF DUAL DRIVER'S LICENCE - CASE NO 12/2018

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

The Panel was asked to consider whether the holder of a Dual Hackney Carriage and Private Hire Driver's Licence should have his licence suspended or revoked under s.61(1)(a) of the Local Government (Miscellaneous Provisions) Act 1976 on the grounds that he was playing loud music in his vehicle in contravention of the Council's Taxi Licensing and Enforcement Policy and had failed to co-operate with the Council's Senior Licensing Officer during an enforcement exercise in Maidstone High Street in the early hours of the morning of 22 April 2018.

The Director of Central Services and Monitoring Officer advised the Panel that he had received an email from the licence holder on 21 June requesting an adjournment of the Hearing on the ground that he was ill and had a 'Sick Note'.

In the circumstances the Panel

RESOLVED: That consideration of Case No 12/2018 in respect of the review of Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be DEFERRED to a meeting of the Licensing and Appeals Panel to be held on 25 July 2018.

The meeting ended at 12.32 pm
having commenced at 12.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 25th June, 2018

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

Councillors Mrs J A Anderson, Mrs S M Barker, M C Base, Mrs P A Bates, R P Betts, T I B Cannon, D J Cure, D A S Davis, S R J Jessel, Mrs F A Kemp, D Lettington, Mrs S L Luck, P J Montague, Mrs A S Oakley, M Parry-Waller, M R Rhodes, H S Rogers, Miss J L Sergison, Miss S O Shrubsole, A K Sullivan, Miss G E Thomas and T C Walker were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M A C Balfour, Mrs S Bell, D Markham and S C Perry

PART 1 - PUBLIC

GP 18/9 DECLARATIONS OF INTEREST

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

GP 18/10 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 29 January 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 18/11 HUMAN RESOURCES STRATEGY UPDATE

The report of the Director of Central Services reminded Members that the Human Resources Strategy (HR Strategy) provided an overview of the Council's approach to managing its employees and that it was updated annually to identify "improvement priorities". The updated HR Strategy, set out at Annex 1 to the report, listed progress against the improvement priorities identified for April 2017 to March 2018, identified actions to be implemented between April 2018 and March 2019 and reported the outcome of equality monitoring of staffing issues in 2017/18 required under the Equality Act 2010.

RECOMMENDED: That the outcomes of the equality monitoring set out in Section 4 of the HR Strategy be noted and the actions listed in

Section 5 of the strategy (Workforce Development Plan April 2018 – March 2019) be commended for adoption by the Council.

***Referred to Council**

**GP 18/12 INVESTIGATORY POWERS COMMISSIONER'S OFFICE
INSPECTION REPORT - THE REGULATION OF INVESTIGATORY
POWERS ACT 2000**

The Director of Central Services advised that, in order to ensure that public authorities carried out covert activities in a lawful manner, the Investigatory Powers Commissioner's Office (IPCO) conducted regular reviews of the Council's policies and procedures. Annex 1 to the report set out details of a recent, telephone-based, review undertaken by the Assistant Surveillance Commissioner, His Honour Brian Barker. The Assistant Surveillance Commissioner's report had recommended a number of minor amendments to the Corporate Surveillance Guidance, the inclusion of advice on the use of social media and recognised the need to update officers and provide training as a priority.

RECOMMENDED: That

- (1) the Inspection report of the Assistant Surveillance Commissioner be noted; and
- (2) the revised Corporate Surveillance Guidance, set out in Annex 2 to the report, be commended for adoption by the Council.

***Referred to Council**

MATTERS SUBMITTED FOR INFORMATION

GP 18/13 HEALTH AND SAFETY ANNUAL REPORT 2017/18

Annex 1 to the report of the Director of Planning, Housing and Environmental Health set out the Annual Health and Safety Report 2017/18. Attention was drawn to the summary of key achievements in 2017/18, the establishment of a Corporate Health and Safety Group and to the key priorities for 2018/19.

RESOLVED: That the Annual Health and Safety Report 2017/18 be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 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****GP 18/15 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 saving of £5,812 arising from the re-designation and re-grading of post DC0405 Head of Electoral and Democratic Services M5 to Head of Electoral Services M6 be ring fenced pending further adjustments to the Establishment in Central and Executive Services;
- (2) the options for a shared Business Rates resource, funded from the ring fenced saving approved at the General Purposes Committee on 29 January 2018, be explored with Gravesham Borough Council;
- (3) as previously endorsed by Management Team, a 12 month fixed term contract of Special Projects Officer scale 5/6 be created in the Revenue and Benefits Team with effect from 1 May 2018 funded from the Transformation Reserve;
- (4) Internal Auditor post DF0804 be re-designated and re-graded Senior Internal Auditor scale 6/SO (from Internal Auditor scale 2/6) with immediate effect;
- (5) Internal Auditor post DF0805 be deleted with immediate effect and replaced by a temporary staff provision; and
- (6) Fraud Officer post DF0602 scale 4/6 be deleted and replaced with a new Fraud/Audit Assistant post scale 2/4 37 hours per week, with immediate effect.

GP 18/16 WASTE AND STREET SCENE SERVICES**(LGA 1972 Sch 12A Paragraph 1 – Information relating to an individual)**

The report of the Director of Street Scene, Leisure and Technical Services set out details of a number of permanent and temporary staffing changes in the Waste and Street Scene Services to reflect the departure of the Head of Waste and Street Scene, the retendering of the Waste Contract and the on-going requirement to deliver the existing contract to an acceptable standard.

RESOLVED: That

- (1) a new post of Head of Street Scene and Leisure graded M4 be established with immediate effect;
- (2) the existing posts of Head of Leisure Services (DG0004) and Head of Waste and Street Scene (DG0006) be deleted from the establishment with immediate effect;
- (3) the existing holder of post DG0004 be transferred into the new post of Head of Street Scene and Leisure with immediate effect;
- (4) the temporary staffing arrangements approved by Management Team be noted; and
- (5) the longer term saving accruing from the proposals be ring-fenced to enable a further review of the staff structure in the future.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Monday, 25th June, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 25th June, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr Mrs S M Barker, Cllr M C Base, Cllr R P Betts, Cllr P F Bolt, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, 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 M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr Miss J L Sergison, Cllr Miss S O Shrubsole, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas and Cllr T C Walker

Apologies for absence were received from Councillors M A C Balfour, Mrs S Bell, T Bishop, V M C Branson, Mrs B A Brown, R W Dalton, M O Davis, S M Hammond, D Keers, R D Lancaster, D Markham, S C Perry, T B Shaw, Ms S V Spence, F G Tombolis and B W Walker

PART 1 - PUBLIC

C 18/42 DECLARATIONS OF INTEREST

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

C 18/43 EXCLUSION OF PRESS AND PUBLIC

The Mayor moved, it was seconded and

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

PART 2 - PRIVATE**C 18/44 APPOINTMENT OF NEW DIRECTOR OF PLANNING, HOUSING AND ENVIRONMENTAL HEALTH**

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

The report of the Chief Executive set out details of the arrangements to be made for the appointment to the vacancy created by the forthcoming retirement of the Director of Planning, Housing and Environmental Health.

RESOLVED: That a Panel of Members composed of Councillors O Baldock, M Coffin, P Montague, Mrs A Oakley and H Rogers be appointed to make the appointment to fill the vacancy in the post of Director of Planning, Housing and Environmental Health.

C 18/45 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 8.16 pm
having commenced at 8.12 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 4th July, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr B J Luker (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 S C Perry, 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 S R J Jessel, L J O'Toole and Miss S O Shrubsole

PART 1 - PUBLIC

AP2 18/21 DECLARATIONS OF INTEREST

Councillor Luker (Vice-Chairman) declared an Other Significant Interest in item 18/00126/WORKM (Stables at Leybourne Park Farm) on the grounds that the owner of the site was known to him. To avoid potential bias he withdrew from the meeting and took no part in the discussion on this matter.

AP2 18/22 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 30 May 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

AP2 18/23 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 18/24 TM/18/00595/FL - G B TATHAM AND CO LTD, 9 WILLOW WENTS, MEREWORTH

Demolition of existing office/workshop building and erection of 4 no. houses at G B Tatham and Co Ltd, 9 Willow Wents, Mereworth.

RESOLVED: That planning permission be DEFERRED for a Members' Site Inspection on the grounds that the proposal raised specific matters in respect of site characteristics, the importance of which could only be established by means of a site inspection.

[Speaker: Andrew Wells – Mereworth Parish Council; Alison Currie, Steve Dunn, Richard Jones and Michael Chesterton – members of the public]

AP2 18/25 ALLEGED UNAUTHORISED DEVELOPMENT 18/00141/COM - 46 FARTHERWELL AVENUE, WEST MALLING

The Director of Planning, Housing and Environmental Health reported unauthorised development regarding the failure to provide car parking spaces within the front curtilage to serve 46 Fatherwell Avenue in accordance with the approved plans and as required by planning condition. (Condition 5 of planning permission TM/16/01277/FL)

RESOLVED: That an Enforcement Notice BE ISSUED to require the development to be laid out in accordance with plan number 016-003/007 Rev. B insofar as it related to the provision of parking spaces to serve the development, the wording of which to be agreed by the Director of Central Services.

AP2 18/26 ALLEGED UNAUTHORISED DEVELOPMENT 18/00126/WORKM - STABLES AT LEYBOURNE PARK FARM, PARK ROAD, LEYBOURNE

The report of the Director of Planning, Housing and Environmental Health set out details of unauthorised development at the site which involved engineering and other operations, regrading of land, formation of bunds and appeared to be in connection with the laying of new road surfaces and/or areas of hardstanding.

RESOLVED: That an Enforcement Notice BE ISSUED to seek the removal of the unauthorised roadway, hard surfacing and earth bunds and the reinstatement of the land to its former condition, the detailed wording of which to be agreed by the Director of Central Services.

AP2 18/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

- Minutes of the Audit Committee held on 23 July 2018 are *'to follow'*

