

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/73 DECLARATIONS OF INTEREST

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

LA 18/74 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 18/75 REVIEW OF HACKNEY CARRIAGE DRIVER'S LICENCE –
CASE NO 15/2018**

**(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 holder of a Hackney Carriage Driver's Licence who had failed to accept penalty points for failure to comply with a requirement of an authorised officer of the Council or police officer and failure to display insignia on exterior of the two front doors of the vehicle.

The Panel had regard to the report of the Director of Central Services and Monitoring Officer and to Sections 4.8.1, 14.9.1 and 16.5.1 of the Tonbridge and Malling Hackney Carriage and Private Hire Licensing Policy.

The Panel listened carefully to the representations made by the Driver but found that he had contravened Section 61 of the Local Government (Miscellaneous Provisions) Act 1976. The Panel was satisfied that the Driver had failed to meet with Council Officers when required to do so and had failed to accept or respond to the offer of penalty points on his licence.

For these reasons the Panel, therefore

RESOLVED: That Hackney Carriage Driver's Licence Number 17/01915/HCDL (Badge No: 343) be suspended for a period of two weeks and 12 penalty points be added to the licence.

The meeting ended at 10.46 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/76 DECLARATIONS OF INTEREST

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

LA 18/77 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 18/78 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 16/2018**

**(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 a Caution dated 14 September 2017 – Theft by Employee on 28 July 2017, Theft Act 1968 S.1. The Panel noted that the Applicant had declared the Caution for theft on the questionnaire submitted with the application.

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

- (1) that Section 1.4.4 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 4.7.6 of the Policy stated that the licence was conditional upon there being no adverse information revealed on the DBS disclosure which would render the applicant not 'Fit and Proper';
 - (3) that Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
 - (4) that in respect of Cautions, Section 4.8.4 of the Policy stated that the Council would have regard to the class and age of the offence and the age of the applicant when the offence occurred when considering their relevance to an application; and
- (1) that in respect of Offences of Dishonesty, Section 10.3.1 of the Policy stated that, in general, a period of 4 years free of conviction was required before an application was likely to be considered.

The Panel listened carefully to the explanation given by the Applicant of the circumstances surrounding the Caution for Theft and concluded that, as the offence had taken place within the last year and there was no extenuating circumstance or compelling reason to deviate from the Council's Hackney Carriage and Private Hire Policy, 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 11.40 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/79 DECLARATIONS OF INTEREST

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

LA 18/80 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 18/81 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S
LICENCE - CASE NO 17/2018**

**(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 a Conviction dated 15 March 2013 for Destroy or Damage Property (value of Damage £5000 or less – offence against Criminal Damage Act 1971 only) Criminal Damage Act s.1(1). The Panel noted that the Applicant had not declared the Conviction on the questionnaire submitted with the application.

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

- (1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and
- (1) that Section 10.4.1 stated that applications would normally be refused where the conviction was less than 8 years old.

The Panel gave careful consideration to the application and the DBS Certificate and listened carefully to the Applicant's representations about his current circumstances, his explanation regarding the conviction and his failure to disclose the previous conviction on his application. The Panel took particular note of Section 10.4 of the Policy and found that there were no compelling or extenuating circumstances to justify deviation from the Council's Policy. The Panel concluded that 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 12.42 pm
having commenced at 12 noon

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Wednesday, 25th July, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/82 DECLARATIONS OF INTEREST

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

LA 18/83 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 18/84 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 Panel was reminded that the case had previously been scheduled to be heard on 6 June and 22 June but had been deferred on each occasion as the Driver was unavailable. The Panel noted that the Driver had indicated that he would not be attending the Hearing and had been advised that the case would be heard in his absence.

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

- (1) that the Driver had failed to comply with the Local Government (Miscellaneous Provisions) Act 1976 in that he failed, without reasonable excuse, to comply with a requirement properly made to him by the Senior Licensing Officer; and
- (1) that the Driver had failed to comply with s.60(1)(c) of the Local Government (Miscellaneous Provisions) Act 1976 - Any Other Reasonable Cause in that he had played very loud music in his vehicle in contravention of the Borough Council's Hackney Carriage and Private Hire Policy.

For these reasons the Panel

RESOLVED: That Dual Hackney Carriage and Private Hire Driver's Licence Number 16/01351/DUALDL be SUSPENDED for a period of 4 weeks.

The meeting ended at 1.41 pm
having commenced at 1.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th July, 2018

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/85 DECLARATIONS OF INTEREST

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

LA 18/86 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 18/87 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 18/2018

(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 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 March 2001 and 11 April 2008 relating to the export, supply and possession of Class A drugs.

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

- (1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and
- (1) that Section 10.15.3 stated that an application would normally be refused where the conviction had resulted in imprisonment exceeding 30 months.

The Panel gave careful consideration to the Application and the DBS Certificate, listened carefully to the Applicant's representations about his current circumstances and his explanation regarding the convictions and concluded that the Applicant was a fit and proper person to hold a Probationary Private Hire Driver's Licence. For these reasons the Panel, therefore

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

The meeting ended at 10.34 am
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 27th July, 2018

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/88 DECLARATIONS OF INTEREST

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

LA 18/89 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 18/90 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 19/2018

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

The Panel was advised that the DBS Certificate had disclosed that the Applicant had a Conviction dated 18 May 2011 for Battery – Criminal Justice Act 1988 – Community Order – unpaid work requirement 60 hours, compensation £50.00 and costs £45.00.

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

- (1) that Section 1.4.4 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 in respect of the relevance of previous convictions, Section 4.8.3 of the Policy required that the Council had regard to whether convictions were spent or unspent, class of the offences, age of the offences and the apparent seriousness, as gauged by the penalty; and
- (1) that Section 10.4.1 stated that applications would normally be refused where the conviction was less than 8 years old prior to the date of the application.

The Panel gave careful consideration to the application and the DBS Certificate and listened carefully to the Applicant's representations about his current circumstances and to his explanation regarding the conviction. 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 the Panel, therefore

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

The meeting ended at 11.23 am
having commenced at 11.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 31st July, 2018

At the meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 31st July, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr Mrs S Bell, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr V M C Branson, Cllr Mrs B A Brown, Cllr M A Coffin, Cllr D J Cure, Cllr D A S Davis, Cllr M O Davis, Cllr 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 P J Montague, Cllr L J O'Toole, Cllr M Parry-Waller, Cllr S C Perry, Cllr M R Rhodes, Cllr R V Roud, Cllr Miss J L Sergison, Cllr C P Smith, Cllr A K Sullivan, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Councillors M C Base, J L Botten, T I B Cannon, R W Dalton, Mrs T Dean, S M King, D Markham, Mrs A S Oakley, H S Rogers, T B Shaw, Miss S O Shrubsole, Ms S V Spence and B W Walker

PART 1 - PUBLIC

C 18/46 DECLARATIONS OF INTEREST

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

C 18/47 MINUTES OF ANNUAL MEETING

RESOLVED: That the Minutes of the proceedings of the Annual Meeting of the Council held on 15 May 2018 be approved as a correct record and signed by the Mayor.

C 18/48 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the proceedings of the extraordinary meeting of the Council held on 25 June 2018 be approved as a correct record and signed by the Mayor.

C 18/49 MAYOR'S ANNOUNCEMENTS

The Mayor reported that since the Annual Council meeting she had opened new offices in Tonbridge and Kings Hill and visited school fetes,

plays and award presentations throughout the Borough. She highlighted a number of memorable events including Positive Ageing's 25th Anniversary Party, the Snodland and Tonbridge Carnivals, signing the Zero Tolerance to Loan Sharks Charter, the Kwik Cricket Festival and her own charity, Tree of Hope's Summer Party. She had also attended the Royal Garden Party, the Lord Lieutenant of Kent's Civic Reception and the Battle of Britain Memorial Trust's Annual Memorial Day.

The Mayor reported on the Civic Service and welcoming leading community groups at her Garden Party. Future events included a Quiz at Hadlow College on 9 February 2019, a Darts Evening and possibly an afternoon of croquet on the Castle Lawn, further details of which would be given in due course.

C 18/50 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 18/51 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 18/52 LEADER'S ANNOUNCEMENTS

The Leader began by commending the Civic Service and the welcome provided by Tonbridge Baptist Church which reflected the Mayor's own links with the local community.

Business Rates Retention pilot

The Leader referred to the Kent and Medway authorities' successful application to be a pilot in the financial year 2018/19. He indicated that the scheme came in two packages. First, a Financial Sustainability Fund, this authority's projected allocation in October 2017 being £560,000. Latest business rate returns in January projected a higher allocation but the final settlement was subject to potential market movement.

The second package was the Housing and Commercial Growth Fund of £1.055 million to be divided across West Kent with agreement of all three districts and KCC. Proposals were still under discussion with the County Council but it was hoped to be able to report to the Economic Regeneration Advisory Board at its September meeting.

Members were advised that the Government was now inviting bids for a second round of Business Rates Retention; this one being slightly

different in that the allocation was 75 per cent retention. The Kent Council Leaders had agreed to make a fresh bid for 2019/20 although the deadline of 25 September would be tight and indications suggested that existing pilot authorities would not be included in the second round. Again, it was expected that the terms of the Kent and Medway bid would be reported to the Economic Regeneration Advisory Board at its next meeting.

The Leader reported that the long anticipated consultation on negative Revenue Support Grant was now published. The Government had indicated that it considered direct elimination of Negative RSG via foregone business rates receipts the preferred approach, meeting the key criteria of being both fair and affordable. It was necessary to see what it meant for this authority and the Council's suggested response was likely to be reported to the next meeting of the Finance, Innovation and Property Advisory Board.

Income generation

The Leader said that members of the Audit Committee would be aware that £5 million had been committed to the Property Investment Fund. Thus far the property funds had recorded a return of 3.74 %, broadly in line with the forecast return of 4%. Dividends to the end of June of £30,900 were £900 above profiled budget for the year but performance against budget for the year as a whole would be influenced by the amount and timing of additional property fund investments. This was clearly a step in the right direction and an endorsement of the approach taken by Members in supporting such investments.

Housing

The Leader referred to his report to the April meeting that the Borough Council had committed up to £1.6 million of development contributions for the purchase of temporary accommodation with the intention that such property be located in both the north and south of the Borough. He was pleased to report that a dwelling of six flats located in Tonbridge was under offer and hoped that some suitable accommodation in the north of the Borough could be identified.

Green Flag Awards

Members were advised that the Council's country parks continued to receive the highest recommendation for their quality. Haysden Country Park had been awarded a Green Flag Award for the thirteenth year and Leybourne Lakes Country Park for the twelfth year in a row making both officially two of the very best parks in the UK.

Community Alcohol Partnership

The Leader was pleased to attend the recent launch of the Tonbridge Community Alcohol Partnership, the second to be working within the Borough, the other being in Snodland which had been running successfully since 2012. There were now over 150 CAPs across the UK which had enjoyed considerable success as a tried and tested way of driving down underage drinking. They also underlined the merits of true partnership and the evidence from Snodland was that by working together, trading standards, the police, businesses, the Borough Council and Snodland Town Council were bringing better, safer and friendlier neighbourhoods.

Future activity

The Leader wished those Members and officers going away on holiday in August a refreshing and enjoyable break. He said that September would be a busy month for all with a number of meetings of both the Cabinet and Council in addition to the programmed meetings of various committees, boards and panels.

C 18/53 PROPOSED DIVERSION OF PUBLIC FOOTPATH MR218, STANSTED

Item AP2 18/3 referred from Area 2 Planning Committee minutes of 11 April 2018

RESOLVED: That the recommendations at Minute AP2 18/3 be approved.

C 18/54 HUMAN RESOURCES STRATEGY UPDATE

Item GP 18/11 referred from General Purposes Committee minutes of 25 June 2018

RESOLVED: That the recommendations at Minute GP 18/11 be approved.

C 18/55 INVESTIGATORY POWERS COMMISSIONER'S OFFICE INSPECTION REPORT - THE REGULATION OF INVESTIGATORY POWERS ACT 2000

Item GP 18/12 referred from General Purposes Committee minutes of 25 June 2018

RESOLVED: That the recommendations at Minute GP 18/12 be approved.

C 18/56 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT FOR 2017/18

Item AU 18/30 referred from Audit Committee minutes of 23 July 2018

RESOLVED: That the recommendations at Minute AU 18/30 be approved.

C 18/57 REVIEW OF CONSTITUTION

The report of the Director of Central Services and Monitoring Officer updated the position on the review of the Constitution following consideration by the Overview and Scrutiny Committee on 19 April and the Cabinet on 6 June 2018 (Minute CB 18/40 refers). The report outlined the scope of the review, summarised the key revisions and highlighted further changes to the draft Constitution since the meeting of the Cabinet, with particular reference to arrangements for dealing with petitions.

The Leader thanked members of the Overview and Scrutiny Committee and the officer team for their work on the review.

RESOLVED: That

- (1) the amended Constitution set out at Annexes 1 to 6 of the report be adopted; and
- (2) authority be delegated to the Director of Central Services and Monitoring Officer to make further changes to the formatting of the Constitution as he considers appropriate.

C 18/58 RECYCLING SITE COLLECTION ARRANGEMENTS

The report of the Director of Street Scene, Leisure and Technical Services identified difficulties with the current collection arrangements at the Council's recycling sites and proposed temporary additional resources to help address the issue until the implementation of revised arrangements under the new Waste Services contract. It was intended to meet the additional cost of £30,000 by means of a supplementary estimate.

RESOLVED: That the temporary arrangements outlined in the report to improve collection at the Council's recycling sites be approved with funding from a supplementary revenue budget.

C 18/59 APPOINTMENTS TO OUTSIDE BODIES

Consideration was given to the report of the Director of Central Services regarding the appointment of Town Wardens of the Tonbridge Town Lands and Richard Mylls Charity for the period October 2018 to 2022. It

was noted that Mr E Prescott was willing to be reappointed and the Town Wardens had suggested Mrs D Huntingford as a replacement on the retirement of Miss J Browne.

RESOLVED: That

- (1) Mr E Prescott be reappointed and Mrs D Huntingford be appointed as Town Wardens for the period October 2018 to October 2022; and
- (2) the Council's thanks be recorded to Miss Janice Browne on her retirement after many years of dedicated service in various capacities to Tonbridge and the whole Borough.

C 18/60 SEALING OF DOCUMENTS

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

The meeting ended at 7.56 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 3rd August, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/91 DECLARATIONS OF INTEREST

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

LA 18/92 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 18/93 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 20/2018

(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 Driver and Vehicle Licensing Agency (DVLA).

The Panel was advised that the response to the DVLA data release mandate form had disclosed that the Applicant had 6 Penalty Points on his Driving Licence an Offence dated 4 October 2017 – IN14 Causing or permitting offences. Using a vehicle uninsured against Third Party risks.

The Panel noted that the Applicant had declared the offence on the questionnaire submitted with the application.

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

- (1) that Section 1.4.4 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 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
 - (3) that in respect of Cautions and Endorsable Fixed Penalties, Section 10.2.7 of the Policy stated that formal cautions and endorsable fixed penalties should be treated as though they were convictions and must be disclosed; and
- (1) that Section 12.7.2 of the Policy stated that, in particular, an application would normally be refused where the applicant has 6 or more penalty points on his DVLA licence (whether or not the applicant was convicted by a court for the offences for which the points were imposed).

The Panel listened carefully to the explanation given by the Applicant of the circumstances which led him to accept six penalty points from the DVLA and reached the conclusion that there were no compelling or extenuating circumstances to justify deviation from the Council's Hackney Carriage and Private Hire Policy. The Panel felt that causing or permitting a vehicle to be used whilst uninsured posed a risk to the public and that public safety was a paramount concern when considering the licensing of taxi and private hire drivers. In the circumstances the Panel reached the conclusion that 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 10.43 am
having commenced at 10.10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 3rd August, 2018

Present: Cllr D Keers (Chairman), Cllr Mrs J A Anderson and Cllr Mrs B A Brown

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

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 18/94 DECLARATIONS OF INTEREST

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

LA 18/95 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 18/96 APPLICATION FOR A PROBATIONARY PRIVATE HIRE DRIVER'S LICENCE - CASE NO 21/2018

(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 Driver and Vehicle Licensing Agency (DVLA) and the Disclosure and Barring Service (DBS).

The Panel was advised that the response to the DVLA data release mandate form had disclosed that the Applicant had 3 Penalty Points on his Driving Licence for an Offence dated 9 December 2014 – CD10

Driving without due care and attention. The Panel noted that the Applicant had declared the offence on the questionnaire submitted with the application.

The Panel was advised that the DBS Certificate had disclosed that the Applicant had a Conviction dated 30 October 2015 for Failing to give name and address after accident on 3 February 2015 – Road Traffic Act 1988 S.170(4); Failing to report accident on 3 February 2015 – Road Traffic Act 1988 S.170(4) and Drive a mechanically propelled vehicle on a road/in a public place without due care and attention on 3 February 2015 – Road Traffic Act 1988 S.3. The Panel noted that the Magistrates Court had imposed the following: Fine £625; Costs £620; Disqualification from driving – Discretionary 6 months from 30/10/2015 and a Victim Surcharge of £63. It was noted that the DVLA report had disclosed the offence AC10 – Failing to stop after an accident – Date of offence: 3 February 2015 (no points issued).

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

- (1) that Section 10.2.2 of the Tonbridge and Malling Borough Council Hackney Carriage and Private Hire Policy stated that the overriding consideration was the safety of the public;
 - (2) that Section 4.8.3 of the Policy regarding 'Fit and Proper' required that the Council consider each case on its merits;
 - (3) that in respect of the relevance of previous convictions, Section 4.8.5 of the Policy required that the Council had regard to the class, age and seriousness of the offence;
 - (4) that in respect of Cautions and Endorsable Fixed Penalties, Section 10.2.7 of the Policy stated that formal cautions and endorsable fixed penalties should be treated as though they were convictions and must be disclosed; and
- (1) that in respect of Major Traffic Offences Section 10.8.3 of the Policy stated that more than one conviction for this type of offence within the last 5 years would likely merit refusal of an application.

The Panel gave careful consideration to the application, the DBS Certificate and the DVLA Drivers Report and listened carefully to the Applicant's explanation of the facts and circumstances which led to the convictions and the endorsement of his DVLA Driving Licence. The Panel took particular note of Sections 10.2.2 and 10.8.3 of the Council's Policy and reached the conclusion that there were no compelling or extenuating circumstances to justify deviation from the Council's Hackney Carriage and Private Hire Policy by granting a licence to someone with convictions for Major Traffic Offences.

In the circumstances the Panel reached the conclusion that 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 11.38 am
having commenced at 11.04 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 15th August, 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 M A Coffin, Cllr S R J Jessel, Cllr Mrs S L Luck, Cllr P J Montague, Cllr H S Rogers, Cllr Miss J L Sergison and Cllr M Taylor.

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

Apologies for absence were received from Councillors Mrs S M Barker, R P Betts, L O'Toole, T B Shaw and Miss S O Shrubsole.

PART 1 - PUBLIC

AP2 18/28 DECLARATIONS OF INTEREST

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

AP2 18/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 4 July 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/30 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 18/31 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 REFUSED for the following reason:

- (1) The proposed development, by virtue of the siting, scale, massing and height of unit 1 when combined with its close proximity to the northern boundary shared with the immediate neighbour (11 Willow Wents), would result in an intrusive and dominant form of development when viewed from that neighbouring property, which would cause harm to the residential amenities of the occupants. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and f) and 130 of the National Planning Policy Framework 2018.

[Speakers: Alison Currie and Richard Jones – Members of the public]

AP2 18/32 TM/18/00420/FL - 22 THE LANDWAY, BOROUGH GREEN

Demolition of existing workshop buildings, construction of two 2 bedroom and one 3 bedroom houses with associated parking and amenity areas at 22 The Landway, Borough Green.

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

(1) Amended Conditions:

6. No development shall be commenced until the following have been submitted to and approved by the Local Planning Authority:
 - (a) a contaminated land desktop study identifying all previous site uses, potential contaminants associated with those uses including a survey of the condition of any existing building(s) and any contaminated material contained within its construction, a conceptual model of the site indicating sources, pathways and receptors and any potentially unacceptable risks arising from contamination at the site;
 - (b) based on the findings of the desktop study, proposals for a site investigation scheme that will provide information for an assessment of the risk to all receptors that may be affected

including those off site. The site investigation scheme should also include details of all demolition works, site clearance, ground investigations or site survey work that may be required to allow for intrusive investigations to be undertaken.

If, in seeking to comply with the terms of this condition, reliance is made on studies or assessments prepared as part of the substantive application for planning permission, these documents should be clearly identified and cross-referenced in the submission of the details pursuant to this condition.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

7. No development shall take place other than as required as part of any relevant approved site investigation works until the following have been submitted to and approved by the Local Planning Authority:

(a) results of the site investigations (including any necessary intrusive investigations) and a risk assessment of the degree and nature of any contamination on site and the impact on human health, controlled waters and the wider environment. These results shall include a detailed remediation method statement informed by the site investigation results and associated risk assessment, which details how the site will be made suitable for its approved end use through removal or mitigation measures. The method statement must include details of all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site cannot be determined as Contaminated Land as defined under Part 2A of the Environmental Protection Act 1990 (or as otherwise amended).

The submitted scheme shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority in writing of the presence of any such unforeseen contamination along with a timetable of works to be undertaken to make the site suitable for its approved end use.

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

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

8. Following completion of the approved remediation strategy, and prior to the first occupation of the development, a relevant verification report that scientifically and technically demonstrates the effectiveness and completion of the remediation scheme at above and below ground level (inclusive of all demolition and disposal activities) shall be submitted for the information of the Local Planning Authority.

The report shall be undertaken in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. Where it is identified that further remediation works are necessary, details and a timetable of those works shall be submitted to the Local Planning Authority for written approval and shall be fully implemented as approved.

Thereafter, no works shall take place such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity, public safety and human health and in accordance with the National Planning Policy Framework 2018.

12. No above ground development shall commence on site until full details of a scheme of acoustic protection for the dwellings hereby approved has been submitted to and approved by the Local Planning Authority. The scheme shall be informed by (but not limited to) the Environmental Noise Survey prepared by Aulos Acoustics, reference 0-1808 T2963-634, dated 12 July 2018. The approved scheme shall be implemented prior to the first occupation of any of the dwellings hereby permitted and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwellings hereby permitted.

(2) Additional Informatives:

8. The applicant is advised that in order to achieve compliance with conditions 6 – 8 inclusive it will be necessary to fully survey the existing building for the presence of contaminated materials including, but not limited to, asbestos. The remediation scheme will be required to ensure safe demolition and disposal of the existing building and that will need to be verified as completed and remediated.

9. The applicant is advised that in order to achieve compliance with condition 12, they should undertake further noise surveys at times of the day when the adjacent forge is in active operation to ensure the proposed mitigation strategy would be fully effective at all times.

[Speakers: Kevin Willard and Kim Skinner – Members of the public]

AP2 18/33 TM/18/00988/FL - 31 HARRISON ROAD, BOROUGH GREEN

Demolition of existing single garage and porch. Construction of 1 no new three bedroom dwelling, driveway and crossover to serve the new dwelling and the extension and alteration of 31 Harrison Road, Borough Green.

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

- (1) The proposal, by virtue of its siting, layout and overall size, would result in an incongruous form of development that would erode the openness of a corner plot to the detriment of the visual amenities of the street scene and prevailing character of the wider locality. The development is therefore contrary to policy CP24 of the Tonbridge and Malling Borough Core Strategy 2007 and the requirements contained at paragraphs 127 (c and d) and 130 of the National Planning Policy Framework 2018.

[Speakers: Christine Chapman, Aaron Austin and Kim Skinner – Members of the public]

AP2 18/34 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Thursday, 16th August, 2018

Present: Cllr A K Sullivan (Chairman), Cllr F G Tombolis (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M C Base, Cllr P F Bolt, Cllr D Keers, Cllr Mrs F A Kemp, Cllr Mrs S L Luck, 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 and N J Heslop were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs A S Oakley (Vice-Chairman), J L Botten, R W Dalton and Ms S V Spence

PART 1 - PUBLIC

OS 18/24 DECLARATIONS OF INTEREST

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

OS 18/25 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 21 June 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN BY THE COMMITTEE

OS 18/26 ROAD CLOSURES REVIEW - INITIAL REPORT

The report of the Chief Executive set out the legal, financial and operational issues involved when considering future road closures for events in the Borough. Details were given of the two sets of powers available to allow temporary road closures. It was noted that the purpose of the review was to explore whether the use of the Town Police Clauses Act 1847 (TPCA) remained the most appropriate legislation to use for all local events and, if not, the implications for the Borough Council and event organisers should the Road Traffic Regulation Act 1984 be used as an alternative.

Members were advised that Kent Police had concerns about the use of the TPCA for road closures for local events, especially those lasting a full day. It was therefore suggested that in order to take forward the review, both the Police and Kent County Council be consulted to

ascertain their views in relation to local road closures and information be obtained from other Kent district councils regarding their use of the TPCA or other procedures.

In expressing a general preference for retaining the use of the TPCA for local events, Members requested that a senior police officer be invited to the next meeting, together with a representative of the County Council, to explain and discuss their position. It was considered that this would also provide an opportunity to examine the process for managing road closures under the TPCA to ensure that it was as un-bureaucratic and cost-effective as possible.

RESOLVED: That the contents of the report be noted, a further report be presented to the next meeting of the Committee regarding the issues and consultations outlined in section 1.5 of the report and representatives of the Police and Kent County Council be invited to the next meeting to explain their views.

MATTERS SUBMITTED FOR INFORMATION

OS 18/27 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER 2017/18

The report of the Chief Executive presented the annual report of the Ombudsman regarding complaints received and dealt with over the past year. Members were pleased to note that of the complaints dealt with by the Ombudsman, there were no judgements against the Council, with five complaints closed after initial enquiries, three referred back for local determination and one case formally considered by the Ombudsman but not upheld. The Chief Executive and Directors were commended for their care in handling complaints.

RESOLVED: That the report be received and noted.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 18/28 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Monday, 3rd September, 2018

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

Councillors Mrs J A Anderson, Mrs S M Barker, M C Base, R P Betts, D J Cure, R W Dalton, D A S Davis, Mrs T Dean, Mrs S L Luck, B J Luker, Mrs A S Oakley, M Parry-Waller, S C Perry, M R Rhodes, R V Roud, T B Shaw, Miss S O Shrubsole, A K Sullivan and M Taylor were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/47 DECLARATIONS OF INTEREST

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

CB 18/48 MATTERS REFERRED FROM PLANNING AND TRANSPORTATION ADVISORY BOARD

The notes of the meetings of the following Advisory Boards were received.

Planning and Transportation Advisory Board of 5 June 2018
Planning and Transportation Advisory Board of 24 July 2018

RESOLVED: That the report be received and noted subject to Minute CB 18/49 below.

CB 18/49 PLANNING AND TRANSPORTATION ADVISORY BOARD – 24 JULY 2018 - VOTING

The joint report of the Chairman of the Planning and Transportation Advisory Board and the Director of Central Services and Monitoring Officer explained the circumstances leading to a review of the voting on the Local Plan at the meeting of the Planning and Transportation Advisory Board on 24 July 2018. This had concluded that the proper outcome of the vote was that the recommendation for the draft Local Plan to be recommended to Cabinet for consideration had been defeated.

Members were advised that, having considered the legal and constitutional issues in detail and with the benefit of Counsel's opinion, it was proper for the consideration of the Local Plan by the Cabinet to go

ahead as planned, albeit with the correct vote and views of the Planning and Transportation Advisory Board noted and taken into account. It remained the case that the Cabinet had the responsibility to formulate the Local Plan and make a recommendation to the Council.

RESOLVED: That

- (1) the contents of the report be noted; and
- (2) the draft Local Plan be considered in the context of the discussion and advice presented in the report.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/50 LOCAL PLAN

The report of the Director of Planning, Housing and Environmental Health presented a set of Local Plan documents which, subject to the agreement of full Council, were proposed to be submitted to the Secretary of State following public consultation required by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

The key matters arising from consideration of the draft Local Plan at the meetings of the Planning and Transportation Advisory Board were summarised, including the amendments incorporated in the draft Local Plan document. The report also provided an update of the Local Plan evidence base and set out the next steps in the progress of the Plan.

Considerable debate ensued with particular concerns expressed about the capacity of infrastructure across the Borough and uncertainty about future investment. It was noted that the sites proposed to be allocated in the Local Plan were themselves planned to bring forward infrastructure provision appropriate to new development.

The implications of not having an up to date Local Plan were discussed and the Cabinet concluded that, notwithstanding concerns about individual sites, it was preferable to take forward the Local Plan for submission within the six months transition period before the revised NPPF standardised approach to housing need assessment became applicable.

A local Member presented a petition on behalf of residents of West Malling, opposing any development on the Green Belt east of Offham Road. This was noted and it was advised that the most appropriate course of action was for the petition to be included in the public consultation that would take place should the Local Plan be approved by the Council.

The Cabinet acknowledged the work of officers in developing the Local Plan and the Leader thanked all Members for their contribution to the process and to the meeting.

RECOMMENDED: That

- (1) the content of the report be noted; and
- (2) the Local Plan and accompanying documents appended to the report be commended to full Council for approval for the purposes of public consultations and submission to the Secretary of State in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

***Referred to Council**

CB 18/51 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 4th September, 2018

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

Councillors Mrs J A Anderson, O C Baldock, M A C Balfour, Mrs P A Bates, Mrs S Bell, R P Betts, P F Bolt, M O Davis, S M Hammond, D Keeley, D Keers, R D Lancaster, B J Luker, Mrs A S Oakley, M Parry-Waller, S C Perry, M R Rhodes, R V Roud, T B Shaw, C P Smith, A K Sullivan and Miss G E Thomas were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/52 DECLARATIONS OF INTEREST

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

EXECUTIVE KEY DECISION AND MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/53 WASTE SERVICES CONTRACT RETENDER

Decision Notice D180050CAB (Items 1 – 14)

The report of the Borough Council's Management Team sought approval of a number of recommendations considered at the Street Scene and Environment Services Advisory Board of 4 September 2018 related to the Waste Services contract and tendering exercise.

In addition, the report proposed approval and/or endorsement of three separate recommendations to be referred to the Extraordinary Council meeting on 18 September 2018.

The positive and detailed discussion at the Street Scene and Environment Services Advisory Board immediately prior to the meeting of Cabinet was noted. The potential to improve recycling rates within the Borough as a result of an enhanced service was also noted.

RESOLVED: That the recommendations of the Street Scene and Environment Services Advisory Board held on 4 September 2018 be approved as follows:

- (1) the procurement process undertaken by Officers be endorsed;

- (2) the South West Kent Waste Partnership – Waste Services Contract 2019 be awarded to the successful contractor as detailed in the report;
- (3) the future provision of bring sites includes the ten locations outlined in the report (at paragraph 1.6.1(ii)) with a review of bring sites to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;
- (4) the existing service arrangements for the Saturday Bulky Household Waste and WEEE collections be retained (excluding garden waste) with a review of the arrangements to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;
- (5) the high speed roads within the Borough continue to be cleansed 12 times a year with a review after 12 months of operation;
- (6) the proposed draft Inter Authority Agreement be approved and authority delegated to the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation to make any final amendments, in liaison with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property;
- (7) regular updates on the arrangements for the new contract be reported to the Street Scene and Environment Services Advisory Board;
- (8) the details and style of joint branding to be used by the successful contractor be considered in liaison with the established Member Group and Tunbridge Wells Borough Council;
- (9) delegated authority be given to the Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Street Scene and Environment Services, to approve the final form of the Joint Working Agreement to be entered into;
- (10) the role of Partnership Manager be undertaken in the first year of the new contract by Tonbridge and Malling Borough Council;
- (11) the current Capital Plan provision for the replacement of existing containers and purchase of containers for new households be reviewed and adjusted as part of the Capital Plan review;
- (12) the procurement of the new containers for the Waste Services Contract be progressed through an appropriate Purchasing Framework;

- (13) the Strategic Communications Overview and approach to the development of a detailed Operational Marketing Plan be approved; and
- (14) the actions to address the impacts identified in the Equality Assessment be noted

RECOMMENDED: That the following be referred to Council



- (1) The new opt-in garden waste charge at the standard rate of £40 per year, as outlined in the report to the Street Scene and Environment Services Advisory Board at paragraph 1.4.3, be agreed and further detail on a reduced introductory charge be considered in accordance with proposals set out at 1.4.3 at a future meeting of the Advisory Board;
- (2) The provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and
- (3) A marketing/communication budget be established to publicise and promote the new enhanced service in the sum of £100,000 funded from the Invest to Save reserve.

***Referred to Council**

CB 18/54 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.00 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D180050CAB

Date: 04 September 2018

Decision(s) and Reason(s)

Waste Services Contract Retender

(Item SSE 18/11 and SSE 18/16 referred from Street Scene and Environment Services Advisory Board minutes of 4 September 2018)

Consideration of recommendations to the Cabinet from the Street Scene and Environment Services Advisory Board of 4 September 2018. It was noted that the recommendations included those for approval by Cabinet and three separate recommendations to be referred to Extraordinary Council on 18 September 2018.

The Cabinet resolved that:

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

- (1) the procurement process undertaken by Officers be endorsed;
- (2) the South West Kent Waste Partnership – Waste Services Contract 2019 be awarded to the successful contractor as detailed in the report;
- (3) the future provision of bring sites includes the ten locations outlined in the report (at paragraph 1.6.1(ii)) with a review of bring sites to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;
- (4) the existing service arrangements for the Saturday Bulky Household Waste and WEEE collections be retained (excluding garden waste) with a review of the arrangements to be reported to a future meeting of the Street Scene and Environment Services Advisory Board;
- (5) the high speed roads within the Borough continue to be cleansed 12 times a year with a review after 12 months of operation;
- (6) the proposed draft Inter Authority Agreement be approved and authority delegated to the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation to make any final amendments, in liaison with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property;

- (7) regular updates on the arrangements for the new contract be reported to the Street Scene and Environment Services Advisory Board;
- (8) the details and style of joint branding to be used by the successful contractor be considered in liaison with the established Member Group and Tunbridge Wells Borough Council;
- (9) delegated authority be given to the Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Street Scene and Environment Services, to approve the final form of the Joint Working Agreement to be entered into;
- (10) the role of Partnership Manager be undertaken in the first year of the new contract by Tonbridge and Malling Borough Council;
- (11) the current Capital Plan provision for the replacement of existing containers and purchase of containers for new households be reviewed and adjusted as part of the Capital Plan review;
- (12) the procurement of the new containers for the Waste Services Contract be progressed through an appropriate Purchasing Framework;
- (13) the Strategic Communications Overview and approach to the development of a detailed Operational Marketing Plan be approved; and
- (14) the actions to address the impacts identified in the Equality Assessment be noted

Referred to Council:

- (1) The new opt-in garden waste charge at the standard rate of £40 per year, as outlined in the report to the Street Scene and Environment Services Advisory Board, be agreed and further detail on a reduced introductory charge be considered in accordance with proposals set out in paragraph 1.4.3 of the report at a future meeting of the Advisory Board;
- (2) The provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and
- (3) A marketing/communication budget be established to publicise and promote the new enhanced service in the sum of £100,000 funded from the Invest to Save reserve.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 4 September 2018.

Signed Chief Executive:

J Beilby

Date of publication:

7 September 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, 7th September, 2018

Present: Cllr Mrs F A Kemp (Chairman), Cllr M A Coffin and Cllr R V Roud

Together with representatives of the Licensing Authority, Mr S Thomas (Solicitor to the Applicant), Mr J Griffiths (Applicant and Designated Premises Supervisor), Mr P Thomason, Environmental Health Services (Responsible Authorities), Mr S Collings, Mr T McClinton, Mr C Williams, Mrs S Williams and Councillor M Base (interested parties).

PART 1 - PUBLIC

LA 18/97 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 18/98 APPLICATION FOR A NEW PREMISES LICENCE FOR LITTLE GEM, 19 HIGH STREET, AYLESFORD

The Panel gave consideration to an application for a Premises Licence made by Mr John Griffiths, Director of Pace Asset Management Ltd, under Section 17 of the Licensing Act 2003 in respect of the premises known as Little Gem, 19 High Street, Aylesford. The application related to the Sale of Alcohol, Recorded Music and Late Night Refreshment.

Pace Asset Management Ltd was represented at the hearing by Stephen Thomas, Solicitor, who had indicated by letter prior to the hearing that the application for the sale of alcohol was amended to be from 12.00 to 23.00 hours Monday to Sunday with the exception of New Year's Eve when it would be until 01.00 hours on New Year's Day. The application for recorded music and late night refreshment was withdrawn.

The Panel gave careful consideration to the written report of the Director of Central Services and Monitoring Officer, the application set out at Annex 1 and the plan of the premises at Annex 2 to the report, and the written representations received during the statutory consultation period as set out at Annexes 3, 4 and 6. Following the amendment of the application, Mr P Thomason for the responsible authority for

Environmental Health, indicated that his objections to the application had been addressed and he no longer had any objections.

The Panel listened carefully to the representations made by Mr Thomas and one resident in support of the application and by Councillor M Base (representing himself) and three local residents who had objected to the application. The local residents were particularly concerned about the use of the forecourt for drinking and smoking and the amount of noise and disturbance that this might generate.

In reaching its decision the Panel took into consideration the guidance dated April 2018 issued by the Secretary of State under Section 182 of the Licensing Act 2003, and in particular Chapter 2 and the Prevention of Public nuisance, as well as the Council's Statement of Licensing Policy.

The Panel took account of all of the representations from local residents regarding noise and public nuisance and the modifications made to the application by Mr Thomas on behalf of Pace Asset Management.

The Panel was satisfied that the licensing objectives could be promoted by granting the licence in accordance with the amended application and subject to the mandatory conditions, the conditions consistent with the operating schedule, those conditions proposed by the applicant in the letter to the Licensing Authority dated 31 August 2018 and the conditions recommended by the Panel at the Hearing. The Panel concluded that, in order to promote the licensing objectives, particularly the prevention of public nuisance, the application could be approved and, therefore

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

Section J	<p>Supply of alcohol for consumption both on and off the premises</p> <p>Monday to Sunday from 12:00 hours until 23:00 hours and until 01:00 hours on New Year's Day</p>
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Conditions:

1. The use of the forecourt shall cease at 21:00 hours on all days including New Year's Eve.
2. During opening hours the front of the forecourt shall be delineated by some form of barrier.

3. All tables and chairs shall be removed from the forecourt at closing time.
4. No more than 8 persons shall use the forecourt at any time.
5. With the exception of ingress and egress, all doors and windows shall be kept closed after 21:00 hours (The Panel recommended that an automatic closing device be fitted to the front door).
6. No bottle bins shall be emptied between 21:00 hours and 08:00 hours.
7. All deliveries shall take place on weekdays between 08:00 hours and 17:00 hours.
8. Signage shall be put up requesting patrons to respect the rights of local residents.

LA 18/99 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 12.45 pm
having commenced at 10.00 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Wednesday, 12th September, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Wednesday, 12th September, 2018

Present: Her Worship the Mayor (Councillor Mrs P A Bates), the Deputy Mayor (Councillor Mrs J A Anderson), Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs S M Barker, Cllr M C Base, Cllr R P Betts, Cllr T Bishop, Cllr P F Bolt, Cllr J L Botten, Cllr V M C Branson, Cllr T I B Cannon, Cllr M A Coffin, Cllr D J Cure, Cllr R W Dalton, Cllr D A S Davis, Cllr M Davis, Cllr Mrs T Dean, Cllr T Edmondston-Low, Cllr B T M Elks, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr S R J Jessel, Cllr D Keeley, Cllr 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 C P Smith, Cllr Ms S V Spence, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis, Cllr B W Walker and Cllr T C Walker

Apologies for absence were received from Councillors Mrs S Bell, Mrs B A Brown, D Keers, Mrs F A Kemp, L J O'Toole, Miss S O Shrubsole and A K Sullivan

PART 1 - PUBLIC

C 18/61 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. In accordance with the dispensation granted at Minute GP 16/19 (General Purposes Committee of 20 October 2016) he remained in the meeting but took no part in the discussion or voting.

C 18/62 LOCAL PLAN

Consideration was given to the recommendations of the Cabinet at its extraordinary meeting on 3 September 2018 regarding approval of the Local Plan and accompanying documents for submission to the Secretary of State following public consultation as required by the Town and Country Planning (Local Planning) (England) Regulations 2012 (Minute CB 18/50 refers).

RESOLVED: That

- (1) the Council is satisfied that the Local Plan is ready for independent examination, and the Local Plan, amendments to the policies and proposals map, Sustainability Appraisal and Habitats Regulations Assessment be approved for the purposes of public consultation as required by Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012; and
- (2) the Local Plan document and supporting documents, together with any other relevant information including a copy of representations received during the Regulation 19 consultation, be subsequently submitted to the Secretary of State for Housing, Communities and Local Government as required by Regulation 22 of the Regulations.

C 18/63 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 8.28 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

Tuesday, 18th September, 2018

At the extraordinary meeting of the Tonbridge and Malling Borough Council held at Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 18th September, 2018

Present: The Deputy Mayor (Councillor Mrs J A Anderson) – in the Chair, 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 V M C Branson, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr Mrs M F Heslop, Cllr N J Heslop, Cllr D Keeley, 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 R V Roud, Cllr Ms S V Spence, Cllr A K Sullivan, Cllr M Taylor, Cllr F G Tombolis and Cllr T C Walker

Apologies for absence were received from Her Worship the Mayor Councillor Mrs P A Bates and Councillors Mrs S M Barker, P F Bolt, J L Botten, M A Coffin, D J Cure, S M Hammond, D Keers, Mrs F A Kemp, S M King, R D Lancaster, H S Rogers, Miss J L Sergison, Miss S O Shrubsole, Miss G E Thomas and B W Walker

PART 1 - PUBLIC

C 18/64 DECLARATIONS OF INTEREST

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

C 18/65 WASTE SERVICES CONTRACT

Consideration was given to the recommendations of the Cabinet at its extraordinary meeting on 4 September 2018 regarding proposals for a new 'opt-in' garden waste charge, the provision of new containers and a marketing/communications budget associated with the new Waste Services Contract.

RESOLVED: That

- (1) the new opt-in garden waste charge at the standard rate of £40 per year, as detailed in the report to the Street Scene and Environment Services Advisory Board at paragraph 1.4.3, be agreed;

- (2) further detail on a reduced introductory charge be considered in accordance with proposals set out at paragraph 1.4.3 of the report to the Street Scene and Environment Services Advisory Board;
- (3) the provision of new containers for the Waste Services Contract be added to the Capital Plan, funded from the earmarked reserve; and
- (4) a marketing/communication budget be established to publicise and promote the new enhanced waste service in the sum of £100,000 funded from the Invest to Save Earmarked Reserve.

C 18/66 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 7.55 pm
having commenced at 7.40 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 26th September, 2018

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

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

Apologies for absence were received from Councillors Mrs F A Kemp (Chairman), M A Coffin and T B Shaw

PART 1 - PUBLIC

AP2 18/35 DECLARATIONS OF INTEREST

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

AP2 18/36 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 15 August 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP2 18/37 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 18/38 (A) TM/17/03471/FL AND (B) TM/17/03472/LB - GREAT BUDDS HOUSE, GREAT MOTE ROAD, SHIPBOURNE

(A) Sub-division of existing site containing Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II-listed barn and oast house converted into dwelling, and (B) Listed Building Application: Sub-division of existing site containing Grade II-listed dwelling, one Grade II-listed barn and one oast house into three self-contained plots with Grade II-listed barn and oast house converted into dwelling at Great Budds House, Mote Road, Shipbourne.

RESOLVED: That the application be DEFERRED for a Members' site inspection.

[Speakers: Councillor Tyler (Shipbourne Parish Council); Ms J Bate (on behalf of Mr D Prichard), Mr G Krygier and Mr A Bristow – members of the public; Mr M Miles (Applicant) and Mr N Edwards (Architect)]

AP2 18/39 TM/18/00357/OA - THE NURSERY, TAYLORS LANE, TROTTISCLIFFE

Outline Application: Erection of a detached dwelling for an agricultural worker relating to the nursery business to replace the mobile home, with landscaping reserved at The Nursery, Taylors Lane, Trottiscliffe.

RESOLVED: That the application be DEFERRED for a report from Legal Services on the risks arising from refusal of the application on the grounds of viability and harm to the Green Belt.

[Speakers: Mr R Wallis, Trottiscliffe Parish Council]

AP2 18/40 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 1st October, 2018

Present: Cllr V M C Branson (Chairman), Cllr R P Betts (Vice-Chairman), Cllr O C Baldock, Cllr T Bishop and Cllr Mrs F A Kemp

Grant Thornton, External Auditors: Mr C McLaughlin (Director) and Mr A Ayre (Manager)

Councillors Mrs J A Anderson, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

An apology for absence was received from Councillor T C Walker

PART 1 - PUBLIC

AU 18/40 DECLARATIONS OF INTEREST

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

AU 18/41 MINUTES

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

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 18/42 REVISED STATUTORY INVESTMENT GUIDANCE AND TREASURY MANAGEMENT AND PRUDENTIAL CODES OF PRACTICE

The report of the Director of Finance and Transformation gave details of the additional requirements imposed on local authorities through revised statutory guidance and codes of practice. These were aimed at addressing concerns arising from the commercialism agenda, in particular the use of loans and the purchase of property to generate a profit.

RESOLVED: That the Cabinet be recommended to

- (1) note the new requirements and disclosures contained in the Statutory Guidance on Local Government Investments 2018 Edition set out at Annex 1 to the report;
- (2) readopt the four clauses to be formally adopted, as set out in the Code and reproduced at Annex 2 to the report;

- (3) readopt the Treasury Management Policy Statement, as set out in the Code and reproduced at Annex 3 to the report;
- (4) note the new statement pertaining to investments that are not part of treasury management activity, reproduced at Annex 4 to the report;
- (5) note the additional paragraphs to be added to the Council's Treasury Management Practices, as set out at Annex 5 to the report;
- (6) note the additional paragraphs to be added to the Council's Capital Strategy, as set out at Annex 6 to the report; and
- (7) note the prudential indicators set out at Annex 7 to the report.

AU 18/43 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW 2018/19

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2018. It also included an update on progress in securing additional property fund investment and a mid-year review of the Annual Investment Strategy and risk parameters.

RESOLVED: That the Cabinet be recommended to

- (1) endorse the action taken by officers in respect of treasury management activity for the period April to August 2018;
- (2) note the £5 million in property fund investments undertaken since June 2017; and
- (3) retain the existing parameters intended to limit the Council's exposure to investment risks.

MATTERS SUBMITTED FOR INFORMATION

AU 18/44 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report of the Chief Audit Executive provided an update on the work of the Internal Audit and Counter Fraud functions for the period April to August 2018.

RESOLVED: That the report be received and noted.

AU 18/45 ANNUAL AUDIT LETTER

The report of the Director of Finance and Transformation set out details of the key messages contained in the Annual Audit Letter for the year ended 31 March 2018.

RESOLVED: That the report be received and noted.

AU 18/46 GRANT THORNTON PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation provided an update from external auditors, Grant Thornton, on emerging national issues and developments relevant to Tonbridge and Malling Borough Council.

RESOLVED: That the report be received and noted.

AU 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**MATTERS SUBMITTED FOR INFORMATION****AU 18/48 INSURANCE CLAIMS HISTORY; APRIL - AUGUST 2018**

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

The Director of Finance and Transformation reported on the nature and volume of liability and property damage insurance claims submitted during the period April 2018 to August 2018.

RESOLVED: That the report be received and noted.

The meeting ended at 8.08 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

Tuesday, 2nd October, 2018

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

Apologies for absence were received from Councillors M C Base,
M A Coffin and F G Tombolis

PART 1 - PUBLIC

LA 18/100 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, in the interests of transparency Councillor Mrs Kemp advised that she occasionally bred dogs.

LA 18/101 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 19 June 2018 be approved as a correct record and signed by the Chairman.

LA 18/102 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 8, 15, and 22 June, 25 and 27 July, 3 August and 7 September be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 18/103 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES FOR GAMBLING

Further to Minute LA 18/61, the report of the Director of Central Services and Monitoring Officer gave details of the outcome of consultation on the proposed Statement of Principles (Policy) for Gambling under the Gambling Act 2005 for the period January 2019 to January 2022. Members were advised that only one representation had been received from HM Revenue and Customs regarding a new address to use as a Responsible Authority.

RECOMMENDED: That the draft Statement of Principles for Gambling set out at the Annex to the report be approved.

***Referred to Council**



**DECISIONS TAKEN UNDER DELEGATED POWERS IN
ACCORDANCE WITH PART 3 OF THE CONSTITUTION
(RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

LA 18/104 CHANGES TO ANIMAL LICENSING LEGISLATION - FEES

Further to Minute LA 18/62, the report of the Director of Central Services and Monitoring Officer gave details of new legislation which came into force on 1 October 2018 introducing an updated licensing system for five activities involving animals. A copy of the procedural guidance notes for local authorities was annexed to the report together with a supplementary report setting out proposed fees for each of the activities. Details were given of transitional arrangements, inspections and criteria for fee setting and determining the length of a licence and star rating.

Considerable discussion ensued and Members expressed concern about the implications of the new licensing regime for home boarders and occasional breeders, emphasising the need for an appropriate definition of “business” and suitable publicity to disseminate information.

In considering the proposed scale of fees, it was questioned whether enforcement costs would be adequately covered. The officers undertook to circulate the updated financial model used in setting fees and it was noted that there was an opportunity for fine-tuning at the next meeting in the context of the general review of licence fees and charges.

Finally, the Committee addressed the respective use of veterinary surgeons or suitably qualified officers as inspectors and agreed that the current practice of using a Vet for initial and renewal inspections depending on the particular animal activity be continued. It was recognised that inspections of home boarding and dog day care premises could be undertaken by qualified officers.

RESOLVED: That

- (1) the licence and inspection fees set out in the Annex to the supplementary report be approved; and
- (2) the Council continue to use a Vet for initial and renewal inspections depending on the animal activity being undertaken.

**LA 18/105 REMOVAL OF PROBATIONARY LICENCES FROM HACKNEY
CARRIAGE AND PRIVATE HIRE POLICY**

The report of the Director of Central Services and Monitoring Officer referred to the Committee’s decision to discontinue the Probationary Private Hire Licence (Minute LA 18/43 refers). A revised Hackney Carriage and Private Hire Policy with all references to Probationary Private Hire removed, together with a number of updates, was set out in

the annex to the report. It was proposed that this be subject to a further six week period of consultation from 5 October to 16 November.

RESOLVED: That the draft policy set out at Annex 1 to the report be approved for consultation (subject to removal of all references to probationary licences from the issued document).

LA 18/106 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

Thursday, 4th October, 2018

Present: Cllr M Parry-Waller (Chairman), Cllr Mrs S Bell, Cllr T Bishop, Cllr Mrs B A Brown, Cllr T I B Cannon, Cllr R W Dalton, Cllr D Keeley, Cllr S M King, Cllr Mrs A S Oakley, Cllr R V Roud, Cllr A K Sullivan and Cllr T C Walker

Councillor H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base (Vice-Chairman), D A S Davis, Mrs T Dean, S M Hammond, D Keers, D Lettington, D Markham and B W Walker

PART 1 - PUBLIC

AP3 18/13 DECLARATIONS OF INTEREST

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

AP3 18/14 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 1 February 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

AP3 18/15 DEVELOPMENT CONTROL

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

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

AP3 18/16 TM/18/01394/FL - 4-6 NEW ROAD, DITTON

Erection of two, 2 bedroom dwellings with associated parking and access at 4 - 6 New Road, Ditton.

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

(1) Addition of Conditions:

8. The first floor windows on the north (flank) elevation of the building hereby approved shall be fitted with obscured glass and, apart from any top-hung light, shall be non-opening. This work shall be effected before the dwelling is occupied and shall be retained at all times thereafter.

Reason: In the interests of residential amenity.

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

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

10. No external lighting shall be installed on the dwellings hereby approved or within the associated residential curtilages or parking areas as laid out on drawing number 114-01.

Reason: In the interests of residential amenity.

[Speakers: Peter Dalton – Ditton Parish Council; Andrew Hawker and Alan Hawker – members of the public]

AP3 18/17 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Monday, 8th October, 2018

Present: Cllr O C Baldock (Chairman), Cllr L J O'Toole (Vice-Chairman), Cllr M A C Balfour, Cllr M A Coffin, Cllr N J Heslop, Cllr B J Luker and Cllr R V Roud

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

Apologies for absence were received from Councillors P F Bolt, Mrs M F Heslop, S C Perry and C P Smith

PART 1 - PUBLIC

GP 18/17 DECLARATIONS OF INTEREST

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

GP 18/18 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 25 June 2018 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

GP 18/19 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Further to the meeting of the Electoral Review Working Group held prior to the Committee meeting the Chief Executive presented a report on the Review of Polling Districts and Polling Places and outlined the timetable for public consultation.

RESOLVED: That the timing of the review, including the initial proposals and the public consultation to be undertaken by 21 December 2018, be approved.

GP 18/20 HOMEWORKING POLICY AND PROCEDURE

The report of the Director of Central Services set out the proposed Homeworking Policy following a recent review of the Council's Flexible Working and Homeworking Policy. It was noted that the proposed policy

more accurately reflected the Council's current arrangements where all homeworking currently undertaken fell into the category of Occasional/ad hoc and created the flexibility to incorporate Regular and Permanent/remote homeworking options in the future.

In response to concerns expressed about the security and confidentiality of information and the possibility of a breach of the General Data Protection Regulations, the Director of Central Services confirmed that the Security, Confidentiality and Health and Safety section of the policy would be amended by the addition of the following:-

"Homeworkers must ensure that there is no risk of breaching the Council's GDPR safeguards by others who may be present while they are homeworking".

RESOLVED: That, subject to the inclusion of the reference to the Council's GDPR safeguards, the updated Homeworking Policy, as set out at Annex 1 to the report, be adopted as a standalone policy separate from the Flexible Working Policy and Procedure.

GP 18/21 AMENDMENT TO THE SMOKING POLICY

The report of the Director of Central Services set out details of proposed amendments to the Council's Smokefree Workplace and Public Place Policy following a recent query about the use of e-cigarette/vaping charging units on Council premises and the associated fire risk of these units. The report proposed that the following be added to paragraph 2.1 of the policy:-

" 'Vaping' or the use of electronic cigarettes is similarly not permitted in any part of the operational premises as defined above. Those using such devices are not required to use the designated smoking areas but may use them outside so long as they do not cause harm or distress, whether actual or perceived, to others.

Vaping or electronic cigarettes should not be left unattended at any time when being electronically charged and charging units should be Portable Appliance Tested (PAT) first before use."

RESOLVED: That the proposed amendments to Paragraph 2.1 of the Policy, as set out at paragraphs 1.2 and 1.6 of the report, be endorsed.

MATTERS SUBMITTED FOR INFORMATION

GP 18/22 REVIEW OF DISPENSATION - COUNCILLOR MARK DAVIS

The report of the Director of Central Services and Monitoring Officer set out details of the recent review of the dispensation granted to Councillor Mark Davis to enable his participation in meetings of the Area Planning Committees, the Planning and Transportation Advisory Board and other

meetings where the Local Plan was under consideration. It was noted that the dispensation would remain in effect until the local elections in May 2019.

RESOLVED: That the review of the dispensation granted to Councillor Mark Davis be noted.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 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 PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR COUNCIL FUNCTIONS)

GP 18/24 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 re-designation and re-grading of post DA1102 from Property Services Officer to Corporate Support Manager with immediate effect;
- (2) the establishment of a temporary Revenues and Visiting Assistant post scale 2/4 with immediate effect for a period of 6 months;
- (3) the establishment of a 1 year fixed term full time scale 2/3 Administration Assistant in the Waste Team with immediate effect;
- (4) post DE0513, scale 5, be permanently re-designated Parking Support Manager from Senior Administrator and established full time with immediate effect for a period of 12 months;

- (5) post DE0503 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.8 full time equivalent with immediate effect for a period of 12 months;
- (6) post DE0505 scale 3 be permanently re-designated Parking Support Officer from Parking Administrator and established 0.6 full time equivalent with immediate effect for a period of 12 months; and
- (1) the grade attaching to posts DJ0102 Development Manager and DJ0302 Planning Policy Manager be increased from M6 to M5 with immediate effect.

The meeting ended at 8.14 pm
having commenced at 7.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Wednesday, 10th October, 2018

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

Councillors Mrs J A Anderson, O C Baldock, Mrs A S Oakley, M Parry-Waller, M R Rhodes, R V Roud and A K Sullivan were also present pursuant to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 18/55 DECLARATIONS OF INTEREST

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

CB 18/56 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 6 June 2018 be approved as a correct record and signed by the Chairman.

CB 18/57 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 3 September 2018 be approved as a correct record and signed by the Chairman.

CB 18/58 MINUTES OF EXTRAORDINARY MEETING

RESOLVED: That the Minutes of the extraordinary meeting of the Cabinet held on 4 September 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 18/59 REVISED STATUTORY INVESTMENT GUIDANCE AND TREASURY MANAGEMENT AND PRUDENTIAL CODES OF PRACTICE

The report of the Director of Finance and Transformation gave details of the additional requirements imposed on local authorities through revised statutory guidance and codes of practice. These were aimed at addressing concerns arising from the commercialism agenda, in particular the use of loans and the purchase of property to generate a profit. It was noted that the matter had been considered by the Audit

Committee at its meeting on 1 October 2018 and a number of actions commended to the Council.

RECOMMENDED: That

- (1) the new requirements and disclosures contained in the Statutory Guidance on Local Government Investments 2018 Edition set out at Annex 1 to the report be noted;
- (2) the four clauses to be formally adopted, as set out in the Code and reproduced at Annex 2 to the report, be readopted;
- (3) the Treasury Management Policy Statement, as set out in the Code and reproduced at Annex 3 to the report, be readopted;
- (4) the new statement pertaining to investments that are not part of treasury management activity, reproduced at Annex 4 to the report, be noted;
- (5) the additional paragraphs to be added to the Council's Treasury Management Practices, as set out at Annex 5 to the report, be noted;
- (6) the additional paragraphs to be added to the Council's Capital Strategy, as set out at Annex 6 to the report, be noted; and
- (7) the prudential indicators set out at Annex 7 to the report be noted.
***Referred to Council**

**CB 18/60 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW
2018/19**

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during the period April to August 2018. It also included an update on progress in securing additional property fund investment and a mid-year review of the Annual Investment Strategy and risk parameters. Members were invited to endorse the action taken by officers in respect of treasury management activity to date, note the progress in respect of property fund investment and retain the current risk parameters.

The report had also been considered by the Audit Committee at its meeting on 1 October 2018 and the action commended for endorsement.

RECOMMENDED: That the following be commended to the Council:

- (1) the action taken by officers in respect of treasury management activity for the period April to August 2018 be endorsed;

- (2) the £5 million in property fund investments undertaken since June 2017 be noted; and
- (3) the existing parameters intended to limit the Council's exposure to investment risks be retained.
***Referred to Council**

**DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE
CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)**

**CB 18/61 WEST KENT PARTNERSHIP - BUSINESS RATES RETENTION
PILOT: HOUSING AND COMMERCIAL GROWTH FUND**

Decision Notice D180060CAB

**CB 18/62 CLASS C EMPTY PROPERTY COUNCIL TAX DISCOUNT AND
LONG TERM EMPTY HOMES PREMIUM**

Decision Notice D180061CAB

**CB 18/63 GARDEN COMMUNITIES PROSPECTUS - EXPRESSION OF
INTEREST**

Decision Notice D180062CAB

**CB 18/64 REVIEW OF YOUTH ENGAGEMENT, SPORTS AND EVENTS
DEVELOPMENT**

Decision Notice D180063CAB

MATTERS SUBMITTED FOR INFORMATION

CB 18/65 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.

Communities and Housing Advisory Board of 16 July 2018

Street Scene and Environment Services Advisory Board of 4 September 2018

Economic Regeneration Advisory Board of 5 September 2018

Finance, Innovation and Property Advisory Board of 17 September 2018

RESOLVED: That the report be received and noted.

CB 18/66 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.

Joint Transportation Board of 11 June 2018
Parish Partnership Panel of 14 June 2018
Parish Partnership Panel of 6 September 2018
Tonbridge Forum of 10 September 2018
Joint Transportation Board of 24 September 2018

RESOLVED: That the report be received and noted.

CB 18/67 MEDIUM TERM FINANCIAL STRATEGY UPDATE AND BID FOR 75% BUSINESS RATES RETENTION PILOT

The joint report of the Chief Executive and Director of Finance and Transformation provided an update on the Medium Term Financial Strategy (MTFS) and projected funding gap ahead of the forthcoming budget cycle. Reference was made to expectations in respect of the 2019/20 Local Government Settlement and council tax referendum principles; implications of the Government's proposed removal of "Negative RSG" and increased baseline below which New Homes Bonus would not be paid. It was hoped that the new waste services contract would make a substantial contribution to the funding gap. However, the Director of Finance and Transformation emphasised that, irrespective of the scale of that contribution, a funding gap would remain to be addressed over the medium term. Further information would become available as the MTFS and Savings and Transformation Strategy were updated during the budget cycle.

Members were also advised that a Kent-wide joint bid for pilot status in respect of the 75% business rates retention in 2019/20 had now been submitted following the success of the current year's pilot.

RESOLVED: That the report be received and noted.

CB 18/68 LOCAL DIGITAL DECLARATION

The report of the Director of Finance and Transformation advised the Cabinet of the launch of the Local Digital Declaration initiative which aimed to share the best innovation across the public sector to benefit residents. Details were given of the prospectus announced for the first round of funding to support digital work, an expression of interest having been submitted by the 5 October deadline. It was noted that, if selected, full applications would be required by 18 November. Members were advised that officers were working on a Digital Strategy which would be

presented to the Finance, Innovation and Property Advisory Board in due course.

RESOLVED: That the report be received and noted.

CB 18/69 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION (RESPONSIBILITY FOR EXECUTIVE FUNCTIONS)

CB 18/70 PROPOSED DISPOSAL OF AMENITY LAND AT KEATS ROAD, LARKFIELD

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

Decision Notice D180064CAB

CB 18/71 PROPOSED LEASE AT SWANMEAD SPORTSGROUND, TONBRIDGE

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

Decision Notice D180065CAB

The meeting ended at 8.25 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

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

**Decision No:
D180045MEM**

Date: 11 June 2018

Decision(s) and Reason(s)

Parking Action Plan

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

The report set out details of the proposed sites and the associated proposals to be included in Phase 10 of the Parking Action Plan together with a list of locations to be held for consideration in future phases of the Plan. Members were reminded of the current procedures and informal consultation process for promoting changes to parking restrictions and it was advised that, separate to the Phased Parking Action Plan, Parking Reviews would be undertaken in Kings Hill, Hildenborough and Hadlow. In addition it was noted that, due to the number, variety, size and scope of requests received in respect of Snodland, the town should be considered for a future Parking Review.

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

- (1) the list of locations identified in Annex 1 to the report be taken forward for investigation and informal consultation as Phase 10 of the Parking Action Plan; and
- (2) the parking issues in Snodland be considered as a separate Parking Review.

Reasons: As set out in the report submitted to the Joint Transportation Board of 11 June 2018.

Signed Cabinet Member for
Street Scene and
Environment Services

D Lettington

Signed Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication: 15 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.

Date: 11 June 2018

Decision(s) and Reason(s)

Parking Action Plan - Review of Zone D2 Business Permits

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

The report set out details of the outcome of a review of Business Permits within the D2 Parking Zone in the Barden Road Area, Tonbridge. A summary of the results of a survey undertaken to identify the location and number of business permit holders parking in the area was set out in Annex 2 to the report.

The report explored the advantages and disadvantages of a number of options which could address the concerns of both residential and business permit holders and support was expressed for Option 3 which would restrict business permits for 'commercial-office' parking to specific underused roads and allow the remaining 'commercial-retail/showroom' businesses to park in the D1 Zone. It was noted that this proposal could be further modified by offering season tickets for the long-stay car parks at a reduced-rate for two years to those business permit holders displaced by this option. It was indicated that the changes could be introduced without a change to the on-street Traffic Regulation Order and that Business permit holders would be advised that the changes would come into effect at the next permit renewal date.

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

- (1) Option 3 be taken forward to address the concerns around Business Permit Parking in the D1 and D2 Zones; and
- (2) the review of D1 and D2 Business Parking Permits be added to the holding list for review as part of the Phased Parking Review.

Reasons: As set out in the report submitted to the Joint Transportation Board of 11 June 2018.

Signed Cabinet Member for
Street Scene and
Environment Services

D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 15 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 Community Services

**Decision No:
D180047MEM**

Date: 16 July 2018

Decision(s) and Reason(s)

Leybourne Lakes Country Park - Development Opportunities

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

The report provided an update on the investigation of development opportunities at Leybourne Lakes Country Park (LLCP) linked to capital investment. Attention was drawn to the proposed Tender Evaluation Criteria with particular reference to the time frame for procurement and the proposal that the evaluation would be based on the most economically advantageous tender (MEAT) with a Price/Quality split of 40% and 60% respectively. It was noted that the Tender process did not commit the Borough Council to outsourcing the management of the country park.

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

- (1) the Evaluation Criteria, as detailed in the report, be approved;
- (2) the timeframe, as outlined in the report, be approved; and
- (3) Dartford Borough Council be commissioned to administer and support the procurement of the contract.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 16 July 2018.

Signed Cabinet Member for Community Services M Heslop

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 20 July 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:
D180048MEM

Date: 16 July 2018

Decision(s) and Reason(s)

Housing Needs Survey

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

The report outlined a proposal to commission detailed housing needs research to inform the Council's strategic approach to housing provision and development management and to assist the consideration of planning applications and liaison with developers and Housing Associations. It was anticipated that the research would provide an insight into the housing needs and aspirations of the Borough's population and show the Council where pressures and local variations of need arose.

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

A Housing Needs Research and Survey, as detailed in the report, be commissioned from Arc4.

Reasons: As set out in the report submitted to the Communities and Housing Advisory Board of 16 July 2018.

Signed Cabinet Member for Housing P Montague

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 20 July 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 Street Scene
and Environment Services**

**Decision No:
D180049MEM**

Date: 04 September 2018

Decision(s) and Reason(s)

Environmental Health Performance 2017-18

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

The operational activities of the Borough Council, in relation to its statutory Environmental Health functions, undertaken by the Environmental Protection and Food and Safety Teams for 2017/18 were summarised.

Service improvements related to the approach to air quality management and team procedures were also proposed for 2018/19 and these were set out in paragraph 1.4.1 of the report.

[Members noted a minor correction to the recommendation set out at paragraph 1.8.1 as the dates referred to should be 2017/18 and 2018/19 respectively.]

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

- (1) The performance information related to activities associated with the food and safety and environmental protection functions in 2017/18 be noted; and
- (2) The service improvements for 2018/19, as detailed in paragraph 1.4.1 of the report, be endorsed.

Reasons: As set out in the report submitted to the Street Scene and Environment Services Advisory Board of 4 September 2018.

Signed Cabinet Member for Street Scene
and Environment Services:

David Lettington

Signed Leader:

N Heslop

Signed Chief Executive: J Beilby

Date of publication: 7 September 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:
D180051MEM**

Date: 05 September 2018

Decision(s) and Reason(s)

Borough Economic Regeneration Strategy 2019-2023: Consultation Draft

(Report of Chief Executive)

The report summarised the achievements of the current Borough Economic Regeneration Strategy 2015-2019 and set out details of the proposed consultation process and timescales for the adoption of the Borough Economic Regeneration Strategy 2019-2023. It was noted that the views of the Council's key economic partners and individual local businesses would be sought during the eight week consultation period in October/December 2018 and that it was anticipated that the new Strategy would be formally adopted in the next municipal year.

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

The consultation draft of the Borough Economic Regeneration Strategy 2019-2023 be approved for the purposes of local consultation.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

7 September 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:
D180052MEM**

Date: 05 September 2018

Decision(s) and Reason(s)

Innovation Park Medway Masterplan - Consultation Draft

(Report of Chief Executive)

The report provided an update on progress with the illustrative masterplan for Innovation Park Medway promoted by Medway Council and advised that, as an area of the site fell within the Borough, the agreement of Tonbridge and Malling Borough Council was required to progress the comprehensive development. It was noted that a six week consultation on the indicative masterplan would be undertaken between 17 September and 28 October 2018 and anticipated that the revised plan would be reported to Cabinet in January 2019 with a view to adopting it for the purposes of economic development and marketing.

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

The draft of the Innovation Park Medway indicative masterplan be approved for consultation.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

7 September 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:
D180053MEM**

Date: 05 September 2018

Decision(s) and Reason(s)

Business Rates Retention Pilots 2019-20

(Joint report of Chief Executive and Director of Finance and Transformation)

The joint report set out the background to the Ministry of Housing, Communities and Local Government (MHCLG) invitation to local authorities to submit bids to participate in the Business Rates Retention Pilots 2019/20 which would allow 75% Business Rates Retention to promote financial sustainability and support strategic decision making across a functional economic area. It was noted that the Kent Council Leaders across Kent and Medway supported the submission of the bid for a further year of pilot status.

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

- (1) a bid, with other Kent authorities, for pilot status under the 75% Business Rate Retention Prospectus for 2019/20, be supported; and
- (2) the Chief Executive and the Director of Finance and Transformation, in liaison with the Leader and the Cabinet Member for Finance, Innovation and Property, be authorised to 'sign off' the final bid submission.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Cabinet Member for
Economic Regeneration and
Leader:

N Heslop

Signed Chief Executive:

J Beilby

Date of publication:

7 September 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 Finance,
Innovation and Property**

**Decision No:
D180054MEM**

Date: 17 September 2018

Decision(s) and Reason(s)

The 2019/20 Local Government Finance Settlement Technical Consultation and Invitation to Pilot 75% Business Rates Retention in 2019/20

(Report of Director of Finance and Transformation)

The report provided an overview of “The 2019-20 Local Government Finance Settlement Technical Consultation” and an “Invitation to Local Authorities in England to pilot 75% Business Rates Retention in 2019/20”, published by the Ministry of Housing, Communities and Local Government, together with a response to the Technical Consultation.

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

The response to the Technical Consultation (set out at Annex 1 to the report), as agreed with the Leader, the Cabinet Member for Finance, Innovation and Property and the Chairman of the Finance, Innovation and Property Advisory Board, be noted and endorsed.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 September 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:
D180055MEM**

Date: 17 September 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. It also gave details of the variations agreed in relation to the revenue budget and areas identified through budget monitoring, summarised to provide an indicative overall budget position for the year which showed a net adverse variance of £104,000. It was noted that this had arisen because better than budgeted performance had enabled a one-off contribution to the Building Repairs Reserve to fund a number of items of unbudgeted building repair works.

An update was given on capital expenditure and variations agreed in relation to the capital plan. The report also gave an update on the Savings and Transformation Strategy and funding gap and the proposed introduction by CIPFA of a financial resilience index.

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 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 September 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:
D180056MEM**

Date: 17 September 2018

Decision(s) and Reason(s)

Applications for Discretionary Rate Relief

(Report of Director of Finance and Transformation)

The report gave details of renewal and new applications for discretionary rate relief which were considered in accordance with the previously agreed criteria for determining such applications. Further information was provided in relation to two applicants in accordance with Decision No D180029MEM (1). Consideration was also given to an application for hardship relief.

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

- (1) in respect of the renewal applications discretionary rate relief be awarded as set out at Annex 2 to the report, in the case of the scout/guides groups indefinitely with effect from 1 April 2018; and to the remainder with effect from 1 April 2018 and time limited to 31 March 2020 with Tonbridge Juddians RFC granted 100% relief and K Sports Management Limited 70% relief;
- (2) the new applications for discretionary rate relief be determined as follows:

Kent Archaeological Society, Room 20, The Manwaring Building, East Malling Research Station, New Road, East Malling – no discretionary relief be awarded;

Housing & Care 21, Flat 4 Watercress Court, 98 Mill Street, East Malling - no discretionary relief be awarded;

Hospice in the Weald, 19 & 21 Swan Street, West Malling - no discretionary relief be awarded; and
- (3) the application for hardship relief in respect of The Green Barn Farmshop Limited, 2 The Pavilion, Tonbridge be refused.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 September 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:
D180057MEM**

Date: 17 September 2018

Decision(s) and Reason(s)

Rural Rate Relief - Rural Settlement List

(Report of Director of Finance and Transformation)

The report referred to the requirement to review the Council's rural settlement list and recommended that the current list be retained unaltered for the next financial year.

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

The current rural settlement list shown on the map at Annex 1 to the report remain in force for the year 2019/20.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Cabinet Member for Finance, Innovation and Property M Coffin

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 21 September 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:
D180058MEM**

Date: 17 September 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.**

**It was noted that in future debts over £5,000 would be reported for write off (in
accordance with the revised Constitution).**

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

The 10 items shown in the schedule of amounts over £1,000, totalling £15,250.74 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 17 September 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: 21 September 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 Street Scene
and Environment Services**

**Decision No:
D180059MEM**

Date: 24 September 2018

Decision(s) and Reason(s)

Parking Action Plan - Phase 10

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

The report presented the outcome of the investigation and informal consultation stages of the 40 parking restriction proposals contained in Phase 10 of the Parking Action Plan and sought approval to proceed to formal consultation in respect of 34 locations. It was noted that 5 locations would not be proceeded with as the changes were no longer required or necessary and that the requested changes at the A20/A25 Wrotham Health were not readily available or were likely to be to the detriment of local residents.

Following consideration by the Joint Transportation Board, the Cabinet Member for Street Scene and Environment Services resolved that, subject to withdrawal of the scheme at Rochester Road, Burham (Location reference 10-29), the recommendations for each location shown in Annex 1 to the report be adopted and, where appropriate, be taken forward to formal consultation.

Reasons: As set out in the report submitted to the Joint Transportation Board of 24 September 2018.

Signed Cabinet Member for Street Scene and Environment Services D Lettington

Signed Leader: N Heslop

Signed Chief Executive: J Beilby

Date of publication: 28 September 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: D180060CAB
Date: 10 October 2018

Decision(s) and Reason(s)

West Kent Partnership - Business Rates Retention Pilot: Housing and Commercial Growth Fund

(Item ERG 18/20 referred from Economic Regeneration Advisory Board minutes of 5 September 2018)

Consideration of recommendations to the Cabinet from the Economic Regeneration Advisory Board of 5 September 2018.

The Cabinet resolved that:

The recommendations of the Economic Regeneration Advisory Board be approved as follows:

The economic projects for West Kent as a whole and those for Tonbridge and Malling as set out at paragraphs 1.1.3 and 1.1.4 of the report be endorsed.

Reasons: As set out in the report submitted to the Economic Regeneration Advisory Board of 5 September 2018.

Signed Chief Executive: J Beilby

Date of publication: 12 October 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: D180061CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Class C Empty Property Council Tax Discount and Long Term Empty Homes Premium

(Item FIP 18/29 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018.

The Cabinet resolved that:

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

- (1) the Class C empty property discount be removed with effect from 1 April 2019 for a trial period of one year and a report back on any implications; and
- (2) delegated authority be granted to the Director of Finance and Transformation in liaison with the Cabinet Member for Finance, Innovation and Property to apply a long term empty homes premium of 100% from April 2019 if Regulations allow.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018.

Signed Chief Executive: J Beilby

Date of publication: 12 October 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: D180062CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Garden Communities Prospectus - Expression of Interest

(Report of Director of Central Services and Monitoring Officer)

The report summarised the most recent Garden Communities Prospectus published by the Government and sought approval to prepare an expression of interest for assistance in respect of the strategic development site at Borough Green being promoted through the emerging Local Plan. In view of the 9 November deadline, consideration was given to the delegation of authority to finalise and submit a bid with support from the promoters of the site, Kent County Council and the Local Enterprise Partnership.

The Cabinet resolved that:

- (1) the content of the report be noted; and
- (2) authority be delegated to the Director of Central Services and Monitoring Officer, in consultation with the Leader and Cabinet Member for Strategic Planning and Infrastructure, to finalise an expression of interest for submission to the Ministry of Housing, Communities and Local Government by 9 November 2018.

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

Signed Chief Executive: J Beilby

Date of publication: 12 October 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: D180063CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Review of Youth Engagement, Sports and Events Development

(Report of Chief Executive)

The report gave details of the recommendations of the Overview and Scrutiny Committee at its meeting on 21 June 2018 regarding a review of the Council's approach to youth engagement, sports and events development. Reference was also made to a number of additional matters highlighted for the Cabinet's consideration.

The Cabinet resolved that:

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

- (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 Annexes 1 – 3 be agreed;
- (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;
- (4) 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;
- (5) the proposal put forward by the Tonbridge Town Team to establish a joint working group to help co-ordinate and develop events be investigated;
- (6) 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;
- (7) wider use of social media to promote youth activities be encouraged;
- (8) a wider participation of schools across the Borough in the Youth Forum be promoted via the Enterprise Advisor Network; and

- (9) 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.

Reasons: As set out in the reports of the Chief Executive to Cabinet and the Director of Street Scene, Leisure and Technical Services to Overview and Scrutiny Committee.

Signed Chief Executive: J Beilby

Date of publication: 12 October 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: D180064CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Proposed Disposal of Amenity Land at Keats Road, Larkfield

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

(Item FIP 18/38 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018. As requested, further information was given on the valuation of the land.

The Cabinet resolved that:

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

The area of amenity land at Keats Road, Larkfield be disposed of in line with the conditions set out in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 12 October 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: D180065CAB
Date: 10 October 2018

Decision(s) and Reason(s)

Proposed Lease at Swanmead Sportsground, Tonbridge

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

(Item FIP 18/39 referred from Finance, Innovation and Property Advisory Board minutes of 17 September 2018)

Consideration of recommendations to the Cabinet from the Finance, Innovation and Property Advisory Board of 17 September 2018. Clarification of the details of the proposed lease was provided as requested.

The Cabinet resolved that:

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

A lease of land adjacent to Swanmead Sportsground Pavilion to the Cricket Club be approved on the basis of the conditions outlined in the report.

Reasons: As set out in the report submitted to the Finance, Innovation and Property Advisory Board of 17 September 2018 (contains exempt information).

Signed Chief Executive: J Beilby

Date of publication: 12 October 2018

This decision will come into force and may then be implemented on the expiry of 5 working days after publication unless it is called in.

- Minutes of the Overview and Scrutiny Committee held on 18 October 2018 are *'to follow'*

