

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

SUPPLEMENT

The following Minutes previously marked 'to follow' are now available:		
Item		Page (s)
8.	22 March: Licensing and Appeals Panels (2) - Minute Numbers: LA 19/18 – 20 - Minute Numbers: LA 19/21 – 23	3 - 6
9.	1 April: Audit Committee - Minute Numbers: AU 19/14 – 26	7 - 10
10.	4 April: Area 1 Planning Committee (To Follow) - Meeting cancelled	11 - 12

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd March, 2019

Present: Cllr O C Baldock (Chairman), Cllr Mrs P A Bates and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/18 DECLARATIONS OF INTEREST

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

LA 19/19 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 (RESPONSIBILITY FOR COUNCIL FUNCTIONS)**

**LA 19/20 REVIEW OF PRIVATE HIRE OPERATOR LICENCE –
CASE NO 01/2019**

(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should be taken against a Private Hire Operator following the receipt of information from Kent County Council that an out-of-date licence plate had been displayed on a vehicle being used to carry out a school run with vulnerable passengers on 29 August 2018. It was noted that an application to renew the vehicle's licence had been submitted on 24 August 2018 but that no licence or plates had been issued when the vehicle was used and, therefore, the vehicle was not licensed.

In addition, on 5 September 2018, an authorised officer of the Council undertaking a joint Enforcement with Kent County Council in Tunbridge Wells, had observed that the external plate for PH 612 was displayed

within the rear window. The Panel was advised that it was the Operator's responsibility to ensure that vehicle plates were affixed in the correct manner.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade. The Panel considered the breach to be serious and took the view that the licensed Private Hire Operator should have known that his vehicle was displaying an out-of-date plate. In particular the Panel had regard to sections 13.1.5, P34, 15.10.2 and 15.10.3 of the Council's Hackney Carriage and Private Hire Policy. The Panel found that the renewal plate was valid from 24 August 2018 but had not been picked up from the Council offices.

For these reasons the Panel

RESOLVED: That a strongly worded letter be issued to the Operator, detailing the need to not only renew all plates in plenty of time but to ensure that, in line with best practice, procedures are put in place to ensure future compliance.

The meeting ended at 11.37 am
having commenced at 10 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS PANEL

Friday, 22nd March, 2019

Present: Cllr O C Baldock (Chairman), Cllr Mrs P A Bates and
Cllr Mrs B A Brown

Together with representatives of the Licensing Authority

PART 1 - PUBLIC

LA 19/21 DECLARATIONS OF INTEREST

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

LA 19/22 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

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

**LA 19/23 APPLICATION FOR A HACKNEY CARRIAGE DRIVER LICENCE -
CASE NO 04/2019**

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

The Panel was asked to consider whether an application for a Hackney Carriage Driver Licence should be granted following the receipt of information from the Disclosure and Barring Service (DBS). It was noted that the Applicant had produced the DBS Certificate when he had submitted the application for the driver's licence on 30 October 2018. The Certificate had shown that the Applicant had a conviction for Deposit without an Environmental waste permit controlled waste in/on land – Environmental Protection Act 1990 S.33(1)(A) in 2012.

In its deliberations the Panel took into account the Council's Taxi Licensing and Enforcement Policy as well as the Institute of Licensing

guidance on determining the suitability of applicants and licensees in the hackney carriage and private hire trade.

The Panel, having considered the facts and listened to the circumstances of the DBS statement, found that the Applicant was a fit and proper person to hold a Hackney Carriage Driver's Licence and, therefore,

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

The meeting ended at 12.05 pm
having commenced at 11.45 am

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 1st April, 2019

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 P Dossett (Partner)

Councillors M A Coffin, N J Heslop, D Lettington and M R Rhodes
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 19/14 DECLARATIONS OF INTEREST

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

AU 19/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee
held on 21 January 2019 be approved as a correct record and signed by
the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

AU 19/16 AUDIT COMMITTEE ANNUAL REPORT

The report of the Chairman of the Audit Committee aimed to inform the
Council of the means by which the Committee had provided independent
assurance to those charged with governance on the adequacy of the risk
management framework, the internal control environment and the
integrity of financial reporting and annual governance processes. The
report summarised the work carried out by the Committee during
2018/19 and concluded that the required assurance set out in the
Chartered Institute of Public Finance and Accountancy (CIPFA)
Guidance had been provided by the Audit Committee to those charged
with governance. The Leader of the Council thanked the Chairman and
the members of the Audit Committee for their due diligence over the
previous twelve months.

RECOMMENDED: That the Annual Report be presented to the Council
as independent assurance on the adequacy of the risk management



framework, the internal control environment and the integrity of the financial reporting and annual governance processes.

***Referred to Council**

AU 19/17 LOCAL CODE OF CORPORATE GOVERNANCE

The joint report of the Chief Executive and the Director of Central Services reminded Members that the Local Code of Corporate Governance had been substantially updated in 2017. Members were advised that following the adoption of the Council's new Constitution on 31 July 2018 the Local Code had been revisited and no further amendments were proposed. However, Members' attention was drawn to recent changes in Data Protection legislation and the need to update the 'Managing Data' and 'Respecting the Rule of Law' sections of the Local Code to reflect this. With regard to the latter section, and in particular the item 'Dealing with breaches of legal and regulatory provisions effectively' the Committee asked that the final paragraph be amended to read: 'The Council has appointed a Data Protection Officer, in accordance with GDPR, to ensure that following an internal investigation data breaches are reported to the ICO where necessary.'

RECOMMENDED: That, subject to the amendment of Section 1.3 as set out above, the revised Local Code of Corporate Governance, as set out at Annex 1 to the report, be commended for adoption by the Council. ◀

***Referred to Council**

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

AU 19/18 INTERNAL AUDIT AND FRAUD PLAN 2019/20

The report of the Chief Audit Executive presented the Internal Audit and Fraud Plan for 2019/20 which received positive feedback from Grant Thornton, the external auditor.

RESOLVED: That the Internal Audit and Fraud Plan for 2019/20, as set out in Annex 1 to the report, be approved.

AU 19/19 MEMBERS ASSURANCE ON COMPLIANCE WITH INTERNATIONAL STANDARDS ON AUDITING

The report of the Chairman of the Audit Committee explained how those charged with governance were required to provide assurance to the external auditor under International Standards on Auditing. Members considered the question asked and accompanying response which had been agreed with the Chairman and noted that the Management Team was also required to provide assurance in this regard and that this was the subject of a separate report.

RESOLVED: That the response set out in Annex 1 to the report be endorsed.

MATTERS SUBMITTED FOR INFORMATION

AU 19/20 MANAGEMENT TEAM ASSURANCE ON COMPLIANCE WITH INTERNATIONAL STANDARDS ON AUDITING

The Committee received the report of the Management Team on assurance provided to the external auditor under International Standards on Auditing. Reference was made to the similar assurance to be provided by the Audit Committee for which this report provided supporting evidence (Minute AU 19/19 refers).

RESOLVED: That the report be received and noted.

AU 19/21 TREASURY MANAGEMENT PERFORMANCE UPDATE

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved during the period 1 April 2018 to 28 February 2019.

RESOLVED: That the report be received and noted.

AU 19/22 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 1 April 2018 to 28 February 2019. Support was expressed for a review of how Member attendance might be better communicated/published post the 2019 Borough Council Election.

RESOLVED: That the report be received and noted.

AU 19/23 SCALE OF AUDIT FEES FOR 2019/20

The report of the Director of Finance and Transformation informed Members of the scale of fees for the audit of the 2019/20 accounts set by Public Sector Audit Appointments Limited (PSAA).

RESOLVED: That the report be received and noted.

AU 19/24 GRANT THORNTON - PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation introduced an Audit Progress Report and Sector Update provided by the External Auditor, Grant Thornton.

RESOLVED: That the report be received and noted.

AU 19/25 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 19/26 INSURANCE CLAIMS HISTORY: APRIL 2018 - MARCH 2019**

(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 March 2019.

RESOLVED: That the report be received and noted.

The meeting ended at 8.20 pm

- Area 1 Planning Committee of 4 April 2019 was cancelled

