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TONBRIDGE & MALLING
BOROUGH COUNCIL

EXECUTIVE SERVICES

Chief Executive

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31 May 2019

CABINET - WEDNESDAY, 5TH JUNE, 2019

I am now able to enclose, for consideration at the Wednesday, 5th June, 2019 meeting of the Cabinet, the following reports that were unavailable when the agenda was printed.

Agenda No Item

4. **Matters Referred from Advisory Boards (Pages 3 - 6)**

The notes of meetings of Advisory Boards are attached, any recommendations identified by an arrow being for determination by the Cabinet. Notices relating to any decisions already taken by Cabinet Members under the arrangements for delegated decision making have previously been circulated.

11. **Leybourne Open Space - Traveller Incursion (Pages 7 - 14)**

(Replacement for item 7)

Item CH 19/19 referred from Communities and Housing Advisory Board minutes of 28 May 2019

J E BEILBY
Chief Executive

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TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND HOUSING ADVISORY BOARD

Tuesday, 28th May, 2019

Present: Cllr Mrs J A Anderson (in the Chair), Cllr Mrs S Bell, Cllr N Foyle, Cllr F A Hoskins, Cllr S A Hudson, Cllr K King, Cllr Mrs R F Lettington, Cllr L J O'Toole, Cllr W E Palmer and Cllr Miss G E Thomas

Councillors V M C Branson, M A Coffin, N J Heslop, M A J Hood, A P J Keeley, A Kennedy, D Lettington, B J Luker, M R Rhodes, Miss J L Sergison and N G Stapleton were also present pursuant to Council Procedure Rule No 15.21.

Mr A Nicholl (Tonbridge Sports Association) was also present.

Apologies for absence were received from Councillors J L Botten (Chairman), S M Hammond (Vice-Chairman), R W Dalton, Mrs M Tatton and D Thornevell and from Councillor P J Montague, Cabinet Member for Housing

PART 1 - PUBLIC

CH 19/15 ELECTION OF CHAIRMAN

In the absence of both the Chairman and Vice-Chairman, it was proposed by Councillor Miss Thomas, seconded by Councillor Hudson and

RESOLVED: That Councillor Mrs Anderson be elected to preside at the meeting.

CH 19/16 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct. However, in the interests of transparency Councillor Heslop advised that he was a member of the Board of the Bridge Trust and Councillor Hoskins advised that she was a member of Tonbridge Welcomes Refugees with reference to the item on Activity within the Housing Service.

CH 19/17 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Housing Advisory Board held on 26 February 2019 be approved as a correct record and signed by the Chairman.

CH 19/18 OVERVIEW OF SERVICE AREAS

As part of the induction process for new Members, Service heads gave a short overview of their service areas before introducing their respective reports on the agenda.

MATTERS FOR RECOMMENDATION TO THE CABINET**CH 19/19 LEYBOURNE OPEN SPACE - TRAVELLER INCURSION**

The report of the Director of Street Scene, Leisure and Technical Services presented for consideration a proposal, including a funding contribution from Leybourne Parish Council, for the installation of “bow top” fencing along a section of Borough Council owned land in the village which had been subject to a number of Traveller incursions over recent years. Details were given of protection measures implemented to date by the Borough and Parish Councils on the four areas of open space consistently targeted in Leybourne.

Members were advised that the cost of the proposal to be funded by the Borough Council after a 25% contribution from Leybourne Parish Council would be £9,750 for which there was no budget allocation. Having considered the arguments for and against the protection of the area in question and the representations from local Members, the Advisory Board supported the proposal given the costs in terms of legal fees and for clearing waste and litter left on site after every incursion.

RECOMMENDED: That the proposal brought forward by Leybourne Parish Council to protect the area of open space identified in the report from Travellers be accepted and the Cabinet be requested to allocate £9,750 from the General Revenue Reserve to fund the balance of the cost.

***Referred to Cabinet**

CH 19/20 TONBRIDGE RACECOURSE SPORTSGROUND - MANAGEMENT PLAN 2019-2023

Decision Notice D190034MEM

The report of the Director of Street Scene, Leisure and Technical Services brought forward comments received as part of the public consultation exercise on the draft Tonbridge Racecourse Sportsground Management Plan, together with proposed amendments arising from them, and recommended final approval of the Plan.

It was noted that the majority of comments focused on formal sports and liaison had been undertaken with Tonbridge Sports Association regarding the recommendations set out in Annex 3 to the report. In response to a number of questions raised by Members, it was advised

that cycling provision and the level of dog waste/litter bins on the site would be reviewed in accordance with the approved Plan.

RECOMMENDED: That the proposed amendments be made to the draft Management Plan, as shown at Annex 3 to the report, and the Management Plan for Tonbridge Racecourse Sportsground 2019-2023 be approved.

CH 19/21 COMMUNITY SAFETY PARTNERSHIP PLAN 2019-20

Decision Notice D190035MEM

The report of the Director of Central Services presented the Tonbridge and Malling Community Safety Partnership (CSP) Plan 2019/20 and gave details of initiatives carried out during the previous year. It also identified the five priorities for which action plans had been developed with partners for progression in the forthcoming year.

RECOMMENDED: That the Tonbridge and Malling Community Safety Partnership Plan 2019/20, as set out at Annex 1 to the report, be supported and endorsed.

MATTERS SUBMITTED FOR INFORMATION

CH 19/22 ACTIVITY WITHIN THE HOUSING SERVICE 2018/19

The report provided an update on activity within the Housing Service during 2018/19 including the work of the Private Sector Housing team, Housing Options and Support with particular reference to the implications of the Homelessness Reduction Act and action on rough sleeping. The Advisory Board also received an update on the housing register, the Syrian vulnerable persons resettlement scheme, use of temporary accommodation and supply of affordable housing. Officers answered a range of questions raised by Members.

CH 19/23 ONE YOU SERVICE UPDATE

The report of the Director of Planning, Housing and Environmental Health outlined the background and funding of the Council's OneYou team and activities undertaken and events attended during 2018/19. Following discussion it was agreed that the team would provide ward Members with details of activities in their areas.

CH 19/24 COMMUNITY SAFETY PARTNERSHIP UPDATE

The report of the Director of Central Services provided the latest update from the Community Safety Partnership including crime statistics, training sessions, the Safer Towns Partnership and the work of the Community Alcohol Partnerships in Snodland and Tonbridge.

CH 19/25 TONBRIDGE SPORTS ASSOCIATION

The report presented the 2018/19 Annual Report of the Tonbridge Sports Association (TSA). The Association's Chairman, Mr Alan Nicholl, was in attendance at the meeting to answer any questions from Members. It was noted that the TSA would be celebrating its 100th Anniversary in 2020. Members expressed their thanks to Mr Nicholl and the TSA for the positive and productive community partnership shared over many years.

MATTERS FOR CONSIDERATION IN PRIVATE**CH 19/26 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.04 pm

Item CH 19/19 referred from Communities and Housing Advisory Board minutes of 28 May 2019

CH 19/19 LEYBOURNE OPEN SPACE - TRAVELLER INCURSION

The report of the Director of Street Scene, Leisure and Technical Services presented for consideration a proposal, including a funding contribution from Leybourne Parish Council, for the installation of “bow top” fencing along a section of Borough Council owned land in the village which had been subject to a number of Traveller incursions over recent years. Details were given of protection measures implemented to date by the Borough and Parish Councils on the four areas of open space consistently targeted in Leybourne.

Members were advised that the cost of the proposal to be funded by the Borough Council after a 25% contribution from Leybourne Parish Council would be £9,750 for which there was no budget allocation. Having considered the arguments for and against the protection of the area in question and the representations from local Members, the Advisory Board supported the proposal given the costs in terms of legal fees and for clearing waste and litter left on site after every incursion.

RECOMMENDED: That the proposal brought forward by Leybourne Parish Council to protect the area of open space identified in the report from Travellers be accepted and the Cabinet be requested to allocate £9,750 from the General Revenue Reserve to fund the balance of the cost.

***Referred to Cabinet**

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TONBRIDGE & MALLING BOROUGH COUNCIL
COMMUNITIES and HOUSING ADVISORY BOARD

28 May 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision

1 LEYBOURNE OPEN SPACE – TRAVELLER INCURSIONS

Summary

This report brings forward a proposal and funding contribution from Leybourne Parish Council to install ‘bow top’ fencing along a section of Borough Council owned land in the village, which has been subject to a number of Traveller incursions over recent years. Member’s instructions on the way forward are sought.

1.1 Background

- 1.1.1 The Borough Council own and manage a significant number of open spaces across the borough which are maintained via an external grounds maintenance contractor. The larger sites such as the two Country Parks and the Sportsgrounds in Tonbridge are protected from traveller incursions by over height barriers. Many of the smaller open spaces and the Council’s car parks are accessible to traveller incursions and need to allow access for works vehicles, contractors with trailers and hedge and grass cutting machinery.
- 1.1.2 Four areas of open space in Leybourne have consistently been targeted by Travellers and are shown in **Annex 1**. After each incursion the Council incurs costs both in terms of legal fees and the clear up of waste and litter left on site. Complaints from the public are frequently received when incursions take place, with an expectation that something will be done to protect the areas in the future.
- 1.1.3 The area in red and purple marked on **Annex 1** has seen the Parish Council install at its own cost, green coloured bow top fencing to protect the site from incursions. The area marked in blue, which is owned by the Borough Council, has had a soil ‘bund’ installed along with bollards at the access point. This was a joint project between the Borough and the Parish Council, with the Parish Council contributing 25% of the costs.

1.2 Proposal

- 1.2.1 The area marked in orange in **Annex 1** is an area of open space owned by the Borough Council that has little protection from Traveller incursion and therefore remains vulnerable. It currently has ‘stone boulders’ along the road perimeter and

in the past these have been lifted and moved out of the way by Travellers to gain access. The shape of the area does not lend itself to a soil 'bund' and to be in keeping with the other nearby areas a proposal of green coloured bow top fencing along the road perimeter and two bollards at the access point for maintenance has been brought forward by the Parish Council.

- 1.2.2 The area of land was most recently occupied by Travellers in late April 2019. The cost of removing the Travellers, including clear up costs afterwards was £1,715. This does not include the staff time by the agencies involved, most notable this Council and the Police.
- 1.2.3 A quote obtained by the Parish Council, to supply and install the bow top fencing (150 linear metres) and two bollards is in the region of £13,000, for which there is no budget allocation within the Council's existing budgets.
- 1.2.4 The Parish Council has indicated that it would be willing to contribute 25% towards the cost of this proposal leaving £9,750 for the Borough Council to fund.

1.3 The Way Forward

- 1.3.1 There are arguments both for and against the protection of this area of open space in Leybourne. If the Council was to choose to support the proposal it would reduce the risk of future incursions, save the Council future revenue costs and Officer time, and meet the need identified by the Parish Council on behalf of the local community. On the other hand, it could be argued that the proposal will only move the problem onto other sites in the local vicinity (the Travellers occupying the site most recently moved on to a piece of land at Leybourne Grange), will set a precedent for other areas of public open space owned by the Council across the borough and will require the allocation of funds not currently within the Council's budgets. It is also worthy of note that installing protection around areas of public open space does not always create an inviting environment for residents.
- 1.3.2 Local Members have been consulted on the matter and their views are as follows:-

Comments from Councillor Nicholas Stapleton – “Over the past few years, Leybourne has suffered from several incursions from Travellers. The Parish Council has worked to protect their own land from future problems, however some TMBC land is still left vulnerable. Leybourne residents, especially those who are in the immediate vicinity, are feeling a strong lack of support from TMBC, and are having to face these incursions up to a couple of times per year. When the cost of the legal proceedings and the clean up procedure that has to take place once the travellers have left, have been taken into consideration, I feel it would be far more beneficial to spend the money on protecting the land with fencing and bollards. Whilst I understand that the cost is high, and there is a chance that the Travellers will then just settle elsewhere in the local area; Leybourne has had more Traveller incursions than most other villages and towns

locally, therefore I support the proposal put forward by Leybourne Parish Council”.

Comments from Councillor Brian Luker – *Councillor Luker has stated that in principle he has no problem with the proposal, but has identified a number of questions/issues being raised by local residents, including that the proposal is not rustic in appearance, have residents been formally consulted and what alternatives have been considered.*

1.4 Legal Implications

1.4.1 None.

1.5 Financial and Value for Money Considerations

1.5.1 The Borough Council would need to allocate £9,750 from its General Revenue Reserve to fund the balance of the proposal. The cost of dealing with the most recent Traveller incursion on the land in question was £1715.

1.5.2 Future revenue costs of maintaining the site if the proposal was approved would be marginal and there would therefore be no impact on Special Expenses.

1.6 Risk Assessment

1.6.1 The protection of this specific open space is being brought forward due to the frequency of incursions and at the request of the Parish Council.

1.6.2 It should be noted that whilst fencing and bollards are far stronger preventative measures than currently in place, there is no guarantee that this will stop incursions or move the incursion to a different location. However the other areas in **Annex 1** that have fencing and bollards have not had an incursion since installation.

1.7 Equality Impact Assessment

1.7.1 Whilst access would be restricted slightly by the bow top fencing, access to the site for the public would still be available.

1.8 Policy Considerations

1.8.1 Asset Management; Business Continuity/Resilience; Communications; Community; Health and Safety.

1.9 Recommendation

1.9.1 MEMBERS ARE REQUESTED to consider the proposal brought forward by Leybourne Parish Council to protect the open space area identified in the report from Travellers and AGREE A RECOMMENDATION TO CABINET.

Background papers:

contact: Darren Lanes

Robert Styles

Director of Street Scene, Leisure & Technical Services



Note: Areas marked in red and purple owned by Parish Council and protected by bow top fencing.

Area marked in blue owned by Borough Council and protected with soil bund and bollards.

Area marked in orange owned by Borough Council and protected with stone boulders.

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