

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

SUPPLEMENT

| | | |
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| The following Minutes previously marked 'to follow' are now available: | | |
| Item | | Page (s) |
| 10. | Reports, Minutes and Recommendations | 3 - 20 |
| | <ul style="list-style-type: none">▪ Area 2 Planning Committee – Minutes of 29 June 2022▪ Cabinet – Minutes of 5 July 2022▪ Cabinet Member Decisions (D22055MEM – D220056MEM)▪ Cabinet Decisions (D220057CAB – D220061CAB) | |

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

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 29th June, 2022

Present: Cllr H S Rogers (Chair), Cllr B J Luker (Vice-Chair), Cllr P Boxall, Cllr C Brown, Cllr M A Coffin, Cllr D Harman, Cllr S A Hudson, Cllr W E Palmer, Cllr J L Sergison, Cllr T B Shaw, Cllr K B Tanner and Cllr M Taylor

(Note: As Councillor Mrs F A Kemp was unable to attend in person and participated via MS Teams she was unable to vote on any matters)

Councillors D Davis and R Roud participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs J A Anderson, R P Betts and N G Stapleton

PART 1 - PUBLIC

AP2 22/23 DECLARATIONS OF INTEREST

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

AP2 22/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 25 May 2022 be approved as a correct record and signed by the Chairman.

AP2 22/25 GLOSSARY AND SUPPLEMENTARY MATTERS

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. There were no supplementary reports circulated in advance or 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.

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

**AP2 22/26 TM/22/00103/FL - 59 DISCOVERY DRIVE, KINGS HILL,
WEST MALLING**

Partial conversion of garage to habitable room, single storey side extension and alteration to the ground floor rear elevation window and doors at 59 Discovery Drive, Kings Hill

RESOLVED: That planning permission be GRANTED subject to the addition of condition 4 as follows:

4. Following the conversion of the garage, the driveway area shown on the submitted layout as serving 59 Discovery Drive, measuring 49.8m² shall be kept available for such use and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) shall be carried out on the land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: To ensure that adequate parking is provided, maintained and retained.

[Speaker: Mr D Cooper (Agent)]

AP2 22/27 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th July, 2022

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr D A S Davis, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner.

Councillors V M C Branson and M A Coffin were unable to attend in person and participated via MS Teams. They were unable to vote on any matters.

In attendance: Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

Councillors Mrs P A Bates, Mrs S Bell, S A Hudson, Mrs A S Oakley, M R Rhodes and J L Sergison participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 22/65 DECLARATIONS OF INTEREST

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

CB 22/66 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 7 June 2022 be approved as a correct record and signed by the Chairman.

CB 22/67 MATTERS REFERRED FROM PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the following Panels, Boards and other Groups were received, any recommendations contained therein being incorporated within the decisions of the Cabinet reproduced at the annex to these Minutes.

- Parish Partnership Panel of 26 May 2022
- Joint Transportation Board of 6 June 2022

EXECUTIVE KEY DECISIONS**CB 22/68 UK SHARED PROSPERITY FUND**

Decision Notice: D220057CAB

Information on the UK Shared Prosperity Fund was provided and, in order to ultimately access the £1 million allocation ring-fenced for the Borough, endorsement was sought of the work undertaken to date to produce the Tonbridge and Malling Investment Plan.

The draft Tonbridge and Malling Investment Plan (as set out in Appendices 1-3) highlighted the key challenges faced by the Borough Council in respect of communities and place, local business investment and people and skills. In addition, the Investment Plan identified key intervention areas and highlighted a broad range of initiatives. Further detail was set out at 1.3.5 and 1.3.6 of the report.

Members welcomed the proposal to purchase mobile CCTV cameras that could be placed in various locations across the Borough as the need arose. It was expected that these would be used by the Borough Council to tackle anti-social behaviour, fly tipping and working in partnership with a number of agencies. In addition, the focus on green initiatives and support for businesses was welcomed.

The Cabinet considered the next steps, the legal implications and financial and value for money considerations and

RESOLVED: That

- (1) the Tonbridge and Malling UK Shared Prosperity Fund Investment Plan be endorsed; and
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Tonbridge and Malling Investment Plan prior to submission by the deadline of 1 August 2022 for the purposes of presentation or improving clarity.

EXECUTIVE NON-KEY DECISIONS**CB 22/69 TONBRIDGE TOWN CENTRE ASSET REVIEW PHASE 1 REPORT**

Decision Notice: D220058CAB

The report submitted by external consultants (Mace) provided an analysis of the town centre and identified the scope, aims and objectives of a review into the Borough Council's land and property assets in Tonbridge town centre. Project objectives and recommended next steps to progress the review were also presented.

Careful consideration was given to the options detailed in the Phase 1 report (attached at Annex 1), recommended next steps and the legal and financial considerations. It was recognised that if the Borough Council wished to progress the review in line with the recommendations of the external consultant the identified workstreams should be scoped to establish those which the Borough Council could progress on its own, those which required support and those which needed to be undertaken by a specialist company.

Finally, the Cabinet recorded appreciation to Mace for the work undertaken as part of the review into Tonbridge town centre assets.

RESOLVED: That

- (1) the Phase 1 report, as attached at Annex 1, be noted;
- (2) the Head of Administrative and Property Services be asked to undertake a scoping exercise of the next steps recommended in the Phase 1 report, in liaison with other Borough Council services;
- (3) delegated authority be given to the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, to seek a fee proposal from Mace for progressing the next stage of the review (Phase 2A as set out on page 40 of the report) upon completion of the scoping exercise; and
- (4) upon receipt of the fee proposal, if the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, considered the proposal offered value for money then Mace be appointed if appropriate budget provision was identified.

CB 22/70 ALLOCATIONS SCHEME REVIEW

This item was WITHDRAWN from this agenda to enable further time to be given to undertaking an equality impact assessment.

CB 22/71 HOUSING STRATEGY 2022-27

Decision Notice: D220059CAB

The final draft of the Housing Strategy 2022-2027 which set out the strategic approach to housing in the Borough was presented for consideration.

The Strategy encompassed an updated Tenancy Strategy, noted an action to develop a Homelessness and Rough Sleeping Strategy and

outlined a number of priority objectives which would be monitored through annual action plans.

Cabinet had regard to the legal implications and financial and value for money considerations detailed in the report and noted that not having an up to date Housing Strategy put the Borough Council at risk of challenge. It was also recognised that a Strategy focused on local need and priorities could help with future funding opportunities. Particular reference was made to the valuable working relationship between the Borough Council and the Royal British Legion Industries (RBLI) and it was suggested that specific reference be made to this in the Strategy to illustrate the importance of partnership working.

RESOLVED: That

- (1) the Housing Strategy 2022-2027 (attached at Annex 1 to the report) be adopted, subject to making specific reference to the valuable working relationship with the RBLI; and
- (2) approval of minor changes to the Year 1 Action Plan 2022-2023 be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Housing.

CB 22/72 FINANCIAL PLANNING AND CONTROL

Decision Notice: D220060CAB

The report brought together information on salaries, major operational income streams and investment income. Performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring, were summarised to provide an indicative overall budget position for the year.

An update on capital expenditure and variations agreed in relation to the capital plan was also provided.

Cabinet noted that in respect of salaries, overall expenditure to the end of May was £10,700 more than budgeted and that overall actual income to the end of May was £49,600 less than budgeted. The increased risk to the Borough Council's financial sustainability due to the ongoing Ukraine conflict and its adverse impact on global economic conditions was also noted. Given the impact of these global economic pressures it was essential that the savings target of £350,000 was achieved by the start of 2023/24.

RESOLVED: That

- (1) it be noted that as end of May 2022 the projected overall outturn position for the year 2022/23 was a net adverse variance of circa £66,550 when compared to the budget set in February 2022; and
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to deliver as a minimum this year's savings target of £350,000 be noted.

CB 22/73 CLIMATE CHANGE ACTION PLAN - YEAR 2 PROGRESS REPORT AND PROPOSED YEAR 3 ACTIONS

Decision Notice: D220061CAB

The report set out progress being made against the Climate Change Action Plan Year 2 and advised that good progress had been made across all 32 actions to tackle climate change and meet the Borough Council's 2030 net zero target.

The Year 3 Action Plan was also presented for approval and recommended 51 actions. Initial work would include further emissions monitoring through annual carbon audits, monitoring and reporting of borough wide emissions and the development of an emissions reduction pathway.

Members referred to the anti-idling campaign and expressed concern that more needed to be done to reduce congestion outside of schools. It was noted that these issues could be wider than anti-idling and the Director of Planning, Housing and Environmental Health suggested that further information be gathered outside of the meeting.

With regard to the Green Business Grants Scheme, the Borough Council continued to explore external funding opportunities and it was hoped that a further round of grants could be secured via the UK Shared Prosperity Fund.

RESOLVED: That

- (1) the Climate Change Action Plan Year 2 progress report (as set out in Annex 1) be endorsed; and
- (2) the Climate Change Action Plan Year 3 2022-23 (as set out in Annex 2) be adopted.

MATTERS SUBMITTED FOR INFORMATION**CB 22/74 DECISIONS TAKEN BY CABINET MEMBERS**

Details of the Decisions taken in accordance with the rules for the making of decisions by executive members, as set out in Part 4 of the Constitution, were presented for information.

Subsequent to the publication of the agenda, the Cabinet Member for Finance, Innovation and Property had taken a decision in respect of a lease at Tonbridge Sailing Club ([D220055MEM](#)) and the Cabinet Member for Environment and Climate Change had taken a decision in respect of the Food Safety Plan 2022/23 ([D220056MEM](#)).

CB 22/75 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

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| Decision Taken By: Cabinet Member for Finance, Innovation and Property | Decision Number: D220055MEM |
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Date: 27 June 2022

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| Decision(s) and Reason(s) |
| PROPOSED LEASE RENEWAL TO TONBRIDGE TOWN SAILING CLUB LTD AT HAYSDEN WATER. |
| <p>The Cabinet Member had regard to exempt information (as set out in the Cabinet Member Briefing Note) and following consideration of the options, the Cabinet Member for Finance, Innovation and Property resolved that:</p> <p>(1) The renewal of a 15 year lease to Tonbridge Town Sailing Club Ltd at Haysden Water be approved.</p> |
| <p>Reasons for decision:</p> <p>Tonbridge Town Sailing Club Ltd have an expired lease on which they are 'holding over' until a new lease is completed with the Council. They have a statutory right to renew their lease with the Council under the security of tenure provisions of the Landlord and Tenant Act 1954. Leisure Services have been consulted on the terms of the renewal and have no objections. Ward Councillors are also supportive of the decision. The renewal of the lease will enable the Club to offer other activities to its members in return for an uplifted rent and more frequent rent reviews to RPI or equivalent indices.</p> <p>We are not aware of any details of any conflict of interest declared by any executive member consulted in relation to the decision.</p> |

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| Signed Cabinet Member for Finance, Innovation and Property | M Coffin |
| Signed Leader: | M Boughton |
| Signed Chief Executive: | J Beilby |
| Date of publication: | 28 June 2022 |

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

RECORD OF EXECUTIVE NON-KEY DECISION

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| Decision Taken By: Cabinet Member for Environment and Climate Change | Decision Number: D220056MEM |
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Date: 27 June 2022

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| Decision(s) and Reason(s) |
| APPROVAL OF THE FOOD AND SAFETY TEAM SERVICE PLAN 2022-2023 |
| Following consideration of the options, the Cabinet Member for Environment and Climate Change resolved that: (1) The Food and Safety Team Service Plan for 2022-2023 is adopted. Note that Appendix 2 has been removed as this information is restricted by the Food Standards Agency. |
| Reasons for decision: Local Authorities are required to produce a Food Service Plan setting out how the authority intends to deliver and resource official food controls in its area. The Service Plan is updated in line with Food Standard Agency requirements and meets the Council statutory obligations for delivery of food official controls. There are no other options to be considered. In making this decision the Cabinet Member declared that he was a Food Business Operator within Tonbridge & Malling B.C. |

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| Signed Cabinet Member for Environment and Climate Change | R Betts |
| Signed Leader: | M Boughton |
| Signed Chief Executive: | J Beilby |
| Date of publication: | 29 June 2022 |

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: D220057CAB

Decision Type: Key

Date: 05 July 2022

Decision(s) and Reason(s)

UK Shared Prosperity Fund

(Report of Chief Executive)

Information on the UK Shared Prosperity Fund was provided and, in order to ultimately access the £1 million allocation ring-fenced for the Borough, endorsement was sought of the work undertaken to date to produce the Tonbridge and Malling Investment Plan.

The draft Tonbridge and Malling Investment Plan (as set out in Appendices 1-3) highlighted the key challenges faced by the Borough Council in respect of communities and place, local business investment and people and skills. In addition, the Investment Plan identified key intervention areas and highlighted a broad range of initiatives. Further detail was set out at 1.3.5 and 1.3.6 of the report.

The Cabinet considered the next steps, the legal implications and financial and value for money considerations and

RESOLVED: That

- (1) the Tonbridge and Malling UK Shared Prosperity Fund Investment Plan be endorsed; and
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Tonbridge and Malling Investment Plan prior to submission by the deadline of 1 August 2022 for the purposes of presentation or improving clarity.

Reasons: As set out in the report submitted to Cabinet of 5 July 2022

Signed Chief Executive: J Beilby

Date of publication: 7 July 2022

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: D220058CAB
Decision Type: Non Key
Date: 05 July 2022

Decision(s) and Reason(s)

Tonbridge Town Centre Asset Review Phase 1 Report

(Report of Director of Central Services and Deputy Chief Executive)

The report submitted by external consultants (Mace) provided an analysis of the town centre and identified the scope, aims and objectives of a review into the Borough Council's land and property assets in Tonbridge town centre. Project objectives and recommended next steps to progress the review were also presented.

Careful consideration was given to the options detailed in the Phase 1 report (attached at Annex 1), recommended next steps and the legal and financial considerations. It was recognised that if the Borough Council wished to progress the review in line with the recommendations of the external consultant the identified workstreams should be scoped to establish those which the Borough Council could progress on its own, those which required support and those which needed to be undertaken by a specialist company.

Finally, the Cabinet recorded appreciation to Mace for the work undertaken as part of the review into Tonbridge town centre assets.

The Cabinet resolved: That

- (1) the Phase 1 report, as attached at Annex 1, be noted;
- (2) the Head of Administrative and Property Services be asked to undertake a scoping exercise of the next steps recommended in the Phase 1 report, in liaison with other Borough Council services;
- (3) delegated authority be given to the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, to seek a fee proposal from Mace for progressing the next stage of the review (Phase 2A as set out on page 40 of the report) upon completion of the scoping exercise; and
- (4) upon receipt of the fee proposal, if the Director of Central Services and Deputy Chief Executive, in consultation with the Cabinet Member for Finance, Innovation and Property, considered the proposal offered value for money then Mace be appointed if appropriate budget provision was identified.

Reasons: As set out in the report submitted to Cabinet of 5 July 2022

Signed Chief Executive: J Beilby

Date of publication: 7 July 2022

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: D220059CAB

Decision Type: Non Key

Date: 05 July 2022

Decision(s) and Reason(s)

Housing Strategy 2022-27

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

The final draft of the Housing Strategy 2022-2027 which set out the strategic approach to housing in the Borough was presented for consideration.

The Strategy encompassed an updated Tenancy Strategy, noted an action to develop a Homelessness and Rough Sleeping Strategy and outlined a number of priority objectives which would be monitored through annual action plans.

Cabinet had regard to the legal implications and financial and value for money considerations detailed in the report and noted that not having an up to date Housing Strategy put the Borough Council at risk of challenge. It was also recognised that a Strategy focused on local need and priorities could help with future funding opportunities. Particular reference was made to the valuable working relationship between the Borough Council and the Royal British Legion Industries (RBLI) and it was suggested that specific reference be made to this in the Strategy to illustrate the importance of partnership working.

The Cabinet resolved: That

- (1) the Housing Strategy 2022-2027 (attached at Annex 1 to the report) be adopted, subject to making specific reference to the valuable working relationship with the RBLI; and**
- (2) approval of minor changes to the Year 1 Action Plan 2022-2023 be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Housing.**

Reasons: As set out in the report submitted to Cabinet of 5 July 2022

Signed Chief Executive: J Beilby

Date of publication: 7 July 2022

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: D220060CAB

Decision Type: Non Key

Date: 05 July 2022

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report brought together information on salaries, major operational income streams and investment income. Performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring, were summarised to provide an indicative overall budget position for the year.

An update on capital expenditure and variations agreed in relation to the capital plan was also provided.

Cabinet noted that in respect of salaries, overall expenditure to the end of May was £10,700 more than budgeted and that overall actual income to the end of May was £49,600 less than budgeted. The increased risk to the Borough Council's financial sustainability due to the ongoing Ukraine conflict and its adverse impact on global economic conditions was also noted. Given the impact of these global economic pressures it was essential that the savings target of £350,000 was achieved by the start of 2023/24.

The Cabinet resolved: That

- (1) it be noted that as end of May 2022 the projected overall outturn position for the year 2022/23 was a net adverse variance of circa £66,550 when compared to the budget set in February 2022; and
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to deliver as a minimum this year's savings target of £350,000 be noted.

Reasons: As set out in the report submitted to Cabinet of 5 July 2022

Signed Chief Executive: J Beilby

Date of publication: 7 July 2022

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: D220061CAB
Decision Type: Non Key
Date: 05 July 2022

Decision(s) and Reason(s)

Climate Change Action Plan - Year 2 Progress Report and Proposed Year 3 Actions

(Report of Chief Executive)

The report set out progress being made against the Climate Change Action Plan Year 2 and advised that good progress had been made across all 32 actions to tackle climate change and meet the Borough Council's 2030 net zero target.

The Year 3 Action Plan was also presented for approval and recommended 51 actions. Initial work would include further emissions monitoring through annual carbon audits, monitoring and reporting of borough wide emissions and the development of an emissions reduction pathway.

The Cabinet resolved: That

- (1) the Climate Change Action Plan Year 2 progress report (as set out in Annex 1) be endorsed; and
- (2) the Climate Change Action Plan Year 3 2022-23 (as set out in Annex 2) be adopted.

Reasons: As set out in the report submitted to Cabinet of 5 July 2022

Signed Chief Executive: J Beilby

Date of publication: 7 July 2022

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.