



# TONBRIDGE & MALLING BOROUGH COUNCIL

## EXECUTIVE SERVICES

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**Chief Executive**

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18 October 2022

Dear Councillor

**COUNCIL - TUESDAY, 25TH OCTOBER, 2022**

I am now able to enclose, for consideration at the Tuesday, 25th October, 2022 meeting of the Council, the Council Minute Book (Volume 4) which covers the period July to October 2022.

Yours sincerely

J E BEILBY  
Chief Executive

Encs



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

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

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



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**OVERVIEW AND SCRUTINY COMMITTEE**

**MINUTES**

**Thursday, 7th July, 2022**

**Present:** Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr R I B Cannon, Cllr A Cope, Cllr F A Hoskins, Cllr S A Hudson, Cllr Mrs F A Kemp, Cllr D W King, Cllr J R S Lark, Cllr H S Rogers, Cllr M Taylor, Cllr D Thornewell, Cllr F G Tombolis, Cllr D J Cooper and Cllr N Foyle.

(Note: As Councillor R Dalton was unable to attend in person and participated via MS Teams he was unable to vote on any matters)

Councillor P Boxall was also present pursuant to Council Procedure Rule No 15.21.

Councillors Mrs P Bates, R Betts, M Boughton, V Branson, D Davis, M Hood, D Keers, P Montague, W Palmer, M Rhodes, J Sergison, K Tanner and M Tatton 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 M C Base, C Brown and D Harman

**PART 1 - PUBLIC**

**OS 22/21 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Cllr D Cooper – substitute for Cllr D Harman  
Cllr N Foyle – substitute for Cllr M Base

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**OS 22/22 DECLARATIONS OF INTEREST**

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

**OS 22/23 MINUTES**

**RESOLVED:** That the Minutes of the meetings of the Overview and Scrutiny Committee held on 10 March and 5 May 2022 be approved as a correct record and signed by the Chairman.

**MATTERS FOR RECOMMENDATION TO THE CABINET****OS 22/24 EXECUTIVE SCRUTINY PROTOCOL**

The report of the Director of Central Services and Deputy Chief Executive reminded Members of the changes to the Council's governance arrangements which had come into effect on 10 May 2022 and had increased the scope, role and responsibility of the Overview and Scrutiny Committee so that it could effectively discharge its functions. The report provided details at Annex 1 of the draft Executive-Scrutiny Protocol agreed between the Leader and the Chair of Overview and Scrutiny which aimed to ensure that there was a constructive relationship between the Executive and the Overview and Scrutiny Committee. The Committee was advised that statutory guidance highlighted the benefits of adopting a protocol to clarify the relationship between it and the Executive to support a framework of strong democratic transparency and accountability and to establish effective communication between Scrutiny and Executive Members which could lead to more effective scrutiny of and support for the Executive.

A number of Members identified the need for training on the new governance arrangements and about the relationship between the Overview and Scrutiny Committee and the new Scrutiny Select Committees and were advised that training for committee members was scheduled to be held on 5 October and that this could be shared more widely if required.

**RECOMMENDED:** That, subject to clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and the Chair of Overview and Scrutiny, the draft protocol, as set out at Annex 1 to the report, be commended to Cabinet for approval.

**\*Referred to Cabinet**

**DECISIONS TAKEN BY THE COMMITTEE****OS 22/25 SCRUTINY WORK PROGRAMME 2022/23**

Further to the review of the governance arrangements the report of the Chief Executive identified a number of issues and activity which could benefit from further consideration by the Overview and Scrutiny Committee. In addition to the review topics identified in a canvass undertaken prior to the meeting, it was noted that the Chair had

requested that each agenda of the committee include, as a standing item, an information report on the list of Non-Key Decisions taken by the Executive since the previous meeting of the committee. The topics identified for review were:-

- Planning Enforcement
- Mandatory services and non-mandatory services
- Revenue Estimates 2023/24
- Capital Plan Review 2022/23

In addition to the proposed work programme for the Overview and Scrutiny Committee, details of issues to be considered by the three Scrutiny Select Committees were also provided. During consideration of these topics Members requested that the Housing and Planning Scrutiny Select Committee be asked to include carports, garages and IGN 3 in its consideration of the Local Plan. Additionally, Members felt that consideration of value for money in relation to the Leisure Trust should be dealt with at the Overview and Scrutiny Committee rather than a Select Committee.

**RESOLVED:** That, subject to the addition of the Leisure Trust, the review items set out in section 1.2.8 to the report, be endorsed.

### **MATTERS FOR INFORMATION**

#### **OS 22/26 BUDGETARY CHANGES AND STRATEGIC RISK REGISTER**

Consideration was given to the report of the Management Team which provided high level information in terms of the budget position and the direction of travel. Members were also directed to the red rated risks on the Strategic Risk Register.

**RESOLVED:** That the report be noted.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **OS 22/27 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded and

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

**PART 2 - PRIVATE****OS 22/28 WASTE CONTRACT**

(Reasons: LGA 1972 - Sch 12A Paragraph 3 – Financial or business affairs of any particular person and Paragraph 5 – Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

Members gave detailed consideration to the report of the Director of Street Scene, Leisure and Technical Services which provided a detailed response to the request received from two members of the committee for information on the Contract Costs, Penalties and Future Service Review of the Waste Services Contract.

**RESOLVED:** That

- (1) a report on Key Performance Indicators related to the waste contract be submitted to the Communities and Environment Scrutiny Select Committee on a regular basis to identify performance trends;
- (2) an informal briefing note be circulated to members of the Overview and Scrutiny Committee on the provision of Performance Payments from Kent Council Country outlining their scale over previous years, how they are derived and their relationship to the Inter Authority Agreement between Kent County Council and the Borough Council; and
- (3) an informal briefing note presenting a simplified and overall financial assessment of budgets related to the waste contract be circulated to all members of the Overview and Scrutiny Committee.

The meeting ended at 9.50 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **COUNCIL MEETING**

### **MINUTES**

**Tuesday, 12th July, 2022**

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 12th July, 2022

**Present:** Her Worship the Mayor (Councillor Mrs S Bell), Cllr Mrs P A Bates, Cllr R P Betts, Cllr V M C Branson, Cllr R I B Cannon, Cllr M A Coffin, Cllr D J Cooper, Cllr A Cope, Cllr M O Davis, Cllr N Foyle, Cllr S M Hammond, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr Mrs F A Kemp, Cllr B J Luker, Cllr P J Montague, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr M R Rhodes, Cllr H S Rogers, Cllr R V Roud, Cllr J L Sergison, Cllr T B Shaw, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr F G Tombolis and Cllr C J Williams

(Note: Councillors Mrs Anderson and Dalton were unable to attend in person and participated via MS Teams and were unable to vote on any matters).

Apologies for absence were received from Councillors J R S Lark (Deputy Mayor), M C Base, T Bishop, J L Botten, M D Boughton, P Boxall, G C Bridge, C Brown, A E Clark, D A S Davis, D Harman, N J Heslop, A Kennedy, D W King, N G Stapleton, K B Tanner and D Thornewell.

### **PART 1 - PUBLIC**

#### **C 22/55 DECLARATIONS OF INTEREST**

Councillor M Davis declared an Other Significant Interest (OSI) on the matter related to the installation of a PV System at Larkfield Leisure Centre (agenda item 9) on the grounds that he was one of the Borough Council's appointees to the Board of the Tonbridge and Malling Leisure Trust. He withdrew from the meeting during consideration of this item and did not participate in the discussion and voting.

#### **C 22/56 MINUTES**

**RESOLVED:** That the Minutes of the proceedings of the meeting of the Council held on 10 May 2022 be approved as a correct record and signed by the Mayor.

**C 22/57 MAYOR'S ANNOUNCEMENTS**

The Mayor advised that she had attended a number of engagements since her inauguration and made particular reference to:

- The Royal Garden Party
- The Oaks Specialist College Dance Competition
- Hilden Oaks Prep School Opening of New Building & Jubilee Celebration
- Snodland Town Council's Lightening of the Queens Jubilee Beacon
- Unveiling of Plaque on Jubilee Flower Bed at Larkfield Fire Station
- Coffee Morning at the East Malling Centre
- West Malling Community Choir's Concert
- Tonbridge Lion Club's Fete and Fun Dog Show
- TMBC Baton Event at Tonbridge Castle

The Civic Ceremony would be held at All Saints Church, Snodland at 2pm on 25 September 2022. Details of future charity events would be shared in due course.

Finally, the Mayor thanked the Deputy Mayor for attending a number of events on her behalf.

**C 22/58 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 22/59 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 22/60 LEADER'S ANNOUNCEMENTS**

The Deputy Leader provided a number of announcements on behalf of the Leader who had submitted apologies.

There was reference to the importance of building relationships and working in partnership with local authority neighbours, parishes, Kent County Council and central Government.

The Borough Council had recently been awarded the title of the most patriotic council in Kent with more street parties than anywhere else during the Queens Platinum Jubilee weekend. Tribute was made to everyone who had helped celebrate the Jubilee and the teams at the

Borough Council who worked to make sure that all these community events could happen.

Reference was made to the Queens Baton Relay which had passed through Tonbridge ahead of the Commonwealth Games and was a memorable experience for everyone.

The public consultation in relation to the future of Tonbridge Castle and how to make best use of the historic asset for the benefit of future generations had received an excellent response.

Good progress continued to be made on the Climate Change Action Plan with a number of actions completed and demonstrated the commitment from everyone at the Council to meeting climate change aspirations.

Finally, reference was made to the Local Plan and the Regulation 18 Consultation which would take place during the summer months. It was emphasised that no firm decisions had been taken on any sites and it was important for everyone to submit comments so that all views were presented and listened to.

### **MATTERS FOR COUNCIL DECISION**

#### **C 22/61    INSTALLATION OF PV SYSTEM AT LARKFIELD LEISURE CENTRE**

The joint report of the Director of Central Services and Deputy Chief Executive and the Director of Street Scene, Leisure and Technical Services set out proposals for the installation of photovoltaic/solar (PV) panels at Larkfield Leisure Centre. It was felt that this represented the quickest and simplest way of reducing utility usage, which was a significant overhead for the Leisure Trust due to the current global economic situation.

Due to it being the largest utility user of all the leisure centres, coupled with the fact that it had large flat roofs on which to mount a PV system, it was felt that Larkfield Leisure Centre was an appropriate facility for this type of installation.

A proposal had been received from a framework contractor (SAS Energy) and this was summarised in 1.3.4 of the report. As a result of the current volatility in the market, SAS Energy would be asked to re-price for the installation if Members agreed that this was the best approach.

In addition, it was proposed that the sports hall flat roof be replaced prior to the installation of the PV system.

A Capital Plan evaluation setting out financial details of the proposals was attached at Annex 2.

Members welcomed the installation of PV/solar panels on the grounds of supporting the Climate Change Strategy, and the aspiration to become carbon neutral by 2030, and potentially producing savings to support the Savings and Transformation Strategy. However, concern was expressed in respect of the sports hall flat roof and it was requested that a certified structural report be provided confirming that the roof could support the weight of PV/solar panels. This was proposed by Councillor Rhodes, seconded by Councillor Taylor and supported unanimously.

**RESOLVED:** That

- (1) subject to a certified structural assessment report confirming that the sports hall roof would support the weight of PV/solar panels, SAS energy be asked to re-price for the PV proposal;
- (2) if the revised price was within 15% of the original quote, SAS energy be appointed under the Laser procurement framework Y18003 to supply and install the system;
- (3) the Scheme be added to the Capital Plan in 2022/23 with funding being provided from the Climate Change Reserve; and
- (4) the re-felting of the sports hall roof be met from the BRREP reserve with funding of this Plan to be reviewed as part of the forthcoming budget setting process.

#### **C 22/62 WORKFORCE STRATEGY**

Item GP 22/20 referred from General Purposes Committee of 15 June 2022

**RESOLVED:** That

- (1) the outcomes of the equality monitoring as set out in Section 4 of the HR Strategy be noted; and
- (2) the Workforce Strategy be approved.

#### **C 22/63 APPOINTMENTS TO OUTSIDE BODIES**

Consideration was given to appointments to the Berry Housing Trust, Stansted and the High Weald Area of Outstanding Natural Beauty. The report of the Director of Central Services and Deputy Chief Executive provided details of the role of the organisations and recommended that Mr Paul Gurney and Mr Richard Hobgin be appointed as trustees to the Berry Housing Trust and Councillor Dave Davis be appointed to sit on

the Joint Advisory Board of the High Weald Area of Outstanding Natural Beauty.

**RESOLVED:** That

- (1) Mr Paul Gurney be appointed as the Borough Council representative to serve as Trustee to the Berry Housing Trust, Stansted for an indefinite period;
- (2) Mr Richard Hogbin in be appointed as the Borough Council representative to serve as Trustee to the Berry Housing Trust, Stansted for an indefinite period; and
- (3) Councillor D Davis be appointed as the Brough Council representative to serve on the High Weald Area of Outstanding Natural Beauty Joint Advisory Committee for the remainder of the municipal year.

**C 22/64 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 8.55 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**MINUTES**

**Thursday, 14th July, 2022**

**Present:** Cllr M C Base (Chair), Cllr D J Cooper (Vice-Chair), Cllr R I B Cannon, Cllr D A S Davis, Cllr P M Hickmott, Cllr D Keers, Cllr D Lettington, Cllr R V Roud, Cllr Mrs M Tatton and Cllr C J Williams.

(Note: Councillor Dalton was unable to attend in person and participated via MS Teams and was unable to vote on any matters).

Councillors V M C Branson and C Brown were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell, T Bishop, S M Hammond, A Kennedy, Mrs R F Lettington, Mrs A S Oakley and D Thornewell

**PART 1 - PUBLIC**

**AP3 22/1 DECLARATIONS OF INTEREST**

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

**AP3 22/2 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 30 September 2021 be approved as a correct record and signed by the Chairman.

**AP3 22/3 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. 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.

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

**AP3 22/4 TM/21/02866/FL - LAND EAST OF LITTLE PRESTON YARD AND  
NORTH OF M20, COLDHARBOUR LANE, AYLESFORD**

Construction of five buildings to provide six units for industrial processes (Use Class E(g)(iii)); industrial (Use Class B2); and/or storage and distribution (Use Class B8) purposes, with ancillary offices and associated landscaping, car parking, servicing and access arrangements at land east of Little Preston Yard and north of M20 Coldharbour Lane, Aylesford.

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

(1) Additional Conditions:

26. The scheme of photovoltaic panels and air source heat pumps specified within section 4 of the Energy Strategy shall be installed on each building prior to its first occupation and shall be retained at all times thereafter.

Reason: In order to reduce greenhouse gas emissions in accordance with paragraph 154 of the National Planning Policy Framework.

27. None of the buildings shall be occupied until electric vehicle charging points have been installed in accordance with details that have first been submitted to and approved by the Local Planning Authority.

Reason: In order to help reduce vehicle emissions in the interests of air quality and in accordance with paragraph 112 of the National Planning Policy Framework 2021.

28. The cycle storage facilities shown on the approved plan shall be installed prior to the first occupation of the buildings hereby approved.

Reason: In order to facilitate sustainable transport choices for the occupiers of the development, in the interests of highway safety and in accordance with paragraph 112 of the National Planning Policy Framework 2021.

[Speakers: Mr A Gale, agent]

**AP3 22/5 TM/21/02630/FL - 10 MURDOCK GROVE, WOULDHAM**

Carport conversion into bar/BBQ built area and increase in height to existing side panel of the carport. (Retrospective) at 10 Murdock Grove, Wouldham.

After careful consideration of the issues, Members expressed concern in respect of the loss of car parking spaces, which were a departure from the parking arrangements originally considered acceptable for the locality, and could result in a significant impact upon parking and highway safety contrary to policy SQ 8 of the Managing Development and the Environment Development Plan Document and paragraph 111 of the National Planning Policy Framework.

**RESOLVED:** That planning permission be DEFERRED for a report from the Head of Legal and Democratic Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution).

[Speakers: Ms S Weaver, applicant]

**AP3 22/6 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 9.15 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**GENERAL PURPOSES COMMITTEE**

**MINUTES**

**Monday, 18th July, 2022**

**Present:** Cllr M R Rhodes (Chair), Cllr B J Luker (Vice-Chair), Cllr Mrs P A Bates, Cllr M A Coffin, Cllr D A S Davis, Cllr N J Heslop, Cllr D Keers, Cllr W E Palmer, Cllr R V Roud and Cllr Mrs M Tatton

(Note: As Councillor A E Clark was unable to attend in person and participated via MS Teams she was unable to vote on any matters).

Councillors Mrs J A Anderson, R P Betts, V M C Branson, D Harman, M A J Hood, Mrs A S Oakley and H S Rogers 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 S Bell and D J Cooper (substituted by D W King).

**PART 1 - PUBLIC**

**GP 22/24 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Councillor D King - substitute for Councillor D Cooper

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**GP 22/25 DECLARATIONS OF INTEREST**

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

**GP 22/26 URGENT ITEMS**

In accordance with the Local Government Act 1972 S100B, the Chair was of the opinion that the following item (GP 22/27) should be considered as a matter of urgency due to special circumstances and could not be deferred until the next meeting for the reasons set out in the report.

**DECISIONS TAKEN UNDER DELEGATED POWERS****GP 22/27 AMENDMENT TO DISPENSATION FOR COUNCILLOR M DAVIS**

The Committee considered a request to amend a dispensation granted to Councillor Mark Davies under section 33 of the Localism Act 2011 to allow participation in meetings of the Overview and Scrutiny Committee and the Scrutiny Select Committees where the Local Plan was under discussion.

A dispensation granted on 19 June 2019, effective until the next local elections in May 2023, required amendment to reflect the revised governance changes implemented in May 2022. In particular, the newly established Scrutiny Select Committees were not covered by this dispensation.

As the proposed amendment sought only to update the existing dispensation in response to recent changes to the governance structure, the Monitoring Officer had no objections. This view was supported by the General Purposes Committee.

**RESOLVED:** That

- (1) the request to amend the dispensation granted to Councillor Mark Davis be approved to read as follows:

‘a dispensation be granted to allow Councillor Mark Davis to remain in the meetings of the Area Planning Committees, the Overview and Scrutiny Committee, any of the Scrutiny Select Committees, Cabinet and Full Council where the Local Plan is discussed (in circumstances where he would otherwise be required to declare an Other Significant Interest) to listen to, but not participate in, the debate or vote on the matter in hand. In addition, Councillor Mark Davis will have the right to address the meeting but will not be permitted to take part further in the discussions’

- (2) the amended dispensation should remain in effect until the next local elections in May 2023.

**MATTERS FOR CONSIDERATION IN PRIVATE****GP 22/28 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****GP 22/29 PLANNING SERVICE - STRUCTURE CHANGES**

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

The report set out proposals for a number of establishment and structure changes within the Planning Service. The changes were recommended to meet current and future service delivery challenges.

**RESOLVED:** That the following changes be implemented with effect from 1 September 2022

- (1) 3 Principal Planning Officers – Development Management (DJ0160, DJ0161 and DJ0163) deleted from the establishment;
- (2) 2 Development Management Team Leader posts (Grade M) be created;
- (3) Senior Planning Officer (DJ0164) deleted from the establishment;
- (4) a Major Projects Team Leader (Grade M7) be created;
- (5) a Principal Planning Officer – Major Projects (Grade M8) be created;
- (6) a Senior Planning Officer – Major Projects (Grade M9) be created;
- (7) reduction in establishment hours for Technical Officer (DJ0156) from 37 to 30 hours;
- (8) reduction in establishment hours for Technical Officer (DJ0151) from 37 to 22.5 hours;
- (9) Conservation Officer (DJ0171) deleted from the establishment;  
and
- (10) the associated £15,400 funding transferred to the Supplies and Services budget line with immediate effect.

The meeting ended at 8.19 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**MINUTES**

**Tuesday, 19th July, 2022**

**Present:** Cllr J L Botten (Chair), Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr M O Davis, Cllr D Harman, Cllr M A J Hood, Cllr D W King, Cllr R V Roud, Cllr Miss G E Thomas and Cllr D Thornewell

Councillors H S Rogers and K Tanner were also present pursuant to Council Procedure Rule No 15.21.

Councillors Mrs P A Bates, V Branson, D Davis, S A Hudson, D Keers, A Oakley, W E Palmer and J Sergison 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 R W Dalton, Mrs F A Kemp and M R Rhodes.

**HP 22/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute Members nominated for this meeting.

**HP 22/2 DECLARATIONS OF INTEREST**

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

**HP 22/3 MINUTES**

As this was the first meeting of the Housing and Planning Scrutiny Select Committee there were no minutes to be considered.

**HP 22/4 WORK PROGRAMME 2022/23**

In advance of the meeting, Members had been asked to submit suggestions to be considered for inclusion in the Work Programme for 2022/23. The following suggestions would be included on the Work Programme

- Local Plan – Regulation 18
- Carports, Garages and IGN3
- S106 contributions from developers for Parish Council projects

**MATTERS FOR RECOMMENDATION TO THE CABINET**

**HP 22/5 STATEMENT OF COMMUNITY INVOLVEMENT**

The report of the Director for Planning, Housing and Environmental Health explained how residents and other stakeholders would be engaged as the Council prepared planning policies and determined planning applications. The Statement of Community Involvement was attached at Annex 1 to the report. During discussion, members sought clarification on advertising means, the weight given to responses received from statutory consultative groups, and reassurance that there was consistency between the Statement of Community Involvement and the Development Management Protocol.

**RECOMMENDED:** That the Statement of Community Involvement be adopted for development management and planning policy purposes.

**\* Referred to Cabinet**

**HP 22/6 HIGHWAY OFFICER ATTENDANCE AT TMBC AREA PLANNING COMMITTEES**

The report of the Director of Planning, Housing and Environmental Health provided an update for members on the negotiations with Kent County Council to agree a protocol for highway officer attendance at the Area Planning Committees.

The Borough Council wished to work collaboratively with Kent County Council to find a workable solution and agree a protocol that would result in attendance of County Council officers at the Area Planning Committee meetings and it was considered that the proposed protocol set out at paragraph 1.1.2 of the report did not address the key concerns of Members and Officers. The Borough Council's alternative proposal on a draft protocol was set out in Annex 1 and the response of the Corporate Director of Growth, Environment and Transport confirming that highways officers would only attend planning meetings in accordance with the terms set out in paragraph 1.1.2 of the report was attached as Annex 2 of the report and the approach had been reaffirmed by the Cabinet member for Highways and Transport and agreed with other Kent districts.

Members gave detailed consideration to the report which and expressed concern of not having an agreed protocol in place. During discussion, Members recognised the capacity restraints of the Highways team, however agreed that a Highways Officer should be in attendance where proposals were of a strategic nature or where it was agreed that there were significant or complex highways issues which could not be adequately presented by the district officer so Members could ask

questions and seek clarification on their response as a statutory consultee.

**RECOMMENDED:** That

- (1) the contents of the report be noted;
- (2) the concerns of Members with not having an agreed protocol in place be set out and relayed to the Cabinet Member for Highways and Transport; and
- (3) a Member/Senior Officer group be established to liaise with Kent County Council with the aim to seek a compromise on an agreed protocol, articulating the counter proposal from Tonbridge and Malling Borough Council.

**\* Referred to Cabinet**

**MATTERS SUBMITTED FOR INFORMATION**

**HP 22/7 UPDATE ON THE LATEST BUILDING REGULATION CHANGES**

Members received a presentation which provided an update on the latest building regulation changes including those that had come into effect on 15 June 2022.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**HP 22/8 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.36 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**  
**COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT**  
**COMMITTEE**

**MINUTES**

**Wednesday, 20th July, 2022**

**Present:** Cllr S A Hudson (Chair), Cllr Miss G E Thomas (Vice-Chair),  
Cllr Mrs P A Bates, Cllr C Brown, Cllr A Cope, Cllr F A Hoskins,  
Cllr M A J Hood, Cllr W E Palmer, Cllr M R Rhodes,  
Cllr Mrs M Tatton, Cllr D J Cooper, Cllr H S Rogers and  
Cllr C J Williams

Councillors R V Roud and T B Shaw were also present pursuant to Council Procedure Rule No 15.21.

Councillors M Boughton, V Branson, M Coffin, D Harman, D Keers, B Luker, A Oakley, J Sergison and K Tanner 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, Mrs S Bell (substituted by C Williams), N Foyle (substituted by H Rogers), A Kennedy and J R S Lark (substituted by D Cooper).

**CE 22/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Cllr D Cooper – substitute for Cllr Lark  
Cllr H Rogers – substitute for Cllr Foyle  
Cllr C Williams – substitute for Cllr Bell

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**CE 22/2 DECLARATIONS OF INTEREST**

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

**CE 22/3 MINUTES**

As this was first meeting of the Communities and Environment Scrutiny Select Committee there were no minutes to be considered.

## **CE 22/4 WORK PROGRAMME 2022/2023**

In advance of the meeting, Members had been asked to submit suggestions to be considered for inclusion in the Work Programme for 2022/23. The following suggestions were received:

- Tonbridge Castle – outcome of public consultation
- Biodiversity and Climate Change
- Review of how the Community Safety Partnership deals with Anti-Social Behaviour with the housing associations and residents who fail to comply.
- Performance of Waste Services, including KPIs

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **CE 22/5 SATURDAY FREIGHTER SERVICE**

The joint report of the Cabinet Member for Technical and Waste Services and the Director of Street Scene, Leisure and Technical Services reminded Members that the Saturday Freighter Service had been suspended since 28 March 2020, initially as a result of the Covid pandemic and subsequently due to the national HGV driver shortage and the prioritisation of resources on the delivery of frontline collection services. Members were reminded that the service had been established to compensate for the non-provision of a Household Waste Recycling Centre (HWRC) within the Borough's boundary and that Kent County Council (KCC), as the Waste Disposal Authority, had supported the provision of the freighter service with a payment of £9,000 per annum. This payment ceased following the commissioning of the new HWRC at Allington.

Members gave detailed consideration to the report which provided details of the resources required for the current service, indicated alternative disposal opportunities, identified environmental considerations and advised that, as the service did not promote or incentivise residents to recycle, it contradicted the aims of the Council's Climate Change Strategy and associated Action Plans and had a negative impact on recycling rates by increasing the tonnage of waste sent for incineration.

A number of Members expressed concern that withdrawal of the service could lead to an increase in fly tipping and were advised that the data set out in Annex 1 suggested that there was no correlation between increased fly tipping and the suspension of the service. In response to comments regarding the location of the new facility at Allington relative to communities in the South and West of the Borough the Director of Street Scene, Leisure and Technical Services advised that those residents would be able to use the KCC HWRCs at North Farm, Cuxton and Tovil. Attention was drawn to the bookable Household Bulky Waste

Collection service which provided a doorstep collection and was offered at a reduced rate for those on Council Tax Reduction benefit.

**RECOMMENDED:** That

- (1) Cabinet be asked to remove the Saturday Freighter Service; and
- (2) Cabinet be asked to consider a sliding scale of charges for the bookable Household Bulky Waste Collection service to include two free collections per annum for residents on benefits.

\* Referred to Cabinet

**MATTERS FOR CONSIDERATION IN PRIVATE**

**CE 22/6 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.10 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**AUDIT COMMITTEE**

**MINUTES**

**Monday, 25th July, 2022**

**Present:** Cllr Mrs F A Kemp (Chair), Cllr N Foyle (Vice-Chair), Cllr T Bishop, Cllr R I B Cannon, Cllr N J Heslop, Cllr J R S Lark, Cllr M R Rhodes and Cllr M A J Hood.

Councillors V M C Branson, M A Coffin, D Harman, Mrs A S Oakley, W E Palmer, J L Sergison and K Tanner 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.

An apology for absence was received from Councillor N G Stapleton.

**PART 1 - PUBLIC**

**AU 22/24 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute members were recorded as set out below:

Cllr M Hood – substitute for Cllr Stapleton

In accordance with Council Procedure Rules 17.5 to 17.9 this Councillor had the same rights as the ordinary member of the committee for whom they were substituting.

**AU 22/25 DECLARATIONS OF INTEREST**

There were no declarations of interest made in accordance with the Code of Conduct. In the interests of transparency, Councillor T Bishop advised that he was one of the Council's appointees to the Tonbridge and Malling Leisure Trust to which reference was made in the report on Risk Management.

**AU 22/26 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Audit Committee held on 4 April 2022 be approved as a correct record and signed by the Chair.

**MATTERS FOR RECOMMENDATION TO THE COUNCIL****AU 22/27 LOCAL CODE OF CORPORATE GOVERNANCE**

The joint report of the Chief Executive and the Director of Central Services informed Members of the outcome of the annual review of the Local Code of Corporate Governance. Particular attention was drawn to the consequences for the Local Code of the LGA Peer Review Challenge 2022, changes to the executive governance arrangements, the adoption of a new Kent Code of Conduct for Councillors and an internal audit of the Local Code of Corporate Governance.

**RESOLVED:** That the amendments to the Local Code of Corporate Governance, as set out at Annex 1 to the report, be approved and commended to Council for adoption. 

**\*Referred to Council**

**AU 22/28 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT 2021-22**

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to June of the current financial year. The treasury management outturn position for 2021/22 was also set out.

The report provided an assessment of the current economic situation and interest rate forecasts together with a commentary on investments derived from cash flow surpluses, core cash balances and other long term cash balances. A full list of investments held on 30 June 2022 was set out in Annex 1 to the report.

Member's attention was drawn to the Revenue and Capital Outturn report for 2021/22 as set out at Annex 4 which provided a summary of the investment performance. The combined performance of the Authority's investments exceeded the revised estimate by £58,949 due to the interest rate changes applied in December 2021 through to March 2022.

**RECOMMENDED:** That the following be commended to Council: 

- (1) the action taken in respect of treasury management activity for April to June 2022 be endorsed;
- (2) the 2021/22 outturn position be noted.

**\*Referred to Council**

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

**AU 22/29 RISK MANAGEMENT**

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register where a further risk, Organisational Development including recruitment and retention/skills mix, had been categorised as RED.

**RESOLVED:** That the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED, be noted.

**AU 22/30 ANNUAL GOVERNANCE STATEMENT 2021-2022**

The report of the Management Team presented the Annual Governance Statement for the year ended 31 March 2022 which was required to be certified by both the Leader of the Council and the Chief Executive to accompany the Council's Statement of Accounts 2021/22.

The Annual Governance Statement had been prepared by way of a self-assessment questionnaire and supporting evidence to demonstrate that there is a sound system of corporate governance in place throughout the organisation.

**RESOLVED:** That the Annual Governance Statement for the year ended 31 March 2022, as set out at Annex 1 to the report, be endorsed.

**AU 22/31 STATEMENT OF ACCOUNTS 2021-2022 AND PROGRESS  
UPDATE ON AUDIT OF ACCOUNTS**

The report of the Director of Finance and Transformation presented an unaudited set of Accounts for 2021/22 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom. Attention was drawn to the Statement of Accounts at Annex 1 which had been circulated separately and to an additional supplementary report in respect of informing the audit risk assessment which had been circulated on 22 July 2022.

**RESOLVED:** That

- (1) the unaudited set of Accounts for 2021/22 be noted and endorsed;
- (2) the Statement provided by the Director of Finance and Transformation in support of assertions made in the Statement of Responsibilities for the Statement of Accounts, as set out at Annex 3 to the report, be noted;

- (3) the progress update on the audit of Accounts for 2021/22 be noted; and
- (4) the content of the supplementary report circulated on 22 July 2022 be noted and any further comments by Members for inclusion in the response to the auditors be provided to the Director of Finance and Transformation by 28 July 2022.

#### **AU 22/32 REVIEW OF EFFECTIVENESS OF INTERNAL AUDIT**

The report of the Chief Audit Executive informed the committee of the findings of the annual review of the effectiveness of the Internal Audit function for the year 2021/22. Members were advised that the Management Team had considered the outcome of the review and concluded that the opinion on the effectiveness of the Internal Audit function in place for the year 2021/22 was Good.

**RESOLVED:** That on the basis of the findings of the review, the opinion that the effectiveness of Internal Audit function for the year 2021/22 was Good be endorsed.

#### **MATTERS SUBMITTED FOR INFORMATION**

#### **AU 22/33 OPINION OF THE CHIEF AUDIT EXECUTIVE ON THE FRAMEWORK OF GOVERNANCE, RISK MANAGEMENT AND CONTROL TOGETHER WITH THE ANNUAL INTERNAL AUDIT REPORT AND ANNUAL COUNTER FRAUD REPORT 2021-22**

The report informed the Committee of the opinion of the Chief Audit Executive on the Council's framework for governance, risk management and control together with the Internal Audit work completed during 2021/22 to support that opinion. The report also informed the Committee of the work carried out by the Counter Fraud function in 2021/22.

**RESOLVED:** That the report be noted.

#### **AU 22/34 INTERNAL AUDIT AND COUNTER FRAUD UPDATE AND GDPR STORAGE LIMITATION**

Further to concerns expressed by the Committee at the meeting held on 4 April 2022 (Minute AU 22/20 refers) the report of the Director of Central Services and Deputy Chief Executive provided an update on the 'No Assurance' opinion in respect of the audit findings on Data retention, principle 5 of the General Data Protection Regulation (GDPR).

**RESOLVED:** That the report be noted.

**AU 22/35 GRANT THORNTON AUDIT PROGRESS REPORT AND SECTOR UPDATE**

The report of the Director of Finance and Transformation introduced a progress report on the audit of the 2021/22 accounts and update on emerging national issues and developments from the external auditor Grant Thornton.

**RESOLVED:** That the report be noted.

**AU 22/36 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.40 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT  
COMMITTEE**

**MINUTES**

**Tuesday, 26th July, 2022**

**Present:** Cllr R I B Cannon (Chair), Cllr F G Tombolis (Vice-Chair), Cllr P Boxall, Cllr T Bishop, Cllr C Brown, Cllr M O Davis, Cllr D Harman, Cllr N J Heslop, Cllr M A J Hood, Cllr B J Luker and Cllr H S Rogers

**In attendance:** Councillor M A Coffin was also present pursuant to Council Procedure Rule No. 15.21.

Councillors Mrs S Bell, M D Boughton, V M C Branson, S A Hudson, D Keers, Mrs A S Oakley, W E Palmer, M R Rhodes, J L Sergison and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base and C J Williams

**PART 1 - PUBLIC**

**FRP 22/1 NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no substitute Members nominated for this meeting.

**FRP 22/2 DECLARATIONS OF INTEREST**

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

**FRP 22/3 MINUTES**

As this was first meeting of the Finance, Regeneration and Property Scrutiny Select Committee there were no minutes to be considered.

**FRP 22/4 WORK PROGRAMME 2022/2023**

In advance of the meeting, Members had been asked to submit suggestions to be considered for inclusion in the Work Programme for 2022/23. The following suggestions were received:

- Future occupation of retail units on Station Approach, Tonbridge
- Future of Temporary Accommodation units, Pembury Road, Tonbridge

- Medium Term Financial Strategy and Savings and Transformation Strategy and Cabinet proposals on how to address the funding deficit
- Revenue Estimates
- Capital Plan
- Closure of Tonbridge Post Office

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **FRP 22/5 BUSINESS RATES LOCAL SCHEME DECISION**

The report of the Director of Finance and Transformation provided details of a new discretionary rate relief scheme for 2022/23 to replace Transitional Relief and Supporting Small Business Relief which had both ceased on 31 March 2022.

This new relief was introduced to help businesses who would have still qualified for the previous schemes if they had continued into 2022/23, as the revaluation had been delayed from 1 April 2022 to 1 April 2023.

Members had regard to the main issues, the financial and value for money considerations and the legal implications detailed in the report and sought clarity around potential levels of fraud and funding to support the Borough Council in administering this new grant. In response, Members were advised that the risk of fraud remained very low and the Borough Council had robust measures in place. With regard to additional funding, it was reported that new burdens funding had been received for previous schemes. However, there was uncertainty around any future new burdens funding to support these new schemes.

**RECOMMENDED:** That

- (1) a scheme for the Extension of Transitional Relief and Supporting Small Business Relief be adopted for small and medium properties for 2022/23; and
- (2) delegated authority be given to the Revenues Manager to award, revise or revoke relief in accordance with the adopted scheme, subject to any disputed entitlement to relief being referred to the Director of Finance and Transformation.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **FRP 22/6 REVENUE AND BENEFITS UPDATE**

Members noted the recent developments in respect of council tax, business rates, council tax reduction and housing benefits as detailed in the report of the Director of Finance and Transformation.

Collection rates for council tax remained above target. However, due to the current economic climate and the cost of living crisis it was not expected that this performance would continue into the latter half of this financial year. As a result, the collection target for council tax had been reduced to 98% for 2022/23. The collection rate for businesses remained unchanged at 98.5% due to the strong performance last year.

Finally, it was noted that the level of take up for direct debit payments had increased to 82% due to the energy rebate scheme.

### **MATTERS FOR CONSIDERATION IN PRIVATE**

#### **FRP 22/7 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 FOR RECOMMENDATION TO THE CABINET**

#### **FRP 22/8 GIBSON BUILDING - HIGH LEVEL OPTIONS FOR LONG TERM OFFICER ACCOMMODATION**

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

The report of the Director of Central Services and Deputy Chief Executive provided an update on progress being made with reviewing the Council's office accommodation requirements and presented high level options for consideration.

Members views were sought on where the Borough Council should have its main office, whether the co-location arrangement with Kent Police should continue and the approach to be adopted towards the removal of covenants on the Council's title.

There was in-depth discussion on where the main offices of the Borough Council should be located and whether there were any suitable alternative sites in the ownership of the Council that represented value for money, easy access for residents and provided appropriate facilities. On balance, the Committee were of the view that the main offices should continue to be located at Kings Hill on the grounds of reasonable transport links from the North and South of the Borough and its central location. It was also recognised that options around the current location had the potential to represent best value for money.

However, the Committee also expressed the view that other Members of the Council should have the opportunity to comment on any future location of the main offices. It was recommended that a short survey should be circulated to all councillors and responses reported to the next meeting of Cabinet.

Members were also of the view that co-locating with Kent Police had many benefits for residents and were supportive of the arrangement continuing if a suitable solution was identified.

Unfortunately, the opinion of Counsel in respect of the covenants was not available and the Committee requested that this matter be deferred until the advice had been received and circulated.

Finally, the Monitoring Officer committed to clarifying the position around access to the opinion of Counsel for those Members who also served as a County Councillor.

**RECOMMENDED:** That

- (1) the options set out in the report be noted;
- (2) the view of the Committee that the main offices of the Borough Council should continue to be located in Kings Hill be noted;
- (3) the view of the Committee that the co-location arrangement with Kent Police should continue, if a suitable solution was identified, be noted;
- (4) the view of the Committee in respect of the removal of covenants be deferred until legal advice had been received and circulated;
- (5) Officers be asked to carry out further investigation into the feasibility of Option 4 (as detailed in the report) including negotiating a settlement with Kent County Council on the alteration/removal of the covenants (subject to Member approval);
- (6) a short survey be circulated to all Councillors seeking their views as to where the main office building should be located and responses presented to Cabinet in due course;
- (7) a further progress report be brought back to the Finance, Regeneration and Property Scrutiny Select Committee in due course.

**\*Referred to Cabinet**

The meeting ended at 9.30 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> Cabinet Member for Strategic Planning and Infrastructure	<b>Decision Number:</b> D220062MEM
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**Date: 6 July 2022**

<b>Decision(s) and Reason(s)</b>
<b>HOUSING DELIVERY TEST – ACTION PLAN UPDATE</b>
Following consideration of the options, the Cabinet Member for Strategic Planning and Infrastructure resolved that:  (1) the significant progress be noted; and  (2) that the key actions to help boost housing delivery as set out in Annex 1 be endorsed.
<b>Reasons for decision:</b>  As set out in the briefing note/reasons report to the Portfolio Holder for Strategic Planning and Infrastructure of 6 July 2022.

Signed Cabinet Member for Strategic Planning and Infrastructure	D Davis
Signed Leader:	M Boughton
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.



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> Cabinet Member for Community Services	<b>Decision Number:</b> D220064MEM
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**Date: 14 July 2022**

<b>Decision(s) and Reason(s)</b>
<b>CLOSURE OF BLUE BELL HILL COMMUTER CAR PARK AT THE WEEKENDS</b>
Following consideration of the options set out in the Cabinet Member reasons report, the Cabinet Member for Community Services resolved that:  (1) the Blue Bell Hill Commuter Car Park be closed from Friday evening until Monday morning; and  (2) a gate be purchased in order to facilitate the closure of the Car Park during the period set out above.
<b>Reasons for decision:</b>  The Blue Bell Hill Commuter Car Park has been experiencing anti-social behaviour caused by nuisance vehicles within the car park and travelling to the car park. Closing the car park at the weekends will help to reduce this anti-social behaviour.

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	20 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.



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> Cabinet Member for Finance, Innovation and Property	<b>Decision Number:</b> D220065MEM
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**Date: 19 July 2022**

<b>Decision(s) and Reason(s)</b>
<b>PURCHASE OF NEC FORM DESIGNER SOFTWARE AS A SERVICE TO COMPLEMENT AND ENHANCE NEC CITIZENS ACCESS SOFTWARE, IMPROVING EFFICIENCY, CUSTOMER EXPERIENCE AND SAVING COSTS.</b>
Following consideration of the options set out in the Cabinet Member reasons report, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) the Revenues and Benefits Service purchase the NEC Citizen Access Form Designer software licence at a current cost of £8,000 per annum to be funded for two years from the Transformation Fund; and (2) the continued use of the product thereafter be reliant on realising associated savings that, at minimum, match the ongoing cost.
<b>Reasons for decision:</b>  As set out in the product evaluation and briefing note to the Portfolio Holder for Finance, Innovation and Property at Annexes 1 and 2.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	25 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.

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

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220066MEM</b>
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**Date: 12 July 2022**

<b>Decision(s) and Reason(s)</b>
<b>UTILITY COST SHARING ARRANGEMENT WITH TONBRIDGE AND MALLING LEISURE TRUST</b>
Following consideration of the options set out in the Cabinet Member reasons report, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) Two on account payments in respect of the utility cost sharing arrangement be made in recognition of the significant impact of increased energy costs on TMLT's in-year cashflow position. One in September and the other in December; and  (2) a final payment following the end of the financial year. The scale of the on account payments to be agreed by the Director of Finance and Transformation in liaison with TMLT when a clearer picture begins to emerge as to TMLT's in-year cashflow position.
<b>Reasons for decision:</b>  Under the management agreement with Tonbridge and Malling Leisure Trust (TMLT) there is a utility cost sharing arrangement that is triggered dependent on certain circumstances including trading performance. Not surprisingly, that arrangement will be triggered in 2022/23. The claim (sum to be paid) under the agreement is ordinarily to be paid following the end of the financial year. However, in recognition of the significant impact of increased energy costs on TMLT's in-year cashflow position it is proposed on account payments be made in 2022/23.

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	25 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.

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **CABINET**

## **MINUTES**

**Thursday, 4th August, 2022**

**Present:** Cllr M D Boughton (Chair), Cllr V M C Branson, Cllr M A Coffin, Cllr D A S Davis, Cllr D Keers and Cllr P J Montague

Councillors D Harman, W Palmer, M Rhodes, H Rogers, R Roud and J 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.

Apologies for absence were received from Councillors R P Betts and K B Tanner

### **PART 1 - PUBLIC**

#### **CB 22/76 DECLARATIONS OF INTEREST**

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

### **EXECUTIVE NON-KEY DECISIONS**

#### **CB 22/77 HOUSEHOLD SUPPORT FUND**

Decision Notice D220067CAB

The report of the Director of Finance and Transformation sought approval of the Council's approach in the use of the current grant of Household Support Fund (HSF) for the Borough. Cabinet was reminded that the Fund was initially established as part of the covid recovery financial package and now formed part of the national cost of living support package to those in most need across England with the cost of food, energy, water bills and other essentials. The report advised that, in Kent, the Fund was allocated to the County Council which had decided to distribute a proportion of the fund to district councils to target support in their areas on conditional agreement of the direction of spend meeting national and local criteria. The grant was to be used in the period 1 April 2022 to 30 September 2022 and, in Tonbridge and Malling, amounted to a total of £326,896.00 in the form of two allocations:

Allocation A – to support pensioners with energy bills (£262,710.00)

Allocation B – to support vulnerable households in line with wider Government guidance (£64,186.00)

The report proposed that, in respect of Allocation A, direct awards/payments of £100 be made to all pensioner households in receipt of local council tax reduction during the grant period (approximately 2,500 households) with the residual balance being used to assist individual pensioner households in hardship through rising energy costs on referral from Council services or supporting agencies. With regard to Allocation B the report proposed that this be distributed on negotiation to the network of foodbanks across the Borough, having regard to those areas with highest demand.

After careful consideration of the legal and resource implications, financial and value for money considerations and the risk and equality impact assessments, the Cabinet

**RESOLVED:** That

- (1) the Household Support Fund Policy, as set out at Annex 1 to the report, be approved; and
- (2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the detail in that Policy.

**CB 22/78 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.44 pm

**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet**  
**Decision No: D220067CAB**  
**Decision Type: Non Key**  
**Date: 04 August 2022**

**Decision(s) and Reason(s)**

**Household Support Fund**

**(Report of Director of Finance and Transformation)**

**Approval was sought of the Borough Council's approach in the use of the current grant of Household Support Fund (HSF) for the Borough. Cabinet was reminded that the Fund was initially established as part of the covid recovery financial package and now formed part of the national cost of living support package to those in most need across England with the cost of food, energy, water bills and other essentials. The report advised that, in Kent, the Fund was allocated to the County Council which had decided to distribute a proportion of the fund to district councils to target support in their areas on conditional agreement of the direction of spend meeting national and local criteria. The grant was to be used in the period 1 April 2022 to 30 September 2022 and, in Tonbridge and Malling, amounted to a total of £326,896.00 in the form of two allocations:**

**Allocation A – to support pensioners with energy bills (£262,710.00)**

**Allocation B – to support vulnerable households in line with wider Government guidance (£64,186.00)**

**The report proposed that, in respect of Allocation A, direct awards/payments of £100 be made to all pensioner households in receipt of local council tax reduction during the grant period (approximately 2,500 households) with the residual balance being used to assist individual pensioner households in hardship through rising energy costs on referral from Council services or supporting agencies. With regard to Allocation B the report proposed that this be distributed on negotiation to the network of foodbanks across the Borough, having regard to those areas with highest demand.**

After having regard to the legal and resource implications, financial and value for money considerations and the risk and equality impact assessments, the Cabinet resolved that:

- (1) the Household Support Fund Policy, as set out at Annex 1 to the report, be approved; and

(2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the detail in that Policy.

Reasons: As set out in the report submitted to the Cabinet of 4 August 2022

Signed Chief Executive: J Beilby

Date of publication: 5 August 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**

**AREA 2 PLANNING COMMITTEE**

**MINUTES**

**Wednesday, 10th August, 2022**

**Present:** Cllr H S Rogers (Chair), Cllr B J Luker (Vice-Chair), Cllr R P Betts, Cllr P Boxall, Cllr M A Coffin, Cllr D Harman, Cllr Mrs F A Kemp, Cllr P J Montague, Cllr W E Palmer, Cllr J L Sergison, Cllr N G Stapleton, Cllr K B Tanner and Cllr M Taylor

Councillor D Davis 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 and S A Hudson

**PART 1 - PUBLIC**

**AP2 22/28 DECLARATIONS OF INTEREST**

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

**AP2 22/29 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 2 Planning Committee held on 29 June 2022 be approved as a correct record and signed by the Chairman.

**AP2 22/30 GLOSSARY AND SUPPLEMENTARY MATTERS**

Decisions were taken on the following applications subject to the prerequisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. 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 22/31 TM/21/01856/FL - LAND SOUTH WEST OF CLAYGATE HOUSE,  
WINFIELD LANE, BOROUGH GREEN**

Conversion of existing redundant building to a single dwelling, revision to that submitted under reference TM/21/00147/FL at Land South West of Claygate House, Winfield Lane, Borough Green.

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

11. If during construction works items or features of archaeological and historic importance are discovered, all development shall cease. It will then be necessary for the applicant, or their agents or successors in title, to secure the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be submitted to Local Planning Authority immediately on discovery of any historic item or feature for approval and works subsequently undertaken shall be in strict accordance with the approved brief.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

12. Prior to the first occupation of the dwelling hereby approved, all non-domestic paraphernalia and/or items and vehicles shall be removed from the land edged in blue as referenced in drawing number no. 2017-025v4-Location received 1 July 2021.

Reason: In the interests of the residential amenity of future occupiers of the dwelling.

13. No open storage of any kind shall be undertaken on the land edged in blue as referenced in drawing no. 2017-025v4-Location received 1 July 2021.

Reason: In the interest of the residential amenity of future occupiers of the dwelling.

[Speakers: Mr M Brewin, representing Plaxtol Parish Council, addressed the Committee in person and Mr S McKay (agent) addressed the Committee via MS Teams]

**AP2 22/32 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.20 pm



**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**AREA 3 PLANNING COMMITTEE**

**MINUTES**

**Thursday, 18th August, 2022**

**Present:** Cllr D J Cooper (Vice-Chair, in the Chair), Cllr T Bishop,  
Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond,  
Cllr P M Hickmott, Cllr D Keers, Cllr D Lettington,  
Cllr Mrs R F Lettington, Cllr R V Roud, Cllr Mrs M Tatton,  
Cllr D Thornewell and Cllr C J Williams

Councillor D Harman 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 M C Base (Chair), Mrs S Bell, R I B Cannon, R W Dalton, A Kennedy and Mrs A S Oakley

**PART 1 - PUBLIC**

**AP3 22/7 DECLARATIONS OF INTEREST**

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

**AP3 22/8 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 14 July 2022 be approved as a correct record and signed by the Chairman.

**AP3 22/9 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)**

**AP3 22/10 TM/21/02630/FL - 10 MURDOCK GROVE, WOULDHAM**

Carport conversion into bar/BBQ built area and increase in height to existing side panel of the carport (Retrospective) at 10 Murdock Grove, Wouldham.

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

[Speakers: Ms S Weaver, Applicant]

**PART 2 - PRIVATE**

**AP3 22/11 EXCLUSION OF PRESS AND PUBLIC**

The Chair moved, it was seconded and

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

**MATTERS FOR INFORMATION**

**AP3 22/12 TM/21/02630/FL - 10 MURDOCK GROVE, WOULDHAM**

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

The report of the Director of Central Services and Monitoring Officer outlined the potential consequences of refusing planning permission against the advice of officers (Minute AP3 22/10 refers).

**RESOLVED:** That the report be Noted.

The meeting ended at 7.52 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220068MEM</b>
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**Date: 5 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>BUSINESS RATES LOCAL SCHEME DECISION</b>
Following consideration of the options set out in the report of the Director of Finance and Transformation submitted to the Finance, Regeneration and Property Scrutiny Select Committee, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) a scheme for the Extension of Transitional Relief and Supporting Small Business Relief be adopted for small and medium properties for 2022/23; and  (2) delegated authority be given to the Revenues Manager to award, revise or revoke relief in accordance with the adopted scheme, subject to any disputed entitlement to relief being referred to the Director of Finance and Transformation.
<b>Reasons for decision:</b>  As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 23 July 2022 and as recommended by that Committee.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	5 August 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**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220069MEM</b>
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**Date: 2 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>DEBTS FOR WRITE OFF</b>
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)  Following consideration of business rate debts over £5,000 that were considered to be irrecoverable, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) 6 business rate debts to the value of £79,911.69 be written off for the reasons set out below.
<b>Reasons for decision:</b>  The debts cannot be recovered as the businesses have either been dissolved or liquidated

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	5 August 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**

<b>Decision Taken By:</b> Cabinet Member for Finance, Innovation and Property	<b>Decision Number:</b> D220070MEM
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**Date: 5 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>RURAL RATE RELIEF – RURAL SETTLEMENT LIST</b>
Following a review of the rural settlement list, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) the current rural settlement list should remain in force for the year 2023/24
<b>Reasons for decision:</b>  There have been no suggestions for amendment of the list. There is also no suggestion of there being any problems arising from the definitions of the rural settlements in the current list.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	5 August 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

<b>Decision Taken By: Cabinet Member for Technical and Waste Services</b>	<b>Decision Number: D220071MEM</b>
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**Date: 10 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>APPOINTMENT OF NATIONAL ENFORCEMENT SOLUTIONS (NES).</b>
Following consideration of the options set out in the Cabinet Member briefing note (attached as an Annex), the Cabinet Member resolved that:  (1) National Enforcement Solutions (NES) be appointed on a 12-month pilot to assess the future feasibility of external enforcement support for Tonbridge and Malling Borough Council.
<b>Reasons for decision:</b>  Tonbridge and Malling Borough Council does not currently have a dedicated enforcement team to deal with offences such as littering, dog fouling and fly-tipping. Enforcement duties are, however, incorporated into the roles of Officers with broader remits, primarily the three Waste and Enforcement Officers (WEO's)..  Following the introduction of the new contractor and new service provision in 2019, greater focus and priority has been required in managing performance on the contract. This has resulted in a notable reduction in enforcement activity and this situation is not envisaged to alter in the medium-term.  In order to maintain levels of cleanliness standards expected by residents, a range of approaches are adopted that includes education, physical cleansing and enforcement. Currently it is acknowledged that the latter cannot be prioritised within existing resources. Equally the Council's financial position will not allow the direct employment of additional resources to address this issue.  External assistance with enforcement is an option and in order to assess the feasibility of long-term success within the Borough of Tonbridge and Malling and to help steer any potential longer-term future procurement of external support it is proposed that a 12-month pilot be undertaken with NES – see attached Briefing Note further details.

Signed Cabinet Member for Technical & Waste Services:	P Montague
Signed Leader:	M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	11 August 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**

<b>Decision Taken By:</b> Cabinet Member for Community Services	<b>Decision Number:</b> D220072MEM
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**Date: 11 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>ADOPTION OF TMBC FLAG PROTOCOL</b>
Following consideration of the options, the Cabinet Member for Community Services resolved to adopt a Flag Protocol for TMBC.
<b>Reasons for decision:</b>  The Council often receives requests to fly a particular flag at one of its buildings, or to 'light up' Tonbridge Castle in a particular way. This Protocol sets out the Council's capabilities and in which situations a request will be considered.

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	12 August 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

<b>Decision Taken By:</b> <b>Cabinet Member for Community Services</b>	<b>Decision Number:</b> <b>D220073MEM</b>
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**Date: 3 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>COMMISSIONING OF GROUNDSCONSULTING (PART OF WCL LTD).</b>
Following consideration of the options set out in the Cabinet reasons report (briefing note) the Cabinet Member for Community Services resolved:  (1) To commission GroundsConsulting to undertake an initial options review for the retender of the Borough Council's Grounds Maintenance Contract. This to include, service delivery options, current market conditions, a high-level costing and time frame delivery model and the potential for more sustainable and environmental additions and improvements (see attached Briefing Note for further details).
<b>Reasons for decision:</b>  Following discussion at the Council's Management Team it was considered that current internal staff would not have the appropriate skills or time to undertake the work required and highlighted above.  In liaison with full Management Team and the Director of Finance and Transformation it was proposed that the cost of the work (£4,887.50) be funded through the Council's Invest to Save budget allocation.

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	17 August 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

<b>Decision Taken By:</b> Cabinet Member for Community Services	<b>Decision Number:</b> D220074MEM
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**Date: 30 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>CONSIDERATION TO SIGN UP TO THE MEDWAY VALLEY COUNTRYSIDE PARTNERSHIP (MVCP) MEMORANDUM OF AGREEMENT.</b>
Following consideration of the options set out in the Cabinet reasons report (briefing note) the Cabinet Member for Community Services resolved:  <ol style="list-style-type: none"><li>1. Tonbridge and Malling Borough Council sign up to the MVCP Memorandum of Agreement confirming the Borough Council's support to the Partnership up to 31 December 2024 (See attached Briefing Note for further details).</li></ol>
<b>Reasons for decision:</b>  MVCP is a not-for-profit organisation dedicated to environmental conservation in the boroughs of Maidstone and Tonbridge and Malling. It organises practical environmental days, conservation volunteering, outdoor activities for young people and families and sources external funding for conservation projects and initiatives within the Borough  The Borough Council has supported the work of MVCP and financially contributed to the partnership as a Core Funding Member, since its establishment. The other Core Funders are the Environment Agency; Kent County Council and Maidstone Borough Council.  The continuation of financial support for MVCP is identified within the Councils approved Climate Strategy (see attached Briefing Note for further details).

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	31 August 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**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220075MEM</b>
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**Date: 31 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>COUNCIL TAX DEBTS FOR WRITE OFF</b>
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)  Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance, Innovation and Property resolved that the items shown below be written off:  (1) 7 council tax debts to the value of £75,812.14
<b>Reasons for decision:</b>  All options to recover the debts have been exhausted

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	31 August 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**

<b>Decision Taken By:</b> Cabinet Member for Finance, Innovation and Property	<b>Decision Number:</b> D220076MEM
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**Date: 31 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>HOUSING BENEFIT OVERPAYMENT DEBTS FOR WRITE OFF</b>
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)  Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance, Innovation and Property resolved that the items shown below be written off:  (1) 3 housing benefit debts to the value of £35,712.31
<b>Reasons for decision:</b>  All options to recover the debts have been exhausted

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	31 August 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**

<b>Decision Taken By:</b> Cabinet Member for Finance, Innovation and Property	<b>Decision Number:</b> D220077MEM
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**Date: 30 August 2022**

<b>Decision(s) and Reason(s)</b>
<b>HOUSEHOLD SUPPORT FUND ADDITIONAL GRANT – COATS FOR KIDS</b>
(1) To provide warm winter coats to children aged 5-11 living in financially vulnerable households. Provision through 3 <sup>rd</sup> party supplier. Households identified using Policy in Practice data tool. Scope to be contained within budget from KCC HSF special grant.
<b>Reasons for decision:</b>  A successful bid has been made to KCC Household Support Fund for the sum of £17,750 to supply warm winter coats to children aged 5-11 in financially vulnerable households. Funds are inclusive of all costs and reasonable expenses. Commitment to spend must be complete by 30 September 2022 and consideration to data protection and procurement procedures.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	6 September 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**

<b>Decision Taken By:</b> <b>Cabinet Member for Environment and Climate Change</b>	<b>Decision Number:</b> <b>D220078MEM</b>
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**Date: 7 September 2022**

<b>Decision(s) and Reason(s)</b>
<b>TO APPOINT A CLIMATE CHANGE OFFICER (3-YEAR FIXED TERM) TO FILL THE VACANT POST.</b>
Following consideration of the options, the Cabinet Member for Climate change resolved that:  (1) A Climate Change Officer be appointed on a 3-year contract.
<b>Reasons for decision:</b>  Climate Change is a key priority and the Council has declared an ambition to be carbon neutral by 2030. An officer is required with the relevant expertise to undertake carbon audits and prepare carbon descent plans to reach net zero.  The position of Climate Change Officer (2 year fixed term) was agreed at General Purposes Committee in 2021. The additional cost of extending the post to now offer a 3 year fixed term contract will be funded from the Climate Change reserve.

Signed Cabinet Member for Environment and Climate Change:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	7 September 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**

**HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE**

**MINUTES**

**Tuesday, 6th September, 2022**

**Present:** Cllr J L Botten (Chair), Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr M O Davis, Cllr D Harman, Cllr M A J Hood, Cllr Mrs F A Kemp, Cllr D W King, Cllr M R Rhodes, Cllr R V Roud, Cllr M Taylor and Cllr D Thornewell

**In attendance:** Councillors R P Betts, M D Boughton, D A S Davis, P M Hickmott, F A Hoskins, D Lettington, T B Shaw and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

**Virtual:** Councillors A E Clark, M A Coffin, A Cope, D Keers, P J Montague, Mrs A S Oakley, J L Sergison and Mrs M Tatton 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.

An apology for absence was received from Councillor Miss G E Thomas

**HP 22/9 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

- Councillor B Luker for Councillor G Thomas

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

**HP 22/10 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. He noted however that he was entitled to remain in the meeting in accordance with the dispensation granted to him under section 33 of the Localism Act 2011 at Minute GP 22/27 (General Purposes Committee of 18 July 2022).

**HP 22/11 MINUTES**

**RESOLVED:** That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 19 July 2022 be approved as a correct record and signed by the Chair.

## **MATTERS FOR RECOMMENDATION TO THE CABINET**

### **HP 22/12 REGULATION 18 LOCAL PLAN**

The report of the Director of Planning, Housing and Environmental Health detailed the purpose of the Regulation 18 consultation in respect of the draft Local Plan and advised that this was the first of two prescribed consultation processes.

The purpose of the Regulation 18 consultation was to seek a wide range of views from individuals, communities and stakeholders and invited comment on what a local plan should contain. There was limited prescription within primary and secondary legislation on the form and format of a Regulation 18 local plan provided statutory consultation duties were met.

Subject to the views of Members it was hoped that public consultation could commence in September 2022 for a period of six weeks. This would be in accordance with the Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended.

In addition, comments were also sought in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 on the interim draft Sustainability Appraisal.

For reasons of clarity, it was emphasised that at this stage the Plan only identified key 'issues' related to the Borough and the information set out in Annex 1, Appendix B, should be considered as a broad indication of the Borough Council's ability to meet its objectively assessed needs and did not represent the quantum or pattern of development to be proposed through future site allocations.

Careful consideration was given to the consultation approach and Members recognised that the preparation of a new local plan would provide the authority with an up to date Local Plan on adoption (anticipated 2025), which would alleviate the current risks associated with not having an up to date development plan in place. There were also reputational risks should the local plan programme not be delivered on time.

However, concern was expressed about the number of public open spaces identified as potential sites for development within the Urban Capacity Study. In response it was indicated that these sites were deemed to have potential for development for housing, employment or a mix of uses with the plan period. It was also emphasised that these sites would be subject to refinement following the completion of further suitability and availability analysis, the production of new evidence and consultation responses. It was agreed that the specification and

methodology used by consultants in drafting the Urban Capacity Study be shared with Members out of meeting for information.

Particular reference was made to General Data Protection Regulations (GDPR) and the importance of clarifying the requirements of the Planning Inspectors to meet this requirement when publishing consultation responses. Members were reminded that despite the views of the Planning Inspectorate organisations had a responsibility to protect data of individuals. The Director of Planning, Housing and Environmental Health committed to clarifying the position of the Borough Council in respect of GDPR as soon as possible.

Other points discussed and noted included the potential shortfall in traveller and gypsy sites, the challenges related to meeting the Objectively Assessed Need which continued to be raised with central Government and whether socio-economic factors should be considered as a protected characteristic when assessing sites.

Finally, a number of factual corrections were requested and the Director of Planning, Housing and Environmental Health committed to clarifying and amending these points before any public consultation commenced.

**RECOMMENDED:** That

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of the evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

**\*Referred to Cabinet**

**MATTERS SUBMITTED FOR INFORMATION**

**HP 22/13 WORK PROGRAMME 2022/23**

The Work Programme setting out matters to be scrutinised during 2022/23 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee. It was requested that the following matters be considered for inclusion in the Work Programme, subject to liaison with relevant Services:

- Walking and Cycling Infrastructure Plan/Active Travel Strategy
- Housing Strategy
- Healthy Homes Campaign
- Living Streets Principles

**HP 22/14 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.10 pm

# TONBRIDGE AND MALLING BOROUGH COUNCIL

## CABINET

## MINUTES

Wednesday, 7th September, 2022

**Present:** Cllr M D Boughton (Chair), Cllr R P Betts, Cllr V M C Branson, Cllr M A Coffin, Cllr D A S Davis, Cllr D Keers, Cllr P J Montague and Cllr K B Tanner

**In attendance:** Councillors D Lettington and Mrs A S Oakley were also present pursuant to Access to Information Rule No 23.

**Virtual:** Councillors Mrs J A Anderson, R I B Cannon, S A Hudson, W E Palmer, 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 22/79 DECLARATIONS OF INTEREST**

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

#### **CB 22/80 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Cabinet held on 5 July 2022 and the extraordinary of Cabinet held on 4 August 2022 be approved as a correct record and signed by the Chair.

### MATTERS SUBMITTED FOR INFORMATION

#### **CB 22/81 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 following decisions had also been taken by Cabinet Members:

- D220074MEM – Medway Valley Partnership
- D220075MEM – Debts for Write Off – Council Tax
- D220076MEM – Debts for Write Off – Housing Benefit
- D220077MEM – Household Support Fund Addition Grant – Coats for Kids
- D220078MEM - Climate Change Officer

**EXECUTIVE KEY DECISIONS - DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**CB 22/82 STATEMENT OF COMMUNITY INVOLVEMENT**

Decision Notice: D220079MEM

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee of 19 July 2022 (as set out at Minute Number HP 22/5).

Members attention was drawn to two amendments that had arisen since the meeting of the Housing and Planning Scrutiny Select Committee as detailed below:

(1) Page 7, first paragraph, to read:

‘Local Authorities are required to publish all consultation documents on their website and make copies available at the Council offices, in the case of Tonbridge and Malling this is the Gibson Building, Kings Hill and Gateway at Tonbridge Castle (unless this is unachievable due to national or local lockdowns associated with the Covid-19 pandemic).’

(2) Page 8, first sentence, to read:

‘Place notices on Council owned boards and those owned by parish councils.’

Particular reference was made to the General Data Protection Regulations (GDPR), as set out on page 3 of the Statement, and the requirement for those wishing to be contacted in relation to community engagement and updates to the Local Plan to register with the Borough Council. It was noted that people would be invited to register in a number of ways including the TMBC app, via email and in writing.

Finally, it was confirmed that there would be regular updates on the progress of the Local Plan, including the Duty to Co-operate, provided to the Housing and Planning Scrutiny Select Committee.

**RESOLVED:** That subject to the two amendments set out above, the Statement of Community Involvement be adopted for development management and planning policy purposes.

**CB 22/83 REGULATION 18 LOCAL PLAN**

Decision Notice: D220080CAB

Consideration was given to the recommendation of the Housing and Planning Scrutiny Select Committee meeting held on 6 September 2022 (as set out at Minute Number HP 22/12).

Further to the recommendation of the Scrutiny Select Committee, the Director of Planning, Housing and Environmental Health confirmed that the Members views in respect of the General Data Protection Rules (GDPR) would be given due regard as part of the consultation process and that the Urban Capacity Study specification and methodology would be circulated to Members under confidential cover as soon as possible. In addition, a number of factual points had been raised and these would be clarified and corrected if appropriate before the consultation was published.

Cabinet recorded appreciation to all those involved in preparing the Local Plan.

**RESOLVED:** That

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

**CB 22/84 HOUSING ALLOCATIONS SCHEME REVIEW**

Decision Notice: D220081CAB

Consideration was given to a revised Housing Allocations Scheme which had been amended to reflect several significant changes in legislation including the introduction of the Homelessness Reduction Act 2017 and the Domestic Abuse Act 2021. The opportunity was also taken to ensure that the Tonbridge and Malling Borough Council Scheme was fit for purpose and legislatively correct.

Any changes to an allocations scheme required local authorities to engage with housing providers operating in the local area to ensure they had a reasonable opportunity to comment on the proposals. In addition, the guidance advised that when an alteration was made which reflected a major change of policy then the local authority had to notify those affected by the changes and have the effect of that change brought to their attention.

Particular reference was made to the implementation of new IT systems used by Kent Homechoice Partnership for the administration of the Housing Register. As a result, it was proposed that the launch of the

Housing Allocations Scheme was delayed until late Spring 2023 to co-ordinate with these changes.

After careful consideration of the legal implications, the financial and value for money considerations and the equality impact assessment the Cabinet

**RESOLVED:** That

- (1) the draft Housing Allocations Scheme (set out at Appendix B) be approved;
- (2) responsibility for agreeing and implementing the final version of the Scheme, following the required engagement, be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing; and
- (3) the implementation of the new Scheme in line with the implementation of the new housing system, due to be launched in Spring 2023, be approved.

**EXECUTIVE NON-KEY DECISIONS - DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**

**CB 22/85 HIGHWAY OFFICER ATTENDANCE AT TMBC AREA PLANNING COMMITTEES**

Decision Notice: D220082CAB

Consideration was given to the recommendations of the Housing and Planning Scrutiny Select Committee meeting held on 19 July 2022 (as set out at Minute Number HP 22/6).

**RESOLVED:** That

- (1) the contents of the report presented to the Scrutiny Select Committee be noted;
- (2) the concerns of Members with not having an agreed protocol in place be set out and relayed to the County Cabinet Member for Highways and Transport; and
- (3) a Member and Senior Officer Group be established to liaise with Kent County Council with the aim to seek a compromise on an agreed protocol, articulating a counter proposal from Tonbridge and Malling Borough Council

**CB 22/86 EXECUTIVE SCRUTINY PROTOCOL**

Decision Notice: D220083CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting held on 7 July 2022 (as set out in Minute Number OS 22/24). Subsequent to this meeting, the Chair of the Overview and Scrutiny Committee had suggested a further amendment in respect of 'expectations of the Cabinet' (page 3 of the draft Protocol) and asked that a Cabinet Portfolio Holder attend in person when requested to do so.

Cabinet supported this request in principle but recognised that there were occasions when a Portfolio Holder might not be able to attend in person due to the short notice in respect of call-in of decisions and proposed that another Portfolio Holder or the Leader would attend in person when necessary.

The further change to the draft Protocol was proposed by Councillor Boughton, seconded by Councillor Coffin and agreed by Cabinet.

**RESOLVED:** That the draft Protocol (as set out at Annex 1 to the report) be approved, subject to the

- clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and Chair of the Overview and Scrutiny Committee; and
- amendment of 'expectations of Cabinet' so that the first paragraph read as follows:

'It is expected that Cabinet Portfolio Holders should attend meetings of the Overview and Scrutiny Committee in person, when requested, to present reports relevant to their portfolio and answer any relevant questions. Where a Portfolio Holder is unable to attend on a particular date it is expected that another Portfolio Holder or the Leader will attend on their behalf.'

## **CB 22/87 EAST PECKHAM ALLOTMENTS - COMPULSORY PURCHASE ORDER**

Decision Notice: D220084MEM

Further to Decision Notice [D210040CAB](#) of 16 March 2021, the report of the Director of Central Services and Deputy Chief Executive advised that East Peckham Parish Council had secured alternative land for the provision of allotments. Consequently, they no longer wished to pursue the Compulsory Purchase Order as previously agreed.

Cabinet considered whether to continue with the Compulsory Purchase Order to acquire the land as allotments to be administered by the Borough Council or to discontinue with making the Order.

Having had regard to the legal implications, the financial and value for money considerations and the risk assessment detailed in the report, the Cabinet

**RESOLVED:** That the making of a Compulsory Purchase Order under s.39(7) of the Small Holdings and Allotments Act 1908 in relation to land at Church Lane, East Peckham be discontinued.

#### **CB 22/88 COVID-19 ADDITIONAL RELIEF FUND POLICY**

Decision Notice: D220085CAB

The report outlined proposed changes to the current Covid-19 Additional Relief Fund and set out a number of options to maximise the amount of relief that could be awarded to local businesses.

It was noted that £329,672 of the original allocation provided by Government during the pandemic remained unspent and this would be returned when the deadline for award relief expired on 30 September 2022.

Careful consideration was given to the options set out in the report, together with the legal implications and the financial and value for money implications. Given the current economic climate, the Cabinet felt that local businesses could benefit from additional discretionary relief funding and on balance felt that a combination of Options B and C represented best value for money and financial support. This would provide businesses with grant funding totalling approximately £312,000.

**RESOLVED:** That Options B and C, to increase the rateable value limit to £109,999 and include advertising rights in the list of eligible properties, be progressed with immediate effect.

#### **CB 22/89 SATURDAY FREIGHTER SERVICE**

Decision Notice: D220086CAB

Following its temporary suspension, Cabinet considered the future of the Saturday Freighter Service. Consideration was also given to recommendation CE 22/5 (1) from the Communities and Environment Scrutiny Select Committee of 20 July 2022.

Careful consideration was given to the fact that the service did not encourage recycling; none of the waste collected, apart from electrical items, could be recycled; alternative disposal opportunities were now available to residents (as detailed in 1.3 of the report) including the recent opening of KCC's Household Waste Recycling Centre at Allington; environmental factors; that there appeared to be no correlation

between the level of incidents of fly tipping and the continued suspension of the service and customer feedback.

Particular reference was made to the financial and value for money considerations (as detailed in 1.9 of the report) and it was recognised that the reinstatement of the service would impact on the income received by the Borough Council from the bookable bulky collection service and the recycling Performance Payments received from KCC. However, the impact of either of these elements was difficult to estimate.

It was also noted that a Saturday Freighter was not provided by other local authorities in Kent, with the exception of Tunbridge Wells Borough Council, and the service was discretionary.

On the grounds that alternative opportunities for the disposal of bulky items existed, that data suggested no correlation between increased fly tipping and the suspension of the service, that the service did not promote or incentivise residents to recycle and did not support the Borough Council's Climate Change Strategy and that the non-reinstatement of the service would deliver a saving compared to the current budget provision Councillor Betts proposed, seconded by Councillor Tanner, that the recommendation of the Scrutiny Select Committee be supported.

**RESOLVED:** That the recommendation of the Communities and Environment Scrutiny Select Committee to remove the Saturday Freighter Service be approved.

#### **CB 22/90 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.

#### **EXECUTIVE KEY DECISION**

#### **CB 22/91 HOUSEHOLD BULKY REFUSE COLLECTION SERVICE**

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

Decision Notice: D220087CAB

The report set out options for fees and charges for the provision of services in respect of household bulky refuse and fridge/freezer collections and suggested a marketing campaign for the Service.

After careful consideration of the financial and value money implications, the risk and equality impact assessments and to provide support to

those on lower incomes Councillor Boughton proposed, seconded by Councillor Betts, that option 3 (to reduce the cost of concessionary fees) be implemented within the current financial year.

Concern was also expressed about the rate of inflation and the implications in respect of the contractor subsidy and Cabinet agreed that the contract should be increased in line with inflation from April 2023.

**RESOLVED:** That

- (1) the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 per annum and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and
- (2) the subsidy fee levied should be increased in line with the projected contract indexation, as per inflation, levels from 1 April 2023.

### **EXECUTIVE NON KEY DECISION**

#### **CB 22/92 GIBSON BUILDING - HIGH LEVEL OPTIONS FOR LONG TERM OFFICER ACCOMMODATION**

(Reasons: LGA 1972 Sch 12A Paragraphs 3 and 5 – Financial or business affairs of any particular person and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)

Decision Notice: D220088CAB

The report provided an update on progress with reviewing the Borough Council's office accommodation requirements. Consideration was also given to the recommendations of the Finance, Regeneration and Property Scrutiny Select Committee of 26 July 2022.

**RESOLVED:** That

- (1) the options set out in the report to the Finance, Regeneration and Property Scrutiny Select Committee be noted;
- (2) the view that the main offices of the Borough Council should continue to be located in Kings Hill be supported;
- (3) the view that the co-location arrangement with Kent Police should continue, if a suitable solution was identified be supported;
- (4) Officers be instructed to progress the further actions recommended by Counsel in respect of the removal of covenants (as set out in Annex 2 to the report);

- (5) Officers be asked to carry out further investigation into the feasibility of Option 4 (as detailed in the report), including negotiating a settlement with Kent County Council on the alteration/removal of the covenants; and
- (6) a further progress report be presented to the Finance, Regeneration and Property Scrutiny Select Committee in due course.

The meeting ended at 8.40 pm



**TONBRIDGE & MALLING BOROUGH COUNCIL**

**RECORD OF DECISION**

**Decision Taken By: Cabinet**

**Decision No: D220079CAB**

**Decision Type: Key**

**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Statement of Community Involvement**

**Consideration of recommendation HP 22/5 from the meeting of the Housing and Planning Scrutiny Select Committee of 19 July 2022.**

**Members attention was drawn to two amendments that had arisen since the meeting of the Housing and Planning Scrutiny Select Committee as detailed below:**

(1) Page 7, first paragraph, to read:

‘Local Authorities are required to publish all consultation documents on their website and make copies available at the Council offices, in the case of Tonbridge and Malling this is the Gibson Building, Kings Hill and Gateway at Tonbridge Castle (unless this is unachievable due to national or local lockdowns associated with the Covid-19 pandemic).’

(2) Page 8, first sentence, to read:

‘Place notices on Council owned boards and those owned by parish councils.’

**The Cabinet RESOLVED that:**

(1) subject to the two amendments set out above, the Statement of Community Involvement be adopted for development management and planning policy purposes

Reasons: As set out in the report of the Housing and Planning Scrutiny Select Committee of 19 July 2022.

Signed Chief Executive:

J Beilby

Date of publication:

9 September 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: D220080CAB**  
**Decision Type: Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Regulation 18 Local Plan**

**Consideration of recommendation HP 22/12 from the meeting of the Housing and Planning Scrutiny Select Committee of 6 September 2022.**

Further to the recommendation of the Scrutiny Select Committee, the Director of Planning, Housing and Environmental Health confirmed that the Members views in respect of the General Data Protection Rules (GDPR) would be given due regard as part of the consultation process and that the Urban Capacity Study specification and methodology would be circulated to Members under confidential cover as soon as possible. In addition, a number of factual points had been raised and these would be clarified and corrected if appropriate before the consultation was published.

**The Cabinet RESOLVED that:**

- (1) the commencement of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be approved;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health for any minor amendments, including typographical corrections, to the Regulation 18 consultation on the draft Local Plan; and
- (3) the publishing of evidence base documents, as set out in Annex 2 to the report, alongside the draft Local Plan be approved.

Reasons: As set out in the report to the Housing and Planning Scrutiny Select Committee of 6 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220081CAB**  
**Decision Type: Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Housing Allocations Scheme Review**

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

**Consideration was given to a revised Housing Allocations Scheme which had been amended to reflect several significant changes in legislation including the introduction of the Homelessness Reduction Act 2017 and the Domestic Abuse Act 2021. The opportunity was also taken to ensure that the Tonbridge and Malling Borough Council Scheme was fit for purpose and legislatively correct.**

Any changes to an allocations scheme required local authorities to engage with housing providers operating in the local area to ensure they had a reasonable opportunity to comment on the proposals. In addition, the guidance advised that when an alteration was made which reflected a major change of policy then the local authority had to notify those affected by the changes and have the effect of that change brought to their attention.

Particular reference was made to the implementation of new IT systems used by Kent Homechoice Partnership for the administration of the Housing Register. As a result, it was proposed that the launch of the Housing Allocations Scheme was delayed until late Spring 2023 to co-ordinate with these changes.

After careful consideration of the legal implications, the financial and value for money considerations and the equality impact assessment, **the Cabinet RESOLVED that:**

- (1) the draft Housing Allocations Scheme (set out at Appendix B) be approved;
- (2) responsibility for agreeing and implementing the final version of the Scheme, following the required engagement, be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Housing; and
- (3) the implementation of the new Scheme in line with the implementation of the new housing system, due to be launched in Spring 2023, be approved.

**Reasons: As set out in the report submitted to Cabinet of 7 September 2022**

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220082CAB**  
**Decision Type: Non Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Highway Officer Attendance at TMBC Area Planning Committees**

**Consideration of recommendation HP 22/6 from the meeting of the Housing and Planning Scrutiny Select Committee of 19 July 2022.**

**The Cabinet RESOLVED that:**

- (1) the contents of the report presented to the Scrutiny Select Committee be noted;
- (2) the concerns of Members with not having an agreed protocol in place be set out and relayed to the County Cabinet Member for Highways and Transport; and
- (3) a Member and Senior Officer Group be established to liaise with Kent County Council with the aim to seek a compromise on an agreed protocol, articulating a counter proposal from Tonbridge and Malling Borough Council

Reasons: As set out in the report submitted to Housing and Planning Scrutiny Select Committee of 19 July 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220083CAB**  
**Decision Type: Non Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Executive Scrutiny Protocol**

**Consideration of recommendation OS 22/24 from the meeting of the Overview and Scrutiny Committee of 7 July 2022.**

**The Cabinet RESOLVED that:**

Subject to the:

- clarification of the wording of the Protocol with regard to access to key information (in accordance with paragraph 40 of the Statutory Guidance) in consultation with the Leader and Chair of the Overview and Scrutiny Committee; and
- amendment of 'expectations of Cabinet' so that the first paragraph read as follows:

'It is expected that Cabinet Portfolio Holders should attend meetings of the Overview and Scrutiny Committee in person, when requested, to present reports relevant to their portfolio and answer any relevant questions. Where a Portfolio Holder is unable to attend on a particular date it is expected that another Portfolio Holder or the Leader will attend on their behalf.'

the draft Protocol (as set out at Annex 1 to the report) be approved.

Reasons: As set out in the report submitted to Overview and Scrutiny Committee of 7 July 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220084CAB**  
**Decision Type: Non Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**East Peckham Allotments - Compulsory Purchase Order**

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

Further to Decision Notice [D210040CAB](#) of 16 March 2021, the report of the Director of Central Services and Deputy Chief Executive advised that East Peckham Parish Council had secured alternative land for the provision of allotments. Consequently, they no longer wished to pursue the Compulsory Purchase Order as previously agreed.

**Cabinet considered whether to continue with the Compulsory Purchase Order to acquire the land as allotments to be administered by the Borough Council or to discontinue with making the Order.**

Having had regard to the legal implications, the financial and value for money considerations and the risk assessment detailed in the report, **the Cabinet RESOLVED that:**

- (1) the making of a Compulsory Purchase Order under s.39(7) of the Small Holdings and Allotments Act 1908 in relation to land at Church Lane, East Peckham be discontinued.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220085CAB**  
**Decision Type: Non Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Covid-19 Additional Relief Fund Policy**

**(Report of Director of Finance and Transformation)**

**The report outlined proposed changes to the current Covid-19 Additional Relief Fund and set out a number of options to maximise the amount of relief that could be awarded to local businesses.**

It was noted that £329,672 of the original allocation provided by Government during the pandemic remained unspent and this would be returned when the deadline for award relief expired on 30 September 2022.

Careful consideration was given to the options set out in the report, together with the legal implications and the financial and value for money implications. Given the current economic climate, the Cabinet felt that local businesses could benefit from additional discretionary relief funding and on balance felt that a combination of Options B and C represented best value for money and financial support. This would provide businesses with grant funding totalling approximately £312,000.

**The Cabinet RESOLVED that:**

- (1) Options B and C, to increase the rateable value limit to £109,999 and include advertising rights in the list of eligible properties be progressed with immediate effect.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220086CAB**

**Decision Type: Non Key**

**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Saturday Freighter Service**

**(Joint report of the Cabinet Member for Technical and Waste Services and the Director of Street Scene, Leisure and Technical Services)**

**Following its temporary suspension, Cabinet considered the future of the Saturday Freighter Service. Consideration was also given to recommendation CE 22/5 (1) from the Communities and Environment Scrutiny Select Committee of 20 July 2022.**

Careful consideration was given to the fact that the service did not encourage recycling; none of the waste collected, apart from electrical items, could be recycled; alternative disposal opportunities were now available to residents (as detailed in 1.3 of the report) including the recent opening of KCC's Household Waste Recycling Centre at Allington; environmental factors; that there appeared to be no correlation between the level of incidents of fly tipping and the continued suspension of the service and customer feedback.

Particular reference was made to the financial and value for money considerations (as detailed in 1.9 of the report) and it was recognised that the reinstatement of the service would impact on the income received by the Borough Council from the bookable bulky collection service and the recycling Performance Payments received from KCC. However, the impact of either of these elements was difficult to estimate.

It was also noted that a Saturday Freighter was not provided by other local authorities in Kent, with the exception of Tunbridge Wells Borough Council, and the service was discretionary.

On the grounds that alternative opportunities for the disposal of bulky items existed, that data suggested no correlation between increased fly tipping and the suspension of the service, that the service did not promote or incentivise residents to recycle and did not support the Borough Council's Climate Change Strategy and that the non-reinstatement of the service would deliver a saving compared to the current budget provision **Cabinet RESOLVED that:**

- (1) the recommendation of the Communities and Environment Scrutiny Select Committee to remove the Saturday Freighter Service be approved.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 20 July 2022

Signed Chief Executive:

J Beilby

Date of publication: 9 September 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: D220087CAB**  
**Decision Type: Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Household Bulky Refuse Collection Service**

**(Reasons: LGA 1972 Schedule 12A Paragraph 3 – Financial or business affairs of any particular person)**

**Report of the Director of Street Scene, Leisure and Technical Services**

**The report set out options for fees and charges for the provision of services in respect of household bulky refuse and fridge/freezer collections and suggested a marketing campaign for the Service.**

The Cabinet **RESOLVED** that:

- (1)** the concessionary fee for those in receipt of Council Tax Reduction be reduced to £12 and the level of concessionary collections be reduced to two per year and implemented within 2022/23; and
- (2)** the subsidy fee levied should be increased in line with the projected contract indexation, as per inflation, levels from 1 April 2023.

Reasons: As set out in the report submitted to Cabinet of 7 September 2022 (contains exempt information)

Signed Chief Executive: J Beilby

Date of publication: 9 September 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: D220088CAB**  
**Decision Type: Non Key**  
**Date: 07 September 2022**

**Decision(s) and Reason(s)**

**Gibson Building - High Level Options for Long Term Officer Accommodation**

**(Reasons: LGA 1972 Sch 12A Paragraphs 3 and 5 – Financial or business affairs of any particular person and information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.)**

**Report of Director of Central Services and Deputy Chief Executive**

**The report provided an update on progress with reviewing the Borough Council's office accommodation requirements. Consideration was also given to the recommendations of the Finance, Regeneration and Property Scrutiny Select Committee of 26 July 2022.**

**The Cabinet RESOLVED that:**

- (1) the options set out in the report to the Finance, Regeneration and Property Scrutiny Select Committee be noted;
- (2) the view that the main offices of the Borough Council should continue to be located in Kings Hill be supported;
- (3) the view that the co-location arrangement with Kent Police should continue, if a suitable solution was identified be supported;
- (4) Officers be instructed to progress the further actions recommended by Counsel in respect of the removal of covenants (as set out in Annex 2 to the report);
- (5) Officers be asked to carry out further investigation into the feasibility of Option 4 (as detailed in the report), including negotiating a settlement with Kent County Council on the alteration/removal of the covenants; and
- (6) a further progress report be presented to the Finance, Regeneration and Property Scrutiny Select Committee in due course.

**Reasons: As set out in the report submitted to Cabinet of 7 September 2022 (contains exempt information)**

Signed Chief Executive:

J Beilby

Date of publication: 9 September 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**

## **AUDIT COMMITTEE**

### **MINUTES**

**Monday, 26th September, 2022**

**Present:** Cllr Mrs F A Kemp (Chair), Cllr R I B Cannon, Cllr J R S Lark, Cllr M R Rhodes, Cllr P Boxall, Cllr C Brown and Cllr B J Luker

**Virtual:** Councillors Mrs J A Anderson, M D Boughton, V M C Branson, M A Coffin, D Harman, M A J Hood, Mrs A S Oakley, W E Palmer and K B Tanner participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors N Foyle, T Bishop, N J Heslop and N G Stapleton

### **PART 1 - PUBLIC**

#### **AU 22/37 NOTIFICATION OF SUBSTITUTE MEMBERS**

Notification of substitute Members were recorded as set out below:

Cllr Boxall substituting for Cllr Bishop  
Cllr Brown substituting for Cllr Heslop  
Cllr Luker substituting for Cllr Foyle

In accordance with Council Procedure Rules 17.5 to 17.9 these Councillors had the same rights as the ordinary member of the committee for whom they were substituting.

#### **AU 22/38 DECLARATIONS OF INTEREST**

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

#### **AU 22/39 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Audit Committee held on 25 July 2022 be approved as a correct record and signed by the Chairman.

### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **AU 22/40 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW**

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to

August of the current financial year. A mid-year review of the Treasury Management and Annual Investment Strategy for 2022/23 was also included in the report.

Investment income at the end of August 2022 (month five of the financial year) from cash flow surpluses, core cash investments, multi-asset diversified income and property funds was expected to outperform the original budget estimates by upward of £350,000. However, this was to be balanced against any downturn in the economy where investment values might fall significantly. It was noted that economic growth forecasts were expected to fall further given the current global economic factors and the cost of living crisis.

The parameters to limit the Borough Council's exposure to investment risks were summarised in Annex 5. There were no changes to the current approved risk parameters proposed at this time.

**RECOMMENDED:** That the following be commended to Council

- (1) the action taken in respect of treasury management activity for the period April to August 2022 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report, be retained.

**\*Referred to Council**

### **DECISIONS TO BE TAKEN UNDER DELEGATED POWERS**

#### **AU 22/41 RISK MANAGEMENT**

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register (SRR). There were 6 risks categorised as 'red' as summarised below:

- Financial position/budget deficit
- Economic Uncertainty and Impact of EU Transition (severely impacted by the Coronavirus Pandemic, inflation and the conflict in Ukraine)
- Corporate Strategy and Savings and Transformation Strategy
- Waste Services
- Local Plan
- Organisational Development including recruitment and retention/skills mix

A schedule of ongoing risks and risks identified by Service Management Teams and Management Team since the last report to this Committee in January 2022 were set out in Annex 2 of the report.

Subsequently a further risk had been identified as 'red' in respect of the introduction of voter identification at the next election. Whilst detail and guidance from Government around these new regulations was awaited it was difficult to plan and prepare for the local elections in May 2023. There was also the potential for increased costs and training for staff. It was indicated that Returning Officers and Election Managers were actively seeking assurance from Government that the guidance would be received in sufficient time to prepare for local elections.

Reference was made to the risk associated with the Waste Services Contract and Members were reminded that the current waste contract ran until 2027/28. Sufficient time would be given to considering options around tendering at the appropriate time.

**RESOLVED:** That

- (1) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as 'red', be noted; and
- (2) the inclusion of the 'introduction of voter identification for the next election' as a 'red' risk be noted.

**AU 22/42 STATEMENT OF ACCOUNTS 2021/22 AND EXTERNAL AUDITORS REPORT ON THE OUTCOME OF THE AUDIT OF THE ACCOUNTS**

The report presented the current set of Accounts for 2021/22 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom. The Committee was invited to approve both the Statement of Accounts and the Audit Findings Report.

Members were reminded that the Statement of Accounts was subject to external audit. At the time of writing, other than a small number of textual corrections, two changes had been made to the accounts as a result of the audit and related to the expansion of the financial disclosure notes covering investments and a critical judgement added covering the de-minimus valuation of non-fee charging car parks in the borough. With regard to the latter it was explained that this valuation was in line with current guidance and methodology in respect of car parks.

The Audit Findings Report gave three recommendations for the Borough Council as a result of issues identified during the audit. These related to the mapping of the trial balance to financial statements, journal authorisation and the fixed asset register. More detail was provided in 1.4.4 of the report together with the proposed management response.

**RESOLVED:** That

- (1) the enclosed audited set of Accounts for 2021/22 (attached at Annex 1) be approved and the Chair of the Audit Committee be asked to sign the Accounts in the appropriate place;
- (2) the Audit Findings Report and the Management Response, as detailed in paragraph 1.4.4 of the report, on the outcome of the audit of the Statement of Accounts for 2021/22 be approved; and
- (3) the Letter of Representation (attached at Annex 3) be approved for signature by the Chair of the Audit Committee and the Director of Finance and Transformation once Grant Thornton had issued their opinion.

**MATTERS SUBMITTED FOR INFORMATION****AU 22/43 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

The report provided an update on the work of both the Internal Audit and the Counter Fraud functions for the period April to August 2022.

**RESOLVED:** That the report be noted.

**AU 22/44 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.50 pm  
(having commenced at 8.10 pm)

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**LICENSING AND APPEALS COMMITTEE**

**MINUTES**

**Tuesday, 27th September, 2022**

**Present:** Cllr C Brown (Chair), Cllr Mrs F A Kemp (Vice-Chair), Cllr A E Clark, Cllr M A Coffin, Cllr Mrs A S Oakley, Cllr H S Rogers and Cllr R V Roud

(Note: As Councillors Mrs J A Anderson and Mrs P Bates were unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

Councillors D Harman and M A Hood 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.

An apology for absence was received from Councillor D W King.

**PART 1 - PUBLIC**

**LA 22/23 DECLARATIONS OF INTEREST**

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

**LA 22/24 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Licensing and Appeals Committee held on 14 June 2022 be approved as a correct record and signed by the Chairman.

**LA 22/25 MINUTES OF PANEL**

**RESOLVED:** That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 27 June 2022, 6 July 2022 and 27 July 2022 be received and noted.

**DECISIONS TO BE TAKEN UNDER DELEGATED POWERS**

**LA 22/26 STREET TRADING - RESULTS OF CONSULTATION**

The report of the Director of Central Services and Deputy Chief Executive provided the results of the consultation on the proposed changes to the Council's Street Trading Policy and redesignations of the Borough. The consultation ran from 20 June 2022 to 29 August 2022

and of the 50 responses received, 42% were in favour of the redesignation and the draft policy and 58% were against.

During discussion and in response to concern raised by Members, reassurance was given that the redesignation applied to businesses trading on a highway and did not apply to non-commercial events that were community based and run for non-commercial purposes such as fetes or school fund raising activities where any of the profit of the trading was not for commercial gain, and explained that a list of exemptions, although not exhaustive, was contained in the Street Trading policy.

**RESOLVED:** that the redesignation and the introduction of the new Street Trading policy, with the previous agreed timelines as set out at Annex 3, be continued.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **LA 22/27 VERBAL UPDATE ON AIR QUALITY PLAN FOR TAXI FLEET**

The Head of Licensing, Community Safety and Customer Services advised that an update report on the Air Quality Plan for Taxi Fleet would be presented at the next meeting. A request to consider the requirement of having card reader machine in taxi vehicles was raised. The Head of Licensing, Community Safety and Customer Services advised that there was an opportunity for this point to be considered as part of the Hackney Carriage and Private Taxi Policy consultation which was due to commence shortly.

#### **LA 22/28 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.05 pm

# **TONBRIDGE AND MALLING BOROUGH COUNCIL**

## **AREA 3 PLANNING COMMITTEE**

### **MINUTES**

**Thursday, 29th September, 2022**

**Present:** Cllr D J Cooper (Vice-Chair), Cllr Mrs S Bell, Cllr R I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr P M Hickmott, Cllr D Lettington, Cllr Mrs A S Oakley, Cllr R V Roud and Cllr Mrs M Tatton

**Virtual:** Councillor D Harman participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, T Bishop, Mrs R F Lettington, D Thornewell and C J Williams.

### **PART 1 - PUBLIC**

#### **AP3 22/13 DECLARATIONS OF INTEREST**

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

#### **AP3 22/14 MINUTES**

**RESOLVED:** That the Minutes of the meeting of the Area 3 Planning Committee held on 18 August 2022 be approved as a correct record and signed by the Chairman.

#### **AP3 22/15 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 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)**

**AP3 22/16 TM/22/01210/FL - DOWNS FARM, PILGRIMS WAY, WOULDHAM**

Erection of a two bedroom detached dwelling with mezzanine and basement, associated curtilage and three parking spaces at Downs Farm, Pilgrims Way, Wouldham.

Members expressed concern in respect of the visual impact on the locality and the wider landscape of the Area of Outstanding Natural Beauty and felt that a Site Inspection would be beneficial in providing context of the surroundings.

**RESOLVED:** That the application be DEFERRED for a Members' Site Inspection

[Speakers: Wouldham Parish Council (Mr E Bell); Mr P Nicholls (agent) participated via MS Teams]

**PART 2 - PRIVATE**

**AP3 22/17 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 8.40 pm

**TONBRIDGE AND MALLING BOROUGH COUNCIL**

**RECORD OF EXECUTIVE NON-KEY DECISION**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220089MEM</b>
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**Date: 16 September 2022**

<b>Decision(s) and Reason(s)</b>
<b>PROPOSED GRANT OF NEW LEASE OF UNIT 29 MARTIN SQUARE.</b>
(Reasons Part 2, Local Government Act 1972 Sch 12A Paragraph 3 – Financial or business affairs of any particular person)  Following consideration of the options, the Cabinet Member for Finance, Innovation and Property resolved that:  (1) the Council approve the grant of a 9 year lease of Unit 29 Martin Square for use as a butcher.
<b>Reasons for decision:</b>  The tenant is keen to take a lease of the unit on the terms enclosed in the report. Ward Councillors are also supportive of the decision. The grant of the lease will reduce the Council's void rates liabilities and provide rental income.  We are not aware of any details of any conflict of interest declared by any executive member consulted in relation to the decision.

Signed Cabinet Member for Finance, Innovation and Property:	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	20 September 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**

<b>Decision Taken By:</b> <b>Cabinet Member for Finance, Innovation and Property</b>	<b>Decision Number:</b> <b>D220090MEM</b>
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**Date: 26 September 2022**

<b>Decision(s) and Reason(s)</b>
<b>PEER REVIEW – INTERNAL COMMUNICATIONS OFFICER</b>
(1) To fund the costs of a part-time, fixed term (2 years) post of Internal Communications Officer from the peer review reserve. The costs of the post (including on-costs) are estimated at £23,529 pa, which can be funded in full from the reserve.
<b>Reasons for decision:</b>  The creation of the post was recommended following a review of the Council's approach to internal communications. This review was prompted by the Local Government Association's Peer Review of the Borough Council which took place in January/February 2022 and made the following recommendation:-  <i>'Develop internal communication, build a shared sense of purpose beyond finance and compliance, and recognise the good work across the organisation that happens every day.'</i>

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	26 September 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**

<b>Decision Taken By:</b> <b>Cabinet Member for Environment and Climate Change</b>	<b>Decision Number:</b> <b>D220091MEM</b>
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**Date: 27 September 2022**

<b>Decision(s) and Reason(s)</b>
<b>TO ADOPT A PROCUREMENT CLIMATE CHANGE POSITION STATEMENT.</b>
Following consideration of the options, the Cabinet Member for Environment and Climate Change resolved that:  (1) The Procurement Climate Change Position Statement annexed to the briefing note be adopted and published on the Council's website.
<b>Reasons for decision:</b>  Climate Change is a key priority, and the Council has declared an ambition to be carbon neutral by 2030.  Procurement is likely a significant emitter for TMBC. Whilst emissions from contracts are difficult to calculate, initial trails and estimates from other lower tier authorities have highlighted procurement to contribute as much as double the emissions as the rest of the councils' activities.  Therefore, it is important to start considering how procurement can start contributing to tackling climate change and thus, helping TMBC achieve its 2030 net zero target. This market position statement is a good initial step in this journey and may help set up future embedding of climate change requirements. The aim at this stage is to highlight the future intention to include climate change in procurement policies, therefore, giving suppliers (and future suppliers) the opportunity to start considering the listed actions. Currently, the goal is not to enforce any requirements on providers, but indicate the direction of travel, so that they can prepare for when climate change requirements are embedded into procurement policies and contracts.

Signed Cabinet Member for Environment and Climate Change:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby

Date of publication:	27 September 2022
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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**

<b>Decision Taken By:</b> Cabinet Member for Economic Regeneration	<b>Decision Number:</b> D220092MEM
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**Date: 28 September 2022**

<b>Decision(s) and Reason(s)</b>
<b>WEST KENT BUSINESS SUPPORT PROGRAMME</b>
Following consideration of the options, the Cabinet Member for Economic Regeneration resolved that:  (1) The Cabinet Member Reasons report (attached) be noted; and  (2) Subject to the UKSPF Investment Plan being approved by Government, the proposed approach to the West Kent Business Support Programme as set out in this report BE AGREED.
<b>Reasons for decision:</b>  In anticipation of the approval of the Tonbridge & Malling UK Shared Prosperity Fund Investment Plan by Government, the Economic Regeneration team are pulling together a number of initiatives that support the local economy. Some of these initiatives will be delivered in partnership with West Kent authorities, in order to: <ul style="list-style-type: none"><li>• address shared issues, especially relating to business survival rates, skills and employability.</li><li>• ensure a consistent approach across West Kent</li><li>• maximise the efficient use of resources in delivering the scheme.</li></ul> One such scheme is the delivery of a West Kent Business Support Programme. Each of the three local authorities will be using £54,500 of UKSPF funding to create this programme, which will run up until March 2025.  The programme will be led by Sevenoaks DC as the Accountable Body for the West Kent Partnership, with all three authorities closely involved in the oversight of the programme. Business advisers will be commissioned to deliver the advice and support.

Signed Cabinet Member for Economic Regeneration	V Branson
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Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	28 September 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.

- Minutes of the General Purposes Committee held on 3 October 2022 are *'to follow'*



- Minutes of the Overview and Scrutiny Committee held on 6 October 2022 are *'to follow'*

