



TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

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13 February 2023

Dear Councillor

COUNCIL - TUESDAY, 21ST FEBRUARY, 2023

I am now able to enclose, for consideration at the Tuesday, 21st February, 2023 meeting of the Council, the Council Minute Book (Volume 1) which covers the period October to February 2022/23.

Yours sincerely

J E BEILBY
Chief Executive

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

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

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TONBRIDGE AND MALLING BOROUGH COUNCIL

FINANCE, REGENERATION AND PROPERTY SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 11th October, 2022

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

Councillor M A Coffin was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors Betts, Branson, Keers, Oakley, Palmer, Rhodes and Tanners 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 M A J Hood

PART 1 - PUBLIC

FRP 22/9 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members required for this meeting.

FRP 22/10 DECLARATIONS OF INTEREST

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

However, for reasons of transparency Councillor Dean advised that she also served as a County Councillor and West Malling Parish Councillor in case either of these organisations were referenced in any matters debated. As this did not represent either a Disclosable Pecuniary or Other Significant Interest there was no requirement to leave the meeting.

FRP 22/11 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 26 July 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

FRP 22/12 FINANCIAL PLANNING AND CONTROL

The report of the Director of Finance and Transformation brought together information on salaries, major operational income streams and investment income. The performance of these key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. Members were also updated on capital expenditure and variations that had been agreed in relation to the capital plan.

Members noted, amongst other things, that the salary budget was under pressure with spend above profile and overall income from the Borough Council's operational income stream below profile. However, this was negated, amongst other things, by increased investment income. When taking all of the issues identified as at the end of August into consideration it suggested that the year-end position would be on or around budget or better, albeit only five months into the financial year and a lot could happen between now and the end of the year.

Reference was made to the Medium Term Financial Strategy (MTFS) and the growing funding gap as a result of the impact of the current global economic conditions. It was noted that if Government did not recognise the pressures faced by local authorities in future financial settlements and council tax referendum principles a number of councils finances would be under severe pressure, including Tonbridge and Malling.

There was in-depth discussion on the progress being made to address the savings target for 2022/23; the escalating levels of inflation and its negative impact on the funding gap and the MTFS; the value in reviewing fees and charges for the current year due to the increasing costs of providing services and the reduced income given the current economic climate; and the uncertainty around Government funding and potential reductions of 10% across all Government departments.

Members requested more detail in relation to the MTFS and the Savings and Transformation Strategy and were advised that this would be reported to the Cabinet and the Finance, Regeneration and Property Scrutiny Select Committee in November 2022.

With the current high levels of inflation, the Committee felt it appropriate for an in-year review of the level of fees and charges to be undertaken. It was also felt that car parking charges and usage across the Borough should be reviewed as part of this exercise to see if there was any potential to generate income from lower charges by increasing daily use.

RECOMMENDED: That, due to the escalating levels of inflation, an in-year review of fees and charges, including a review of car parking charges across the Borough, be undertaken.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

FRP 22/13 REVENUES AND BENEFITS PERFORMANCE

Members reviewed and noted the performance information in respect of council tax, business rates, council tax reduction and housing benefits as detailed in the report.

Collection rates for council tax and business rates were currently above target. However, with the increased energy price cap coming into effect in October 2022 it was not expected that this trend would continue. As a result of residents having other financial priorities, it was anticipated that collection rates would fall.

Members were also advised that as a direct consequence of a cyber attack on Clarion, there had been a decline in performance in respect of housing benefit and council tax reduction applications. Delays in processing benefit claims could place claimants in difficult financial circumstances. However, the computer systems at Clarion had been reset and there were signs that the situation was improving.

Failure to collect council tax or business rates in a timely and efficient manner could put the Borough Council's finances under pressure. Members were reminded that as the Billing Authority, the borough Council had to pay preceptors (County Council, Parish Council etc) in accordance with an agreed schedule regardless of whether collection was on target. It was also reported that a reduction in collection rate for council tax which became sustained would have an impact on the Medium Term Financial Strategy.

Anyone facing difficulties with payment were encouraged to contact Finance Services for advice and assistance as soon as possible.

The Committee agreed that the performance information provided was a useful monitoring tool and felt that this should be presented at every meeting of the Scrutiny Select Committee.

FRP 22/14 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:

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

However, Members asked that these items be included as longer term potential items which would be reviewed to see if matters remained appropriate.

The Principal Democratic Services Officer advised that representatives of the Post Office were unable to attend the meeting of the Finance, Regeneration and Property Scrutiny Select Committee to be held on 14 March 2023. However, they had offered to attend the meeting of the Communities and Environment Scrutiny Select Committee on 8 February 2023 if that was acceptable. Members were satisfied with this approach if the Communities and Environment Scrutiny Select Committee were in agreement.

Finally, it was indicated that the Overview and Scrutiny Committee would review the operation of Scrutiny Select Committees and how to prioritise matters for scrutiny early in 2023.

MATTERS FOR CONSIDERATION IN PRIVATE

FRP 22/15 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Wednesday, 19th October, 2022

Present: Cllr S A Hudson (Chair), Cllr Miss G E Thomas (Vice-Chair), Cllr Mrs P A Bates, Cllr A Cope, Cllr M A J Hood, Cllr W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton, Cllr T Bishop, Cllr D J Cooper, Cllr H S Rogers and Cllr F G Tombolis were in attendance as substitute Members.

Virtual: Councillors D Keers, D Lettington, K B Tanner, R P Betts, V M C Branson, G C Bridge, P J Montague and T B Shaw 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, N Foyle, F A Hoskins and J R S Lark

PART 1 - PUBLIC

CE 22/7 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

Cllr T Bishop substitute for Cllr F Hoskins
Cllr D Cooper substitute for Cllr N Foyle
Cllr H Rogers substitute for Cllr Mrs J Anderson
Cllr F Tombolis substitute for Cllr J Lark

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 22/8 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 20 July 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 22/9 TONBRIDGE CASTLE - OUTCOME OF PUBLIC CONSULTATION AND OPTIONS FOR FUTURE COMMERCIAL ACTIVITIES.

The report of the Director of Central Services and Deputy Chief Executive provided an update on the outcome of the public consultation

in respect of Tonbridge Castle. In addition, a number of high-level options were set out for consideration.

Members were reminded that the Gateway agreement with Kent County Council would expire on 6 July 2024. Given the expected loss of income from this date the current commercial operations at Tonbridge Castle and grounds were being evaluated to identify opportunities to generate sustained long term revenue savings and income.

Careful consideration was given to the options detailed in 1.4 of the report and a number of points were raised and discussed. Members noted the public interest in having toilet facilities at the Castle, expressed interest in providing a 'changing place' space, expressed interest in working collaboratively with local independent businesses, recognised the value of exploring in depth commercial opportunities to generate income and welcomed the Borough Councils intention to consult with organisations and local authorities with experience of managing historic attractions. There was interest expressed in exploring the opportunity of establishing a charitable trust to manage the Castle on behalf of the Borough Council.

Finally, Members were pleased that the public consultation had received such a positive response with many local residents expressing interest in participating in focus groups.

RECOMMENDED: That

- (1) the outcome of the public consultation exercise be noted and the positive response welcomed;
- (2) Options A to E (Café/Bistro restaurant; events and activities; educational tours; shop and other concepts) be commended to Cabinet for further investigation and evaluation.

***Referred to Cabinet**

CE 22/10 WORKING WITH HOUSING ASSOCIATIONS TO TACKLE ANTI-SOCIAL BEHAVIOUR

The report of the Director of Central Services and Deputy Chief Executive considered how the Borough Council and its housing association partners worked together to address anti-social behaviour. In addition, the actions that could be taken against residents who caused anti-social behaviour were identified. Members also considered whether any improvements to the service were required.

Reference was made to Community Protection Notices issued by local authorities and the police to individuals (over 16) or businesses to address a wide range of problems such as littering and noise nuisance.

Breaches of these Notices was a criminal offence and a Fixed Penalty Notice could be issued. At present, housing associations were not designated by the Borough Council as being authorised to issue Community Protection Notices.

Members expressed concern about the ability of housing associations to address anti-social behaviour, the perception of tenants that housing associations were unsympathetic to victims of anti-social behaviour, the requirement for victims of anti-social behaviour to provide evidence without the support of housing associations and whether housing associations would issue Community Protection Orders in a timely manner if they were authorised to do so. However, it was noted that the use of Community Protection Orders had the potential to assist housing associations and there would be further discussion with relevant organisations on the usefulness of this tool.

The value of CCTV in securing evidence of anti-social behaviour was recognised and Members hoped that opportunities for mobile cameras would continue to be explored.

Members supported the greater sharing of information between the Borough Council and housing associations and welcomed the continuation of monthly meetings to achieve this.

Finally, further information was provided on the Community Trigger which was an additional tool designed to give victims of anti-social behaviour the right to request a review of their case and bring agencies together to take a joined up problem solving approach.

RECOMMENDED: That

- (1) the Borough Council's Anti-Social Behaviour Officer set up monthly meetings with housing associations to discuss cases and agree actions;
- (2) in consultation with Housing Associations, consideration be given as to whether Housing Associations should be authorised by the Borough Council to issue Community Protection Notices and a further report providing an update presented to a future meeting of the Communities and Environment Scrutiny Select Committee.

***Decision taken by Cabinet Member**

CE 22/11 USE OF THE COUNCIL'S PUBLIC OPEN SPACES

Members reviewed the new policy and fees and charges for the use of Borough Council owned space which was introduced in January 2022.

The Policy setting out criteria against which each request for an event was assessed together with the approved fees and charges was attached at Annex 1. Information on the number and type of events held during 2022 was set out in Annex 2.

There had been no obvious or evidenced detrimental impact on the number of events taking place. In fact, there had been a 32% increase since 2021. The existing charges, included in Section 6 of the Policy, had not had a negative impact on the number of events taking place and in line with corporate guidance it was suggested that the prices be increased in line with inflation.

Members discussed the principle of whether bands or organisations should be charged if they were providing entertainment. In response, it was noted that bands and organisations had already been invited to participate in events during 2023/24. Details of the charging policy had been provided at the same time and it was confirmed that all dates were filled. This demonstrated that bands and organisations were willing to pay the charges as set out. It was also noted that the current £25 charge did not fully cover the costs incurred by the Council when administering, authorising and supporting such events.

RECOMMENDED: That

- (1) the outcome of the review be noted;
- (2) the Policy (attached at Annex 1) be approved with no changes identified; and
- (3) an inflationary increase of 10% in charges for 2023/24 be commended to Cabinet.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

CE 22/12 WASTE SERVICES - KEY PERFORMANCE INDICATORS

Members reviewed the performance of the Waste Contract against a suite of Key Performance Indicators (KPIs) for the period April to August 2022 and welcomed the increased percentages of waste collected for recycling or composting, the reduction in food waste and refuse bin tonnages.

Particular reference was made to dog waste bins not being emptied regularly. It was explained that there was no standard frequency of emptying throughout the borough as bins in different locations had varying amounts of use. However, if there were particular issues in certain areas, Members should alert Waste Services who would arrange

for the dog waste bin to be emptied and who would review whether the frequency of emptying should be amended.

CE 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:

- Representatives of Clarion Housing Association to be invited to discuss anti-social behaviour issues;
- Planning Services to advise how climate change issues were being incorporated into planning issues;
- Review best practice in respect of Warm Spaces initiative

The Chair advised that representatives of the Post Office, who had been invited to address Members, were unable to attend the Finance, Regeneration and Property Scrutiny Select Committee on 14 March 2023. However, they had offered to attend the Communities and Environment Scrutiny Select Committee on 8 February 2023 if that was acceptable. Upon reflection, Members felt that this matter was of more relevance to Tonbridge and the Post Office should be invited to attend the meeting of Tonbridge Community Forum on 27 February 2023.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 22/14 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

CE 22/15 DECLARATIONS OF INTEREST

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

The meeting ended at 9.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 25th October, 2022

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 25th October, 2022

Present: Her Worship the Mayor (Councillor Mrs S Bell), the Deputy Mayor (Councillor J R S Lark), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, Cllr T Bishop, Cllr M D Boughton, Cllr P Boxall, Cllr V M C Branson, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr A E Clark, Cllr M A Coffin, Cllr D J Cooper, Cllr A Cope, Cllr D A S Davis, Cllr M O Davis, Cllr D Harman, 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 A Kennedy, Cllr D W King, Cllr D Lettington, Cllr Mrs R F Lettington, 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 K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell and Cllr C J Williams

Apologies for absence were received from Councillors M C Base, R P Betts, J L Botten, R W Dalton, Mrs T Dean, N Foyle, S M Hammond, N J Heslop, A P J Keeley, N G Stapleton and F G Tombolis.

PART 1 - PUBLIC

C 22/65 DECLARATIONS OF INTEREST

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

C 22/66 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 12 July 2022 be approved as a correct record and signed by the Mayor.

C 22/67 MAYOR'S ANNOUNCEMENTS

The Mayor advised that she had attended a number of engagements since the last meeting of Council and made particular reference to:

- The Requiem Eucharist for Her Late Majesty Queen Elizabeth II at Rochester Cathedral;
- Reading the Proclamation for King Charles III at Tonbridge Castle;
- Civic Memorial Service for Her Late Majesty Queen Elizabeth II at Tonbridge Church;
- Tonbridge Baptist Church's opening of the Friendly Bench;
- Cohesion Plus Annual Wrotham Festival of Light;

- St Katherine's School and Nursery TCS London Mini Marathon event;
- Hadlow Primary School's Celebration Tea and Awards Ceremony;
- St Peter's Church of England Primary School, Aylesford Harvest Festival;
- Local Amateur Musical Players Musical Theatre Show; and
- Snodland Town Council's Pump Track launch event.

With regard to the opening of the Pump Track in Snodland, the Mayor thanked the many organisations for the funding contributions which had helped in finalising this project.

Members were reminded that future civic and charity events included Remembrance Sunday Services and Parades on 13 November and a traditional Christmas Afternoon Tea at Bradbourne House on 29 November 2022.

The Mayor appreciated the opportunity during her term of office of meeting so many fantastic volunteers and organisations who provided a valuable service to residents and communities.

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

C 22/68 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 22/69 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

A question had been submitted by Councillor R Roud in accordance with Council Procedure Rule No. 5.5. A written response had been provided by the Cabinet Member for Housing. Both the question and answer had been tabled and circulated in advance of the meeting as set out in the Annex attached to the Minutes.

C 22/70 LEADER'S ANNOUNCEMENTS

The Leader reflected on the recent Conservative Party leadership elections, the stability enjoyed by the Borough Council and how this helped build confidence with residents. This was demonstrated by the way the Borough Council had led on the community response on the death of Her Late Majesty, Queen Elizabeth II. The Leader paid tribute to the work of all officers at the authority involved in Operation London Bridge, manning of condolence books at Kings Hill and Tonbridge Castle, raising and lowering flags as appropriate and organising the Proclamation.

The Borough Council continued to take a proactive role with partners in supporting vulnerable communities and had played a role in the 'friendly bench' in Tonbridge, the Pump Track in Snodland and play and seating areas in East Malling.

Investment opportunities across the Borough continued to be actively explored and the launch of the new Tonbridge Trade Park was welcomed. Reference

was also made to the Post Office in Tonbridge which continued to operate at Tonbridge Castle as a temporary measure.

Other points highlighted included:

- The recent consultation in respect of Tonbridge Castle;
- The pilot being undertaken by National Enforcement Solutions to address fly tipping and littering;
- The Local Plan Regulation 18 Consultation and the worthwhile attendance at local community and parish events by the Leader and Cabinet Member for Strategic Planning and Infrastructure to address concerns raised by residents;
- The impact of rising inflation and the support offered to vulnerable residents over the winter. Details of which were available on the Borough Council's website; and
- The Borough Council had supported approximately 840 households through the Warm Coats Scheme by distributing in the region of 1000 coats and 6 primary schools in deprived areas of the Borough had received £875 to distribute. The Leader thanked the Benefits and Welfare Manager and his team for their achievements in relation to this initiative.

Finally, the Leader was pleased to announce that the Borough Councils participation in the Social Housing Decarbonisation Fund demonstrator had won top honours at the Kent Housing Group Excellence Awards. This was a credit to the Housing Team who demonstrated excellence every single day with the support provided to those in need of a home. The Leader welcomed the recognition of the Housing Team and congratulated all those involved in the process.

The full Leaders Announcements were available on the Borough Council's [YouTube channel](#).

MATTERS FOR COUNCIL DECISION

C 22/71 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

Following the reinstatement of Cllr D Lettington as a member of the Conservative Group, consideration was given to political balance arrangements for the Borough Council's committees, sub-committees, boards and panels. The proposed composition of all committees, sub-committees, boards and panels that were required to be politically balanced were set out at 1.1.6 of the report.

As a result of the revised political balance allocations there were consequential changes to the Conservative Group composition of committees, sub-committees, boards and panels and these were summarised in Annex 1 to the report.

RESOLVED: That

- (1) the composition of all committees, sub-committees, boards and panels be approved in accordance with the table at paragraph 1.1.6 and the Monitoring Officer make any consequential changes to the Borough Council's Constitution in respect of political balance; and

- (2) the consequential changes to the Conservation Group composition of committees, sub-committees, boards and panels be approved as set out in Annex 1 to the report.

C 22/72 CHANGES TO CONSTITUTION

The Group Leaders were invited to nominate substitute Members for the Joint Transportation Board in accordance with the new rules approved by the Council in February 2022 and in accordance with Paragraph 2.1 of Schedule 1 to the agreement with Kent County Council which expressly allowed for the Borough Council to appoint substitute members.

This proposal would ensure that each group would be able to deal with unexpected short-term absences of Joint Transportation Board members.

RESOLVED: That

- (1) the appointment of up to 5 substitute members to the Joint Transportation Board, as nominated by Group Leaders in accordance with paragraph (ii) of the Rules (attached at Annex 1), be approved; and
- (2) details of these nominations be finalised with Democratic Services out of meeting

C 22/73 LOCAL CODE OF CORPORATE GOVERNANCE

Item AU 22/27 referred from Audit Committee of 25 July 2022

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

C 22/74 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW

Item AU 22/40 referred from Audit Committee of 26 September 2022.

Recommendation AU 22/28 from the Audit Committee of 25 July 2022 was attached for information.

RESOLVED: That

- (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 Borough Council's exposure to investment risks, as set out at Annex 5 to the report to the Audit Committee, be retained.

C 22/75 FINAL PROPOSALS FOR REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Item GP 22/33 referred from General Purposes Committee of 3 October 2022

RESOLVED: That, subject to the ward changes being laid to law in Parliament in October 2022, the final proposals as detailed in the report to the General Purposes Committee, be approved.

C 22/76 FREEDOM OF INFORMATION - PUBLICATION SCHEME

Item GP 22/34 referred from General Purposes Committee of 3 October 2022

RESOLVED: That the updated Publication Scheme, at Annex 1 to the report to the General Purposes Committee, be adopted.

C 22/77 PLANNING ENFORCEMENT REVIEW

Item OS 22/32 (2) and (3) referred from Overview and Scrutiny Committee of 6 October 2022

RESOLVED: That

- (1) the budget growth required to fund staffing proposals in respect of planning enforcement be supported;
- (2) the hybrid proposal for staffing arrangements, as detailed in section 1.4.10 of the report to the Overview and Scrutiny Committee, be commended to General Purposes for approval*; and
- (3) an increase in fees charged for activity relating to traveller incursions on Parish/Town Council or Leisure Trust land (as set out in 1.4 of the report to the Overview and Scrutiny Committee) be considered as part of the budget setting process and the fees be regularly reviewed to ensure that realistic annual uplifts are applied.

***Referred to General Purposes Committee**

C 22/78 DECISION TAKEN UNDER URGENCY PROVISIONS - KENT BUSINESS RATES POOL

Members noted that decision D22009URG in respect of Kent Business Rates Pool had been taken under urgency provisions as it was a departure from the Borough Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules.

C 22/79 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.

MATTERS FOR CONSIDERATION IN PRIVATE

C 22/80 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**C 22/81 COUNCILLOR ATTENDANCE AT MEETINGS**

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

Members were invited to approve the continued absence of a Member from meetings on ill health grounds for a further six months.

RESOLVED: That

- (1) the waiver of the 6-month attendance rule, as set out in s85 of the Local Government Act 1982, for Councillor Alan Keely be approved due to illness; and
- (2) the extension of the permitted non-attendance time period for Councillor Alan Keeley be approved for a further 6-month period until 27 April 2023.

The meeting ended at 8.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 8th November, 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: Councillor M A J Hood was also present pursuant to Access to Information Rule No 23.

Virtual: Councillors Mrs P A Bates, Mrs S Bell, Mrs A S Oakley, 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 to Access to Information Rule No 23.

PART 1 - PUBLIC

CB 22/93 DECLARATIONS OF INTEREST

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

CB 22/94 MINUTES

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

CB 22/95 MATTERS REFERRED FROM PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the following Panels, Boards and other Groups were received any noted:

- Parish Partnership Panel of 1 September 2022
- Tonbridge Community Forum of 5 September 2022

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

CB 22/96 SHOPFRONT AND VACANT UNIT IMPROVEMENT SCHEME

Decision Notice D220095CAB

Following Cabinet approval of the submission of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan in July 2022, consideration was given to the creation of a Shopfront and Vacant

Unit Improvement Scheme as detailed in the report of the Chief Executive.

Draft Guidance Notes and example application form for the Scheme were provided in Appendix 1. A summary of the Scheme finances and rationale for the proposed criteria was set out at 1.3.1 and 1.3.2 of the report. However, it was noted that a total budget of £102,000, made up of £70,000 of UKSPF and £32,000 of Business Rates Retention Pilot funding, would be available to fund the Scheme.

After careful consideration of the legal, financial and value for money implications and the assessment of risk, Cabinet

RESOLVED: That

- (1) the report be noted;
- (2) the Shopfront and Vacant Unit Improvement Scheme, as set out at Appendix 1, be endorsed;
- (3) that the Capital Plan and Revenue Budget be updated accordingly;
- (4) that delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Scheme required following feedback from Central Government regarding the UK Shared Prosperity Fund Investment Plan.

CB 22/97 RURAL ENGLAND PROSPERITY FUND

Decision Notice D220096CAB

The report provided information on the Rural England Prosperity Fund and sought endorsement of the work undertaken to date to produce the required addendum of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan.

A funding allocation of £447,450 had been ring-fenced for the Borough. In order to access this allocation, an addendum to the UKSPF Investment Plan had to be developed in liaison with rural representatives and agreed by the Lead Authority and the Department for the Environment, Food and Rural Affairs. The draft addendum (attached at Appendix 1) was presented for consideration.

The Cabinet reviewed the programme criteria and processes, noted the next steps proposed and considered the legal, financial and value for money implications.

RESOLVED: That

- (1) the Rural England Prosperity Fund addendum be endorsed; and
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary or minor changes to the addendum to improve presentation or clarity, prior to submission.

CB 22/98 FEES AND CHARGES REVIEW

Decision Notice D220097CAB

In advance of budget setting for 2023/24, Cabinet considered proposals for increases to fees and charges set by the Borough Council. Details relating to the setting of fees and charges across the various Services of the authority were set out in Annexes 1 – 4. The proposals had regard to the level of inflation, market conditions and comparable charges.

Particular reference was made to the recommendation of the Finance, Planning and Regeneration Scrutiny Select Committee following its meeting on 11 October, which invited Cabinet to undertake an in-year review of fees and charges due to the escalating levels of inflation. The latest inflation statistics for September CPI was recorded as 10.1%, rising from 9.9% in August.

The Scrutiny Select Committee had also recommended that in-year car parking charges throughout the Borough be reviewed. However, as the length of the required formal public consultation exercise would fall into the 2023/24 financial year it would not be feasible to consider an in-year review of charges in this specific service area.

Finally, Cabinet was reminded that the Borough Council's financial rules, as set out in the Constitution, required that all fees and charges must be reviewed at least once a year and reported to Members. Under the new governance arrangements introduced earlier in 2022, the Cabinet were responsible for considering these proposals directly. Recommendations made would be incorporated into the draft Revenue Estimates which would be formally presented to the Overview and Scrutiny Committee early in 2023.

Careful consideration was given to the proposals set out in Annex 1 – 4 and Cabinet noted the budget setting timetable, the legal, financial and value for money implications and recognised the significant and challenging financial position. It was also noted that the proposals could generate a contribution of £50,000 to the savings target if approved.

RESOLVED: That

- (1) the fees and charges proposed by the Director of Planning, Housing and Environmental Health, as set out at Annex 1, be approved;
- (2) the fees and charges proposed by the Director of Street Scene, Leisure and Technical Services, as set out at Annex 2, be approved;
- (3) the fees and charges proposed by the Director of Central Services, as set out at Annex 3, be approved; and
- (4) the fees and charges proposed by the Director of Finance and Transformation, as set out at Annex 4, be approved.

EXECUTIVE NON-KEY DECISIONS - DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION**CB 22/99 MEDIUM TERM FINANCIAL STRATEGY AND SAVINGS UPDATE**

Decision Notice D220098CAB

An update was provided on the Medium Term Financial Strategy (MTFS) and the latest financial issues. The savings that had been identified and would assist in meeting 'tranche 1' of the latest saving targets were also set out. Cabinet was requested to consider and implement a programme for investigating and identifying the balance of the savings that were needed to ensure the financial sustainability of the Borough Council.

It was reported that an interim review of the funding gap, which represented new savings that needed to be identified and delivered, was now projected at between £2.6m and £3.8m, the savings target 'tranche 1' of £350k needed to be in place by April 2023; so far only £164k of 'tranche 1' had been achieved and uncertainty regarding local government financial settlement, Fair Funding Review, negative RSG, New Homes Bonus cessation and Business Rates baseline reset made it difficult to assess the true position.

Particular reference was made to undertaking a review of the level of reserves and balances held for other specified purposes and whether there was potential for these to be added back into the general reserve to reduce the funding gap.

Careful consideration was given to the impact on the MTFS arising from the current global economic factors and increasing inflation and Cabinet had regard to the legal, financial and value for money implications, the assessment of risk and

RESOLVED: That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, which was estimated to be between £2.6m and £3.8m (as set out in 1.4.7) be noted;
- (2) the savings/transformation contributions for Tranche 1 totalling £164,300 (as set out in 1.5.3) together with the additional £50,000 generated through increases in Fees and Charges (D220097CAB refers) be noted;
- (3) for the reasons set out in 1.4.27 and 1.4.26 of the report, Management Team be requested to review the level of reserves and balances held for specified purposes in order to release any 'surplus' sums to the General Revenue Reserve; and
- (4) options to achieve savings/transformation contributions for future tranches, and how these could be implemented and actioned as soon as possible, be considered by the Finance, Regeneration and Property Scrutiny Select Committee at its meeting on 15 November 2022.

CB 22/100 REVIEW OF SPORTS DEVELOPMENT AND YOUTH PROVISION

Decision Notice D220099CAB

The report outlined the services provided by the Borough Council in relation to Sports Development and Youth Engagement and invited the Cabinet to review and advise on future levels of provision of these discretionary services.

Details of both service areas, including its purpose, how it was currently delivered and staffing and budget implications were outlined in Annexes 1 and 2.

Cabinet recognised the excellent work undertaken by the Borough Council but noted that the current level of service provision was relatively small and that the provision of youth service was the responsibility of the County Council.

Careful consideration was given to a range of factors including the availability of alternative service providers serving the needs of both youth provision and sports development; the future of the Leisure Pass scheme; the legal, financial, value for money and staffing implications and the potential impacts on healthy lifestyles and the health and wellbeing of residents. An Equality Impact Assessment was also annexed to the report.

Taking into account the Council's financial position, the discretionary nature of the services and that the service areas were primarily provided

by others such as Kent County Council and the Leisure Trust, Councillor Keers proposed, seconded by Councillor Boughton, that the provision of sports development and youth engagement services as currently provided be ceased. However, the Leisure Pass Scheme, as outlined in the report, was to be retained to enable those requiring financial assistance to continue to access services.

RESOLVED: That

- (1) the provision of sports development and youth engagement services as currently provided, with the exception of the Leisure Pass scheme as outlined in the report, be ceased.

CB 22/101 PUBLIC SPACE PROTECTION ORDER

Decision Notice D220100CAB

The Borough Council's Public Space Protection Order (PSPO) was due for renewal in April 2023. Details of the current restrictions and proposed additional restrictions to be considered were set out in Annex 2 to the report.

In summary, the proposed new restrictions related to vehicles on public open spaces, nuisance associated with car/motorcycle meetings, anti-social behaviour associated with fishing at Town Lock/Tonbridge moorings and no unauthorised swimming, bathing, boating at Holborough Lakes. The cost of a Fixed Penalty Notice for not adhering to a PSPO was currently £80 and it was proposed to increase this to £100 with no reduction for early payment in line with other local authorities. Members supported the implementation of restrictions across the whole of the Borough in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings.

After careful consideration of the proposals, the legal, financial and value for money implications and to support a reduction in crime and disorder it was

RESOLVED: That

- (1) the proposed Public Space Protection Order (as set out at Annex 2) be agreed; subject to the;
 - (i) restrictions in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings being applied across the whole of the Borough;
 - (ii) inclusion of the restriction in respect of anti-social behaviour associated with fishing at Town Lock/Tonbridge Moorings; and
 - (iii) inclusion of the restriction in respect of no unauthorised swimming, bathing, boating at Holborough Lakes.

- (2) the Fixed Penalty Notice charge be amended to £100, with no reduction for early payment; and
- (3) a public consultation be undertaken and reported back to an appropriate meeting.

CB 22/102 PLANNING ENFORCEMENT REVIEW

Decision Notice D220101CAB

Consideration was given to the recommendation of the Overview and Scrutiny Committee meeting held on 6 October 2022 (as set out at Minute Number OS 22/32).

RESOLVED: That

- (1) the proposed changes to the Planning Enforcement Plan (as attached at Annex 1 to the report to the Overview and Scrutiny Committee) and the associated activity and timescales (as set out in 1.2 and 1.3 of the report) be approved, subject to:
 - the amendment of paragraph 6.10 of the Planning Enforcement Plan by the addition of the words ‘once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector’

CB 22/103 TONBRIDGE CASTLE - OUTCOME OF PUBLIC CONSULTATION AND OPTIONS FOR FUTURE COMMERCIAL ACTIVITIES.

Decision Notice D220102CAB

Consideration was given to the recommendation of the Communities and Environment Scrutiny Select Committee meeting held on 19 October 2022 (as set out at Minute Number CE 22/10).

RESOLVED: That

- (1) the outcome of the public consultation exercise be noted and the positive response welcomed; and
- (2) Options A to E (Café/Bistro restaurant; events and activities; educational tours; shop and other concepts) be approved for further investigation and evaluation and costings identified.

CB 22/104 USE OF THE COUNCIL'S PUBLIC OPEN SPACES

Decision Notice D220103CAB

Consideration was given to the recommendation of the Communities and Environment Scrutiny Select Committee meeting held on 19 October 2022 (as set out at Minute Number CE 22/11).

Concern was expressed at the lack of provision within the Policy for dealing with late or non-payment of fees to use the Borough Council's public open spaces. It was proposed by Cllr Keers, seconded by Cllr Boughton, that Officers be invited to identify options in respect of penalty provisions and the Policy be amended as appropriate.

RESOLVED: That

- (1) the outcome of the review be noted;
- (2) the Policy (attached at Annex 1 to the report) be approved, subject to delegated authority being given to the Director of Central Services and Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Community Services, to identify options in respect of penalty provisions for late or non-payment of fees and amend the Policy as appropriate; and
- (3) an inflationary increase of 10% in charges for 2023/24 be approved

MATTERS SUBMITTED FOR INFORMATION**CB 22/105 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.

Particular reference was made to the Household Support Fund Addition Grant – Coats for Kids (D220077MEM) which had benefited many children locally. The Welfare and Benefits Manager was commended for instigating this initiative.

CB 22/106 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 3 PLANNING COMMITTEE

MINUTES

Thursday, 10th November, 2022

Present: Cllr D J Cooper (Vice-Chair, in the Chair), Cllr Mrs S Bell, Cllr T Bishop, Cllr R I B Cannon, Cllr R W Dalton, Cllr D A S Davis, Cllr Mrs T Dean, Cllr S M Hammond, Cllr D Keers, Cllr D Lettington, Cllr R V Roud, Cllr Mrs M Tatton, Cllr D Thornewell and Cllr C J Williams

Councillor Mrs A S Oakley 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 (Chair) and Mrs R F Lettington.

PART 1 - PUBLIC

AP3 22/18 DECLARATIONS OF INTEREST

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

AP3 22/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 3 Planning Committee held on 29 September 2022 be approved as a correct record and signed by the Chair.

AP3 22/20 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 circulated in advance of the meeting and published to the website.

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 22/21 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.

RESOLVED: That the application be REFUSED for the following reason

The proposal by reason of its siting and location would introduce significant built form into the rural countryside to the detriment of the landscape quality and visual amenity of the countryside, which would be visible from medium and long-range views. The proposal therefore fails to conserve and enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty contrary to Policy CP7 of the Tonbridge and Malling Borough Core Strategy (2007), Policy SQ1 of the Managing Development and Environment Development Plan Document (2010), paragraphs 174 and 176 of the National Planning Policy Framework (2021) and the Kent Downs AONB Management Plan 2021-2026.

[Speaker: Mr C Levie (Architect) participated via MS Teams]

PART 2 - PRIVATE

AP3 22/22 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

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

MINUTES

Tuesday, 15th November, 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 Mrs T Dean, Cllr D Harman, Cllr N J Heslop, Cllr M A J Hood, Cllr D Lettington, Cllr B J Luker, Cllr C J Williams, Cllr D W King (substitute) and Cllr Miss G E Thomas (substitute)

In attendance: Councillors R P Betts and M A Coffin were also in attendance in accordance with Council Procedure Rule No 15.21.

Virtual: Councillors Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, V M C Branson, D Keers, P J Montague, Mrs A S Oakley, W E Palmer, M R Rhodes and K B 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 M C Base and H S Rogers

PART 1 - PUBLIC

FRP 22/16 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr King substituting for Cllr Rogers
- Cllr Thomas substituting for Cllr 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.

FRP 22/17 DECLARATIONS OF INTEREST

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

FRP 22/18 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on

11 October 2022 be approved as a correct record and signed by the Chair.

MATTERS SUBMITTED FOR INFORMATION

FRP 22/19 MEDIUM TERM FINANCIAL STRATEGY

The joint report of the Director of Finance and Transformation and the Cabinet Member for Finance, Innovation and Property provided an update on the Medium Term Financial Strategy (MTFS) and the Savings and Transformation Strategy (STS), as requested by the Finance, Regeneration and Property Scrutiny Select Committee.

It was reported that when the Budget was set in February 2022, the adopted MTFS identified a funding gap of circa £2.15m. In June 2022, Cabinet was advised that the funding gap was anticipated to be between £2.5m and £3.0m. Unfortunately, the funding gap continued to grow due to the current global economic issues and rising inflation. At the meeting of Cabinet on 8 November it was reported that the funding gap was now estimated to be between £2.6m at best case to £3.8m at worse case.

Members attention was drawn to the report presented to Cabinet on 8 November (attached at Annex 1) which set out in detail the financial challenges faced by the Borough Council. These included rising inflation, uncertainty around the Fair Funding Review and the future of the New Homes Bonus and a potential reform of business rates. It was also noted that unless central Government recognised the scale of pressure on local authorities in future finance settlements and council tax referendum principles, a number of councils finances would be under severe strain. Partner organisations representing local government continued to lobby Government on these matters.

Significant savings were required by April 2028 in order to preserve the integrity of the Borough Council's financial plans. Members recognised that these were extremely challenging times and it was important to focus firmly on the delivery of the necessary savings. It was the view of Officers that plans to deliver savings of £1.5m within the next 3 years, inclusive of the tranche of savings already identified had to be escalated.

Savings achieved so far in meeting Tranche 1 were summarised in 1.4 of the report and totalled (to date) £164,300. In addition, Cabinet had recommended increases in Fees and Charges which would generate £50,000 to contribute to Tranche 1. However, this still left in excess of £100,000 to be achieved before the start of 2023/24.

Members welcomed the opportunity to comment on potential areas of cost saving and/or income generation. A number of issues were discussed in depth, including the potential to increase council tax if central Government changed the referendum principles, a further review

of garden waste charges, the introduction of charges in car parks in the north of the Borough, potential development of Borough Council owned land, the Business Rates Retention Scheme, the use and review of the Borough Council's earmarked reserves and whether there was benefit in using the Community Infrastructure Levy (CIL) rather than s106 developer contributions. There was also general discussion on the Leisure Trust utility cost sharing agreement and the management agreement.

It was recognised that the discussion on council tax referendum principles was speculative, that any proposals might not benefit borough or district councils and any decision regarding council tax increases would be for Members to consider as part of the budget setting process.

In conclusion, Members recognised that the Borough Council faced a challenging and complex financial future which needed to be balanced with protecting services for everyone.

FRP 22/20 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.

MATTERS FOR CONSIDERATION IN PRIVATE

FRP 22/21 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 17th November, 2022

Present: Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr R I B Cannon, Cllr A Cope, Cllr D Harman, 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 D Thornevell, Cllr F G Tombolis and Cllr B J Luker (substitute)

In attendance: Councillors R P Betts, M D Boughton, M A J Hood, D Keers were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors Mrs P A Bates, T Bishop, V M C Branson, M A Coffin, P J Montague, W E Palmer, M R Rhodes, R V Roud, K B Tanner and Mrs M Tatton 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, R W Dalton and M Taylor

PART 1 - PUBLIC

OS 22/37 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Luker substitute for Cllr Dalton

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 22/38 DECLARATIONS OF INTEREST

For reasons of transparency, Councillor M Davis advised that he was one of the Borough Council appointees to the Board of the Tonbridge and Malling Leisure Trust which would be discussed under agenda item 8. As the report was for information only and in the view of the Monitoring Officer did not represent an Other Significant Interest there was no requirement for Councillor Davis to withdraw from the meeting.

OS 22/39 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 October 2022 be approved as a correct record and signed by the Chairman.

OS 22/40 EXECUTIVE DECISION 'CALLED IN' - D22009CAB - SPORTS DEVELOPMENT AND YOUTH PROVISION

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation to the decision taken by the Cabinet in respect of Sports Development and Youth Provision.

Decision Notice D220099CAB (attached at Annex 1) had been published on 10 November 2022 and subsequently called-in by Councillors Clark, Cope, Hoskins, Oakley and Thornewell.

The grounds for call-in were set out in the report, at paragraph 1.1.2, and the decision was 'deferred' pending consideration by the Overview and Scrutiny Committee.

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Community Services. There was detailed discussion on the merits of the proposals and the concerns raised around the disproportionate impact on vulnerable, disadvantaged and/or disabled young people; the performance of the service and its impact on local communities. In response, the Cabinet Member recognised the importance of embracing diversity and reassured the Committee that this would be reflected in any future decisions in respect of new youth projects. Particular reference was made to the Leisure Pass Scheme and consideration would be given on how to improve diversity and disability access.

However, the Cabinet Member reminded the Committee of the challenging financial position faced by the Borough Council, that sports development and youth provision were discretionary services and that these services were offered by alternative providers. In addition, the Leader of the Borough Council indicated that funding from the UK Shared Prosperity Fund could be available to support new youth projects in the future. It was important to recognise that services could be provided in a different way and strong relationships with partners would be pursued to avoid duplication of youth based projects and to reduce gaps in provision.

It was proposed by Councillor Hoskins and seconded by Councillor Thornewell that the decision be referred to Cabinet to:

- identify any gaps in service, including adverse impacts on disadvantaged/disabled users; and
- consider how funds received from central government could be used in relation to youth engagement/activities

Following a formal vote this proposal was rejected with 11 Members voting against and 5 voting in favour.

The Overview and Scrutiny Committee felt that there should be no further recommendations made to the Cabinet and that the decision should be implemented as taken.

Following a formal vote this opinion was supported with 11 Members voting in favour, 4 voting against and 1 abstaining.

As the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet the grounds for call-in were not supported.

RESOLVED: That, as there were no further recommendations to make to the Cabinet the decision would come into immediate effect. Therefore, the proposals in respect of Sports Development and Youth Provision could be implemented from 18 November 2022.

(Note: Vice-Chair (Cllr M Davis) was in the Chair for this item as the Chair (Cllr A Oakley) was one of the five Members who had requested the call-in)

MATTERS FOR RECOMMENDATION TO THE CABINET

OS 22/41 CORPORATE STRATEGY - CONSULTATION DRAFT

The report of the Chief Executive presented a draft of the Corporate Strategy 2022-2025 for public consultation. The Strategy (attached at Annex 1) demonstrated the ambition for the Borough in a simpler and clearer format.

Attention was drawn to the four priorities set out in the Strategy, summarised in 1.2.3 of the report, and details of community engagement to gather views of local residents and businesses was outlined in 1.3. It was envisaged that consultation would take place over a four week period during Winter 2022-23 and would be promoted via partnership networks, the website and social media channels.

It was reported that consultation responses would inform any amendments to the Corporate Strategy. In addition, it would be important to develop an annual action plan setting out key measures to help deliver the Strategy.

Members commented on the proposals for public consultation and questioned whether promotion on social media would reach a wide enough audience. It was noted that recent online consultations and/or surveys had managed a good level of response. With regard to the online consultation form, it was indicated that this would be designed to enable users to submit detailed answers.

A number of minor and factual corrections were identified and Members were invited to raise these out of meeting with the Strategic Economic Regeneration Manager.

RECOMMENDED: That the Corporate Strategy Consultation draft (attached at Annex 1) be commended to Cabinet for approval.

***Referred to Cabinet**

MATTERS FOR INFORMATION

OS 22/42 TONBRIDGE AND MALLING LEISURE TRUST

The joint report of the Director of Street Scene, Leisure and Technical Services and the Director of Finance and Transformation provided background on the Tonbridge and Malling Leisure Trust, its scope and the services it provided. In response to a request from Councillor Base the report also identified savings over the past 9 years as a consequence of the Borough Council's decision to outsource to a local Trust.

It was noted that, in what would be the first ten years of the Trust's existence until the end of the current financial year, the total savings/investment as a consequence of outsourcing to a Trust amounted to around £5.8m compared to continued provision of an in-house model.

In addition, it was noted that the as a result of the pandemic and unprecedented increases in utility costs the Borough Council would have provided unanticipated financial support to the Trust over the past three years of around £2.3m. These exceptional circumstances had been managed through strong partnership working that might not have been possible with another operating model or contractor. The financial support provided was deemed the most cost effective approach to retaining facilities and service to residents.

In summary, the arrangement with the Trust had generated significant financial savings, maintained standards and levels of service and enabled further investment in the facilities.

Members welcomed the financial detail set out in the report and the support offered to the Trust during the pandemic. However, concern was expressed about the Trust's ability to cope with rising energy costs.

Reference was made to the utility cost sharing agreement between the Leisure Trust and the Borough Council and it was indicated that neither organisation could sustain rising costs for the long term. In an effort to help mitigate costs associated with gas and electricity the Trust had introduced a surcharge on all casual swimming. It was expected that this would generate additional income in excess of £200,000, although the cost to the Borough Council was likely to be around £650,000. Members were reminded that if the authority was running the facilities direct then it would have to bear these costs in any event.

It was reported that decarbonisation and energy efficient projects at the Trust facilities were being pursued by the Borough Council and it was hoped that more detail would be presented to the Scrutiny Select Committees in due course.

Members were reminded that the Trust currently operated Larkfield Leisure Centre, the Angel Centre, Tonbridge Swimming Pool, Poulton Wood Golf Club and Leybourne Lakes Country Park. The Management Agreement between the Borough Council and the Leisure Trust would run until 31 October 2033. At five year intervals there was a service fee review and, as part of the review, the Leisure Trust would present a business plan of how the Borough Council's priorities would be achieved. Members would have opportunity to consider this business plan at the appropriate time.

OS 22/43 RECORD OF DECISIONS TAKEN BY CABINET MEMBERS

The decisions taken by the Cabinet and Cabinet Members during September and October were presented for information and noted by the Committee.

Subsequent to the publication of the agenda, a number of decisions had been taken by Cabinet on 8 November, as well as a Cabinet Member decision taken in respect of a car parking study in Tonbridge.

OS 22/44 WORK PROGRAMME

The Work Programme setting out matters to be scrutinised during 2022/23 was noted. Members were invited to suggest future items 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:

- The Leisure Trust – utility costs, decarbonisation and energy efficient projects, sustainability and future of leisure facilities
- Review of Governance Arrangements

MATTERS FOR CONSIDERATION IN PRIVATE

OS 22/45 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Wednesday, 23rd November, 2022

Present: Cllr M R Rhodes (Chair), Cllr B J Luker (Vice-Chair), Cllr Mrs P A Bates, Cllr A E Clark, Cllr D J Cooper, Cllr N J Heslop, Cllr D W King, Cllr D Lettington, Cllr W E Palmer, Cllr R V Roud, Cllr Mrs M Tatton, Cllr R I B Cannon (substitute) and Cllr D Harman (substitute)

In attendance: Councillors D Thornevell was also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors R P Betts, M D Boughton, V M C Branson, M A J Hood, Mrs A S Oakley and K B 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 M A Coffin, D A S Davis and D Keers

PART 1 - PUBLIC

GP 22/37 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Cannon substitute for Cllr Davis
- Cllr Harman substitute for Cllr Coffin

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 22/38 DECLARATIONS OF INTEREST

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

DECISIONS TO BE TAKEN UNDER DELEGATED POWERS

GP 22/39 THE PARLIAMENTARY CONSTITUENCIES BOUNDARY REVIEW

The report of the Chief Executive advised of the final proposals issued by the Boundary Commission for England (BCE) and invited Members to

consider a response on behalf of the Borough Council to be submitted by the consultation deadline of 5 December 2022.

Concerns raised previously in respect of the boundary review were summarised at 1.1.2. The final proposed maps for the constituencies encompassing Tonbridge and Malling were set out in Annex 2, whilst the first proposed and current maps for the constituencies were set out in Annex 3.

Members noted that the BCE proposed 3 County Constituencies (CC) of Chatham and Aylesford, Maidstone and Malling and Tonbridge to cover the Borough. None of which were co-terminus with the Borough boundary. The proposed Chatham and Aylesford CC lost Ditton and South Aylesford and gained more of Rochester/Chatham; the proposed Tonbridge CC lost some of the Mallings and gained New Ash Green, Hartley and part of Longfield and the new proposed Maidstone and Malling CC incorporated the Mallings, Barming, Allington and part of Maidstone.

Careful consideration was given to the proposals and Members reiterated concerns in respect of the loss of Aylesford South from the Chatham and Aylesford County Constituency; the weakening of community relationships as a result of dividing parishes and wards and the dislocated and inconsistent approach of the proposals. It was also felt that local knowledge and views should be reflected, as indicated in the consultation documents, and this point should be emphasised in the Borough Council's response.

Members were encouraged to submit either individual responses to the BCE or to provide feedback to the Head of Elections, the Chief Executive and the Leader which would be used to inform the Borough Council's final response.

RESOLVED: That

- (1) the final proposals of the Boundary Commission for England in respect of the County Constituencies in Tonbridge and Malling, as set out in Annex 2, be noted; and
- (2) delegated authority be given to the Chief Executive, in consultation with the Leader and Deputy Leader, to submit the Borough Council's response to the proposals having due regard to the points and areas of concern raised by Members.

GP 22/40 SCHEME OF MEMBER'S ALLOWANCES

The report of the Director of Central Services and Deputy Chief Executive recommended that the Scheme of Member's Allowances remained unchanged for 2023/24 pending consideration of any proposals from the Joint Independent Remuneration Panel (JIRP).

Members were reminded that the Borough Council could not adopt a revised Scheme without first considering recommendations from an independent remuneration panel. In August 2022 the Brough Council had appointed a new Panel, jointly with Tunbridge Wells Borough Council and Sevenoaks District Council, to provide recommendations in relation to Member's Allowances. It was anticipated that the Panel would be in a position to provide recommendations by January 2023. Unfortunately, this would not allow sufficient time for Members to consider these recommendations and formulate proposals in time for budget setting for 2023/24.

In addition, following local elections in May 2023, the composition of the Borough Council would change from a cohort of 54 members to 44. Consequently, each Member would have a greater number of constituents and the Panel recommendations should take this into account.

RESOLVED: That

- (1) the Scheme of Allowances for the 2023/24 municipal year remain unchanged from the current Scheme for 2022/23; and
- (2) the Scheme of Allowances for 2023/24 be reviewed during the 2023/24 municipal year upon receipt of the report of the Independent Remuneration Panel.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 22/41 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 TO BE TAKEN UNDER DELEGATED POWERS

GP 22/42 ESTABLISHMENT REPORT

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

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RESOLVED: That

- (1) the additional 18 month funding from the Climate Change reserve to recruit to the established Climate Change Officer post on a full time fixed term, 3 year, contract at grade SO be noted;
- (2) the creation of the Internal Communications Officer post on a part time 18.5 hours per week fixed term, 2 year, contract at grade SO be noted;
- (3) a temporary allowance be paid for 12 months to the Head of IT for undertaking the duties of Senior Information Risk Officer, for the period 1 October 2022 – 30 September 2023;
- (4) the creation of a new Principal Enforcement Officer post, full time on scale M8 with immediate effect be agreed;
- (5) the creation of a new Planning Enforcement Officer post on a full time, two year fixed term contract on scale 5 with immediate effect be agreed; and
- (6) that post DJ0137 (Planning Enforcement Officer) 37 hours per week scale 5 be deleted from the Establishment with immediate effect.

The meeting ended at 8.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Tuesday, 29th November, 2022

Present: Cllr C Brown (Chair), Cllr Mrs F A Kemp (Vice-Chair), Cllr Mrs P A Bates, Cllr A E Clark, Cllr M A Coffin, Cllr D W King, Cllr H S Rogers, Cllr R V Roud and Cllr F G Tombolis

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

An apology for absence was received from Councillor D Keers.

PART 1 - PUBLIC

LA 22/29 DECLARATIONS OF INTEREST

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

LA 22/30 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 27 September 2022 be approved as a correct record and signed by the Chairman.

LA 22/31 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 21 September 2022 and 19 October 2022 be received and noted.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 22/32 UPDATE FOLLOWING STREET TRADING CONSULTATION

The report of the Director of Central Services and Deputy Chief Executive provided an update following the Street Trading Consultation which ran from 13 October 2022 until 9 November 2022. The Licensing Department received no comments during the 28 consultation period.

The second draft of the proposed Street Trading Policy was attached at Annex 1, the draft proposed application form at Annex 2 and the Assistants and Employee application form at Annex 3.

During discussion, Members requested that there be clarity regarding the sale of used vehicles on the public highway and officers noted a number of corrections.

RECOMMENDED: that the second draft policy for the introduction of Street Trading consents be approved subject to clarity regarding the sale of used vehicles on the public highway.

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

LA 22/33 REVIEW OF FEES AND CHARGES 2023/24 - LICENSING FEES

Following a review of the existing fee structure the report of the Director of Central Services and Deputy Chief Executive set out details of the proposed licensing fees and charges for 2022/23 in respect of Hackney Carriage and Private Hire, Pleasure Boats and Boatmen, Scrap Metal Dealers, Animal Welfare, Street Trading Consents in Tonbridge, Sex Establishments and the licensing of premises and practitioners providing Acupuncture, Tattooing, Ear Piercing, Semi-permanent make up and Electrolysis.

RESOLVED: That the proposed scale of fees for licences, consents and registrations, as set out at Annex 1 to the report, be adopted with effect from the 1 April 2023.

LA 22/34 ANIMAL LICENSING POLICY CONSULTATION

The Report of the Director of Central Services and Monitoring Officer introduced the draft Animal Licensing Policy, which reflected the changes made by The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

The policy set out how the Council would exercise its functions under the Dangerous Wild Animals Act 1976, the Zoo Licensing Act 1981, the Animal Welfare Act 2006, and the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018.

RESOLVED: That the draft Animal Licensing Policy be approved for consultation.

MATTERS SUBMITTED FOR INFORMATION

LA 22/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 1st December, 2022

Present: Cllr D W King (Chair), Cllr M R Rhodes (Vice-Chair), Cllr Mrs J A Anderson, Cllr J L Botten, Cllr M D Boughton, Cllr V M C Branson, Cllr G C Bridge, Cllr A E Clark, Cllr A Cope, Cllr M O Davis, Cllr N Foyle, Cllr N J Heslop, Cllr F A Hoskins, Cllr J R S Lark, Cllr J L Sergison and Cllr Miss G E Thomas

Apologies for absence were received from Councillors Mrs P A Bates, M A J Hood, H S Rogers and F G Tombolis

PART 1 - PUBLIC

AP1 22/27 DECLARATIONS OF INTEREST

Councillor M Davis declared an Other Significant Interest in applications TM/22/00101/FL and TM/22/00102/LB on the grounds that the applicant was a client at his legal firm. He withdrew from the meeting as soon as this interest became apparent and took no part in the discussion and did not vote on the applications.

AP1 22/28 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 23 June 2022 be approved as a correct record and signed by the Chairman.

AP1 22/29 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. 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)

AP1 22/30 TM/21/02298/FL - TONBRIDGE PRS, MEDWAY WHARF ROAD, TONBRIDGE

Demolition of existing gasholders and associated structures. Redevelopment of the site to provide 144 residential units and up to 567 sqm of flexible Class E/ancillary residential floorspace. The proposals include the delivery of landscaping and public realm, play space, access, car parking and other associated and ancillary works at Tonbridge P R S, Medway Wharf Road, Tonbridge.

RESOLVED: That planning permission be GRANTED subject to

- (1) the applicant entering into a S106 agreement to make financial contributions and secure a late-stage review mechanism as set out in paragraph 5.137 of the report;
- (2) the details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health; subject to the
- (3) Amendment to submitted details in the recommendation as follows:-

Management Plan Construction dated 07.10.2021, Landscaping 15772-VL_L02C dated 20.08.2021, Location Plan 15772-100 A dated 20.08.2021, Letter Covering dated 31.08.2021, Energy Statement dated 20.08.2021, Report Arboricultural dated 20.08.2021, Assessment Daylight and sunlight dated 20.08.2021, Other Daylight and Sunlight Assessment Appendix A2 and A3 dated 20.08.2021, Design and Access Statement Sect 1-7 dated 20.08.2021, Assessment Odour A dated 20.08.2021, Noise Assessment dated 20.08.2021, Statement Heritage dated 20.08.2021, Statement Community Involvement dated 20.08.2021, Sustainability Report dated 20.08.2021, Flood Risk Assessment and Drainage Strategy dated 20.08.2021, Assessment Detailed Quantative Risk Assessment for Controlled Waters dated 20.08.2021, Arboricultural Assessment TCP/4323/Y/100 dated 20.08.2021, Planning Layout ARB/4323/Y/200 dated 20.08.2021, Tree Protection Plan TPP/4323/Y/300 dated 20.08.2021, Proposed Plans 15772 - SK16 dated 05.05.2022, Other TECHNICAL DESIGN NOTE dated 05.05.2022, Existing Plans 15772 - SK14 dated 05.05.2022, Proposed Plans 15772 - SK15 dated 05.05.2022, Other 20176 - SK20220421.1 dated 05.05.2022, Other 20176-SK20220421.2 dated 05.05.2022, Site Layout 15772-102F dated 13.10.2022, Proposed Floor Plans 15772-103E dated

13.10.2022, Proposed Floor Plans 15772-104E dated
 13.10.2022, Proposed Floor Plans 15772-105E dated
 13.10.2022, Proposed Floor Plans 15772-106E dated
 13.10.2022, Proposed Floor Plans 15772-107C dated
 13.10.2022, Proposed Floor Plans 15772-108C dated
 13.10.2022, Proposed Floor Plans 15772-109C dated
 13.10.2022, Proposed Floor Plans 15772-110C dated
 13.10.2022, Proposed Elevations 15772-111D dated 13.10.2022,
 Proposed Elevations 15772-112C dated 13.10.2022, Proposed
 Elevations 15772-113C dated 13.10.2022, Proposed Elevations
 15772-114C dated 13.10.2022, Proposed Elevations 15772-
 115C dated 13.10.2022, Proposed Elevations 15772-116C
 dated 13.10.2022, Landscaping 15772-VL_L01H dated
 31.08.2022, Other 15772 - TR008-B Swept Path Analysis Fire
 dated 31.08.2022, Sections 15772-117C dated 10.06.2022,
 Sections 15772-118B Historic Society dated 10.06.2022, Other
 Supplier Price Update dated 05.01.2022, Assessment FVA
 Aligned to Review dated 05.01.2022, Report Viability Response
 dated 05.01.2022, Other Design Intent Movable Planters dated
 21.12.2021, Assessment FVA Policy Compliant Emerging 25%
 AH dated 30.11.2021, Other Technical design note dated
 11.03.2022, Assessment FVA Policy Compliant Current 40% AH
 dated 30.11.2021, Assessment FVA Reduced Contributions 0%
 AH dated 30.11.2021, Other Technical design note dated
 24.01.2022, Email ADDITIONAL INFORMATION -
 ENVIRONMENTAL HEALTH dated 28.01.2022, Other Technical
 note-odour dated 24.01.2022, Statement Fire 1C dated
 26.08.2022, Report viability dated 27.08.2022, Remediation
 Strategy verification plan dated 27.07.2021, Ground Investigation
 Report dated 16.07.2021, Statement Planning dated
 01.08.2021, Transport Assessment dated 22.07.2021, Travel
 Plan dated 01.07.2021, Ecological Assessment dated
 01.08.2021, Existing Site Plan 15772-101A dated 23.7.21,
 Schedule Updated - Accommodation schedule November 2022
 dated 21.11.2022, Schedule Updated - Drawing/document
 schedule November 2022 dated 21.11.2022.

(4) Amended Condition 5:

The development shall not be brought into use until an updated Travel Plan to that hereby approved, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The updated Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement, details of allocation and control of the parking spaces hereby permitted, and details of the car club scheme. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter. Monitoring fee of £948.

Reason: In the interests of promoting sustainable transport

(5) Amended Condition 7:

No development, other than the demolition of any buildings, removal of hardstanding, ground investigations, remediation works or site survey works, shall be carried out until details of the proposed car charging points have been submitted to, and approved by the Local Planning Authority. The charging points shall be installed prior to the first occupation of the development, and thereafter maintained and retained in accordance with the approved details.

Reason: To encourage the use of electric vehicles in the interests of mitigating climate change in accordance with national objectives.

(6) Amended Condition 17:

The development shall be carried out in accordance with the submitted flood risk assessment (ref 18156-HYD-XX-XX-RP-FR-0001 P03 | 05/11/2021 | Hydrock), in addition to the latest design technical note (ref 18156-HYD-XX-XX-TN-FR-0007 P03 | dated 17 May 2022 | Hydrock) and the following mitigation measures they detail:

1. Finished floor levels shall be set no lower than 23.18 metres above Ordnance Datum (AOD) for residential accommodation. It is noted the lower ground floor level is to be 22.00m AOD.
2. Plant rooms to be set at a level no lower than 22.58m AOD which is the 1 in 100 year plus 35% Climate Change modelled level.
3. The external and finished floor levels will be as proposed in the DWG ref 15772-102 Rev F, by the Harris Partnership dated 12.05.2022
4. A Flood Evacuation Management Plan to include advice for future occupants/residents to sign up to the EA flood warning service.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided.

(7) Amended Condition 20:

Prior to the construction of the development frontage to the River Medway (referred to as Block A on DWG No 15772-111 Rev D dated 09.06.22) full details regarding the structural integrity and condition of the flood defence river wall engineered high ground and a plan of works will be submitted and approved by the Local Planning Authority (LPA). This may include the below:

- A full structural investigation of integrity and assessment of condition of the flood defences. This includes all elements of the flood defence, such as the landward face, buried elements and any outfalls crossing it.
- Estimation of the residual life of the flood defence frontage at this site and how this interacts with the lifetime of the new development.
- Consideration to incorporate an enhanced frontage into the development, thereby securing its long-term structural integrity and maintenance, as well as improving its visual, ecological and amenity value.
- The findings of the above will inform options for a plan of flood defence replacement and maintenance.
- The plan as approved to be fully implemented.

Reason: To ensure a fit for purpose flood defence will keep the development safe from flooding for its lifetime of 100yrs in line with NPPF.

(8) Amended Condition 31:

Prior to the commencement of development, a dimensional and photographic record of the gasholders in situ shall be produced and submitted to the Local Planning Authority and Tonbridge Historical Society. The identification plates for GH1 and GH2 shall be passed to the Tonbridge Historical Society for future preservation.

Reason: In the interests of recording the historical importance of the site within the local area.

(9) Addition of conditions

32. No development shall commence above slab level until details of flood mitigation measures to protect:

- a) plant and services and;
- b) 8 residential units located on the ground floor of the development hereby approved, have been submitted to and approved by the Local Planning Authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants.

33. No external lighting shall be installed in connection with the development hereby approved until such details have been submitted to and approved by the Local Planning Authority, and the work shall be carried out in strict accordance with those details and maintained and retained at all times thereafter.

Reason: In the interests of visual and residential amenity.

(10) Amended Informative 8:

It is noted from the 'Flood Risk Assessment & Drainage Strategy' (Hydrock, ref 18156-HYD-XX-XX-RP-FR-0001 Rev. P03, November 2021) that no infiltration to ground is proposed, and that surface water will be discharged to the local watercourses.

(11) Removal of Informative 35:

It is requested that following demolition of the gasholders the identification plates for GH1 and GH2 are passed to the Tonbridge Historical Society for future preservation. (now part of Condition 31).

[Speakers: Tonbridge Historical Society (Mr David Phillips) and Mr Paul Galgey (agent)]

AP1 22/31 (A) TM/22/00101/FL AND (B) TM/22/00102/LB - 1 HADLOW CASTLE, HIGH STREET, HADLOW, TONBRIDGE

- (1) Retrospective application for the removal of 3 windows and replacement with 3 black aluminium double glazed windows at 1 Hadlow Castle, High Street, Hadlow.

A proposal to refuse retrospective planning permission on the grounds that the material, design and colour of the replacement windows was inappropriate and detrimental to the Grade 1 Listed Building was lost following a formal vote.

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.

- (2) Listed Building Application: Retrospective application for the removal of 3 windows and replacement with 3 Black aluminium double glazed windows at 1 Hadlow Castle, High Street, Hadlow.

RESOLVED: That Listed Building Consent 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: Mr Owen Baldock and Mr Martin Ingham (Members of the Public) and Mr Chris Williams (applicant)]

AP1 22/32 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 11.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 6th December, 2022

Present: Cllr J L Botten (Chair), Cllr D J Cooper (Vice-Chair), Cllr G C Bridge, 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 M Taylor, Cllr Miss G E Thomas, Cllr D Thornewell and Cllr F Hoskins (substitute member)

In attendance: Councillors D A S Davis, Mrs T Dean, D Lettington and K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors P A Bates, M D Boughton, V M C Branson, R I B Cannon, P J Montague, Mrs A S Oakley 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.

Apologies for absence were received from Councillors Mrs S Bell, R W Dalton and R V Roud.

HP 22/15 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Hoskins substitute for Cllr Roud

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 22/16 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. It was noted 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 22/17 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 6 September 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 22/18 TEMPORARY ACCOMMODATION ACTION PLAN UPDATE

The report provided an update on the progress being made in respect of the Temporary Accommodation Action Plan. A summary was attached at Annex 1.

Members commended the good progress that continued to be made on reducing the number of households in temporary accommodation and currently this was reported as 97. As highlighted in the Action Plan there were a number of areas that required focus and these included the implementation of the Housing Allocation Scheme, a revised approach to procurement and accessing the private rented sector.

The key risks associated with maintaining or improving the number of households in temporary accommodation were detailed in 1.5.1 of the report. These risks, together with potential mitigating actions and the good progress being made in controlling budget spend, were noted by Members.

There was in-depth discussion on the difficulty in accessing the private rented sector because of landlords being unable to take tenants on benefits due to their insurance requirements and the Borough Council's property portfolio strategy. Members were assured that options to address these challenges continued to be explored. In particular, the experience gained from previous property purchases to use as temporary accommodation would be beneficial in any future projects. It was recognised that having a property portfolio had many benefits for both residents and the Borough Council.

RECOMMENDED: That the progress made against the Temporary Accommodation Plan be noted.

***Decision Taken by Cabinet Member**

HP 22/19 REGULATION 18 LOCAL PLAN CONSULTATION - INITIAL OUTPUTS

Members were reminded that the Regulation 18 consultation in respect to the Local Plan and the associated Interim Sustainability Appraisal had finished on 3 November 2022. The report of the Director of Planning, Housing and Environmental Health provided high-level summaries and statistics of the responses received and the key themes identified. Further detailed analysis would be presented to a future meeting of the Housing and Planning Scrutiny Select Committee.

A majority of the comments were in response to the Local Plan rather than the Interim Sustainability Appraisal and the key matters raised by

statutory bodies were set out at Annex 1. A list of landowners, developers and other key bodies who had responded were set out at Annex 2, whilst a statistical analysis of the responses was provided at Annex 3. Members were reminded that the call for sites process had been reopened alongside the Regulation 18 Consultation and a further 52 potential new sites had been identified (once duplicates had been removed).

Particular reference was made to recent announcements made by the Secretary of State for Levelling Up, Housing and Communities indicating new measures in the Levelling Up and Regeneration Bill, which could have implications for housebuilding targets, the Green Belt and the duty to co-operate as there was an emphasis on local decision making.

Members expressed concern at the lack of detail from Government and whether the Local Plan process and timetable needed to be revisited to reflect changing circumstances. It was unclear how any changes would be implemented arising from the Government proposals at the current time. However, it was likely that more detail would be available in time for these to be considered in more depth at the next meeting of the Scrutiny Select Committee.

There was in-depth discussion on a number of issues and the following points were raised, discussed and noted:

- The need for wider communication and engagement with residents;
- The need to identify and understand the process for the Borough Council to consider sites as a landowner, and not a Local Planning Authority, identified in the Urban Capacity Study;
- The potential for consultation on the 52 additional sites identified in the revisited Call for Sites exercise;
- The commissioning of a stage 2 Green Belt appraisal, which would be a key tool in assessing sites.

RECOMMENDED: That

- (1) the initial outputs of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be noted;
- (2) the approach to promoting the Local Plan through other council communications, as set out in 1.3.10 and subject to GDPR restrictions, be noted; and
- (3) the programme for bringing more detailed outputs to Members at the meeting of the Housing and Planning Scrutiny Select Committee in March 2023 be approved.

***Referred to Cabinet**

HP 22/20 IGN3 AND SPG4 UPDATE AND WAY FORWARD WITH THE LOCAL PLAN

The report set out the current framework and policy around parking standards within Tonbridge and Malling and set out the interim position to assess development management applications.

Careful consideration was given to the current position related to development management (applications and enforcement) and how the Borough Council could better shape parking provision, particularly on large scale development sites, utilising lessons from existing developments.

It was reported that several options had been assessed in relation to IGN3 and SPG4 and whether a more up to date evidence base and set of parking standards/guidelines could be developed to replace the current aged guidance notes. Both IGN3 and SPG4 significantly predated the NPPF with the evidence base for the documents being almost 20 years old.

The options available to the Borough Council were detailed at 1.4.6 of the report. As part of the emerging Local Plan a high level parking standards policy could be produced which would reference parking standards for residential and non-residential development with a commitment to producing a Supplementary Planning Document on parking either as a standalone document or within a combined Design/Guide code. More detailed analysis of this was set out in option 4.

Particular reference was made to recent correspondence from the Secretary of State for Levelling Up, Housing and Communities which encouraged the preparation of design codes. Members welcomed the opportunity of reviewing options in respect of parking standards and Councillor Harman proposed that option 4 should be progressed. This proposal was seconded by Councillor Hood and formally supported by the Scrutiny Select Committee. However, Members asked that the form of the Supplementary Planning Document be determined by the Scrutiny Select Committee rather than delegated to the Director of Planning, Housing and Environmental Health.

RECOMMENDED: That

- (1) option 4 (as detailed in 1.4.6 of the report and duplicated below), be commended for progression;
 - 'Tonbridge and Malling Borough Council include a high level parking standards policy within the emerging Local Plan with a commitment to producing either a stand alone Supplementary Planning Document (or its replacement) on parking; OR

- includes the design and layout of parking (including standards) within a comprehensive Design guide/code modelled on the National Model Design Code which also covers other matters on place making/shaping following adoption of the Local Plan'
- (2) the position on current development management matters and how they were handled (as set out in paragraph 1.3) be noted.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 22/21 KEY PERFORMANCE INDICATORS

The report of the Director of Planning, Housing and Environmental Health provided a list of Key Performance Indicators (KPIs) that would be monitored on a quarterly-annual basis and presented to the Scrutiny Select Committee.

A baseline covering April-June 2022 had been used, with the data for July-September 2022 representing the most up-to-date available statistics. The KPIs related to Housing and Planning were set out at Appendix 1 and explanatory notes were provided to give additional context.

HP 22/22 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 items 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:

- Homes for Ukraine Scheme

MATTERS FOR CONSIDERATION IN PRIVATE

HP 22/23 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

EXTRAORDINARY CABINET

MINUTES

Wednesday, 14th December, 2022

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr P J Montague and Cllr K B Tanner

Virtual: Councillors Mrs J A Anderson, Mrs P A Bates, Mrs A S Oakley, M R Rhodes, T B Shaw, M Taylor 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.

Apologies for absence were received from Councillors V M C Branson, M A Coffin, D A S Davis and D Keers

PART 1 - PUBLIC

CB 22/107 DECLARATIONS OF INTEREST

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

DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE NON-KEY DECISIONS

CB 22/108 CORPORATE STRATEGY - CONSULTATION DRAFT

Decision Notice D220115CAB

The report provided an update on the Corporate Strategy Consultation Draft with particular focus on feedback received from staff and the Overview and Scrutiny Committee. In addition, approval to proceed towards a community engagement exercise during winter 2023 was sought.

Details of the feedback received to date was set out in 1.3 of the report and the comments and points raised were noted. As a result, a number of minor changes were proposed and these were summarised in 1.3.4 (Table 2). A five-week period of public and community consultation would start in January 2023 as detailed in 1.4 of the report.

RESOLVED: That

- (1) the Corporate Strategy Consultation Draft, as set out in Appendix 1 and including the amendments set out in 1.3.4 (Table 2) be endorsed;
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary further minor changes to the Corporate Strategy Consultation Draft that might be required for reasons of clarity or presentation; and
- (3) the programme for community consultation, as set out in 1.4, be approved.

CB 22/109 LOWER THAMES CROSSING - DEVELOPMENT CONSENT ORDER

Decision Notice D220116CAB

The report set out details in respect of an application for a Development Consent Order for the nationally significant infrastructure project at the Lower Thames Crossing. Details of the examination process to be undertaken by the Planning Inspectorate were also set out. It was reported that the Borough Council would be required to prepare a Local Impact Report as part of this process.

Whilst the Borough Council were supportive of the project it was felt that there should be investment in local highways infrastructure to mitigate the impact on the A228 and A229 between the M2 and M20. This was due to the expected displacement of traffic away from the Dartford Crossing, together with additional demand to cross the River Thames, increasing traffic on the local road network.

RESOLVED: That delegated authority be granted to the Director of Planning, Housing and Environmental Health to formally engage with the Lower Thames Crossing Examination and related negotiations with LTC staff and consultants, to support the Borough Councils efficient engagement in the process.

MATTERS SUBMITTED FOR INFORMATION

CB 22/110 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.

CB 22/111 URGENT ITEMS

The requisite notice having been given to the Chief Executive and in accordance with s100B (4) of LGA 1972, the Chair was of the opinion that the Household Support Fund (Round 3) should be considered as a

matter of urgency by reason of special circumstance regarding the funding timescales and distribution to relevant parties before year end.

CB 22/112 HOUSEHOLD SUPPORT FUND (ROUND 3)

Decision Notice D220117CAB

Approval was sought for the Borough Council's approach in the use of the current grant of Household Support Fund. Tonbridge and Malling had been allocated £139,263.24 to provide support to vulnerable households struggling with the cost of living. This grant allocation had to be used by 31 March 2023 and any unspent monies could not be rolled over into April, beyond honouring any expenditure committed to before the end of the financial year.

A number of options had been considered, in consultation with the Cabinet Member for Finance, Innovation and Property, and proposals were set out in the draft Household Support Fund Scheme October – March 2022/23 (attached at Annex 2).

In summary, it was proposed that funding should be used to support:

- food banks (funding allocation of £45,000);
- fuel voucher schemes (funding allocation of £20,000); and
- households facing a disproportionate impact of cost of living increase or exceptional needs (contingency balance of £25,000);

In addition, it was proposed that the balance of funding be targeted at those identified as most in need when the Scheme was evaluated in late January 2023.

Careful consideration was given to the proposals set out in the Household Support Fund Scheme October – March 2022/23 (as set out in Annex 2), together with the Kent County Council plan to assist vulnerable households (as set out in Annex 1) and the legal, financial and value for money implications. Cabinet recognised the role and importance of foodbanks in the Borough, considered alternative solutions for the use of the Household Support Fund and supported the need to help those struggling to afford food, energy and water bills and other related essentials in the current cost of living crisis. In particular, Cabinet supported the distribution of funding as soon as possible as the recent extreme cold weather increased the pressure on family's use of heating.

RESOLVED: That

- (1) the Household Support Fund Scheme October – March 2022/23 (attached at Annex 2) 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 the approved Policy.

[In accordance with Overview and Scrutiny Procedure Rule 15 (i) this decision was not subject to call-in since in the opinion of the Cabinet it was urgent and any delay would seriously prejudice the Council's or the public's interest.]

CB 22/113 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.

DECISIONS TO BE TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 22/114 TONBRIDGE TOWN CENTRE ASSET REVIEW - PHASE 2 PROPOSAL

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

Decision Notice D220118CAB

Consideration was given to the proposal for Phase 2 of the Tonbridge Town Centre Asset Review. Details of the work programme, funding arrangements and implications, management of Phase 2 and a parking study were also outlined in the report. It was also noted that expenditure related to the Phase 2 works would be regularly monitored.

Cabinet were reminded that the procurement of the work in respect of the Tonbridge Town Centre asset review had been secured under Scape's Place Shaping framework.

RESOLVED: That

- (1) the Phase 2 proposal (attached at Annex 1) be approved; and
- (2) the various work streams and timescales set out in the report be noted.

The meeting ended at 7.00 pm
having commenced at 6.00 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

Tuesday, 10th January, 2023

Present: Cllr M D Boughton (Chairman), 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: Cllr Mrs S Bell and Cllr M A J Hood were also present pursuant to Access to Information Rule No 23.

Virtual: Councillor Mrs J A Anderson, Mrs P A Bates, D Harman, Mrs A S Oakley, W E Palmer and M R Rhodes 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 23/1 DECLARATIONS OF INTEREST

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

CB 23/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 8 November 2022 and the extraordinary meeting of Cabinet held on 14 December 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 23/3 COUNCIL TAX PREMIUM CHANGES FOR EMPTY HOMES AND SECOND HOMES

The report of the Director of Finance and Transformation sought Cabinet's recommendations on proposed changes to Council Tax premium charges. A supplementary report clarified the proposed changes to Council Tax premium charges for empty properties.

RECOMMENDED: That

- 1) the amendments to Council Tax empty home premiums from the 2024/25 financial year onwards, be adopted by the Council, subject to the bill being enacted and guidance being published by Central Government; and

- 2) a Council Tax premium be introduced to second homes from the 2024/25 financial year onwards, subject to the bill being enacted and guidance being published by Central Government.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 23/4 REGULATION 18 LOCAL PLAN CONSULTATION - INITIAL OUTPUTS

Decision Notice: D230004CAB

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

Members were reminded that the Regulation 18 consultation in respect of the Local Plan and the associated Interim Sustainability Appraisal had finished on 3 November 2022. The report of the Director of Planning, Housing and Environmental Health provided high-level summaries and statistics of the responses received and the key themes identified. Members were advised that a further detailed analysis would be presented to a future meeting of the Housing and Planning Scrutiny Select Committee.

RESOLVED that:

- (1) the initial outputs of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be noted;
- (2) the approach to promoting the Local Plan through other Council communications, as set out in 1.3.10 and subject to GDPR restrictions, be noted; and
- (3) the programme for bringing more detailed outputs to Members at the meeting of the Housing and Planning Scrutiny Select Committee in March 2023 be approved.

MATTERS SUBMITTED FOR INFORMATION

CB 23/5 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:

- D230001MEM – Easement and Lease for Gas Governor at St Benedict Road, Snodland
- D230002MEM – LGA Housing Advisers Programme – Sustainable Temporary Accommodation Options Research

CB 23/6 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the following Panels, Boards and other Groups were received and noted:

- Parish Partnership Panel of 3 November 2022
- Joint Transformation Board of 21 November 2022
- Tonbridge Community Forum of 27 November 2022

CB 23/7 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.

CB 23/8 PEMBURY ROAD PROPERTIES

Decision Notice: D230005CAB

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

The Cabinet gave careful consideration to a number of options regarding the future of 2 properties at Pembury Road, Tonbridge as detailed in Annex 1 to the report. In assessing the options, particular attention was given to the financial and legal implications, value for money considerations and the potential risks associated with the delivery options available.

RESOLVED: That

- (1) subject to (2) below, the option to utilise the properties as 2 x 4 bed need temporary accommodation units be progressed and implemented;
- (2) the public sector partner be given the opportunity to reach agreement on heads of terms by 31 January 2023 and any agreement to be reported to Cabinet for consideration as soon as possible thereafter; and

- (3) £944,000 be set aside for future temporary accommodation purchases, subject to the required approval processes and due diligence.

The meeting ended at 9.36 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

Monday, 16th January, 2023

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 P M Hickmott, Cllr J R S Lark and Cllr M R Rhodes.

Virtual: Councillors M D Boughton, V M C Branson, W E Palmer and H S Rogers participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

AU 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members required for this meeting.

AU 23/2 DECLARATIONS OF INTEREST

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

AU 23/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 26 September 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 23/4 AUDITOR'S ANNUAL REPORT

The report of the Management Team introduced the Auditors Annual Report (attached at Annex 1) prepared by Grant Thornton UK LLP in respect of the Borough Council's overall arrangements for securing economy, efficiency and effectiveness in the use of resources.

No significant weaknesses in arrangements had been identified but a number of improvements had been recommended to the risk management process and the performance management framework. These were detailed in 1.2.4 and 1.2.5 of the report.

RECOMMENDED: That

- (1) the Auditor's Annual Report (attached at Annex 1) for 2021/22 be approved; and

- (2) the management comments to the improvement recommendations (detailed in 1.2.4 and 1.2.5) be noted and endorsed.

***Referred to Cabinet**

AU 23/5 RISK MANAGEMENT

Members reviewed the Risk Management Strategy and accompanying Risk Management Guidance attached at Annexes 1 and 2 respectively.

The report of the Management Team also provided an update on the risk management process and the Strategic Risk Register (attached at Annex 3). Two additional risks had been added to the Register since the last review in September 2022. These related to the implementation of the Agile software system covering Planning, Housing and Environment Health and Local Elections in May 2023. The implementation of Agile had been identified as a red risk due to the potential costs of renewing the existing software in the event of a delayed start date.

RECOMMENDED: That

- (1) the Risk Management Strategy and accompanying Risk Management Guidance be commended to the Cabinet for adoption by the Council; and
- (2) the updates to the Strategic Risk Register since the last iteration be noted with particular emphasis on those risks categorised as Red.

*** Referred to Cabinet**

AU 23/6 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2023-24

The report of the Director of Finance and Transformation provided details of investments undertaken and return achieved in the first eight months of the current financial year and introduced the Treasury Management and Annual Investment Strategy 2023/24 (attached at Annex 5).

In addition, the report made reference to non-treasury management practices and the required procedures to ensure compliance with the Treasury Management and Prudential Codes of Practice and Statutory Guidance on Local Government Investments.

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2022 be noted; and
- (2) the Treasury Management and Annual Investment Strategy 2023/23 (attached as Annex 5) be adopted.

***Referred to Cabinet**

DECISIONS TAKEN UNDER DELEGATED POWERS**AU 23/7 ACCOUNTING POLICIES**

The Accounting Policies proposed for the 2022/23 Financial Statements were presented for consideration and endorsement. It was noted that, other than a few minor textual amendments, no changes were required.

RESOLVED: That the Accounting Policies (set out in Annex 1 to the report) be endorsed and used in the preparation of the 2022/23 Financial Statements.

AU 23/8 ANNUAL REVIEW OF WHISTLEBLOWING POLICY

The report informed Members of the outcome of the annual review of the Borough Council's Whistleblowing Policy and Procedure. The external Whistleblowing Policy, which provided the public and those providing services to the organisation to raise concerns, was also presented.

As a result of the review, the procedures duplicated in the policy had been removed. In addition, some of the language had been changed in the policy to encourage staff to speak out. A copy of the Whistleblowing Policy and Procedure were attached at Annexes 1 and 2. The external Whistleblowing Policy was attached at Annex 3.

RECOMMENDED: That the Whistleblowing Policy (attached at Annex 1) and Procedure (attached at Annex 2) and the external Whistleblowing Policy, be approved.

MATTERS SUBMITTED FOR INFORMATION**AU 23/9 INTERNAL AUDIT AND COUNTER FRAUD UPDATE**

Members were provided with an update on the work of both the Internal Audit function and the Counter Fraud function. Progress against the 2022/23 Plan was also reported and noted.

A summary of the current status of all audits on the 2022/23 Plan, including a summary of findings where finalised was attached at Annex 1 to the report. Planned amendments to Quarter 4 included the

implementation of the new voter identification system and attendance at the Agile System Project Board in an advisory capacity leading up to its implementation.

RESOLVED: That the report be noted.

AU 23/10 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.15 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 25th January, 2023

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

Virtual: Councillors Mrs J A Anderson, V M C Branson, M D Boughton, R W Dalton, M A J Hood, Mrs A S Oakley and K B 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 M A Coffin.

PART 1 - PUBLIC

GP 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Harman substituted for Cllr Coffin

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.

GP 23/2 DECLARATIONS OF INTEREST

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

GP 23/3 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 3 October 2022 and the extraordinary meeting held on the 23 November 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 23/4 LOCALISM ACT - PAY POLICY

The report of the Director of Central Services summarised the requirements of the Localism Act and presented an updated Pay Policy Statement for 2023/24 as set out in Annex 1 to the report.

Members noted that as there had not been any changes in the Councils remuneration policy, the substantive content of the updated Pay Policy Statement in Annex 1 was identical to the Council's first Pay Policy Statement (adopted by the Council on 16 February 2012).

RESOLVED: That the Pay Policy set out in Annex 1 be commended for adoption at the Council meeting on 21 February 2023.

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/5 PAY AWARD 2023-24

The report of the Chief Executive requested that Members consider a pay award of 5% for employees for 2023/24. Members noted that Council employees had a term in their contracts which read 'Salaries will be revised on 1 April each year by an amount determined by the Authority having regard to movements in the Retail Price Index, comparative pay settlements and prevailing economic conditions' and the Council therefore determined its own pay awards and was not tied into the national process of collective bargaining. The impact of a 5% pay award in the Council's salary scales was attached at Annex 1 of the report and UNISON's pay claim for 2023/24 at Annex 2.

The Chair proposed and it was seconded that Council Procedure Rule No 10.11 be suspended, to allow representatives of UNISON to address the Committee on behalf of its members, during which concern was raised in respect of the increase in cost of living, in particular the impact on those staff on lower salaries.

During discussion, it was noted that if Members were minded to agree a 12% pay award, the additional costs would have a significant impact on the Medium-Term Financial Strategy. Members considered a redistribution of the total amount based on 5%, so those on a lower pay scale were awarded a higher percentage increase in their pay. Attention was brought to the impact that this would have on the stability of the pay structure, recruitment and retention.

In addition to the pay award, it was proposed to increase the leave entitlement for all staff by one day with effect from 1 April 2023.

RESOLVED: That

- 1) the financial provision in the 2023/24 Estimates and Medium-Term Financial Strategy for the pay award be capped at the equivalent of a 5% pay award;
- 2) a range of options to be presented to an extraordinary meeting of the General Purposes Committee, that take into account those factors raised by Members; and

- 3) an increase of one day to the annual leave entitlements of all Officers as detailed in section 1.6 of the report from 1 April 2023, be agreed.

GP 23/6 URGENT ITEMS

The requisite notice having been given to the Chief Executive and in accordance with s100B (4) of LGA 1972, the Chair was of the opinion that the Amendment of Final Proposals for Review of Polling Districts and Polling Places should be considered as a matter of urgency by reason of special circumstance regarding the configuration and technical changes required to elections software in advance of the local elections in May 2023.

GP 23/7 AMENDMENT TO FINAL PROPOSALS FOR REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following agreement of the final proposals of the Ward Boundaries and Polling Districts at the General Purposes Committee meeting of 12 September 2022, on making the technical changes in the Elections software, it brought to light some amendments required for three parish ward polling districts. A list of the new wards and the amended final proposed Polling Districts and Polling Places that were within each Polling District was attached at Annex 1 to the report and the final proposal Polling Districts and Polling Places map attached at Annex 2.

The main changes were:

- New Polling District called Walderslade Woods
- New Polling District called Aylesford Station
- New Polling District called Snodland Central

RESOLVED: That the amendments to the final proposals, as set out in paragraph 1.2.3 of the report and Annex 1 attached to the report, be endorsed.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 23/8 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**GP 23/9 ESTABLISHMENT REPORT**

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

The report set out for Members' approval a number of establishment changes recommended by Management Team. Members noted that, in accordance with adopted conventions, all of the savings/costs referred to in the report reflected the salary at the top of the scale/grade plus associated on costs.

RESOLVED: That

- (1) the Sports Development Officer post DG0405 be deleted, with effect 1 April 2023;
- (2) the reduction in hours of post DG3001, Senior Administration Assistant, to 26.5 hours be agreed with immediate effect;
- (3) post DB0340 Gateway Manager, 37 hours per week, grade M9, be deleted from the Establishment with immediate effect; and
- (4) the creation of a new full time, permanent, Gateway and Customer Services Manager post (M8) be agreed, with immediate effect.

The meeting ended at 8.50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 26th January, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr A E Clark (Vice-Chair), Cllr M O Davis (Vice-Chair), Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D Harman, Cllr F A Hoskins, Cllr S A Hudson, Cllr J R S Lark, Cllr M Taylor, Cllr D Thornewell, Cllr F G Tombolis, Cllr D J Cooper (substitute) and Cllr B J Luker (substitute)

In attendance: Councillors M D Boughton and M A J Hood were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors R Betts, D Davis, D Keers, P Montague, W E Palmer and J Sergison 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, R I B Cannon, Mrs F A Kemp, D W King and H S Rogers

PART 1 - PUBLIC

OS 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Cooper substitute for Councillor Cannon; and
- Councillor Luke substitute for Councillor King

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 23/2 DECLARATIONS OF INTEREST

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

OS 23/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 17 November 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET**OS 23/4 CAPITAL PLAN REVIEW 2022-23**

The report of the Director of Finance and Transformation considered progress on the 2022/23 Capital Plan Review and requested endorsement of recommendations to the Cabinet. Members were reminded that any aspirations in respect of capital schemes needed to be set within the context of the difficult and challenging financial outlook.

Particular reference was made to proposals for List C which included the addition of 'fast track' schemes in respect of Gibson East Refurbishment and De-carbonising the Councils estate as outlined in 1.5.3 of the report. Funding arrangements for these schemes were set out in 1.7.3 to 1.7.6 and it was reported that the Gibson East Refurbishment should be seen as a standalone project, outside of the capital plan review process, due to its scale.

Members recognised the significant financial implications in respect of the Gibson East Refurbishment and were reassured that the costs, risks, works and valuations associated with the project would be carefully monitored.

RECOMMENDED: That

- (1) the Capital Plan (List A) position as set out in Annex 1 (attached to the report) be commended to Cabinet for endorsement;
- (2) List C be amended by Cabinet as detailed in 1.5.3 of the report and summarised above;
- (3) the schemes listed in 1.6.4 of the report be selected for evaluation including where recommended for Fast Track evaluation;
- (4) the transfer of the two schemes shown in 1.7.3 of the report from List C to List B be commended to Cabinet for endorsement; and
- (5) the Cabinet be invited to endorse the Capital Strategy (attached at Annex 4) for adoption by the Council and publication on the Council's website.

Referred to Cabinet*OS 23/5 REVENUE ESTIMATES 2023/24**

The report of the Director of Finance and Transformation and the Cabinet Member for Finance, Innovation and Property referred to the responsibility of the Cabinet under the Constitution for formulating initial draft proposals in respect of the Budget. Reference was made to the

role of the Overview and Scrutiny Committee in assisting the Cabinet and the Council in preparation of the Budget for 2023/24 within the context of the Medium Term Financial Strategy (MTFS) and the Council's priorities.

Attention was drawn to the difficulties experienced within the budget setting process of incorporating an estimate of the scale of the ongoing impact of the pandemic and, more recently, the conflict in Ukraine and its impact on global economic conditions both next year and over the medium term. Other financial pressures included the overall salary bill, IT infrastructure and increasing energy costs. These had been mitigated in part by the good performance of investment and business rates income.

Members welcomed the better than anticipated provisional local government finance settlement for 2023/24 which included an allocation for New Homes Bonus and a Funding Guarantee for 2023/24 of £1.8m. The overall funding increase on 2022/23, taking into account other grants rolled in, was £502,000 (7.2%). However, beyond 2024/25 there was no indication in respect of core funding and uncertainty remained about the future of New Homes Bonus, the Fair Funding Review and Business Rates Retention which made financial planning difficult.

Particular reference was made to the referendum principles in respect of Council Tax increases and for the purposes of preparing the budget papers and updating the MTFS an increase of 3% (or £5 whichever was higher) had been assumed for 2023/24 and 2024/25.

The projected funding gap within the MTFS had been remodelled based on the provisional financial settlement and was now in the region of £1.7M plus £200,000 to be delivered from office accommodation. Members were advised that good progress had been made on achieving the savings target set previously of £350,000 to be delivered by April 2023. However, it was increasingly challenging to identify/deliver savings going forward and the financial position remained difficult.

It was indicated that the pension fund deficit was forecast to be recovered within the 10-year period of this MTFS. This did not mean that a deficit would not reappear as it was dependent upon the future performance of the pension fund. How the risk of that happening might be lessened was subject to consideration.

RECOMMENDED: That

- (1) the draft Revenue Estimates (attached at Annex 1) be endorsed for consideration by Cabinet at its special meeting on 14 February 2023; and

- (2) the Savings and Transformation Strategy be updated to reflect the latest projected funding gap as part of the budget setting process.

***Referred to Cabinet**

OS 23/6 S106 MATTERS

The report of the Director of Planning, Housing and Environmental Health presented an updated s106 Protocol and a new monitoring structure for s106 monies. Members were also updated on the recently published Infrastructure Delivery Statement.

Any changes to the Protocol had taken into account the interest of all parties involved to ensure sufficient monitoring of the agreements could be completed and that the process remained efficient and up to date.

The main change proposed to be implemented was the removal of the County Council as a signatory to most agreements. This ensured greater control by the Borough Council over the delivery of mitigation and payment of relevant funding. It was noted that there were certain instances where the County Council would still be required as a signatory, such as where the relevant obligation would require KCC to give reciprocal covenants to TMBC and/or the developer. Members were advised that the County Council had requested an opportunity to discuss the proposals in more detail and this would be arranged as soon as possible.

Reference was made to proposals to create a monitoring group (as detailed in Annex 5) to meet regularly and review potential s106 matters. If the proposed structure was agreed, it was anticipated that the Operational Monitoring Group would be established as soon as possible with the Members Monitoring Group (as detailed in Annex 6) established after Annual Council in May.

Members welcomed the proposals in principle as the revisions improved monitoring of s106 allocations, distribution and spend. The importance of maintaining flexibility when drafting s106 agreements so that funding allocations weren't lost if a service or facility was lost was highlighted. Bus service provision within the borough was given as an example and agreements should be referring to the wider bus service rather than particular routes.

The annual Parish Infrastructure Statements were a valuable tool when undertaking negotiations related to s106 agreements as it enabled the Borough Council to request contributions for specific purposes as highlighted by parish/town councils to mitigate the impact of development for prospective and existing communities. It was suggested that those village halls not in the ownership of parish councils should liaise with those organisations to ensure their requirements were

included in the Parish Infrastructure Statements. It was noted that options regarding how locally based projects in the non-parished area of the Borough could be captured were being explored. It was requested that local ward members be involved in discussions on this.

RECOMMENDED: That

- (1) subject to further discussion with Kent County Council, the revised S106 Protocol and process, including the new monitoring structure, be commended to Cabinet for approval (in due course);
- (2) the new monitoring structure, as set out in the report, be commended to Cabinet for approval (in due course); and
- (3) the recently approved and published Infrastructure Funding Statement 21/22 and spreadsheet be noted.

***Referred to Cabinet**

MATTERS FOR INFORMATION

OS 23/7 KEY PERFORMANCE INDICATORS

The report of the Chief Executive provided a list of Key Performance Indicators (KPIs) that would be monitored on a quarterly-annual basis and presented to the Committee on a regular basis.

A baseline covering April-June 2022 had been used, with the data for July-September 2022 representing the most up-to-date available statistics. The KPIs related to those that were either corporate in nature or did not fit out under the remit of the Scrutiny Select Committee were set out at Appendix 1. Explanatory notes were provided to give additional context.

OS 23/8 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during November, December and January 2022-23 were presented for information and noted by the Committee.

OS 23/9 NOTICE OF FORTHCOMING KEY DECISIONS

The Notice of Key Decisions to be considered by the Cabinet in February was attached for information.

OS 23/10 WORK PROGRAMME 2023

The Work Programme setting out matters to be scrutinised during 2023 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/11 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.11 pm

DECISIONS TAKEN BY THE EXECUTIVE:

- **Cabinet**
- **Cabinet Member**
- **Urgency**

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D220095CAB

Decision Type: Key

Date: 08 November 2022

Decision(s) and Reason(s)

Shopfront and Vacant Unit Improvement Scheme

(Report of Chief Executive)

Following Cabinet approval of the submission of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan in July 2022, consideration was given to the creation of a Shopfront and Vacant Unit Improvement Scheme as detailed in the report of the Chief Executive.

Draft Guidance Notes and example application form for the Scheme were provided in Appendix 1. A summary of the Scheme finances and rationale for the proposed criteria was set out at 1.3.1 and 1.3.2 of the report. However, it was noted that a total budget of £102,000, made up of £70,000 of UKSPF and £32,000 of Business Rates Retention Pilot funding, would be available to fund the Scheme.

After careful consideration of the legal, financial and value for money implications and the assessment of risk, Cabinet

RESOLVED: That

- (1) the report be noted;
- (2) the Shopfront and Vacant Unit Improvement Scheme, as set out at Appendix 1, be endorsed;
- (3) that the Capital Plan and Revenue Budget be updated accordingly;
- (4) that delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary minor changes to the Scheme required following feedback from Central Government regarding the UK Shared Prosperity Fund Investment Plan.

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader:

M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220096CAB
Decision Type: Key
Date: 08 November 2022

Decision(s) and Reason(s)

Rural England Prosperity Fund

(Report of Chief Executive)

The report provided information on the Rural England Prosperity Fund and sought endorsement of the work undertaken to date to produce the required addendum of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan.

A funding allocation of £447,450 had been ring-fenced for the Borough. In order to access this allocation, an addendum to the UKSPF Investment Plan had to be developed in liaison with rural representatives and agreed by the Lead Authority and the Department for the Environment, Food and Rural Affairs. The draft addendum (attached at Appendix 1) was presented for consideration.

The Cabinet reviewed the programme criteria and processes, noted the next steps proposed and considered the legal, financial and value for money implications.

RESOLVED: That

- (1) the Rural England Prosperity Fund addendum be endorsed;
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary or minor changes to the addendum to improve presentation or clarity, prior to submission.

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220097CAB

Decision Type: Key

Date: 08 November 2022

Decision(s) and Reason(s)

Fees and Charges Review

(Joint Report of Management Team and Cabinet Member for Finance, Innovation and Property)

In advance of budget setting for 2023/24, Cabinet considered proposals for increases to fees and charges set by the Borough Council. Details relating to the setting of fees and charges across the various Services of the authority were set out in Annexes 1 – 4. The proposals had regard to the level of inflation, market conditions and comparable charges.

Particular reference was made to the recommendation of the Finance, Planning and Regeneration Scrutiny Select Committee following its meeting on 11 October, which invited Cabinet to undertake an in-year review of fees and charges due to the escalating levels of inflation. The latest inflation statistics for November CPI was recorded as 10.1%, rising from 9.9% in August.

The Scrutiny Select Committee had also recommended that in-year car parking charges throughout the Borough be reviewed. However, as the length of the required formal public consultation exercise would fall into the 2023/24 financial year it would not be feasible to consider an in-year review of charges in this specific service area.

Finally, Cabinet was reminded that the Borough Council's financial rules, as set out in the Constitution, required that all fees and charges must be reviewed at least once a year and reported to Members. Under the new governance arrangements introduced earlier in 2022, the Cabinet were responsible for considering these proposals directly. Recommendations made would be incorporated into the draft Revenue Estimates which would be formally presented to the Overview and Scrutiny Committee early in 2023.

Careful consideration was given to the proposals set out in Annex 1 – 4 and Cabinet noted the budget setting timetable, the legal, financial and value for money implications and recognised the significant and challenging financial position. It was also noted that the proposals could generate a contribution of £50,000 to the savings target if approved.

RESOLVED: That

- (1) the fees and charges proposed by the Director of Planning, Housing and Environmental Health, as set out at Annex 1, be approved;**

- | | |
|-----|--|
| (2) | the fees and charges proposed by the Director of Street Scene, Leisure and Technical Services, as set out at Annex 2, be approved; |
| (3) | the fees and charges proposed by the Director of Central Services, as set out at Annex 3, be approved; and |
| (4) | the fees and charges proposed by the Director of Finance and Transformation, as set out at Annex 4, be approved. |

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220098CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Medium Term Financial Strategy and Savings Update

(Report of Director of Finance and Transformation)

An update was provided on the Medium Term Financial Strategy (MTFS) and the latest financial issues. The savings that had been identified and would assist in meeting 'tranche 1' of the latest saving targets were also set out. Cabinet was requested to consider and implement a programme for investigating and identifying the balance of the savings that were needed to ensure the financial sustainability of the Borough Council.

It was reported that an interim review of the funding gap, which represented new savings that needed to be identified and delivered, was now projected at between £2.6m and £3.8m, the savings target 'tranche 1' of £350k needed to be in place by April 2023; so far only £164k of 'tranche 1' had been achieved and uncertainty regarding local government financial settlement, Fair Funding Review, negative RSG, New Homes Bonus cessation and Business Rates baseline reset made it difficult to assess the true position.

Particular reference was made to undertaking a review of the level of reserves and balances held for other specified purposes and whether there was potential for these to be added back into the general reserve to reduce the funding gap.

Careful consideration was given to the impact on the MTFS arising from the current global economic factors and increasing inflation and Cabinet had regard to the legal, financial and value for money implications, the assessment of risk and

RESOLVED: That

- (1) the latest forecast of the Medium Term Financial Strategy and the funding gap, which was estimated to between £2.6m and £3.8m (as set out in 1.4.7) be noted;
- (2) the savings/transformation contributions for Tranche 1 totalling £164,300 (as set out in 1.5.3) together with the additional £50,000 generated through increases in Fees and Charges (D220097CAB refers) be noted;
- (3) for the reasons set out in 1.4.27 and 1.4.26 of the report, Management Team be requested to review the level of reserves and balances held for specified purposes in order to release any 'surplus' sums to the General Revenue Reserve; and

(4) options to achieve savings/transformation contributions for future tranches, and how these could be implemented and actioned as soon as possible, be considered by the Finance, Regeneration and Property Scrutiny Select Committee at its meeting on 15 November 2022.

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220099CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Review of Sports Development and Youth Provision

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

The report outlined the services provided by the Borough Council in relation to Sports Development and Youth Engagement and invited the Cabinet to review and advise on future levels of provision of these discretionary services.

Details of both service areas, including its purpose, how it was currently delivered and staffing and budget implications were outlined in Annexes 1 and 2.

Cabinet recognised the excellent work undertaken by the Borough Council but noted that the current level of service provision was relatively small and that the provision of youth service was the responsibility of the County Council.

Careful consideration was given to a range of factors including the availability of alternative service providers serving the needs of both youth provision and sports development; the future of the Leisure Pass scheme; the legal, financial, value for money and staffing implications and the potential impacts on healthy lifestyles and the health and wellbeing of residents. An Equality Impact Assessment was also annexed to the report.

Taking into account the Council's financial position, the discretionary nature of the services and that the service areas were primarily provided by others such as Kent County Council and the Leisure Trust, Councillor Keers proposed, seconded by Councillor Boughton, that the provision of sports development and youth engagement services as currently provided be ceased. However, the Leisure Pass Scheme, as outlined in the report, was to be retained to enable those requiring financial assistance to continue to access services.

RESOLVED: That

- (1) the provision of sports development and youth engagement services as currently provided, with the exception of the Leisure Pass scheme as outlined in the report, be ceased.

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader:

M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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.

[In accordance with the Overview and Scrutiny Procedure Rules, this decision was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 17 November 2022. Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Community Services and the Leader. After in-depth discussion and a formal vote the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet and the decision came into immediate effect. The proposals in respect of sports development and youth provision came into effect from 18 November 2022.]

Decision Taken By: Cabinet
Decision No: D220100CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Public Space Protection Order

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

The Borough Council's Public Space Protection Order (PSPO) was due for renewal in April 2023. Details of the current restrictions and proposed additional restrictions to be considered were set out in Annex 2 to the report.

In summary, the proposed new restrictions related to vehicles on public open spaces, nuisance associated with car/motorcycle meetings, anti-social behaviour associated with fishing at Town Lock/Tonbridge moorings and no unauthorised swimming, bathing, boating at Holborough Lakes. The cost of a Fixed Penalty Notice for not adhering to a PSPO was currently £80 and it was proposed to increase this to £100 with no reduction for early payment in line with other local authorities. Members supported the implementation of restrictions across the whole of the Borough in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings.

After careful consideration of the proposals, the legal, financial and value for money implications and to support a reduction in crime and disorder it was

RESOLVED: That

- (1) the proposed Public Space Protection Order (as set out at Annex 2) be agreed; subject to the:
 - (i) restrictions in respect of vehicles on public open spaces and nuisance associated with car/motorcycle meetings being applied across the whole of the Borough;
 - (ii) inclusion of the restriction in respect of anti-social behaviour associated with fishing at Town Lock/Tonbridge Moorings; and
 - (iii) inclusion of the restriction in respect of no unauthorised swimming, bathing, boating at Holborough Lakes.
- (2) the Fixed Penalty Notice charge be amended to £100, with no reduction for early payment; and
- (3) a public consultation be undertaken and reported back to an appropriate meeting.

Reasons: As set out in the report submitted to Cabinet of 8 November 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220101CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Planning Enforcement Review

Consideration of recommendation OS 22/32 (1) from the meeting of Overview and Scrutiny Committee of 6 October 2022.

RESOLVED: That

- (1) the proposed changes to the Planning Enforcement Plan (as attached at Annex 1 to the report to the Overview and Scrutiny Committee) and the associated activity and timescales (as set out in 1.2 and 1.3 of the report) be approved, subject to:
- the amendment of paragraph 6.10 of the Planning Enforcement Plan by the addition of the words 'once served, the enforcement notice is entered onto the Local Land Charges Register and will remain on the register until the notice is withdrawn or any subsequent appeal is dismissed by the Planning Inspector'

Reasons: As set out in the report submitted to Overview and Scrutiny Committee of 6 October 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220102CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Tonbridge Castle - Outcome of public consultation and options for future commercial activities.

Consideration of recommendation CE 22/10 from the meeting of the Communities and Environment Scrutiny Select Committee of 19 October 2022.

RESOLVED: That

- (1) the outcome of the public consultation exercise be noted and the positive response welcomed; and
- (2) Options A to E (Café/Bistro restaurant; events and activities; educational tours; shop and other concepts) be approved for further investigation and evaluation and costings identified.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 19 October 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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: D220103CAB
Decision Type: Non Key
Date: 08 November 2022

Decision(s) and Reason(s)

Use of the Council's Public Open Spaces

Consideration of recommendation CE 22/11 from Communities and Environment Scrutiny Select Committee of 19 October 2022.

Concern was expressed at the lack of provision within the Policy for dealing with late or non-payment of fees to use the Borough Council's public open spaces. It was proposed by Cllr Keers, seconded by Cllr Boughton, that Officers be invited to identify options in respect of penalty provisions and the Policy be amended as appropriate.

RESOLVED: That

- (1) the outcome of the review be noted;
- (2) the Policy (attached at Annex 1 to the report) be approved, subject to delegated authority being given to the Director of Central Services and Director of Street Scene, Leisure and Technical Services, in liaison with the Cabinet Member for Community Services, to identify options in respect of penalty provisions for late or non-payment of fees and amend the Policy as appropriate; and
- (3) an inflationary increase of 10% in charges for 2023/24 be approved.

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

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 10 November 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

Decision Taken By: Cabinet Member for Finance, Innovation & Property	Decision Number: D220104MEM
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Date: 9 November 2022

Decision(s) and Reason(s)
COMMISSION OF TONBRIDGE PARKING STUDY
Following consideration of the options, the Cabinet Member for Finance, Innovation & Property resolved that: (1) the Council appoint Alpha Parking to undertake an updated parking study for Tonbridge at a cost of £10,075 + VAT
Reasons for decision: Alpha Parking undertook the same study in 2019, the company have existing knowledge of the car parks and of their operation. This work will feed into the Council's review of the town centre, which in turn will inform the Local Plan process. 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 Services:	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	10 November 2022

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Technical and Waste Services

**Decision No:
D220105MEM**

Date: 21 November 2022

Decision(s) and Reason(s)

Parking Update

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

The report covered the content of Phase 14 of the Action Plan and provided an update on the Borough's parking reviews.

A list of location requests recommended for consideration in Phase 14 of the Parking Action Plan was attached at Annex 1 to the report. A further list was attached at Annex 2 and would be held on a 'holding list' for consideration in future phases of the Plan. It was recommended that the locations and proposals in Annex 1 be taken forward for investigation and then to informal consultation; and that the response to the informal consultation be reported to a future meeting of the Board.

Following consideration by the Joint Transportation Board, the Cabinet Member for Technical and Waste Services resolved that:

- (1) the proposals for each location listed in Phase 14 of the Parking Action Plan, as set out at Annex 1 to the report, be taken forward for investigation and informal consultation; and
- (2) the list of requests, as set out at Annex 2 to the report, be held for future consideration in future phases of the Parking Action Plan.

Reasons: As set out in the report submitted to the Joint Transportation Board of 21 November 2022.

Signed Cabinet Member for
Technical and Waste Services:

P Montague

Signed Leader:

M Boughton

Signed Chief Executive: J Beilby

Date of publication: 28 November 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.

Date: 21 November 2022

Decision(s) and Reason(s)

Parking Action Plan - Phase 13

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

The report covered the formal consultation stage of the parking restriction proposals contained in Phase 13 of the Parking Action Plan and sought approval to implement the changes. A list of all the locations, the issues raised and a recommendation for each was set out in Annex 1.

The report also considered the introduction of a permit parking zone and associated parking restrictions to the Shakespeare Road area of Tonbridge that was held over from Phase 12 of the Parking Action Plan in September 2021.

The views of local members were sought on a number of recommendations and where appropriate and/or practical these would be reflected in the final proposals.

Following consideration by the Joint Transportation Board, the Cabinet Member for Technical and Waste Services resolved that:

- (1) the recommendations for each location for Phase 13 of the Parking Action Plan, as set out at Annex 1 to the report, be adopted and the proposals be implemented subject to:
 - (i) the amendment of scheme numbered Ph13-19 (Tonbridge, Chiltern Way/Cheviot Close) to reduce the proposal to just double yellow lines on the inside of the Chiltern Way bend and to implement on that basis;
 - (ii) the progression of schemes numbered Ph13-06 (Ditton, Woodlands Road), Ph13-12 (East Malling, Upper Mill/Mill Street), Ph13-24 (Tonbridge, Vale Rise & Woodgate Way) and Ph13-31 (Tonbridge, The Haydens); and
 - (iii) the deferral of consideration of scheme numbered Ph13-27 (Walderslade, 44-46 Woodbury Road) to the same stage of the next Phase of the Parking Action Plan; and
- (2) the previously agreed restrictions for the Shakespeare Road, Tonbridge area (that formed part of the Phase 12 Action Plan), be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 21 November 2022.

Signed Cabinet Member for
Technical and Waste Services

P Montague

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

28 November 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 Member for Technical and Waste Services

**Decision No:
D220107MEM**

Date: 21 November 2022

Decision(s) and Reason(s)

Parking Action Plan - Access Group 7

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

The report presented the outcome of the formal consultation on proposals contained in Access Group 7, a subset of the Parking Action Plan, where a streamlined process had been applied to the consideration and promotion of minor changes to the Traffic Regulation Order.

Following consideration by the Joint Transportation Board the Cabinet Member for Technical and Waste Services resolved that:

- (1) the recommendations for each location in Access Group 7, as set out at Annex 1 to the report, be adopted and, where appropriate, the proposals be implemented.

Reasons: As set out in the report submitted to the Joint Transportation Board of 21 November 2022.

Signed Cabinet Member for
Technical and Waste Services

P Montague

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

28 November 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

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D220108MEM
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Date: 25 November 2022

Decision(s) and Reason(s)
ALLOCATION OF SUPPORT TO VULNERABLE HOUSEHOLDS
The purpose of the decision is to reallocate funding within spends of the council tax energy rebate discretionary scheme, household support fund and discretionary housing payment fund recognising and supplementing related existing policies and decisions to accommodate additional funding from Kent County Council to support vulnerable households in the borough.
Following consideration of the options, the Cabinet Member for Finance, Innovation and Property resolved that: (1) A proportion of discretionary council tax energy rebate payments, equivalent in amount to a further allocation of household support funding (less reasonable administration costs) from the Kent County Council tranche 2 household support fund, to be reclassified as household support funding by 30 November 2022. (2) The substituted council tax energy rebate funding to be recorded as supplanting discretionary housing payments funding in the order of £130,000.
Reasons for decision: To enable acceptance of additional funding from Kent County Council within permitted timescales and spend criteria of each scheme to augment the Council's discretionary housing payment fund.

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

Decision Taken By: Cabinet Member for Finance, Innovation & Property and Deputy Leader	Decision Number: D220109MEM
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Date: 25 November 2022

Decision(s) and Reason(s)
ACQUISITION OF ARTIFICIAL INTELLIGENCE (BOT) – CUSTOMER SERVICE CONTACT CENTRE
Following consideration of the options, the Cabinet Member for Finance, Innovation and Property resolved that: (1) the transformation reserve be used for the purposes of acquiring the BOT software for use in the customer service contact centre
Reasons for decision: The Management Team had previously agreed (12 April 2022) to proceed with the acquisition of the Artificial Intelligence ‘BOT’ to help with answering routine questions (via switchboard and webchat) from members of the public. The intention was that new burdens funding be used to purchase the ‘BOT’, with ongoing costs to be met from efficiency savings within services. The expected costs for acquisition of the ‘BOT’ are £35,543.25 (year 1 – includes one of fee for project lead time of £9,262.50) and an ongoing annual fee thereafter of £26,280.75) The initial tranche of new burdens funding received for the energy rebate scheme (from which it been had intended to fund the purchase) had been used, but the Borough Council were expecting to receive further additional new burdens funding. As a backstop, approval was sought to use the transformation reserve, but only if there was insufficient funding available within new burdens.

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

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure	Decision Number: D220110MEM
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Date: 1 December 2022

Decision(s) and Reason(s)
ANNUAL INFRASTRUCTURE FUNDING STATEMENT (IFS)
Following consideration of the Infrastructure Funding Statement (attached as an Annex) which outlined the s106 funds secured, allocated and spent during the period 2021/22, the Cabinet Member for Strategic Planning and Infrastructure resolved that: (1) The Infrastructure Funding Statement 2021/22 be approved.
Reasons for decision: As detailed on the briefing note attached at Annex 1.

Signed Cabinet Member for Strategic Planning and Infrastructure	D Davis
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	2 December 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

Decision Taken By: Cabinet Member for Housing; and Cabinet Member for Strategic Planning and Infrastructure	Decision Number: D220111MEM
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Date: 2 DECEMBER 2022

Decision(s) and Reason(s)
AFFORDABLE HOUSING PROTOCOL – MINOR AMENDMENTS
Following consideration of the proposed minor amendments, the Cabinet Member for Strategic Planning and Infrastructure and Cabinet Member for Housing resolved that: (1) the changes to the Affordable Housing Protocol as set out in Annex 1 be approved; and (2) approval of future updates of the Housing Register snapshot data be delegated to the Director of Planning, Housing and Environmental Health.
Reasons for decision: As set out in the briefing note to the Portfolio Holder for Strategic Planning and Infrastructure and Portfolio Holder for Housing of 30 November 2022.

Signed Cabinet Member for Housing	K Tanner
Signed Cabinet Member for Strategic Planning and Infrastructure:	D Davis
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	6 December 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

Decision Taken By: Cabinet Member for Housing.	Decision Number: D220112MEM
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Date: 05 December 2022

Decision(s) and Reason(s)
PRIVATE SECTOR HOUSING ENFORCEMENT POLICY – MINOR AMENDMENTS
Following consideration of the options, the Cabinet Member for Housing resolved that: (1) the amendments suggested to the Council's Private Sector Housing Enforcement Policy be agreed.
Reasons for decision: On 19 November 2022 the Secretary for State for Levelling Up, Housing and Communities issued a Direction under section 3(3) of the Housing Act 2004 that all local housing authorities in carrying out their duty to review housing conditions in their area must have particular regard to high scoring (bands D and E) category 2 damp and mould hazards, as outlined in the guidance 'Housing health and safety rating system (HHSRS) enforcement guidance: housing conditions. This is one of the requirements placed on local housing authorities following the death of a child in Rochdale that is as a direct result of damp and mould. The proposed amendment ensures that the Council is complying with this Direction in making it specifically clear that where a damp and mould Band E Category 2 hazard exists the Council may take enforcement action (Band D category 2 hazards were already covered with the existing policy). There are no alternative options to consider.

Signed Cabinet Member for Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	6 December 2022

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By:
Cabinet Member for Housing

Decision No:
D220113MEM

Date: 06 December 2022

Decision(s) and Reason(s)

Temporary Accommodation Action Plan Update

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

The report provided an update on the progress being made in respect of the Temporary Accommodation Action Plan. A summary was attached at Annex 1.

Members commended the good progress that continued to be made on reducing the number of households in temporary accommodation and currently this was reported as 97. As highlighted in the Action Plan there were a number of areas that required focus and these included the implementation of the Housing Allocation Scheme, a revised approach to procurement and accessing the private rented sector.

The key risks associated with maintaining or improving the number of households in temporary accommodation were detailed in 1.5.1 of the report. These risks, together with potential mitigating actions and the good progress being made in controlling budget spend, were noted by Members.

Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Housing resolved that:

(1) the progress made against the Temporary Accommodation Plan be noted.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 6 December.

Signed Cabinet Member for Housing: K Tanner

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 8 December 2022

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By:
**Cabinet Member for Strategic Planning and
Infrastructure**

Decision No:
D220114MEM

Date: 06 December 2022

Decision(s) and Reason(s)

IGN3 and SPG4 Update and Way Forward with the Local Plan

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

The report set out the current framework and policy around parking standards within Tonbridge and Malling. The interim position to assess development management and applications was also set out.

Careful consideration was given to the current position related to development management (applications and enforcement) and how the Borough Council could better shape parking provision, particularly on large scale development sites, utilising lessons from existing developments.

It was reported that several options had been assessed in relation to IGN3 and SPG4 and whether a more up to date evidence base and set of parking standards/guidelines could be developed to replace the current aged guidance notes. Both IGN3 and SPG4 significantly pre-dated the NPPF with the evidence base for the documents being almost 20 years old.

The options available to the Borough Council were detailed at 1.4.6 of the report. As part of the emerging Local Plan a high level parking standards policy could be produced which would reference parking standards for residential and non-residential development with a commitment to producing a Supplementary Planning Document on parking either as a standalone document or within a combined design/guide code. More detailed analysis of this was set out in option 4.

Particular reference was made to recent correspondence from the Secretary of State for Levelling Up, Housing and Communities which encouraged the preparation of design codes. Members welcomed the opportunity of reviewing options in respect of parking standards and Councillor Harman proposed that option 4 should be progressed. This proposal was seconded by Councillor Hood and formally supported by the Scrutiny Select Committee. However, Members asked that the form of the Supplementary Planning Document be determined by the Scrutiny Select Committee rather than delegated to the Director of Planning, Housing and Environmental Health.

Following consideration by the Housing and Planning Scrutiny Select Committee, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) option 4 (as detailed in 1.4.6 of the report and duplicated below), be progressed;
 - 'Tonbridge and Malling Borough Council include a high level parking standards policy within the emerging Local Plan with a commitment to producing either a stand alone Supplementary Planning Document (or its replacement) on parking; OR
 - includes the design and layout of parking (including standards) within a comprehensive Design guide/code modelled on the National Model Design Code which also covers other matters on place making/shaping following adoption of the Local Plan'
- (2) the position on current development management matters and how they were handled (as set out in paragraph 1.3) be noted.

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

Signed Cabinet Member for Strategic
Planning and Infrastructure

D Davis

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

8 December 2022

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet

Decision No: D220115CAB

Decision Type: Non Key

Date: 14 December 2022

Decision(s) and Reason(s)

Corporate Strategy - Consultation Draft

(Report of Chief Executive)

The report provided an update on the Corporate Strategy Consultation Draft with particular focus on feedback received from staff and the Overview and Scrutiny Committee. In addition, approval to proceed towards a community engagement exercise during winter 2023 was sought.

Details of the feedback received to date was set out in 1.3 of the report and the comments and points raised were noted. As a result, a number of minor changes were proposed and these were summarised in 1.3.4 (Table 2). A five-week period of public and community consultation would start in January 2023 as detailed in 1.4 of the report.

RESOLVED: That

- (1) the Corporate Strategy Consultation Draft, as set out in Appendix 1 and including the amendments set out in 1.3.4 (Table 2) be endorsed;
- (2) delegated authority be granted to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary further minor changes to the Corporate Strategy Consultation Draft that might be required for reasons of clarity or presentation; and
- (3) the programme for community consultation, as set out in 1.4, be approved.

Reasons: As set out in the report submitted to Cabinet of 14 December 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 December 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: D220116CAB
Decision Type: Non Key
Date: 14 December 2022

Decision(s) and Reason(s)

Lower Thames Crossing - Development Consent Order

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

The report set out details in respect of an application for a Development Consent Order for the nationally significant infrastructure project at the Lower Thames Crossing. Details of the examination process to be undertaken by the Planning Inspectorate were also set out. It was reported that the Borough Council would be required to prepare a Local Impact Report as part of this process.

Whilst the Borough Council were supportive of the project it was felt that there should be investment in local highways infrastructure to mitigate the impact on the A228 and A229 between the M2 and M20. This was due to the expected displacement of traffic away from the Dartford Crossing, together with additional demand to cross the River Thames, increasing traffic on the local road network.

RESOLVED: That

- (1) delegated authority be granted to the Director of Planning, Housing and Environmental Health to formally engage with the Lower Thames Crossing Examination and related negotiations with LTC staff and consultants, to support the Borough Councils efficient engagement in the process.

Reasons: As set out in the report submitted to Cabinet of 14 December 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 December 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: D220117CAB
Decision Type: Non Key
Date: 14 December 2022

Decision(s) and Reason(s)

Household Support Fund (Round 3)

(Report of Director of Finance and Transformation)

Approval was sought for the Borough Council's approach in the use of the current grant of Household Support Fund. Tonbridge and Malling had been allocated £139,263.24 to provide support to vulnerable households struggling with the cost of living. This grant allocation had to be used by 31 March 2023 and any unspent monies could not be rolled over into April, beyond honouring any expenditure committed to before the end of the financial year.

A number of options had been considered, in consultation with the Cabinet Member for Finance, Innovation and Property, and proposals were set out in the draft Household Support Fund Scheme October – March 2022/23 (attached at Annex 2).

In summary, it was proposed that funding should be used to support:

- food banks (funding allocation of £45,000);
- fuel voucher schemes (funding allocation of £20,000); and
- households facing a disproportionate impact of cost of living increase or exceptional needs (contingency balance of £25,000);

In addition, it was proposed that the balance of funding be targeted at those identified as most in need when the Scheme was evaluated in late January 2023.

Careful consideration was given to the proposals set out in the Household Support Fund Scheme October – March 2022/23 (as set out in Annex 2), together with the Kent County Council plan to assist vulnerable households (as set out in Annex 1) and the legal, financial and value for money implications. Cabinet recognised the role and importance of foodbanks in the Borough, considered alternative solutions for the use of the Household Support Fund and supported the need to help those struggling to afford food, energy and water bills and other related essentials in the current cost of living crisis. In particular, Cabinet supported the distribution of funding as soon as possible as the recent extreme cold weather increased the pressure on family's use of heating.

RESOLVED: That

- (1) the Household Support Fund Scheme October – March 2022/23 (attached at Annex 2) 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 the approved Policy.

Reasons: As set out in the report submitted to Cabinet of 14 December 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 December 2022

[In accordance with Overview and Scrutiny Procedure Rule 15 (i) this decision is not subject to call-in since in the opinion of the Cabinet it is urgent and any delay would seriously prejudice the Council's or the public's interest.]

Decision Taken By: Cabinet
Decision No: D220118CAB
Decision Type: Key
Date: 14 December 2022

Decision(s) and Reason(s)

Tonbridge Town Centre Asset Review - Phase 2 Proposal

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

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

Consideration was given to the proposal for Phase 2 of the Tonbridge Town Centre Asset Review. Details of the work programme, funding arrangements and implications, management of Phase 2 and a parking study were also outlined in the report. It was also noted that expenditure related to the Phase 2 works would be regularly monitored.

RESOLVED: That

- (1) the Phase 2 proposal (attached at Annex 1) be approved; and
- (2) the various work streams and timescales set out in the report be noted.

Reasons: As set out in the report submitted to Cabinet of 14 December 2022

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 December 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

Decision Taken By: Cabinet Member for Finance, Innovation & Property	Decision Number: D230001MEM
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Date: 3 January 2023

Decision(s) and Reason(s)
EASEMENT AND LEASE FOR GAS GOVERNOR AT ST BENEDICT ROAD, SNODLAND
(Reason: 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 & Property resolved that:
(1) An easement and lease be granted to Southern Gas Networks in relation to a replacement gas governor at St Benedict Road, Snodland
Reasons for decision:
Southern Gas Networks had approached the Council wanting to replace the existing gas governor on site which had reached the end of its serviceable life. The granting of an easement and lease formalises the arrangements and ensured the continued supply of gas to the local area.
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:	3 January 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

Decision Taken By: Cabinet Member for Housing	Decision Number: D230002MEM
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Date: 3 January 2023

Decision(s) and Reason(s)
LOCAL GOVERNMENT ASSOCIATION HOUSING ADVISORS PROGRAMME – SUSTAINABLE TEMPORARY ACCOMMODATION OPTIONS RESEARCH
Following consideration of the options set out in the attached reasons report, the Cabinet Member for Housing resolved that: (1) acceptance of £20,000 funding from the LGA Housing Adviser Programme for sustainable temporary accommodation options project be approved; and (2) the allocation of the £20,000 funding and updates to the project scope be delegated to the Director of Planning, Housing and Environmental Health.
Reasons for decision: As set out in the reasons report, outlining a funding opportunity for a project to research options for sustainable temporary accommodation provision through the Local Government Association Housing Advisers Programme (HAP).

Signed Cabinet Member for Housing:	K Tanner
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	5 January 2023

In accordance with Overview and Scrutiny Procedure Rule 15 (i), this decision is:

- (i) not subject to call-in since in the opinion of the Cabinet Member it is urgent and any delay would seriously prejudice the Council's or the public's interest; and
- (ii) regarded as reasonable in all the circumstances, the Chair of Overview and Scrutiny and the political group leaders having agreed that this be treated as a matter of urgency.

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230003MEM
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Date: 9 January 2023

Decision(s) and Reason(s)
COUNCIL TAX WRITE OFF
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual)
Following a request to write off a council tax debt of £468.79, in respect of Mrs Sandra Odufaderin of 13 Castle Street, Wouldham, Rochester, Kent, ME1 3UX, the Cabinet Member for Finance, Innovation and Property resolved that:
(1) the debt be written off using the Council's discretionary powers under Section 13A(1C) Local Government Finance Act 1992
Reasons for decision:
The tax payer came to this country on a spousal student visa.
The tax payer is a victim of violence.
The tax payer has been placed in a refuge funded by Kent Children's Services, who are also supporting financially.
An asylum application has been made for the tax payer and her 3 children.
The tax payer does not have recourse to public funds and therefore cannot claim Council Tax Reduction.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	10 January 2023

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D230004CAB
Decision Type: Key
Date: 10 January 2023

Decision(s) and Reason(s)

Regulation 18 Local Plan Consultation - Initial Outputs

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

The Cabinet **RESOLVED** that:

- (1) the initial outputs of the Regulation 18 consultation on the draft Local Plan and Interim Sustainability Appraisal be noted;
- (2) the approach to promoting the Local Plan through other Council communications, as set out in 1.3.10 and subject to GDPR restrictions, be noted; and
- (3) the programme for bringing more detailed outputs to Members at the meeting of the Housing and Planning Scrutiny Select Committee in March 2023 be approved.

Reasons: As set out in the report to the Housing and Planning Scrutiny Select Committee of 6 December 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 12 January 2023

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: D230005CAB

Decision Type: Key

Date: 10 January 2023

Decision(s) and Reason(s)

Pembury Road Properties (Decision Notice)

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

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

Careful consideration was given to a number of options regarding the future of 2 properties at Pembury Road, Tonbridge as detailed in Annex 1 to the report. In assessing the options, particular attention was given to the financial and legal implications, value for money considerations and the potential risks associated with the delivery options available.

The Cabinet **RESOLVED** that:

- (1) subject to (2) below, the option to utilise the properties as 2 x 4 bed need temporary accommodation units be progressed and implemented;
- (2) the public sector partner be given the opportunity to reach agreement on heads of terms by 31 January 2023 and any agreement to be reported to Cabinet for consideration as soon as possible thereafter; and
- (3) £944,000 be set aside for future temporary accommodation purchases, subject to the required approval processes and due diligence.

Reasons: As set out in the report submitted to Cabinet of 10 January 2023

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

12 January 2023

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION TAKEN UNDER URGENCY POWERS

Decision No:	D230006URG
Decision Taken By:	Leader of the Borough Council; and Cabinet Member for Community Services
Authority under which Decision Taken:	Departure from the Council's adopted Budget and Policy Framework and in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules
Decision Type:	Non Key Decision
Date:	19 January 2023

Decision(s) and Reason(s)
HEALTH AND SAFETY OF TREES – BUDGET PROVISION
<p>The Council undertakes 'Expert' tree inspections of all its tree stock in accordance with an approved Tree Safety Policy with these inspections only identifying works required for health and safety reasons. Inspections have been undertaken for the 2022/23 financial year and subsequently quotations sought from 3 contractors. Given pressures that have been applied to the current budget, including follow up work required in regard to Storm Eunice, the revenue budget as presented in the Revised Estimates 2022/23 will not adequately cover the works identified or any other potential works required before 1 April 2023.</p> <p>With specific regard to the costs arising from the 'Expert' tree inspections these costs are higher than anticipated and may have been influenced by a number of factors including, the significant increase in costs for labour, plant and fuel, the impact of Ash Dieback that is now been seen on the Councils tree stock and the drought/hot weather experienced during summer 2022 that impacted on tree health.</p> <p>Taking the above into consideration, £50k will be required over and above the draft Revised Estimate for 2022/23 to enable the works to proceed both in terms of the 'Expert' inspections and potential urgent works ahead of the next financial year.</p> <p>The Revised Estimate for 2022/23 due to be approved by Full Council therefore needs to be uplifted by £50k to accommodate these essential works.</p>
Details of any alternatives considered:
To not undertake the works or delay them.

Reason why departure from Budget and Policy Framework:
There is now an urgency for these works given the prescribed time frames within the Council's Tree Safety Policy for completion.
Reason(s) why rejected:
The works are required to remain in accordance with the Council's Tree Safety Policy, therefore, the alternatives highlighted above have been rejected in order that it does not expose any risk to the public or the Council.
Conflicts of Interest/Dispensations Granted:
N/A
Background Papers (if any):
N/A
RESOLVED: That:
(1) The essential works proceed prior to the end of the financial year for the reasons given; and
(2) The Revised Estimate for 2022/23 in relation to 'Health & Safety – trees' be increased by £50k to a sum of £130k.
Taken in accordance with paragraph 4 of the Budget and Policy Framework Procedure Rules set out in the Constitution and in agreement with the Chair of the Overview and Scrutiny Committee.

Signed Leader:	M Boughton
Signed Cabinet Member for Community Services:	D Keers
Signed Chair of Overview and Scrutiny Committee	A Oakley
Signed Chief Executive:	J Beilby
Date of publication:	20 January 2023

In accordance with Budget and Policy Framework Procedure Rule 4 it is not practical to convene a quorate meeting of the Full Council due to the timescales required for the health and safety works to be undertaken and with the consent of the Chair of the Overview and Scrutiny Committee, this decision is considered urgent and is not subject to call-in.

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE DECISION

Decision Taken By: The Leader of the Borough Council	Decision Number: D230007MEM
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Date: 1 February 2022

Decision(s) and Reason(s)
AMENDMENT TO THE PORTFOLIO OF THE CABINET MEMBER FOR ENVIRONMENT AND CLIMATE CHANGE
<p>In accordance with paragraph 6 of the rules for the making of decisions by executive members (set out in the Constitution), the Leader resolved to make the following changes to the portfolio of the Cabinet Member for Environment and Climate Change by adding the following:</p> <p>‘All matters relating to the management and maintenance of trees on land within the Council’s ownership’</p> <p>No other changes to portfolio responsibilities are required.</p> <p>Notice of this change has been given to the Chief Executive and to the Cabinet Member for Environment and Climate Change.</p> <p>The changes set out above will come into effect on 10 February 2023.</p>
Reasons for decision:
<p>To ensure that the management and maintenance of trees is specifically referenced within the appropriate Cabinet Member portfolio.</p>

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	2 February 2023

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

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet Member for Environment and Climate Change

Decision No: D230009MEM

Decision Type: Non Key

Date: 08 February 2023

Decision(s) and Reason(s)

Climate and Biodiversity Action

(Report of Chief Executive)

Members received an update on current climate change and biodiversity measures being undertaken by the Borough Council and considered future options as detailed in the report.

A briefing note in respect of the progress being made on climate change and biodiversity actions was attached at Annex 1.

Following consideration by the Communities and Environment Scrutiny Select Committee, the Cabinet Member for Environment and Climate Change resolved that:

- (1) the growing priority of decarbonising heat and transport emissions from the Borough Council's estate and operations, alongside existing Climate Change Action Plan measures, be endorsed; and
- (2) the options summarised below be explored further:
 - (i) scoping and commissioning the feasibility of heat pump systems at Larkfield Leisure Centre and Tonbridge Swimming Pool and an options report presented to a future meeting of the Overview and Scrutiny Committee; and
 - (ii) investigating potential options to reduce scope 1 and scope 3 transport emissions (as detailed in 1.2 of the report).

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 8 February 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: DATE

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

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230009MEM
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Date: 8 February 2023

Decision(s) and Reason(s)
APPLICATIONS FOR DISCRETIONARY RATE RELIEF AND RURAL RATE RELIEF
Following consideration of renewal applications for discretionary rate relief and rural rate relief and 1 new application for discretionary rate relief, the Cabinet Member for Finance, Innovation and Property resolved that: (1) in respect of the re-applications for discretionary & rural rate relief as shown at [ANNEX 1], relief be awarded with effect from 1 April 2023 and time-limited to 31 March 2025 (with the exception of the Cafe At Leybourne Lakes, Malling Road, Larkfield where 20% discretionary rate relief be awarded from 18 July 2022 and time limited to 31 March 2025); and (2) in respect of the new application for relief for The St Gabriel's Kings Hill Charity Food Bank at Suite 8A, 11 Tower View, Kings Hill, 20% discretionary rate relief be awarded for the period 22 August 2022 and time limited to 31 March 2023
Reasons for decision: (1) the applications comply with the policy at [ANNEX 2] and are of particular benefit to the needs of the residents of the Borough. Therefore, there appear to be good grounds for continuing the current level of discretionary rate relief in all cases. In respect of the Cafe At Leybourne Lakes, it is consistent to award the same level of relief as per the other leisure trust applications. (2) an award of 20% discretionary rate relief seems appropriate for the period of liability from 22 August 2022 when the charity became liable for business rates (the landlord previously paid the rates). Relief to be time limited to 31 March 2023 on the grounds of affordability as the size of the accommodation is excessive.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	9 February 2023

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.