

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MINUTE BOOK

VOLUME 2

FEBRUARY – APRIL 2023

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
COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT
COMMITTEE

MINUTES

Wednesday, 8th February, 2023

Present: Cllr S A Hudson (Chair), Cllr Miss G E Thomas (Vice-Chair), Cllr Mrs P A Bates, Cllr C Brown, Cllr A Cope, Cllr N Foyle, Cllr F A Hoskins, Cllr M A J Hood, Cllr J R S Lark, Cllr D Lettington, Cllr M R Rhodes, Cllr Mrs M Tatton and Cllr R W Dalton (substitute member).

In attendance: Councillors R P Betts, T Bishop, Mrs A S Oakley and R V Roud were also present pursuant to Council Procedure Rule 15.21.

Virtual: Councillors Mrs J A Anderson, M C Base, M D Boughton, V M C Branson, M A Coffin, D Keers, P J Montague and K B Tanner participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance Council Procedure Rule No 15.21.

An apology for absence was received from Councillor S Bell.

(Note: As Councillor S Bell was unable to attend in person and participated via MS Teams, they were unable to vote on any matters).

CE 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members was recorded as set out below:

Councillor R Dalton substituted for Councillor S Bell

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.

CE 23/2 DECLARATIONS OF INTEREST

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

CE 23/3 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 19 October 2022 be approved as a correct record and signed by the Chair.

CE 23/4 REPRESENTATIVE OF SOUTH EAST WATER

Members received a presentation from Mr S Andrews, Head of Central Operations, South East Water, in respect of water shortages and leaks. Members were provided an explanation of the challenges of water supply, which included the changes in the way in which customers were using water since the pandemic and extreme weather. As a result of the water shortages, South East Water were looking at accelerating schemes in the impacted areas to make them more resilient to future climate change challenges and an independent review was to be undertaken. During discussion, Members raised the possible use of eco generators and noted that consideration was being given to eco-friendly initiatives, including solar energy.

Members raised concern regarding insufficient bottled water stock during recent water shortages and supported a social media campaign to encourage vulnerable residents to register for the priority resident scheme.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/5 HOUSEHOLD RECYCLING AND WASTE SERVICE

The report of the Director of Street Scene, Leisure and Technical Services and Cabinet Member for Technical and Waste Services outlined opportunities to maintain and improve service provision in relation to the Council's Waste Services Collection Contract, which was provided in partnership with Tunbridge Wells Borough Council, that would be reported to Cabinet on the 14 February 2023. The report advised on a proposed extension to previously agreed support for a further 5 month period in relation to the recent and ongoing impacts of HGV market conditions and support for a proposed Phase 2 of re-rounding. Members were invited to review the content of the report in advance of the Cabinet meeting and make any recommendations or observations to Cabinet.

The Committee asked that the contractor be encouraged to be open and transparent about their financial arrangements and any potential implications for the Borough Council.

RECOMMENDED: That

- (1) Council gives authority to the Director of Street Scene, Leisure and Technical Services to extend, for the period November 2022 to March 2023, the provision of limited financial assistance to Ubaseer Ltd and Ubaseer SA in respect of the contract originally procured and that the value of this (£77,000) be reflected in the Revised Estimates for 2022/23 and funded from the Budget Stabilisation Reserve;

- (2) Council approves a one-off contribution to Urbaser Ltd of up to £150,000 towards the costs of terminating a number of existing collection vehicle leases to facilitate the provision of a new fleet of collection vehicles in 2023/24 and that the value of this be reflected in the Estimates for 2023/24 and be funded from the Budget Stabilisation Reserve;
- (3) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with Director of Finance and Transformation and Director of Central Services to complete all necessary negotiations, legal processes and legal documentation to enter into an agreement with Urbaser Ltd to allow for the transfer of the new vehicle lease(s) to the Council in conjunction with Tunbridge Wells Borough Council or to the organisation(s) contracted to provide the two councils' household waste collection service on the expiry of the current joint recycling and waste collection and street cleansing contract;
- (4) Council gives authority to the Director of Street Scene, Leisure and Technical Services in consultation with the Director of Finance and Transformation and the Director of Central Services to complete all necessary negotiations, legal processes and legal documentation and enter into an agreement with Tunbridge Wells Borough Council to share the liability for the new vehicle fleet from the end of the current joint recycling and waste collection and street cleansing contract; and
- (5) Council notes that a Voluntary Ex-Ante Transparency Notice will be published containing details of the proposed changes set out in recommendation 1, 2 and 3 to cover the items highlighted above.

***Referred to Cabinet**

CE 23/6 CLIMATE AND BIODIVERSITY ACTION

The report of the Chief Executive provided 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.

During discussion, it was recognised that Leisure Trust activities were a significant source of emissions within the Council's estate and operations and suggested that solar panels be installed at Larkfield Leisure Centre.

RECOMMENDED: 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).

***Decision taken by Cabinet Member**

**CE 23/7 PUBLIC SPACE PROTECTION ORDERS - CONSULTATION
FEEDBACK**

The report of the Director of Central Services and Deputy Chief Executive provided feedback on the responses received on the Public Space Protection Order (PSPO) consultation and agree the terms of the PSPO.

The proposed new restrictions included vehicles on public open spaces across the whole borough, nuisance associated with car/motorcycle meetings across the whole borough, anti-social behaviour associated with fishing at Town Lock/Tonbridge Moorings and no unauthorised swimming/bathing/boating at Holborough Lakes. A summary of the responses received to the consultation were set out at Annex 2 to the report and a letter received from the Police and Crime Commissioner was set out at Annex 3. The majority of the respondents were in support of the continuation of the current restrictions.

During discussion, clarification was sought on the designated mooring areas in Tonbridge. It was explained that enforcement was currently the responsibility of the Council and there would be discussions with the Police Authority to determine whether they could enforce on behalf of the Local Authority. Consideration was not currently being given to signage, although there was potential for signage to be displayed in certain hot spot areas. In respect of nuisance associated with car/motorcycle meetings, Members highlighted that not all meets had a detrimental impact on residents.

RECOMMENDED: That the proposed Public Space Protection Order, as presented at Annex 5, be approved.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

CE 23/8 KEY PERFORMANCE INDICATORS - WASTE CONTRACT

Members reviewed the performance of the Waste Contract against a suite of Key Performance Indicators (KPIs) for the period September to November 2022, with comparative data for September to November 2021, together with percentage variance when compared with the 2021 performance.

Particular reference was made to the increase in scheduled collection rates, reduction in missed collections, reduction in formal complaints and a decrease in fly tipping. The KPIs were showing a sustained improvement in the contract at the current time. During discussion, a number of concerns were raised, including the disposal of food waste in black recycling bins and noted that there was a general reduction in the purchase of surplus food. Members would receive an update on the outcome of the recent audit on black bin waste undertaken by Kent County Council and actions that would be taken to address any issues identified. Members were requested to notify officers if they wished for any specific KPIs to be presented.

CE 23/9 KEY PERFORMANCE INDICATORS - COMMUNITY AND ENVIRONMENT

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for October to December 2022 representing the most up-to-date available statistics. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director/Chief Executive at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

CE 23/10 WORK PROGRAMME 2023

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 agreed that the following matters be considered for inclusion in the Work Programme:

- Review of CCTV and Kent Police to be invited to address the Committee.
- Scheme to improve drainage at Tonbridge Racecourse Sportsground.
- Capacity of Borough Council's sportsgrounds and facilities and how well used they are.
- Representatives of Clarion Housing Association to be invited to discuss anti-social behaviour issues.
- Review best practice in respect of Warm Spaces initiative.
- Street cleansing to be included in Key Performance Indicator report.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/11 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 10.10pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 14th February, 2023

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

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

Virtual: Cllrs Mrs J A Anderson, Mrs P A Bates, Mrs S Bell, S A Hudson, M R Rhodes, R V Roud and Mrs M Tatton 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.

An apology for absence was received from Councillor V M C Branson

(Note: Cllr Branson was unable to attend in person but listened to the debate via MS Teams).

PART 1 - PUBLIC

CB 23/9 DECLARATIONS OF INTEREST

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

CB 23/10 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 10 January 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 23/11 SETTING THE BUDGET 2023-24

Further to the reports to the Overview and Scrutiny Committee earlier in the cycle, the joint report of the Chief Executive, Director of Finance and Transformation, the Leader and Cabinet Member for Finance, Innovation and Property updated the Cabinet on issues relating to the Medium Term Financial Strategy (MTFS) and gave details of the necessary procedure to be followed in order to set the budget for 2023/24.

In addition, the budget setting process for this year had to incorporate the difficult task of estimating the extent and speed of the recovery of the Council's income and expenditure impacted by the Covid-19 pandemic and the prevailing economic conditions.

Members noted that, as at the time of publishing the report the final settlement had not been confirmed, all figures contained in the report were based on the provisional local government finance settlement received in December 2022. The Director of Finance and Transformation advised that the final local government finance settlement figure was now confirmed and whilst there had been some minor changes the 'bottom line' was the same as the figures previously announced. The Settlement Funding Assessment (SFA) was for one year only and the Fair Funding Review deferred to a future date. This further prolonged the uncertainty over local government funding.

The local government finance settlement included an allocation of £0.6M for New Homes Bonus (NHB) and a funding guarantee of £1.8M. There was an overall funding increase on 2022/23 of £0.5M. Based on a Government policy statement, it was anticipated that funding for 2024/25 would follow a similar pattern. Beyond 2024/25 there was no indication of future core funding including any replacement (or not) for NHB which made financial planning difficult.

Members noted that the current global economic conditions, the deferral of reforms to the Business Rates Retention scheme, waste services contract, homelessness/temporary accommodation, climate change initiatives and the Local Plan continued to have significant financial implications for the Borough Council. Particular reference was made to the Kent Business Rates Pool which the Borough Council had re-joined. It was reported that increased business rates income was being received due to the Panettoni development on the former Aylesford Newsprint site.

With regard to the Capital Plan, it was noted that the Borough Council was currently debt free and expected to remain debt free until 2029. Two evaluated schemes had been added to List A and these were the Refurbishment of Gibson East and the Decarbonisation of the Borough Council's Estate.

The report then described the remaining procedure to be followed in setting the budget for 2023/24 and calculating the council tax. For the purposes of preparing the budget papers and updating the MTFs a council tax increase of just under 3% (or £6.73) in 2023/24 and 2024/25 had been assumed followed by the higher rate of 2% or £5 [each year thereafter.]

The Cabinet deliberated on the most appropriate guidance to offer the Council as the way forward for updating the MTFs for the next ten year

period and setting the council tax for 2023/24. Members were advised of details of special expenses for the same period.

An updated copy of the Savings and Transformation Strategy was presented, including revised outline targets and timescales for each of the themes totalling £1,700,000. The proposed number, scale and timing of requisite future savings and transformation contributions were set out in 1.10.5 of the report. Members were also reminded that the funding gap set out in the report assumed that all the recommendations, as summarised in the report, were delivered. If for whatever reason these were found not to be deliverable the funding gap and, therefore, the savings and transformation target would increase.

Finally, the Director of Finance and Transformation explained the basis on which the statement to the Robustness of the Estimates and Adequacy of the Reserves had been made, including an understanding that the required savings and transformation contributions based on latest projections of £1,700,000 plus the initiative already built into the MTFs, the scaling back of office accommodation in the sum of £200,000 are delivered in the timeframe assumed.

In closing, the Cabinet recorded its appreciation to the Director of Finance and Transformation and Officers in Financial Services for the significant contribution in preparing the budget during a challenging period.

RECOMMENDED: That

- (1) the Revenue Estimates, as presented to the Overview and Scrutiny Committee earlier in the cycle, together with the subsequent adjustments detailed at paragraph 1.4.2, be endorsed and adopted by the Council;
- (2) the Capital Plan be updated, as set out in paragraph 1.6.14, and adopted by the Council;
- (3) the Capital Strategy, as presented to the Overview and Scrutiny Committee earlier in the cycle, be endorsed and adopted by the Council;
- (4) the prudential indicators listed in paragraphs 1.7.7, including the new liability benchmark indicator, and 1.7.11 be endorsed and adopted by the Council;
- (5) subject to the comment at paragraph 1.6.8 of the report, for the financial year 2023/24 the Borough Council's annual minimum revenue provision be noted as 'nil';
- (6) the updated MTFs, set out in Annex 10a be noted and endorsed;

- (7) the updated Savings and Transformation Strategy, attached at Annex 10b, including the proposed scale and timing of each of the required savings and transformation contributions, as set out at paragraph 1.10.5, be noted and endorsed;
- (8) the special expenses calculated in accordance with the Special Expenses Scheme and set out at Annex 13b, be endorsed; and
- (9) the Statement provided by the Director of Finance and Transformation as to the Robustness of the Estimates and the Adequacy of the Reserves, as set out at Annex 16a, be noted and endorsed.

***Referred to Council**

CB 23/12 SETTING THE COUNCIL TAX 2023-24

The joint report of the Chief Executive, Director of Finance and Transformation, Leader of the Council and Cabinet Member for Finance, Innovation and Property set out the requirements under the Local Government Finance Act 1992 for a billing authority to set an amount of council tax for each category of dwelling in its area. Members were advised of the position concerning the determination of their respective precepts for 2023/24 by the major precepting authorities.

Consideration was given to a draft resolution (attached at Annex 2) identifying the process to be undertaken in arriving at the levels of council tax applicable to each part of the Borough. The resolution and further information regarding the precepts of the other authorities would be reported to the Council on 21 February 2023.

RECOMMENDED: That the resolution be noted and the Council be recommended to approve a 3% or £6.73 per annum increase in the Borough Council's element of the council tax for 2023/24, representing a notional 'average' charge at Band D of £231.23

***Referred to Council**

CB 23/13 LOCAL COUNCIL TAX REDUCTION SCHEME

Consideration was given to the Draft Local Council Tax Reduction Scheme 2023/24 (attached at Annex 1 to the report) which had been revised to bring it in line with statutory prescribed requirements, housing benefit and other national benefit rates and increases to income bands where uplifts to the Minimum Wage, a component of the income band level calculation, had been taken into account. The Scheme applied to working age households.

Members noted that for pension age households the separate Government Scheme prescribed maximum help up to 100% of council tax liability, a minimum requirement of a pension age scheme.

For information, Members were advised that in December 2022 Government announced a council support fund for 2023/24 to mitigate increases in council tax for low income households. Each household receiving local council tax reduction on 1 April 2023 would receive a further discount of £25, or less if the bill was lower after the application of council tax reduction. The discount would automatically be applied to relevant household bills. Further details of this discount would be presented to a future meeting of the Finance, Regeneration and Property Scrutiny Select Committee.

RECOMMENDED: That the draft Local Council Tax Reduction Scheme 2023/24 (attached at Annex 1) be commended to the Council for adoption.

***Referred to Council**

CB 23/14 CAPITAL PLAN REVIEW 2022-23

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2023/24 (Minute Number CB 23/11). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 26 January 2023 in relation to the formulation of initial draft proposals in respect of the Budget, including the Capital Plan (Minute Number OS 23/4) was given due consideration as part of the substantive discussion.

CB 23/15 REVENUE ESTIMATES 2023/24

All budgetary matters were considered in detail in the substantive item on Setting the Budget 2023/24 (Minute Number CB 23/11). However, the recommendations from the meeting of the Overview and Scrutiny Committee of 26 January 2023 in relation to the formulation of initial draft proposals in respect of the Budget, including Revenue Estimates (Minute Number OS 23/5) were given due consideration as part of the substantive discussion.

CB 23/16 AUDITOR'S ANNUAL REPORT

Consideration was given to the recommendations of the Audit Committee meeting held on 16 January 2023 (AU 23/4).

RECOMMENDED: That

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

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

***Referred to Council**

CB 23/17 RISK MANAGEMENT

Consideration was given to the recommendations of the Audit Committee meeting held on 16 January 2023 (AU 23/5).

RECOMMENDED: That

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

***Referred to Council**

CB 23/18 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2023-24

Consideration was given to the recommendations of the Audit Committee meeting held on 16 January 2023 (AU 23/6).

RECOMMENDED: That

- (1) the treasury management position as at 31 December 2022 be noted; and
- (2) the Treasury Management and Annual Investment Strategy for 2023/24, as set out Annex 5 to the report, be commended to Council for adoption.

***Referred to Council**

CB 23/19 HOUSEHOLD RECYCLING AND WASTE SERVICE

Opportunities to maintain and improve service provision in relation to the Waste Services Collection Contract, which was provided in partnership with Tunbridge Wells Borough Council, were outlined. The report advised on a proposed extension to previously agreed support for a further 5 month period in relation to the recent and ongoing impacts of the HGV market conditions and support for a proposed Phase 2 of re-rounding.

It was noted that a response was awaited from the contractor regarding their financial arrangements and any potential implications for the Borough Council arising from the proposed re-rounding and service efficiencies as requested by the Communities and Environment Scrutiny Select Committee. It was also noted that any sums raised by penalty default were relatively low and had to be used in service performance and were dealt with as part of monthly variables with the contractor. The proposed spend detailed in the report was an one off cost and would not impact on the Medium Term Financial Strategy.

After careful consideration of the proposals, the recommendations of the Communities and Environment Scrutiny Select Committee, the legal, financial and value for money implications and the assessments of risk and equality impact and on the grounds of ensuring the retention of necessary staff in light of continuing difficulties in the HGV driver market and bringing about long-term cost certainty and efficiency Cabinet

RECOMMENDED: That

- (1) Council gave authority to the Director of Street Scene, Leisure and Technical Services to extend, for the period November 2022 to March 2023, the provision of limited financial assistance to Urbaser Ltd and Urbaser SA in respect of the contract originally procured and that the value of this (£77,000) be reflected in the Revised Estimates for 2022/23 and funded from the Budget Stabilisation Reserve;
- (2) Council approved a one-off contribution to Urbaser Ltd of up to £150,000 towards the costs of terminating a number of existing collection vehicle leases to facilitate the provision of a new fleet of collection vehicles in 2023/24 and that the value of this be reflected in the Estimates for 2023/24 and funded from the Budget Stabilisation Reserve;
- (3) Council gave authority to the Director of Street Scene, Leisure and Technical Services, in consultation with Director of Finance and Transformation and Director of Central Services, to complete all necessary negotiations, legal processes and legal documentation to enter into an agreement with Urbaser Ltd to allow for the transfer of the new vehicle lease(s) to the Council in conjunction with Tunbridge Wells Borough Council or to the organisation(s) contracted to provide the two councils' household waste collection service on the expiry of the current joint recycling and waste collection and street cleansing contract;
- (4) Council gave authority to the Director of Street Scene, Leisure and Technical Services, in consultation with the Director of Finance and Transformation and the Director of Central Services, to complete all necessary negotiations, legal processes and legal

documentation and enter into an agreement with Tunbridge Wells Borough Council to share the liability for the new vehicle fleet from the end of the current joint recycling and waste collection and street cleansing contract; and

- (5) Council notes that a Voluntary Ex-Ante Transparency Notice be published containing details of the proposed changes set out in recommendations 1,2 and 3 to cover the items highlighted above.

***Referred to Council**

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

EXECUTIVE NON-KEY DECISIONS

CB 23/20 RESPONSE TO DLUHC NPPF CONSULTATION

Decision Notice: D230010CAB

Consideration was given to the Borough Council's proposed response to the 'Levelling Up and Regeneration Bill; reforms to national planning policy' as set out in Annex 1. Responses to the consultation had to be submitted by 2 March 2023.

A document showing some proposed changes to the current National Planning Policy Framework (NPPF) was attached at Annex 2. The most significant proposed changes were detailed in 1.2.3 of the report.

After careful consideration of the proposed response and any legal, financial and value for money implications, Cabinet

RESOLVED: That the Borough Council's full response to the 'Levelling Up and Regeneration Bill: Reforms to National Planning Policy, as set out in Annex 1, be approved and submitted by the consultation deadline of 2 March 2023.

CB 23/21 PUBLIC SPACE PROTECTION ORDERS - CONSULTATION FEEDBACK

Decision Notice: D230011CAB

Consideration of recommendation CE 23/7 from the meeting of Communities and Environment Scrutiny Select Committee of 8 February 2023

A point of clarification was sought in respect of Tonbridge Moorings and the Chair advised that this and any other points raised at the Communities and Environment Scrutiny Select Committee would be verified as soon as possible.

RESOLVED: That the proposed Public Space Protection Order, as presented at Annex 5, be approved.

MATTERS SUBMITTED FOR INFORMATION

CB 23/22 DECISIONS TAKEN UNDER EMERGENCY OR URGENCY PROVISIONS

Details of the Decisions taken in accordance with urgency provisions were presented for information. It was noted that D230006URG in respect of the health and safety of trees and the associated budget provision had been a departure from the adopted Budget and Policy Framework and had been taken in accordance with Procedure Rule 4.

CB 23/23 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 23/24 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 23/25 AGILE PROJECT

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

Members were provided with an update on the progress of the Agile project and the key issues and risks were outlined. In addition, consideration was given to additional budget provision in the 2023/24 Estimates to ensure delivery of the project.

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

RECOMMENDED: That

- (1) the issues and risks set out in the report be noted by the Council; and
- (2) the draft Estimates 2023/24 be updated to include an additional budget of £130,000 in relation to the Agile project.

***Referred to Council**

EXECUTIVE KEY DECISIONS**CB 23/26 LEASE RENEWAL AT 1-5 MARTIN SQUARE, LARKFIELD**

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

Decision Notice: D230012CAB

Careful consideration was given to the proposed terms for a lease renewal outlined in the report, together with the legal, financial and value for money implications. On the grounds that the proposed rental represented a fair market rent and to ensure modern lease terms were included, it was

RESOLVED: That a new lease of 1-5 Martin Square be granted in line with the terms outlined in the report.

CB 23/27 LEASE RENEWAL AT 17 MARTIN SQUARE, LARKFIELD

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

Decision Notice: D230013CAB

Careful consideration was given to the proposed terms for a lease renewal outlined in the report, together with the legal, financial and value for money implications. On the grounds that the proposed rental reflected the continuing challenging environment many businesses were operating in and to ensure modern lease terms were included, it was

RESOLVED: That a new lease of 17 Martin Square, Larkfield be granted in line with the terms outlined in the report.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 16th February, 2023

Present: Cllr D W King (Chair), Cllr M R Rhodes (Vice-Chair), Cllr Mrs J A Anderson, Cllr Mrs P A Bates, 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 M A J Hood, Cllr F A Hoskins, Cllr J R S Lark, Cllr J L Sergison and Cllr F G Tombolis

Apologies for absence were received from Councillors J L Botten, N J Heslop, H S Rogers and Miss G E Thomas

PART 1 - PUBLIC

AP1 23/1 DECLARATIONS OF INTEREST

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

AP1 23/2 MINUTES

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

AP1 23/3 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

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

AP1 23/4 TM/22/00571/FL - 60A PRIORY STREET, TONBRIDGE

Redevelopment of the site to provide eleven dwellings and associated parking, landscaping and amenity at 60A Priory Street Tonbridge.

Members expressed concern regarding the layout of the proposed development with respect to the character of the area and the potential impact upon neighbouring properties and felt that a Site Inspection would be beneficial.

RESOLVED: That the application be DEFERRED for a Member Site Inspection to view the site and its surroundings and to relate the application proposals to the site.

[Speakers: Mr T Lavender and Mr D Best – members of the public and Mr J Thomas on behalf of the applicant]

AP1 23/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.25 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Monday, 20th February, 2023

Present: Cllr M R Rhodes (Chair), Cllr B J Luker (Vice-Chair), Cllr A E Clark, Cllr M A Coffin, 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 and Cllr Mrs M Tatton

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

Virtual: Councillors Mrs J A Anderson, R P Betts, V M C Branson, R W Dalton, P J Montague, K B Tanner were also present pursuant to Council Procedure Rule No 15.21.

PART 1 – PUBLIC

GP 23/10 NOTIFICATION OF SUBSTITUTE MEMBERS

There was no notification of substitute members received.

GP 23/11 DECLARATIONS OF INTEREST

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

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/12 PAY AWARD 2023

Careful consideration was given to a number of options for an employee pay award for 2023/24 within a 'funding envelope' of £584k. At the meeting of General Purposes on 25 January 2023, Members had supported the principle of a 5% pay award but asked for a range of options to be assessed and presented for further consideration.

Concern was expressed that staff on the lowest wage were least resilient to the current cost of living crisis. However, it was also recognised that staff on a medium/higher wage could equally be impacted by the cost of living.

Councillor D Lettington proposed, seconded by Councillor A Clark that a different percentage be applied to each grade and that the lowest grade receive the highest percentage.

Concern was expressed that the proposal could be divisive amongst staff with some feeling undervalued, could impact negatively on the retention and recruitment of staff and lead to longer term destabilisation of the grading/banding structure.

Following a formal vote this proposal was rejected.

Councillor Davis, seconded by Councillor Keers proposed a 5% pay award for all staff from 1 April 2023, with a retrospective pay award backdated to 1 January 2023 for all staff on pay scales 1-6 (as set out in Option 2 of the report).

It was reported that this option would result in a currently unbudgeted one off cost to the Council of £50,000 which could be met from the General Revenue Reserve in 2022/23 subject to approval from the Council.

On the grounds that this proposal would provide additional pay to staff on lower grades, whilst still ensuring that a 5% pay award applied to all posts and seemed fair and equitable to all staff, Members voted in favour of Option 2.

RESOLVED: That

- (1) a 5% pay award for all staff from 1 April 2023 with a retrospective pay award backdated to 1 January 2023 for staff on pay scales 1-6 be approved.

RECOMMENDED: That

- (2) the one-off cost of backdating the pay award to scales 1-6 of £50k be met from the Borough Council's General Revenue Reserve in 2022/23 be commended to Council for endorsement.

***Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE

GP 23/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.33 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 21st February, 2023

At the meeting of the Tonbridge and Malling Borough Council held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 21st February, 2023

Present: Her Worship the Mayor (Councillor Mrs S Bell), the Deputy Mayor (Councillor J R S Lark), Cllr Mrs J A Anderson, Cllr R P Betts, 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 R W Dalton, Cllr A S Davis, Cllr M O Davis, Cllr Mrs T Dean, Cllr N Foyle, Cllr S M Hammond, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, 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 R V Roud, 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, Mrs P A Bates, J L Botten, A Cope N J Heslop, A P J Keeley, Mrs F A Kemp, A Kennedy, H S Rogers, J L Sergison and F G Tombolis

(Note: Cllrs Mrs Bates and Sergison were unable to attend in person but listened to the debate via MS Teams).

PART 1 - PUBLIC

C 23/1 DECLARATIONS OF INTEREST

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

C 23/2 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 25 October 2022 be approved as a correct record and signed by the Mayor.

C 23/3 MAYOR'S ANNOUNCEMENTS

The Mayor advised of a number of engagements attended since the last meeting of Council and made particular reference to the following civic and charity events:

- The Borough Council's Armistice Day Service at Tonbridge War Memorial
- Tonbridge Remembrance Service
- Snodland Remembrance Day Service
- Traditional Christmas Afternoon Tea at Bradbourne House

Arrangements were being finalised for future civic and charity events and the following were noted:

- Mayor's Charity Cheque Presentation – Date to be confirmed
- Annual Council – 16 May 2023

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

C 23/4 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 23/5 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

No questions were received from Members pursuant to Council Procedure Rule No 5.5.

C 23/6 LEADER'S ANNOUNCEMENTS

The Leader reminded Members of the Councils legal obligation to set a balanced budget for 2023/24. This was the greatest responsibility that Borough Councillors had and getting it right ensured that Tonbridge and Malling remained one of the best places in the county to live, work and socialise.

Budget setting had been conducted in a cross party manner and this approach was welcomed by the Leader and Group Leaders and the budget proposals had passed through the Committee cycle with unanimous support.

Particular reference was made to the support provided to vulnerable residents across the community during a challenging winter period. The Borough Council had ensured that significant funds had been distributed to those in most need via the Household Support Fund.

The importance of economic growth in the Borough was understood and the Borough Council had committed to assisting small businesses in these uncertain times by signing up to the Federation of Small Businesses Local Leadership Pledge.

Other points highlighted included:

- Castlemas and the Borough Council continued to pursue payment on behalf of suppliers, staff and contractors;
- The recently finished public consultation on the Community Strategy;
- The successful bid for UK Shared Prosperity Funding;
- The installation of covert CCTV to target fly tipping;
- Leybourne Lakes and Haysden Country Parks had received Natural England accreditation;
- The next stage of the Tonbridge Town Centre Asset Review would commence shortly and this would include an updated parking study to assess changes in usage of the Tonbridge car parks since the pandemic;
- The funding investment from the Football Foundation to replace pitches in Tonbridge and Aylesford; and
- The ongoing challenges in respect of significant planning applications and the potential for the Levelling Up and Regeneration Bill to address some of these issues.

Finally, the Leader was keen to promote the Borough as somewhere to live, work and socialise.

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

MATTERS FOR DECISION

C 23/7 SETTING THE BUDGET 2023-24

Item CB 23/11 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/11 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer,

Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 39

Members voting against the motion:

Cllr Bishop

Total: 1

Members abstaining = Cllrs Clark and Hood

Total: 2

(Total number of Members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/11 be approved

C 23/8 SETTING THE COUNCIL TAX 2023-24

Item CB 23/12 referred from the Cabinet minutes of 14 February 2023.

It was proposed by Councillor Coffin and seconded by Councillor Boughton that the recommendations at Minute CB 23/12 be adopted. In accordance with Council Procedure Rule No 8.5 voting was recorded as follows:

Members voting for the motion:

Cllrs Mrs Anderson, Bell, Betts, Bishop, Boughton, Boxall, Branson, Bridge, Brown, Cannon, Clark, Coffin, Cooper, Dalton, D Davis, M Davis, Dean, Foyle, Hammond, Harman, Hickmott, Hood, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Shaw, Tanner, Tatton, Taylor, Thomas, Thornewell and Williams

Total: 42

Members voting against the motion = 0

Members abstaining = 0

(Total number of Members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/12 be approved and the Council Tax Resolution 2023/24, as set out as an Annex to these Minutes, be adopted.

C 23/9 LOCAL COUNCIL TAX REDUCTION SCHEME

Item CB 23/12 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the draft Local Council Tax Reduction Scheme 2023/24 (attached as Annex 1) be approved.

C 23/10 CAPITAL PLAN REVIEW 2022-23

Item CB 23/14 referred from Cabinet minutes of 14 February 2023.

Members noted that the Capital Plan Review had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

RESOLVED: That the recommendations at Minute CB 23/14 be noted

C 23/11 REVENUE ESTIMATES 2023/24

Item CB 23/15 referred from Cabinet minutes of 14 February 2023.

Members noted that the Revenue Estimates 2023/24 had been considered in detail by the Cabinet as part of the substantive item on Setting the Budget 2023/23 (Minute Number CB 23/11)

RESOLVED: That the recommendations at Minute CB 23/15 be noted.

C 23/12 AUDITOR'S ANNUAL REPORT

Item CB 23/16 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/16 be approved

C 23/13 RISK MANAGEMENT

Item CB 23/17 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/17 be approved

C 23/14 TREASURY MANAGEMENT UPDATE AND TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2023-24

Item CB 23/18 referred from Cabinet minutes of 14 February 2023.

RESOLVED: That the recommendations at Minute CB 23/18 be approved

C 23/15 HOUSEHOLD RECYCLING AND WASTE SERVICE

Item CB 23/19 referred from Cabinet minutes of 14 February 2023.

In accordance with Council Procedure Rule 8.4 Councillor Bishop requested that a recorded vote be undertaken. This was seconded by Councillor Boxall.

Members voting for the motion: Cllrs Mrs Anderson, Bell, Betts, Boughton, Branson, Bridge, Brown, Cannon, Coffin, Cooper, Dalton, D Davis, M Davis, Foyle, Hammond, Harman, Hoskins, Hudson, Keers, King, Lark, D Lettington, R Lettington, Luker, Montague, Mrs Oakley, Palmer, Rhodes, Roud, Tanner, Taylor, Thomas, Thornewell and Williams.

Total = 34

Members voting against the motion: Cllrs Bishop, Boxall, Dean, Hickmott and Tatton

Total = 5

Members abstaining from the vote: Cllrs Clark, Hood and Shaw

Total = 3

(Total members eligible to vote = 42)

RESOLVED: That the recommendations at Minute CB 23/19 be approved

C 23/16 POLITICAL BALANCE ARRANGEMENTS FOR COMMITTEES

The report of the Director of Central Services and Deputy Chief Executive set out details of political balance arrangements for committees, sub-committees, boards and panels following the resignation of Cllr Nick Stapleton of the Green Party.

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

The Liberal Democrats advised out of meeting that Cllr Mrs A Oakley was their nominated member for the Joint Standards Committee.

RESOLVED: That

- (1) the composition of all committees, sub-committees, boards and panels be approved in accordance with the table at 1.1.5 of the

report and the Monitoring Officer make any consequential amendments to the Council's Constitution in respect of political balance;

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

C 23/17 MOTION SUBMITTED UNDER COUNCIL PROCEDURE RULE 5.27

Consideration was given to a Notice of Motion (23/01) pursuant to Council Procedure Rule No. 5.7 submitted by Councillor F Hoskins and seconded by Councillor G Bridge on behalf of the Tonbridge and Malling Liberal Democrat Group in the following terms:

This Council notes that:

- (1) Every river in England is now polluted beyond legal limits;
- (2) The Environment Agency rated only 14% of rivers as 'Good' in 2019.
 - This chemical pollution is mostly caused by sewage discharges from water companies and the run-offs of nutrients from farms.
 - 36% of English rivers have been damaged by water companies.
 - Southern Water released 184 spills in the river Medway and its tributaries in the Tonbridge area during 2021.
 - Government funding to the Environment Agency to monitor river quality and regulate farms and water companies has dropped 75% since 2010/11.
 - In 2020 just 3.6% of pollution complaints made to the Agency resulted in penalties.
 - Farms are now almost never inspected, water quality is rarely tested, and water companies can pump raw sewage into rivers with virtual impunity.
 - In addition, tyre particles, metals from brake pads, and hydrocarbons from vehicle emissions wash off road surfaces and into rivers introducing potentially carcinogenic material into the water supply.
 - Phosphates are naturally occurring minerals found in human waste and can lead to dramatic growth in algae and can deplete oxygen levels when they are dumped in our rivers.
 - The latest targets approved on January 26th of 80% reduction of phosphates in rivers by 2038 allows water companies to continue dumping for another 15 years
 - Our River Medway and its tributaries in Tonbridge are particularly threatened by further sewage discharges.

This Council believes that the UK Government should commit to:

- Restoring Environment Agency budgets to deliver the necessary oversight.
- Increasing inspection regularity of water companies and farms, and rigorously prosecuting offenders through the Environmental Audit Committee and Ofwat.
- Funding local and highways authorities to introduce systems to prevent road pollutants from entering our water courses.
- Setting more ambitious targets for water companies to improve storm overflows.

Council resolves to request the Chief Executive write to

- The Secretary of State for Environment, Food and Rural Affairs calling for the Government to make these commitments.
- The Chairperson of the Parliamentary Environmental Audit Committee to advocate for greater enforcement of existing regulatory powers.
- The Chief Executive of Southern water calling for urgent action to address the impact of waste-water discharges on our local rivers.
- The Regional Director of the National Farmers' Union requesting clarification on the action being taken locally by farmers to prevent nutrient run-off.
- The charities River Action and The Rivers Trust expressing this Council's support for their campaign to restore the health of Britain's rivers.

Local MPs Tom Tugendhat and Tracey Crouch to be copied into this correspondence and asked for their support.

RESOLVED: That the Notice of Motion (23/01) be supported.

C 23/18 UPDATE FOLLOWING STREET TRADING CONSULTATION

Item LA 22/32 referred from Licensing and Appeals Committee minutes of 29 November 2022.

RESOLVED: That the recommendations at Minute LA 22/32 be approved

C 23/19 COUNCIL TAX PREMIUM CHANGES FOR EMPTY HOMES AND SECOND HOMES

Item CB 23/3 referred from Cabinet minutes of 10 January 2023.

Members were advised that the recommendations presented were subject to the Levelling Up and Regeneration Bill being enacted and guidance published by Government. At the current time, the Bill was still awaiting Royal Assent and it was recommended that this matter be deferred.

RESOLVED: That the recommendations at Minute CB 23/3 be deferred pending the enactment of the Levelling Up and Regeneration Bill.

C 23/20 LOCALISM ACT - PAY POLICY

Item GP 23/4 referred from General Purposes Committee minutes of 25 January 2023

RESOLVED: That the recommendations at Minute GP 23/4 be approved

C 23/21 PAY AWARD 2023

Item GP 23/12 (2) referred from an Extraordinary meeting of General Purposes Committee of 20 February 2023

The Chair of the General Purposes Committee in presenting the Minutes of 25 January 2023 for noting made particular reference to the extraordinary meeting held on 20 February which under its delegated powers had approved a 5% pay award to all staff.

The Committee had also recommended that 'the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23 be commended to Council for endorsement'.

RESOLVED: That the one-off cost of backdating the pay award to scales 1-6 of £50,000 be met from the Borough Council's General Revenue Reserve in 2022/23

[In accordance with Council Procedure Rule 8. 6 Councillor Clark asked that her vote against the motion (GP 21/12 (2)) be recorded in the Minutes]

MATTERS FOR INFORMATION

C 23/22 DECISIONS TAKEN UNDER URGENCY PROVISIONS

Members noted that decision number D230006URG in respect of Tree Safety and budget provision 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 23/23 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 23/24 EXCLUSION OF PRESS AND PUBLIC**

The Mayor moved, it was seconded and

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

PART 2 - PRIVATE**MATTERS FOR DECISION****C 23/25 AGILE PROJECT**

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

Item CB 23/25 referred from Cabinet of 14 February 2023

RESOLVED: That the recommendations at Minute CB 23/25 be approved.

The meeting ended at 9.35 pm

COUNCIL TAX

DRAFT RESOLUTION

1. It be noted that on 21st February 2023 the Council calculated:

- (a) the Council Tax Base 2023/24 for the whole Council area as 52,706.29 [Item T in the formula in Section 31B of the Local Government Finance Act 1992, as amended (the "Act")] and,
- (b) for dwellings in those parts of its area to which one or more special items (Special expenses and or a Parish precept) relates as follows:

Tonbridge	13,873.09
Addington	431.40
Aylesford	4,459.33
Birling	201.53
Borough Green	1,714.66
Burham	473.17
Ditton	1,795.57
East Malling & Larkfield	5,076.55
East Peckham	1,332.52
Hadlow	1,569.35
Hildenborough	2,267.75
Ightham	1,131.15
Kings Hill	4,493.17
Leybourne	1,906.08
Mereworth	450.73
Offham	406.79
Platt	900.48
Plaxtol	593.67
Ryarsh	373.65
Shipbourne	277.48
Snodland	3,946.34
Stansted	287.85
Trottscliffe	286.43
Wateringbury	942.77
West Malling	1,222.75
West Peckham	181.50
Wouldham	1,135.18
Wrotham	975.35

2. £12,187,271 being the Council Tax requirement for the Council's own purposes for 2023/24 (excluding Parish Precepts).

3. That the following amounts be calculated for the year 2023/24 in accordance with Sections 31 to 36 of the Act:

- (a) £96,664,537 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act taking into account all precepts issued to it by Parish Councils.
- (b) £80,745,883 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
- (c) £15,918,654 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- (d) £302.03 being the amount at 3(c) above (Item R), all divided by Item T (1(a) above), calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year including Parish precepts.
- (e) £4,812,686 being the aggregate amount of all special items (Special expenses and Parish precepts) referred to in Section 34(1) of the Act.
- (f) £210.71 being the amount at 3(d) above less the result given by dividing the amount at 3(e) above by Item T (1(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special items relate (this is the Council Tax for General Expenses to which Special expenses and Parish precepts are added as applicable).

(g) <u>Part of the Council's area</u>	£
Tonbridge	279.73
Addington	269.25
Aylesford	278.12
Birling	274.96
Borough Green	350.62
Burham	269.71
Ditton	363.55
East Malling & Larkfield	305.75
East Peckham	332.87
Hadlow	291.04
Hildenborough	269.05
Ightham	325.21
Kings Hill	333.75
Leybourne	345.96
Mereworth	297.33
Offham	273.25
Platt	303.55
Plaxtol	299.96
Ryarsh	286.61
Shipbourne	261.67
Snodland	301.78
Stansted	272.48
Trottscliffe	301.48
Wateringbury	346.19
West Malling	327.79
West Peckham	247.35
Wouldham	279.06
Wrotham	342.36

being the amounts given by adding to the amount at 3(f) above the amounts of the special item or items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at 1(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items (Special expenses and Parish precepts) relate.

(h)

Valuation Bands

<u>Part of the Council's area</u>	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Tonbridge	186.48	217.57	248.65	279.73	341.89	404.06	466.21	559.46
Addington	179.50	209.42	239.34	269.25	329.08	388.91	448.75	538.50
Aylesford	185.41	216.32	247.22	278.12	339.92	401.73	463.53	556.24
Birling	183.31	213.86	244.41	274.96	336.06	397.16	458.27	549.92
Borough Green	233.74	272.71	311.66	350.62	428.53	506.45	584.36	701.24
Burham	179.80	209.78	239.74	269.71	329.64	389.58	449.51	539.42
Ditton	242.36	282.76	323.16	363.55	444.34	525.13	605.91	727.10
East Malling & Larkfield	203.83	237.81	271.78	305.75	373.69	441.64	509.58	611.50
East Peckham	221.91	258.90	295.88	332.87	406.84	480.81	554.78	665.74
Hadlow	194.02	226.37	258.70	291.04	355.71	420.39	485.06	582.08
Hildenborough	179.36	209.27	239.16	269.05	328.83	388.63	448.41	538.10
Ightham	216.80	252.95	289.08	325.21	397.47	469.75	542.01	650.42
Kings Hill	222.50	259.59	296.67	333.75	407.91	482.08	556.25	667.50
Leybourne	230.64	269.08	307.53	345.96	422.84	499.72	576.60	691.92
Mereworth	198.22	231.26	264.30	297.33	363.40	429.48	495.55	594.66
Offham	182.16	212.53	242.89	273.25	333.97	394.70	455.41	546.50
Platt	202.37	236.09	269.82	303.55	371.01	438.46	505.92	607.10
Plaxtol	199.97	233.31	266.63	299.96	366.61	433.28	499.93	599.92
Ryarsh	191.07	222.92	254.77	286.61	350.30	413.99	477.68	573.22
Shipbourne	174.44	203.53	232.60	261.67	319.81	377.97	436.11	523.34
Snodland	201.19	234.72	268.25	301.78	368.84	435.90	502.97	603.56
Stansted	181.65	211.93	242.21	272.48	333.03	393.58	454.13	544.96
Trottscliffe	200.98	234.49	267.98	301.48	368.47	435.47	502.46	602.96
Wateringbury	230.79	269.26	307.72	346.19	423.12	500.05	576.98	692.38
West Malling	218.52	254.96	291.37	327.79	400.62	473.48	546.31	655.58
West Peckham	164.90	192.39	219.87	247.35	302.31	357.28	412.25	494.70
Wouldham	186.04	217.05	248.06	279.06	341.07	403.08	465.10	558.12
Wrotham	228.24	266.28	304.33	342.36	418.44	494.52	570.60	684.72

being the amounts given by multiplying the amounts at 3(g) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

4. That it be noted that for the year 2023/24 The Police & Crime Commissioner for Kent, the Kent & Medway Fire & Rescue Authority and the Kent County Council have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

<u>Precepting Authority</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
The Police & Crime Commissioner for Kent	162.10	189.12	216.13	243.15	297.18	351.22	405.25	486.30
Kent & Medway Fire & Rescue Authority	58.20	67.90	77.60	87.30	106.70	126.10	145.50	174.60
Kent County Council	1,022.82	1,193.29	1,363.76	1,534.23	1,875.17	2,216.11	2,557.05	3,068.46

5. That, having calculated the aggregate in each case of the amounts at 3(h) and 4. above, the Council, in accordance with Sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of council tax for the year 2023/24, for each of the categories of dwellings shown below:

<u>Part of the Council's area</u>	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Tonbridge	1,429.60	1,667.88	1,906.14	2,144.41	2,620.94	3,097.49	3,574.01	4,288.82
Addington	1,422.62	1,659.73	1,896.83	2,133.93	2,608.13	3,082.34	3,556.55	4,267.86
Aylesford	1,428.53	1,666.63	1,904.71	2,142.80	2,618.97	3,095.16	3,571.33	4,285.60
Birling	1,426.43	1,664.17	1,901.90	2,139.64	2,615.11	3,090.59	3,566.07	4,279.28
Borough Green	1,476.86	1,723.02	1,969.15	2,215.30	2,707.58	3,199.88	3,692.16	4,430.60
Burham	1,422.92	1,660.09	1,897.23	2,134.39	2,608.69	3,083.01	3,557.31	4,268.78
Ditton	1,485.48	1,733.07	1,980.65	2,228.23	2,723.39	3,218.56	3,713.71	4,456.46
East Malling & Larkfield	1,446.95	1,688.12	1,929.27	2,170.43	2,652.74	3,135.07	3,617.38	4,340.86
East Peckham	1,465.03	1,709.21	1,953.37	2,197.55	2,685.89	3,174.24	3,662.58	4,395.10
Hadlow	1,437.14	1,676.68	1,916.19	2,155.72	2,634.76	3,113.82	3,592.86	4,311.44
Hildenborough	1,422.48	1,659.58	1,896.65	2,133.73	2,607.88	3,082.06	3,556.21	4,267.46
Ightham	1,459.92	1,703.26	1,946.57	2,189.89	2,676.52	3,163.18	3,649.81	4,379.78
Kings Hill	1,465.62	1,709.90	1,954.16	2,198.43	2,686.96	3,175.51	3,664.05	4,396.86
Leybourne	1,473.76	1,719.39	1,965.02	2,210.64	2,701.89	3,193.15	3,684.40	4,421.28
Mereworth	1,441.34	1,681.57	1,921.79	2,162.01	2,642.45	3,122.91	3,603.35	4,324.02
Offham	1,425.28	1,662.84	1,900.38	2,137.93	2,613.02	3,088.13	3,563.21	4,275.86
Platt	1,445.49	1,686.40	1,927.31	2,168.23	2,650.06	3,131.89	3,613.72	4,336.46
Plaxtol	1,443.09	1,683.62	1,924.12	2,164.64	2,645.66	3,126.71	3,607.73	4,329.28
Ryarsh	1,434.19	1,673.23	1,912.26	2,151.29	2,629.35	3,107.42	3,585.48	4,302.58
Shipbourne	1,417.56	1,653.84	1,890.09	2,126.35	2,598.86	3,071.40	3,543.91	4,252.70
Snodland	1,444.31	1,685.03	1,925.74	2,166.46	2,647.89	3,129.33	3,610.77	4,332.92
Stansted	1,424.77	1,662.24	1,899.70	2,137.16	2,612.08	3,087.01	3,561.93	4,274.32
Trottscliffe	1,444.10	1,684.80	1,925.47	2,166.16	2,647.52	3,128.90	3,610.26	4,332.32
Wateringbury	1,473.91	1,719.57	1,965.21	2,210.87	2,702.17	3,193.48	3,684.78	4,421.74
West Malling	1,461.64	1,705.27	1,948.86	2,192.47	2,679.67	3,166.91	3,654.11	4,384.94
West Peckham	1,408.02	1,642.70	1,877.36	2,112.03	2,581.36	3,050.71	3,520.05	4,224.06
Wouldham	1,429.16	1,667.36	1,905.55	2,143.74	2,620.12	3,096.51	3,572.90	4,287.48
Wrotham	1,471.36	1,716.59	1,961.82	2,207.04	2,697.49	3,187.95	3,678.40	4,414.08

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

MINUTES

Wednesday, 22nd February, 2023

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

In attendance: Councillors V M C Branson participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors R P Betts, Mrs F A Kemp and J L Sergison.

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

PART 1 - PUBLIC

AP2 23/1 DECLARATIONS OF INTEREST

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

AP2 23/2 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 10 August 2022 be approved as a correct record and signed by the Chairman.

AP2 23/3 GLOSSARY AND SUPPLEMENTARY MATTERS

Decisions were taken on the following applications subject to the pre-requisites, informatives, conditions or reasons for refusal set out in the report of the Director of Planning, Housing and Environmental Health or in the variations indicated below. Any supplementary reports were tabled at the meeting.

Members of the public addressed the meeting where the required notice had been given and their comments were taken into account by the Committee when determining the application. Speakers are listed under the relevant planning application shown below.

DECISIONS TAKEN BY THE COMMITTEE**AP2 23/4 TM/22/02850/FL - LAND SOUTH OF 111 CHURCH LANE,EAST PECKHAM**

Demolition of existing garage and agricultural barn and construction of one single storey dwelling house and associated landscaping.

RESOLVED: That the application be APPROVED on the basis that very special circumstances have been demonstrated which include the prior approval of the change of use of one of the agricultural buildings to residential (Part 3 Class Q) and the enhanced sustainability measures which will be introduced to the proposed building to meet both local and national aims to reduce climate change. Final wording of conditions, reasons and informatives delegated to the Director of Planning, Housing and Environmental Health with the approval of the Chairman and Vice-Chairman

[Speaker: Mrs J Harman (applicant) addressed the Committee in person]

AP2 23/5 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.24 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 7th March, 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

Virtual: Councillors Mrs J A Anderson, Mrs P A Bates, M A J Hood, Mrs A S Oakley, M R Rhodes and R V Roud 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 23/28 DECLARATIONS OF INTEREST

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

CB 23/29 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 14 February 2023 be approved as a correct record and signed by the Chairman.

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

EXECUTIVE KEY DECISIONS

CB 23/30 FUTURE GAS AND ELECTRICITY SUPPLY CONTRACTS

Decision Notice D230016CAB

Careful consideration was given to a new four year flexible procurement arrangement with LASER for the supply of gas and electricity for the period October 2024 – September 2028. Following a tendering exercise, LASER had advised that the highest evaluated tender scores were obtained by Total Gas and Npower and these had retained the gas and electricity frameworks respectively.

Under Contract Procedure Rule 8.1, as set out in the Constitution, approval was required in advance of utilising a framework where the value exceeded the relevant EU threshold.

In addition, under the current framework the Borough Council had signed up to Renewable Energy Guarantee of Origin (REGO) backed electricity supplies. This meant that electricity had been generated by a renewable source. As part of the new framework there would be a greater number of routes to assist the Borough Council in achieving its net zero ambitions as supported by the Climate Change Strategy. This included purchasing energy direct from renewable generators.

Finally, it was noted that the recommendations set out at 1.9 of the report were based on financial savings made under the current and previous flexible procurement contracts in place since 1 October 2008 and the energy procurement expertise available from LASER. Procurement of energy through this public body buying consortium using the Purchase within Period (PWP) framework had proved to be financially advantageous to the Borough Council.

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

RESOLVED: That

- (1) a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Borough Council's high and low volume sites for the period 2024-2028 be approved;
- (2) the utilisation of the LASER framework under Contract Procedure Rule 8.1 be approved; and
- (3) the continued use of the REGO backed electricity tariff be approved and that alternative 'green' options be considered.

EXECUTIVE NON-KEY DECISIONS

CB 23/31 GREEN BUSINESS GRANT SCHEME

Decision Notice D230017CAB

Following Government approval of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, which set out a series of projects to help create a better borough for residents and businesses, details for a further round of the Green Business Grant Scheme 2023/24 were set out in the report.

It was reported that £66,000 of UKSPF funding had been allocated towards this Scheme in the Tonbridge and Malling Investment Plan. There was no requirement for the Borough Council to provide any match funding for this particular programme, although it was envisaged that

around £25,000 of Business Rates Retention Pilot Reserve Funding would be used to contribute towards the Scheme in 2023/24.

Members welcomed the proposals to support businesses in the low carbon and renewable energy economy and to provide help in lowering the carbon footprint of business premises. The Scheme was open to all independent businesses that operated from commercial premises and all were encouraged to promote the initiative as widely as possible.

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

RESOLVED: That

- (1) the report be noted;
- (2) the UKSPF Green Business Grant Scheme, as set out in Appendix 1, be endorsed;
- (3) the Capital Plan and Revenue Budget be updated accordingly; and
- (4) delegated authority be granted to the Chief Executive in liaison with the Leader of the Borough Council to approve any necessary minor changes to the Scheme that might be required for the purposes of clarity.

CB 23/32 CORPORATE STRATEGY - COMMUNITY CONSULTATION

Decision Notice D230018CAB

The report of the Chief Executive provided an update on the Corporate Strategy Community Consultation which was undertaken during January – February 2023 and sought approval to make final amendments to the Corporate Strategy ahead of it being finalised.

There had been a good response to the public consultation exercise and the report provided an overview of the responses and key messages received. There were a number of points or proposed amendments raised and it was recommended that the Strategy be amended to reflect these as detailed in Table 3 of the report. As a result of some of the comments received it was recommended that the period covered by the Corporate Strategy be extended to 2023-2027 as detailed in 1.3.6 of the report.

Finally, potential changes in respect of Key Performance Indicators were identified and these were set out in Appendix 2.

Whilst the recommendation to extend the period covered by the Corporate Strategy to five years was supported, Councillor Boughton

proposed, seconded by Councillor Coffin, that the Strategy be reviewed after 2 years. This proposal was supported.

RESOLVED: That

- (1) the report be noted;
- (2) the Corporate Strategy, as set out in Appendix 1, together with the amendments set out in Table 3 of the report be endorsed;
- (3) it be commended to the Overview and Scrutiny Committee, that the period covered by the Strategy be extended to 2023-2027, as referenced in 1.3.6, and that a review of the Strategy be undertaken after 2 years;
- (4) the proposed new Key Performance Indicators, as set out in Appendix 2, be endorsed;
- (5) the Overview and Scrutiny Committee be invited to consider views on the Corporate Strategy 2023/24 Action Plan, as set out in Appendix 3; and
- (6) 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 that might be required solely for reasons of clarity of presentation.

MATTERS SUBMITTED FOR INFORMATION

CB 23/33 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 23/34 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the meetings of the Parish Partnership Panel and Tonbridge Community Forum of 9 February and 27 February 2023 respectively were received and noted.

CB 23/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.51 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

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

MINUTES

Tuesday, 14th March, 2023

Present: Cllr R I B Cannon (Chair), Cllr F G Tombolis (Vice-Chair), Cllr P Boxall, Cllr T Bishop, Cllr C Brown, Cllr M O Davis, Cllr D Harman, Cllr M A J Hood, Cllr D Lettington, Cllr B J Luker, Cllr H S Rogers and Cllr C J Williams. Cllr R W Dalton, Cllr J R S Lark and Cllr D Thornewell were present as substitute members.

In attendance: Councillors M A Coffin and P M Hickmott were also present pursuant to Council Procedure Rule No. 15.21.

Virtual: Councillors Mrs J A Anderson, Mr S Bell, R P Betts, M D Boughton, V M C Branson, D Keers, Mrs A S Oakley, W E Palmer, M R Rhodes, K B Tanner and Mrs M Tatton participated via MS Teams and joined the discussion when invited to do so by the Chairman in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors M C Base, Mrs T Dean and N J Heslop.

PART 1 - PUBLIC

FRP 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Dalton substituting for Cllr Base
- Cllr Lark substituting for Cllr Heslop
- Cllr Thornewell substituting for Cllr Dean

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 23/2 DECLARATIONS OF INTEREST

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

FRP 23/3 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 15 November 2022 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

FRP 23/4 TMBC OWNED SITES - LOCAL PLAN

In preparing the Local Plan, the Council, acting as the Local Planning Authority, would be writing to all landowners whose sites were identified in the Urban Capacity Study (UCS) to seek additional information about those sites, which would include the Council itself as landowner.

The joint report of the Leader, the Cabinet Member for Finance, Innovation and Property and the Director of Central Services & Deputy Chief Executive sought Members' views on the list of Council owned sites, as set out in Annex A, which were suggested to be unavailable for development through the initial information gathering process.

Members had regard to the sites identified to be inappropriate for development at this stage, the legal implications and the financial and value for money considerations detailed in the report and sought clarity around the remaining Council owned sites as identified by the Urban Capacity Study. In response, Members were advised that once the analysis of the remaining sites had been completed, a further report would be presented to the Committee for consideration.

RECOMMENDED: That all sites set out at Annex A to the report, be considered as unavailable for development when formally responding to the letter from the Local Planning Authority, once received, regarding TMBC owned sites identified in the Urban Capacity Study.

*** Referred to Cabinet**

FRP 23/5 REVENUES LOCAL SCHEME DECISIONS

The report gave details of two new discretionary rate relief schemes and a new council tax support fund policy for 2023/24.

It was noted that in respect of the two discretionary rate relief schemes, the Government expected billing authorities to apply and grant relief to qualifying ratepayers from the start of the 2023/24 billing year, and with regard to the council tax support fund policy, the Government expected billing authorities to apply the reductions to the 2023/24 council tax bills.

Therefore, both the aforementioned schemes and the policy had been applied in accordance with the Government's expectations.

RECOMMENDED: That

- (1) a scheme for the 2023/24 Retail, Hospitality and Leisure Business Rates Relief, as set out in Annex 1, be retrospectively adopted;
- (2) a scheme for the 2023 Supporting Small Business Relief, as set out in Annex 2, be retrospectively adopted;
- (3) a policy for the 2023/24 Council Tax Support Fund, as set out in Annex 3, be retrospectively adopted;
- (4) delegated authority be granted to the Revenues Manager to award, revise or revoke business rates reliefs in accordance with the adopted schemes subject to any disputed entitlement to relief being referred to the Director of Finance & Transformation; and
- (5) delegated authority be granted to the Director of Finance & Transformation to make technical amendments to the Council Tax Support Fund as per para 10.1 of the policy set out in Annex 3.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

FRP 23/6 REVENUES AND BENEFITS PERFORMANCE INFORMATION

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

Collection rates for council tax and business rates were currently above target. Despite expectations that the situation with rising energy payments and the general cost of living would have a detrimental impact on collection, the collection rates were ahead of the amount collected in the same period the previous year.

FRP 23/7 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for October to December 2022 representing the most up-to-date available statistics. The KPIs would be monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director/Chief Executive at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

FRP 23/8 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 23/9 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 15th March, 2023

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

Virtual: Councillors Mrs J A Anderson, R P Betts, M D Boughton, M A J Hood, P J Montague 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 D A S Davis and R V Roud.

PART 1 - PUBLIC

GP 23/14 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

Cllr Cannon substituted for Cllr D Davis

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 23/15 DECLARATIONS OF INTEREST

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

GP 23/16 MINUTES

RESOLVED: That the Minutes of the meetings of the General Purposes Committee held on 25 January 2023 and 20 February 2023 be approved as a correct record and signed by the Chairman.

MATTERS SUBMITTED FOR INFORMATION

GP 23/17 GENDER PAY GAP REPORTING 2021-2022

The report of the Director of Central Services summarised the legislative context for gender pay gap reporting and incorporated the outcomes of the Borough Council's gender pay gap analysis for 2021-2022.

Overall, during the most recent twelve month period there had been a negative shift in the mean pay gap and a marginal positive shift in the median pay gap. It was noted that both the mean and median pay gaps had narrowed by approximately 1.4% and 3.7% respectively since figures were first published in 2017.

It was also noted that the Borough Council's Chief Executive was female and that the majority (60%) of the Senior Management Team were female.

During discussion, Members requested information on the rate that women were promoted within the organisation and noted that the Borough Council continued to support a range of initiatives for both men and women including flexible working, remote working, job sharing, part-time working and flexible retirement.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 23/18 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/19 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 increase in hours of post DF1117 Overpayment Recovery Assistant from 22.2 to 30 per week with effect from 1 April 2023 be approved;
- (2) the Financial Services Manager (DF0201) post be deleted from the establishment with effect from 1 June 2023;

- (3) a new Principal Accountant post on grade M6 be created with effect from 1 June 2023;
- (4) post DF0209 be redesignated to Senior Accountant and regraded to M9 with effect from 1 June 2023;
- (5) the deletion of posts DB0349, DB0350 and DB0342 from the establishment and the creation of one new full time Customer Service Adviser post at scale 2/3 to be based at Tonbridge Castle with effect from 1 April 2023 be approved;
- (6) the post of Parking Support Manager (DE0513) be increased to 37 hours per week with effect from 1 April 2023; and
- (7) the hours of the Parking Support Officer (DE0503) post be reduced from 37 to 29.6 hours with effect from 1 April 2023.

The meeting ended at 7.55 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 21st March, 2023

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

In attendance: Councillors D A S Davis and D Lettington were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors P A Bates, M D Boughton, D Keers, P J Montague, Mrs A S Oakley and W E Palmer participated via MS Teams and joined the discussions when invited to do so by the Chair in accordance with Council Procedure Rule No 15.21.

HP 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 23/2 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 23/3 MINUTES

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

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/4 IMPLICATIONS OF NPPF CONSULTATION ON LOCAL PLAN

Following submission of the Council's full response to the 'Levelling-up and Regeneration Bill: reforms to national planning policy' consultation as approved by Cabinet on 14 February 2023, the report of the Director of Planning, Housing and Environmental Health further considered the proposed changes and their implications for the content, form and timing

of the local plan and requested Members to consider options for progression of the local plan and design codes and recommend an approach to future timetable and next steps, as set out in paragraph 1.5 and Annex 2.

Members had regard to the implications of the proposed changes, the legal implications and the financial and value for money considerations detailed in the report and sought clarity around the determination of exceptional circumstances in the green belt, the likely implications of updated household projections on housing needs and setting of local targets, the duty to cooperate and the alignment policy and the certainty of the legislation being passed and timelines. In response, Members were advised that the timetable detailed for Option 1, to proceed under current arrangements, was challenging but achievable and allowed for some flexibility to allow for the anticipated changes to arise from the technical consultations this year, however there were risks in terms of unforeseen delays arising from future changes to the NPPF, outcomes of a further Regulation 18 consultation or other unknown factors. Members were further advised that if they were minded to support the continuation of the local plan under the current arrangements, any abortive costs in moving to the new arrangements at a later date could be significant.

RECOMMENDED: That

- (1) the implications of the proposed 'Levelling-up and Regeneration Bill: Reforms to National Planning Policy', as set out in Annex 1, be noted;
- (2) the Council progresses the local plan under the current arrangements, as outlined as Option 1 in the report; and
- (3) a new Local Development Scheme with more detailed financial implications be brought to a future meeting of the Housing and Planning Scrutiny Select Committee in Summer 2023.

*** Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

HP 23/5 KEY PERFORMANCE INDICATORS

Members received a list of Key Performance Indicators (KPIs) that were relevant to the committee. A baseline covering April to June 2022 had been used, with the data for October to December 2022 representing the most up-to-date available statistics in most instances, although some statistics covering the period up to the end of January 2023 had been made available by the Planning Department. The KPIs would be

monitored on a quarterly-annual basis and would be made available on an ongoing basis.

Members were requested to submit any questions regarding the KPIs to the relevant Director at least two days in advance of the meeting in order to ensure that a suitable response could be provided at the meeting.

HP 23/6 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

HP 23/7 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.54 pm

- Minutes of the Licensing and Appeals Committee held on 28 March 2023 are *'to follow'*

- Minutes of the Area 1 Planning Committee held on 30 March 2023 are *'to follow'*

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D230010CAB
Decision Type: Non Key
Date: 14 February 2023

Decision(s) and Reason(s)

Response to DLUHC NPPF Consultation

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

Consideration was given to the Borough Council's proposed response to the 'Levelling Up and Regeneration Bill; reforms to national planning policy' as set out in Annex 1. Responses to the consultation had to be submitted by 2 March 2023.

A document showing some proposed changes to the current National Planning Policy Framework (NPPF) was attached at Annex 2. The most significant proposed changes were detailed in 1.2.3 of the report.

After careful consideration of the proposed response and any legal, financial and value for money implications, Cabinet

RESOLVED: That

- (1) the Borough Council's full response to the 'Levelling Up and Regeneration Bill: Reforms to National Planning Policy, as set out in Annex 1, be approved and submitted by the consultation deadline of 2 March 2023.

Reasons: As set out in the report submitted to Cabinet of 14 February 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 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.

Decision Taken By: Cabinet
Decision No: D230011CAB
Decision Type: Non Key
Date: 14 February 2023

Decision(s) and Reason(s)

Public Space Protection Orders - Consultation Feedback

Consideration of recommendation CE 23/7 from the meeting of Communities and Environment Scrutiny Select Committee of 8 February 2023

RESOLVED: That

- (1) the proposed Public Space Protection Order, as presented at Annex 5, be approved.

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

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 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.

Decision Taken By: Cabinet
Decision No: D230012CAB
Decision Type: Key
Date: 14 February 2023

Decision(s) and Reason(s)

Lease Renewal at 1-5 Martin Square, Larkfield

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

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

Careful consideration was given to the proposed terms for a lease renewal outlined in the report, together with the legal, financial and value for money implications. On the grounds that the proposed rental represented a fair market rent and to ensure modern lease terms were included, it was

RESOLVED: That

- (1) a new lease of 1-5 Martin Square be granted in line with the terms outlined in the report.

Reasons: As set out in the report submitted to Cabinet of 14 February 2023 (contains exempt information)

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 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.

Decision Taken By: Cabinet
Decision No: D230013CAB
Decision Type: Key
Date: 14 February 2023

Decision(s) and Reason(s)

Lease Renewal at 17 Martin Square, Larkfield

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

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

Careful consideration was given to the proposed terms for a lease renewal outlined in the report, together with the legal, financial and value for money implications. On the grounds that the proposed rental reflected the continuing challenging environment many businesses were operating in and to ensure modern lease terms were included, it was

RESOLVED: That

- (1) a new lease of 17 Martin Square, Larkfield be granted in line with the terms outlined in the report.**

Reasons: As set out in the report submitted to Cabinet of 14 February 2023 (contains exempt information)

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 16 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230014MEM
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Date: 10 February 2023

Decision(s) and Reason(s)
COUNCIL TAX DEBTS FOR WRITE OFF
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual) Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance, Innovation and Property resolved that the items shown below be written off: (1) 4 council tax debts to the value of £31,317.57
Reasons for decision: All options to recover the debts have been exhausted

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	13 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230015MEM
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Date: 10 February 2023

Decision(s) and Reason(s)
BUSINESS RATE DEBTS FOR WRITE OFF
(Reason: LGA 1972 Sch 12A Paragraph 2 Information which is likely to reveal the identity of an individual) Following a review of irrecoverable debts over £5,000, the Cabinet Member for Finance, Innovation and Property resolved that the items shown below be written off: (1) 2 business rate debts to the value of £24,362.58
Reasons for decision: All options to recover the debts have been exhausted

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	13 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

Decision No: D230016CAB

Decision Type: Key

Date: 07 March 2023

Decision(s) and Reason(s)

Future Gas and Electricity Supply Contracts

Careful consideration was given to a new four year flexible procurement arrangement with LASER for the supply of gas and electricity for the period October 2024 – September 2028. Following a tendering exercise, LASER had advised that the highest evaluated tender scores were obtained by Total Gas and Npower and these had retained the gas and electricity frameworks respectively.

Under Contract Procedure Rule 8.1, as set out in the Constitution, approval was required in advance of utilising a framework where the value exceeded the relevant EU threshold.

In addition, under the current framework the Borough Council had signed up to Renewable Energy Guarantee of Origin (REGO) backed electricity supplies. This meant that electricity had been generated by a renewable source. As part of the new framework there would be a greater number of routes to assist the Borough Council in achieving its net zero ambitions as supported by the Climate Change Strategy. This included purchasing energy direct from renewable generators.

Finally it was noted that the recommendations set out at 1.9 of the report were based on financial savings made under the current and previous flexible procurement contracts in place since 1 October 2008 and the energy procurement expertise available from LASER. Procurement of energy through this public body buying consortium using the Purchase within Period (PWP) framework had proved to be financially advantageous to the Borough Council.

RESOLVED: That

- (1) a further four year agreement with Npower, Total Gas and LASER (KCC) for the supply of electricity and gas (purchased under PWP) for the Borough Council's high and low volume sites for the period 2024-2028 be approved;
- (2) the utilisation of the LASER framework under Contract Procedure Rule 8.1 be approved; and
- (3) the continued use of the REGO backed electricity tariff be approved and that alternative 'green' options be considered.

Reasons: As set out in the report submitted to Cabinet of 7 March 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 9 March 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: D230017CAB
Decision Type: Non Key
Date: 07 March 2023

Decision(s) and Reason(s)

Green Business Grant Scheme

Following Government approval of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, which set out a series of projects to help create a better borough for residents and businesses, details for a further round of the Green Business Grant Scheme 2023/24 were set out in the report.

It was reported that £66,000 of UKSPF funding had been allocated towards this Scheme in the Tonbridge and Malling Investment Plan. There was no requirement for the Borough Council to provide any match funding for this particular programme, although it was envisaged that around £25,000 of Business Rates Retention Pilot Reserve Funding would be used to contribute towards the Scheme in 2023/24.

RESOLVED: That

- (1) the report be noted;
- (2) the UKSPF Green Business Grant Scheme, as set out in Appendix 1, be endorsed;
- (3) the Capital Plan and Revenue Budget be updated accordingly; and
- (4) delegated authority be granted to the Chief Executive in liaison with the Leader of the Borough Council to approve any necessary minor changes to the Scheme that might be required for the purposes of clarity.

Reasons: As set out in the report submitted to Cabinet of 7 March 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 9 March 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: D230018CAB
Decision Type: Non Key
Date: 07 March 2023

Decision(s) and Reason(s)

Corporate Strategy - Community Consultation

The report of the Chief Executive provided an update on the Corporate Strategy Community Consultation which was undertaken during January – February 2023 and sought approval to make final amendments to the Corporate Strategy ahead of it being finalised.

There had been a good response to the public consultation exercise and the report provided an overview of the responses and key messages received. There were a number of points or proposed amendments raised and it was recommended that the Strategy be amended to reflect these as detailed in Table 3 of the report. As a result of some of the comments received it was recommended that the period covered by the Corporate Strategy be extended to 2023-2027 as detailed in 1.3.6 of the report.

Finally, potential changes in respect of Key Performance Indicators were identified and these were set out in Appendix 2.

RESOLVED: That

- (1) the report be noted;
- (2) the Corporate Strategy, as set out in Appendix 1, together with the amendments set out in Table 3 of the report be endorsed;
- (3) it be commended to the Overview and Scrutiny Committee, that the period covered by the Strategy be extended to 2023-2027, as referenced in 1.3.6, and that a review of the Strategy be undertaken after 2 years;
- (4) the proposed new Key Performance Indicators, as set out in Appendix 2, be endorsed;
- (5) the Overview and Scrutiny Committee be invited to consider views on the Corporate Strategy 2023/24 Action Plan, as set out in Appendix 3; and
- (6) 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 that might be required solely for reasons of clarity of presentation.

Reasons: As set out in the report submitted to Cabinet of 7 March 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 9 March 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:	D230019URG
Decision Taken By:	Leader of the Borough Council
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:	Executive Key Decision
Date:	13 March 2023

Decision(s) and Reason(s)

DEVELOPMENT MANAGEMENT AGENCY COSTS

The Development Management (DM) team is currently operating with seven contractor staff which in the main occupy vacant establishment positions, some of which were created because of the recent DM and Enforcement restructures.

There have been several recruitment campaigns to fill the current vacant establishment positions, some of which were before the re-structures and some following, with both the existing positions and newly created posts being advertised using the standard marketing campaigns. Whilst success was achieved recruiting to the senior management positions, (Head of Planning, Development Manager and Policy Manager roles) there has been little success recruiting to the other less senior roles in the planning team. The Development Management team currently has a stable set of agency staff in place, with changes being made where required due to changing requirements or performance issues. There is a handover process in place to ensure that these changes do not have significant service impacts.

There is a national shortage of qualified, experienced Planners and indeed similar issues in other technical disciplines. These issues are also not unique to Planning within the Council, as there are other posts within the Council that are proving difficult to fill e.g. in IT/ Property and Legal. Human Resources is currently leading on a review of recruitment to these hard to fill posts, which will be reported to the General Purposes Committee in due course.

Significant progress has been made in the last 12 months with planning performance, which would be significantly, negatively impacted should the vacant posts not be filled in the short to medium term with agency staff. These include a drop in application decision rates, a likely reduction in income from both pre-application enquiries and Planning Performance Agreements as a result of not

having the staffing resource available to service these areas effectively, customer dissatisfaction due to increased delays in determining applications, greater number of complaints, potential rise in appeals for non-determination and likely requests for planning fee refunds under the Planning Guarantee due to the time taken to determine applications.

The specific approaches to posts and agency staff employed is currently managed by the Head of Planning, in consultation with the Director of Planning, Housing & Environmental Health, as well as Management Team as needed. This includes an agreed approach to ensure that if any permanent staff are appointed, the agency cohort is reduced accordingly. The position will be reviewed on a regular basis during the initial proposed period of 6 months.

Should the posts remain vacant and the agency cost requirement remain the same throughout 2023/24, the total spend above the established staffing budget would be c.£254,000.

It is proposed that:

- (1) the agency staffing costs for a 6 month period, equating to a maximum net additional cost of £127,000 above existing budget provision, are met from the Council's General Revenue Reserve; and
- (2) a review be carried out and a decision made about whether additional costs are likely to be required and incurred and can be incorporated into revised estimates.

The Director of Finance and Transformation has confirmed that this additional cost of £127,000 can be accommodated from the General Revenue Reserve as a one-off cost. However, the ongoing issues with recruitment and retention, which are particularly impacting Planning currently, do present a financial and wider risk for the Council. This risk is already highlighted on the Council's strategic risk register.

Details of any alternatives considered:

At present, there are not considered to be any reasonable alternatives to continuing to utilise agency Planners.

Reason why departure from Budget and Policy Framework:

In order to maintain service provision and retain existing agency staff who are performing well, their contracts need to be extended beyond the current end date of 31 March. It is not practical to convene a quorate meeting of the Full Council due to the timescales required for the required contract discussions to take place with agencies and staff and it is not possible to seek a decision from Full Council at their next meeting.

Reason(s) why rejected:
n/a
Conflicts of Interest/Dispensations Granted:
None
Background Papers (if any):
None
RESOLVED: That
(1) The net additional cost of £127,000 of employing agency staff to fill vacant positions in Development Management for the initial period of the 6 months from April to September 2023 be met from the Council's General Revenue Reserve.
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 Chair of Overview and Scrutiny Committee	A Oakley
Signed Chief Executive:	J Beilby
Date of publication:	14 March 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 required contract discussions to take place with agencies and staff and with the consent of the Chair of the Overview and Scrutiny Committee, this decision is considered urgent, is not subject to call-in and will become effective immediately.

TONBRIDGE AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Economic Regeneration	Decision Number: D230020MEM
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Date: 8 March 2023

Decision(s) and Reason(s)
BUSINESS RATES RETENTION PILOT UPDATE - APPRENTICESHIPS
Following consideration of the options set out in the Cabinet Member briefing note (attached at Annex 1, the Cabinet Member for Economic Regeneration resolved that: (1) the report BE NOTED. (2) the proposals regarding the use of funding allocated towards apprenticeships as set out in this report BE AGREED.
Reasons for decision: Having been approved by both Tonbridge and Malling Borough Council and Kent County Council in 2021, good progress has been made on the economic initiatives in the Business Rates Retention Pilot and Pool Programme. Annexes 1 and 2 set this out in detail, but to date around three-quarters (74%) of the Business Rates Pool Programme has been spent, and just under two-thirds (61%) of the Business Rates Retention Pilot Programme has been spent. However, the main area where there hasn't been much progress to date is in supporting apprenticeship development either within the Council itself or through working with partnership organisations, training providers and businesses (programmed in for 2023/24). However, initial work has now been undertaken to come up with proposals that support the recruitment of an apprentice at the council and support students at Oaks Specialist College to undertake internships and gain pre-apprenticeship workplace experience.

Signed Cabinet Member for Economic Regeneration:	V Branson
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	9 March 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Strategic Planning and Infrastructure	Decision Number: D230021MEM
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Date: 7 March 2023

Decision(s) and Reason(s)
BIODIVERSITY NET GAIN - DEFRA FUNDING
Following consideration of the options, the Cabinet Member for Strategic Planning and Infrastructure resolved that: (1) TMBC accept the DEFRA grant monies for Biodiversity Net Gain enabling activity for 2022/23 and associated conditions and delegate the final acceptance of the grant to the Director of Planning, Housing and Environmental Health. (2) TMBC accepts in principle the DEFRA grant monies for Biodiversity Net Gain enabling activity for 2023/24 and associated conditions in principle, subject to confirmation from DEFRA of the final amount and conditions being the same as those for the 2022/23 funding, and delegates the final acceptance of the grant and agreement to the programme of works to the Director of Planning, Housing and Environmental Health.
Reasons for decision: As detailed in the Cabinet Member briefing note attached in Annex 1. (Also attached are Annexes 2 and 3 which are a summary of the consultation response and a letter to DEFRA).

Signed Cabinet Member for Strategic Planning and Infrastructure:	D Davis
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	14 March 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: The Leader	Decision Number: D230022MEM
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Date: 8 March 2023

Decision(s) and Reason(s)
ENERGY BILLS SUPPORT SCHEME ALTERNATIVE FUNDING
Following a review of the Government's energy bills support schemes, the Leader of the Council resolved that: (1) the policy for the Energy Bills Support Scheme Alternative Funding (EBSSAF) be adopted retrospectively; and (2) the policy for the Alternative Fuel Payment Alternative Fund (AFPAF) be adopted retrospectively.
Reasons for decision: Applications submitted through the gov.uk portal are to be processed within 30 days of submission. The Council's role is to perform some final checks and distribute payments, and deal with any complaints arising from a Council decision on eligibility.

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	14 March 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230023MEM
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Date: 8 March 2023

Decision(s) and Reason(s)
Tonbridge & Malling Leisure Trust – pension fund liabilities in respect of transferred employees under Management Agreement
<p>Under the Management Agreement with Tonbridge & Malling Leisure Trust, the Council retains responsibility for some pension fund liabilities in respect of those former Council employees who were transferred to the Trust under TUPE legislation in November 2013. The Council holds an earmarked reserve (Tonbridge & Malling Leisure Trust Reserve) to discharge some of the financial liabilities it retains under the Agreement.</p> <p>At the latest triennial revaluation the actuary has reported a pension fund deficit in relation to the former employees for which the Council retains liability. The first instalment of this deficit is £79,800. This can be met from the Tonbridge & Malling Leisure Trust Reserve.</p> <p>Consideration will be given, during the course of 2023/24, as to whether it might be more cost effective for the Council to discharge its existing liability in a shorter timescale to that proposed by the actuary.</p>
Reasons for decision:
<p>The Council needs to meet its liability under the Management Agreement and can meet the payment of the instalment from the earmarked reserve.</p>

Signed Cabinet Member for Finance, Innovation and Property	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	15 March 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 Finance,
Innovation and Property**

**Decision No:
D230024MEM**

Date: 14 March 2023

Decision(s) and Reason(s)

Revenues Local Scheme Decisions

(Report of Director of Finance and Transformation)

The report gave details of two new discretionary rate relief schemes and a new council tax support fund policy for 2023/24.

It was noted that in respect of the two discretionary rate relief schemes, the Government expected billing authorities to apply and grant relief to qualifying ratepayers from the start of the 2023/24 billing year, and with regard to the council tax support fund policy, the Government expected billing authorities to apply the reductions to the 2023/24 council tax bills. Therefore, both the aforementioned schemes and the policy had been applied in accordance with the Government's expectations.

Following consideration by the Finance, Regeneration and Property Scrutiny Select Committee, the Cabinet Member for Finance, Innovation and Property resolved that:

- (1) a scheme for the 2023/24 Retail, Hospitality and Leisure Business Rates Relief, as set out in **Annex 1**, be retrospectively adopted;
- (2) a scheme for the 2023 Supporting Small Business Relief, as set out in **Annex 2**, be retrospectively adopted;
- (3) a policy for the 2023/24 Council Tax Support Fund, as set out in **Annex 3**, be retrospectively adopted;
- (4) delegated authority be granted to the Revenues Manager to award, revise or revoke business rates reliefs in accordance with the adopted schemes subject to any disputed entitlement to relief being referred to the Director of Finance & Transformation; and
- (5) delegated authority be granted to the Director of Finance & Transformation to make technical amendments to the Council Tax Support Fund as per para 10.1 of the policy set out in **Annex 3**.

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 14 March 2023.

Signed Cabinet Member for
Finance, Innovation and Property

M Coffin

Signed Leader:

M Boughton

Signed Chief Executive:

J Beilby

Date of publication:

16 March 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Finance, Innovation and Property	Decision Number: D230025MEM
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Date: 21 March 2023

Decision(s) and Reason(s)
Adelante Smartpay 4 – Cashiering System Replacement.
<p>The Adelante Smartpay software is the Council’s Cashiering System that records all income received by the Council. Income is then posted into various other IT systems such as the Council’s General Ledger system and Council Tax and NNDR systems.</p> <p>Adelante gave notice that the current version of the software operated by the Council, Smartpay 4, will be de-supported by the company from March 2024. This will mean that any issues with the software will not be resolved by the Company leaving the Council open to risk of being unable to record income onto respective systems.</p> <p>The latest version of the Software, Smartpay 6, offers additional features such as text reminders and will allow the Council to push forward with greater IT and banking compliance issues.</p> <p>In examining the upgrade, financial and IT specification comparisons were made with other systems via the G-Cloud purchasing platform and it was concluded that the continued use of Adelante was the best option.</p> <p>The software upgrade will cost £57,500, this includes a £5,500 discount if the order is placed before 31st March 2023.</p> <p>It is proposed that the upgrade cost of £57,500 is funded from the Transformation Reserve which is held for revenue, benefits and financial service initiatives.</p> <p>The upgrade to the system will allow the continued accurate receipting of income received through the Council’s Income Bank Accounts.</p>
Reasons for decision:
<p>Without an upgrade to the Smartpay system there is a risk that income recording to various systems could fail and result in errors involving debt recovery. An order placed after the 31st March 2023 will increase the price for this replacement. The software system upgrade can be funded from the earmarked Transformation Reserve.</p>

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	22 March 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 AND MALLING BOROUGH COUNCIL

RECORD OF EXECUTIVE NON-KEY DECISION

Decision Taken By:
Cabinet Member for Strategic Planning and Infrastructure

Decision Number:
D230026MEM

Date: 21 March 2023

Decision(s) and Reason(s)

ACTIVE TRAVEL CAPABILITY FUND GRANT 2022/23

Following consideration of the options, the Cabinet Member for Strategic Planning and Infrastructure resolved that:

- (1) The Active Travel Capability Fund grant from Kent County Council of up to £25,000 be accepted.
- (2) The authority to agree the detailed project delivery approaches is delegated to the Director for Planning, Housing and Environmental Health in consultation with the Cabinet Member for Strategic Planning and Infrastructure.

Reasons for decision:

Kent County Council has awarded Tonbridge and Malling Borough Council up to £25,000 revenue grant from the DfT Active Travel Capability Fund 2022/23, to progress the following projects.

- A maximum of £10,000 to assist with development of a borough wide Local Cycling and Walking Infrastructure Plan (LCWIP).
- A maximum of £15,000 to be provided on a phased approach to assist with the scheme planning and design for the upgrade of footpaths MR581 and MR32 in Snodland.

It is required that the funding is committed, spent, and delivered within 12 months of being awarded to KCC, therefore by 12 January 2024. Payments will be made in July 2023 and Jan 2024 on receipt of six-monthly project monitoring reports.

It is recommended that the funding is accepted by the Council to progress the identified projects for the purpose of improving and developing active travel opportunities in the borough. There will be operational requirements to agree detailed project delivery approaches in the coming months and it is proposed that these are overseen by the Director of Planning, Housing and Environmental Health,

with reports being brought to Members as necessary for update and decision making.

Signed Cabinet Member for Strategic Planning and Infrastructure	D Davis
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	22 March 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.