

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MINUTE BOOK

VOLUME 4

JUNE TO OCTOBER 2023

TONBRIDGE AND MALLING BOROUGH COUNCIL
MINUTES OF COUNCIL, CABINET AND COMMITTEE MEETINGS
VOLUME 4 – JUNE TO OCTOBER 2023

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

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

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 29th June, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr J R S Lark, Cllr W E Palmer, Cllr A Mehmet (substitute), Cllr M R Rhodes (substitute) and Cllr R V Roud (substitute)

In attendance: Cllrs R P Betts, M D Boughton, and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Cllrs D Keers and Mrs M Tatton listened to the discussion via MS Teams in accordance with Council Procedure Rule No 15.21)

Apologies for absence were received from Councillors D Harman, D W King and D Thornewell

PART 1 - PUBLIC

OS 23/22 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Mehmet substitute for Councillor King
- Councillor Rhodes substitute for Councillor Harman
- Councillor Roud substitute for Councillor Thornewell

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

OS 23/23 DECLARATIONS OF INTEREST

For reasons of transparency, Cllr Bishop advised that he was one of the Borough Council's appointments to the Board of the Tonbridge and Malling Leisure Trust who were referenced in the report on decarbonisation and energy efficiency at Leisure Trust Sites (item 10). However, as this did not represent an Other Significant Interest on the grounds that the matter being discussed was for information only, he remained in the meeting and participated in the discussion.

OS 23/24 MINUTES

RESOLVED: That the Minutes of the meeting of the Overview and Scrutiny Committee held on 6 April 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**OS 23/25 MEMBER CALL IN PROTOCOL - DEVELOPMENT MANAGEMENT**

Careful consideration was given to an amended Development Management Protocol which had been retitled to Member Call-in. The amendments were aimed at making the process clearer for both Members and Officers and encouraged an open and collaborative approach.

The proposed amendments were set out in 1.1.3 of the report and the amended Protocol was attached at Annex 1. The Cabinet Member for Planning referred to the supplementary report of the Director of Planning, Housing and Environmental Health which proposed a minor change to the wording of paragraph 6.5 of the amended Protocol. This change provided further clarification to the call in procedure by confirming that in the event of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Chair, the application should automatically be referred to the Area Planning Committee for consideration.

Members attention was drawn to the legal implications, outlined in 1.2.1, regarding delegation to a committee, sub-committee or officer as set out in s101 of the LGA 1972. This meant that it was not possible to delegate a decision to an individual Member as responsibility was in the remit of an officer. It was, therefore, proposed to amend DPHEH 100 of the Constitution (Part 3 – Responsibilities) so that the delegation remained with the Director of Planning, Housing and Environmental Health but subject to prior approval of the relevant Area Planning Committee Chair. Any changes to the Constitution required approval from Full Council.

Finally, to assist Members with identifying what was appropriate for call-in List B would be updated to include the material planning considerations set out in paragraph 4 of the Protocol and a direct link to the document.

Members welcomed the changes made to the Protocol which reflected comments made previously. Clarity was sought on the process for councillors in an adjoining Ward who wished to see an application considered at a committee and whether the process should be completed in the 21 days' notice period. It was confirmed that in this situation the adjoining Ward Member should contact the relevant Ward Member to ascertain whether they intended to call-in the application. If there was a legitimate reason why the Ward Members were not minded

to, or were unable to call-in the application, then adjoining Ward Members could request that the Director of Planning, Housing and Environmental Health considered the application for consideration at committee. There was an expectation that this process could be achieved within the 21 days call-in period. However, it was suggested that adjoining Ward Members make the case officer aware so that progress of the call-in period could be monitored.

The suggestion to set out clearly the reasons for refusal if a call-in was not accepted in the written briefing note summarising the discussion that took place (in accordance with paragraph 9 of the Protocol) was noted.

RECOMMENDED*: That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

***Referred to Council**

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 23/26 HOUSING ASSOCIATIONS PERFORMANCE FRAMEWORK - SCOPING REPORT

The report of the Director of Planning, Housing and Environmental Health set out options in respect of a potential review into Housing Association performance. There was opportunity to develop and improve existing engagement and monitoring with these key organisations. In addition, the risk of exacerbating resident issues or missing trends of activity that could negatively impact on the Borough Councils financial position or the wellbeing of tenants/residents as a result of not having a robust approach to monitoring was noted.

Careful consideration was given to the scoping options set out in 1.3 of the report and Members were invited to indicate those that should be provided in more detail at a future meeting of the Committee.

Members welcomed the opportunity to review performance of Housing Associations and expressed concern at the lack of urgency of some organisations in addressing issues raised, the lack of responsibility in maintaining land in their ownership, the lack of an effective process for addressing anti-social behaviour and the difficulties experienced by non-tenants in reporting issues. There was also discussion on 'voids' and the delay in re-letting properties to new tenants. It was noted that delays

in re-letting properties had a financial implication for the Borough Council who had to place waiting households in temporary accommodation.

RESOLVED: That

- (1) the following should form part of the review into Housing Association performance:
 - performance data based on the information already gathered from Clarion Housing (as set out in 1.2.3) be gathered from all Housing Associations operating in the Borough;
 - the role of the Housing Association Liaison Panel (HALP) to be reviewed and clarified;
 - nomination agreements and process to be reviewed;
 - void and re-letting process and targets to be reviewed;
 - response to anti-social behaviour and reporting mechanisms for non-tenants;
 - response to concerns raised by residents and/or Councillors to be reviewed; and
 - land ownership and maintenance to be reviewed.
- (2) Clarion Housing, as the largest provider of affordable housing in the Borough, be invited to the next meeting of the Overview and Scrutiny Committee to advise of their work in the Borough and to detail performance

MATTERS FOR INFORMATION

OS 23/27 DECARBONISATION AND ENERGY EFFICIENCY AT LEISURE TRUST SITES

Members received an update on energy efficiency measures and renewable energy installations at Leisure Centre sites and noted potential future options to reduce carbon emissions.

The Cabinet Member for Climate Change, Regeneration and Property recognised the significant challenge faced by the Borough Council in achieving the Conservative election pledge for leisure facilities in the borough to be carbon neutral by 2027. However, it was important to focus on these facilities as energy consumption, energy costs and associated greenhouse gas emissions at Larkfield Leisure Centre and Tonbridge Swimming Pool were significant and represented approximately 63% of total greenhouse gas emissions from the Borough Council estate and operations.

Further investment in renewables was progressing and there were plans to install solar panels on the roof at Tonbridge Swimming Pool and assess in more detail the possibility of installing air source heat pumps at Larkfield Leisure Centre and Tonbridge Swimming Pool. It was hoped that the Borough Council would be successful in bidding for two

decarbonisation grants to fund the works although it was recognised funds were heavily oversubscribed.

Finally, it was noted that some energy efficient measures had potential to generate savings and these should be explored for the future. It was also hoped that the less energy used would make it easier to introduce greener alternatives.

OS 23/28 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 January to March 2023 representing the most up-to-date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis.

It was noted that there had been no questions or queries raised in advance of the meeting. However, reference was made to the gender pay gap data and it was clarified that this was looked at annually by the General Purposes Committee.

OS 23/29 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Member during April, May and June 2023 were presented for information and noted by the Committee

OS 23/30 WORK PROGRAMME

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

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer, in liaison with relevant Chairs and Officers.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/31 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.38 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

MINUTES

Monday, 3rd July, 2023

Present: Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr B Banks, Cllr K Barton, Cllr A G Bennison, Cllr J Clokey, Cllr D A S Davis, Cllr A McDermott, Cllr B A Parry, Cllr R V Roud and Cllr K B Tanner

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

Virtual: Councillors R P Betts, M D Boughton, C Brown, R I B Cannon, R W Dalton, S A Hudson, D Keers and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

PART 1 - PUBLIC

GP 23/20 NOTIFICATION OF SUBSTITUTE MEMBERS

There was no notification of substitute members received.

GP 23/21 DECLARATIONS OF INTEREST

The Monitoring Officer had granted a dispensation to allow all Members of the Committee to participate in the discussion on Members Allowances and to consider and vote upon the recommendations contained within the report of the Joint Independent Remuneration Panel under s33 of the Localism Act 2011.

GP 23/22 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 15 March 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 23/23 MEMBERS' ALLOWANCES - REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL

The report of the Management Team set out details of a recent review undertaken by the Joint Independent Remuneration Panel (JIRP) on the Scheme of Members' Allowances and summarised the key recommendations arising from the Panel at 1.2.4 of the report.

Management Team advised that the recommendations of the Panel, if adopted, would produce a saving of circa £45,900 when compared to the budget included within the 2023/24 Estimates.

The Committee recognised the considerable work undertaken by the Panel in evaluating the role undertaken by Members and acknowledged the case made for a reduction in the Special Responsibility Allowance (SRA) for the Deputy Leader. However, the Committee felt that it was neither appropriate nor fair to reduce the allowance in consideration of the significant responsibilities of this role.

Members recognised the value and role of the vice-chairs and considered it appropriate to set an allowance to vice-chairs at a level based on 25% of the relevant chairman's allowance.

Following a comprehensive debate it was

RECOMMENDED*: That

- (1) the Basic Allowance payable to all Members remain at its current level of £5,175 per annum;
- (2) the level of the Special Responsibility Allowances (SRA) be set as follows:
 - (a) the Leader's Allowance remain at £20,706 per annum;
 - (b) the SRA for the Deputy Leader remain at £15,528 per annum (circa 75% of the Leader's Allowance);
 - (c) the SRAs for Cabinet Members remain at £8,802 per annum;
 - (d) the SRAs for Committee Chairs be set as follows:
 - (i) Area Planning Committees (x 3) - £1,725 per annum;
 - (ii) Audit Committee - £2,589 per annum;
 - (iii) General Purposes Committee - £1,725 per annum;
 - (iv) Joint Standards Committee - £2,589 per annum;
 - (v) Licensing and Appeals Committee - £2,589 per annum;
 - (vi) Overview and Scrutiny Committee - £2,589 per annum;

- (vii) Scrutiny Select Committees (x 3) - £2,589 per annum;
- (e) the SRAs for qualifying** opposition group leaders be set at a flat sum of £4,401 per annum, and where applicable, a maximum of one additional SRA per Member (excluding group leader allowances) be applied;

***To qualify, neither the leader of an opposition group nor any members of the leader's group can serve on Cabinet.*
- (f) the SRAs for vice-chairs be set at 25% of the relevant Committee Chairs' allowances as follows:
 - (i) Area Planning Committees (x 3) - £431 per annum;
 - (ii) Audit Committee - £647 per annum;
 - (iii) General Purposes Committee - £431 per annum;
 - (iv) Joint Standards Committee - £647 per annum;
 - (v) Licensing and Appeals Committee - £647 per annum;
 - (vi) Overview and Scrutiny Committee - £647 per annum;
 - (vii) Scrutiny Select Committees (x 3) - £647 per annum;
- (3) the Mileage Allowances remain at the HMRC approved rate;
- (4) the existing scheme for meal and/or subsistence allowances be ceased;
- (5) the carers' allowances be set at a maximum rate of £10.42 per hour per child (linked to the National Living Wage) for general childcare and £18.00 per hour for dependent carers;
- (6) the allowances, including those for the Mayor and Deputy Mayor, be uprated in line with any increases in the remuneration of Council staff;
- (7) the amended scheme of allowances, once approved, be agreed to take effect from the date of Council on 11 July 2023; and
- (8) the Monitoring Officer be authorised to update Part 6 of the Constitution (Members' Allowances) to reflect any agreed changes to the current scheme of allowances arising out of the above recommendations.

***Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE

GP 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.

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE COUNCIL

GP 23/25 RECRUITMENT AND RETENTION ISSUES WITHIN THE PLANNING SERVICE

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

Careful consideration was given to a number of options proposed to address the recruitment and retention issues in the Planning Service within the context of the national picture of staffing situation in council planning departments.

Members had due regard to the recruitment campaigns undertaken in the past year, the interim staffing costs, the benchmark data on salary packages from Kent district councils, the risk assessment and the legal, financial and value for money considerations arising from the proposals, with particular reference made to maintaining competitiveness of the Borough Council in the recruitment market for the qualified Planner posts.

RECOMMENDED*: That

- (1) a £5,000 annual market supplement payment (pro-rata'd for part-time staff) be paid to all current and future recruited qualified** Planning staff for a period of two years, subject to annual review thereafter;

***To qualify, the postholder must hold a degree or postgraduate qualification accredited by the Royal Town Planning Institute as stipulated in the Person Specification of their post in Planning.*

- (2) a £3,000 'Golden Hello' payment be paid to newly recruited Planning staff joining the Borough Council in posts in Planning of which the Person Specification stipulates that the postholder must

hold a degree or postgraduate qualification accredited by the Royal Town Planning Institute, subject to review; and

- (3) the aggregated cost of the market supplement payments and the 'Golden Hello' payments, estimated to be circa £320k over the two-year review period, be met from the Budget Stabilisation Reserve.

***Referred to Council**

DECISIONS TO BE TAKEN UNDER DELEGATED POWERS

GP 23/26 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) post DF1123, Overpayment Recovery Assistant, scale 2/3, 37 hours, be deleted;
- (2) a new Overpayment Recovery Officer post, at scale 2/3/4 for 30 hours per week, be created;
- (3) post DJ0210, Building Control Surveyor, grade M9, 25.5 hours per week, be deleted;
- (4) post DJ0216, Building Control Surveyor, grade M9, 37 hours per week, be deleted;
- (5) a new Senior Building Control Surveyor post, M8, 37 hours per week, be created;
- (6) the permanent increase in hours of the Building Control Technician post DJ0213 by correcting the hours from 22.5 to 29.5 per week be approved;
- (7) the temporary increase of the Building Control Technician post DJ0213 to a Senior Building Control Technician grade 5/6 for a period of six months and the increase in the hours to 35.5 per week for a period of six months be approved; and

- (8) the 'ringfencing' of the savings made by the deletion of post DJ0210 for a period of six months to allow time to review the needs of the Building Control service be agreed.

The meeting ended at 9.00 pm
having commenced at 7.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 4th July, 2023

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

In attendance: Cllrs B Banks*, G C Bridge*, R I B Cannon, S M Hammond*, F A Hoskins*, Mrs A S Oakley, D Thornewell, C J Williams*, Mrs S Bell and M R Rhodes were also present pursuant to Access to Information Rule No 23.

(Note: *These Councillors participated in the discussion on TMBC Owned Sites – Local Plan only and then left the meeting).

Virtual: Cllrs Mrs S Bell and M R Rhodes listened to the discussion via MS Teams in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 23/58 DECLARATIONS OF INTEREST

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

CB 23/59 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 6 June 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 23/60 CORPORATE STRATEGY 2023-27

Consideration was given to an updated Corporate Strategy 2023-2027 (attached at Annex 1) which incorporated feedback received from the recent community consultation as well as matters highlighted through the decision making process.

The Strategy set out a new direction for the Borough Council and had a vision 'to be an innovative and forward thinking council, that leads people and businesses of the borough towards a vibrant, prosperous and sustainable future.'

An action plan setting out the strategic initiatives linked to delivering the Corporate Strategy was provided at Annex 2. This Plan included some of the key initiatives, rather than all of the activity, that the Borough Council would undertake to meet the priorities set out in the Strategy and would be reviewed on an annual basis.

A list of new updated Key Performance Indicators (KPIs) were set out in Annex 3 in order to align these more closely with the Corporate Strategy. It was noted that currently there was no KPI relating to biodiversity as DEFRA guidance was still forthcoming and strategies on the topic were still being developed.

RECOMMENDED*: That

- (1) the Corporate Strategy (attached at Annex 1) be commended to Council for adoption;
- (2) the Corporate Strategy Action Plan (attached at Annex 2) be commended to Council for adoption;
- (3) the proposed new Key Performance Indicators (attached at Annex 3) be commended to Council for adoption;
- (4) authority be delegated to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary further minor changes to the Corporate Strategy, Action Plan and Key Performance Indicators that might be required for reasons of clarity or presentation.

***Referred to Council**

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

EXECUTIVE KEY DECISIONS

CB 23/61 HOUSEHOLD SUPPORT FUND 2023/24

(Decision Notice D230056CAB)

Approval was sought for the Borough Council's proposed approach in respect of the current grant of Household Support Fund for the Borough. The draft Tonbridge and Malling Borough Council Household Support Scheme July 2023 – March 2024 (attached at Annex 1) set out the proposed use of the fund, which was to provide crisis support for households. The strategy for direction of funding was based on successful outcomes of previous awards, statistical returns, feedback from a recent welfare support workshop and anecdotal experience.

The proposed use of the grant funding was detailed in 1.3 of the report and it was noted that Tonbridge and Malling Borough Council had been allocated funding of £278,562 to be used in accordance with Government guidance by 31 March 2024. Unspent grant could not be rolled over into April beyond honouring any expenditure committed to before the end of March.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the proposed use of the grant funding to support households, charitable organisations and the local community.

RESOLVED: That

- (1) the Household Support Fund Scheme July 2023 – March 2024, as set out at Annex 1, be approved;
- (2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the Household Support Fund Scheme July 2023 – March 2024; and
- (3) significant variance in direction of spend in response to any emerging events or needs over the lifetime of the Scheme be allowed for by agreement of the Leader, Cabinet Member for Finance and Housing, Chief Executive and Director of Finance and Transformation, in line with the general parameters of the Household Support Fund.

CB 23/62 NEW LOCAL DEVELOPMENT SCHEME

(Decision Notice D230057CAB)

Consideration was given to recommendation HP 23/11 of the Housing and Planning Scrutiny Select Committee of 7 June 2023.

Members attention was drawn to the further detail on the assumptions around the Local Development Scheme (LDS) timetable, the evidence base studies and costs set out in the supplementary report of the Director of Planning, Housing and Environmental Health. Particular reference was made to revised proposals in respect of the Green Belt Study which recommended that more detailed work be undertaken and that options for a 'strategic gap' be explored. It was anticipated that this further work could cost in the region of an additional £15,000. However, it was noted that all cost assumptions set out in Annex 3 were informed estimates at this stage.

The Cabinet Member for Planning was aware of concerns regarding the green belt and anticipated that a more detailed study would be beneficial

in retaining flexibility. The increased budgetary pressures as a result of a more detailed study were also noted.

On the grounds that the Green Belt Study was a crucial piece of evidence which influenced other key policy decisions relating to the Local Plan, Councillor Taylor proposed, seconded by Councillor Boughton that the study be commissioned as soon as possible to realistically meet the timeframes set out in the LDS and that the recommendations of the Housing and Planning Scrutiny Select Committee be amended.

RESOLVED: That

- (1) the commissioning the extended scope of local plan Green Belt evidence and associated costs (as set out in the supplementary report) that were not anticipated at the time of the HPSSC recommendation be approved;
- (2) the new Local Development Scheme be approved and the implications on timing of the above decision and the uncertainties regarding the outcome of the government's planning reforms be noted; and
- (3) the additional budget requirements of the local plan and the need for further financial provision in future budget setting process be noted.

EXECUTIVE NON-KEY DECISIONS

CB 23/63 FINANCIAL PLANNING AND CONTROL

(Decision Notice D230058CAB)

The report brought together information on salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. In addition, an update on capital expenditure and variations agreed in relation to the capital plan was provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of May was £46,650 more than budgeted at the February Budget meeting. This overspend included funding of temporary staffing in planning as detailed in paragraph 1.4.5 of the report. Overall actual income to the end of May was £141,550 less than budgeted. However, this was relatively early in the new financial year and the position would continue to be monitored.

The current economic climate continued to have an ongoing impact on the Borough Council's financial position and the potential impact on both the current and future financial years of the Medium Term Financial Strategy was being assessed. The importance of ensuring the savings target of £500,000 was achieved by the start of the financial year 2024/25 was recognised.

Finally, reference was made to business rates pooling and it was reported that monitoring as at end of May 2023 placed the Borough Council at £701,000 above the nationally set baseline with a retained income of £561,000. This was a variation of £5,000 against the 2023/24 estimate.

The Cabinet Member for Housing and Finance commented that the pressures on the temporary accommodation budget had been exacerbated by the cost of living crisis and new Government guidance in relation to those fleeing domestic violence.

RESOLVED: That

- (1) it be noted that as at the end of May 2023, the projected overall outturn position for the year 2023/24 was a net adverse variance of circa £557,000 when compared to the budget set in February 2023;
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to delivery as a minimum this year's savings target of £500,000 be noted; and
- (3) the current business rate pool position as at the end of May 2023 be noted.

CB 23/64 TONBRIDGE AND MALLING SHARED UK PROSPERITY FUND

(Decision Notice D230059CAB)

An update on delivery during Year 1 of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Programme, including Rural England Prosperity Fund (REPF), was provided in 1.2 of the report. Upcoming initiatives for Year 2 were also highlighted at 1.3 of the report.

Particular reference was made to the establishment of a West Kent Rural Grants Programme, using the REPF funding previously secured. As part of this programme, all funding allocated to the Borough Council would be ring fenced for projects within the borough. Rural Businesses and Communities would be able to apply for capital grants of up to £25,000. Details of the decision making process was outlined in 1.3.4 of the report. However it was proposed that a Cabinet Member

representative from each West Kent local authority be part of a West Kent Rural Grants Programme Panel assessing applications.

Finally, Cabinet had regard to the risk assessment for the programme which identified a number of potential hazards and control measures to mitigate their impact. The risk assessment was provided at Appendix 2.

The Cabinet Member for Climate Change, Regeneration and Property welcomed the continuation of the Shopfront Improvement Grant Scheme and the proposal for a Green Business Grant Scheme.

RESOLVED: That

- (1) the report be noted;
- (2) the delegation of decision-making powers to the West Kent Rural Grants Programme Panel, as set out in 1.3.4, be agreed;
- (3) the Cabinet Member for Climate Change, Regeneration and Property be agreed as the representative for the Borough Council on the West Kent Rural Grants Programme Panel; and
- (4) the risk assessment for the UKSPF Programme as set out in Appendix 2 be endorsed.

CB 23/65 COMMUNITY DEVELOPMENT GRANT SCHEME

(D230060CAB)

The report sought approval of schemes submitted for funding through the Community Development Grant Scheme.

As part of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, endorsed by Cabinet on 5 July 2022, there had been a total allocation of £165,269 for a community grant scheme. A first round of the Community Development Grant Scheme would operate for 2023/24 with a second round in 2024/25.

A copy of the application form, criteria and scoring sheet used for Round 1 of the Scheme was attached for information at Annex 1. Funding priorities for this year were detailed in 1.2.2 of the report. The deadline for Round 1 applications closed on 16 June 2023 and the total amount of funding applied for by eligible applicants exceeded the total funding pot of £33,962. As a result, the decision had been taken to decrease the amount for some applicants based on a scaled allocation with those achieving higher scores receiving the full amount of funding and those with lower scores receiving a lower amount. The suggested allocations were set out in Annex 2 of the report, with a further detailed summary of the details of each bid and the priorities met set out in Annex 3. It was noted that there was a potential underspend of £622.00 which could be

used to fund the administration costs for the Scheme or used as a contingency fund to support specific bids.

Cabinet welcomed the investment in youth provision as part of this grant funding. On the grounds that Round 1 was oversubscribed, Councillor Boughton proposed, seconded by Councillor Keers that the underspend be passported over to Round 2 funding to support future bids.

RESOLVED: That

- (1) the grant allocations, as set out in Annex 2 of the report, be endorsed; and
- (2) the outstanding balance of £622 for 2023/24 be passported over to Round 2 funding

CB 23/66 TMBC OWNED SITES - LOCAL PLAN

(Decision Notice D230061CAB)

Consideration was given to recommendation FRP 23/13 of the Finance, Regeneration and Property Scrutiny Select Committee of 13 June 2023.

At the request of local Ward Members, further consideration was given to sites 59554 and 59555 (Vauxhall) on the grounds of loss of green space. However, Cabinet felt it was important to retain flexibility and control over future development as part of the Local Plan process and these sites should be considered 'available' when formally responding to the letter from the LPA. Local Ward Members were also reminded that this did not mean that the sites would be developed but would be available for assessment as part of the planning process.

Subsequent to the meeting of the Scrutiny Select Committee, further information in respect of site 59469 (land at Russett Close, Aylesford) had been provided and the previous views of the Planning Inspectorate supporting the protection of this green space were noted. The comments of the local ward Members were also taken into consideration and reflected the concerns raised by residents at the potential loss of this area of open public space.

On the grounds of the extra information provided and having regard to the comments of local Ward Members, Councillor Betts proposed, seconded by Councillor Taylor that site 59469 be unavailable for development when formally responding to the letter from the LPA.

RESOLVED: That

- (1) the following 9 TMBC owned sites identified in the urban capacity study be considered **available** for development when formally responding to the letter from the LPA:

- 59559, 59560, 59661, 59562, 59563, 59581 (Cage Green and Angel);
 - 59554 59555 (Vauxhall); and
 - 59572 (Judd)
- (2) the Angel Centre, Tonbridge site be considered available for development when formally responding to the letter from the LPA; and
- (3) the following 12 TMBC owned sites identified in the urban capacity study be considered **unavailable** for development when formally responding to the letter from the LPA:
- 59437 (Larkfield);
 - 59449 (East Malling, West Malling and Offham);
 - 59456 (Birling, Leybourne and Ryarsh);
 - 59502 (Snodland East and Ham Hill);
 - 59469 (Aylesford South and Ditton);
 - 59515; 59516 (Cage Green and Angel);
 - 59521; 59522 (Trench)
 - 59524 (Higham); and
 - 59550; 59552 (Judd)

CB 23/67 TREE SAFETY POLICY

(Decision Notice D230062CAB)

Consideration was given to recommendation CE 23/16 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

RESOLVED: That the proposed amendments to the Tree Safety Policy, as set out in Annexes 3 and 3a, be approved; subject to:

- clarification with the insurers with regard to the recommended length of time for any tree inspections records to be kept by the Borough Council

CB 23/68 EVENTS ON PUBLIC OPEN SPACES

(Decision Notice D230063CAB)

Consideration was given to recommendation CE 23/17 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

RESOLVED: That

- (1) the proposed amendments to the Events on Open Spaces Policy and application form, as detailed in Annexes 1 and 2, be approved subject to:
 - a sliding scale schedule for payment of deposits, lawn hire fees and administration fees and the terms and conditions for cancellation and refund being investigated; and
 - agreed in consultation with the Cabinet Member for Community Services and added to section 6 (Charging of the Policy);
- (2) a byelaw to address unauthorised use of the Borough Council's public open space be progressed

CB 23/69 LITTER AND FLY TIPPING ENFORCEMENT PILOT - 6 MONTH REVIEW

(D230064CAB)

Consideration was given to recommendation CE 23/18 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

The Cabinet Member for Transformation and Infrastructure commented that the procurement of a third-party enforcement contract demonstrated that fly tipping and littering would not be tolerated in Tonbridge and Malling.

RESOLVED: That a contract for the third-party provision of litter and fly tipping enforcement be procured through a formal tender procedure (as set out in option 3 at 1.4.1 of the report to Communities and Environment Scrutiny Select Committee)

MATTERS SUBMITTED FOR INFORMATION

CB 23/70 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 23/71 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Joint Transportation Board of 5 June 2023 and the Notes of the Parish Partnership Panel of 15 June were received and noted.

CB 23/72 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.52 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 5th July, 2023

Present: Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr B Banks, Cllr M A Coffin, Cllr A Cope, Cllr D Keers, Cllr W J Mallard, Cllr R W G Oliver, Cllr R V Roud, Cllr M Taylor and Cllr K S Tunstall.

Apologies for absence were received from Councillors D W King and D Thornewell.

PART 1 - PUBLIC

LA 23/7 DECLARATIONS OF INTEREST

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

LA 23/8 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 28 March 2023 be approved as a correct record and signed by the Chairman.

LA 23/9 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 29 March 2023 and 12 April 2023 be received and noted subject to an amendment to the minutes of the 29 March 2023 to reflect that Councillor Kemp was in present as Chair.

LA 23/10 TRAINING - OVERVIEW OF LICENSING

The Committee received a presentation from the Head of Licensing, Community Safety and Customer Service, introducing the work of the Licensing and Appeals Committee for the particular benefit of new Borough Councillors and of the Committee. An overview of the Licensing Act 2003 was given and an outline of the Licensing regime provided, with particular focus on Premises Licenses and the operation of Panels/Hearings.

DECISIONS TO BE TAKEN UNDER DELEGATED POWERS**LA 23/11 STREET TRADING FEES**

The report of the Director of Central Services and Deputy Chief Executive set out the recommended changes to the existing fee structure for Street Trading. The proposed fee levels for street trading consents were set out at 1.2.6 of the report and the Street Trading fee module, together with the street trading fees of neighbouring authorities was attached at Annex 5.

During discussion, Members were advised that the Local Government (Miscellaneous Provisions) Act 1982 provided a list of activities which were not 'street trading' and therefore would not require consent.

RESOLVED: That the proposed scale of fees for licences, consents and registrations set out in 1.2 6 of the report, be adopted with immediate effect.

LA 23/12 REVIEW OF HACKNEY CARRIAGE AND PRIVATE HIRE POLICY

The report of the Director of Central Services and Deputy Chief Executive presented a review of the Hackney Carriage and Private Hire Policy. The report outlined the timescale for the consultation to be undertaken between 10 July 2023 and 1 September 2023. Particular reference was made to the proposed changes set out at paragraph 1.3 of the report and a copy of the current policy was attached at Annex 1. The report outlined the arrangements for public consultation on the policy including meetings with trade members, which Members were welcome to attend.

RESOLVED: That the draft Hackney Carriage and Private Hire Policy be approved for consultation.

LA 23/13 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.22 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COUNCIL MEETING

MINUTES

Tuesday, 11th July, 2023

At the meeting of the Tonbridge and Malling Borough Council held in Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 11th July, 2023

Present: His Worship the Mayor (Councillor J R S Lark), the Deputy Mayor (Councillor S M Hammond), Cllr L Athwal, Cllr B Banks, Cllr K Barton, Cllr Mrs S Bell, Cllr A G Bennison, Cllr R P Betts, Cllr T Bishop, Cllr M D Boughton, Cllr G C Bridge, Cllr C Brown, Cllr R I B Cannon, Cllr J Clokey, Cllr M A Coffin, Cllr A Cope, Cllr S Crisp, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr M A J Hood, Cllr F A Hoskins, Cllr S A Hudson, Cllr D Keers, Cllr W J Mallard, Cllr A McDermott, Cllr A Mehmet, Cllr D W King, Cllr Mrs A S Oakley, Cllr W E Palmer, Cllr B A Parry, Cllr M R Rhodes, Cllr R V Roud, Cllr K B Tanner, Cllr Mrs M Tatton, Cllr M Taylor, Cllr D Thornevell, Cllr K S Tunstall and Cllr C J Williams

Apologies for absence were received from Councillors P Boxall, Mrs T Dean and R W G Oliver

PART 1 - PUBLIC

C 23/55 DECLARATIONS OF INTEREST

A dispensation had been granted by the Monitoring Officer to allow all Members of the Committee to participate in the discussion on Members Allowances and to consider and vote upon the recommendations of the General Purposes Committee.

C 23/56 MINUTES

RESOLVED: That the Minutes of the proceedings of the meeting of the Council held on 17 May 2023 be approved as a correct record and signed by the Mayor.

C 23/57 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:

- Holmesdale School's Opening of new Amphitheatre
- The Quest School's 20th Anniversary Lunch
- The Kent International Piano Courses Concert & Prizegiving
- Hildenborough Farmer's Market
- Ightham Mote's Oldbury Campsite Opening at Seal Chart
- SERFCA Armed Forces Briefing
- Annual Father's Day Service at The Friars
- Chairman of KCC's Armed Forces Day Flag Raising Ceremony
- Tonbridge Lions It's a Knockout
- The Friars Fundraising Event
- Rotary Club of Tonbridge's Presidents Dinner & Jazz Evening
- Snodland TC's Carnival Parade
- Mayor of Medway's Cruise
- Bishops court Summer Garden Party
- Tonbridge Music Festival Event

Arrangements were being finalised for future civic and charity events and details would be shared as soon as possible.

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

C 23/58 QUESTIONS FROM THE PUBLIC PURSUANT TO COUNCIL PROCEDURE RULE NO 5.6

No questions were received from members of the public pursuant to Council Procedure Rule No 5.6.

C 23/59 QUESTIONS FROM MEMBERS PURSUANT TO COUNCIL PROCEDURE RULE NO 5.5

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

C 23/60 LEADER'S ANNOUNCEMENTS

The Leader's announcements focused on innovation, transformation, investment and service delivery as well as the importance of building effective working relationships with the other political parties.

The Leader welcomed the opportunity to consider the Member Call-in Protocol for Development Management later in the meeting, which was a good example of working together and the changes proposed would assist all Members in all parties in the planning process. The new Corporate Strategy 2023-27 also focused on co-operation and good will between political groups.

Reference was made to the networking opportunities afforded by the recent LGA Conference in promoting the Borough as a great place to

invest and build on the reputation as a local authority that used innovative solutions to promote growth and regeneration. The importance of reviewing how services were delivered to improve performance and to ensure effective management of differing and competing demands that local residents had was highlighted.

To address the outstanding recommendation of the Peer Review (undertaken in 2022) consideration would be given to having a dedicated resource committed to support transformation of council services. Options would be presented to Members in due course. However, residents had high expectations that the Borough Council would continue to perform and deliver services effectively, whilst maintaining value for money and investing and innovating for the future.

Particular reference was made to the successful re-rounding of the waste services contract and the Leader was pleased to report that collection rates remained high. Other recent achievements included the introduction of mobile CCTV cameras across the Borough to support enforcement of Public Space Protection Orders relating to anti-social behaviour; the decision to procure a third party enforcement contract to deal with fly-tipping and littering which demonstrated that Tonbridge and Malling would not tolerate this behaviour and the 99% satisfaction market survey response rate for Tonbridge Racecourse Sportsground was an excellent indicator of how much the site was valued.

Upcoming issues included a review of the Climate Change Action Plan and the ambition for Leisure Centres to be carbon neutral by 2030 was reiterated and support for rural businesses.

Finally, the housing crisis across Tonbridge and Malling remained significant and the Borough Council continued to assist residents as much as possible. A new Housing Policy had been introduced in June to improve support to the most vulnerable with links to Tonbridge and Malling.

Full Leaders announcements available on the Borough Council [YouTube channel](#)

MATTERS FOR DECISION

C 23/61 MEMBERS' ALLOWANCES - REPORT OF THE JOINT INDEPENDENT REMUNERATION PANEL

Consideration was given to the recommendations of the General Purposes Committee in respect of Members Allowances following a review by the Joint Independent Remuneration Panel.

RESOLVED: That

- (1) the Basic Allowance payable to all Members remain at its current level of £5,175 per annum;
- (2) the level of the Special Responsibility Allowances (SRA) be set as follows:
 - (a) the Leader's Allowance remain at £20,706 per annum;
 - (b) the SRA for the Deputy Leader remain at £15,528 per annum (circa 75% of the Leader's Allowance);
 - (c) the SRAs for Cabinet Members remain at £8,802 per annum;
 - (d) the SRAs for Committee Chairs be set as follows:
 - (i) Area Planning Committees (x 3) - £1,725 per annum;
 - (ii) Audit Committee - £2,589 per annum;
 - (iii) General Purposes Committee - £1,725 per annum;
 - (iv) Joint Standards Committee - £2,589 per annum;
 - (v) Licensing and Appeals Committee - £2,589 per annum;
 - (vi) Overview and Scrutiny Committee - £2,589 per annum;
 - (vii) Scrutiny Select Committees (x 3) - £2,589 per annum;
 - (e) the SRAs for qualifying** opposition group leaders be set at a flat sum of £4,401 per annum, and where applicable, a maximum of one additional SRA per Member (excluding group leader allowances) be applied;

***To qualify, neither the leader of an opposition group nor any members of the leader's group can serve on Cabinet.*
 - (f) the SRAs for vice-chairs be set at 25% of the relevant Committee Chairs' allowances as follows:
 - (i) Area Planning Committees (x 3) - £431 per annum;
 - (ii) Audit Committee - £647 per annum;

- (iii) General Purposes Committee - £431 per annum;
 - (iv) Joint Standards Committee - £647 per annum;
 - (v) Licensing and Appeals Committee - £647 per annum;
 - (vi) Overview and Scrutiny Committee - £647 per annum;
 - (vii) Scrutiny Select Committees (x 3) - £647 per annum;
- (3) the Mileage Allowances remain at the HMRC approved rate;
 - (4) the existing scheme for meal and/or subsistence allowances be ceased;
 - (5) the carers' allowances be set at a maximum rate of £10.42 per hour per child (linked to the National Living Wage) for general childcare and £18.00 per hour for dependent carers;
 - (6) the allowances, including those for the Mayor and Deputy Mayor, be uprated in line with any increases in the remuneration of Council staff;
 - (7) the amended scheme of allowances, once approved, be agreed to take effect from the date of Council on 11 July 2023; and
 - (8) the Monitoring Officer be authorised to update Part 6 of the Constitution (Members' Allowances) to reflect any agreed changes to the current scheme of allowances arising out of the above recommendations.

C 23/62 CHANGES TO THE CONSTITUTION

The report of the Monitoring Officer recommended changes were made to the Constitution to update the Members' Planning Code of Good Practice. An amended Code was attached at Annex 1.

In the interests of transparency, paragraph 8.6 of the Code had been amended to detail the scope of arrangements in respect of councillors whose business was, or included, the making of planning applications on behalf of others.

RESOLVED: That the Monitoring Officer be authorised to amend the Members' Planning of Code of Good Practice in Part 5 of the Constitution as set out at Annex 1 to give effect to the changes outlined in the report.

C 23/63 APPOINTMENTS TO PARISH PARTNERSHIP PANEL AND TONBRIDGE COMMUNITY FORUM

Following approval of appointments at Annual Council on 17 May 2023 a number of changes were required to the Parish Partnership Panel and Tonbridge Community Forum in respect of County Members who had an automatic appointment as councillors representing a parished area of the borough or a ward in Tonbridge.

The proposed changes were detailed in 1.1 and 1.2 of the report and reflected the recommendations of an Overview and Scrutiny Committee review of the Parish Partnership Panel and Tonbridge Community Forum (as the Tonbridge Forum) in 2021 that Members who were both Borough and Parish Councillors could not sit on the Panel in both capacities. This recommendation was supported and approved by Council on 26 October 2021. For consistency this would also apply to those Members who were both Borough and County Councillors.

It was recommended that Councillor M Boughton be appointed to the Parish Partnership Panel instead of Councillor S Hudson. As a consequence of this change, there was a requirement to nominate a replacement substitute member and Councillor D Davis was nominated.

It was noted that Councillor M Hood, who was appointed to the Tonbridge Community Forum in May 2023, attended as a County Member.

Consequently, the membership of the Tonbridge Community Forum was 13 Borough Councillors and not 14 as set out in the Constitution. This was because all Members representing Tonbridge and Hildenborough wards already sat on the Tonbridge Community Forum. No changes to the Constitution regarding composition of the Tonbridge Community Forum were recommended.

RESOLVED: That

- (1) Councillor M Boughton be appointed to the Parish Partnership Panel with immediate effect;
- (2) Councillor D Davis be appointed as a substitute member for the Parish Partnership Panel with immediate effect; and
- (3) The position in respect of the membership of the Tonbridge Community Forum, detailed in 1.2.5 of the report, until the next Borough or County Elections be noted.

C 23/64 CHANGES TO SUBSTITUTE MEMBERS - THE GREEN GROUP

The report of the Director of Central Services and Deputy Chief Executive advised of a request from the Leader of the Green Group to amend their nominated substitutes.

The change proposed by Councillor Hood related to the Finance, Regeneration and Property Scrutiny Select Committee and was detailed in 1.1.2 of the report.

The Leader of the Liberal Democrat Group took the opportunity to update their substitutes for the Joint Transportation Board and proposed that Councillor J Clokely replace Councillor T Dean as an approved substitute. This was seconded by Councillor D Thornewell.

RESOLVED: That

- (1) Councillor M Hood replace Councillor R Oliver as a substitute member on the Finance, Regeneration and Property Scrutiny Select Committee; and
- (2) Councillor J Clokely replace Councillor T Dean as a substitute member on the Joint Transportation Board.

C 23/65 APPOINTMENTS TO OUTSIDE BODIES

The report of the Director of Central Services and Deputy Chief Executive advised of a number of changes to be made to the Outside Bodies Schedule. These related to the number of appointees to the Snodland Partnership and the Kent Flood Risk Management committee. The Borough Council had also received notification that the Kent County Playing Fields Association no longer sought outside bodies representation.

The Leader and Chair of the Overview and Scrutiny Committee had both previously indicated the need to review the role of outside bodies to gain a better understanding of the aims and priorities of the organisations, the role of Borough Councillors and how information was fed back to the Council. A scoping report on a review would be presented to a future meeting of the Overview and Scrutiny Committee.

RESOLVED: That

- (1) Councillor P Hickmott be appointed as the Borough Council outside body representative for Snodland Partnership;
- (2) the Outside Bodies Schedule be updated to reflect that Snodland Partnership had 1 Town Council appointee and 1 Borough Council appointee;

- (3) the Kent County Playing Fields Association be removed from the Outside Bodies Schedule;
- (4) the position in respect of the Kent Flood Risk Management Committee be noted and that the organisation remain on the Outside Bodies Schedule so Borough Council nominees continued to receive information; and
- (5) a review of Appointments to Outside Bodies be undertaken by the Overview and Scrutiny Committee in due course.

C 23/66 MEMBER CALL IN PROTOCOL - DEVELOPMENT MANAGEMENT

Consideration was given to recommendation OS 23/25 of the Overview and Scrutiny Committee of 29 June 2023. Members welcomed the clarification in respect of conflicting views between the Director of Planning, Housing and Environmental Health and the Area Planning Chair which was now detailed in the Call-in Protocol.

RESOLVED: That

- (1) the amended Protocol attached at Annex 1 and as updated in the supplementary report to the Overview and Scrutiny Committee be endorsed;
- (2) the amended text in the Protocol be included in the Constitution as part of DPHEH 100 (Part 3 – Responsibilities); and
- (3) the Monitoring Officer be authorised to make any necessary consequential changes to the Constitution.

C 23/67 CORPORATE STRATEGY 2023-27

Consideration was given to recommendation CB 23/60 of the Cabinet of 4 July 2023 and the Leader of the Borough Council was pleased to present the Corporate Strategy 2023-2027 which emphasised the three key values of innovation, transformation and delivery.

RESOLVED: That

- (1) the Corporate Strategy (attached at Annex 1) be adopted;
- (2) the Corporate Strategy Action Plan (attached at Annex 2) be adopted;
- (3) the proposed new Key Performance Indicators (attached at Annex 3) be adopted;
- (4) authority be delegated to the Chief Executive, in liaison with the Leader of the Council, to approve any necessary further minor

changes to the Corporate Strategy, Action Plan and Key Performance Indicators that might be required for reasons or clarity or presentation.

MATTERS FOR INFORMATION

C 23/68 MINUTES OF CABINET AND COMMITTEES

The Minutes of meetings of the Cabinet and Committees as set out in the Minute Book – Volume 3 (attached as supplement) were received and noted.

Any recommendations to the Council from Cabinet or Committees were resolved elsewhere on the agenda.

C 23/69 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.

C 23/70 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

C 23/71 RECRUITMENT AND RETENTION ISSUES WITHIN THE PLANNING SERVICE

Consideration was given to the recommendations of the General Purposes Committee held on 3 July 2023.

RESOLVED: That

- (1) a £5,000 annual market supplement payment (pro-rata'd for part-time staff) be paid to all current and future recruited qualified* planning staff for a period of two years, subject to annual review thereafter;

**To qualify, the postholder must hold a degree of postgraduate qualification accredited by the Royal Town Planning Institute as stipulated in the Person Specification of their post in Planning.*

- (2) a £3,000 'Golden Hello' payment be paid to newly recruited planning staff joining the Borough Council in posts in planning of which the Person Specification stipulates that the postholder must

hold a degree of postgraduate qualification accredited by the Royal Town Planning Institute, subject to review; and

- (3) the aggregated cost of the market supplement payments and the 'Golden Hello' payments, estimated to be circa £320k over the two-year review period, be met from the Budget Stabilisation Reserve.

The meeting ended at 8.22 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

MINUTES

Wednesday, 12th July, 2023

Present: Cllr D A S Davis (Chair), Cllr K Barton, Cllr A G Bennison, Cllr G C Bridge, Cllr S M Hammond, Cllr B A Parry, Cllr K B Tanner, Cllr C J Williams, Cllr M D Boughton (substitute) and Cllr J Clokey (substitute), Mr B Stead (Burham Parish Council), Mr N Newman (Ditton Parish Council), Mr O Baldock (Hadlow Parish Council), Mrs W Palmer (Platt Parish Council), Mr M Carboni (Plaxtol Parish Council), and Prof M McKinlay (Ryarsh Parish Council)

In attendance: Borough Councillors G B Hines, M A J Hood and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

Mr I Craig (Aylesford Parish Council) was also in attendance as a training opportunity.

Apologies for absence were received from Borough Councillors Mrs S Bell (Vice-Chair), Mrs T Dean and R V Roud and from Wrotham Parish Council.

PART 1 - PUBLIC

ST 23/1 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Councillor J Clokey substituted for Councillor R Roud
- Councillor M Boughton substituted for Councillor S Bell

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

ST 23/2 DECLARATIONS OF INTEREST

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

ST 23/3 MINUTES

RESOLVED: That the Minutes of the meeting of the Joint Standards Committee held on 8 June 2022 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL**ST 23/4 REVIEW OF ARRANGEMENTS FOR DEALING WITH CODE OF CONDUCT COMPLAINTS**

Following Council's approval of the changes to the Borough Council's adopted Code of Conduct on 27 April 2022 in light of revisions to the Model Code of Conduct produced by the Local Government Association, the report outlined the suggested changes to the Borough Council's adopted arrangements, which set out the process for handling complaints against Borough/ Parish/ Town Councillors under the Kent Code, and sought Members' approval to recommend them to Council for adoption.

The revised Arrangements were set out at Annex 1 and the principal changes were summarised at 1.2.1 of the report. It was noted that the Borough Council was not obliged to accept the changes proposed by Kent Secretaries.

Members welcomed the proposed revisions to the existing arrangements for dealing with Code of Conduct complaints and had due regard to the legal implications, risk assessment and equality impact assessment arising from these changes.

RECOMMENDED*: That

- (1) the revised Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011, attached at Annex 1, be adopted.

***Referred to Council**

MATTERS FOR CONSIDERATION IN PRIVATE**ST 23/5 EXCLUSION OF PRESS AND PUBLIC**

There were no items considered in private.

The meeting ended at 7.57 pm
having commenced at 7.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

Tuesday, 18th July, 2023

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr A Mehmet, Cllr W E Palmer, Cllr R V Roud and Cllr D Thornewell

(Note: As Councillor G C Bridge was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

In attendance: Councillors S Crisp and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors M A Boughton, G C Bridge, Mrs A S Oakley and M R Rhodes participated via MS Teams and joined the discussion when invited to do so in accordance with Council Procedure No 15.21.

An apology for absence was received from Councillor G C Bridge.

PART 1 - PUBLIC

HP 23/16 NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitute Members nominated for this meeting.

HP 23/17 DECLARATIONS OF INTEREST

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

HP 23/18 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 7 June 2023 be approved as a correct record and signed by the Chair.

HP 23/19 MEMBER BRIEFING ON HOUSING ALLOCATIONS SCHEME

Members received an update on the new Housing Allocations Scheme. In 2019, it was agreed that amendments could be made to the scheme, however due to Covid, the project was delayed and the review was reinvigorated in early 2022. Extensive consultation was undertaken and proposals presented to Members, following which the scheme was rewritten and subsequently agreed. Since the launch of the scheme, a large number of applicants had applied and early feedback had been

positive. A large number of applications now needed to be assessed and data transfer and retention work was ongoing.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/20 REGULATION 18 CONSULTATION

The report of the Director of Planning, Housing and Environmental Heath built upon the initial results presented to the Committee on 6 December 2022, and set out the full consultation analysis from the Regulation 18 consultation. The responses would be utilised and drawn upon in preparing the next Regulation 18B document for Spring 2024. The updated outputs of the questionnaire were included at Annex 1 of the report and the free text answers were included within Annex 2. In addition to the questionnaire, comments were received against sections of the local plan document and the responses were included in Annex 3 together with the officer response. It was highlighted that the level of detail provided on these responses reflected the early stage in plan-preparation.

During discussion, Members welcomed the positive response to optimising the density on development sites within Tonbridge, particularly on those sites within the town centre and maximising their potential for residential and mixed-use development.

RECOMMENDED*: That the output of the Regulation 18 consultation, be noted.

***Referred to Cabinet**

HP 23/21 HOUSING STRATEGY UPDATE AND DRAFT YEAR 2 ACTION PLAN

(Decision Notice D230067MEM)

The Housing Strategy 2022-2027, adopted in July 2022, set out the Borough Council priorities and strategic approach to housing and outlined objectives for each priority to be delivered and monitored through annual action plans. The report provided an update on the progress of the Year 1 Action Plan and proposed a draft Year 2 Action Plan for approval.

Key actions in Year 2 included the development of a Homelessness and Rough Sleeper Action Plan and Empty Homes Policy. Occupation levels in social housing and Sustainable Temporary Accommodation delivery options would also be investigated.

During discussion, Members requested that quantitative information be provided in terms of outcomes.

RECOMMENDED*: That

- (1) the progress on the delivery of the Year 1 Action Plan for the Housing Strategy, as summarised in Annex 1, be noted; and
- (2) the Year 2 Action Plan, attached at Annex 2, be approved.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 23/22 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 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 23/23 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.31 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL
COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT
COMMITTEE

MINUTES

Wednesday, 19th July, 2023

Present: Cllr S A Hudson (Chair), Cllr A G Bennison, Cllr S Crisp, Cllr R W Dalton (substitute member), Cllr G B Hines, Cllr F A Hoskins, Cllr J R S Lark, Cllr A McDermott, Cllr W E Palmer, Cllr M R Rhodes, Cllr Mrs M Tatton and Cllr K S Tunstall

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

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

Virtual: Councillors M D Boughton and M A Coffin participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S Bell (Vice-Chair) and Mrs A S Oakley.

PART 1 - PUBLIC

CE 23/23 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were 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 23/24 DECLARATIONS OF INTEREST

Councillor Keith Tunstall declared an Other Significant Interest in Leisure Trust (Agenda Item 7) as he was a Borough Council appointee to the Tonbridge and Malling Leisure Trust. He withdrew from the meeting during consideration of the item and took no part in the discussion and voting.

CE 23/25 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 14 June 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/26 FIXED PENALTY NOTICES FOR WASTE DUTY OF CARE OFFENCES

(Decision Notice D230068MEM)

The report detailed the legal ‘duty of care’ of householders to ensure that they only gave their waste to a licensed waste carrier. Members were also asked to consider the level of Fixed Penalty Notices (FPN) for this offence and whether this should be altered from the current legal default level.

Details of the current FPN levels for other relevant offences adopted by the Borough Council was included at 1.2.3 of the report. A table showing the level of FPN for Household Duty of Care set by a number of other Kent authorities was included at 1.2.4 of the report for context.

Members were advised of the recent Government announcement in respect of the maximum amount that could be applied to FPNs for household waste Duty of Care offences which had been increased to £600 as of 31 July 2023.

Attention was drawn to the works undertaken by the Borough Council in raising householders’ awareness of their Duty of Care responsibilities and potential consequences of failing to take appropriate action when having their waste taken away, with particular reference made to a Duty of Care checklist to be made available for reference of members of the public.

RECOMMENDED*: That

- (1) with effect from 31 July 2023, the Household Duty of Care FPN level be set at the maximum amount of £600 as set by legislation;
- (2) an early payment discounted level for Household Duty of Care FPNs be agreed in principle, and authority delegated to the Cabinet Member for Transformation and Infrastructure, in liaison with the Director of Street Scene, Leisure and Technical Services, to set amounts once details of the new minimum and default levels had been confirmed by Government; and

- (3) following the increases in maximum levels recently released by Government, options for the setting of revised FPN levels for fly tipping and littering offences be provided at a future meeting of the Scrutiny Select Committee.

*** Decision Taken by Cabinet Member**

CE 23/27 LEISURE TRUST

(Decision Notice D230069MEM)

Members were presented with a Quarterly Update Report on the performance of the Tonbridge and Malling Leisure Trust (TMLT) covering the period from January to March 2023, as set out in Annex 1. Member approval was sought on the TMLT Business Plan covering a two-year period from 1 April 2023 to 31 March 2025 and the TMLT Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, set out in Annexes 2 and 3 respectively.

Due to ongoing considerations of the impact of the pandemic, the war in Ukraine, the rise in utility costs and implications for the Angel Centre as part of the town centre review project, a two-year Business Plan was proposed, and it was anticipated that a new five-year Business Plan would be published from 1 April 2025.

Particular reference was made to the Energy Saving/Climate Change strategy as highlighted in the Business Plan and Members noted that the installation of solar panels at Tonbridge Swimming Pool and additional solar panels at Larkfield Leisure Centre were being considered, as well as applying for funding to support installation of heat pumps at both sites.

RECOMMENDED*: That

- (1) the Tonbridge and Malling Leisure Trust Quarterly Update Report covering the period of January to March 2023, attached at Annex 1, be noted;
- (2) the Tonbridge and Malling Leisure Trust Business Plan covering the period of April 2023 to March 2025, attached at Annex 2, be approved, subject to further investigation of climate change measures, including additional solar panels and heat pumps; and
- (3) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, attached at Annex 3, be approved.

*** Decision Taken by Cabinet Member**

**CE 23/28 CLIMATE CHANGE ACTION PLAN YEAR 4 AND CARBON AUDIT
2022-23**

(Decision Notice D230070MEM)

Member approval was sought for the publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23), set out in Annexes 1 and 2 respectively.

There were 44 actions in the draft 2023/24 Action Plan, 68% of which were ongoing from previous years or continuations of next phases or rounds of existing projects. Key actions this year focused on tackling the most significant source (Leisure Centres) as well as helping residents and businesses to tackle emissions and support with the cost-of-living crisis. A full list of actions was set out in Annex 1 and the key actions were summarised in 1.2.3 of the report.

The 2022/23 Carbon Audit showed that good progress had been made on emissions under the Borough Council's direct control, as listed under Scopes 1 and 2. Emissions that were under the Borough Council's indirect control or from the supply chain were listed under Scope 3.

RECOMMENDED*: That

- (1) the Climate Change Action Plan Year 4, as set out in Annex 1, be endorsed; and
- (2) the Carbon Audit (2022/23), as set out in Annex 2, be endorsed.

* **Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

CE 23/29 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/30 EXCLUSION OF PRESS AND PUBLIC

The Chairman moved, it was seconded and

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

PART 2 - PRIVATE

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/31 GROUNDS MAINTENANCE CONTRACT - SERVICE DELIVERY REVIEW

(Reasons: LGA 1972 - Sch 12A Paragraph 3 - Information relating to the financial or business affairs of any particular person (including the authority holding that information))

Careful consideration was given to the future delivery options of the grounds maintenance services, taking into account a review report provided by Waste Consulting LLP (WCL), attached at Annex 1, and a further options analysis report prepared by services, attached at Annex 2.

Service Specification of the current contract, as summarised in Annex 3, provided additional cost information to enable Members to review and identify potential areas of saving, in addition to the areas which had been identified and proposed by services as outlined in 1.5.3 of the report.

With regard to the environmental additions/improvements, a number of possible considerations were highlighted in the consultancy report, including the reduction in cutting frequency, replacing annual planting (bedding) with more sustainable options, reviewing the use of chemicals and additional tree planting. However, Members were reminded that consideration would need to be given to what was operationally achievable and financially deliverable.

There was an in-depth discussion on the additional potential areas of saving and the environmental considerations, with reference being made to preserving natural environment and seeking support from local businesses. Members were invited to put forward further suggestions to services for inclusion in the consideration of formal alterations to the service specification, which were anticipated to be brought to Members for approval at a future meeting of the Scrutiny Select Committee.

Members had due regard to the legal implications, financial and value for money considerations, risk assessment, equality impact assessment and policy considerations.

RECOMMENDED*: That

- (1) with regard to the option for future delivery of grounds maintenance services, an external procurement exercise be progressed, and the work previously undertaken by the external

consultants, WCL, be updated, including the preparation of a Public Sector Comparator;

- (2) the proposed list of potential areas of saving in respect of the service specification of the contract, as outlined in 1.5.3 of the report, be noted, and further consideration be given to additional potential areas of saving; and
- (3) further consideration be given to the current and future options within the contract with regard to the Climate Change agenda.

***Referred to Cabinet**

The meeting ended at 9.22 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 24th July, 2023

Present: Cllr R I B Cannon (Chair), Cllr M R Rhodes (Vice-Chair), Cllr J Clokey, Cllr J R S Lark, Cllr M A J Hood and Cllr K Barton (substitute member).

Virtual: Councillors M A Coffin, W E Palmer and K B Tanner 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.

An apology for absence was received from Councillor B A Parry.

PART 1 - PUBLIC

AU 23/25 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of a substitute Member was recorded as set out below:

- Cllr Barton substituting for Cllr Parry

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

AU 23/26 DECLARATIONS OF INTEREST

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

AU 23/27 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 17 April 2023 be approved as a correct record and signed by the Chairman.

AU 23/28 PRESENTATION BY BOROUGH COUNCIL PROPERTY FUND MANAGER

Members received a presentation from the Head of Local Government Relationships for CCLA. CCLA was a commercial private limited company and its clients were owners indirectly through their investments. Particular reference was made to their Better World report, sustainable investment outcomes and the Local Authorities Property Fund.

MATTERS FOR RECOMMENDATION TO COUNCIL**AU 23/29 LOCAL CODE OF CORPORATE GOVERNANCE**

The joint report of the Chief Executive and the Director of Central Services informed Members of the outcome of the annual review of the Local Code of Corporate Governance.

The Local Code was last reviewed in July 2022 and at the time required a number of material amendments due to a number of activities that had taken place which had consequences for the Local Code, including the LGA Peer Review Challenge 2022, changes to the executive governance arrangements, the adoption of a new Kent Code of Conduct for Councillors and an internal audit of the Local Code of Corporate Governance.

The proposed changes to the Local Code were relatively minor in nature, with no significant activities having taken place since July 2022 that impacted the Council's corporate governance arrangements. The revised Code was attached as Annex 1 to the report.

In response to Members, section 3.2 of the Local Code would be reviewed to incorporate a reference to the Climate Change action plan for 2023-24.

Members recognised their role as a Committee in sections 6.1, 6.3 and 6.4 of the Local Code.

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

***Referred to Council**

**AU 23/30 TREASURY MANAGEMENT UPDATE AND ANNUAL REPORT
2022/23**

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to June of the current financial year. The treasury management outturn position for 2022/23 was also set out.

The report provided an assessment of the current economic situation and interest rate forecasts together with a commentary on investments derived from cash flow surpluses, core cash balances and other long term cash balances. A full list of investments held on 30 June 2023 was set out in Annex 1 to the report. Member's attention was drawn to the Revenue and Capital Outturn report for 2022/23 as set out at Annex 4 which provided a summary of the investment performance. The combined performance of the Authority's investments exceeded the

revised estimate by £812,755, and £1.367m when compared to the 2022/23 original estimates mainly due to the level and speed at which Bank Rate had risen throughout 2022/23.

RECOMMENDED*: That the following be commended to Council:

- (1) the action taken in respect of treasury management activity for April to June 2023 be endorsed;
- (2) the 2022/23 outturn position be noted; and
- (3) the Audit Committee's appreciation of the work undertaken by officers in Treasury Management, be noted.

***Referred to Council**

MATTERS FOR RECOMMENDATION TO THE CABINET

AU 23/31 RISK MANAGEMENT

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register.

Following the publication of the Corporate Plan, the decision had been taken to split the previous risk of Corporate Plan and Savings and Transformation Strategy (STS). By itself, the Corporate Strategy was an amber risk and not red as previously categorised when combined with the STS. There were no changes to those risks categorised as red at the time of the last meeting, but Members noted, that following the outcome of the local elections in May, the risk titled 'Political factors including stability of political leadership and decision making' had been escalated to red.

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

***Referred to Cabinet**

DECISIONS TAKEN UNDER DELEGATED POWERS

AU 23/32 ANNUAL GOVERNANCE STATEMENT

The report of the Management Team presented the Annual Governance Statement for the year ended 31 March 2023 which was required to be certified by both the Leader of the Council and the Chief Executive to accompany the Council's Statement of Accounts 2022/23.

The Annual Governance Statement had been prepared by way of a self-assessment questionnaire and supporting evidence to demonstrate that

there was a sound system of corporate governance in place throughout the organisation.

Members attention was brought to the responsibility of the Audit Committee to provide independent assurance of the adequacy of the risk management framework and associated control environment.

RESOLVED: That the Annual Governance Statement for the year ended 31 March 2023, as set out at Annex 1 to the report, be endorsed.

AU 23/33 STATEMENT OF ACCOUNTS 2022/23 AND PROGRESS UPDATE ON THE AUDIT OF ACCOUNTS

The report of the Director of Finance and Transformation presented an unaudited set of Accounts for 2022/23 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom. Attention was drawn to the Statement of Accounts at Annex 1 which had been circulated separately.

RESOLVED: That

- (1) the unaudited set of Accounts for 2022/23 be noted and endorsed;
- (2) the Statement provided by the Director of Finance and Transformation in support of assertions made in the Statement of Responsibilities for the Statement of Accounts, as set out at Annex 3 to the report, be noted;
- (3) the progress update on the audit of Accounts for 2022/23, be noted; and
- (4) the Committee's appreciation of the work undertaken by officers to ensure the submission of the Statement of Accounts 2022/23 by the deadline of 31 May 2023, be noted.

AU 23/34 REVIEW OF EFFECTIVENESS OF INTERNAL AUDIT

The report of the Chief Audit Executive informed the committee of the findings of the annual review of the effectiveness of the Internal Audit function for the year 2022/23. Members were advised that the Management Team had considered the outcome of the review and concluded that the opinion on the effectiveness of the Internal Audit function in place for the year 2022/23 was Good.

RESOLVED: That on the basis of the findings of the review, the opinion that the effectiveness of Internal Audit function for the year 2022/23 was Good be endorsed.

MATTERS SUBMITTED FOR INFORMATION**AU 23/35 OPINION OF THE CHIEF AUDIT EXECUTIVE ON THE FRAMEWORK OF GOVERNANCE, RISK MANAGEMENT AND CONTROL; ANNUAL INTERNAL AUDIT REPORT AND ANNUAL COUNTER FRAUD REPORT 2022/23**

The report informed the Committee of the opinion of the Chief Audit Executive on the Council's framework for governance, risk management and control together with the Internal Audit work completed during 2022/23 to support that opinion. The report also informed the Committee of the work carried out by the Counter Fraud function in 2022/23.

RESOLVED: That the report be noted.

AU 23/36 GRANT THORNTON AUDIT PROGRESS REPORT AND SECTOR UPDATE

The report of the Director of Finance and Transformation introduced a progress report on the audit of the 2022/23 accounts and update on emerging national issues and developments from the external auditor Grant Thornton.

RESOLVED: That the report be noted.

AU 23/37 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.05 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

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

MINUTES

Tuesday, 25th July, 2023

Present: Cllr D Harman (Chair), Cllr C Brown (Vice-Chair), Cllr L Athwal, Cllr T Bishop, Cllr P Boxall, Cllr R I B Cannon, Cllr J Clokey (substitute), Cllr M A J Hood (substitute), Cllr W J Mallard, Cllr A Mehmet, Cllr W E Palmer, Cllr M R Rhodes and Cllr C J Williams

Virtual: Councillors Mrs S Bell, R P Betts, M A Coffin, D A S Davis, D Keers, Mrs A S Oakley and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs T Dean and B A Parry.

PART 1 - PUBLIC

FRP 23/18 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor J Clokey substituted for Councillor T Dean
- Councillor M Hood substituted for Councillor B Parry

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 23/19 DECLARATIONS OF INTEREST

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

FRP 23/20 MINUTES

RESOLVED: That the notes of the meeting of the Finance, Regeneration and Property Scrutiny Select Committee held on 13 June 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

**FRP 23/21 ECONOMIC DEVELOPMENT STRATEGY 2023-2027 -
CONSULTATION DRAFT**

Member approval was sought on the consultation draft of the Economic Development Strategy 2023-2027, attached at Appendix 1, which was set within the context of the Corporate Strategy 2023-2027 recently approved by Council.

The draft Economic Development Strategy set out a vision that covered four key elements – resilience, dynamism, inclusivity and sustainability. Seven themes underpinning the vision were outlined in 1.2.2 of the report and detailed in Appendix 1, each with a number of actions identified with an aim to support the economy.

Subject to approval of the draft Strategy, a four-week public consultation was intended to be undertaken in September 2023 to seek views of the key economic partners, including members of the West Kent Partnership, local business support providers, business representative bodies, such as the Chambers of Commerce and the Federation of Small Businesses, as well as individual local businesses in the borough. Outcome of the consultation was anticipated to be reported to a future meeting of the Scrutiny Select Committee to seek formal adoption of the Strategy.

Members had an in-depth discussion in respect of the linkage between the Action Plan and the Economic Dashboard and the proposed plan to review the performance of the Strategy on an annual basis.

During discussion, the focus on the climate change agenda and sustainable growth was highlighted, with particular reference made to reducing carbon footprint and supporting the local business community to move towards carbon net zero. Collaborative working with education providers was considered another key in delivering the plan with regard to ‘a greener more productive economy’.

RECOMMENDED*: That

- (1) the report be noted; and
- (2) the consultation draft of the Economic Development Strategy 2023-2027, as set out in Appendix 1, be approved.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

FRP 23/22 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 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 23/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 1 PLANNING COMMITTEE

MINUTES

Thursday, 27th July, 2023

Present: Cllr M A J Hood (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr K Barton, Cllr G C Bridge, Cllr J Clokey, Cllr A Cope, Cllr G B Hines, Cllr F A Hoskins, Cllr A Mehmet, Cllr R W G Oliver, Cllr M R Rhodes and Cllr K S Tunstall

Virtual: Councillor M D Boughton participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor B A Parry.

PART 1 - PUBLIC

AP1 23/18 DECLARATIONS OF INTEREST

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

AP1 23/19 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 1 Planning Committee held on 22 June 2023 be approved as a correct record and signed by the Chairman.

AP1 23/20 GLOSSARY AND SUPPLEMENTARY MATTERS

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

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

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

AP1 23/21 TM/23/00364/FL - 1A CROFT CLOSE, TONBRIDGE

New bungalow to the rear of 15 Estridge Way (Revision to TM/20/00862/FL).

Further to Minute AP1 23/15 of the meeting held on 22 June 2023, the Committee considered the above application together with the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda (Minute AP1 23/24 refers). Members continued to express concern in respect of the materials used for the roof of the building and the distinctiveness of the roof was considered a harmful feature to the character and appearance of the street scene, in conflict with policies CP24 of the Tonbridge and Malling Borough Core Strategy (2007), SQ1 of the Managing Development and the Environment Development Plan Document and paragraph 130 of the National Planning Policy Framework.

RECOMMENDED*: That the application stand DEFERRED for determination by Full Council in accordance with Rule 15.25 of the Council and Committee Procedure Rules.

[Speakers: Mr N Coomber, Mrs L Hamilton and Mr D Parkinson – members of the public addressed the Committee in person and Mr S King (applicant) addressed the Committee via MS Teams]

***Referred to Council**

MATTERS FOR INFORMATION**AP1 23/22 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS**

There were no updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee.

AP1 23/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

However, Members had regard to the report of the Director of Central Services and Monitoring Officer set out in Part 2 of the agenda.

PART 2 - PRIVATE**MATTERS FOR INFORMATION****AP1 23/24 TM/23/00364/FL - 1A CROFT CLOSE, TONBRIDGE**

(Reason: LGA 1972, Sch 12A, Paragraph 5 – information in respect of which a claim to legal professional privilege could be maintained in legal proceedings)

At the meeting of the Area 1 Planning Committee held on 22 June 2023 consideration of the application was deferred for a report from Legal Services on the risks arising from a decision contrary to the recommendation of the Director of Planning, Housing and Environmental Health (as set out in CPR 15.25, Part 4 (Rules) of the Constitution) (Minute AP1 23/15 refers). The report of the Director of Central Services and Monitoring Officer provided an assessment of the risks arising from a resolution to refuse planning permission and advised that any such resolution would be a recommendation only and the matter would stand deferred to be considered and determined by Full Council (Minute AP1 23/21 refers).

RESOLVED: That the report be received and noted.

The meeting ended at 8.32 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 1st August, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr S A Hudson, Cllr D W King, Cllr J R S Lark, Cllr W E Palmer, Cllr D Thornewell, Cllr L Athwal, Cllr G C Bridge, Cllr A Mehmet (substitute), Cllr L Athwal, (substitute) and F A Hoskins (substitute).

In attendance: Cllrs Bennison, R P Betts, M D Boughton, J Clokey and M Taylor were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Cllrs Mrs S Bell, M A Coffin, G B Hines, D Keers, M R Rhodes, K B Tanner and K S Tunstall

Apologies for absence were received from Cllrs R I B Cannon, G B Hines and FA Hoskins.

PART 1 - PUBLIC

OS 23/32 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Athwal substituted for Cllr Hines
- Cllr Bridge substituted for Cllr Hoskins
- Cllr Mehmet substituted for Cllr Cannon

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

OS 23/33 DECLARATIONS OF INTEREST

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

EXECUTIVE DECISIONS WHICH HAD BEEN 'CALLED IN'

OS 23/34 CALL IN OF DECISION NOTICE D230061CAB - TMBC OWNED SITES - LOCAL PLAN

The report of the Scrutiny Officer advised that in accordance with the Overview and Scrutiny Procedure Rules set out in the Constitution, five members of the Committee had raised a valid 'call-in' request in relation

to the decision taken by the Cabinet in respect of three TMBC owned sites identified in the Urban Capacity Study.

Decision Notice D230061CAB (attached at Annex 1) had been published on 7 July 2023 and subsequently called-in by Councillors Cope, Hines, Hood, Hoskins and Thornewell.

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

Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Climate Change, Regeneration and Property and the Leader. There was detailed discussion on the general principle of development, the criteria for assessing potential sites for development, the Local Plan call for sites exercise and the potential loss of amenity space and mature trees.

It was proposed by Councillor Hood and seconded by Councillor Cope that the decision be referred back to Cabinet for reconsideration on the grounds of loss of amenity space, loss of mature trees and the lack of consistent criteria applied when considering all TMBC owned sites.

Following a formal vote this proposal was rejected with 9 Members voting against and 8 voting in favour.

It was the opinion of Members that it was not the role of the Overview and Scrutiny Committee to make assessments between various potential development sites and that Cabinet (having regard to the recommendation of the Finance, Regeneration and Property Scrutiny Select Committee) had given appropriate consideration to the property assets of the Borough Council as landowner.

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

Following a formal vote this opinion was supported with 9 Members voting in favour and 8 voting against.

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

RESOLVED: That, as there were no further recommendations to make to the Cabinet the decision would come into immediate effect. Therefore, the proposals in respect of the TMBC owned sites identified in the Urban Capacity Study could be implemented with immediate effect.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/35 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.10 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AREA 2 PLANNING COMMITTEE

Wednesday, 9th August, 2023

Present: Cllr W E Palmer (Chair), Cllr C Brown (Vice-Chair), Cllr B Banks, Cllr R P Betts, Cllr M D Boughton, Cllr P Boxall, Cllr M A Coffin, Cllr S Crisp, Cllr D Harman, Cllr J R S Lark, Cllr K B Tanner, Cllr Mrs M Tatton and Cllr M Taylor.

Apologies for absence were received from Councillors Mrs T Dean and S A Hudson.

PART 1 - PUBLIC

AP2 23/6 DECLARATIONS OF INTEREST

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

AP2 23/7 MINUTES

RESOLVED: That the Minutes of the meeting of the Area 2 Planning Committee held on 22 February 2023 be approved as a correct record and signed by the Chairman.

AP2 23/8 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 23/9 TM/22/00375/FL - THE OLD DAIRY, MAIDSTONE ROAD, PLATT

Demolition of existing building and erection of 6 houses, 10 parking spaces, new access drive and associated landscaping.

RESOLVED: That the application be APPROVED in accordance with the submitted details, conditions, reasons and informatives set out in the report of the Director of Planning, Housing and Environmental Health;

subject to the applicant entering into a planning obligation with the Borough Council to provide financial contributions towards public open space provision (parks and gardens and outdoor sports facilities).

[Speakers: Mr J Ryan, Mr A Hewitt and Ms D Lamder (members of the public) and Mr Escott (on behalf of the Applicant)].

AP2 23/10 TM/22/00543/FL - DUX FARM BUILDINGS, DUX LANE, PLAXTOL

Demolition of existing commercial buildings and open-sided agricultural building and residential redevelopment of the site, comprising a single storey detached dwelling & 3 no. detached 2-storey dwellings with associated curtilages, parking and access.

RESOLVED: That the planning application be REFUSED for the following reasons:

1. The proposal constitutes inappropriate development, which is by definition harmful to the Green Belt. The proposal by reason of its height, layout, scale, bulk and typography would result in a greater impact on the openness of the greenbelt and an encroachment of development into the countryside contrary to the aims of the Green Belt. No very special circumstances are considered to exist that clearly outweigh the degree of harm to the green belt. The proposal would therefore be contrary to Policies CP3, CP7 and CP14 of the Tonbridge and Malling Core Strategy 2010 and paragraphs 147 to 149 and 176 of the National Planning Policy Framework 2021.
2. The proposal by reason of its height, layout, scale, bulk and typography would result in significant built form in the rural countryside therefore fails to conserve and enhance the landscape and scenic beauty of the Area of Outstanding Natural Beauty contrary to Policies CP7 and CP24 of the Tonbridge and Malling Borough Core Strategy (2007), Policy SQ1 of the Managing Development and Environment Development Plan Document (2010), paragraphs 174 and 176 of the National Planning Policy Framework (2021) and the Kent Downs AONB Management Plan 2021-2026.

[Speakers: Mr M Brewin (representing Plaxtol Parish Council), Mr H Puleston Jones, Mr T Hog and Ms J Morgan (members of the public) and Mr M Roberts (applicant)].

AP2 23/11 PLANNING APPEALS, PUBLIC INQUIRIES AND HEARINGS

The report setting out updates in respect of planning appeals, public inquiries and hearings held since the last meeting of the Planning Committee was received and noted.

AP2 23/12 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 5th September, 2023

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr K B Tanner and Cllr M Taylor

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

Virtual: Councillors Mrs S Bell and M R Rhodes listened to the discussion in accordance with Access to Information Rule No 23.

An apology for absence was received from Councillor D Keers

PART 1 - PUBLIC

CB 23/73 DECLARATIONS OF INTEREST

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

CB 23/74 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 4 July 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 23/75 REGULATION 18 CONSULTATION

(Decision Notice D230073CAB)

Consideration was given to recommendation HP 23/20 of the Housing and Planning Scrutiny Select Committee of 18 July 2023.

Cabinet welcomed the detailed analysis of the Regulation 18 Consultation, as presented to the Scrutiny Select Committee, and noted that the responses would be used when preparing the next Regulation 18B document in Spring 2024.

Particular reference was made to the respondent's preference for spatial strategy option 1 which optimised the density of development sites outside of the Green Belt and Area of Outstanding Natural Beauty (AONB) boundaries. The Cabinet Member for Planning indicated that this preference would be supported wherever possible. However, given the demands for local housing it might become necessary to develop on the Green Belt and AONB boundaries. It was indicated that the Spatial Strategy could form part of the next consultation (Regulation 18B).

Members asked that their appreciation of Officers work in preparing the Local Plan be recorded.

RESOLVED: That the output of the Regulation 18 Consultation be noted.

CB 23/76 GROUNDS MAINTENANCE CONTRACT - SERVICE DELIVERY REVIEW

(Decision Notice D230074CAB)

Consideration was given to recommendation CE 23/31 of the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Cabinet considered the future delivery options, analysis report and cost information presented to the Scrutiny Select Committee together with potential areas of saving and environmental and bio-diversity measures. Due regard was also given to the legal, financial and value for money implications. A review report provided by an external consultant (Waste Consulting LLP (WCL)) was noted.

RESOLVED: That

- (1) an external procurement exercise be progressed for the future delivery of grounds maintenance services;
- (2) the work previously undertaken by the external consultants (WCL), including preparation of a Public Sector Comparator, be updated;
- (3) the proposed list of potential areas of savings in respect of the service specification of the contract, as outlined in 1.5.3 of the restricted report to the Communities and Environment Scrutiny Select Committee be noted;
- (4) further consideration be given to additional potential areas of saving;
- (5) further consideration be given to the current and future options within the contract with regard to the Climate Change agenda.

EXECUTIVE NON-KEY DECISIONS

CB 23/77 RISK MANAGEMENT

(Decision Notice D230075CAB)

Consideration was given to recommendation AU 23/21 of the Audit Committee of 24 July 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

RESOLVED: That the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below) be noted:

- Financial position/budget deficit
- Economic stability
- Savings and Transformation Strategy
- Local plan
- Organisational development, including recruitment and retention/skills mix
- Homes for Ukraine Scheme
- Implementation of the Agile software system
- Political factors including stability of political leadership and decision making

CB 23/78 ECONOMIC DEVELOPMENT STRATEGY 2023-2027 - CONSULTATION DRAFT

(Decision Notice D230076CAB)

Consideration was given to recommendation FRP 23/21 of the Finance, Regeneration and Property Scrutiny Select Committee of 25 July 2023.

In order to ensure that the Strategy was as accurate and comprehensive as possible it was important that external scrutiny was undertaken in advance of formal adoption. The views of key economic partners, including the West Kent Partnership, local business support providers, business representative bodies, such as the Chamber of Commerce and Federation of Small Businesses, as well as individual and local businesses in the Borough would be sought as part of a four week consultation period starting in September 2023.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the framework for

consultation and adoption detailed in the report to the Scrutiny Select Committee.

RESOLVED: That

- (1) the report be noted; and
- (2) the consultation draft of the Economic Development Strategy 2023/27, as set out in Appendix 1, be approved; and
- (3) a four week consultation with key economic partners (as identified above) commence as soon as possible.

MATTERS SUBMITTED FOR INFORMATION

CB 23/79 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Tonbridge Community Forum of 12 June 2023 were received and noted.

CB 23/80 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 23/81 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 7.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MINUTES

Thursday, 14th September, 2023

Present: Cllr Mrs A S Oakley (Chair), Cllr R I B Cannon (Vice-Chair), Cllr M A J Hood (Vice-Chair), Cllr T Bishop, Cllr C Brown, Cllr A Cope, Cllr R W Dalton, Cllr D A S Davis, Cllr D Harman, Cllr P M Hickmott, Cllr G B Hines, Cllr F A Hoskins, Cllr S A Hudson, Cllr D W King, Cllr W E Palmer, Cllr D Thornewell and Cllr A Mehmet (substitute)

In attendance: Councillors A G Bennison, M Taylor, Mrs S Bell, M D Boughton, D Keers, K B Tanner and Mrs M Tatton listened and participated in the discussion via MS Teams in accordance with Council

Virtual: Procedure Rule No 15.21.

An apology for absence was received from Councillor J R S Lark

PART 1 - PUBLIC

OS 23/37 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Councillor Mehmet substitute for Councillor Lark

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

OS 23/38 DECLARATIONS OF INTEREST

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

OS 23/39 MINUTES

RESOLVED: That the Minutes of the ordinary and extraordinary meetings of the Overview and Scrutiny Committee held on 29 June 2023 and 1 August 2023 be approved as a correct record and signed by the Chair; subject to

- (1) The following correction in respect of attendance at the extraordinary meeting of 1 August 2023:

- An apology for absence was received from Cllr F A Hoskins who was substituted by Cllr G Bridge.

OS 23/40 PERFORMANCE OF HOUSING ASSOCIATIONS

Representatives of Clarion Housing provided a comprehensive explanation of the organisation's operations in the Borough and detailed its performance on repairs, changes to service, casework processes, estate management and voids turnaround. There was also information on how anti-social behaviour was addressed.

Members sought clarity on a number of issues and those of a ward specific nature would be addressed out of meeting. There was in depth discussion on a range of issues and the following points were highlighted:

- The lack of direct telephone numbers and email addresses for points of contact;
- The ongoing problems with poor communication and lack of effective engagement with local Councillors. The Housing Association's commitment to improving and streamlining this process was noted;
- The positive steps being taken to address damp, mould and condensation were welcomed;
- The poor performance in addressing complaints. However, the implications of the cyber attack experienced by Clarion in 2022 were also noted;
- The confusion around land ownership and taking ownership of problems such as fly tipping. It was noted that Clarion were committed to investigating reports and taking action where possible;
- The pop-up community events were welcomed and greatly appreciated by tenants. However, the Committee asked that these were given better promotion and for local ward Members to be advised; and
- The Investment Programme was welcomed and the Committee suggested that sound insulation be considered as part of this initiative.

Members were reminded of the 6 weekly councillor surgeries and were encouraged to attend these to raise specific issues, although any immediate problems could be raised via email or the contact centre.

Finally, the Cabinet Member for Finance and Housing commented that the presentation highlighted the significant challenges faced by housing associations and local authorities, welcomed that responsibility for maintenance and repairs had been returned 'in-house', noted that resident engagement was appreciated by tenants and reminded that 1,000s of tenants were living happily in Clarion properties.

MATTERS FOR DECISION UNDER DELEGATED POWERS

OS 23/41 REVIEW OF GOVERNANCE ARRANGEMENTS

Members reviewed the governance changes introduced in May 2022 and considered whether the existing arrangements could be amended

and/or improved. The scope of the review had been agreed by the Overview and Scrutiny Committee in April 2023 and these areas of discussion were detailed in 1.3 of the report.

The increase in the number of scrutiny committees was generally regarded as positive, although it was recognised that the system required further time to become familiar before it was possible to identify if any further, or significant, changes were required.

However, there were some concerns raised about the lack of collaboration and engagement from Members on issues, the difficulty in getting business onto agendas and insufficient matters being identified for the work programmes. There was also concern expressed that the move away from Advisory Boards meant that all Councillors were not fully appraised on all aspects of business.

Whilst the scrutiny committees were able to set their own agendas and work programmes there was still confusion around the process for agreeing topics for future meetings. The Committee supported the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year.

Attention was drawn to the Terms of Reference (TOR) for the 3 Scrutiny Select and the Overview and Scrutiny Committees (attached at Annex 2) and Members supported the introduction of regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees in order to minimise issues of overlapping of business. The Chair committed to meeting regularly with Cabinet Members, as set out in the Cabinet-Scrutiny Protocol.

There was heated debate on the call-in process and Cllr Hoskins proposed, seconded by Cllr Cope that the number of members of the Overview and Scrutiny Committee required to call-in a decision should be reduced to 3 (down from 5). Following a formal vote this proposal was supported by the Committee.

Consideration was given to the guidance issued by the Local Government Association on the setting of scrutiny work programmes. The Committee supported the inclusion of this guidance into the Cabinet-Scrutiny Protocol for easy reference. It was also suggested that the Protocol be published as an Annex to the Constitution so that it was easily available on the website.

Members agreed that regular agenda setting meetings between the Chair of the Overview and Scrutiny Committee and the Chairs of the 3 Scrutiny Select Committees be introduced to minimise issues of overlapping of business.

RECOMMENDED*: That

- (1) the number of members of the Overview and Scrutiny Committee required to call-in a decision be reduced to 3;
- (2) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (3) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
 - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in 1.3.10);
- (4) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

Recommended to Executive*OS 23/42 REVIEW OF OUTSIDE BODIES - SCOPING REPORT**

The report of the Chief Executive set out potential areas to review in respect of the Borough Council appointments to 'outside bodies' and the role of these appointees on these groups. The list of current appointments was set out in Annex 1.

It was reported that the majority of the organisations on the list were based in the borough. However, some were located outside of the borough but provided either support or services to residents in Tonbridge and Malling.

Consideration was given to the suggested focus for the review (as outlined in 1.2 of the report) which included gaining a better understanding of the aims and priorities of the organisations, exploring the role of the appointed Borough Councillors and whether non-Councillors should continue to serve on outside bodies.

Members welcomed the opportunity to review these appointments and gain a better understanding of what might be expected from Councillors in terms of time commitment and responsibility. The value of experienced appointees was recognised although it was felt that there should be some succession planning and development of new appointees and councillors. It was also recognised that there should be some mechanism for appointees to report back to the Borough Council, especially in respect of those organisations receiving grant funding or receiving levies.

Finally, the Committee felt there was some merit in allocating specific outside bodies to individual Scrutiny Select Committees to streamline any annual reporting to the Borough Council.

RESOLVED: That the approach outlined in 1.2 of the report be endorsed to undertake further evaluation of the issues raised.

MATTERS FOR INFORMATION

OS 23/43 LOCAL GOVERNMENT AND SOCIAL CARE OMBUDSMAN - ANNUAL REVIEW LETTER

The Local Government and Social Care Ombudsman annual review letter was presented for information. Members noted the number of complaints dealt with for the period April 2022 to 31 March 2023 and the outcome of those complaints.

It was also noted that neighbouring authorities had a similar number of complaints and comparative data could be viewed on an interactive map at: <https://www.lgo.org.uk/your-councils-performance>

OS 23/44 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 April to June 2023 representing the most up to date available statistics. The KPIs would be monitored quarterly and would be made available on an ongoing basis.

It was noted that there had been no questions or queries raised in advance of the meeting.

OS 23/45 RECORD OF DECISIONS TAKEN BY THE EXECUTIVE

The decisions taken by the Cabinet and Cabinet Members during July and August 2023 were presented for information and noted by the Committee.

OS 23/46 NOTICE OF FORTHCOMING KEY DECISIONS - OCTOBER TO DECEMBER 2023

The Notice advised of key decisions to be taken during the period October to December 2023. In accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 at least 28 days before a key decision was expected to be taken a Notice of Forthcoming Key Decisions should be published.

Members were advised that the Notice was required to set out the matter in respect of which a key decision was to be made, details of the decision taker and the date on which the decision would be made; a list of documents (usually an officer report) to be submitted to the decision taker for consideration in relation to the matter and the address from

which, subject to any prohibition or restriction on their disclosure, copies of or extracts from any document listed was available. In response to a query raised about the lack of detail provided in the Notice, the Director of Central Services offered to explore whether more could be included.

The process for publishing a Notice of Forthcoming Key Decisions was also set out in Part 4 – Access to Information Rules of the Borough Councils Constitution

OS 23/47 WORK PROGRAMME

The Work Programme setting out potential matters to be scrutinised during 2023/24 was noted. Members were invited to suggest future items by liaising with the Chair of the Committee.

A number of suggestions raised from the floor would be reviewed by the Scrutiny Officer, in liaison with the relevant Chairs and Officers. These included revisiting the review of governance arrangements and a review of the planning establishment following recent recruitment incentives.

MATTERS FOR CONSIDERATION IN PRIVATE

OS 23/48 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 10.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

COMMUNITIES AND ENVIRONMENT SCRUTINY SELECT COMMITTEE

MINUTES

Thursday, 21st September, 2023

Present: Cllr S A Hudson (Chair), Cllr Mrs S Bell (Vice-Chair), Cllr A G Bennison, Cllr S Crisp, Cllr G B Hines, Cllr F A Hoskins, Cllr A McDermott, Cllr W E Palmer, Cllr Mrs M Tatton, Cllr K S Tunstall, Cllr D W King (substitute), Cllr D Thornewell (substitute) and Cllr C J Williams (substitute)

In attendance: Cllrs T Bishop, Mrs T Dean, M A J Hood, R P Betts, M D Boughton and D Keers were also present pursuant to Council Procedure Rule 15.21.

Virtual Councillors R I B Cannon, R V Roud and K B Tanner participated via MS Teams in accordance with Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors J R S Lark, Mrs A S Oakley and M R Rhodes

CE 23/32 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr King substituted for Cllr Rhodes
- Cllr Thornewell substituted for Cllr Oakley
- Cllr Williams substituted for Cllr Lark

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

CE 23/33 DECLARATIONS OF INTEREST

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

CE 23/34 MINUTES

RESOLVED: That the notes of the meeting of the Communities and Environment Scrutiny Select Committee held on 19 July 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

CE 23/35 CAR PARKING PROPOSALS

Consideration was given to a number of proposed changes to the Borough Council's car parking service. The aim was to balance the management of the car parks to meet the needs of all users, optimise the availability of parking, maximise income subject to market conditions and provide consistency across the borough in a fair commercial and efficient manner. It was also intended to resolve some existing parking issues reported to the Borough Council in specific areas.

In addition, it was proposed that formal public consultation on the proposed changes be undertaken and the outcomes reported to a future meeting of Cabinet.

The significant annual costs associated with the operation of the parking service were outlined. It was noted that these had increased on average by 10% over the last 2 years. A number of proposals were detailed in the report and included the extension of car parking charging periods to Sundays, evenings and Bank Holidays, introduction of new charges in Aylesford, Larkfield and West Malling, changes to charging in Avebury Avenue, Tonbridge, extension of charging at Tonbridge Castle and the introduction of Automatic Number Plate Recognition (ANPR) at trial locations. Proposed charges were set out in Annex 1.

Particular reference was made to the potential extension of Upper Castle Field in Tonbridge to provide additional parking to support the use of a well-used car park, which was often at full occupancy.

The financial implications of the suggested proposals were detailed in the report, which emphasised that income generation was essential given the context of the Medium Term Financial Strategy, and that the Borough Council sought to ensure that its assets were managed in the most efficient way and costs were recovered and optimised.

Members were advised that proposals in respect of Rocfort Road car park in Snodland would follow once a parking review had been completed to consider a number of complex issues in the town.

Whilst there was overall support of the proposals outlined to be consulted upon, there was some concern expressed at the lack of evidence provided to support the introduction of charging in Martin Square and West Malling High Street and Swan Street and the potential impacts on local businesses in those areas. The Leader of the Council agreed to meet with any local organisations including the local Chambers of Commerce and traders organisations.

Local Members supported the removal of the on-street parking machines in Avebury Avenue, Tonbridge and the move to permit parking only but Councillor Hines proposed, seconded by Councillor Crisp, that permits should be limited to 3 per business in this area. This proposal was supported by the Committee.

RECOMMENDED*: That

- (1) the proposals below be taken forward to public consultation and the outcomes reported to future meetings of the Cabinet:
 - a) parking charges be extended to include Sundays, evenings up to 8pm and Bank Holidays;
 - b) the on-street parking machines in Avebury Avenue, Tonbridge (west of Holford Street) be removed, the area changed to parking permit only to add capacity to the D1 parking area and that the issue of Business On-Street Parking Permits in the D1 area be revised to a maximum of 3 per business to allow more residential parking opportunities;
 - c) parking charges be introduced at Martin Square, Larkfield (as set out in Annex 1);
 - d) parking charges be introduced at both Bailey Bridge car parks in Aylesford (as set out in Annex 1);
 - e) parking charges be introduced to on street parking bays in West Malling High Street and Swan Street (as set out in Annex 1);
 - f) parking charges be introduced to the existing Gateway Visitor parking bays in Tonbridge Castle Grounds (as set out in Annex 1);
- (2) a project to improve the Bailey Bridge East car park be brought forward in the forthcoming Capital Plan Review;
- (3) a scheme to introduce ANPR systems at selected car parks on a trial basis be brought forward in the forthcoming Capital Plan Review;
- (4) a scheme to enable these proposals to be implemented including CCTV, parking machines and signage be brought forward in the forthcoming Capital Plan Review; and

- (5) a scheme to extend the existing Upper Castle Field car park to provide additional parking be brought forward in the forthcoming Capital Plan Review.

***Recommended to Cabinet**

CE 23/36 GROUND MAINTENANCE CONTRACT

The report of the Director of Street Scene, Leisure and Technical Services advised on the retender of the Borough Council's Ground Maintenance Contract for Public Open Spaces and sought comments and recommendations in regard to the procurement process and timeframe, length of contract, standards and level of service and the proposed evaluation of tenders and award of contract.

Attention was drawn to the proposed levels of service and potential savings presented to Members at the previous meeting of the Committee (attached at Annex 1). No requests for further alterations had been received. However, proposals for the removal of flower beds had been rejected and Officers would work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays.

An outline tender timescale had been developed in accordance with the Borough Council's Contract Procedure Rules and took into account programmed meetings of this Committee, Cabinet and Council. Details of the timescale were set out in Annex 2.

With regard to external procurement the Kent Commercial Services framework provided the opportunity to seek tenders from a list of contractors which had already undergone thorough financial and quality appraisals. The use of this framework met the authority's procurement rules and there was no additional cost.

Consideration was given to the type of contract to be awarded, the length of contract and the proposed criteria for tender assessment (outlined at Annex 3).

Particular reference was made to the use of pesticides and Members welcomed the proposal that contractors offer alternative costed methods through the tender process for consideration.

RECOMMENDED*: That

- (1) Kent Commercial Services Framework be used for external procurement;
- (2) the length of the contract be five years plus five years;

- (3) the Contract be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality;
- (4) the proposed levels of service and potential savings (as set out in Annex 1) be noted, and incorporated in the contract documentation;
- (5) the quality assessment criteria be agreed (as set out in Annex 3); and
- (6) a lease of the Maintenance Buildings be granted to the successful contractor as per the terms detailed in the report.

***Recommended to Cabinet**

CE 23/37 KCC COMMUNITY WARDEN CONSULTATION RESPONSE

(Decision Notice D230081MEM)

Consideration was given to a proposed response from Tonbridge and Malling Borough Council in respect of the KCC Community Warden review, which was out for consultation until 3 October 2023.

The proposals presented as part of the Consultation had been developed with information from service users and input from staff and partners and were intended to redesign the service to achieve savings of £1million by 2024/25.

The work of the Community Wardens across Kent and within Tonbridge and Malling and the proposed cuts to the service were detailed at 1.2 and 1.3 of the report.

Members expressed concern that cutting, or reducing, the Community Warden service would lead to increased costs in other organisations and a lack of support for vulnerable residents. There were also concerns that Local Authorities would be expected to provide and/or support services in those areas where the service would be withdrawn. It was recognised that Tonbridge and Malling Borough Council did not have the resources, capacity or experience to fill these gaps.

The Committee had regard to the legal implications, financial and value for money considerations and the risk assessment set out in the report and expressed significant concern that the proposed reduction to one Team Leader and three wardens covering Maidstone and Tonbridge and Malling would severely stretch resources. The role of the Community Wardens in supporting residents in their own homes and addressing safeguarding concerns was valued.

RECOMMENDED*: That:

- (1) the summary of the consultation document and the potential implications for the Borough Council of the review of the KCC Community Wardens service be noted;
- (2) the Borough Council's response to the consultation should be to strongly object to the proposals, recommend that there should be no change to the service and the significant concerns regarding the impact on other agencies and vulnerable residents should be highlighted; and
- (3) delegated authority be given to the Director of Central Services and Deputy Chief Executive, in liaison with the Cabinet Member for Community Services, to submit a final consultation response by the deadline of 3 October 2023.

***Decision Taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

CE 23/38 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 January to March 2023 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.

CE 23/39 WASTE CONTRACT - KEY PERFORMANCE INDICATORS

Members noted the performance of the Waste Contract against a suite of Key Performance Indicators (KPIs) for the period April to July 2023. Comparative data for April to July 2022 and the percentage variance when compared with the previous performance was also included.

CE 23/40 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information. Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

CE 23/41 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 9.20 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

AUDIT COMMITTEE

MINUTES

Monday, 25th September, 2023

Present: Cllr R I B Cannon (Chair), Cllr M R Rhodes (Vice-Chair), Cllr J R S Lark, Cllr M A J Hood, Cllr B A Parry, Cllr R V Roud and Cllr T Bishop (substitute).

(Note: As Councillor J Clokey was unable to attend in person and participated via MS Teams, he was unable to vote on any matters).

Virtual: Councillors R P Betts, M D Boughton, J Clokey, M A Coffin, D Keers, W E Palmer and K B Tanner 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.

An apology for absence was received from Councillor Clokey.

PART 1 - PUBLIC

AU 23/38 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr Bishop substituting for Cllr Clokey

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

AU 23/39 DECLARATIONS OF INTEREST

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

AU 23/40 MINUTES

RESOLVED: That the Minutes of the meeting of the Audit Committee held on 24 July 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET**AU 23/41 AUDITOR'S ANNUAL REPORT 2022/23**

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

Grant Thornton believed that there were two significant weaknesses in the Council's arrangements to improve economy, efficiency and effectiveness. These related to procurement and performance management, and recommendations were made as to how this could be addressed. The responses of management were detailed at 1.3.4 and 1.3.9 of the report.

During discussion, Members raised concern regarding the Council's procurement resource and it was noted that the options for a procurement resource were being discussed and that the Procurement Strategy would be reviewed once the procurement resource issue had been resolved.

In addition, a number of improvement recommendations were also made and these were detailed in 1.4 of the report.

RECOMMENDED*: That

- (1) the Auditor's Annual Report (attached at Annex 1) for 2022/23 be approved;
- (2) the key recommendations made in respect of 'performance management' and procurement' be noted and the management comments be endorsed;
- (3) the management comments to the improvement recommendations be noted and endorsed; and
- (4) the Audit Committee receive a progress report on the key recommendations made in respect of 'performance management' and procurement' at their next meeting.

Referred to Cabinet*AU 23/42 TREASURY MANAGEMENT UPDATE AND MID-YEAR REVIEW**

The report of the Director of Finance and Transformation provided an update on treasury management activity undertaken during April to July of the current financial year. A mid-year review of the Treasury

Management and Annual Investment Strategy for 2023/24 was also included in the report.

A full list of investments held on the 31 July 2023 was attached at Annex 1 to the report and a copy of the lending list at Annex 2. In terms of cash flow and core cash investments, £813,500 was earned in interest to the end of July, which was higher than the original estimate for the same period. The increase reflected the continued upward movement of interest rate rises and the favourable rates available to the Council. During the period 1 April 2023 to 30 June 2023, the £5m investment in property funds generated dividends of £45,350 which represented an annualised return of 3.63%, compared to 3.29% in 2022/23.

Following the last meeting of the Audit Committee, the position of the Lothbury Property Trust had been reviewed and it was concluded that the new direction of the fund remained intrinsically the same as before but on a reduced scale, and the new strategy would focus on high conviction sectors such as student and commercial accommodation whilst reducing their position in the office and retail sector. As a result of discussions, an expression of interest had been communicated with Lothbury and a commitment would be provided to remain in the fund.

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

RECOMMENDED*: That the following be commended to Council

- (1) the action taken in respect of treasury management activity for the period April to July 2023 be endorsed; and
- (2) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report, be retained.

***Referred to Cabinet**

AU 23/43 RISK MANAGEMENT

The report of the Management Team provided an update on the risk management process and the Strategic Risk Register (SRR). In June 2023, there were 8 risks categorised as 'red' as summarised below:

- Financial position/budget deficit
- Economic Stability
- Savings and Transformation Strategy
- Local Plan
- Organisational Development including recruitment and retention/skills mix
- Homes for Ukraine Scheme
- Implementation of the Agile software system

- Political factors including stability of political leadership and decision making

Since last reported, Performance Management, Carbon Neutral 2030 Aspiration and Waste and Recycling Income had been identified as risks. Full details of the risks were set out in Annex 1 to the report and the heading of Key Performance Indicators and Carbon Neutral 2030 Aspirations had been assessed as RED risks at this time.

A schedule of ongoing risks and risks identified by Service Management Teams and Management Team since the last report to this Committee in June 2023 were set out in Annex 2 of the report.

RECOMMENDED*: That

- (1) the recommendations made by the External and Internal Auditors on Risk Management as set out, be noted.
- (2) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as 'red and the direction of travel for all risks, be noted;
- (3) the approach proposed within paragraph 1.3 for reporting back to the Audit Committee at the next cycle of meetings, be endorsed;
- (4) in light of the Auditors Annual Report, the property asset management provision be reviewed in relation to the Organisational Development risk; and
- (5) a report be provided at the next meeting of the Audit Committee on the implementation of the Agile software system.

***Referred to Cabinet**

DECISIONS TAKEN UNDER DELEGATED POWERS

AU 23/44 STATEMENT OF ACCOUNTS 2022/23 AND EXTERNAL AUDITORS REPORT ON THE OUTCOME OF THE AUDIT OF THE ACCOUNTS

The report presented the current set of Accounts for 2022/23 in the format specified by the Code of Practice on Local Authority Accounting in the United Kingdom. The Committee was invited to approve both the Statement of Accounts and the Audit Findings Report.

The audited set of Accounts for 2022/23 were attached at Annex 1 to the report. Members noted that the Council's responsible financial officer had certified that the Statement of Accounts presented a 'true and fair view' of the financial position of the local authority at the end of the year and its income and expenditure for the year. Members were reminded that the Statement of Accounts was subject to external audit.

The Audit Findings Report gave one recommendation for the Borough Council as a result of an issue identified during the audit. This related to the approval of journals. More detail was provided in 1.4.4 of the report together with the proposed management response.

RESOLVED: That

- (1) the enclosed audited set of Accounts for 2022/23 (attached at Annex 1) be approved and the Chair of the Audit Committee be asked to sign the Accounts in the appropriate place;
- (2) the Audit Findings Report and the Management Response, as detailed in paragraph 1.4.4 and 1.4.5 of the report, on the outcome of the audit of the Statement of Accounts for 2022/23 be approved; and
- (3) the Letter of Representation (attached at Annex 3) be approved for signature by the Chair of the Audit Committee and the Director of Finance and Transformation once Grant Thornton had issued their opinion.

MATTERS SUBMITTED FOR INFORMATION

AU 23/45 INTERNAL AUDIT AND COUNTER FRAUD UPDATE

The report provided an update on the work of both the Internal Audit and the Counter Fraud functions.

RESOLVED: That the report be noted.

AU 23/46 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

AU 23/47 INSURANCE CLAIMS HISTORY

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

The report of the Director of Finance and Transformation informed Members as to the nature and volume of liability and property damage insurance claims submitted for the year ended 31 August 2023.

RESOLVED: That the report be noted.

The meeting ended at 9.07 p.m.

TONBRIDGE AND MALLING BOROUGH COUNCIL

HOUSING AND PLANNING SCRUTINY SELECT COMMITTEE

MINUTES

Tuesday, 26th September, 2023

Present: Cllr D A S Davis (Chair), Cllr D W King (Vice-Chair), Cllr L Athwal, Cllr Mrs S Bell, Cllr G C Bridge, Cllr R W Dalton, Cllr D Harman, Cllr P M Hickmott, Cllr M A J Hood, Cllr W E Palmer, Cllr R V Roud, Cllr D Thornewell and Cllr S A Hudson (substitute)

In attendance: Cllr A G Bennison was also present pursuant to Council Procedure Rule No 15.21.

Virtual Cllrs M D Boughton, M A Coffin, D Keers, M R Rhodes, K B Tanner and M Taylor participated via MS Teams and joined the discussion when invited by the Chair in accordance with Council Procedure Rule No 15.1.

An apology for absence was received from Councillor A Mehmet

(Note: Cllr Mehmet submitted apologies for in-person attendance and participated via MS Teams when invited to so. However, he was unable to vote on or propose any motions)

HP 23/24 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute Members were recorded as set out below:

- Cllr S Hudson substitute for Cllr A Mehmet

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

HP 23/25 DECLARATIONS OF INTEREST

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

HP 23/26 MINUTES

RESOLVED: That the notes of the meeting of the Housing and Planning Scrutiny Select Committee held on 18 July 2023 be approved as a correct record and signed by the Chair.

MATTERS FOR RECOMMENDATION TO THE CABINET

HP 23/27 BIODIVERSITY NET GAIN PROTOCOL

The report of the Director of Planning, Housing and Environmental Health presented a Protocol to provide guidance for applicants, agents and decision makers on how biodiversity net gain would be taken into account within the development process.

Biodiversity Net Gain (BNG) was an approach to development and/or land management that aimed to leave the natural environment in a measurably better state than it was beforehand. Under the Environment Act 2021 all major planning permissions granted in England would have to deliver 10% BNG from November 2023. However, applying BNG to smaller sites had been delayed until April 2024. Further detailed guidance from Government was expected to clarify a range of outstanding issues.

The Borough Council's adopted Development Plan did not contain a policy on BNG and although the emerging Local Plan would include a policy setting out its approach this would not be adopted by November 2023.

Members attention was drawn to the Kent BNG Register developed by the Kent Wildlife Trust, in collaboration with Kent County Council and District Councils, to establish an online forum where landowners could identify local land available for purchase for BNG units and where applicants could search for available opportunities. This was currently being test and was due to be operational from November 2023. Whilst other habitat banks were available the aim of the Kent BNG Register was to identify local opportunities.

Finally, it was reported that DEFRA had allocated a series of grants to allow local authorities to prepare for BNG. Between 2021/22 and 2023/24 the Borough Council had been awarded £63,661 of which £53,614 was ring fenced for BNG.

Consideration was given to the Protocol attached at Annex 1, the financial and value for money and legal implications and it was noted that not having an adopted local approach to BNG represented a higher risk that off site measures associated with development within Tonbridge and Malling could be delivered outside of the borough.

Members welcomed the principle of a BNG Protocol and noted that a number of inconsistencies had been raised with DEFRA for clarification and/or correction; noted the potential for the Borough Council to 'land bank' sites for BNG and recognised that better management of habitat types would improve biodiversity net gain. Officers also addressed points related to legal agreements, monitoring and enforcement and

advised that the Protocol would be kept under review pending further guidance from Government.

The Cabinet Member for Planning indicated that bio-diversity net gain and green infrastructure remained very important and the introduction of a Protocol started to address these issues. There was also some reassurance around allocating land for BNG use which offered some protection for 30 years.

RECOMMENDED:* That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

***Referred to Cabinet**

HP 23/28 RESPONSE TO THE PLAN MAKING REFORMS IMPLEMENTATION CONSULTATION

(Decision Notice D230082MEM)

Consideration was given to the Borough Council's response to the Government's latest consultation on plan-making reforms. A proposed response to be submitted by the deadline of 18 October 2023 was set out at Annex 1.

The consultation provided further detail around the proposed 30 month plan-making process, including new proposals for a 4 month period prior to commencement, 2 set periods of consultation and engagement and a 3 staged gateway assessment process for local plans.

Attention was drawn to the confirmation of the transitional arrangements for plan-making as proposed within the December 2022 consultation, subject to the Levelling Up and Regeneration Bill receiving Royal Assent in Spring 2024. The Government had not yet published the NPPF reforms so amendments to the approach to housing numbers and the Green Belt remained unconfirmed. However, as the Government were proposing the same transitional arrangements the Borough Council would need to undertake Regulation 18B and Regulation 19 consultation and submit its Local Plan before June 2025.

Members supported the proposed response to the Consultation, particularly in respect of question 41 related to transitional arrangements

and expressed disappointment that final guidance had still not been provided.

RECOMMENDED*: That

- (1) the proposed response to the plan-making reforms consultation, set out at Annex 1 be approved and submitted by the 18 October 2023;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Planning, to approve any necessary further minor changes to the proposed consultation response that might be required for reasons of clarity or presentation.
- (3) the position regarding transitional arrangements for plan-making be noted.

***Decision taken by Cabinet Member**

HP 23/29 RESPONSE TO THE 'FREIGHT, LOGISTICS AND THE PLANNING SYSTEM: CALL FOR EVIDENCE' CONSULTATION

(Decision Notice D230083MEM)

Consideration was given to the Borough Council's response to the Government's 'Freight, Logistics and the Planning System: Call for Evidence' consultation. A proposed response to be submitted by the deadline of 6 October was set out at Annex 1.

The consultation sought views of the efficacy of local plans and planning policies in relation to planning for freight and logistics. Questions were also posed in relation to engagement between these sectors and local planning authorities and the decision making process.

RECOMMENDED*: that:

- (1) the proposed response to the Freight and Logistics Call for Evidence, as set out at Annex 1, be approved and submitted by 6 October; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with Cabinet Member for Planning, to approve any necessary further minor changes to the consultation response that might be required for reasons of clarity or presentation.

***Decision taken by Cabinet Member**

MATTERS SUBMITTED FOR INFORMATION

HP 23/30 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 January to March 2023 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.

In advance of receiving the KPIs, which identified an improving trend in development management (as set out in 1.1.3), the Cabinet Member for Finance and Housing provided an update on the implementation of Agile software which would replace Uniform. The new system would streamline service delivery and provide an improved experience for residents. The 'go live' date for Agile was Wednesday 3 October and Members were advised that there would be a delay in processing and managing applications whilst the new system bedded in. It was also noted that the use of Uniform would finish on Thursday 28 September.

As a result of the new system there would be changes to internal processes as there were issues around GDPR, redaction and publishing comments of 3rd party consultees. Concern was expressed that parish councils would not receive sufficient information or notice in a timely manner due to the new system. However, it was hoped that these could be addressed by implementing minor changes to existing protocols. The Cabinet Member for Finance and Housing committed to circulating a more detailed update in advance of the 'go live' date.

HP 23/31 WORK PROGRAMME 2023/24

The Work Programme setting out matters to be scrutinised during 2023/24 was attached for information and Cllr Mehmet was thanked for suggesting the item in respect of appeals and costs awards.

Members were invited to suggest future matters by liaising with the Chair of the Committee.

MATTERS FOR CONSIDERATION IN PRIVATE

HP 23/32 EXCLUSION OF PRESS AND PUBLIC

There were no matters considered in private.

The meeting ended at 8.45 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

LICENSING AND APPEALS COMMITTEE

MINUTES

Wednesday, 27th September, 2023

Present: Cllr C Brown (Chair), Cllr C J Williams (Vice-Chair), Cllr B Banks, Cllr M A Coffin, Cllr A Cope, Cllr D W King, Cllr W J Mallard, Cllr R W G Oliver, Cllr R V Roud and Cllr M Taylor

Apologies for absence were received from Councillors D Keers and K S Tunstall.

PART 1 - PUBLIC

LA 23/14 DECLARATIONS OF INTEREST

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

LA 23/15 MINUTES

RESOLVED: That the Minutes of the meeting of the Licensing and Appeals Committee held on 5 July 2023 be approved as a correct record and signed by the Chairman.

LA 23/16 MINUTES OF PANEL

RESOLVED: That the Minutes of the meetings of the Licensing and Appeals Committee sitting as a Panel held on 9 August 2023, 11 August 2023 and 8 September 2023 (Taxis) and 16 August 2023 (Premises) be received and agreed as a correct record, subject to the presence of Panel Members being rectified as follows:

- 11 August 2023 (Taxi Hearing) – Cllr D W King (Chairman), Cllr R W G Oliver and Cllr C J Williams
- 8 September 2023 (Taxi Hearing) – Cllr M A Coffin (Chairman), Cllr B Banks and Cllr K S Tunstall

MATTERS FOR RECOMMENDATION TO THE COUNCIL

LA 23/17 FEEDBACK FROM CONSULTATION ON THE HACKNEY CARRIAGE AND PRIVATE HIRE POLICY 2023-2028

A revised Hackney Carriage and Private Hire Policy 2023 – 2028, attached at Annex 4, which went out for public consultation from 10 July 2023 to 1 September 2023, and a list of proposed changes within the consultation, attached at Annex 1, were presented for consideration.

Responses to the consultation, including a response in the form of a petition from 31 drivers, were detailed in Annex 2 and Annex 3 respectively.

Members had due regard to the legal implications and risk assessment set out in the report whereby the need for the Borough Council to adopt a new policy was explained – this was due to the policy lasting for a maximum of five years and would by law lapse after five years unless reviewed and adopted by Full Council again.

RECOMMENDED*: That

- (1) the following proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be approved:
 - payment by credit/debit card be accepted for all Hackney Carriage journeys;
 - the Disclosure and Barring Service (DBS) checks be outsourced to an external third party, where a driver does not hold an online account update service;
 - the length of time for lost property to be kept be reduced from 12 months to 2 months;
 - for any Hackney Carriage driver failing to take a passenger on a journey, regardless of distance, or charging more than the fare shown on the metre when taking payment by credit/debit card, 9 penalty points and a two-week suspension be imposed on their TMBC driving licence, and subsequent offences be referred to the Licensing and Appeals Committee;
 - membership of the Chauffeurs Guild as mechanism to bypass the requirement to take the knowledge test be removed;
 - colour restriction for designated wheelchair accessible vehicles (WAV) be removed; and
 - a higher than 50 percent Manufacturer tint for back passenger windows be allowed for plate exempt vehicles undertaking Chauffeur work.
- (2) further investigation work by Officers in respect of the following areas, as identified in the proposed changes to the Hackney Carriage and Private Hire Policy, as set out in Annex 1, be undertaken and reported to a future meeting of the Committee:
 - CCTV in all licensed vehicles (Hackney Carriage and Private Hire);

- Colour restriction of a Hackney Carriage Vehicle; and
 - Drivers badge for school runs only with specially defined plate.
- (3) the revised Hackney Carriage and Private Hire Licensing Policy 2023 – 2028, attached at Annex 4, be approved with the above agreed changes detailed in Recommendation (1) incorporated.

*** Referred to Council**

DECISIONS TAKEN UNDER DELEGATED POWERS

LA 23/18 THE SCRAP METAL DEALERS POLICY 2024-2029

The report of the Director of Central Services and Deputy Chief Executive presented a review of the current Scrap Metal Dealers Policy which was published in 2019 and had a life span of five years. The Policy outlined the requirements of the Scrap Metal Dealers Act 2013 and aimed to give guidance to new applicants, existing licence holders, consultees and members of the public as to how the Borough Council would administer and enforce the requirements of the Act.

A copy of the draft new policy and a copy of the Feedback form for the Policy were attached at Annex 1 and Annex 2 respectively. The report set out the timescale for the consultation to be undertaken between 9 October 2023 and 30 November 2023.

RESOLVED: That the draft Scrap Metal Dealers Policy 2024 – 2029, attached at Annex 1, be approved for consultation.

LA 23/19 LICENSED VEHICLE EMISSIONS DISCUSSION

Given the Borough Council's Carbon Neutral 2030 aspiration, Members had an in-depth discussion with regard to licensed vehicle emissions with reference made to emissions standards and ever advancing technologies, which provided valuable insights for Officers to take into consideration in order to bring a paper back to a future meeting of the Committee for Members to review in respect of this important climate change agenda.

MATTERS SUBMITTED FOR INFORMATION

LA 23/20 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8:50 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

CABINET

MINUTES

Tuesday, 3rd October, 2023

Present: Cllr M D Boughton (Chair), Cllr R P Betts, Cllr M A Coffin, Cllr D Keers, Cllr K B Tanner and Cllr M Taylor

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

Virtual: Councillors L Athwal, Mrs S Bell, M A J Hood and M R Rhodes participated via MS Teams and joined the discussion when invited to do so by the Chair in accordance with Access to Information Rule No 23.

PART 1 - PUBLIC

CB 23/82 DECLARATIONS OF INTEREST

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

CB 23/83 MINUTES

RESOLVED: That the Minutes of the meeting of the Cabinet held on 5 September 2023 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE COUNCIL

CB 23/84 COUNCIL TAX DISCOUNT

The report of the Director of Finance and Transformation reviewed the current position with regard to the 100% council tax discount being applied to uninhabitable properties for a maximum period of 12 months and sought Members' views on whether the discount should be retained or reduced from 1 April 2024.

Due regard was given to both the financial and non-financial considerations, legal implications, risk assessment and policy considerations should a change be made to the 100% discount that was currently offered by the Borough Council. Consideration was also given to positions of the neighbouring authorities in respect of the discount.

Members noted that in the extreme cases where a property was severely damaged, the Borough Council could use its discretionary

powers under Section 13A Local Government Finance Act 1992 to waive the council tax charge.

RECOMMENDED*: That the percentage of the current period of twelve months 100% council tax discount for 'uninhabitable' properties be reduced to 0% with effect from 1 April 2024.

***Referred to Council**

CB 23/85 AUDITOR'S ANNUAL REPORT 2022/23

Consideration was given to the recommendations of the Audit Committee meeting held on 25 September 2023 (AU 23/41).

RECOMMENDED*: That

- (1) the Auditor's Annual Report (attached at Annex 1) for 2022/23 be approved;
- (2) the key recommendations made in respect of 'performance management' and 'procurement' be noted and the management comments be endorsed;
- (3) the management comments to the improvement recommendations be noted and endorsed; and
- (4) the Audit Committee receive a progress report on the key recommendations made in respect of 'performance management' and 'procurement' at their next meeting.

***Referred to Council**

CB 23/86 TREASURY MANAGEMENT UPDATE

Consideration was given to the recommendations of the Audit Committee meetings held on 24 July 2023 (AU 23/30) and 25 September 2023 (AU 23/42) respectively.

RECOMMENDED*: That

- (1) the action taken in respect of treasury management activity for the period April to July 2023 be endorsed;
- (2) the 2022/23 outturn position be noted;
- (3) the Audit Committee's appreciation of the work undertaken by officers in Treasury Management, be noted; and
- (4) the existing parameters intended to limit the Council's exposure to investment risks, as set out at Annex 5 to the report of the

Director of Finance and Transformation for the Audit Committee meeting of 25 September 2023, be retained.

***Referred to Council**

DECISIONS TAKEN IN ACCORDANCE WITH PART 3 OF THE CONSTITUTION

EXECUTIVE KEY DECISIONS

CB 23/87 CAR PARKING PROPOSALS

(Decision Notice D230084CAB)

The supplementary report of the Director of Street Scene, Leisure and Technical Services, the Director of Finance and Transformation and the Cabinet Member for Transformation and Infrastructure highlighted a number of proposed changes to the Borough Council's car parking services that had been considered by the Communities and Environment Scrutiny Select Committee on 21 September 2023. In addition, it was proposed that formal public consultation on the proposed changes be undertaken and the outcomes reported to future meetings of the Cabinet.

Careful consideration was given to recommendation CE 23/35 (attached at Annex 2) and Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money and legal implications. The risk to the Borough Council's aim of providing a balanced approach to the management of its car parks, detailed in 1.1.1 of the supplementary report, if the proposals were not implemented, were recognised.

It was also recognised that income generation was essential given the context of the Medium Term Financial Strategy and that the Borough Council sought to ensure that its assets were managed in the most efficient way and that costs were recovered and optimised.

A clarification was made in respect of the parking areas around Avebury Avenue, Tonbridge (west of Holford Street) where the issue of Business On-Street Parking Permits be revised to a maximum of 3 per business.

RESOLVED: That

- (1) the proposals below be taken forward to public consultation and the outcomes reported to future meetings of the Cabinet:
 - a) parking charges be extended to include Sundays, evenings up to 8pm and Bank Holidays;

- b) the on-street parking machines in Avebury Avenue, Tonbridge (west of Holford Street) be removed, the area be changed to parking permit only to add capacity to the D1 parking area and that the issue of Business On-Street Parking Permits in the D1 and D2 areas be revised to a maximum of 3 per business to allow more residential parking opportunities;
 - c) parking charges be introduced at Martin Square, Larkfield (as set out in Annex 1);
 - d) parking charges be introduced at both Bailey Bridge car parks in Aylesford (as set out in Annex 1);
 - e) parking charges be introduced to on street parking bays in West Malling High Street and Swan Street (as set out in Annex 1);
 - f) parking charges be introduced to the existing Gateway Visitor parking bays in Tonbridge Castle Grounds (as set out in Annex 1);
- (2) a project to improve the Bailey Bridge East car park be brought forward in the forthcoming Capital Plan Review;
 - (3) a scheme to introduce Automatic Number Plate Recognition (ANPR) systems at selected car parks on a trial basis be brought forward in the forthcoming Capital Plan Review;
 - (4) a scheme to enable these proposals to be implemented including CCTV, parking machines and signage be brought forward in the forthcoming Capital Plan Review; and
 - (5) a scheme to extend the existing Upper Castle Field car park to provide additional parking be brought forward in the forthcoming Capital Plan Review.

CB 23/88 BIODIVERSITY NET GAIN PROTOCOL

(Decision Notice D230085CAB)

Consideration was given to recommendation HP 23/27 of the Housing and Planning Scrutiny Select Committee of 26 September 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that not having an adopted local approach to Biodiversity Net Gain (BNG) could mean a higher risk that offsite measures associated with development within Tonbridge and Malling could be delivered outside of the Borough. It was also noted that delays to the publication of secondary legislation and remaining Government guidance presented a risk as the Protocol needed to be

prepared in the absence of all necessary information and might need to be updated accordingly.

Following consideration of the Protocol by the Housing and Planning Scrutiny Select Committee on 26 September 2023, a delay to the publication of the guidance was announced by the Government. However, approval of the Protocol remained to be sought so that it could be introduced in line with any revised timetable as soon as the guidance is issued.

RESOLVED: That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes and be introduced in line with any revised timetable as soon as the guidance is issued by the Government; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

EXECUTIVE NON-KEY DECISIONS

CB 23/89 FINANCIAL PLANNING AND CONTROL 2023-24

(Decision Notice D230086CAB)

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

Cabinet noted that in respect of salaries, overall actual expenditure to the end of August 2023 was £53,000 less than budgeted at the February Budget meeting after adjusting for an additional allocation of funding in the sum of £105,800 from the General Revenue Reserve to pay for temporary staffing in Planning.

Overall actual income to the end of August was £140,986 less than budgeted. The majority of areas were currently below profiled budget and these were currently subject to review to identify trends that could provide better detail on income being received.

Members' attention was drawn to the significant demand on Temporary Accommodation (TA) and increasing costs on nightly paid accommodation, and the need to explore all options to improve TA

position to ensure sustainable provision, including expanding own stock, was recognised.

Particular reference was made to a successful claim to HMRC in respect of overpaid VAT on sports and leisure activities covering the period August 2007 to June 2011. In August 2023, this claim was accepted and the 'net' windfall receipt was £1,967,500. Proposals on how this funding might best be utilised for the benefit of the Borough would be included in the Medium Term Financial Strategy update report to Cabinet in November.

Members welcomed the positive update in respect of the position of the Business Rates pooling, as detailed in paragraph 1.14.

With regard to the recommendation from the External Auditors on engaging the public to undertake a dedicated budget consultation to determine local priorities for resources or opportunities for savings, Cabinet considered their existing approach to decision making rigorous but would keep the recommendation in mind.

RESOLVED: That

- (1) it be noted that as at the end of August 2023, the projected overall outturn position for the year 2023/24 was a net favourable variance of circa £1,861,794 when compared to the budget set in February 2023;
- (2) it be noted that the net favourable variance was wholly related to the windfall VAT receipt and that excluding this windfall there was a net adverse variance of £105,706;
- (3) the need to identify and implement opportunities to deliver as a minimum this financial year's savings target of £500,000 be noted;
- (4) the current business rate pool position as at the end of August 2023 be noted; and
- (5) a dedicated public consultation event on savings would not be undertaken but the process for identifying potential options for savings be kept under review.

CB 23/90 REVISED SAFEGUARDING POLICY AND REPORTING PROCEDURE

(Decision Notice D230087CAB)

Consideration was given to a revised Safeguarding Policy and Reporting Procedure for 2023-2027 (attached at Annex 1).

Due to evolving policies and procedures, the Policy had been updated to include information on self-neglect and hoarding, the Mental Capacity Act, the 'Think Family' toolkit and 'Making Safeguarding Personal'. All of these areas had been highlighted during an external safeguarding audit and peer review session undertaken by the Kent and Medway Safeguarding Adults Board.

To ensure the profile of safeguarding remained a focus for everyone at the Borough Council, it was proposed that Councillor D Keers be appointed as Member Champion for Safeguarding as part of his role as Cabinet Member for Community Services.

Cabinet had regard to the financial and value for money considerations, the legal implications and the risk and equality impact assessments and noted that Safeguarding and Prevent were included on the Borough Council's Strategic Risk Register. If Tonbridge and Malling were unable to demonstrate appropriate processes were in place, there was a risk of significant impact on a child, young person or adult at risk of harm.

RESOLVED: That

- (1) the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk, attached at Annex 1, be endorsed; and
- (2) Councillor D Keers be appointed as the Member Champion for Safeguarding.

CB 23/91 DIGITAL AND IT STRATEGY 2023-27

(Decision Notice D230088CAB)

A new combined four-year Digital and IT Strategy for the period 2023 – 2027 was attached at Annex 2 for consideration. The new Strategy set out the Borough Council's five core digital priorities in meeting the primary challenges faced by the authority. These priorities would support Secure by design and culture; Transformation; Demand management; Efficient workforce and Economic growth. A Road Map outlining the major projects planned for the period 2023 – 2027 to underpin the priorities was also provided.

Cabinet had regard to the financial and value for money and political considerations and the risk and equality impact assessments and recognised that adopting this Digital and IT Strategy would enable the Borough Council to serve its vulnerable and elderly residents better through efficiency gained by enabling the majority of residents to self-serve. In addition, it was noted that adoption of this Strategy would help mitigate a number of strategic risks for the organisation including Savings and Transformation, performance management and carbon neutral aspiration.

RESOLVED: That the Digital and IT Strategy 2023-2027, attached at Annex 2, be approved.

CB 23/92 REVIEW OF GOVERNANCE ARRANGEMENTS

(Decision Notice D230089CAB)

Consideration was given to recommendation OS 23/41 of the Overview and Scrutiny Committee of 14 September 2023.

As suggested by a number of Members at the meeting of the Overview and Scrutiny Committee on 14 September 2023, Cabinet supported governance changes being revisited by the Overview and Scrutiny Committee at a later date to allow the current arrangements more time to settle in.

RESOLVED: That

- (1) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (2) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
 - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in paragraph 1.3.10);
- (3) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

CB 23/93 GROUND MAINTENANCE CONTRACT

(Decision Notice D230090CAB)

Consideration was given to recommendation CE 23/36 of the Communities and Environment Scrutiny Select Committee of 21 September 2023.

Cabinet noted that no requests for further alterations to the proposed levels of service and potential savings previously reported had been received. However, proposals for the removal of flower beds had been rejected and Officers would work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays.

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and the risk and equality impact assessments.

RESOLVED: That

- (1) Kent Commercial Services Framework be used for external procurement;
- (2) the length of the contract be five years plus five years;
- (3) the Contract be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality;
- (4) the proposed levels of service and potential savings (as set out in Annex 1) be noted, and incorporated in the contract documentation;
- (5) the quality assessment criteria be agreed (as set out in Annex 3); and
- (6) a lease of the Maintenance Buildings be granted to the successful contractor as per the terms detailed in the report.

CB 23/94 RISK MANAGEMENT

(Decision Notice D230091CAB)

Consideration was given to recommendation AU 23/43 of the Audit Committee of 25 September 2023.

Cabinet had due regard to the legal implications, risk assessment, financial and value for money and policy considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

RESOLVED: That

- (1) the recommendations made by the External and Internal Auditors on Risk Management as set out, be noted;
- (2) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below), and the direction of travel for all risks, be noted:
 - Financial position/budget deficit;
 - Economic stability;
 - Savings and Transformation Strategy;
 - Local Plan;

- Organisational development, including recruitment and retention/skills mix;
 - Homes for Ukraine Scheme;
 - Implementation of the Agile software system;
 - Political factors including stability of political leadership and decision making;
 - Performance management; and
 - Carbon Neutral 2030 Aspiration
- (3) the approach proposed within paragraph 1.3 for reporting back to the Audit Committee at the next cycle of meetings, be endorsed;
- (4) in light of the Auditor's Annual Report, the property asset management provision be reviewed in relation to the Organisational Development risk; and
- (5) a report be provided at the next meeting of the Audit Committee on the implementation of the Agile software system.

MATTERS SUBMITTED FOR INFORMATION

CB 23/95 MINUTES OF PANELS, BOARDS AND OTHER GROUPS

The Minutes of the Parish Partnership Panel of 31 August 2023, the Minutes of the Tonbridge Community Forum of 4 September 2023 and the Minutes of the Joint Transportation Board of 18 September 2023 were received and noted.

CB 23/96 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 23/97 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.57 pm

TONBRIDGE AND MALLING BOROUGH COUNCIL

GENERAL PURPOSES COMMITTEE

Wednesday, 11th October, 2023

Present: Cllr M R Rhodes (Chair), Cllr M A Coffin (Vice-Chair), Cllr B Banks, Cllr K Barton, Cllr A G Bennison, Cllr R I B Cannon (substitute), Cllr J Clokey, Cllr D A S Davis, Cllr B A Parry, Cllr R V Roud and Cllr K B Tanner.

In attendance: Councillors P M Hickmott and W E Palmer were also present pursuant to Council Procedure Rule No 15.21.

Virtual: Councillors D Keers and Mrs A S Oakley participated via MS Teams in accordance with Council Procedure Rule No 15.21.

An apology for absence was received from Councillor A McDermott.

PART 1 - PUBLIC

GP 23/27 NOTIFICATION OF SUBSTITUTE MEMBERS

Notification of substitute members were recorded as set out below:

- Cllr Cannon substituted for Cllr McDermott

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

GP 23/28 DECLARATIONS OF INTEREST

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

GP 23/29 MINUTES

RESOLVED: That the Minutes of the meeting of the General Purposes Committee held on 3 July 2023 be approved as a correct record and signed by the Chairman.

DECISIONS TAKEN UNDER DELEGATED POWERS

GP 23/30 RECRUITMENT & RETENTION - MARKET SUPPLEMENT POLICY

The report of the Director of Central Services and Deputy Chief Executive presented a Market Supplement Policy for consideration. At the meeting of the General Purposes Committee on 3 July 2023, Members approved the use of market supplements and golden hello

payments for specific hard to fill posts across the Planning Department. This was in response to issues with the recruitment and retention of staff as well as the budgetary pressures linked to employing agency locum staff.

The Recruitment and Retention Market Supplement Policy was attached at Annex 1 to the report and set out the criteria for identifying posts which might require a market supplement and/or a golden hello payment. The draft policy further outlined the process and principles for agreeing a market supplement and/or a golden hello payment and the annual review process to determine whether payments should continue, be reduced or be removed.

Due regard was given to both the financial and non-financial considerations, legal implications, risk assessment and policy considerations.

During discussion an update was received on the recent recruitment campaign to recruit to a number of vacant posts across Planning Services. Due to the potential impact of market supplements on the MTFS, it was felt appropriate that any market supplement or golden hello payment be agreed by Management Team in consultation with the Chair of the General Purposes Committee and the Cabinet Member for Finance and Housing. Members requested that any market supplements be reported to the Committee for audit trail purposes.

RESOLVED: That the adoption of the Recruitment and Retention Market Supplement Policy, attached at Annex 1 to the report, be approved, subject to amendments to paragraphs 3.2 and 5.2 whereby the level of market supplement/golden hello payment 'will be agreed by Management Team (in consultation with the Chair of the General Purposes Committee and the Cabinet Member for Finance and Housing) following a report and recommendation from the Head of HR and Development, compiled in conjunction with the relevant service manager and director'.

GP 23/31 REQUEST FOR COMMUNITY GOVERNANCE REVIEW OF KINGS HILL PARISH COUNCIL SEAT NUMBERS

The Committee were advised that the request from Kings Hill Parish Council for a Community Governance Review, had been withdrawn.

GP 23/32 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

Following receipt of the final recommendations for the Constituency arrangements, from the Boundary Commission for England, a Polling District and Polling Place Review needed to be undertaken to implement any necessary changes to Polling Districts/Places. It was noted that the changes had to be implemented in time for a pending Parliamentary Election.

RESOLVED: That the commencement of the review of Polling Districts and Polling Places be noted and agreed.

MATTERS FOR CONSIDERATION IN PRIVATE

GP 23/33 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 23/34 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) a further temporary allowance be paid for 12 months to the Head of IT for the continued undertaking of the duties required of the Senior Information Risk Owner with effect 1 October 2023 – 30 September 2024, be noted;
- (2) the changes in hours relating to the Housing Technical Officer posts DV0908 from 29.6 to 37 hours per week and the changes to the hours of post DV0915 from 22.2 hours to 14.8 hours per week, be noted;
- (3) a full time, fixed term scale 5/6, Housing Independent Domestic Violence Advisor (IDVA) fully funded post from the 'New Burden's' fund, be noted;
- (4) the new proposed Building Control Technical team establishment set out in Annex 3 of the report with effect from 1 December 2023, be approved;

- (5) post DJ0213, Building Control Technical Officer, scale 3/4, 29.5 hours per week with effect from 1 December 2023, be deleted;
- (6) a new Senior Technical Officer Building Control post, scale 5/6, 35.5 hours per week with effect from 1 December 2023, be created; and
- (7) the saving of £14,075 relating to the recent changes within the wider Building Control team to be ringfenced within the Planning salary budget, for a period of 12 months, be agreed.

The meeting ended at 7.57 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

RECORD OF DECISION

Decision Taken By: Cabinet
Decision No: D230056CAB
Decision Type: Key
Date: 04 July 2023

Decision(s) and Reason(s)

Household Support Fund 2023/24

(Report of Director of Finance and Transformation)

Approval was sought for the Borough Council's proposed approach in respect of the current grant of Household Support Fund for the Borough. The draft Tonbridge and Malling Borough Council Household Support Scheme July 2023 – March 2024 (attached at Annex 1) set out the proposed use of the fund, which was to provide crisis support for households. The strategy for direction of funding was based on successful outcomes of previous awards, statistical returns, feedback from a recent welfare support workshop and anecdotal experience.

The proposed use of the grant funding was detailed in 1.3 of the report and it was noted that Tonbridge and Malling Borough Council had been allocated funding of £278,562 to be used in accordance with Government guidance by 31 March 2024. Unspent grant could not be rolled over into April beyond honouring any expenditure committed to before the end of March.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the proposed use of the grant funding to support households, charitable organisations and the local community.

RESOLVED: That

- (1) the Household Support Fund Scheme July 2023 – March 2024, as set out at Annex 1, be approved;
- (2) delegated authority be granted to the Director of Finance and Transformation to establish an effective operational scheme to disburse funds in accordance with the Household Support Fund Scheme July 2023 – March 2024; and

(3) significant variance in direction of spend in response to any emerging events or needs over the lifetime of the Scheme be allowed for by agreement of the Leader, Cabinet Member for Finance and Housing, Chief Executive and Director of Finance and Transformation, in line with the general parameters of the Household Support Fund.

Reasons: As set out in the report submitted to Cabinet of 4 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230057CAB
Decision Type: Key
Date: 04 July 2023

Decision(s) and Reason(s)

New Local Development Scheme

Consideration was given to recommendation HP 23/11 of the Housing and Planning Scrutiny Select Committee of 7 June 2023.

Members attention was drawn to the further detail on the assumptions around the Local Development Scheme (LDS) timetable, the evidence base studies and costs set out in the supplementary report of the Director of Planning, Housing and Environmental Health. Particular reference was made to revised proposals in respect of the Green Belt Study which recommended that more detailed work be undertaken and that options for a 'strategic gap' be explored. It was anticipated that this further work could cost in the region of an additional £15,000. However, it was noted that all cost assumptions set out in Annex 3 were informed estimates at this stage.

On the grounds that the Green Belt Study was a crucial piece of evidence which influenced other key policy decisions relating to the Local Plan, Councillor Taylor proposed, seconded by Councillor Boughton that the study be commissioned as soon as possible to realistically meet the timeframes set out in the LDS and that the recommendations of the Housing and Planning Scrutiny Select Committee be amended.

RESOLVED: That

- (1) the commissioning the extended scope of local plan Green Belt evidence and associated costs that were not anticipated at the time of the HPSSC recommendation be approved;
- (2) the new Local Development Scheme be approved and the implications on timing of the above decision and the uncertainties regarding the outcome of the government's planning reforms be noted; and
- (3) the additional budget requirements of the local plan and the need for further financial provision in future budget setting process be noted.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 7 June 2023 and the supplementary report submitted to the Cabinet of 4 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230058CAB

Decision Type: Non Key

Date: 04 July 2023

Decision(s) and Reason(s)

Financial Planning and Control

(Report of Director of Finance and Transformation)

The report brought together information on salaries, major operational income streams and investment income. The performance of the key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. In addition, an update on capital expenditure and variations agreed in relation to the capital plan was provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of May was £46,650 more than budgeted at the February Budget meeting. This overspend included funding of temporary staffing in planning as detailed in paragraph 1.4.5 of the report. Overall actual income to the end of May was £141,550 less than budgeted. However, this was relatively early in the new financial year and the position would continue to be monitored.

The current economic climate continued to have an ongoing impact on the Borough Council's financial position and the potential impact on both the current and future financial years of the Medium Term Financial Strategy was being assessed. The importance of ensuring the savings target of £500,000 was achieved by the start of the financial year 2024/25 was recognised.

Finally, reference was made to business rates pooling and it was reported that monitoring as at end of May 2023 placed the Borough Council at £701,000 above the nationally set baseline with a retained income of £561,000. This was a variation of £5,000 against the 2023/24 estimate.

RESOLVED: That

- (1) it be noted that as at the end of May 2023, the projected overall outturn position for the year 2023/24 was a net adverse variance of circa £557,000 when compared to the budget set in February 2023;
- (2) the not insignificant impact of the current economic global conditions on the Borough Council's finances, and the need to identify and implement opportunities to delivery as a minimum this year's savings target of £500,000 be noted; and

(3) the current business rate pool position as at the end of May 2023 be noted.

Reasons: As set out in the report submitted to Cabinet of 4 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230059CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

Tonbridge and Malling Shared UK Prosperity Fund

(Report of Chief Executive)

An update on delivery during Year 1 of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Programme, including Rural England Prosperity Fund (REPF), was provided in 1.2 of the report. Upcoming initiatives for Year 2 were also highlighted at 1.3 of the report.

Particular reference was made to the establishment of a West Kent Rural Grants Programme, using the REPF funding previously secured. As part of this programme, all funding allocated to the Borough Council would be ring fenced for projects within the borough. Rural Businesses and Communities would be able to apply for capital grants of up to £25,000. Details of the decision making process was outlined in 1.3.4 of the report. However it was proposed that a Cabinet Member representative from each West Kent local authority be part of a West Kent Rural Grants Programme Panel assessing applications.

Finally, Cabinet had regard to the risk assessment for the programme which identified a number of potential hazards and control measures to mitigate their impact. The risk assessment was provided at Appendix 2.

RESOLVED: That

- (1) the report be noted;
- (2) the delegation of decision-making powers to the West Kent Rural Grants Programme Panel, as set out in 1.3.4, be agreed;
- (3) the Cabinet Member for Climate Change, Regeneration and Property be agreed as the representative for the Borough Council on the West Kent Rural Grants Programme Panel; and
- (4) the risk assessment for the UKSPF Programme as set out in Appendix 2 be endorsed.

Reasons: As set out in the report submitted to Cabinet of 4 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230060CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

Community Development Grant Scheme

(Report of Chief Executive)

The report sought approval of schemes submitted for funding through the Community Development Grant Scheme.

As part of the Tonbridge and Malling UK Shared Prosperity Fund (UKSPF) Investment Plan, endorsed by Cabinet on 5 July 2022, there had been a total allocation of £165,269 for a community grant scheme. A first round of the Community Development Grant Scheme would operate for 2023/24 with a second round in 2024/25.

A copy of the application form, criteria and scoring sheet used for Round 1 of the Scheme was attached for information at Annex 1. Funding priorities for this year were detailed in 1.2.2 of the report. The deadline for Round 1 applications closed on 16 June 2023 and the total amount of funding applied for by eligible applicants exceeded the total funding pot of £33,962. As a result, the decision had been taken to decrease the amount for some applicants based on a scaled allocation with those achieving higher scores receiving the full amount of funding and those with lower scores receiving a lower amount. The suggested allocations were set out in Annex 2 of the report, with a further detailed summary of the details of each bid and the priorities met set out in Annex 3. It was noted that there was a potential underspend of £622.00 which could be used to fund the administration costs for the Scheme or used as a contingency fund to support specific bids.

Cabinet welcomed the investment in youth provision as part of this grant funding. On the grounds that Round 1 was oversubscribed, Councillor Boughton proposed, seconded by Councillor Keers that the underspend be passported over to Round 2 funding to support future bids.

RESOLVED: That

- (1) the grant allocations, as set out in Annex 2 of the report, be endorsed; and
- (2) the outstanding balance of £622 for 2023/24 be passported over to Round 2 funding

Reasons: As set out in the report submitted to Cabinet of 4 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230061CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

TMBC Owned Sites - Local Plan

Consideration was given to recommendation FRP 23/13 of the Finance, Regeneration and Property Scrutiny Select Committee of 13 June 2023.

Subsequent to the meeting of the Scrutiny Select Committee, further information in respect of site 59469 (land at Russett Close, Aylesford) had been provided and the previous views of the Planning Inspectorate supporting the protection of this green space were noted. The comments of the local ward Members were also taken into consideration and reflected the concerns raised by residents at the potential loss of this area of open public space.

On the grounds of the extra information provided and having regard to the comments of local Ward Members, Councillor Betts proposed, seconded by Councillor Taylor that site 59469 be unavailable for development when formally responding to the letter from the LPA.

RESOLVED: That

- (1) the following 9 TMBC owned sites identified in the urban capacity study be considered **available** for development when formally responding to the letter from the LPA:
 - 59559, 59560, 59561, 59562, 59563, 59581 (Cage Green and Angel);
 - 59554 59555 (Vauxhall); and
 - 59572 (Judd)
- (2) the Angel Centre, Tonbridge site be considered available for development when formally responding to the letter from the LPA; and
- (3) the following 12 TMBC owned sites identified in the urban capacity study be considered **unavailable** for development when formally responding to the letter from the LPA:
 - 59437 (Larkfield);
 - 59449 (East Malling, West Malling and Offham);
 - 59456 (Birling, Leybourne and Ryarsh);
 - 59502 (Snodland East and Ham Hill);
 - 59469 (Aylesford South and Ditton);
 - 59515; 59516 (Cage Green and Angel);

- 59521; 59522 (Trench)
- 59524 (Higham); and
- 59550;59552 (Judd)

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 13 June 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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.

[In accordance with the Overview and Scrutiny Procedure Rules, this decision was the subject of a call-in and was scrutinised by the Overview and Scrutiny Committee on 1 August 2023. Members of the Committee considered the grounds for the call-in and had regard to the responses provided by the Cabinet Member for Climate Change, Regeneration and Property and the Leader. After in-depth discussion and a formal vote, the Overview and Scrutiny Committee had no further recommendations to make to the Cabinet and the decision came into immediate effect. The proposals in respect of TMBC Owned Sites - Local Plan came into effect from 1 August 2023.]

Decision Taken By: Cabinet
Decision No: D230062CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

Tree Safety Policy

Consideration was given to recommendation CE 23/16 of the Communities and Environment Scrutiny Select Committee of 14 June 2023

RESOLVED: That

- (1) the proposed amendments to the Tree Safety Policy, as set out in Annexes 3 and 3a, be approved; subject to:
- clarification with the insurers with regard to the recommended length of time for any tree inspections records to be kept by the Borough Council

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 14 June 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230063CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

Events on Public Open Spaces

Consideration was given to recommendation CE 23/17 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

RESOLVED: That

- (1) the proposed amendments to the Events on Open Spaces Policy and application form, as detailed in Annexes 1 and 2, be approved subject to:
 - a sliding scale schedule for payment of deposits, lawn hire fees and administration fees and the terms and conditions for cancellation and refund being investigated; and
 - agreed in consultation with the Cabinet Member for Community Services and added to section 6 (Charging) of the Policy;
- (2) a byelaw to address unauthorised use of the Borough Council's public open space be progressed

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 14 June 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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: D230064CAB
Decision Type: Non Key
Date: 04 July 2023

Decision(s) and Reason(s)

Litter and Fly Tipping Enforcement Pilot - 6 month review

Consideration was given to recommendation CE 23/18 of the Communities and Environment Scrutiny Select Committee of 14 June 2023.

RESOLVED: That

- (1) a contract for the third-party provision of litter and fly tipping enforcement be procured through a formal tender procedure (as set out in option 3 at 1.4.1 of the report)

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 14 June 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 July 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 Climate Change, Regeneration and Property	Decision No: D230065MEM
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Date: 10 July 2023

Decision(s) and Reason(s)
APPROVAL OF THE FOOD AND SAFETY TEAM SERVICE PLAN 2023-2024
The Cabinet Member for Climate Change, Regeneration and Property resolved that: (1) The Food and Safety Team Service Plan for 2023-2024 is adopted.
Reasons for decision: The Service Plan is updated in line with Food Standard Agency requirements and meets the Council statutory obligations for delivery of food official controls.

Signed Cabinet Member for Climate Change, Regeneration and Property	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	10 July 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 Planning	Decision Number: D230066MEM
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Date: 11 July 2023

Decision(s) and Reason(s)
KCC Draft Kent Minerals and Waste Local Plan (2024-2039) and Mineral Sites Plan Regulation 18 public consultation response
Following consideration of the, KCC Draft Kent Minerals and Waste Local Plan and Mineral Sites Plan Regulation 18 public consultation, the Cabinet Member for Planning resolved that: (1) the recommended Officer response [as set out in the briefing note] be submitted to KCC on behalf of Tonbridge and Malling Borough Council as its formal response to the consultation.
Reasons for decision: As detailed on the briefing note (Attached at Annex 1)

Signed Cabinet Member for Planning	M Taylor
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	12 July 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 Planning	Decision No: D230067MEM
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Date: 18 July 2023

<p>Decision(s) and Reason(s)</p> <p>Housing Strategy Update and Draft Year 2 Action Plan</p> <p>(Report of Director of Planning, Housing and Environmental Health)</p> <p>The Housing Strategy 2022-2027, adopted in July 2022, set out the Borough Council priorities and strategic approach to housing and outlined objectives for each priority to be delivered and monitored through annual action plans. The report provided an update on the progress of the Year 1 Action Plan and proposed a draft Year 2 Action Plan for approval.</p> <p>Key actions in Year 2 included the development of a Homelessness and Rough Sleeper Action Plan and Empty Homes Policy. Occupation levels in social housing and Sustainable Temporary Accommodation delivery options would also be investigated.</p> <p>The Cabinet Member for Planning had regard for the recommendations of the Housing and Planning Scrutiny Select Committee and resolved that:</p> <p>(1) the progress on the delivery of the Year 1 Action Plan for the Housing Strategy, as summarised in Annex 1, be noted; and</p> <p>(2) the Year 2 Action Plan, attached at Annex 2, be approved.</p> <p>Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 18 July 2023.</p>
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Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	20 July 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 Transformation and Infrastructure	Decision No: D230068MEM
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Date: 19 July 2023

Decision(s) and Reason(s)

Fixed Penalty Notices for Waste Duty of Care Offences

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

The report detailed the legal ‘duty of care’ of householders to ensure that they only gave their waste to a licensed waste carrier. Members were also asked to consider the level of Fixed Penalty Notices (FPN) for this offence and whether this should be altered from the current legal default level.

Details of the current FPN levels for other relevant offences adopted by the Borough Council was included at 1.2.3 of the report. A table showing the level of FPN for Household Duty of Care set by a number of other Kent authorities was included at 1.2.4 of the report for context.

Members were advised of the recent Government announcement in respect of the maximum amount that could be applied to FPNs for household waste Duty of Care offences which had been increased to £600 as of 31 July 2023.

Attention was drawn to the works undertaken by the Borough Council in raising householders’ awareness of their Duty of Care responsibilities and potential consequences of failing to take appropriate action when having their waste taken away, with particular reference made to a Duty of Care checklist to be made available for reference of members of the public.

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

- (1) with effect from 31 July 2023, the Household Duty of Care FPN level be set at the maximum amount of £600 as set by legislation;
- (2) an early payment discounted level for Household Duty of Care FPNs be agreed in principle, and authority delegated to the Cabinet Member for Transformation and Infrastructure, in liaison with the Director of Street Scene, Leisure and Technical Services, to set amounts once details of the new minimum and default levels had been confirmed by Government; and
- (3) following the increases in maximum levels recently released by Government,

options for the setting of revised FPN levels for fly tipping and littering offences be provided at a future meeting of the Scrutiny Select Committee.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	24 July 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 Member for Community Services

Decision No:
D230069MEM

Date: 19 July 2023

Decision(s) and Reason(s)

Leisure Trust

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

Members were presented with a Quarterly Update Report on the performance of the Tonbridge and Malling Leisure Trust (TMLT) covering the period from January to March 2023, as set out in Annex 1, and Member approval was sought on the TMLT Business Plan covering a two-year period from 1 April 2023 to 31 March 2025 and the TMLT Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, set out in Annexes 2 and 3 respectively.

Due to ongoing considerations of the impact of the pandemic, the war in Ukraine, the rise in utility costs and implications for the Angel Centre as part of the town centre review project, a two-year Business Plan was proposed, and it was anticipated that a new five-year Business Plan would be published from 1 April 2025.

Particular reference was made to the Energy Saving/Climate Change strategy as highlighted in the Business Plan and Members noted that the installation of solar panels at Tonbridge Swimming Pool and additional solar panels at Larkfield Leisure Centre were being considered, as well as application for funding to support installation of heat pumps at both sites.

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

- (1) the Tonbridge and Malling Leisure Trust Quarterly Update Report covering the period of January to March 2023, attached at Annex 1, be noted;
- (2) the Tonbridge and Malling Leisure Trust Business Plan covering the period of April 2023 to March 2025, attached at Annex 2, be approved, subject to further investigation of climate change measures, including additional solar panels and heat pumps; and
- (3) the Tonbridge and Malling Leisure Trust Annual Service Delivery Plan covering the period of 1 April 2023 to 31 March 2024, attached at Annex 3, be approved.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	24 July 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 Member for Climate Change, Regeneration and Property

Decision No:
D230070MEM

Date: 19 July 2023

Decision(s) and Reason(s)

Climate Change Action Plan Year 4 and Carbon Audit 2022-23

(Report of Chief Executive)

Member approval was sought for publication of the Climate Change Action Plan Year 4 (2023/24) and Carbon Audit for year 3 (2022/23), set out in Annexes 1 and 2 respectively.

There were 44 actions in the draft 2023/24 Action Plan, 68% of which were ongoing from previous years or continuations of next phases or rounds of existing projects. Key actions this year focused on tackling the most significant source (Leisure Centres) as well as helping residents and businesses to tackle emissions and support with the cost-of-living crisis. A full list of actions was set out in Annex 1 and the key actions were summarised in 1.2.3 of the report.

The 2022/23 Carbon Audit showed that good progress had been made on emissions under the Borough Council's direct control, as listed under Scopes 1 and 2. Emissions that were under the Borough Council's indirect control or from the supply chain were listed under Scope 3.

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

- (1) the Climate Change Action Plan Year 4, as set out in Annex 1, be endorsed; and
- (2) the Carbon Audit (2022/23), as set out in Annex 2, be endorsed.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Signed Cabinet Member for Climate Change, Regeneration and Property

R Betts

Signed Leader:

M Boughton

Signed Chief Executive:	J Beilby
Date of publication:	24 July 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: Leader of the Council	Decision Number: D230072MEM
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Date: 21 August 2023

Decision(s) and Reason(s)
OVERVIEW AND SCRUTINY PROCEDURE RULES
<p>The Leader has resolved to make a minor change to Rule 15(c) of the Overview and Scrutiny Procedure Rules to clarify the time period within which a meeting of the Overview and Scrutiny Committee will be convened to consider a call-in of an Executive decision.</p> <p>The existing rule 15(c) provides that the Chief Executive shall within 5 working days of the decision to call-in, call a meeting of the Overview and Scrutiny Committee. It is unclear whether this requires the meeting to take place within 5 working days, but due to the operation of the Access to Information Procedure Rules it is not in any event possible to provide sufficient notice for a meeting to take place within that period.</p> <p>The amendment to Rule 15(c) will clarify the position by providing that a meeting will be convened to take place where practicable within 10 working days of receipt of a valid request for call-in. The amended wording is attached to this Decision Notice.</p> <p>RESOLVED: That</p> <ul style="list-style-type: none">• Rule 15(c) of the Overview and Scrutiny Procedure Rules be amended (as set out in Annex 1) to provide that a meeting of the Overview and Scrutiny Committee be convened to take place, where practicable, within 10 working days of a receipt of a valid request for call-in.
Reasons for decision:
As set out above.

Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	22 August 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 EXECUTIVE NON-KEY DECISION

Decision Taken By: Cabinet Member for Climate Change, Regeneration and Property	Decision Number: D230071MEM
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Date: 8 August 2023

Decision(s) and Reason(s)
Shopfront and Vacant Unit Improvement Grant Scheme
Following consideration of the report attached at Annex A on the Shopfront and Vacant Unit Improvement Grant Scheme, the Cabinet Member for Climate Change, Regeneration and Property resolved that: (1) the report attached at Annex A be noted; and (2) the increase in the maximum grant award from £3,500 to £5,000 be agreed, ahead of delivering the next round of the scheme.
Reasons for decision: Whilst a maximum grant rate of £3,500 was suitable in the past, with inflation rates high and with High Street businesses struggling due to slow growth in the economy and a drop in disposable income as interest rates reach a 15 year high, it is important that in planning for the next round these matters are taken into consideration. It is therefore proposed that the maximum grant for the next round of the scheme be increased to £5,000 . Whilst required for the reasons set out above, such an increase would also bring this scheme more into line with other grant schemes, such as the Green Business Grant Scheme. However, whilst the case for increasing the maximum grant to £5,000 is strong, there is no requirement to increase the grant intervention rate. This has already been increased once (from 50% to the current 60% between Rounds 2 and 3), and it is important that there remains a requirement for businesses to make a strong contribution to their own project proposals.

Signed Cabinet Member for Climate Change, Regeneration and Property	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	8 August 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: D230073CAB

Decision Type: Key

Date: 05 September 2023

Decision(s) and Reason(s)

Regulation 18 Consultation

Consideration was given to recommendation HP 23/20 of the Housing and Planning Scrutiny Select Committee of 18 July 2023.

Cabinet welcomed the detailed analysis of the Regulation 18 Consultation, as presented to the Scrutiny Select Committee, and noted that the responses would be used when preparing the next Regulation 18B document in Spring 2024.

RESOLVED: That the output of the Regulation 18 Consultation be noted.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 18 July

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 September 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: D230074CAB
Decision Type: Key
Date: 05 September 2023

Decision(s) and Reason(s)

Grounds Maintenance Contract - Service Delivery Review

Consideration was given to recommendation CE 23/31 of the Communities and Environment Scrutiny Select Committee of 19 July 2023.

Cabinet considered the future delivery options, analysis report and cost information presented to the Scrutiny Select Committee together with potential areas of saving and environmental and bio-diversity measures. Due regard was also given to the legal, financial and value for money implications. A review report provided by an external consultant (Waste Consulting LLP (WCL)) was noted.

RESOLVED: That

- (1) an external procurement exercise be progressed for the future delivery of grounds maintenance services;
- (2) the work previously undertaken by the external consultants (WCL), including preparation of a Public Sector Comparator, be updated;
- (3) the proposed list of potential areas of savings in respect of the service specification of the contract, as outlined in 1.5.3 of the restricted report to the Communities and Environment Scrutiny Select Committee be noted;
- (4) further consideration be given to additional potential areas of saving;
- (5) further consideration be given to the current and future options within the contract with regard to the Climate Change agenda.

Reasons: As set out in the restricted report submitted to the Communities and Environment Scrutiny Select Committee of 19 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 September 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: D230075CAB
Decision Type: Non Key
Date: 05 September 2023

Decision(s) and Reason(s)

Risk Management

Consideration was given to recommendation AU 23/21 of the Audit Committee of 24 July 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

RESOLVED: That the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below) be noted:

- Financial position/budget deficit
- Economic stability
- Savings and Transformation Strategy
- Local plan
- Organisational development, including recruitment and retention/skills mix
- Homes for Ukraine Scheme
- Implementation of the Agile software system
- Political factors including stability of political leadership and decision making

Reasons: As set out in the report submitted to the Audit Committee of 24 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 September 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: D230076CAB
Decision Type: Non Key
Date: 05 September 2023

Decision(s) and Reason(s)

Economic Development Strategy 2023-2027 - Consultation Draft

Consideration was given to recommendation FRP 23/21 of the Finance, Regeneration and Property Scrutiny Select Committee of 25 July 2023.

In order to ensure that the Strategy was as accurate and comprehensive as possible it was important that external scrutiny was undertaken in advance of formal adoption. The views of key economic partners, including the West Kent Partnership, local business support providers, business representative bodies, such as the Chamber of Commerce and Federation of Small Businesses, as well as individual and local businesses in the Borough would be sought as part of a four week consultation period starting in September 2023.

Careful consideration was given to the legal, financial and value for money implications and Cabinet supported the framework for consultation and adoption detailed in the report to the Scrutiny Select Committee.

RESOLVED: That

- (1) the report be noted; and
- (2) the consultation draft of the Economic Development Strategy 2023/27, as set out in Appendix 1, be approved; and
- (3) a four week consultation with key economic partners (as identified above) commence as soon as possible.

Reasons: As set out in the report submitted to the Finance, Regeneration and Property Scrutiny Select Committee of 25 July 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 7 September 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 Transformation and Infrastructure	Decision Number: D230077MEM
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Date: 11 September 2023

Decision(s) and Reason(s)
EMERGING KENT LOCAL TRANSPORT PLAN – CONSULTATION RESPONSE
Following consideration of the detail of the Kent County Council Local Transport Plan consultation and response questionnaire, the Cabinet Member for Transformation and Infrastructure resolved that: (1) the completed response questionnaire (attached at Annex 1) be submitted to Kent County Council by 18 September.
Reasons for decision: Kent County Council consulted upon their draft Local Transport Plan from 27 June – 18 September 2023. They sought feedback on the draft Plan which will help KCC to better understand the transport challenges faced in Kent and ensure their ambition for the future of Kent's transport network is focused on the right outcomes and objectives, to make journeys better within the county whilst supporting the delivery of net zero by 2050. The feedback will also help KCC to develop proposals for how and where in Kent they should focus on improving transport.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	8 September 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 Climate Change, Regeneration and Property	Decision Number: D230078MEM
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Date: 8 September 2023

Decision(s) and Reason(s)
VOLUNTEERING AND ENRICHMENT PROJECT
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Climate Change, Regeneration and Property, RESOLVED that: <ul style="list-style-type: none">(1) the report be noted;(2) the brief provided in Appendix 1 and the next steps set out in the covering report (both attached) be agreed;(3) any minor amendments to the brief required for the purposes of clarity and presentation be delegated to the Strategic Economic Regeneration Manager.
Reasons for decision: Within the Tonbridge and Malling UKSPF Investment Plan, the outline of a 'volunteering and enrichment project' is included for Year 3. This report sets out the brief, which has been produced in partnership with Tunbridge Wells Borough Council and which will go out to providers in October. The aim of this project is to support residents that are furthest away from the work place, and give them additional support and help that will build confidence and set them on a path towards greater independence. Given the challenges of recent years and the current cost of living crisis, this project will provide a small but much needed resource into supporting our most vulnerable residents.

Signed Cabinet Member for Climate Change, Regeneration and Property:	R Betts
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	11 September 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 Transformation and Infrastructure	Decision No: D230079MEM
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Date: 18 September 2023

Decision(s) and Reason(s)

Parking Action Plan - Phase 14

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

The report covered the investigation and informal consultation stage of the parking restriction proposals contained in Phase 14 of the Parking Action Plan and sought approval to proceed to formal consultation.

Following the meeting of the Joint Transportation Board on the 5 June 2023, investigations into proposed parking changes had been undertaken at 30 sites across the Borough. A list of these sites, the issues raised and a recommendation for each was attached at Annex 1 to the report. A location summary and a more detailed response rate, analysis and recommendation was attached at Annex 2.

The report also considered a Satisfaction Survey relating to new restrictions introduced in Shakespeare Road, Tonbridge (between Burns Crescent and Scott Road). It was highlighted that if changes were made to remove the double yellow line restrictions, these could be made without invalidating the current Traffic Regulation Order.

Following consideration by the Joint Transportation Board, the Cabinet Member for Transformation and Infrastructure resolved that:

- (1) the recommendations for each location for Phase 14, shown in Annex 1 to the report, be adopted and where appropriate the proposals be taken forward to formal consultation. Furthermore, Members views were sought on West Street, Wrotham and agreed that this be taken forward to formal consultation; and
- (2) following consideration of the views of the Joint Transportation Board and local Members, the double yellow lines on Shakespeare Road (between Burns Crescent and Scott Road) be removed.

Reasons: As set out in the report submitted to the Joint Transportation Board of 18 September 2023.

Signed Cabinet Member for Transformation and Infrastructure	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	20 September 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 Transformation and Infrastructure	Decision Number: D230080MEM
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Date: 20 September 2023

Decision(s) and Reason(s)
EXTENSION OF PILOT PROJECT – NATIONAL ENFORCEMENT SOLUTIONS
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Transformation and Infrastructure, RESOLVED that: (1) the current pilot project for littering and fly tipping enforcement, with National Enforcement Solutions, be extended until 31 May 2024.
Reasons for decision: A report to the Community and Environment Scrutiny Select Committee on 14 June 2023 reviewed the performance of the first six months of the current litter and fly tipping enforcement pilot. Members of that Committee recommended to Cabinet that officers procure a contract for the third-party provision of litter and fly tipping enforcement through a formal tender procedure, and Cabinet endorsed this recommendation on 4 July 2023. As the current pilot is scheduled to end in October 2023, it is necessary to extend the current pilot in order for officers to be able to develop contract documents and go out to tender for this service, adhering to procurement legislation and TMBC's own procurement policy.

Signed Cabinet Member for	M Coffin
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	20 September 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 Community Services

Decision No:
D230081MEM

Date: 21 September 2023

Decision(s) and Reason(s)

KCC Community Warden Consultation Response

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

Consideration was given to a proposed response from Tonbridge and Malling Borough Council in respect of the KCC Community Warden review, which was out for consultation until 3 October 2023.

The proposals presented as part of the Consultation had been developed with information from service users and input from staff and partners and were intended to redesign the service to achieve savings of £1million by 2024/25.

The work of the Community Wardens across Kent and within Tonbridge and Malling and the proposed cuts to the service were detailed at 1.2 and 1.3 of the report.

Members expressed concern that cutting, or reducing, the Community Warden service would lead to increased costs in other organisations and a lack of support for vulnerable residents. There were also concerns that Local Authorities would be expected to provide and/or support services in those areas where the service would be withdrawn. It was recognised that Tonbridge and Malling Borough Council did not have the resources, capacity or experience to fill these gaps.

The Committee had regard to the legal implications, financial and value for money considerations and the risk assessment set out in the report and expressed significant concern that the proposed reduction to one Team Leader and three wardens covering Maidstone and Tonbridge and Malling would severely stretch resources. The role of the Community Wardens in supporting residents in their own homes and addressing safeguarding concerns was valued.

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

- (1) the summary of the consultation document and the potential implications for the Borough Council of the review of the KCC Community Wardens service be noted;

<p>(2) the Borough Council's response to the consultation should be to strongly object to the proposals, recommend that there should be no change to the service and the significant concerns regarding the impact on other agencies and vulnerable residents should be highlighted; and</p> <p>(3) delegated authority be given to the Director of Central Services and Deputy Chief Executive, in liaison with the Cabinet Member for Community Services, to submit a final consultation response by the deadline of 3 October 2023.</p>
<p>Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 21 September 2023.</p>

Signed Cabinet Member for Community Services:	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	25 September 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 Planning	Decision No: D230082MEM
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Date: 26 September 2023

Decision(s) and Reason(s)

Response to the Plan Making Reforms Implementation Consultation

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

Consideration was given to the Borough Council's response to the Government's latest consultation on plan-making reforms. A proposed response to be submitted by the deadline of 18 October 2023 was set out at Annex 1.

The consultation provided further detail around the proposed 30 month plan-making process, including new proposals for a 4 month period prior to commencement, 2 set periods of consultation and engagement and a 3 staged gateway assessment process for local plans.

Attention was drawn to the confirmation of the transitional arrangements for plan-making as proposed within the December 2022 consultation, subject to the Levelling Up and Regeneration Bill receiving Royal Assent in Spring 2024. The Government had not yet published the NPPF reforms so amendments to the approach to housing numbers and the Green Belt remained unconfirmed. However, as the Government were proposing the same transitional arrangements the Borough Council would need to undertake Regulation 18B and Regulation 19 consultation and submit its Local Plan before June 2025.

Following consideration by the Housing and Planning Scrutiny Select Committee and having regard to the comments made by Members, the Cabinet Member for Planning resolved that:

- (1) the proposed response to the plan-making reforms consultation, set out at Annex 1 be approved and submitted by the 18 October 2023;
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with the Cabinet Member for Planning, to approve any necessary further minor changes to the proposed consultation response that might be required for reasons of clarity or presentation.
- (3) the position regarding transitional arrangements for plan-making be noted.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 26 September 2023.

Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	28 September 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 Member for Planning

Decision No:
D230083MEM

Date: 26 September 2023

Decision(s) and Reason(s)

Response to the 'Freight, Logistics and the Planning System: Call for Evidence' Consultation

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

Consideration was given to the Borough Council's response to the Government's 'Freight, Logistics and the Planning System: Call for Evidence' consultation. A proposed response to be submitted by the deadline of 6 October was set out at Annex 1.

The consultation sought views of the efficacy of local plans and planning policies in relation to planning for freight and logistics. Questions were also posed in relation to engagement between these sectors and local planning authorities and the decision making process.

Following consideration by the Housing and Planning Scrutiny Select Committee and having regard to the comments made by Members, the Cabinet Member for Planning resolved that:

- (1) the proposed response to the Freight and Logistics Call for Evidence, as set out at Annex 1, be approved and submitted by 6 October; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in liaison with Cabinet Member for Planning, to approve any necessary further minor changes to the consultation response that might be required for reasons of clarity or presentation.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 26 September 2023.

Signed Cabinet Member for Planning:	M Taylor
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	28 September 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: D230084CAB

Decision Type: Key

Date: 03 October 2023

Decision(s) and Reason(s)

Car Parking Proposals

(Supplementary report of the Director of Street Scene, Leisure and Technical Services, the Director of Finance and Transformation and the Cabinet Member for Transformation and Infrastructure)

The supplementary report highlighted a number of proposed changes to the Borough Council's car parking services that had been considered by the Communities and Environment Scrutiny Select Committee on 21 September 2023. In addition, it was proposed that formal public consultation on the proposed changes be undertaken and the outcomes reported to future meetings of the Cabinet.

Careful consideration was given to recommendation CE 23/35 (attached at Annex 2) and Cabinet gave due regard to the views of the Scrutiny Select Committee, the financial and value for money and legal implications. The risk to the Borough Council's aim of providing a balanced approach to the management of its car parks, detailed in 1.1.1 of the supplementary report, if the proposals were not implemented, were recognised.

It was also recognised that income generation was essential given the context of the Medium Term Financial Strategy and that the Borough Council sought to ensure that its assets were managed in the most efficient way and that costs were recovered and optimised.

A clarification was made in respect of the parking areas around Avebury Avenue, Tonbridge (west of Holford Street) where the issue of Business On-Street Parking Permits be revised to a maximum of 3 per business.

RESOLVED: That

- (1) the proposals below be taken forward to public consultation and the outcomes reported to future meetings of the Cabinet:
 - a) parking charges be extended to include Sundays, evenings up to 8pm and Bank Holidays;
 - b) the on-street parking machines in Avebury Avenue, Tonbridge (west of

Holford Street) be removed, the area be changed to parking permit only to add capacity to the D1 parking area and that the issue of Business On-Street Parking Permits in the D1 and D2 areas be revised to a maximum of 3 per business to allow more residential parking opportunities;

- c) parking charges be introduced at Martin Square, Larkfield (as set out in Annex 1);
 - d) parking charges be introduced at both Bailey Bridge car parks in Aylesford (as set out in Annex 1);
 - e) parking charges be introduced to on street parking bays in West Malling High Street and Swan Street (as set out in Annex 1);
 - f) parking charges be introduced to the existing Gateway Visitor parking bays in Tonbridge Castle Grounds (as set out in Annex 1);
- (2) a project to improve the Bailey Bridge East car park be brought forward in the forthcoming Capital Plan Review;
 - (3) a scheme to introduce Automatic Number Plate Recognition (ANPR) systems at selected car parks on a trial basis be brought forward in the forthcoming Capital Plan Review;
 - (4) a scheme to enable these proposals to be implemented including CCTV, parking machines and signage be brought forward in the forthcoming Capital Plan Review; and
 - (5) a scheme to extend the existing Upper Castle Field car park to provide additional parking be brought forward in the forthcoming Capital Plan Review.

Reasons: As set out in the report submitted to the Communities and Environment Scrutiny Select Committee of 21 September 2023 and the supplementary report to Cabinet of 3 October 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230085CAB
Decision Type: Key
Date: 03 October 2023

Decision(s) and Reason(s)

Biodiversity Net Gain Protocol

Consideration was given to recommendation HP 23/27 of the Housing and Planning Scrutiny Select Committee of 26 September 2023.

Cabinet had due regard to the legal implications, financial and value for money considerations and noted that not having an adopted local approach to Biodiversity Net Gain (BNG) could mean a higher risk that offsite measures associated with development within Tonbridge and Malling could be delivered outside of the Borough. It was also noted that delays to the publication of secondary legislation and remaining Government guidance presented a risk as the Protocol needed to be prepared in the absence of all necessary information and might need to be updated accordingly.

Following consideration of the Protocol by the Housing and Planning Scrutiny Select Committee on 26 September 2023, a delay to the publication of the guidance was announced by the Government. However, approval of the Protocol remained to be sought so that it could be introduced in line with any revised timetable as soon as the guidance is issued.

RESOLVED: That

- (1) the Biodiversity Net Gain Protocol (attached at Annex 1) be approved for decision making purposes and be introduced in line with any revised timetable as soon as the guidance is issued by the Government; and
- (2) authority be delegated to the Director of Planning, Housing and Environmental Health, in consultation with the Cabinet Member for Planning, to make any minor amendments or updates to the Protocol in response to updates from Government.

Reasons: As set out in the report submitted to the Housing and Planning Scrutiny Select Committee of 26 September 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230086CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Financial Planning and Control 2023-24

(Report of Director of Finance and Transformation)

The report brought together information on salaries, major operational income streams and investment income. The performance of key budget areas, together with approved variations to the revenue budget and areas identified through revenue budget monitoring were summarised to provide an indicative overall budget position for the year. Updates on capital expenditure and variations agreed in relation to the Capital Plan were also provided.

Cabinet noted that in respect of salaries, overall actual expenditure to the end of August 2023 was £53,000 less than budgeted at the February Budget meeting after adjusting for an additional allocation of funding in the sum of £105,800 from the General Revenue Reserve to pay for temporary staffing in Planning.

Overall actual income to the end of August was £140,986 less than budgeted. The majority of areas were currently below profiled budget and these were currently subject to review to identify trends that could provide better detail on income being received.

Members' attention was drawn to the significant demand on Temporary Accommodation (TA) and increasing costs on nightly paid accommodation, and the need to explore all options to improve TA position to ensure sustainable provision, including expanding own stock, was recognised.

Particular reference was made to a successful claim to HMRC in respect of overpaid VAT on sports and leisure activities covering the period August 2007 to June 2011. In August 2023, this claim was accepted and the 'net' windfall receipt was £1,967,500. Proposals on how this funding might best be utilised for the benefit of the Borough would be included in the Medium Term Financial Strategy update report to Cabinet in November.

Members welcomed the positive update in respect of the position of the Business Rates pooling, as detailed in paragraph 1.14.

With regard to the recommendation from the External Auditors on engaging the public to undertake a dedicated budget consultation to determine local priorities for resources or opportunities for savings, Cabinet considered their existing approach to decision making rigorous but would keep the recommendation in mind.

RESOLVED: That

- (1) it be noted that as at the end of August 2023, the projected overall outturn position for the year 2023/24 was a net favourable variance of circa £1,861,794 when compared to the budget set in February 2023;
- (2) it be noted that the net favourable variance was wholly related to the windfall VAT receipt and that excluding this windfall there was a net adverse variance of £105,706;
- (3) the need to identify and implement opportunities to deliver as a minimum this financial year's savings target of £500,000 be noted;
- (4) the current business rate pool position as at the end of August 2023 be noted; and
- (5) a dedicated public consultation event on savings would not be undertaken but the process for identifying potential options for savings be kept under review.

Reasons: As set out in the report submitted to Cabinet of 3 October 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230087CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Revised Safeguarding Policy and Reporting Procedure

(Report of Chief Executive)

Consideration was given to a revised Safeguarding Policy and Reporting Procedure for 2023-2027 (attached at Annex 1).

Due to evolving policies and procedures, the Policy had been updated to include information on self-neglect and hoarding, the Mental Capacity Act, the 'Think Family' toolkit and 'Making Safeguarding Personal'. All of these areas had been highlighted during an external safeguarding audit and peer review session undertaken by the Kent and Medway Safeguarding Adults Board.

To ensure the profile of safeguarding remained a focus for everyone at the Borough Council, it was proposed that Councillor D Keers be appointed as Member Champion for Safeguarding as part of his role as Cabinet Member for Community Services.

Cabinet had regard to the financial and value for money considerations, the legal implications and the risk and equality impact assessments and noted that Safeguarding and Prevent were included on the Borough Council's Strategic Risk Register. If Tonbridge and Malling were unable to demonstrate appropriate processes were in place, there was a risk of significant impact on a child, young person or adult at risk of harm.

RESOLVED: That

- (1) the revised version of the Safeguarding Policy and Reporting Procedure for Children, Young People and Adults at Risk, attached at Annex 1, be endorsed; and
- (2) Councillor D Keers be appointed as the Member Champion for Safeguarding.

Reasons: As set out in the report submitted to Cabinet of 3 October 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230088CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Digital and IT Strategy 2023-27

(Report of Director of Finance and Transformation)

A new combined four-year Digital and IT Strategy for the period 2023 – 2027 was attached at Annex 2 for consideration. The new Strategy set out the Borough Council’s five core digital priorities in meeting the primary challenges faced by the authority. These priorities would support Secure by design and culture; Transformation; Demand management; Efficient workforce and Economic growth. A Road Map outlining the major projects planned for the period 2023 – 2027 to underpin the priorities was also provided.

Cabinet had regard to the financial and value for money and political considerations and the risk and equality impact assessments and recognised that adopting this Digital and IT Strategy would enable the Borough Council to serve its vulnerable and elderly residents better through efficiency gained by enabling the majority of residents to self-serve. In addition, it was noted that adoption of this Strategy would help mitigate a number of strategic risks for the organisation including Savings and Transformation, performance management and carbon neutral aspiration.

RESOLVED: That the Digital and IT Strategy 2023-2027, attached at Annex 2, be approved.

Reasons: As set out in the report submitted to Cabinet of 3 October 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230089CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Review of Governance Arrangements

Consideration was given to recommendation OS 23/41 of the Overview and Scrutiny Committee of 14 September 2023.

As suggested by a number of Members at the meeting of the Overview and Scrutiny Committee on 14 September 2023, Cabinet supported governance changes being revisited by the Overview and Scrutiny Committee at a later date to allow the current arrangements more time to settle in.

RESOLVED: That

- (1) the formalisation of the process of submitting requests for agenda items to the Chair for liaison with key officers to ensure that the work programme remained balanced throughout the year be approved;
- (2) the Overview and Scrutiny and Cabinet Protocol be amended as follows:
 - (i) inclusion of the Local Government Association guidance on the setting of scrutiny work programmes (as set out in paragraph 1.3.10);
- (3) the amended Cabinet-Overview & Scrutiny Protocol be published to the website as an Annex to the Constitution.

Reasons: As set out in the report submitted to the Overview and Scrutiny Committee of 14 September 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230090CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Ground Maintenance Contract

Consideration was given to recommendation CE 23/36 of the Communities and Environment Scrutiny Select Committee of 21 September 2023.

Cabinet noted that no requests for further alterations to the proposed levels of service and potential savings previously reported had been received. However, proposals for the removal of flower beds had been rejected and Officers would work with the incoming successful contractor to increase the use of perennials in the future design of flower bed displays.

Due regard was given to the views of the Scrutiny Select Committee, the financial and value for money considerations, the legal implications and the risk and equality impact assessments.

RESOLVED: That

- (1) Kent Commercial Services Framework be used for external procurement;
- (2) the length of the contract be five years plus five years;
- (3) the Contract be awarded based on the most economically advantageous tender and be evaluated on 50% price and 50% quality;
- (4) the proposed levels of service and potential savings (as set out in Annex 1) be noted, and incorporated in the contract documentation;
- (5) the quality assessment criteria be agreed (as set out in Annex 3); and
- (6) a lease of the Maintenance Buildings be granted to the successful contractor as per the terms detailed in the report.

Reasons: As set out in the report submitted to Communities and Environment Scrutiny Select Committee of 21 September 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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: D230091CAB
Decision Type: Non Key
Date: 03 October 2023

Decision(s) and Reason(s)

Risk Management

Consideration was given to recommendation AU 23/43 of the Audit Committee of 25 September 2023.

Cabinet had due regard to the legal implications, risk assessment, financial and value for money and policy considerations and noted that effective risk management arrangements contributed positively to ensuring value for money was provided in the delivery of services.

RESOLVED: That

- (1) the recommendations made by the External and Internal Auditors on Risk Management as set out, be noted;
- (2) the updates to the Strategic Risk Register since the last iteration, with particular emphasis on those risks categorised as RED (set out below), and the direction of travel for all risks, be noted:
 - Financial position/budget deficit;
 - Economic stability;
 - Savings and Transformation Strategy;
 - Local Plan;
 - Organisational development, including recruitment and retention/skills mix;
 - Homes for Ukraine Scheme;
 - Implementation of the Agile software system;
 - Political factors including stability of political leadership and decision making;
 - Performance management; and
 - Carbon Neutral 2030 Aspiration
- (3) the approach proposed within paragraph 1.3 for reporting back to the Audit Committee at the next cycle of meetings, be endorsed;
- (4) in light of the Auditor's Annual Report, the property asset management provision be reviewed in relation to the Organisational Development risk; and
- (5) a report be provided at the next meeting of the Audit Committee on the implementation of the Agile software system.

Reasons: As set out in the report submitted to the Audit Committee of 25 September 2023

Signed Leader: M Boughton

Signed Chief Executive: J Beilby

Date of publication: 5 October 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 Community Services	Decision Number: D230092MEM
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Date: 9 October 2023

Decision(s) and Reason(s)
COMMUNITY WORKER FOR THE TRENCH WARD IN TONBRIDGE
Following consideration of the options, detailed in the Cabinet Member Reasons Report (attached at Annex 1), the Cabinet Member for Community Services, RESOLVED that: (1) the report, be noted; and (2) a further 2-year Service Level Agreement to deliver community support in the Trench area at £8,000 per year for two years, be agreed.
Reasons for decision: Supporting the funding of the Community Worker post, attracts additional investment from partner organisations and helps meets the Council's objective to support vulnerable people in more deprived communities.

Signed Cabinet Member for Community Services	D Keers
Signed Leader:	M Boughton
Signed Chief Executive:	J Beilby
Date of publication:	10 October 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.

